



THE UNITED REPUBLIC OF TANZANIA

**CONSOLIDATED 2ND, 3RD AND 4TH REPORTS ON THE IMPLEMENTATION OF THE
AFRICAN CHARTER ON THE RIGHTS AND WELFARE OF THE CHILD BY THE
GOVERNMENT OF THE UNITED REPUBLIC OF TANZANIA**

**Submitted to the African Committee of Experts on the Rights and Welfare of the Child
(ACERWC)**

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ABBREVIATIONS

ACRWC:	African Charter on the Rights and Welfare of the Child
AG	Attorney General
AU	African Union
BRN	Big Results Now
CAB :	Child Advisory Board
CBO :	Community-Based Organisation
CBR :	Community Based Rehabilitation
CCM :	Chama cha Mapinduzi
CHADEMA:	Chama cha Demokrasia na Maendeleo
CHRAGG :	Commission for Human Rights and Good Governance
CJF:	Child Justice Forum
CMA :	Commission for Mediation and Arbitration
COBET :	Complementary Basic Education in Tanzania
CPU :	Child Protection Unit
CRC :	Convention on the Rights of the Child
CSO :	Civil Society Organisation
CUF :	Civic United Front
CWAs	Children with Albinisms
CWD	Children with Disability
CPMIS	Child Protection management Information Systems
DAC:	Day of the African Child
DHU:	Dispute Handling Unit
DPP	Director of Public Prosecutions
ELRA :	Employment and Labour Relations Act
EPI :	Expanded Programme on Immunization
ESRAC	Educational Support and Resource Centres
FBO :	Faith-Based Organisation
FGM :	Female Genital Mutilation
GDP :	Gross Domestic Product
GN:	Government Notice
GNU :	Government of National Unit
ICT :	Information and Communication Technology
ILO :	International Labour Organisation
IMCI :	Integrated Management of Child Illness
IOM	International Organization on Migration
LGA :	Local Government Authorities
LHRC :	Legal and Human Rights Centre
LIA :	Labour Institutions Act
MCDGC :	Ministry of Community Development, Gender and Children
MDA's :	Ministries, Departments and Agencies (Government entities)
MDGs :	Millennium Development Goals
MoHA :	Ministry of Home Affairs
MKUKUTA :	Mkakati wa Kukuza Uchumi na Kupunguza Umasikini Tanzania
MKUZA :	Mkakati wa Kukuza Uchumi na Kupunguza Umaskini Zanzibar
MMAM :	Mpango wa Maendeleo ya Afya ya Msingi
MoEVT	Ministry of Education and Vocational Training
MoCLA	Ministry of Constitutional and Legal Affairs
MoHSW :	Ministry of Health and Social Welfare
MESWYWC :	Ministry of Empowerment ,Social Welfare, Youth, Women and Children
MoLE	Ministry of Labour and Employment
MVC :	Most Vulnerable Children

NAP	National Action Plan
NBS :	National Bureau of Standards
NGO :	Non-Governmental Organisation
NOLA :	National Organization for Legal Assistance
NSGRP :	National Strategy for Growth and Reduction of Poverty
OPAC :	Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict
PADEP :	Participatory Agricultural Development and Empowerment Project
PCE :	Permanent Commission of Enquiry
PF3	Police Form Number Three
PHCSDP :	Primary Health Care Service Development Programme
PMCT :	Prevention of Mother to Child Transmission
PMO-RALG :	Prime Minister's Office- Regional Administration and Local Government
RCH :	Reproductive Child Health
RITA :	Registration, Insolvency and Trusteeship Agency
SGBV :	Sexual and Gender-Based Violence
SMZ :	Serikali ya Mapinduzi Zanzibar
SOPs	Standard Operating Procedures
TASAF :	Tanzania Social Action Fund
TBC :	Tanzania Broadcasting Corporation
TCRF :	Tanzania Child Rights Forum
TDHS :	Tanzania Demographic and Health Survey
TEHIP :	Tanzania Essential Health Interventions Project
TLP :	Tanzania Labour Party
TV	Television
USBRI :	Under 5 Birth Registration Initiative
UDP :	United Democratic Party
URT :	United Republic of Tanzania
VAC :	Violence Against Children
YCSPD :	Young Child Survival Protection and Development
ZABEIP :	Zanzibar Basic Education Improvement Programme
ZACA :	Zanzibar Association for Children Advancement
ZAFELA :	Zanzibar Female Lawyers Association
ZANECRI :	Zanzibar Network for Children Rights
ZAPHA+ :	Zanzibar Association of People with HIV/Aids+

INTRODUCTION

1. The United Republic of Tanzania (henceforth, Tanzania) ratified the African Charter on the Rights and Welfare of the Child (the Charter) in March 2003 and submitted its Initial Report in 2008, which was considered by the Committee in 2009. In addition, the State Party has ratified the UN Convention on the Rights of the Child (CRC) and submitted reports to the Committee on the Rights of the Child (CROC) as per the Convention. This is a consolidated report consisting of the 2nd, 3rd and 4th Periodic Reports submitted to the Committee by Tanzania in accordance with Article 43 of the Charter. The report outlines the measures that have been undertaken by Tanzania in the period since 2009 to effect the provisions of the Charter. It also details the progress made so far and challenges faced by Tanzania in ensuring the enjoyment of child rights in the country.

2. In preparing this report, the State Party used the Guidelines on the Form and Contents of Periodic State Party Reports Submitted Pursuant to Article 43(1)(b) of the Charter. The drafting process also benefited from relevant and compatible information contained in the 2nd, 3rd and 4th Consolidated Report on the Implementation of the CRC the State Party submitted to the CRC Committee in January 2012; and on the Concluding Observations made thereon in 2015.

3. In particular, the drafting process was coordinated by two ministerial departments representing both Tanzania Mainland and Zanzibar: the Department of Children Development in the Ministry of Community Development Gender and Children (MCDGC) representing the Mainland; and the Department of Children Development in the Ministry of Empowerment Social Welfare Youth Women and Children (MESWYWC) representing Zanzibar. The two departments were responsible for coordinating stakeholders from each part of the Union and at the national level they jointly coordinated the process under the guidance of the Union Attorney General, who is responsible for overall coordination of state reporting to international human rights treaty-bodies.¹

4. The drafting process was both consultative and inclusive, bringing on board a wide array of state and non-state actors (NSA's) including children. Stakeholders were specifically consulted through workshops, seminars and meetings in Tanzania Mainland and Zanzibar and their views have been used to inform the preparation of the report. In addition, the views of children – expressed through their established forums – are contained in *Annex I* attached to this report.

5. Therefore, this report sets out specific measures undertaken by the State Party to implement every provision of the Charter in accordance with the Charter and the Committee's Guidelines.

¹ Section 14(f) of the Office of the Attorney General (Discharge of Duties) Act, No. 4 of 2005 the Attorney General is obliged to coordinate 'reporting obligations to international human rights treaty bodies to which Tanzania is a member or on matter which member states are required to report.'

I. GENERAL INFORMATION ABOUT THE STATE PARTY

6. This being a report subsequent to the Initial Report submitted to and considered by the Committee in 2009, the State Party wishes to point out that the general information relating the State Party's political structures and mode of governance remain generally the same, save for two significant developments that occurred during the reporting period.

6.1 Zanzibar underwent significant political reforms in 2010 through the 10th Constitutional Amendment to the Zanzibar Constitution, whereby, *inter alia*, the Government of National Unity (GNU) was established after a decade-long of political turbulence. This situation was a result of a referendum which was held in Zanzibar on 31 July 2010, whereby 66.4% of the voters voted for the GNU. The referendum approved, *inter alia*, that the *best* losing party or run up in the elections would now be allowed to nominate the first vice-president, whereas the winning party would produce the president and second vice-president. Under this new political arrangement, the second vice president is the head of government business, replacing the Chief Minister (i.e. *Waziri Kiongozi*). The referendum was conducted in a bid to end the decade-long tug of war between the ruling party, Chama cha Mapinduzi (CCM), and the main opposition in Zanzibar, Civic United Front (CUF). During the 1995, 2000 and 2005 general elections these political tensions resulted in violence that saw a number of people being killed and maimed, most of whom were youths, women and children. So, the referendum brought to an end such rivalry and allowed a government of national unity, whereby the ruling party, CCM, won the 2010 General Elections and now have provided the Zanzibar President and the Second Vice President, while CUF has produced the First Vice President. The GNU arrangement has reduced the political tensions that had engulfed the Isles since the first multi-party elections in 1995, giving a peaceful room for people's participation in socio-economic and political undertakings. In terms of the realisation of children's rights, the advent of the GNU has helped to establish a specific Child Development Department within the MESWYCD that, *inter alia*, oversees the implementation of the Charter.

6.2. From April 2012 the State Party embarked on the review of its current Constitution with a view to adopting a new one as envisaged under the Constitutional Review Act (2011).² The constitutional review and re-writing process was overseen by the Constitutional Review Commission (the Commission) established under Section 5 of this law. The Commission submitted its Draft Constitution to the President of the United Republic of Tanzania and the President of Zanzibar³, who made it public through the *Government Gazette*; consequent to which they established the Constituent Assembly (CA)⁴ in February 2014. In March 2014 the Commission submitted the Draft Constitution to the CA⁵, which adopted the Proposed Constitution in October 2014⁶. Now the Proposed Constitution is awaiting validation by a national referendum to be held after the 25 October 2015 General Elections.⁷ In particular, unlike the 1977 Constitution, the Proposed Constitution has set out a specific provision in the Bill of Rights guaranteeing the rights of the child.⁸ It also defines a child as any person below the age of eighteen in similar manner as Article 2 of the Charter.⁹

II. GENERAL MEASURES OF IMPLEMENTATION OF THE CHARTER

7. In compliance with the Committee's previous recommendations and in accordance with the relevant provisions (particularly Article 1) of the Charter, the State Party has undertaken a number of necessary measures to adopt such constitutional, policy, legislative other administrative measures that

² Cap. 83 R.E. 2012.

³ Ibid, Section 20(1).

⁴ The CA was established under Section 22 of the Constitutional Review Act.

⁵ Ibid, Section 20(2) and (3).

⁶ Under Section 25(1) of the Constitutional Review Act, the CA had powers to make provisions for the New Constitution of the United Republic of Tanzania and transitional and consequential provisions to the enactment of such constitution.

⁷ The Referendum shall be organised, supervised and conducted by the National Electoral Commission (NEC) under Sections 31-36 of the Constitutional Review Act and under the Referendum Act (2013).

⁸ Article 53 of the Proposed Constitution of the United Republic of Tanzania (October 2014).

⁹ Ibid, Article 53(3).

it deems necessary to give effect to the provisions of the Children's Charter. The scope and nature of adoption and implementation of these measures are set out below:

(a) Constitutional Measures

8. The State Party is committed to implement its obligations arising from the provisions of the Charter. As noted in the Introduction, in this reporting period, the State Party has undertaken measures of reviewing its constitution, and it has incorporated a specific provision on children's rights (Article 53) in the Proposed Constitution in order to guarantee the rights of children in the country as provided in the Charter.

(b) Legislative

9. The State Party has enacted two comprehensive laws that promote protect and maintain the welfare of a child: the Law of the Child Act¹⁰ applicable in Tanzania Mainland and the Children's Act¹¹ applicable in Zanzibar. To date there has been development and adoption of the regulations on the Law of the Child Act to facilitate the operationalization, including,

- (i) the Law of the Child (Foster Care Placement) Regulations¹²;
- (ii) the Law of the Child (Apprenticeship) Regulations¹³;
- (iii) the Law of the Child (Children's Homes) Regulations¹⁴;
- (iv) the Law of the Child (Children's Homes – Amendment) Regulations¹⁵;
- (v) the Law of the Child (Adoption) Regulations¹⁶;
- (vi) the Law of the Child (Retention Homes)¹⁷;
- (vii) the Law of the Child (Child Employment) Regulations¹⁸;
- (viii) the Law of the Child (Juvenile Court Procedure) Rules¹⁹;
- (ix) the Law of the Child (Child Protection) Regulations²⁰; and
- (x) the Law of the Child (Day Care Centres and Crèches) Regulations.²¹

10. In Tanzania Mainland, the State Party also enacted several laws that protect and promote the rights and welfare of the child, complementing the Law of the Child Act. These laws include the Persons with Disabilities Act (2010),²² which strives to make provisions for the health care, social support, accessibility, rehabilitation, education and vocational training, communication, employment or work protection and promotion of basic rights for the persons with disabilities and to provide for related matters. The Anti-Trafficking in Persons Act No. 5 of (2008),²³ applying to both Zanzibar and Tanzania Mainland,²⁴ amongst other things, prohibits any form of traffic in persons, including children, within or outside the State Party. In Tanzania Mainland, further, the State Party enacted the HIV and AIDS (Prevention and Control) in 2008 to provide for prevention, treatment, care, support and control of HIV and AIDS, for promotion of public health in relation to HIV and AIDS;²⁵ to provide for appropriate treatment, care and support using available resources to people living with or at risk of HIV and AIDS, including children. Tanzania Mainland has

¹⁰ Act No. 21 of 2009.

¹¹ Act No. 6 of 2011.

¹² GN No. 153 of 04/2012.

¹³ GN 154 of 2012.

¹⁴ GN No. 155 of 2012.

¹⁵ GN. 9 of 2015.

¹⁶ GN. No. 12 of 2015.

¹⁷ GN No. 151 of 2012.

¹⁸ GN No. 196 of 2012.

¹⁹ GN No. 251 of 2014.

²⁰ GN. No. 11 of 2015.

²¹ GN No. 141 of 2014.

²² Act No. 9 of 2010.

²³ Act No. 6 of 2008.

²⁴ Ibid. Section 2(1). 114 Incidents of traffic in persons prohibited by the Anti-Trafficking in Persons Act are enlisted in section 4 of this law.

²⁵ Act No. 28 of 2008, Section 115

adopted a new Education Policy 2014 that was launched in February, 2015 which addresses all issues that contributed as clogs and impediment towards realization of the rights contained in the Charter. Moreover, in April 2015 Tanzania has signed the African Union Declaration on ending child marriage in Africa.

11. In Zanzibar, the State Party also enacted a number of laws that address the issues of children, among others the Persons with Disabilities (Rights and Privileges) Act (2006), which provides for promoting and protecting rights and welfare of persons with disabilities, including children, Water Act (2006), which provides for provision of clean and safe water, Employment Act (2005),²⁶ was enacted to protect child labour, worst forms of child labour, and sets conditions for the employment of the child.

(c) Administrative Measures to Ensure Availability of Financial Resources

12. The State Party has ensured that resources are made available for the effective implementation and coordination of various existing National Action Plans, strategies, programmes and the child laws. This is done through responsible line ministries and are clearly reflected in their budgets. In particular, in combating child labour for the past three years 2011/2012 – 2014/15, the Ministry of Labour and Employment (MOLE), in the Mainland has allocated funds amounting to Tshs 55,950,000.00, while the Social Welfare Department (DSW) has allocated Tshs 2,429,085,420, in the same period. PMO-RALG has allocated for primary education in 2013/2014 Tshs 1,758,840,000,000, Secondary Education 491,753,000,000/=. MOLE has also strengthened technical cooperation with UN agencies and Development partners in this regard; with the ILO, working in collaboration with the Government of Brazil, providing technical and financial support in raising public awareness and enhancing capacity of the LGA officials on the effective implementation of the National Action Plan for Elimination of Child Labour (NAPECL).

13. The State Party's budgeting for children every sector has been shown in respective sectoral Medium Term Expenditure Review Frameworks (MTEF's). However, the MTEF's does not provide separate budgetary information for children, which is only done in respect of certain ministries like the MCDGC Approved estimates 2012/13 Tshs. 3,461,341,000, 2013/14 Tshs. 9,910,672,000/= 2014/15 Tshs. 9,603,205,000; MOLE 2012/13 Tshs. 2,835,800,000, MoHSW 2012/13 Tshs. 283,446,029,000; 2013/14 Tshs. 471,282,941,000; and MoEVT 2012/13 Tshs. 92,581,317,000; 2013/14 Tshs. 72,598,051,000.

14. Meanwhile in the national budget – i.e. 2015/2016 (in Tanzania Mainland) the Ministry of Community Development Gender and Children (MCDGC) allocated Tshs. 1,645,000,000/= DSW Tshs 720,000,000.00/=: MOLE allocated Tshs 2,835,800/=: MOEVT allocated Tshs. 72,598,051/= In Zanzibar, MoEVT allocated 23,880,000,000/= and MESWYWC allocated Tshs. 400,500,000/=:

(d) Judicial Measures

15. The State Party has made remarkable progress in judicial sector for protecting and providing conducive environment for improving juvenile justice systems. In particular, the following measures have been undertaken by the State Party in the Mainland in this regard:

15.1 Adopting a five-year *Strategy for Progressive Child Justice Reform* (2013 – 2017). Through this Strategy the State party has undertaken a number of programs including developing a Guide on the Establishment and Implementation of Community Rehabilitation Programs in 2013. This program provides support to young offenders and children at risk of offending while they remain in their community here they receive a number of rehabilitative services. The guide provides practice guidance to all persons and institutions involved in the establishment, supervision, implementation, monitoring and running of the community rehabilitation program.

15.2 Increasing the number of Juvenile Magistrates from one to three in 2014 at Kisutu Juvenile Court in Dar es Salaam.

²⁶ Act No.11 of 2005.

15.3 The Juvenile Court Rules have been developed and *Gazetted* in July 2014. The Rules set out the rules of procedure and practice in Juvenile Courts.

15.4 The Chief Justice issued Directives to Magistrates to refer children cases to Juvenile Courts.

15.6 Piloting a *Program in Diversion and Community Rehabilitation and Reintegration Scheme for Children in Conflict with Law and Children at risk of Offending* in the Temeke Municipal Council (Dar es Salaam Region). The program became operational in July 2012 and will run through to June 2015. So far, 120 children have benefited from this program. The State Party has made initiatives striving to replicate the community Rehabilitation program in other region in the Mainland and Zanzibar. In 2014, the program will be rolled out to Mbeya Region (Mainland) and in Urban and West Regions (Zanzibar).

15.7 Piloting the Legal aid program for children in conflict with law in Dar es Salaam Region from 2012 to 2015. Since it became operational in 2012, the program has provided legal assistance to more than 647 children and facilitated the release of 471 children from detention facilities. The State Party is currently in the process of replicating this model in Mbeya Region. Further plans are been made to replicate it in other Regions. In addition the state Party has finalized drafting a legal Aid Bill which will, among others, guarantee the right to legal assistance for children in Tanzania.

15.8 The Chief Justice has issued a Directive to law enforcers to fast track cases involving children. The directive aims at ensuring children cases are handled timely and reducing the time children spent in detention facilities.

15.9 In addition, the Tanzania Mainland Director of Public Prosecutions (DPP) has undertaken the following measures to ensure effective protection of child suspects and victims in the prosecution process:

- (a) the DPP has issued Directive No. 3 of 2010 directing all actors in the investigation process to ensure that cases involving children are prosecuted in the Resident Magistrates' Courts or District Courts only after the completion of investigation. This aims to provide safeguards to child offenders to avoid initiating unnecessary criminal cases against children where the evidence is yet to be completely gathered;
- (b) the Office of the DPP has developed Standard Operating Procedures (SOPs) for the prosecution of cases involving child suspects and victims. The SOPs, which are at the consultative/final stages, strive to put in place child-friendly procedures for dealing with child suspects and victims;
- (c) the Office of the DPP has reviewed the Prosecution General Instructions (PGI) to include children issues on how to prosecute juvenile justice cases and interview child witnesses. Currently, the PGI is awaiting the approval of the DPP for it to become operational;
- (d) the Office of the DPP has started conducting regular monitoring missions of remand²⁷ and prison facilities to assess the situation prevalent therein with a view to improving the treatment of children incarcerated therein In the period under report, a total number of 89 detention facilities were inspected in 23 out of 31 regions. During the inspection, 46 pre-trial children cases were withdrawn through *nole prosequi*²⁸; and all cases filed in Primary Courts were withdrawn therefrom and instead filed in District Courts, where it is ideally safe for children to be prosecuted; and
- (e) the DPP has trained 121 staff involved in the investigation and prosecution of child offenders on the Law of the Child Act and applicable international juvenile justice norms.

16. In Zanzibar, the State Party has established two Children's Courts, which have already been designated and are operational, one in the Urban West Region in Unguja which determine all cases from all

²⁷ In the State Party remand or detention facilities are police lock-ups run by the Police Force.

²⁸ This is a formal withdrawal of a case made by the prosecution indicating that the State has no intention to proceed with prosecution.

Regions in Unguja and another in Chakechake which determine all cases from all regions in Pemba. In addition, the Zanzibar Director of Public Prosecution Manual has been reviewed to include issues of children and manners on how to handle cases of children victims and witnesses.

(e) Domestication of the International Treaties Relating to Children's Rights

17. The State Party has undertaken the following measures to realize the rights and welfare of the child enshrined in the Charter, the children's laws of the State Party and/or in any other international convention or agreement in force in that State:

17.1 In January 2012 the State Party submitted its 3rd, 4th and 5th Consolidated Reports to the Committee on the Rights of the Child (CROC), which exhibits the commitments and initiatives of the State Party in fulfilling its international obligations to ensure the realization of children's rights and welfare in its jurisdiction.

17.2 The State Party has also adopted the Proposed Constitution in October 2014 which incorporates special provisions on child rights in Article 53. This follows the enactment of the Law of the Child Act in 2009²⁹ applicable in the Mainland and the Children's Act³⁰ in 2011 in Zanzibar has been another progress. These instruments strive, *inter alia*, to domesticate and ensure effective implementation of the rights and welfare of the child in light of the Charter.

17.3 The State Party has continued to commemorate the International Day of the Girl Child and Day of the African Child, which has been decentralized to the regional and district levels to enable many people, particularly children, to effectively and actively participate in the celebrations. Children have been active participants in these commemorations.

17.4 The State Party has also ratified the International Convention on Persons with Disability (2009), subsequent to which it has enacted the Persons with Disabilities Act (2010)³¹.

17.5 In addition, the State Party has signed a Declaration on Ending Early Marriage April, 2015; and adopted the AU Agenda 2063 aiming at, *inter alia*, empowering Girls and Women.

17.6 Additionally, the State Party has continue to cooperate with various national and international stakeholders for purposes of promoting and fulfilling the obligations arising from the International Child Rights Instruments including the Charter and the CRC, and all the Optional Protocols thereto since the United Republic of Tanzania is a signatory and a party to all of them.

(f) Promotion of Positive Values and Traditions

18. The State Party has undertaken the following measures Measures taken to promote positive cultural values and traditions and to discourage those that are inconsistent with the rights, duties and obligations contained in the Charter:

18.1 In order to regulate the impact of the operations and activities of business enterprises on the rights of the child in the Mainland, the State Party has adopted the Law of the Child Act and its Regulations, which facilitate the enforcement of the Law of the Child Act (2009) on protecting children.

18.2 The State Party has conducted National Survey on Violence against Children (VAC) in 2009, to determine magnitude causes and types of Violence against children. The study revealed sexual, emotional and physical violence were the major types of child abuse. From that study the State Party has

²⁹ Act No. 21/2009.

³⁰ Act No. 6/2011.

³¹ Act No. 9 of 2010.

developed the three years National Multi-sectoral Plan of Action on Preventing and Responding to Violence against Children (2013 – 2016) to address VAC.

18.3 The State Party has established Child Protection Systems in 30 District/Municipal Councils in Tanzania Mainland and in 8 Districts in Zanzibar so as to strengthen the Local Government Authorities to protect Children within their localities.

18.4 Currently, the State Party is conducting a Knowledge, Attitude and Practice (KAPs) survey to identify cultural factor which influence violence against children at community level.

18.5 The State Party has developed VAC communication Toolkit to educate parents and guardians on positive parenting at family level. So far 600 Teachers, Community Development Officers and Social Welfare Officers have been trained on the use of the Tool Kit in 30 Districts of Iringa, Kilimanjaro, Njombe, Dar es Salaam, Coast, Mwanza, Kagera, Mara and Tanga Regions.

18.6 In rolling out the VAC Communication Toolkit, both in Tanzania Mainland and Zanzibar, the State Party will use UKUTI Media Script in Media, Radio and fliers and posters to provide different messages in protecting the children at all levels of the Tanzanian society.

18.7 In Zanzibar 40 Social Welfare Officers, Women and Children Officers and Non-Governmental Organization Officials were trained in 10 Districts

18.8 Currently, the Parenting Manual is under review both in the Tanzania Mainland and Zanzibar, to harmonize parenting package in collaboration with Development Partners.

18.9 Furthermore, the State Party has undertaken several efforts to ensure that extractive industries are translated into investment prioritizing children, including:

- (a) a project supported by PROSPER has created a large impact at filed level in 20 villages of Sikonge and Urambo districts by reducing the adverse effects of child labor in the focus population and providing school supplies, desks, tables and stationeries to 1800 children, 26 shallow wells in schools, and support interschool sports and games whereby a total of 3300 school children have been enrolled and participate in this competition;
- (b) through conditional loans catalyzed by PROSPER, mothers have been able to do business and meet education requirements of their children and other household in 2014, 1530 women from vulnerable households have been trained in business entrepreneurship and of whom 984 have received loans. 784 youth have been trained in good agricultural practice. Geita Gold Mining (GGM), WEKEZA, PROSPER and Songo Songo Gas companies and others have managed to comply with NAP requirement by building schools, developing and strengthening capacities of its local actors, primary school teachers, community activists, community based stakeholders and child labor committees through trainings which significantly impacted school attendance;
- (c) the establishment of the Child Labor Monitoring System (CLMS) has contributed very much to withdrawal children from child labor through Red Card to child labor campaign; and
- (d) development of social and behavior change communication training manual 2014 with the aim of changing bad practices in the society that affect the health and Nutrition of a child

(vii) Coordination and Monitoring of the Implementation of the Charter

19. The State Party has place in place the following mechanisms at the national and local levels for coordinating policies relating to children and for monitoring the implementation of the Charter:

19.1 The coordination of the implementation of the rights of the child is ensured at all levels, through two ministries (one for Zanzibar and one for the Mainland),³² as children issues are currently not Union Matters. Functionally, the State Party has ensured that children issues in the Mainland and Zanzibar are dealt with in accordance with the Charter. At the ministerial level, there are special departments/units that are responsible for coordination of children issues. When it comes to reporting, the Attorney General's office has a role to coordinate submission of reports to international human rights treaty bodies, including the ACERWC.³³

20. Despite undertaking the foregoing positive measures, the State Party faces of the following challenges in its efforts to ensure that coordination is mainstreamed at the Union level.

20.1 As children's issues are not part of the Union Matter, there is no single national coordination body.³⁴ There are different cultural realities relating to children in the two parts of the Union.

20.2 There are insufficient financial and human resources allocated to the relevant institutions to ensure that there is effective coordination between the two parts of the Union.

20.3 The standards of implementation of relevant ministerial policies that are implemented at the Local Government Authorities (LGAs) differ between the two parts of the Union due to their diverse governance structures.

21. In order to address the foregoing challenges, the State Party has ensured that there is an effective coordination mechanism. In particular, issues pertaining to policy, development, budget allocation, monitoring, implementation and reporting of the ACRWC in the Mainland are coordinated by the MCDGC, while issues pertaining to most vulnerable children (MVC) are coordinated by the MoHSW. Whereas in Zanzibar the MESWYWC coordinates children issues from the national to the *SShehia* levels,³⁵ in the Mainland children's issues at the LGAs' level are coordinated by the Prime Minister's Office, Regional Administration and Local Government (PMORALG). In addition, the MCDGC has established a National Advisory Committee to the matters relating to children both in Tanzania Mainland and Zanzibar.

22. In particular, the State Party has huge progress in the implementation and coordination of various existing National action plans, strategies, programmes and child laws as follows:

- (a) establishment of the National Multisectoral Taskforce that meets quarterly, responsible for reviewing the implementation of the three years National Plan of Action on VAC (2013 – 2016);

³² Whereas in the Mainland children's issues and actors are coordinated by the Ministry of Community Development Gender and Children (MCDGC), in Zanzibar they are coordinated by the Ministry of Empowerment, Social Welfare, Youth, Women and Children (MESWYWC).

³³ See Section 14(1)(f) of the Office of the Attorney-General Act (2005).

³⁴ There is a new development regarding this issue because Article 53 of the Proposed Constitution that was adopted by The Constituent Assembly on 2 October 2014 protects the rights of the child. This means that when the Proposed Constitution is adopted at a referendum to be held later, all laws related to children's issues from both parts of the Union will have to be adhere and conform to the provisions of the new Union Constitution.

³⁵ Unlike in the Mainland where there are two ministries coordinating issues relating to children (i.e.the MCDGC and MoSW), in Zanzibar the MESWYWC is the sole coordination ministries through its Department of Women and Children (dealing mainly with *prevention of child abuses*) and the Department of Social Welfare (responsible for providing *Responses to Child Abuses*).

- (b) establishment of the Implementing Partners Group that regularly meets to review the implementation of National Costed Plan of Action for MVC (NCPA II 2013 – 17);
- (c) establishment of Child Protection Teams as a mechanism to monitor, prevent and respond to issues related to child protection at the districts and ward/Shehia levels;
- (d) establishment of the National Steering Committee (a technical committee and secretariat for Early Childhood Development (ECD));
- (e) reviewing the Child Development Policy in order to streamline ECD issues;
- (f) adoption of the Children Agenda initiative through which all stakeholders meet quarterly to review the implementation of the activities that aim at investing in various sectors to save the lives of children and women, good nutrition, better hygiene and sanitation in schools and health facilities, early childhood development, equality education for all children, school safety, protection to infant and adolescent girls from HIV, reduction of teenage pregnancy, protection of children against violence, abuse and exploitation and children with disabilities;
- (g) adoption of the National Human Rights Action Plan (2013-2017), which sets out, *inter alia*, a comprehensive framework for the protection of child rights; and
- (h) adoption of the Strategy for Progressive Child Justice Reforms (2013 – 2017), that strives to ensure effective implementation of child protection in all spheres of life including in prisons.

(g) Measures to Publicize the Charter

23. The State Party has undertaken the following measures to make the principles and the provisions of the Charter widely known to adults and children alike (mostly revolving around building the capacity of professionals working with children in light of the Charter):

- (a) developing Guidelines and SOPs on how to handle children’s cases at the Gender and Children Desks in police stations;
- (b) developing training manuals (both for the Police and the Judiciary) on how to handle cases involving children in police stations and in courts.³⁶ A team of 24 TOT’s from the Judiciary and 64 officers from the Police and NGOs working with the Police have been trained to replicate the training to Police and Court professionals;
- (c) conducting training to 7 Judges, 82 Magistrates, 41 Advocates, 80 Social Welfare Officers and 3 Instructors from the Institute of Judicial Administration. In addition, the Police and NGO trainers have trained 1,267 Police Officers working at the Gender and Children Desks³⁷;
- (d) conducting an assessment to take stock of the impact of the foregoing training, which indicated that there was an increase in reporting of cases of child abuses as a result of an increasing in public awareness on children’s issues;
- (e) the DPP’s office has trained 121 State Attorneys on the Child laws and how to prosecute children’s cases;
- (f) MOLE in Tanzania Mainland has conducted a special training on the elimination of the worst forms of child labour in the context of the “National Plan of Action for Elimination of Child Labour (2009 – 2015)” to District Social Welfare Officers, Police Officers, District Community Development Officers, District Labour Officers, District Medical Officers, Judicial Officials and representatives of various CSOs. A total of 875 (25 in each districts in the Mainland) officers from 35 Districts out of 168 Districts in the Mainland covered;

³⁶ Notably, the training for professionals as an on-going process.

³⁷ The training is conducted in the context of the Charter and other relevant international human rights treaties to which Tanzania is a State Party.

- (g) developing a training manual and training 217 officials from MCDGC, MoHSW, MoEVT, MoHA, MoCLA, PMO-RALGDSW, TACAIDS, DPP, CHRAGG, TCRF, and IRCPT³⁸;
- (h) the State Party, in collaboration with development partners, has trained 258 ECD professionals on ECD essential packages;
- (i) the Commission for Human Rights and Good Government (CHRAGG) trained 35 Judges (13 women and 22 men) on the Human Rights issues including the child rights;
- (j) CHRAGG trained 35 Resident Magistrates in the Mainland Tanzania (19 men and 16 women) and 180 Education personnel were trained on issues relating to child protection based on the Law of the Child Act and the Children Development Policy;
- (k) the Department of Social Welfare trained 750 professionals working with and for children from (Social Welfare Officers, Police Officers, Immigration Officers, Community Development Officers, Planning Officers, Teachers, Magistrates, Community Services Workers, and Child Care Workers) were trained on child protection in the course of implementing the child protection system strengthening programme;
- (l) creating specialization and capacity building among child protection actors including training of 49 police officers have been trained on data management in child protection. Review of the data management information system at the police gender and children desk and Capacity building training on Child Protection Information Management System;
- (m) additionally, MoHSW has been conducting ongoing training to health care providers, social welfare, prosecutors and police officers, who work with children directly. In fact, they are facilitated to help survivors in various ways aiming at enhancing the implementation of the National Plan of Action to Prevent and Respond to Violence against Children (2012-2015); and
- (n) besides, the State Party has conducted a five-days training of trainers (ToT) session on basic training course for Police Officers on dealing with cases of GBV and child abuse delivered to 14 Police Trainers in June 2014. The first roll out of the training took place in June 2014 where 22 Police Gender and Children's Desk (PGCD) Officers were trained in the Urban West Region (Unguja). Training for designated PGCD officers in the remaining (4) regions were conducted in December 2014. In every Police Station in Zanzibar (34) at least 2 Police Officers have been designated as Gender and Children's Desk Officers.

(h) Measures to Disseminate the Consolidated 2nd, 3rd and 4th Reports to the Public

24. The State Party has taken the following measures to widely disseminate these reports to the public at large in its jurisdiction:

24.1 The State Party, in Tanzania Mainland, has conducted a number of training, awareness-raising and dissemination activities have been carried out to selected journalists (i.e. radio broadcasters and news editors, TV broadcasters and editors). In addition, 400 training of trainers have been trained on children's rights as well as on Charter and other international instruments in the period under report.

24.2 In Zanzibar the State Party, through the MESWYWC, has developed a popular version of a manual on children's rights based on the Charter and other International Instruments. This manual has been disseminated to various stakeholders who work for the best interest of the children, including CSO working with children such as Zanzibar Association for Children Advancement (ZACA), Zanzibar Female Lawyers Association (ZAFELA), Zanzibar Association of People with HIV/Aids+ (ZAPHA+) and Zanzibar Network for Children Rights (ZANECRI). In addition, training on the Convention and its Protocols has been conducted to children councils in Zanzibar whereby about 100 children were reached

³⁸ In The Main, The Training Focused On The Key Areas Of The Implementation Of The Law Of Child Act.

in Unguja and Pemba Islands. A parallel training was also conducted to children advisory board (CAB) and to women and children officers at the district levels in Zanzibar.

III. DEFINITION OF THE CHILD

(a) Legislative Measures

25. The State Party has now adopted the Law of Child Act 2009 in Tanzania Mainland and the Children Act 2011 in Zanzibar that defines a child as any person under the age of 18. There are other laws in the country which contradict these laws by providing different ages of a child in different issues example: employment (the Employment and Labour Relations Act) – 14 years, marriage (Law of Marriage Act) – 15 years, age of criminal responsibility (the Penal Code CAP 16) – 12 years. As noted above, the definition of a child is set out in Article 53(3) of the Proposed Constitution (2014) in similar terms with the one in the Charter. The adoption of this Constitution will facilitate the harmonization of definition of the child in other laws.

26. In addition, the two child laws have domesticated the principles enshrined in the ACRWC; and, as such, they repeal, replace and/or amend the laws which were repugnant to the Charter in order to make them compliant to the ACRWC principles and standards. In Zanzibar the Children’s Act has repealed and replaced the laws enlisted in **Table No. 2** appended in **Annex A** to this report.

27. In Tanzania Mainland, the Law of the Child Act (LCA) has repealed and replaced the following laws: the Affiliation Act; the Adoption Act; the Day Care Centres Act; the Children and Young Persons Act; and the Children Home (Regulation) Act. In addition, the LCA has also amended a number of laws touching on child issues as indicated in **Table 2** of **Annex A**.

IV. GENERAL PRINCIPLES

(a) Non Discrimination

28. The State Party to continues revising all its legislation in order to bring it in full compliance with Articles 3 and 26 of the Charter. In particular, the State Party has completed the said review, which culminated in the enactment of the Law of the Child Act in 2009 for Tanzania Mainland and the Children’s Act in 2011 for Zanzibar. Both pieces of legislation has complied with the provisions of Article 3 of the Charter that prohibits discrimination of any kind, irrespective of the child’s or his or her parent’s or legal guardian’s race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. In addition, both constitutions – i.e. the Constitution of the United Republic of Tanzania (1977) and the Constitution of Zanzibar (1984) – have specific provisions that comply with Article 3 of the Charter. This constitutional framework makes it mandatory for all laws enacted in the State Party to comply with the no-discrimination principle. Where any law is contrary to this principle, the High Courts of Tanzania and Zanzibar has power to declare the said law to be unconstitutional for being repugnant to the said constitutional provisions.

29. In addition, in 2014 the State Party adopted a New Education Policy (applicable in the Mainland), which provides for access to education without any discrimination. Further, the State Party has increased the number of inclusive education schools, which give children with disabilities opportunity to interact with other children; hence they help in decreasing the level of stigma and discrimination of children with disabilities. However, this goes together with recruiting teacher with qualification for this purpose.

30. In Zanzibar, all children who have special education needs (which include children with disabilities) access education on the basis of inclusive education. The Ministry of Education and Vocational Training, through the Special Education Unit, has increased the number of inclusive education schools up to 87. In addition, the number of students has increased from 450 in 2005 to 3,883 in 2011 and the number of teachers, who have been trained on sign language and “Braille”, has increased from up to 2,390 in 2011. In

order to further institutionalize this undertaking in Zanzibar, the State Party is currently developing an Inclusive Education Policy in collaboration with different stakeholders (both state and non-state partners). Furthermore, in Zanzibar the Spinsters, Widows and Female Divorcee Protection Act (1985) was repealed and replaced by Spinsters and Single Parent Children Protection Act of 2005, which allows pregnant girls to return to school after giving birth. In realising this end without harming the girl both socially and psychologically, the girl is given an opportunity to choose a school of her choice to which she can resume her studies to the very end. Previously, the Spinsters, Widows and Female Divorcee Protection Act (1985) made it an offence for a girl to be impregnated while in school; and such girl found pregnant whilst at school was consequently expelled from school.

31. The State Party has undertaken several measures to raise awareness of the negative consequences of child marriages and to eliminate discrimination and social stigma against pregnant girls and teenage mothers, children with disabilities, children with HIV/AIDS and street children in the Mainland, in relation to the two child laws. These measures include:

- (a) The preparation of a draft Guideline on reinstating/ re-entry pregnant school girls back to school (2015) in the Mainland ;
- (b) Through the Tanzania Social Action Fund (TASAF III 2014 – 2017), the State Party has been capacitating families in income generation activities (IGAs) without any discrimination. The research has shown that Child Focused cash transfer reduce by half the risk of incidence and prevalence of transactional sex for teenage girls (The Lancet Global Health, December 2013).
- (c) The launch campaign on child marriage free zone has helped to create awareness to those tribes which looks and consider a girl child as a source of wealth and hence deprive their right to education.
- (d) The adoption of Parenting Education Manual, which aim at elimination of child marriages by educating families to take responsibility of developing a girl child instead of withdrawing them from school for marriage.
- (e) Media campaign and publications to stop child marriages and empower girl child to speak;
- (f) Action plan for Police Gender and Children Desks 2013 - 2016 for strengthening the Police response to GBV and Child abuse. 6 pilot Regions will be strengthened and 1267 Police Officers trained to respond to children matters.

32. In respect of Zanzibar, the State Party has enacted the HIV/AIDS (Prevention and Management) Act in 2013³⁹, which, *inter alia*, addresses the issue of discrimination, social stigma, education, person with disabilities and affected with HIV/AIDS.⁴⁰ The issues of children living or affected with HIV/AIDS, persons with disabilities including children and women and children protection have been addressed. Furthermore, the Act guarantees these group of people in terms of access to health care services, non discrimination in the education institutions and general prohibition of discrimination. In addition, the Ministry of Education and Vocational Training has established inclusive education system where every district has at least one school has inclusion program, where children with disabilities get opportunity to learn and interact together with other children without being discriminated. In addition, the establishment of six One Stop Centers at Chakechake, Wete, Mnazi Mmoja, Makunduchi, Kivunge and Micheweni serves as a safety valve for children victims of discrimination and social stigma.

33. Similarly, URT has formulated a number of policy documents to ensure that children are equally addressed. These include the formulation of Child protection guidelines in primary education 2014; Parenting Education for Child Care Practitioners and Parents 2014; the Standard Operating Procedures for Juvenile Justice 2014.

³⁹ Act No. 18 of 2013.

⁴⁰ Ibid, Sections 32-34.

(b) Best Interests of the Child (Article 4)

34. The State Party subscribes to the principle that in all actions concerning the child undertaken by any person or authority the best interests of the child shall be the primary consideration. Furthermore, URT is working to ensure that all judicial or administrative proceedings affecting a child who is capable of communicating his/her own views, and opportunity shall be provided for the views of the child to be heard either directly or through an impartial representative as a party to the proceedings, and those views shall be taken into consideration by the relevant authority in accordance with the provisions of appropriate law.

35. To substantiate its commitment, the State Party has enacted various Regulations under the Law of the Child Act and the Children's Act both Tanzania mainland and Zanzibar respectively including the Retention Homes Rules (2012), Approved School Regulations (2012), Foster Care Placement Regulations (2012), Apprenticeship Regulations (2012), Child Employment Regulations (2012), Adoption of Children Regulations (2012), the Day Care Centers and Crèches Regulations (2014), Juvenile Court Rules (2014) and the Child Protection Regulations (2015).

36. Legislatively, the State Party has enacted specific provisions recognizing and protecting the best interests of the child in the Law of the Child Act and the Zanzibar Children's Act. In particular, section 4(2) of the Law of the Child Act (2009) requires the best interest of the child to be a primary consideration in all actions concerning a child whether undertaken by public or private social welfare institutions, courts or administrative bodies. In a more elaborative manner, section 4 of the Zanzibar's Children Act (2011) sets out factors to be taken into account in determining the best interests of the child, including the nature of the personal relationship between the child and the parents, or any specific parent; and the child and any other care-giver or person relevant in those circumstances.

37. Apart from being entrenched in the child-specific laws as set out above, the State Party has also embedded the principle of the best interests of the child in other laws that touch on children's welfare. For instance, in Zanzibar the State Party has also enshrined the principle in the Spinsters and Single Parent Children Protection Act (2005), which allows pregnant girls to return to school after giving birth. The repealed law relating to impregnated school children formerly made it was an offence for a girl to be pregnant; but this legal position was omitted and replaced by the principle that in order to protect the impregnated girl's best interests.

38. In Tanzania Mainland, section 125(2) of the Law of Marriage Act [Cap. 29 R.E. 2002] states that the paramount consideration in granting custody of a child should be the welfare of the child. The phrase "the welfare of the child" has been defined within the confines of the best interests of the child principle enshrined in Article 4 of the Charter. The leading judicial decision to elaborate on this principle is *Ramesh Rajput v. Mrs S. Rajput*,⁴¹ whereby the Court of Appeal of Tanzania held that the most important factor in custody proceedings is the welfare of the child; and that an infant child of two years should be with the mother; unless there are very strong reasons to the contrary.⁴²

38A. The State Party strives to safeguard the best interests for children incarcerated with their parents/care-givers. Currently, the Prisons Services has prepared a Child Protection Policy that, *inter alia*, seeks to safeguard the best interests of children incarcerated in detention and prison facilities with their parents/caregivers, as a long-term strategy to address this challenge. As a shorter-term strategy, the State Party has set aside a separate prison at Kingolwira that accommodates female prisoners who are compelled to be accompanied by their children.

⁴¹ [1988] TLR 96.

⁴² This decision has been authoritatively applied by courts in the State Party, including in and in *Pulcheria Pundugu v. Samuel Huma Pundugu* [1985] TLR 7 where the High Court of Tanzania held that: 'In deciding in whose custody an infant should be placed the Court is required (under section 125(2) of the Law of Marriage Act) to take into account the paramount consideration regarding the welfare of the infants.'

(c) The right to life, survival and development (Article 5)

39. Article 14 of the State Party's Constitution upholds the standard that every person has an inherent right to life. The URT progressively ensures, to the maximum extent possible, the survival, protection and development of the child.

40. As far as Child survival is concerned - the State Party has made progress. Initially the Committee had raised the issue of Child and Infant Mortality Rates. The Committee observed that although data obtained from the *Poverty and Human Development Report 2005* suggests that almost 100% of the urban population and close to three quarters of the rural population live within five kilometers of a health center or dispensary, this fact is, in practical terms, unrealistic. That can only be achieved if health centers and/or dispensaries are established in each and every ward just as it has been the case for secondary schools.

41. The State has put in place several measures to stop gross violations of the right to life, survival and development of children with albinism (CWAs), including the adoption of the National Human Rights Action Plan (2013 – 2017) through the Ministry of Constitutional and Legal Affairs, which addresses, *inter alia*, issues of the rights of CWAs. Other measures include:

- (a) A manual on early identification of children with disability is in the final stage of preparation;
- (b) Undertaking efforts to identify people with disability by age, Gender and location through National Population and Housing Census of the year 2012;
- (c) In collaboration with CSOs, adoption of a strategy to raise awareness to the most affected regions;
- (d) Annual crime report 2012 reported on the number of crimes against people with disabilities;
- (e) Three incidents of CWAs reported at Police Station in the year 2012 to 2014. All cases are under investigation stage; and
- (f) Speed up investigation and prosecution of PWA related cases i.e High Court Sessions conducted in Kahama and Shinyanga Regions in 2013 – 2014 specifically on PWA cases;
- (g) CHRAGG has undertaken to follow up on living conditions of CWAs; and
- (h) The Ministry of Constitutional and Legal Affairs has raised public awareness on prevention and protection of PWA through radio, television, etc.

42. **Immunisation Coverage:** The specific MKUKUTA indicator for immunisation is the coverage of the diphtheria, pertussis, tetanus and hepatitis B (DPT-Hb3) vaccine. According to the World Health Organisation (WHO), a child is considered fully vaccinated if he or she has received a Bacillus Calmette Guerin (BCG) vaccination against tuberculosis, three doses of DPT vaccine to prevent diphtheria, pertussis and tetanus, at least three doses of polio vaccine, and one dose of measles vaccine. These vaccinations should be received during the first year of life (CHAPTER I CLUSTER II GOAL 2). Infant and Under-five Mortality Rates Results from the TDHS 2010 indicate substantial declines in infant and under-five mortality over the past 10 years. Figure 32 shows that under-five mortality rates have dropped by 45%, from 147 deaths per 1,000 births in 1999 to 81 deaths per 1,000 births in 2010 (PHDR 2011). In 2012 the infant mortality rate was recorded at 6/1000 for under-fives. The MKUKUTA target for 2010 was 79. The infant mortality rate decreased from 99 to 51 deaths per 1,000 births over the same period, again only marginally missing the MKUKUTA target of 50. The largest decline is observed in post-neonatal mortality rate, which dropped from 36 deaths per 1,000 live births in TDHS 2004/05 to 25 deaths per 1,000 live births.

43. The 2010 TDHS collected information on the coverage for these vaccinations among children born in the five years preceding the survey. The data indicate an increase in vaccination coverage from 71% of children aged 12-23 months fully immunized in 2004/05 to 75% in 2010. Only 2% of children have not received any vaccination. Looking at coverage for specific vaccines, 95% of children have received the BCG vaccination, 96% the first DPT dose and 97% the first polio dose (Polio 1). Coverage declined for subsequent doses; 88% of children received the recommended three doses of DPT and 85% received all three doses of polio. Therefore, dropout rates – i.e., the proportion of children who receive the first dose of a vaccine but do

not go on to get the third dose – were 8% for DPT and 12% for polio. The proportion of children vaccinated against measles was 85%.

44. An analysis of the data for the specific MKUKUTA indicator shows the same upward trend in coverage. Figure 38 shows the trend since 2001 in DPT-Hb3 coverage among children aged 12 months. The coverage reached a peak of 94% for all three doses. However, this was followed by a steady decline to 83% by 2007. Coverage rates stabilised around 85% in 2008 and 2009, prior to a sharp increase in coverage to about 91% in 2010.²⁴

45. Factors that have contributed to the recent increase in coverage include the implementation of the Reaching Every Child (REC) strategy, which helped in reaching children who had missed out on vaccination, and strengthened supportive supervision of the EPI at district level with close supervision of poor performing districts. The drop in previous years was due to the introduction of integrated health services, which transferred responsibility for the EPI to councils. EPI became one of many competing priorities and was not given the attention it deserved.

46. The MKUKUTA target of reaching 85% DPT-Hb3 vaccination coverage has been reached, and, overall, Tanzania is performing much better in immunisation coverage compared to its neighbours in the region. However, greater coverage could be achieved if regions with low coverage were targeted. As such, the State Party has undertaken follow ups on the - RCH roadmap (MTSP - 2013/14 to 2015/2016; - PER 2014) to actualize this aspect.

Challenges

46A. The State Party faces a number of challenges in its endeavours to ensure adequate child survival and development, including:

- (a) maternal death which limit right to life;
- (b) infant mortality;
- (c) lack of qualified medical practitioners to handle maternal cases; and
- (d) insufficient staff.

(d) Respect for the views of the child (Article 7) and Provision of information to children and promotion of their participation (Article 4, 7 and 12)

47. The State Party has retained its constitutional guarantee of the right to freedom of expression in its two Constitutions: that is, Article 18 of the Constitution of the United Republic of Tanzania and in the Zanzibar Constitution. The foregoing constitutional guarantee of the principle to respect the views of the people and has also been translated into statutory obligation by the State Party. In this context, the Zanzibar Children's Act (2011), in section 5, requires the State Party to ensure that 'views expressed by the child may be given due consideration.' In terms of section 11 of the Law of the Child Act (2009), a child has the 'right of opinion and no person shall deprive a child capable of forming views the right to express an opinion, to be listened to and to participate in decisions which affect his well-being.'

48. The State Party has developed guideline for Establishing Junior Councils (2010) from National to Village level. The Guideline has been used to establish Junior Councils in 17 Regions and in 122 District Councils, which are represented in the National Junior Council. Representation in these councils comes from different groups of children in the State Party, including children with albinism; children from marginalized sections of society; children with disabilities; children attending and those not attending schools. The State Party has also ensured that every primary school and secondary school has a children's clubs. During the reporting period, the State Party has established 127 live Human Rights clubs in Secondary Schools in 9 Regions of Tanzania Mainland.

49. A Child Participation Toolkit 2011 and the National Plan of Action for Child Participation 2014 have been developed to strengthen child participation strategies and resource mobilization in Tanzania.

50. In addition, the state party has created opportunities for the children to use the public media, especially Radio and Television, to air out their views to the public. For example, the State Party, through the Tanzania Broadcasting Corporation (TBC) in collaboration with Plan International, runs a children's program known as "*Jukwaa la Watoto*" (Children's Platform). This program has been engaging children in communities and schools to identify and express their concerns on such issues as child neglect, sexual abuse, child labour, birth registration, early pregnancies, domestic violence, HIV/AIDS, protection of children with disabilities, killing of children with albinism, female genital mutilation/cut (FGM) and other harmful cultural practices. Children also use this platform to call upon duty bearers at homes, communities, district and national levels to play their due roles in fulfilling the rights of all children. The program is broadcasted six times a month on television and radio, and its coverage reaches the whole country.

51. In respect of Zanzibar, the State Party has established about 273 Children Councils in all districts in Unguja and Pemba out of which 189 are in Unguja and 84 are in Pemba where children from 7 years to 17 years have an opportunity to participate in the councils. In the councils children and youths are free to discuss issues affecting their life. These councils retain a formal structure for children and young persons to come together to discuss issues of common interests to them and the nation. Through these councils, children have participated in preparation of the National Child Status Reports in 2010 and 2011. These reports are annually submitted to the House of Representatives for consideration on the 16th June, which is the Day of the African Child (DAC). In order to give children's views a high priority, these reports normally included as a second part which merged into National Child Status Report. In the drafting processes of the Law of the Child Act in Tanzania mainland and the Children's Act in Zanzibar, the State Party also ensured that children were adequately consulted and fully participated in giving their views concerning the proposed laws.

Challenges

52. However, there are challenges in parents' awareness on the needs of children to participate in their affairs:

- (a) lack of awareness on the part of parents due to long-held negative beliefs founded in deep-rooted cultural norms about child participation; and
- (b) lack of financial resources to provide adequate support to child participation programmes/activities.

V. CIVIL RIGHTS AND FREEDOMS

(a) Name, nationality, identity and Registration at birth (Article 6)

53. The State Party has carried out a number of concrete measures to improve birth registration coverage, including allocation of fund for implementation of the U5BRI and the 6-18 Birth Registration Initiative. The government was pursuing transformative agenda which include business engineering to enhance coverage and access for birth and registration through ambition Under 5 Birth Registration Initiative. The State Party is implementing this programme in the community to increase, expand and achieve universal coverage in Tanzania Mainland. One of the Government strategies is to integrate the Civil Registration System within Vital Statistics System. State Party launched a National Comprehensive Assessment with the view of implementing coordinated changes on integrated vital registration system. Other initiatives include:

- (a) Registration for all children under the age of five where the Birth certificates are provided free of charge within two Pilot Regions of Mbeya and Mwanza, in July 2013. A total number of 305,890 children were registered, whereby TShs. 800m/- were used for the under-five birth registration;
- (b) 6-18 birth registration has been conducted in Dar es Salaam Region pilot area in primary and secondary school in Kinondoni and Ilala Districts in July 2015.

54. The State party ensured that the right to a name, identity and nationality is well captured in the Law of Child Act (S. 6) in Mainland and the Births and Deaths Registration Act.⁴³ The State Party has finalised reviewing the Births and Deaths Registration Act in order to align it, inter alia, with Article 6 of the Charter.

55. In Zanzibar, the State Party enacted Birth and Death Registration Act No.6/2006 that provides for the right to name, nationality and identity. In 2014 a total of 36,826 children have been registered, among them 18,303 were girls and 18,523 were boys. Similarly, the Children's Act, 2011, S. 7(1) (2) provides for the same rights.

Challenges

55A. The State Party faces a number of challenges in its endeavours to ensure that children in its jurisdiction do effectively realize their rights to name, nationality, identity and registration at birth, including:

- (a) lack of provisions in the law for birth registration and certification of children of Tanzanian parents born out of Tanzania;
- (b) Outdated legislation on birth registration;
- (c) lack of awareness on the part of parents to ensure that they register and obtain birth certificates their children as soon as they are born; and
- (d) lack of financial and human resources to adequately support programmes or activities concerning name, nationality, identity and registration at birth.

(b) Freedom of Expression (Article 7)

56. The State Party has retained express constitutional and statutory guarantees of this right in Article 18 of its Constitution. The State Party amended Article 18 of the Constitution of the United Republic of Tanzania in 2005 and removed the claw-back clause that used to subject the right to freedom of expression to any law enacted by Parliament. Now the right to freedom of expression is absolute, and it requires that "every person" has: (a) the freedom of expressing one's opinion and views; (b) the right to seek, to receive and impart information irrespective of national frontiers; (c) the freedom to communicate with others without being interfered in such communication; and (d) the right to be informed, at any time, of various events important to his or her life and other members of the community and about any other events important to the society around him or her.

57. In Zanzibar, the Constitution of Zanzibar guarantees the right of expression, which entails respect for the view of the child. Statutorily, the State Party has enacted in section 11 of the Law of the Child Act the child's 'right of opinion and no person shall deprive a child capable of forming views the right to express an opinion, to be listened to and to participate in decisions which affect his well-being.' A similar legal effect is also provided for in section 5 of the Zanzibar Children's Act (2011).

58. As to the administrative measures to ensure that the child's right of expression is guaranteed and protected, the State Party has established in both Tanzania Mainland and Zanzibar ministries responsible for communication and transport and Communication, Science and Technology which have respective committees responsible for issuing licences to private bodies that desire to provide communication services to the public including running of internet café. The committees have the duty to inspect and cancel licence to any private institution if such institution is found to have abused the licence, which include destructing public morals through allowing access to restricted sites particularly so in respect of allowing children to access pornographic sites. The Section 83 of the Law of the Child Act (2009) and Section 13 of the Cyber Crimes Act (2015)⁴⁴ all prohibit access to child pornography.

⁴³ Cap. 108 R.E. 2002.

⁴⁴ Act No.14 of 2015.

59. In addition, in both Mainland and Zanzibar there are ministries responsible for education and vocational training, which are responsible for providing and imparting vital information for the well-being of children through education syllabuses and other curricula aimed at making such children both responsible and productive adults. The State Party has, thus, carried out media programs throughout the country whereby media outlets – such as television, radios and newspapers public and private – air special programs that aim at imparting children with relevant information for their wellbeing. There are also children councils and clubs used by children to express their views. In addition, in detention facilities where children who have been deprived of their liberty are placed there are television sets and radio provided to children.

60. Moreover, the State Party has continued to show its commitment to the protection of this right through the proposed Constitution in Article 53 (1) (b) which guarantees the freedom of expression. The State Party has administratively ensured that this right is a reality by strengthening Junior Councils and empowers them through capacity building on child rights. Additionally the State Party has operationalized a child help line which assist in reporting of child abuse cases through Telephone number 116. Moreover series of programmes enable children to air their voices through specific children programmes in TV and radio.

61. Regardless of all these achievements, the State Party has limited opportunities for child association, at times there is a challenge where some of parents are lacking willingness and awareness. The State Party is also faced with a difficulty due to inadequate resources to support child rights undertakings, groupings and movements.

(c) Freedom of thought, conscience and religion (Article 9)

62. The State Party is a secular state whereby its citizens are free to choose religion of their own choice without state intervention or coercion. Therefore, children residing in the State Party do normally belong to their parents' or guardians' religion; although they may change their childhood religion on their own volition upon attaining adulthood. In order to enable its citizens to enjoy their religious beliefs, the State has a constitutional duty to guarantee the right of every citizen to profess religion of their choice. This guarantee entails prohibition of insulting other people's religion as provided for in section 129 of the Penal Code, which provides that: 'Any person who, with the deliberate intention of wounding the religious feelings of any person, utters any word, or makes any sound in the hearing of that person, or makes any gesture in the sight of that person, or places any object in the sight of that person, is guilty of an offence, and is liable to imprisonment for one year.'

63. This statutory provision was given due judicial consideration in the famous case of *Hamis Rajabu Dibagula v. R.*⁴⁵ In this case, the appellant was convicted by the District Court of Morogoro for uttering words with the intent to wound religious feelings of others. The District Court sentenced him to 18 months' imprisonment. While exercising revisional jurisdiction, the High Court set aside that sentence and substituted therefore such shorter sentence as was to result in the immediate release of the appellant from custody. The appeal in the Court of Appeal raised questions of considerable public importance concerning the limits of the right to freedom of religion, guaranteed under Article 19 of the Constitution of the United Republic of Tanzania (1977). The Court of Appeal held that the Constitution of the United Republic of Tanzania and other relevant laws oblige the people of this country to live together with mutual respect and tolerance of other's religious beliefs, which is one of the principal obligations of good citizenship.

63. Based on this constitutional foundation, the State Party has ensured that there is no religious segregation or discrimination to children in its territory. As such, children in the State Party enjoy the right to freedom of thought, conscience and religion of their parents or guardians, provided that such right does not injure the right of others to enjoy the same right. Additionally the Proposed Constitution in Article 41 continues to provide protection to the freedom of conscience and religion.

⁴⁵ Court of Appeal of Tanzania, DSM, Criminal Appeal No. 53 (2001) (unreported).

65. Of late, the Court of Appeal of Tanzania in *Zakaria Kamwela & 126 Others v Minister of Education and Vocational Training & A.G.*⁴⁶ has held that the protection afforded by Article 19(1) of the Constitution ‘goes to religious belief and its manifestation.’

64.1 In this case, the issue for determination by the Court was the constitutionality of Circular No. 4 of 6 June 1998 issued by the Commissioner for Education that compelled 127 secondary and primary school students, believers of the Jehovah’s Witnesses Christian sect to sing the National Anthem during school assemblies. In fact, the students refused to sing the National Anthem because it was allegedly against their Bible-trained conscience, a fundamental religious belief held by all Jehovah’s Witnesses. Although they attended school assemblies, they stood quietly and respectfully while other students sang the National Anthem. They were subsequently expelled from school, consequent to which they appealed to the Regional Education Appeal Board which on 12 October 2007 refused their appeal on ground that the refusal to sing the National Anthem was a breach of the Constitution and the Circular. Their further appeal to the Minister for Education was partly allowed on condition that they would only be allowed back to school if they signed a specific form requiring them to sing the National Anthem. When they approached the Prime Minister, they were advised that if they were aggrieved by the Minister’s conditional reinstatement they could only challenge it in court.

64.2 Consequently, on 19 March 2009 they petitioned the High Court seeking, *inter alia*, the following declarations:

- (i) the Minister’s conditional re-instatement violated the students’ freedom of religion guaranteed under Articles 13(4) and 19(1)-(2) of the Constitution;*
- (ii) the Circular was in breach of Articles 19(1) and 29(1) of the Constitution; and*
- (iii) they be re-instated back to school without the imposition of any conditions.*

However, on 2 December 2010 the High Court dismissed their petition. On appeal to the Court of Appeal, it was held that the Appellants had a justified sincere and conscientiously held belief that singing the National Anthem was against their religious conviction; and, as such, the Circular was not legally binding; so, it could not override their freedom of religion guaranteed under Article 19(1) of the Constitution.

(d) Freedom of association and peaceful Assembly (Article 8)

65. The State Party recognizes the fact that children like any other person have the right to freedom of association and peaceful assembly. In order to effectively guarantee this freedom, the State Party has constitutionalised it and it forms part of the enforceable provisions to both Constitutions of Zanzibar and the United Republic of Tanzania. Through these constitutional provisions, “every person”, including a child, has the freedom to associate with others and to peacefully assemble together with others with a view to publicly expressing their opinion or views. The only restriction in the two Constitutions is in relation to formation of political parties, whereby persons who decide to form a political party, should not have a cause that seeks to advance religious, ethnic or tribal or certain regional interests; or which seeks to disintegrate the United Republic of Tanzania; or that seeks to operate on only one part of the Union; or which does not allow periodic elections of its leadership.

66. In order to give these constitutional provisions a practical application, the State Party has also entrenched the child’s freedom of association and peaceful assembly in that it has allowed the formation of Junior Councils in a Communities and children’s clubs in schools and various social life circles, whereby children do associate and assemble to discuss matters concerning their well-being. Additionally the proposed Constitution Article 42 also provides for this general right to freedom of association.

⁴⁶ Court of Appeal of Tanzania at Dar es Salaam, Civil Appeal No. 3 of 2012 (unreported).

(e) Protection of Privacy (Article 10)

67. The State Party recognizes the need for protecting the child's privacy and image as stipulated in Article 10 of the Charter. In compliance with this pre-requisite, both the Constitution of Zanzibar and the Constitution of the United Republic of Tanzania contain provisions that expressly protect the right to privacy and prohibits unlawful or arbitrary interference with a person's privacy, unless in furtherance of express legal requirement or in compliance with a lawful court order.

68. The constitutional provisions require the State Party to enact laws to provide effective procedure for interference with a personal's privacy, which should aim at safeguarding the privacy of an individual. In compliance with this constitutional requisite, the newly passed laws of the children contains the provisions that prohibit exposing the identity of the children who is either victim of abuse or who has come into conflict with the law; in that the State Party recognizes that any disposal of those children may lead to trauma which can affect their wellbeing in the future hence may not be confident and low self-esteem.

68. In particular, sections 33 and 48 of the Zanzibar Children's Act (2011) and Section 33 of the Law of the Child Act (2009) all prohibit publication of any information relating to children who has been accused or victim of any act. In a similar wording, subsections (2) of sections 33 of the two laws make it an offence to publish the prohibited information. Subsection (2) of section 33 of the Zanzibar Children's Act (2011) provides that: 'Any person who publishes information or a photograph contrary to this section commits an offence and upon conviction shall be liable to a fine not less than five hundred thousand shillings and not exceeding three million shillings or to imprisonment for a term not less six months and not exceeding two years or to both such a fine and imprisonment.' In addition, subsection (2) of section 33 of the Law of the Child Act (2009) provides that: 'Any person who publishes any information or photograph contrary to this section commits an offence and upon conviction shall be liable to a fine of not less than two million shillings and not more than fifteen million shillings or to imprisonment for a term not exceeding three years or to both.'

69. In addition, the State Party has emphasized the respect of this right as the proposed Constitution Article 37 provides for the protection of the right to privacy. In 2015, the State Party also enacted the Whistle Blower and Witness Protection Act, which has safeguards to right to privacy of an individual. In handling children in conflict with law, the State Party has adopted the Retention Homes Rules, Approved School Regulations of 2012 and Juvenile Court Rules of 2014. All these measures assured the protection of the right to privacy of a child. The state party is however facing some challenges on effective enforcing the standards due to budgetary constraints and at time the mistrust of parents to children

(f) Protection against child abuse and torture (Article 16)

70. The State Party is committed to protect children against abuse and torture as evidenced by the Speech of the Minister for Education and Vocational Training, during the launch of VAC findings Report 2011 in Dar es Salaam where he announced to end corporal punishment in schools. The State Party has undertaken measures to develop and adopt a new Education and Training Policy, 2014 (applicable in Tanzania Mainland). The Policy contains a statement under paragraph 3.2.14 which states that 'The Government shall ensure quality and safety educational environment' in protecting children from harassment and abuse in school.

71. Basing on the Policy statement, the MoEVT developed Child Protection Guideline in School settings which provides for means of protecting Children in schools and advocating for alternative discipline. Moreover, MoEVT has reviewed the Teacher's Code of Conduct of 1963 to incorporate child protection issues including protection against abuse and harassment.

72. Although corporal punishment is still a challenge to some of the schools here in Tanzania but some schools have started to practice discipline without canning. The amendment in respect of the Regulations which allows corporal punishment under the administration of the head teachers will be

considered in the review of the Education Act (1978).⁴⁷ In addition, the Tanzania Police Force (TPF) has developed two sets of Standard Operating Procedures (SOPs): the first one strives to protect victims of violence in police stations; and the second set of SOPs seeks to protect juvenile offenders while in police custody. The Ministry of Community Development Gender and Children has developed Parenting Education Training Manual for parents/guardians on positive parenting.

73. The State Party recognizes and has constitutionalized a person's right to dignity. On the basis of this constitutional guarantee, the State Party has enacted, in section 13(1) of the Law of the Child Act and in section 14(1) of the Zanzibar Children's Act, provisions prohibiting subjecting a child 'to torture, or other cruel, inhuman punishment or degrading treatment including any cultural practice which dehumanizes or is injurious to the physical and mental well-being of a child.' Based on the justified cultural practices in the State Party, subsection (2) of section 14 of the Zanzibar Children's Act allows parents to discipline their children 'in such a manner which shall not amount to injury to the child's physical and mental well-being.' In terms of subsection (2) of section 13 of the Law of the Child Act: 'No correction of a child is justifiable which is unreasonable in kind or in degree according to the age, physical and mental condition of the child and no correction is justifiable if the child is by reason of tender age or otherwise incapable of understanding the purpose of the correction.'

74. In Zanzibar, the Ministry of Education has adopted a policy against corporal punishment in schools. The Ministry of Education and Vocational Training in collaboration with Save the Children established programme named "Promoting Alternative forms of Discipline in Schools". The project established in 2010 working with 10 pilot schools in Unguja and Pemba (1 school per district). Its main aim is to ensure that corporal punishment is banned in schools by sensitizing teachers as well as parents to use alternative forms of discipline instead of corporal punishment. All public primary schools have now at least one teacher who has been trained on the use of alternative forms of discipline.

VI. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

(a) Introduction

75. During the period of reporting, the State Party implemented the provisions of Article 18 of the Charter relating to family environment and parental guidance, The State Party enacted specific provisions in the Law of the Child Act for Mainland and the Children's Act for Zanzibar, which both require that a child should basically be raised within the family environment. Both laws provide that every parent should be responsible to care and protect the children. In case the biological parents of a child are deceased, parental responsibility may be passed to a relative of either parent or a custodian by way of court order or any traditional arrangement.

76. Likewise, the Child Development Policy (2008) for Mainland and Child Survival, Protection and Development Policy (2001) for Zanzibar clearly set out responsibilities of parents in caring, guiding and protecting the child. In addition, In MKUZA II, Cluster II (Social Wellbeing and Quality Social Services) (under para 2.6) strives to improve safety nets and social protection for the poor and vulnerable groups, which include children. The cluster outlines strategies and intervention packages which address the issue of family environment and parental guidance or responsibilities in the upbringing of children, which includes provision of support to poor families and households to provide care and protection to the children under their care, target safety nets and transfers for vulnerable pregnant women and children.¹⁴⁷

77. In addition, the State Party initiated an intervention for Most Vulnerable Children (MVC) in light of concerns about the growing number of children orphaned as a result of HIV/AIDS. In this perspective, there are programmes now that provide support for all children who are considered to be most vulnerable, in order to avoid stigma as associated with the identification MVC with HIV/AIDS and because a large proportion of MVC are not orphans but rather children in destitute conditions. These programmes are being

⁴⁷ Cap. 353 R.E. 2002.

undertaken as an alternative to family environment to MVC in the context of the Law of the Child Act and the Zanzibar Children's Act.

78. The State Party also recognizes the right of a child who has been placed by the competent authorities for the purpose of care, protection or treatment of his/her physical or mental health to periodic review of the treatment provided and all other circumstances relevant to his/her placement. In this regard, section 124(1) of the Zanzibar Children's Act imposes onto the minister responsible for children's affairs the duty, which can be delegated to any person within the public service, to: (a) secure the effective administration of any residential establishment for children that has been established by the Government under section 123(2), and (b) monitor the administration of any residential establishment approved under section 123(3). This duty aims at promoting the children's well-being, integration with their peers and the community and their full development, particularly as regards their education and health.

79. In Zanzibar, the promotion of the well-being and development of children in residential establishments, particularly as regards their education and health, every residential establishment approved under section 123 (3) is monitored at the lower level by a committee established under section 125(1) of the Zanzibar Children's Act. The committee, which comprises of not less than four fit persons, has a duty to oversee the management of the respective residential establishment. In achieving its oversight role, the committee shall:

- (a) visit the establishment from time to time, including unannounced;
- (b) call for all books, papers and records relating to the management and discipline of the establishment;
- (c) interview members of the staff and children, including offering them an interview in private;
- (d) inspect and test –
 - (i) the quality and quantity of the food;
 - (ii) the children's living conditions; and
 - (iii) arrangements to respect the children's privacy;
- (e) inquire into the maintenance of discipline and behaviour-management, having regard to the prohibition on corporal punishment and other humiliating forms of punishment;
- (f) ascertain provision for the education, training, welfare, recreation and health of the children;
- (g) investigate any complaint made by any child or member of the staff; and
- (h) exercise such other powers as may be prescribed.

80. The Zanzibar Children's Act allows any member of the committee, who has any concern about the running of the establishment, where reasonable, to first inform the Officer Responsible or appropriate member of staff of this concern; and, if this does not resolve the matter, inform the minister responsible for children. In terms of section 126 of the Zanzibar Children's Act, the Minister 'shall direct inspection of an approved residential establishment to be carried out by a welfare officer at any time to ensure that such establishment is being maintained at the required standards.

81. In Tanzania Mainland, the State Party, has put in a place a periodic review and monitoring mechanism of the treatment provided to children who have been deprived of a family environment. The Commissioner for Social Welfare has the duty, under section 134(1) of the Law of the Child Act, to monitor and supervise approved residential homes or institutions. At the approved residential home or institutional level, the approved residential home and institution is obliged, under subsection (2) of section 134, to establish a committee of not less than four fit persons for overseeing the running and general administration of the children's welfare and development. In addition, under section 135 of the Law of the Child Act, the Commissioner for Social Welfare may give such orders and directions to an

approved residential home or institution as may be necessary for promotion of the development of a child.

82. In particular, under section 136 of the Law of the Child Act, the Commissioner may direct inspection of an approved residential home or institution to be carried out by the social welfare officer at any time to ensure that the approved residential home or institution is being maintained at the required standards. Through this kind of inspection, the Commission is mandated by section 140(1) of this law to cancel the licence where he or she has reasonable grounds for believing that:

- (a) the premises of the children's home are no longer fit to be used as a children's home; (b) a children's home is being kept in an unclean or in an unsanitary condition;
- (c) the provisions made for the health or welfare of children who have been received into the children's home are inadequate; or
- (d) the licensee has failed to comply with any regulations governing the establishment and management of the approved residential home.

83. This law, in subsection (2) of section 140, provides a safeguard to children staying in a facility whose operating licence has been cancelled by the Commissioner, who is obliged to, upon cancellation of licence under subsection (1), to make alternative arrangement for the children living in the home. In Zanzibar, the Minister responsible for children have similar powers to cancel or suspend the license, if he or she has reasonable grounds for believing that the licensee of an approved residential establishment for children has failed to comply with any regulations, rules or directives governing the establishment or with any requirements for its approval, and such failure has adversely affected, or risks adversely affecting, the welfare of any child in the establishment. As is the case for Tanzania Mainland, in Zanzibar minister is obliged to make alternative arrangements for the children in the establishment, upon cancellation of its licence.

(a) Parental guidance (art 20)

84. Regarding to parents' common responsibilities for the upbringing and development of the child. This is stipulated in Section 8 and 16 of the Law of the Child Act (2009) for Mainland and Section 10 of the Zanzibar Children's Act (2011) where the State Party ensures that parents have a common responsibility for taking care and protection of a child through provision of food, shelter, clothing, education, medical care, liberty and right to play and leisure. Both laws provide that every parent or person legally responsible for a child shall have the duty to ensure that the best interests of the child are his basic concern at all times. In case of need to provide material assistance and support programmes, the State Party has a duty to safeguard and promote the welfare of the child within its area of jurisdiction.

85. The Child Development Policy (2008) for Mainland and Child Survival Protection and Development Policy (2001) for Zanzibar set out the responsibility of the State Party in preparing, managing and implementing laws, regulations and guidelines related to welfare, development and the rights of the child and coordinating its implementation at family, community and district levels.

86. The State Party has prepared, the IECD Operational Guideline and Minimum Standards, the IECD Facilitator's Guideline, the IECD In-Service Training Modules and Guidelines for Care Givers and Pre-Primary Education Teachers, the IECD Playing/Teaching Materials Guide and the IECD advocacy materials have been developed and disseminated in 6 District Councils. Radio and Television Programmes are also being used to promote this aspect. The IECD Child Rights Curriculum is already in use whereas the Regulations for Day Care Centres and creche have been gazetted since 2012, and Child development monitoring Card have been reviewed. The URT in collaboration with IRC has also developed a parenting manual on child care for children under 5. Through this 20 social welfare officer were trained and manual is piloted in Temeke where parent groups are trained on care for young children under five years.

87. In Zanzibar, A Training Manual on Parenting Skill on VAC and Positive Parenting have been developed and 35 social welfare offices, community development officers and CSOs All these guidelines guide the parents and caregivers on children care and development

88. According to the most vulnerable children (MVC) database, a total of 894,519 MVC have been identified in 111 District Councils through the standard identification process, and the identified children receive at least one services from the Local government, NGOs, CSOs, FBOs and communities in Tanzania mainland. In addition, both Tanzania Mainland and Zanzibar have developed a training manual for MVCCs in order to train MVC Committees at the Local Government Authority on supporting and protecting MVC in their locality.

89. The URT has finalized VAC communication toolkit and launched on May 2014. Trained 24 media staffs, 32 social welfare officer and CSOs representatives, 104 community development officers and 335 teachers on VAC communication tool kit.

(b) Parental responsibility (Article 20.1)

90. Through the provisions of section 8 of the Law of the Child Act (2009) (applicable in the Mainland) and section 12 of the Children -- Act (No. 6/2011) (applicable in Zanzibar) the State has put in place legislative measures vested in parents the primary responsibility for their children. These provisions oblige parents to make sure that their children are provided with all basic needs including the health services, education, respect, and care.

(a) Separation from parents, separation caused by state party, separation caused by internal displacement arising from armed conflict.

91. Save for the refugee children in the territory of the State Party, the State Party does not have among its citizens who are separated from their parents due to armed conflict but rather due t abuse, GBV or poverty.

92. During the period of reporting, the State Party continued to implement Article 20 of the Children's Charter, which requires that States Parties should ensure that a child is not separated from his or parents against their will, except were competent authorities subject to judicial review so determine, in accordance with applicable law and procedure, that such separation is necessary for the best interests of the child. In case there is a circumstance that may cause separation from their parents, best interests of the child will be considered. This will be done by competent authorities subject to judicial review that will determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Both Law of the Child Act, 2009 for Mainland and the Children's Act for Zanzibar, 2011 for Zanzibar provide that where the parents of a child are separated or divorced, a child shall have a right to maintenance and education of the quality he or she enjoyed immediately before his parents were separated or divorced; live with the parent who, in the opinion of the court, is most capable of securing the child's best interests; and access to the other parent, in which case both parents have mutual responsibility to secure such access, unless the court specifies to the contrary.

93. According to section 9(3) of the Zanzibar Children's Act, where a Children's Court determines that it is in the best interests of a child to separate him from his parents, the best substitute care available shall be provided for the child. As such, it the law in Zanzibar that a child who is separated from his parents shall have the right to maintain personal relations and direct contact with both parents on a regular basis, except when this is not in the best interests of the child. There is a rebuttable presumption under the State Party's legal system that a child under seven years has to stay with the mother until s/he attains the age of seven years, although the Court must have regard to the undesirability of disturbing the life of the child by changes of custody.

94. Under the Law of the Child Act, one of the paramount considerations for granting the order of custody of the child when parents are separated is 'the best interest of the child and the importance of the child being with his mother.'

95. In addition to this paramount consideration, the court must also consider the following factors:

- (a) the rights of the child under section 26 of the Law of the Child Act;
- (b) the age and sex of the child;
- (c) that it is preferable for a child to be with his parents except if his rights are persistently being abused by his parents;
- (d) the views of the child, if the views have been independently given;
- (e) that it is desirable to keep siblings together;
- (f) the need for continuity in the care and control of the child; and
- (g) any other matter that the court may consider relevant.

96. On its part, the Law of Marriage Act (the Act) states that the paramount consideration in granting custody of a child should be the welfare of the child. Besides, the court shall have regard to: (a) the wishes of the parents of the child; (b) the wishes of the child, where he or she is of an age to express an independent opinion; and (c) the customs of the community to which the parties belong.

97. In compliance with the provisions of paragraph (2) of Article 25 of the Charter both the Law of the Child Act and the Zanzibar Children's Act give an opportunity to all interested parties to participate in proceedings relating to separation of a child from his or her parents. The interested parties are also allowed to make their views known and are considered by the court in making the order for separation.

(d) Family reunification and children deprived of family environment (Article 25.2 (b))

98. The State Party continues to implement Article 25 of the Children's Charter concerning reunification of children living a different country from that of their parents. The State Party continued to implement the National Refugee Policy (2003), which covers various aspects of the management of refugee matters in Tanzania; and the Refugees Act (1998). This law protects the interest of the child through various provisions. In particular, section 35 of the Refugees Act sets out the right of family reunion and the procedure to be followed to achieve this end. The procedure for reunion is provided in subsection (1) of this section as follows: (1) A recognised refugee resident in Tanzania who wishes to join or to be joined by any member of his family outside or within Tanzania respectively shall make application for a family re-union to the Minister through the UNHCR or the Director who shall submit the application to the Committee which shall recommend to the Minister whether to allow the family re-union or not, provided that such family re-union shall not take place before permission is granted under this section. Failure to abide to this provision shall be an offence under this Act. Under subsection (2) there is an appeal mechanism for a person affected or aggrieved person by the decision of the Minister refusing or granting family re-union, who may file a petition for review to the Minister.

99. In addition, subsection (3) of section 35 of the Refugee Act requires that where there is disunity in the family of a refugee as a result of divorce, separation, death, etc., any member of that family 'may remain in Tanzania and shall have to apply within a maximum period of 2 years from the time of disunity of the family for the acquisition of the refugee status on his own right or for a legalization of the residence in Tanzania under the Immigration Act 160, failure of which shall be an offence under this Act.'

100. The State Party has developed the National Costed Plan of Action 2013- 2017 (NCPA II). The goal of this plan is to establish an MVC response which is government led and community driven, that constitute a multi-sectoral response and commitment which facilitates MVC access to basic social services through increasingly mainstreamed and sustainable government systems. Through this plan children deprived of family environment like orphans, street children, neglected children are among the categories of children targeted.

(e) Maintenance of the child (Article 18.3)

101. During the period under report, the State Party has taken appropriate measures with regard to the implementation of the Article 18.3 of the Children's Charter, which requires States Parties 'to take appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad.' The State Party has

complied with this provision by enacting specific provisions on this subject in the Law of the Child Act and the Zanzibar Children's Act. Section 42(2) of the Law of the Child Act and section 64(2) of the Zanzibar Children's Act provide, *mutatis mutandis*, that an application for maintenance 'may be made against any person who is eligible to maintain the child or contribute towards the welfare and maintenance of the child.'

(f) Adoption and periodic review placement (Article 24)

102. The State Party repealed and replaced the old provisions relating to adoption with new provisions currently embodied in the Law of the Child Act and the Zanzibar Children's Act. In respect of Tanzania Mainland, the procedure for applying for an adoption order is set out under section 54 of the Law of the Child Act. This law requires, in section 54(1)(a), that an application for adoption order of a child be made to the High Court. Also in terms of section 54(1)(b), an application for "open" adoption must be made to the Resident Magistrate's Court or District Court. The emphasis is primarily on domestic adoption. In order to adopt a child, an applicant must be bona fide resident of Tanzania. Non Tanzanian citizens must have a resident permit, which is normally for a minimum of two years. The Law of the Child Act allows international adoptions where adopting parents are residents.

103. The State Party has provided in section 76(1) of the Zanzibar Children's Act that in Zanzibar adoption does not apply to persons subscribing to Muslim faith; rather persons of Muslim faith shall follow "*kafalah*" as prescribed in section 75 of this law. According to section 2 of this law, "*Kafalah*" means the commitment to voluntarily take care of the maintenance, protection and education of the child in the same way as the biological parents of the child would do. So, under the Zanzibar Children's Act adoption applies to non-Muslims only, whereby an application for an adoption order shall be made to the High Court and heard by such court in terms of section 76. An application for adoption of a child may also be made by an applicant who is a citizen of the United Republic of Tanzania but does not reside within Zanzibar under section 83.

104. In its previous Concluding Observations, the Committee encouraged the State party to further the steps undertaken to ratify the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption. The State Party is currently at the consultation stages with a view to ratifying the Hague Convention on Intercountry Adoption.

(g) Abuse, neglect, exploitation including physical and psychological recovery and social integration(Art 16 and 27)

105. The State Party has conducted a Study on Violence Against Children (VAC) and the report of the above mentioned study was launched, in respect of Tanzania Mainland, by Honourable Dr. Asha-Rose Migiro (the then UN Deputy Secretary-General) in August 2011. This is the first national survey of violence against children to be conducted in the State Party and it nationally represents a survey of 3,739 females and males of the ages between 13 and 24 years, based on a three-stage cluster household survey design. It was designed to yield separate estimates of experiences of sexual, physical, and emotional violence prior to turning age 18 for females and males in both parts of the State Party. The VAC study report identified all forms of violence against children (Sexual, Physical and Emotional) and their underlying causes is a critical step towards developing Multi-sectoral National Prevention and Response Strategies and Policies to the better protection of the children within Tanzania.

106. The study findings have enabled the State Party to commit itself towards developing a three-year National Plan Action to Prevent and Respond to Violence against Children 2013-2016 by creating enabling policy and legislative environment to establish sustainable intervention to prevent and respond to any violence against children. There is also strong commitment by all stakeholders geared to: a) Reducing violence against children, b) Improving the quantity and quality of services for those who have been affected by violence against children, c) Mitigating the serious health consequences that result from such violence, and d) Re-affirming rights and dignity to Tanzanian children. In terms of coordination structures, the State Party has

established the National Multi-sectoral Taskforce on VAC (MCDGC) and the National Child Protection Advisory Committee (MoHSW) to jointly and/or severally oversee the implementation of these programmes.

107. The result of Tanzania survey provide sound and validated evidence to inform the development of guidelines and regulations associated with implementation of the Law of the Child Act. In addition, the campaign on violence against women, children and people with albinism was conducted throughout the country with the support of Mobile Cinema, TV and Radio Programmes and community sensitization. Similarly, those who were involved in the killings were sued and some were accordingly sentenced. As a result, at a short period of time the act of killing albino was minimized to a large extent. Furthermore, a boarding school specific for albino children has been established in Misungwi District to provide safer and friendly environment for children with albinism to study.

107A. In addition, the Commission of Human Rights and Good Governance (CHRAGG) on establishing Children's Desk conducted a study on abuse of children and made several recommendations upon which the State Party undertook the following actions: a) Children's Desk at CHRAGG concerning violation and abuse against their rights has been established. Awareness raising is continued to be conducted to in relation to the existence of children's desks and high number of complaints have been registered; b) Complaints are investigated and recommendations submitted to authorities for remedies; c) Children's/Gender Desks have been established at Police Stations/Posts to perform consultation with children and communities to verify various mental and physical violence/abuse against children. The consultancies are conducted at private offices within Police Regional Offices. Children are given special treatment where their evidences are taken camera (confidentiality). Furthermore, advocacy campaigns through meetings, Radios, TVs, leaflets, brochures and placards play a big role in minimizing violence against children such as Female Genital Mutilation;

108. Moreover, the state party in Tanzania Mainland has managed to establish child protection system in 32 councils and a total of 800 officers have been trained on child protection issues. Due to the importance of tracking child protection data, the URT has also developed Child Protection Management Information System and 425 DCPT have been trained on CPMIS in 17 Councils and 77 social welfare officers in 6 Councils formed the national team on child protection management information system. These teams have been working collaboratively in prevention and responding to violence, abuse, neglect and exploitation in their respectively locality.

109. In Zanzibar 8 District have established child protection system units. In this a total of 48 officers have been trained on child protection issues.

110. The State Party has also developed a National Child Helpline which is available across all networks in the country where various cases of violence , abuse, neglect and exploitation of children, where currently a total of 55,025 cases have been reported and referred to respective locality for response. The State Party through the MoHSW in collaboration with UNICEF, has trained the national team on child helpline and is in the process to develop a national-based training manual for child help line staff. So far, Social Welfare Officers (SWO) have been trained to manage the referral centres for 24 hours; whereby the Department of Social Welfare (DSW) ensures that the programme is wholly mainstreamed in government. Currently, the child helpline is being operated by State Party in collaboration with C-SEMA, an NGO working on child protection. The child help line was launched in June 2015 aiming at reporting, supporting and responding to violence against and, abuse , neglect and exploitation of, children.

111. In respect of Zanzibar, the Study on Violence Against Children (VAC) was launched by Honourable Ambassador Seif Ali Iddi (the Second Vice President of Zanzibar) in September 2011, which was also attended by Ms Marta Santos Pais (Special Representative of the UN Secretary-General on Violence Against Children). To address the issue of child abuse and neglect Zanzibar has established the Child Protection Unit. It has developed and established the following: a) Multispectral Implementation Plan on Violence Against Children; b) Shehia District and Regional Committees dealing with Gender Based Violence and Children; c) Counseling Units under Department of Women and Children Development and Social Welfare; d) One Stop Centre under the Ministry of Health at Mnazimmoja Hospital dealing with child victims

of violence whereby Officers from Police, Lawyer, Counsellor and Medics; and e) National Guidelines for the Protection and Welfare of Children . In Tanzania Mainland, the then Deputy Secretary General of the United Nations, Dr. Asha -Rose Migiro, herself a Tanzanian, launched the “National Survey Report on Violence against Children (VAC)” on August, 2011. For the first time in Africa, a national household survey was undertaken to identify prevalence rates of sexual, physical and emotional violence against children. The results were shocking. One in three girls and one in seven boys reported experiencing childhood sexual violence, three quarters of boys and girls reported experiencing childhood physical violence and a quarter of girls and boys reported childhood emotional violence. The Government reacted quickly to the findings and used the Launch of the Survey Report to launch its response through an accompanying document called “Priority Responses”. This document lays out the commitments across the Ministries responsible for children’s protection and was delivered in person by the Ministers themselves.

113. In addition, the State Party has developed child protection system units in 36 councils. Where 900 officers (25 from each Council) have been trained on child protection. Besides, the State Party has developed National Guidelines on Psychosocial Care and Support Services for Most Vulnerable Children that were adopted in 2014, subsequent to which Social Welfare Officers are undergoing regular on-job training on the application of the Guidelines.

(h) Other information on Measures to Protect Children with Special Needs

Children with Albinism

114. The State has put in place several measures to stop gross violations of the right to life, survival and development of children with albinism (CWAs), including the adoption of the National Human Rights Action Plan (2013 – 2017) through the Ministry of Constitutional and Legal Affairs, which addresses, *inter alia*, issues of the rights of CWAs. Other measures include:

- (a) enacting the Law of the Child Act (2009) and specific law, the Persons with Disability Act in 2010 which protects the rights and welfare of the children with disability in light of the UN Convention on the Rights of Persons with Disabilities;
- (b) developing Guidelines on Early Identification and Intervention of Children with Disability 2015. The Guidelines under the pilot in Shinyanga and Iringa Region, aim at helping parents and caregivers to identify early signs of disability to children and take early appropriate intervention;
- (c) enacting the Persons with Disability Act in 2010 which protects the rights and welfare of the persons with disabilities including issues of CWD;
- (d) The Attorney-General is currently on the process of reviewing the Witchcraft Act⁴⁸ and the Traditional and Alternative Medicine Act⁴⁹) with a view to devising a better mechanism to offer better protection to children with albinism and handicap who suffer attack against these witchcraft beliefs;
- (e) in collaboration with CSOs, adoption of a strategy to raise awareness to the most affected regions;
- (f) Establishing an Annual Crime Report that since 2012 has been reporting on the number of crimes against people with disabilities;

⁴⁸ Cap. 18 R.E. 2002. The review of this is in light of the prevailing views that the attacks and killings PWA’s is associated with witchcraft and supernatural beliefs. It is envisioned that this law is one means of arresting the problem and upon such review it will be ascertained how to best address the problem through the legislation.

⁴⁹ Act No. 23/2002. The review of this law is due to the linkages made between traditional healers, witchdoctors and the attacks and killings of PWA.

- (g) three (3) incidents of CWAs reported at Police Station in the year 2012 to 2014. All cases are under investigation stage.
- (h) speeding up investigation and prosecution of PWA related cases i.e High Court Sessions conducted in Kahama and Shinyanga Regions in 2013 – 2014 specifically on PWA cases;
- (i) CHRAGG has undertaken to follow up on living conditions of CWAs; and
- (j) the Ministry of Constitutional and Legal Affairs has raised public awareness on prevention and protection of PWA through radio, television;
- (k) the State Party has voted in favor of the United Nations Resolution to Recognize Albino Day annually on the 13 June of every year. The first celebrations were held in 2015 and inaugurated by His. Excellence the President Dr. Jakaya Mrisho Kikwete in Arusha. The objective of the celebrations and recognition of Albino Day is to raise awareness on albinism by educating the community about the rights of persons with albinism; and
- (l) the State Party has carried out awareness raising exercise on the rights of persons with albinism and the services they provide when they visit local Government Authorities. This includes appealing to the community stop poor believes associated with people with albinism.

114A. The State Part has scaled up its efforts to coordinate all stakeholders working on various issues whereby a Coordination Committee on PWA has been established and functions within the MoHA and CHRAGG to assist in updating the information and current developments. In addition, the Prime Minister’s Office – Local Authorities and Regional Administration (PMO-LARG) is charged with the function to provide services to children in the special schools for CWA and the DMO’s do provide medical services for CWA.

115. The State Party, through the Office of the DPP,^e has placed under supervision 8 Regions where incidents of assault and killing of children with albinism are highly reported in order to enhance the investigation and prosecution of the said cases. The supervised Regions include Mwanza, Kagera, Geita, Simiyu, Tabora, Mara, Shinyanga and Kigoma. In the Mainland, a total number of reported incidents where children with albinism are victims from 2006 to date are 37. Out of 37 incidents, boys were 17 and girls were 21; and 34 out of these incidents have been referred to courts of law for prosecution. In one incident out of reported 37 cases, two 2 children with albinism were kidnapped. Therefore, the State Party has stringently dealt with perpetrators and these cases have been prosecuted in courts with the following statuses:

115.1. In the Court of Appeal, 4 cases were concluded, whereby in 3 cases 8 accused persons were convicted and sentenced to the death penalty; while in 1 case 1 the accused person was convicted and sentenced 20 years in prison.

115.2. In the High Court, there are 4 cases, whereby in 1 case 4 accused persons were convicted and sentenced to death penalty, and 1 case involving 3 accused persons, they were acquitted due to lack of sufficient evidence; and 2 cases are still underway in different stages.

115.3. In the District/Magistrate Court, there are 9 cases whereby in 1 case 1 accused person was convicted and sentenced to 10 years in prison, in another case 1 accused person was acquitted due to the lack of sufficient evidence and 7 cases are still pending at different stages of “committal proceedings”⁵⁰.

115.4 Whereas 3 cases have not been instituted in court for the accused persons are still at large, 17 cases were withdrawn under Section 91(1) of the Criminal Procedure Act for, *inter alia*, lack of evidence.

Challenges

116. Despite the foregoing efforts, the State Party still faces a number of challenges in its endeavours to provide adequate protection to CWA and effective prevention of the attacks and killings of these children, including:

- (a) the existence of negative and harmful cultural beliefs against PWA, particularly children;
- (b) the proliferation of negative social beliefs that body parts of PWA, particularly CWA, can be used to make one rich;

⁵⁰ Committal proceedings are preliminary hearings conducted by lower courts to assist in sorting out preliminary matters before the after is heard by the High Court.

- (c) the proliferation and demand for body parts of PWA, particularly CWA, in neighbouring countries;
- (d) heavy caseloads and backlogs of cases facing courts in the State Party that result in inordinate delays in investing and prosecuting cases concerning CWA; and
- (e) financial and human resources constraints facing law enforcement and social welfare agencies in order:
 - (i) to provide adequate psychosocial and health services in emergency situations as a short-term strategy; to scale up community-based initiatives;
 - (ii) to strengthen data base, tracing, identification and reunification;
 - (iii) to enable local authorities to have adequate budgets for PWA, particularly CWA; and
 - (iv) to draw up sufficient and clear admission criteria to special schools.

117. The State Party has undertaken a number of measures to address the foregoing challenges, including efforts reported in para's 114-115 above. It has also ensured that it complies with its international law obligation, particularly through the ratification and domestication of the UN Convention on the Rights of Persons with Disabilities that resulted to some of its citizens to refer a communication to the Committee on the Rights of Persons with Disabilities, which is still pending determination by that Committee.⁵¹ The State Party has further engaged in concerted consultations and collaboration with its neighbouring countries to address the foregoing challenges from a transboundary angle.

VII. HEALTH AND WELFARE

118. The principal legislative, judicial, administrative or other measures particularly programmes and projects, etc; the institutional infrastructure for implementing policy in this area, particularly monitoring strategies and mechanisms; factors and difficulties encountered and progress achieved in implementing the relevant provisions of the Children's Charter, in respect of:

(a) Survival and development (Articles 5)

119. This is well entrenched in Article 14 of the Constitution of the United Republic of Tanzania and the Constitution of Zanzibar. This constitutional guarantee underlies all basic rights as well entrenched in the Child Development Policy (2008) applicable in Tanzania Mainland and the Child Survival and Protection Development Policy (2001) applicable in Zanzibar. These policies recognize, *inter alia*, the rights to life, rights to development, the right to protection, the right to child participation, and the right to non-discrimination.

120. At the legislative level, the Law of the Child Act and Zanzibar Children's Act enlist basic rights and fundamental freedoms of the child, which include the definition of a child, non discrimination, the right to a name and nationality, the right to grow up with parents, the duty to maintain a child, parental duty and responsibility, the right to parental property, prohibition of harmful employment, and the right to protection from torture and degrading treatment. Further, in section 94 of the Law of the Child it is the duty of local government authorities to safe-guard children in their jurisdiction and to promote reconciliation between parents and a child.

121. Furthermore, in the Tanzania Vision 2025, "access to quality reproductive health services for all individuals and reduction in infant and maternal mortality" are among the most important health service goals

⁵¹ Nos. 22/2014 and 23/2014 submitted to the Committee on the Rights of Persons with Disabilities on behalf of Mr. "X" and Mr. "Y". Notably, one of the victims in this communication is a child.

cited. MKUKUTA and MKUZA, strategize matters relating to children survival and development, which aims at improving quality of life and their social wellbeing. MKUKUTA also seeks to improve maternal newborn and child health (MNCH) as one of its major objectives. The Primary Health Service Development Programme (PHSDP/MMAM 2007-2017) addresses the crucial issue of equity by calling for an increase in the coverage and quality of primary health care services for communities living in rural and remote areas. The National RCH Policy guideline 2015, The National Guideline on Essential Reproductive and Child Health Interventions in Tanzania 2003, Reproductive and Child Health Strategy (2005-2010), National Population Policy 1992, 2007 and The Health Sector Strategic Plan IV 2016-2020 (HSSP IV) also address importance of reducing children morbidity and mortality. MKUKUTA and MKUZA strive to ensure food and nutrition security and promoting issues relating to human rights, national and personal security. There is a notable progress in child survival in relation to access to health services where Health facilities (public and private) has increased from 5,379 in 2007 to 8,215 in 2013/14 (Tanzania Health Management Information System reports). Moreover, recruitment and posting of professional Health Personnel has increased from 3,665 in 2007 to 6,536 in 2013. However, rural and remote areas still face major shortages with many primary health facilities not having enough qualified staff

122. The State Party has developed *National Nutrition Strategy (July 2011/12 – June 2015/16)* that was launched by Honourable Prime Minister of Tanzania, Mizengo Pinda on 20th September 2010. The strategy aims at improving access to high-impact, high quality nutritional services. District nutrition Officers in all districts have been trained on nutrition aspects in 2014/2015.⁵² Trends shows there is decline of all forms of malnutrition in children under 5 years since 2010. Prevalence of underweight among children less than 5 years has decreased from 15.8% in 2010(TDHS) to 13.4% (Nutritional Survey SMART 2014). In the same age group, Chronic Malnutrition/Stunting has decreased from 42% in 2010(TDHS) to 34.7% (NSS 2014).⁵³ Vitamin A supplementation has increased in Tanzania Mainland from 61% (TDHS2010) to 72.2% (NSS 2014). While in Zanzibar Vitamin A supplementation has declined from 79% (TDHS2010) to 58.2% (NSS 2014)

123. The State Party has made efforts to improving the right to life and survival, where by Tanzania is among the countries that have achieved the MDG 4, reducing the U5 mortality rate (U5MR) from 166/ 1,000 live births in 1990 to 81 per 1,000 in 2010 (TDHS, 2010) and meeting the target of 54 per 1,000 live births in 2012 according to the UN estimates of 2013 (UN Inter Agency Group on Child Mortality Estimate, September 2013). Despite achieving the MDG4, Tanzania still has a very high number of under-fives dying every year, 98,000 per year. Zonal disparities in achieving the MDG 4 were noted, with the Lake and Southern highland zones having U5MR of > 100 per 1,000 live births whereas Northern zone had the lowest (54 per 1,000 live births (TDHS, 2010). Infant Mortality Rate (IMR) has declined from 68 in 2004/05 to 51 in 2010 and 45 per 1000 live births in 2013. By 2014, the country was able to further reduce IMR to 38 per 1,000 live births, surpassing the target of 46 deaths /1000 live births by 2015 (TDHS, 2010; UN Inter Agency Child Mortality Estimates 2013; Countdown Report, 2014).

124. Progress in reducing preventable newborn deaths has been slow compared to U5MR and IMR. Neonatal Mortality Rate (NMR) had declined from 32 per 1000 live births in 2004/05 to 26 per 1000 live births in 2010 and 21 neonatal deaths per 1,000 live births in 2013 (TDHS, 2004/05 &2010; Countdown to 2015 Report, 2014). Neonatal deaths contribute to 40% of U5 deaths. Hence progress in averting neonatal deaths is critical in overall reduction of U5MR. However, provision of preventive measures such as vaccination, vitamin A supplementation campaigns and malaria control have contributed to such progress. In order to promote survival and development to the children , the state party has enacted the Law of Child Act in 2009 as well as it has managed to reduce the infant rate from 51 death per 1000 in 2010 to 46 death per 1000 in 2012 and under five mortality rate from 81per 1000 in 2010 to 66 per 1000 in 2012(TDHS 2010, Census 2012).

⁵² TFNC (2014) SBCC Strategy.

⁵³ NSS - National Smart Survey.

125. The census report shows that there is an increase in mortality however there are explanations of a possibly very low number of denominator resulting to this results. This because there is a very low number of people who were reported to participate in the census. We therefore choose to use the TDHS and UN estimates, though census is known internationally as the most accurate due to the inclusiveness while DHS is only sampling

(b) Children with Disabilities (Article 13)

126. In order to eliminate and prevent stigma, discrimination, violence and exclusion of children with disabilities particularly in rural area, the State Party has undertaken several measures. In particular, it has been undertaking public awareness-raising campaigns, specifically through various international and national events and festivals, including the *Disability Day* (celebrated on the 3rd day of December of each year), the *White Cane Day* (celebrated on the 15th day of October of each year), the *World Braille Day* (celebrated on the 5th day of January of each year) and the *Albino Day* (marked annually on 4th May). These events, which are normally conducted at the national and regional levels, carry different themes that raise awareness on the part of members of the community on different issues relating to disabilities and persons with disabilities. To some extent, these events help in reducing stigma and discrimination against children with disabilities.

127. In addition, the State Party has taken several measures to ensure access to education for children with disabilities, including the adoption of the New Education and Training Policy in 2014. This Policy has a specific statement indicating the State Party's commitment to increase access to education, facilities and infrastructure to children with "special needs", including children with disabilities. Furthermore, the State Party has developed an Inclusive Education Strategy (IES2012-2017, whose overall goal is to ensure that all children, youths and adults in Tanzania have equitable access to quality education in inclusive settings. Moreover, the IE Strategy strives to achieve the following goals:

- (a) education policies and programmes are informed by inclusive values and practices;
- (b) teaching and learning respond to the diverse needs of learners;
- (c) educational support is available to all learners;
- (d) professional capabilities for inclusive education are widened and strengthened; and
- (e) community ownership of and participation in inclusive education is enhanced

128. Furthermore, the State Party has established the Educational Support and Resource Centre (ESRAC) in Dar es Salaam and five (5) Districts Councils have identified spaces to establish the ESRAC for the purpose of detection and identification of children with special needs, including those with disabilities. Besides, the State Party has developed Guidelines on Early Identification and Interventions for Children with Special Need of 2013, whose objectives include:

- (a) Early intervention ;
- (b) Capacity building of teachers of pupils with special needs and
- (c) Material support to enable these students learn smoothly.

129. With regard to allocation of funds to implement the existing legal and policy frameworks regarding children with disabilities; there is no specific fund allocated to CWDs, but the State Party normally allocates funds to all MVC in the country. For the year 2011/2012, there was TShs 968,599,500; in 2012/2013 there was TShs. 709,746,000; and 2013/2014 there was TShs. 750,739,920 allocated to support the three objectives mentioned above for students with disabilities. It should be noted that the State Party has identified 14 categories of MVCs, which include children with disabilities.⁵⁴ Notably, children qualify to be the most

⁵⁴ The identified categories are as follows:

- (a) Children living in the household with the chronically sick caregiver;
- (b) Children with disabilities;
- (c) Children living with chronic illness;

vulnerable if they are living in a household with unmet needs in terms of adequate education, health care, food/nutrition, shelter, HIV/AIDS services, ECD services, Emotion and physical protection. Therefore, funds are distributed and allocated to all most vulnerable children, although the services are provided depending on the individual child's needs. The Community Development Officer in charge of TASAF projects are coordinating the exercise of identifying children eligible for support according to type of disability.

(c) Health and health services (Articles 14)

130. The State Party has undertaken a number of measures to reduce infant and under-five mortality rates. Recent statistics from the Tanzania Demographic and Health Survey (TDHS 2010) indicates that Tanzania has made significant strides in reducing child mortality as evidenced by the reduction of Infant Mortality from 68 to 51 deaths per 1,000 live births during the 2007-2013 period as well as the lessening of post neonatal mortality rate from 29 to 26 deaths per 1,000 live births during the 2007 - 2013 period. Further evidence shows that the under-5 mortality rate declined from 91 deaths per 1,000 live births in 2007 to 54 deaths per 1000 live births in 2013. The decline in childhood mortality can be attributed to continued improvement in the health sector, especially in the areas of maternal and child health, with specific reference to immunization and malaria prevention initiatives.

131. The Committee also urged the State Party to improving access to safe drinking water and sanitation facilities. The State Party has increased the access to water and sanitation in the rural areas population from 40% in June, 2013 to 55.9% in April, 2015.

132. In its endeavours to comply with the foregoing recommendations and in implementing the Children Charter, which requires state parties to recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health, the State Party has carried out a number of measures (policy, legislative and administrative) aimed at ensuring that no child is deprived of his or her right of access to health care services and facilities.

(d) The Health Policy

133. The State Party has a National Health Policy in 1990. The National Health policy was reviewed in 2007 to incorporate ongoing socio-economic changes, new government directives, emerging and re-emerging diseases and changes in science and technology among others. The policy is geared towards improving the health and wellbeing of citizens, with special focus on those at risk and encouraging the health system to be more responsive to the needs of the people. The mission is to provide basic health services in accordance to geographical conditions, which are of acceptable standards, affordable and sustainable. Specifically the policy aims to:

- (a) Reduce morbidity and mortality in order to increase the lifespan of all Tanzanians by providing quality health care;
- (b) Ensure that basic health services are available and accessible; Prevent and control communicable and non- communicable diseases;
- (c) Sensitize the citizens about the preventable diseases
- (d) Create awareness to individual citizen on his/her responsibility on his/her health and health of the family;

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- (d) Children living in child-headed households;
 - (e) Children living and working in the streets;
 - (f) Children assessed to be at risk of, or suffering, from violence, abuse and neglect;
 - (g) Children assessed to be at risk of, or in conflict or in contact with, the law;
 - (h) Children living in institution care;
 - (i) Children born in prisons or accompanying their mothers in prison/remand;
 - (j) Children involved in worst forms of child labour;
 - (k) Children living in extreme poverty;
 - (l) Children whose sole caregiver has a disability, which severely hinders the provision of care, support and protection; and
 - (m) Children who are orphans.

- (e) Improve partnership between public sector, private sector, religious institutions, civil society and community in provision of health services
- (f) Plan, train, and increase the number of competent health staff;
- (g) Identify and maintain the infrastructures and medical equipment; and
- (h) Review and evaluate health policy, guidelines, laws and standards for provision of health services

134. In addition to the Health Policy, the State Party adopted various complementary policies and strategies in support to the quest for realization of improved health and wellbeing of her citizens including children. These includes the National Policy on HIV/AIDS which was adopted in 2001, the Health Sector Strategic Plan III (HSSP III) for the period July 2009 – June 2015, the Vision 2025, and the National Programme for Economic Growth and Poverty Reduction (MKUKUTA in Kiswahili) among others. (b) The National Policy on HIV/AIDS 136. In response to the HIV/AIDS pandemic, the government of Tanzania has progressed in nearly all areas of HIV/AIDS prevention, care, and treatment. Progress has also been made in impact mitigation through communication and advocacy and in community participation through multi-sectoral response. HIV/AIDS is included in the development agenda of the National Strategy for Poverty Eradication, commonly referred to by its Kiswahili acronym, MKUKUTA, and the National Development Vision of 2025. The policy emphasizes mainstreaming HIV/AIDS patients in all sectors. The development of the national guideline on prevention and control of HIV/AIDS in the public sector is an effort by the government to translate into action its commitment to fight the epidemic and improve the well-being of the people.

135. The National Policy on HIV/AIDS and the National Multisectoral Strategic Framework are documents that guide the implementation of national multisectoral responses. The Tanzania Commission for AIDS (TACAIDS) provides strategic leadership and coordination of multisectoral responses, including monitoring and evaluation, research, resource mobilization, and advocacy.

(e) Health Legislation

136. In implementing the foregoing governmental health policies, the State Party has enacted legislation to enforce adherence to the foregoing policy commitments. The existing health sector legislation is mainly divided into: Public Health Act⁵⁵ which is for the control of epidemics, infectious diseases and environmental health protection, Health professional Act, which governs the practice and conduct of health professionals such as doctors, dental practitioners, pharmacists, nurses, Legislation, which establishes autonomous health institutions for a particular need, such as institutions for medical research, national and special hospitals, Health financing legislation, which is aiming at providing alternative health financing mechanism with the aim of complementing Government efforts to finance health services in the country.

137. These laws need to be effectively implemented in order to accomplish the intended objectives of their enactment. Furthermore, due to a number of socio economic changes, policy changes, and political changes, enactment and review of the existing health legislation is apparent.

138. Likewise, the State Party has adopted the Health Sector Strategic Plan III (HSSP III), which is the crosscutting strategic plan for the health sector of Tanzania for the period July 2009 – June 2015. It provides an overview of the priority strategic directions across the sector which is guided by the National Health Policy, Vision 2025, the National Programme for Economic Growth and Poverty Reduction (MKUKUTA in Kiswahili) and the Millennium Development Goals 2000 - 2015. Detailed policies, strategies and work plans are in place for health related issues and for disease control. HSSP III does not reiterate those, but summarizes their strategic directions. It serves as the guiding document for development of Council and hospital strategic plans and for annual work plan. MOHSW has identified eleven strategies, which the health sector should achieve during the period of implementation as follows:

⁵⁵ Act No.1 of 2009.

- (a) District Health Services;
- (b) Referral Hospital Services;
- (c) Central Support;
- (d) Human Resources for Health;
- (e) Health Care Financing;
- (f) Public Private Partnerships;
- (g) Maternal, New-born and Child Health;
- (h) Disease Prevention and Control;
- (i) Emergency Preparedness and Response;
- (j) Social Welfare and Social Protection; and
- (k) Monitoring & Evaluation and Research. (e) Primary Health Care Service Development Programme (PHCSDP)

139. In 2007 the MOHSW developed the Primary Health Care Service Development Programme (PHCSDP 2007-2017). The objective of this programme is to accelerate the provision of primary health care services for all by 2012, while the remaining five years of the programme will focus on evaluation of achievements. The main areas will be strengthening the health systems, rehabilitation, human resource development, the referral system, increase health sector financing and improve the provision of medicines, equipment and supplies. This programme will be implemented by the Ministry of Health and Social Welfare in collaboration with other sectors by the existing Government administrative set-up including PMO-RALG, RSs, LGAs and Village Committees. The first element is increasing the workforce in health by increasing the throughput in the existing training institutions by 100%, upgrading 4 schools for enrolled nurses, production of health tutors and upgrading the skills of existing staff by provision IT skills and acquiring new medical technology.

140. The State Party ensured that as a protective measure, all pregnant women in Tanzania receive at least two doses of IPT with SP during the second and third trimesters of pregnancy. Women in the 2010 TDHS were asked if they took any ant malarial medications during the pregnancy leading to their last live birth, and if so, what drugs were taken. Women were also asked whether the drugs they received were part of an antenatal care visit. It should be noted that obtaining information about drugs can be difficult because some respondents may not know or remember the name or the type of drug that they received. The percentage of women who had a live birth in the two years preceding the survey who took any antimalarial drug and the percentage who took IPT during pregnancy. 150. Overall, 66 percent of pregnant women took an antimalarial drug during pregnancy (66 percent in Mainland and 85 percent in Zanzibar). The data suggest that IPT use of SP is integrated into routine antenatal care; 60 percent of pregnant women in Mainland Tanzania and 84 percent in Zanzibar reported having taken at least one dose of SP (IPT-1) during an ANC visit. However, only 27 percent of pregnant women in Mainland and 47 percent in Zanzibar received the recommended two or more doses of SP (IPT-2). These figures show an increase in these rates since the 2004-05 TDHS, when 22 percent of pregnant women in Mainland and 14 percent in Zanzibar received two or more doses of SP.

141. There are significant differences among women who received complete IPT (IPT-2), as determined by background characteristics. Women in urban areas are more likely than their rural counterparts to receive IPT-2 (31 percent and 25 percent, respectively). The same pattern is observed in the 2004-05 TDHS (29 and 20 percent, respectively). 152. In Shinyanga Region it is 20 percent or lower. Women in Zanzibar are much more likely than those in Mainland to receive IPT-2. The rates range from 34 percent in Pemba North to 68 percent in Unguja South. Coverage of IPT-2 increases with the woman's education and wealth. Women in wealthier households and better educated women are more likely than other women to receive IPT-2. (v) Integrated Management of Childhood Illness (IMCI).

142. IMCI develops the capacity of child caregivers in first-level health facilities and communities to improve quality of care and address the major causes of under-five mortality and morbidity. IMCI commenced in 1997 in two pilot districts (Morogoro Rural and Rufiji) with support from the Canadian-

funded Tanzania Essential Health Interventions Project (TEHIP). By the end of 2005, the strategy had been rolled out to 107 districts (94% average of districts). 154. Evidence from IMCI and TEHIP suggests that with training and health systems support, productivity of health workers is improved and the greater burden of disease in under-fives can be addressed cost-effectively. Findings from IMCI evaluations demonstrated that:

- (a) After two years, mortality levels were 13% lower in the two TEHIP/IMCI districts compared with control Districts, and there was also a significant reduction in stunting.
- (b) IMCI costs less than conventional care. The cost of under-five care per child was estimated at US\$11.19 in IMCI districts compared with US\$16.09 in non-IMCI districts.
- (c) Children in IMCI districts received more thorough assessments, and were more likely to be correctly diagnosed and to receive appropriate treatment.
- (d) Supportive supervision of health workers was much more common in IMCI districts. Case management of sick children is improved by IMCI training – those caring for sick children were routinely informed of how to look after the children and how to administer medicines.
- (e) Improved quality of care provided to children in health facilities with IMCI-trained health workers resulted in greater utilisation of health facilities; in Morogoro Rural and Rufiji districts, the utilization increased from 30% in 1997 to 70% in 2001.

143. Introduction of a series of practical management, priority-setting tools for 19 District Health Management (vi) Immunization 155. The Expanded Programme of Immunization (EPI) has performed well from the last reporting period with the immunization coverage of 75 percent of children age 12-23 months were fully immunized (TDHS 2010), a modest increase relative to the proportion reported in the 2004-05 TDHS (71 percent) and the 1999 TRCHS (68 percent) (NBS and Macro International Inc., 2000; NBS and ORC Macro, 2005). At least nine of ten children received BCG, DPT/DPT-HB 1 and 2 (or DPT-HB-Hib 1 and 2), and Polio 1 and However, the proportion of children receiving the third dose of DPT/DPT-HB (or DPT-HB-Hib) and polio vaccine is lower (88 and 85 percent, respectively), as is the proportion receiving measles vaccine (85 percent). The decrease in vaccination coverage between the first and third doses of DPT/DPT-HB/DPT-HB-Hib and polio are 8 and 12 percentage points, respectively. Only 3 percent of children have not received any vaccinations at all. With the exception of measles, more than 80 percent of the vaccinations were received by 12 months of age, as recommended. Overall, 66 percent of children were fully vaccinated at 12 months, a small increase from that reported in the 2004-05 TDHS (62 percent).

144. Vaccination status among children age 12-23 months does not differ significantly by the child's sex. The proportion fully vaccinated is lower for children of birth order 6 or higher than for children at lower parities. There is significant variation by residence: 86 percent of urban children are fully immunised compared with 73 percent of rural children. In contrast, vaccination coverage in Zanzibar is slightly higher than that in the Mainland (77 and 75 percent, respectively). Coverage in the Western zone (58 percent) is substantially lower than in other zones, at least in part because of the low coverage of measles vaccination (68 percent) (vii) Nutrition 157. Malnutrition particularly Severe Acute Malnutrition (SAM), Iron Deficiency Anemia (IDA), Iodine Deficiency Disorders (IDD) and Vitamin A Deficiency (VAD) are among the major nutrition problems affecting infants and young children in Tanzania. Other nutritional disorders also exist, including diseases such as pellagra, beriberi, scurvy, rickets, and deficiencies of some minerals like zinc and excess intake of fluorine, which leads to flourisis. SAM reduce survival and productivity while in school children it is a major cause of lower cognitive test scores, delayed enrollment in school, increased absenteeism and more repetition of classes. IDA affects both physical capacity and intelligence of pregnant women resulting into intellectual impairment of the unborn baby. IDD leads into several disorders including mild mental retardation, cretinism, severe brain damage, deafness and dwarfism. VAD lowers body immunity, increases incidence and severity of diseases and thus increases child mortality. (viii) Severe Acute Malnutrition (SAM).

145. SAM is caused by inadequate energy and protein intake and is often accompanied by deficiencies of other essential nutrients namely minerals and vitamins. SAM affects all age groups but is most common among under five years old children. SAM manifests itself in the form of low levels of mental and

physical growth, underweight or clinical marasmus, kwashiorkor, or marasmic kwashiorkor. The Tanzania Demographic and Health Survey (TDHS) of 2010 shows that 5 percent of children under five years old were wasted, 42 percent stunted and 16 percent were underweight. Stunting represents the long-term effects of malnutrition in a population and is not sensitive to recent, short term changes in dietary intake. According to the 2010 TDHS stunting appeared as the major nutrition deficiency. Furthermore, nutritional status of children for the period 2005 to 2010 shows a downward trend in stunting and underweight. Stunting declined only slightly (3 percentage points) between 2004-2005 and 2010 surveys. A similar pattern is observed for underweight, which dropped by 1 percentage point while the prevalence of wasting has increased slightly by 1 percentage point. Stunting reflects failure to receive adequate nutrition over a long period of time and is affected by recurrent and chronic illness.

146. Inadequate maternal nutrition poses a detrimental effect on the nutritional status of the child. This can be identified through measurement of individual body mass index (BMI). BMI is defined as weight in kilograms divided by height squared in meters (kg/m^2) is used to measure thinness or obesity. A BMI below 18.5 indicates thinness or acute under nutrition and a BMI of 25.0 or above indicates overweight or obesity. A BMI that is below 16 kg/m^2 indicates severe under nutrition and is associated with increased mortality. Low pre-pregnancy BMI is associated with poor birth outcomes and obstetric complications. According to TDHS 2010, 11 percent of women aged 15-49 years are thin (Body Mass Index –BMI- < 18.5 kg/m^2) in the year 2010 as compared to 10 percent in the year 2004. In addition, the data show that the adolescents (age group 15-19 years) are most likely to be thin and rural women are more likely to be thin (13 percent) than urban women (8 percent). 160. Maternal height is a good indicator of women at nutritional risk. Short stature reflects inadequate nutrition during childhood and adolescence. In a woman, short stature is a risk factor for poor birth outcomes and obstetric complications. For example, short stature is associated with small pelvic size, which increases the likelihood of difficulty during delivery and the risk of bearing low birth weight babies. A woman is considered to be at risk if her height is below 145 cm. According to TDHS 2010 the percentage of women below the height of 145 centimetres remain the same (3 percent) as in the year 2004.

147. Nutrition in pregnant women is also reflected in the proportion of children born with low birth weight (below 2.5kg). LBW is a result of multiple conditions pregnant women are exposed during pregnancy. These include pre-pregnancy under-nutrition, some infections, adolescent motherhood, maternal anemia and use of drugs and alcohol. Babies born with low birth weight have an increased risk of prenatal and neonatal morbidity and mortality as well as other implications as regards to growth and development.

148. The current data available (TDHS 2010) show that the prevalence of Low Birth Weight (LBW) in Tanzania stands at 7 percent. (ix) Iron Deficiency Anaemia (IDA) 162. IDA is a common form of nutritional anaemia which results from inadequate dietary intake of nutrients necessary for synthesis of haemoglobin. Anaemia also results from sickle cell disease, malaria, or parasitic infections. Anaemia results not only into reduced physical and mental capacity but also contributes to maternal mortality, spontaneous abortions, premature births, and low birth weight. IDA is a major health problem among young children and pregnant women in Tanzania. According to the TDHS 2010 about 40 percent of women aged 15-49 years are anaemic with one percent of them being severely affected as compared to 57 percent in the year 2004-2005. Pregnant women are more likely to be anaemic compared to 39 percent of women who are neither pregnant nor breastfeeding.

149. Year 2010 TDHS shows that six in ten children in Tanzania are anaemic. The prevalence of mild anaemia among children is 27 percent whereas, 29 percent have moderate, and 2 percent have severe anaemia. In comparison to the 2004-05 TDHS, the prevalence of anaemia has dropped by 18 percent in the past five years, from 72 to 59 percent. The most noticeable drop has been in the prevalence of moderate anaemia by about 14 points (29 percent in 2010 compared with 43 percent in 2004-2005). Children age 9-11 months are the most affected by anaemia (81 percent) compared with the other children. Severe anaemia, which has a serious impact on the health of an individual, is also highest among children age 9-11 months (6 percent). Children in Mainland Tanzania are less likely to be anaemic than children in Zanzibar (58 and 69 percent, respectively). (x) Iodine Deficiency Disorders (IDD) Iodine deficiencies has serious effects on body growth

and mental development including mental and physical congenital defects in new-borns, low learning capacity, impaired growth and poor health and low productivity among the general population. The principal cause of iodine deficiency is inadequate iodine in foods. The fortification of salt with iodine is the most common method of preventing iodine deficiency. The Tanzania's salt iodisation program is on a good track poised to attain the goal of eliminating iodine deficiency when 90 percent of the households are using iodised salt.

150. The TDHS 2010 shows that 55 percent of children live in households that use adequately iodised salt. The prevalence of IDD basing on goitre prevalence shows that 7% of school children were found to have goitre (TFNC, 2004).¹⁸³ (xi) Vitamin A Deficiency (VAD). VAD is manifested by low levels of serum retinal and / or exophthalmia. Vitamin A is an essential for strengthening the immune system that plays an important role in maintaining the epithelial tissue in the body. Severe VAD is a major cause of eye damage and preventable blindness, increased severity of infections such as measles and diarrhoeal diseases in children, and slow recovery from illness. Vitamin A is found in breast milk, other milks, liver, eggs, fish, butter, red palm oil, mangoes, papayas, carrots, pumpkins, and dark green leafy vegetables. The liver can store an adequate amount of the vitamin for four to six months. Periodic dosing (usually every six months) of vitamin A supplements is one method of ensuring that children at risk do not develop VAD. The 2010 TDHS shows that 62 percent of children age 6-35 months, consumed foods rich in vitamin A the day or night preceding the survey. The proportion of children consuming vitamin A-rich foods increases with age, from 53 percent at 6-8 months to 87 percent at 18-23 months, but consumption declines to 22 percent at 24-35 months.

151. Night blindness is a symptom of severe VAD, which pregnant women are especially prone to suffer. According to the 2010 TDHS, 4 percent of women with a recent birth reported experiencing night blindness. After adjusting for women who also reported vision problems during the day, an estimated 1 percent of women suffered from night blindness. Furthermore, it is likely that the prevalence of VAD in children has been reduced considerably during the last decade due to the high coverage of twice yearly vitamin A supplementation (VAS). An indication of VAD in the wider population is considered only when prevalence of night blindness among pregnant women is 5 percent or more (IVACG, 2001). The policy of the Ministry of Health and Social Welfare regarding maternal vitamin A supplementation (VAS) is to provide a high-dose vitamin A capsule (200,000 IU) within the first four weeks after delivery (MOHSW, 1997). This is aimed to increase the mother's vitamin A status and the content of the vitamin in the breast milk for the benefit of the child.

152. However, the policy is currently under review to be in line with new WHO guidelines that VAS should be provided to all postpartum mothers within six weeks after delivery or within eight weeks to those who are breastfeeding (WHO 2003). TDHS 2010 indicates that only one out of four women who gave birth in the five years preceding the survey received vitamin A supplementation within two months after childbirth. TDHS further shows that the coverage of Vitamin A Supplementation among children age 6-59 months years of age is 61 percent. While Pemba North and Unguja South have the highest proportion of vitamin A supplementation (87 and 90 percent, respectively).

Challenges

153. Nonetheless, the State Party faces the following challenges with regard to implementation of the nutrition activities:

- (a) There is poor coverage of many essential nutrition interventions, including the prevention and control of anaemia and management of severe acute malnutrition in children and women. This is particularly disadvantageous for addressing nutritional problems that are multifaceted in nature and require multiple different interventions, such as the prevention and control of anaemia.
- (b) There are inadequate linkages with programs and projects in other sectors that could provide synergistic services to address the underlying causes of malnutrition. Under these circumstances, actions do not create synergy and therefore do not cumulate to produce

substantial and durable impact on nutrition. Further efforts are needed to ensure that nutrition is firmly mainstreamed in sector policies, strategies and programmes.

- (c) There is low coverage of health services in remote areas and among other hard-to-reach populations. The use of special strategies to reach these groups is rare.
- (d) Key decisions about priorities and resource allocations are made at the local government level, where the understanding of the importance of malnutrition and how to deal with nutrition problems is limited. Very few nutritional professionals exist to provide high quality technical support to Local Government Authorities (LGA) efforts to address malnutrition. In particular, there are no district staff that are accountable for nutrition and who are responsible for coordinating the design, planning and implementation of nutrition interventions. Consequently, there is a lack of prioritization of nutrition in council plans, including the Comprehensive Council Health Plans, and nutrition is not allocated adequate financial and human resources to provide quality nutrition services. In light of the decentralization process in the country, the institutional arrangements for nutrition need to be reviewed so that the LGAs have the organizational structure necessary to implement nutrition services and are supported by appropriate structures at the regional and national level.
- (e) There is an acute shortage of health service providers who are adequately trained to deliver nutrition interventions at facility and community levels. Pre-service and in-service curricula and training materials need to be updated, based on latest policies, guidelines and scientific knowledge. There is little follow-up to ensure that health workers use the acquired knowledge and skills from in-service training thus the need to strength monitoring and supportive supervision.
- (f) Legislation that is needed to create a supportive environment for nutrition is not yet fully developed, updated, enacted and enforced. This includes the National Regulation for Marketing of Breast Milk Substitutes and Designated Products (1994); Code of Hygienic Practice for Foods for Infants and Children, Maternity Leave Legislation and legislation for the fortification of food, including salt iodation. The legalisation is not fully understood by all who have responsibilities for its implementation and enforcement.
- (g) Nutrition needs to be better integrated into existing national surveys in all relevant sectors and management information systems. The Nutrition Surveillance System is not fully functional and needs further revitalization so that it can provide timely and accurate data that is used to monitor nutrition and guide decisions. The use of data for decision-making at all levels, including the district level, needs to be strengthened so that resources are directed where they are needed most. 168. Taking into account of the emerging challenges in nutrition, the State Party has undertaken the following measures to address them:
- (h) Establishment of a High Level National Nutrition Steering Committee led by the Government with representatives from ministries, Development Partners and Civil Society Organizations.
- (i) Effective in the financial year 2012/13, establishment of a designated line in the national budget for nutrition.
- (j) Establishment of nutrition cadres in regional secretariat and Local Government Authorities
- (k) Development, dissemination and implementation of the multisectoral National Nutrition Strategy and production and dissemination of Essential Nutrition Interventions Packages for Councils. .
- (l) Devising innovative approaches for controlling PEM and micronutrient deficiency including early case identification and management and micronutrient supplementation.
- (m) Stronger integration of nutrition into agricultural activities as outlined in Tanzania Agriculture and Food Security Investment Plan (TAFSIP).
- (n) Gazetting and finalization of the national standards for oil, wheat and maize flour.
- (o) Awareness creation and counselling on optimal child feeding and nutrition practices and protecting maternity benefits of women including those who are employed in the informal and private sectors through the RCH Services, mass media and community contact meetings.

- (p) Capacity building of health care providers at all levels so as to equip them with the needed child and maternal nutrition skills and knowledge for provision of counselling, education and mentorship to mothers, child care takers, families and communities.
- (q) Conducting regular monitoring and evaluation of policies, guidelines and regulations aimed at improving nutrition status especially of women and children.

(f) HIV/AIDS

154. The State Party complied with the foregoing Committee Observations by undertaking a number of policy, legislative and administrative measures. One of milestones recorded by the State Party during the period under report is the enactment of the HIV and AIDS (Prevention and Control) Act in 2008,184 which applies in Tanzania Mainland only. This law provides for the care and treatment of persons affected by or victims of HIV/AIDS; to provide support and promote public health in relation to HIV/AIDS; and to provide for prevention and control of HIV/AIDS. In Zanzibar, the State Party has also, through the Revolutionary Government of Zanzibar, adopted the National HIV/AIDS Policy (2004), which strives to curb the pandemic in Zanzibar. It also sets out prevention and intervention strategies in respect of HIV/AIDS through the Zanzibar Aids Commission (ZAC). In order to give this policy force of law, the State Party has finished developing a Bill on HIV/AIDS which has already been consultatively discussed by stakeholders, respective parliamentary steering committees and the Principal Secretaries' Committee; and it is due to be tabled before the Zanzibar House of Representatives in the next session.

(i) Awareness of HIV/AIDS

155. In Tanzania, HIV/AIDS prevention programs focus messages and efforts on three important aspects of behaviour: using condoms, limiting the number of sexual partners (or staying faithful to one partner), and delaying sexual debut (abstinence) of the young and the never married. To ascertain whether programmes have effectively communicated at least two of these messages, respondents were prompted with specific questions about whether it is possible to reduce the chance of getting the AIDS virus by having just one faithful sexual partner and using a condom at every sexual encounter. There is widespread knowledge of HIV/AIDS prevention methods. Nearly nine in ten respondents (87 percent of women and 90 percent of men) know that the chance of becoming infected with the AIDS virus is reduced by limiting sexual intercourse to one uninfected partner who has no other partners. Three-quarters of respondents (76 percent each of women and men) know that the chance of contracting HIV/AIDS is reduced by using condoms.

156. There are notable differences in knowledge of HIV/AIDS prevention. Although age differentials are inconsistent, youth age 15-19 appear to have lower levels of knowledge than those in older age groups. Knowledge of HIV prevention methods is lowest among those who have never had sex. Levels of knowledge of preventive methods are higher in urban than in rural areas. In general, respondents in the Mainland are more likely than those in Zanzibar to be aware of various HIV prevention methods. For instance, 71 percent of men on the Mainland and 44 percent in Zanzibar are aware that both condom use and limiting sex to one partner reduces the risk of contracting HIV/AIDS. Variation by region is particularly striking. In Mainland, for example, 88 percent of women in Dodoma are aware of both methods of HIV/AIDS prevention compared with 50 percent of women in Mwanza. For men, knowledge of both methods ranges from 88 percent in Dodoma to 47 percent in Arusha

(ii) Knowledge on prevention of mother-to-child transmission of HIV (PMTCT)

157. Increasing the level of general knowledge of HIV transmission from mother to child and reducing the risk of transmission using antiretroviral drugs (ARTs) is critical to reducing mother-to-child transmission (MTCT) of HIV during pregnancy, delivery, and breastfeeding. To assess MTCT knowledge, respondents were asked if the virus that causes AIDS can be transmitted from a mother to a child through breastfeeding and whether a mother with HIV can reduce the risk of transmission to the baby by taking certain drugs during pregnancy. Data shows that, 89 percent of women and 81 percent of men know that HIV can be transmitted through breastfeeding. Somewhat fewer (75 percent of women and 67 percent of men) know that the risk of MTCT can be reduced through the use of ARTs during pregnancy. Seventy-two percent of women and 61 percent of men are aware that HIV can be transmitted through breastfeeding and that the

risk of MTCT transmission can be reduced by taking ARTs. This is a significant increase from the data reported in the 2004-05 TDHS (29 percent of women and 30 percent of men) and the 2007-08 THMIS (49 percent of women and 38 percent of men).

158. In addition, the State Party has undertaken steps to ensure sexual and reproductive health education and services for adolescents, including family planning and safe abortion, are accessible and adequate throughout the State party. In particular, it has adopted the following measures:

- (a) adopting the National Adolescent Reproductive Health Strategy of 2011-15;
- (b) continuing to implement the National Standards on Adolescent Friendly Health Services that started since 2003;
- (c) conducting strategic surveys on emerging and critical issues – i.e. the HIV/AIDS and Malaria Indicator Survey 2011-12 report⁵⁶, and the 2012 Population and Housing Census⁵⁷;
- (d) adopting the National Policy Guideline for the Health Sector Prevention and Response to Gender Based Violence (2011 and reprinted in June 2013);
- (e) adopting the National Management Guidelines for the Health Sector Prevention and Response to Gender Based Violence (September 2011, reprinted in June 2013); and
- (f) adopting the Health Sector Strategic Plan III of 2009 -2015 and the National Guidelines for Integration of One Stop Centers for GBV and VAC Prevention and Response Services in Health Facilities (August 2013) These plans are geared to providing services to the victims of violence and children abuse at school and family level. Currently we have 4 one stop centers with the aim of scaling up to more regions.

159. Furthermore, the MOEVT has integrated all HIV/AIDS issues in the syllabus from primary to ordinary secondary school. Through the MoHSW, the State Party has initiated the “*Green Star Campaign*”, which has created the culture of family planning in the societies. Supply chain of family planning service has been enhance from National to district level (we have to quantify this statement)

160. In respect of Zanzibar, the State Party has developed a New-born and Child Health Communication Strategic Plan (2014-2018), which addresses issues of new-born deaths and methods of dealing with teenage pregnancies and delivery services. Besides, the State Party has developed the National Life Skills Education Framework for Zanzibar 2010 that aims at imparting skills on youth on reproductive health and HIV as well as improving life skills on education for relevant stakeholders. There are also establishment of centers for excellence whereas youth friendly services including HIV testing, drug abuse and pregnancies are addressed. The government has enacted HIV/AIDS Act 2013 for addressing the issues of children with HIV or born with HIV and possible detection

(g) Social security and child care services and facilities(Article 20.2(a-c)

161. The State Party has undertaken measures to provide social security to children as well as child care services and facilities. In particular, it has moved towards deinstitutionalization of children and develop foster placement and adoption. In this regard, it has trained 18 children home managers on alternative care placement for MVC living in their homes. The State Party has further provided free medical services to pregnant mothers and under five children.

162. The State Party has also put in place legislative, policy and administrative measures to ensure that social security funds and health insurance funds provide services to children through their parents and care givers. In order to ensure that there is strict compliance to this requirement, the State Party has

⁵⁶ Government of the United Republic Of Tanzania, *Tanzania Hiv/AIDS and Malaria Indicator Survey 2011-12* (Dar es Salaam: Tanzania Commission for Aids (TACAIDS), Zanzibar Aids Commission (ZAC), National Bureau of Statistics (NBC), and Office of the Chief Government Statistician (Zanzibar)/Calverton, Maryland (Usa): ICF International, 2013).

⁵⁷ Government of the United Republic of Tanzania, *Basic Demographic And Socio-Economic Profile* (Dar es Salaam: National Bureau Of Statistics/Zanzibar: Office of the Chief Government Statistician, April 2014).

established the Social Security Regulatory Authority (SSRA) that oversees, *inter alia*, regulatory compliance by all social security schemes in its jurisdiction. Currently, there are general social security schemes and specialized health insurance⁵⁸ and community health insurance⁵⁹ schemes that provide support to, *inter alia*, children through their parents and/or caregivers.

(h) Care for Orphans (Article26)

163. In the State Party orphans are among the 14 categories of Most Vulnerable Children. Hence services for are being incorporated in the National Costed Plan of Action 2013 -2017. The State Party also facilitates the establishment of children homes which take care of the orphans and others vulnerable children who have no shelter. Current a total number of 114 Children homes are registered. However, the State Party advocates that child should be cared at the family environment and children home is the last resort. One National Children's Home is being oprationalized at Kurasini: MVC, psychosocial services, health services, education, accommodation, reunification, etc. The national facility is a last resort as the State party does not encourage institutionalization of children. The State Party in collaboration with such non-state actors as SOS Villages or foster homes have been proving support and care to MVC as a matter of last resort.

(i) Nature and extent of cooperation with local, national, regional and international organizations, concerning the implementation of this area of the children Charter.

164. The State Party has created environment for cooperation various partner organization working with MVC for instance there is a forum called MVC Implementing Partners Group (IPG) where all organizations working with MVC meet and share implementation of various activities/ intervention and best practices. Other coordination structures for MVC are the National Technical Committee, National Steering Committee, and the National Child Protection Advisory Committee. Currently, the State Party is undertaking efforts to harmonize these mechanisms so that they operate under one umbrella. These organizations include Ministries, local, national and International NGOs working with MVC.

165. The State Party also works closely with international organizations like UNICEF, Save the Children, Plan International, Pact Tanzania among others where the government receive financial and material support for implementation of various activities planned by the government for the welfare of the MVC.

⁵⁸ See particularly the National Health Insurance Fund (NHIF) established under the National Health Insurebce Fund Act, through which all employees have health insurance covers that also cover their children.

⁵⁹⁵⁹ See particularly the Community Health Fund (CHF) that provides health insurance coverage to people in the informal sectors and those based in rural areas.

VIII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

166. The State has undertaken a number of legislative, judicial, administrative or other measures to ensure that children in its jurisdiction do effectively enjoy their rights to education, recreation, leisure and participation in cultural activities. The State Party has also put in place institutional infrastructure for implementing policy and legislation in this area, particularly monitoring strategies and mechanisms. So, in this part the State Party provides information on the extent to which it has implemented these measures, including factors and difficulties encountered and progress achieved in implementing the relevant provisions of the Children's Charter. Education, including vocational training activities (Article 11)

167. In its efforts to effectively and meaningfully invest in education, the State Party has been conducting vocational training and life skills mentoring to children who are transitioning to youths. The vocational education and training system in Tanzania focuses on providing skills to the labour force in order to enable it to enter, re-enter skills training or retrain with a view of acquiring and maintaining decent employment and employability.

168. Vocational Educational and Training Authority (VETA) which is mandated to provide and regulate vocational education in the Mainland developed a Corporate Plan IV 2012/13-2016/17. The Plan incorporates national development priorities as stipulated in the national Five Years Development Plan (FYDP I). A Skills Enhancement Programme (SEP) was developed to support employees in the companies contributing to the skills development fund (SDL). The arrangement requires training costs to be shared equally between employers and VETA. The main purpose is to improve productivity by updating and upgrading skills to address changing technologies and needs in work places. Recognition of Prior Learning: Under this programme, assessment and certifying skills and knowledge of people gained through non formal system. Re-introduction of Apprenticeship Training: VETA has also collaborated with the Hamburg Chamber of Commerce from Germany on providing apprenticeship training. This programme is currently in the final stage of piloting.

169. In particular, the State Party has realized the following outputs during the period under report:

- (a) VET centres were increased from 672 in 2009 to 759 in 2013, an increase of 13%
- (b) Number of VETA owned Centres increased from 21 in 2009 to 28 in 2014.
- (c) The enrollment of VET trainees increased from 104,840 in 2009 to 159,345 by 2013, an increase of 52%
- (d) A total number of 1,650 employees trained under Skills Enhancement Programme from the year 2012 to 2014. See Appendix 2 & 3.
- (e) A total of 3,481 informal sector operators were trained (1,986 Male and 1,495 female)
- (f) Construction of Songea VTC classrooms and Dodoma RVTSC girl's dormitory. Finalize construction and opening of Manyara, Lindi, Pwani, Kipawa ICT, Makete DVTC and VHTTI,
- (g) During this period also the following Vocational centres were renovated to meet Labour Market requirements, Tabora, Singida, Ulyankulu, Mpanda, Singida and Shinyanga.
- (h) Initial preparation for construction of four (4) new RVTSCs for Geita, Simiyu, Njombe and Rukwa,
- (i) Construction/rehabilitation of four District Vocational Training Centres (DVTCs) for Ludewa, Namtumbo, Karagwe and Korogwe in progress.
- (j) Training in Oil and Gas value chain: VETA in collaboration with VSO and British Gas are implementing a project known as Enhancement Employability for Vocational Training with collaboration of VSO and British Gas for Mtwara and Lindi Regional Vocational Training Centres. Under this programme, 34 vocational teachers had been trained by experts from VSO and City and Guilds of UK. Also, 280 VET graduates were also trained in various skills for employment and self-employment in the oil and gas value chain.

170. The State Party has adopted the new Education and Training Policy in 2014, which provides for tuition free Basic Education. As regard to this Policy, all children from 3-5 are eligible for pre - school education and must be registered freely and thereafter for primary education also for free. It has abolished all

forms of fees . The Ministry of Education and Vocational Training is expecting to issue a circular that will clarify the extent to which a parent can be allowed to contribute for his child's education.

171. In its efforts to effectively and meaningfully invest in education, the State Party's introduced the Big Results Now (BRN) initiative that strive, *inter alia*, to enhance various programmes which helps to improve the quality of basic education (pre-primary, primary and ordinary secondary education). Specifically, the initiatives have to do with the following measures:

- (a) strengthening the quality of teaching and learning in classrooms by building the capacity of teachers and providing support to struggling student (slow learners/ under achievers);
- (b) improving school infrastructure by constructing basic school facilities. Eg. Construction of laboratories, classrooms, toilets, staff houses, water reservoir and provision of power;
- (c) enhancing school management through training of heads of schools; and
- (d) providing incentives to teachers and students to increase morale hence performing better.

172. There are several achievements in respect of the foregoing measures undertaken by the State Party, including:

- (a) revising the trend of performance of national examination results from PLSE (2012) 31% to (2013) 51% (2014) 51%-57% and Ordinary Secondary Certificate Education (2012) 43% to (2013) 58%, (2014) 50.09% -68.33%;
- (b) training of secondary school teachers 4,064 for first year of the initiatives on how to identify underperforming student and carry out enrichment classes;
- (c) conducting 3Rs assessment in reading, writing and arithmetic's skills for pupil on November 2013 to establish baseline. Henceforth MoEVT were able to prepare 3Rs teacher competence framework, student competence framework, assessment framework and preparation of modules of teaching 3Rs;
- (d) ranking school into various bands to help channel the resources where they are needed most; and
- (e) construction of basic facilities in 131 secondary schools.

(b) Teaching Staff

173. About two-thirds (67%) of all teachers are in primary schools (190,957 (2014) out of 285,086) which is the biggest sub-sector compared to 28% (13,600) (2014) in pre-primary schools and 26.7% (73,407) in Secondary schools. 47.5% of secondary school teachers are graduates compared to 4.3% in primary and 4.5% in Pre-primary schools. Secondary school teachers have increased very fast by 291.4% from 2004 to 2013 compared to other levels due to rapid expansion in secondary education. 60.6% of primary and 83.5% of secondary school teachers are aged under 40 years. This shows that most of these teachers are young and are expected to work for more than twenty years before reaching the compulsory retirement age of 60 years. The pupil-teacher ratio varies from 1:83 in pre-primary to 1:43 in primary to 1:25 in secondary education. The standard norm is 1:25 for pre-primary and 1:40 for primary and secondary education. Non-Government Schools have better improved Pupil Teacher Ratios.

(c) Budget allocation

174. For the year 2013/14 the State Party allocated Tshs 1,758,840,000,000 to the primary education, Tshs 491,753,000,000 to Secondary education and Tshs 55,303,000,000 to teachers' education. Notably, the primary education subsector has been receiving over 55.5%, and secondary 15.5% in the allocation of education sector budget. Pre-primary education budget is included in primary education.⁶⁰

⁶⁰ Prime Minister's Office Regional Administration and Local Government, *Pre-Primary, Primary and Secondary Education Statistics 2014*.

175. In order to ensure that the quality of education is effectively increased, the State Party has made various efforts, including:

- (a) recruitment and retention of 37,698 teachers ;
- (b) improvement of books-pupil ratio for primary school pupils from 1:5 in 2012 to 1:4 in 2013;
- (c) providing and improving teachers' incentives – including building of 212 teachers' houses for year 2012/13 in 132 LGAs;
- (d) construction of 275 laboratories among them 131 completed in 132 Local government Authorities and ensuring that each District Council and every secondary school have a library;
- (e) introduction of assessment of reading, writing and arithmetic (3Rs) which is a pre request for further classes. This aims at transforming children from pre - primary to primary level one and two. It is expected that through the assessment lower level it will help to improve reading, writing and arithmetic. It is done in lower primary classes to measure learning outcome. The outcome of the assessment has enabled the State Party to develop and institute different interventions on early learning outcomes on 3Rs such as curriculum framework, teacher-competency framework and assessment frameworks;
- (f) in Zanzibar the State Party gazetted that all fees from primary and secondary education will be free from July 2015; and
- (g) Strengthening pre-service and in-service teachers' training where by 2052 teachers were trained.

(d) Leisure, recreation and cultural activities (Article 12)

176. The State Party has undertaken a number of measures to ensure that children in its jurisdiction do effectively realize their rights to leisure, recreation and participation in cultural activities. These measures include:

- (a) it has developed a curriculum that has included personal development and sports (PDS) as one of subjects taught in schools;
- (b) it has constructed two leisure centres at Kariakoo area in Unguja and Kibirizi are Chake Chake in Pemba based on the Child Protection and Strengthening of the Zanzibar Park initiatives;
- (c) the MOEVT has prepared Basic Minimum Standards for Pre-primary and Primary Schools to ensure recreation, leisure and participation of children in cultural activities (both public and private schools); and
- (d) the State Party, through the MOEVT, has continued to implement the following extra-curricular activities aimed at enhancing children's realisation of rights to recreation, leisure and participation in cultural activities:
 - (i) organising UMISETA⁶¹/UMITASHUMTA⁶² sports competitions, which take place annually at the grassroots to the national levels;
 - (ii) organising debate and academic competitions, particularly under the auspices of TAHOSA (Tanzania Heads of Schools Association);
 - (iii) organising cultural festivals and study tours (e.g. TUSEME);
 - (iv) convening and organising Science Clubs for Girls;

⁶¹ UMISETA stands for the Swahili expression: *Umoja wa Michezo ya Shule za Sekondari Tanzania* (in English: National Inter-Secondary Schools Sports Competition).

⁶² UMITASHUMTA stands for the Swahili expression: *Umoja wa Michezo ya Shule za Msingi Tanzania* (in English: National Inter-Primary Schools Sports Competition).

- (v) coordinating the management of Boy Scouts and Girls Guides;
- (vi) allowing the conduct of other positive cultural activities such as *jando* (for boys) and *unyago* (for girls); religious activities (retreats/*ziara*); and early morning joggings (there are efforts to formalize them); and
- (vii) convening the Girl Power Festival (*Nguvu ya Binti na Malengo ya Maendeleo 2030*), which was convened for the first time on 10 October 2015 to mark the commemoration of the International Day of the Girl Child.

Challenges

177. Despite undertaking the foregoing measures, the State Party faces several challenges in its endeavours to ensure that children in its jurisdiction do effectively realize their rights to recreation, leisure and participation in cultural activities. Some of the challenges are:

- (a) some local government authorities (particularly those in urban areas) do not allocate adequate open spaces for children's recreation, and where they exist some of them do not have prerequisite facilities as result of lack of adequate funding for the same;
- (b) there is still low awareness on the need for allocating adequate spaces for children's recreation and participation in cultural activities amongst most decision- and policy- makers as well as town planners. This has been exhibited in the lack of clear provision for such areas in most town master plans; and
- (c) there are still in existence in some communities in the State Party of negative cultural beliefs about the need for children to be allowed to adequately participate in leisure, recreation and cultural activities, which result in parents' prohibiting children to do so.

(e) Specifies the nature and extent of cooperation with local, national and international Organizations, concerning the implementation of this area of the children charter.

178. The State Party, in collaboration with local government authorities and international as well as local NGOs, continues to support the education efforts through the programs, policy and legislative such as UNICEF, UNESCO, the African Development Bank (ADB), the World Bank, Save the Children, Plan International and other stakeholders.

IX. SPECIAL PROTECTION MEASURES

(a) Children in situations of emergency:

Refugee Children and Children Involved in Armed Conflicts (Articles 22 and 25)

179. The State Party has put in place effective policy, legislative and administrative mechanisms to provide support and assistance to refugee, returnee and displaced children in context of the provisions of Articles 25 of the Charter. The State Party has also undertaken similar specific measures for protection and care of children involved in armed conflicts not only in its jurisdiction but also in neighbouring countries in light of Article 22 of the Charter. For that matter, the State Party has continued to implement the National Refugee Policy (2003), the Refugee Act (1998) and the Law of the Child Act (2009), all of which strive to provide appropriate assistance to refugees, including refugee children. 180. Following the suspension in June 2011 of the naturalization and local integration programme that had begun, the President of Tanzania in September 2014 authorized the relevant authorities to commence the issuance of naturalization certificates to over 162,000 former Burundian refugees. This new development calls on UNHCR and other partners to rapidly respond to this opportunity to find permanent solutions for this population. This plan seeks to offer citizenship to former Burundian refugees (including their children) living in the country since the 1972 civil

war, which was the most generous offer of naturalisation to date, founded on the philosophy of Tanzania's founding president Julius Nyerere: Africa needed to demonstrate more generosity to Africans. This plan was coupled with the State Party's move to repatriate all or most of Burundian refugees back home following the country's return to peace and political stability between 2010 and 2014.

181. However, after the eruption of political instability and violence in the Republic of Burundi in early 2015, the State Party has unexpectedly received close to 100,000 refugees (including children) from that country. The influx of refugees has yet again pushed the Nyarugusu camp to 200% capacity, consequent to which there have occurred health scares resulting in the shocking deaths of 31 people who died from the recent cholera outbreak, out of whom 2 were Tanzanians. The refugees continue to arrive in the northwestern part of the country.

182. In order to address the foregoing challenges caused by the influx of refugees, the State Party has undertaken several measures to provide special support to Burundian refugee children, particularly: 182.1 In collaboration with UNHCR and other partners, the State Party strives to safeguard the rights and entitlements of refugees and other people of concern by promoting an enabling environment for the country to adapt its national legislation to the international instruments to which it has acceded. And, as such, the State Party commits itself to aligning domestic law to international standards and to issue birth certificates to refugee children and identification cards in 2015 in order to improve refugee children's access to social services.

182.2 As sexual and gender-based violence (SGBV) remains a challenge for refugees (with some harmful traditional practices perpetuating discrimination against women and children, the State Party works in collaboration with UNHCR and other partners to promote women's and children's rights and refugees' free access to SGBV prevention and response mechanisms.

182.3 As insecurity continues to exist in the eastern part of the Democratic Republic of the Congo (DRC) and in Burundi, the State Party recognizes this as an important obstacle to voluntary repatriation. As such, the State Party, in collaboration with UNHCR and other partners, continues implementing a regional resettlement strategy for Congolese refugees and engaging in regional and subregional dialogues with its neighbouring countries to assist Burundi to go back to peace, security and political stability.

182.4 In collaboration with UNHCR and other partners, the State Party has formulated and is implementing programmes that seek to strengthen livelihoods and local integration in the old settlements of Katumba, Mishamo and Ulyankulu, where the former Burundian refugees reside. Specific focus and emphasis in these programmes are placed on refugee children who are the most vulnerable.

182.5 Recognizing that the State Party and the people of Tanzania have been hospitable to refugees for decades, the State Party pledges its continued support the implementation of legal and socio-economic measures for the newly naturalized Burundian refugees and the continued provision of security for the Nyarugusu camp, as well as the three old settlements of Katumba, Mishamo and Ulyankulu. This is possible through collaboration with UNHCR and other partners.

(b) Children of imprisoned mothers:

183. The State Party has put in place policy, legislative and administrative measures to provide special treatment to expectant mothers and to mothers of infants and young children who have been found guilty by law as required by Article 30 of the Charter. In particular, the Law of the Child Act (2009), the Prisons Act (1967)⁶³, the Prisons Standing Order and the Criminal Procedure Act (1985)⁶⁴ provide safeguards to parents or caregivers incarcerated by their children. In order to actualize the implementation of these laws; the

⁶³ Act No. 34 of 1967 (Cap. 58 R.E. 2002).

⁶⁴ Cap. 20 R.E. 2002.

State Party has developed the Child Protection Policy and Procedures for Prisons (2015). The Policy aims at promoting good practices by setting standards for the protection of children and provide children with appropriate safe environment and/or protection while in the care of Tanzania Prisons Service (TPS) in accordance with the foregoing laws and international child rights treaties, including the Charter.

184. In particular, the Policy strives to provide protection and assistance to children born in prisons and those accompanying their mothers in prisons. The Policy also strives to provide an enabling environment to ensure that all four categories of children who find themselves compelled to be prisons⁶⁵ are provided with treatment in light with the foregoing laws and international child rights treaties, including the Charter. The Policy will be incorporated in the Prisons Standing Order as well as in the Prisons Curriculum for Prisons Colleges in the State Party to ensure that all trainees in the colleges are specifically trained on the principles underlying the Policy.

(c) Children in situations of exploitation and abuse:

(i) Economic exploitation including Child Labour (Article 15)

185. The State Party has undertaken several administrative measures to prevent and combat child labour in the Mainland, in addition to the implementation of the existing legislation and policies. In particular, in 2012 the Law of the Child (Child Employment) Regulations were gazetted to provide guidance on effective implementation of the Law of the Child Act (2009) with a view to, *inter alia*, preventing child labour. Administratively, the State Party has adopted the National Action Plan for the Elimination of Child Labour (2009-2015). This plan strives to scale up the prevention of, and it provides responses to, the worst forms of child labour in the country.

186. In this context, the worst forms of child labour constitute exploitation and gross violation of human rights for boys and girls, with detrimental physical, emotional and mental consequences to the child. The overall objective of the plan is to reduce the prevalence and incidents of child labour and worst forms of child labour at the household and community levels and in all sectors of the national economy both in rural and urban areas in the short run; and putting in place the requisite economic, social, policy and institutional foundations for elimination of all forms of child labour in longer term. As it is well known that child labour is due to Poverty.

187. In addition, the State Party has carried out prevention and protection activities regarding children in the Mainland, which are particularly carried out by labour inspectors in the context of the National Plan of Action for the Elimination of Child Labour (2009-2015) in ensuring is well understood and implemented by stakeholders. Labour inspectors play a great role in ensuring that provisions of the labour Laws on prohibition of child labour are complied with. This has been done through:

- (a) Public awareness-raising to local government officers, Religious leaders, politicians and other stakeholders in the district level. In this, the State Party has managed to reach 35 Districts where in each district averages of 25 participants attended. In the said Districts the total of 925 participants were made aware on issues of child labour and their roles in National Action Plan; and
- (b) Establishment of a National Advisory Committee on anti-trafficking in the context of the Anti-Trafficking in Persons Act, No. 5 (2008), which brings together relevant actors from Zanzibar and the Mainland. This enabled the implementation of objective No 6 which concern with child trafficking. In the wards we have the committees responsible for monitoring issues of children including VAC and child trafficking. These committees are trained by IOM and police to understanding issues of trafficking and the steps need to be taken by different stakeholder including the families on how to eliminate the problem one which being to capacitate families economically.

⁶⁵ The four categories of children are: children in conflict with the law; children who accompany their mothers/caregivers who have infringed or are accused of infringing the law; children of detainees and deportees; and children born with prison premises while their mothers are serving their sentences.

188. Furthermore, the State Party has carried out several concrete measures to urgently remove children who work in small-scale gold and gem mining in the Mainland, both licensed and unlicensed, at risk of their lives. The State Party coordinates and facilitates the awareness creation to small –scale miners. For example, in Geita Region the MOLE has entered into MoU with Plan International to assist in raising public awareness on effects of child labour in mining and related activities. In addition, the State Party has published and widely disseminated posters in small scale mining fields to which provide the information on effects of child labour and the legal prohibitions about it. In effect, this campaign has resulted in some of villages in the Geita Region adopting By-laws, which prohibit child employment in mines and agricultural activities.

189. Similarly, the State Party has taken steps to decrease the overreliance on CSOs and donor funding for protecting children from child labour in the Mainland, in particular hazardous forms of child labour. Through awareness creations on National Action Plan for elimination of child labour, The State Party pursued Municipal council to integrate of child labour issue into Municipal plan and Budgets aiming in enabling the sustainability of campaigns against child labour. For example in Urambo District, every financial year they allocate three Million to fund the child labour issues.

190. In respect of Zanzibar, the State Party has effectively continued to implement the National Plan of Action for the Elimination of Child Labour (2009-2015), which aims to reduce the harmful of the child labour under Save the Children support to ensure that the parents and children given the opportunity to get the social services such as education. In addition, a Multi-sectoral Technical Working Group for Child Labour and a Child Labour Steering Committee have been established and strengthened in order to support the child labour issues. State Party also developed and implemented IGG with the same objective and achieved to return a total number of 5,067 children at school and *Madrassa* through the Project of Fighting Child Labour. Among them 2079 were girls and 2988 were boys.

191. Similarly, the Child Labour Programme 2012-14, which aims at removing 5,000 children from child labour, has been introduced through which currently more than 3,620 children have been removed from child labour. These children are given an opportunity to attend to school and their families have been supported in order to help them with alleviating poverty, which is one of the main causes of children to be tempted to be involved in child labour activities. Moreover, the State Party has adopted specific Regulations on hazardous work to children with the aim of protecting children against the worst forms of child labour. This set of Regulations is among the sets of the Regulations developed and adopted Zanzibar Ministry of Labour as required by the Employment Act (2005) in order to regulate involvement and prohibition of children in hazardous work and worst forms of child labour. Besides, the State Party has completed the process of reviewing the Zanzibar Children Policy of 2001 and it is currently waiting to be tabled before the Permanent Secretaries' Committees for validation and approval. The review aimed at, *inter alia*, incorporating issues that have to be addressed, including the inclusion of the issues, among others, early child hood development and children in conflict with laws.

(ii) Sexual exploitation and sexual abuse (Article 27)

192. The State Party has undertaken several concrete measures to combat sexual violence, harassment, sexual exploitation of girls in the state party and to change attitude that condone such violence. In particular, it has undertaken the following measures in respect of Tanzania Mainland:

- (a) Strengthening Health System by advocating for provision of health services immediately post violence at middle and lower level;
- (b) Capacity building to health managers in 25 Regions and 335 Districts in Tanzania Mainland was facilitated to enable them providing health services immediately post violence matters. In Zanzibar 10 health staffs have been trained for the same purpose;
- (c) Capacity building and skill training to health care providers for provision of comprehensive care to victims of violence including post rape care was done at least in every health facility because the URT have trained 1 health staff in each District in 5 Regions and 10 Districts to ensure availability of the services;
- (d) Establishment of One Stop Centers that serves as a one point reference facility for all required services to the child abuse victims were done in 2 areas of the Mainland namely Ilala

District in Dar es Salaam (at Amana Hospital), and Hai Hospital in Kilimanjaro Region. In Zanzibar there are 6 One Stop Centers, within 5 Regions having one such center and one of them having two centers. Currently, VAC cases are highly reported due to the availability of such services but there are some challenges facing those facilities example: Adequate stationeries, furniture and office equipment, adequate counseling rooms;

- (e) Provision of essential equipment and supplies for management of victims of sexual violence;
- (f) Tanzania Teachers' Code of Conduct and Professional Ethics of 1963 has been reviewed to include specific measures on promotion and protection of children in schools.
- (g) A Child Protection Guideline in school setting for Primary and Secondary Schools is under development to be completed by December 2015. Its main objective is to promote safe learning environment by ensuring that school play an active role in preventing and responding to all forms of child harassment, abuse, neglect and violence;
- (h) The MOEVT has adopted the Policy which allows the pregnant girls to continue with school after delivering; this Policy came into operational 2014. There have been government initiatives on preventing girls from early pregnancy like reproductive health education in school, employing of school counselor to support the adolescent girls to understand clearly the issues associated with behavior and biological changes in their body.

Challenges

193. Although points (a) and (b) above have been implemented seriously by the State Party, the implementation has faced a number of challenges, including the application of the outdated PF3⁶⁶ which is not detailed. The State Party has reviewed the PF3 so as to align with modern standards in capturing crime statistics.

194. In addition, the State Party has undertaken a number of measures to ensure that girls victim of domestic violence in the Mainland have less obstacles in obtaining a report from the police before being admitted in the hospital, including:

- (a) there is no requirement for girls of domestic violence to obtain a report from the police before being admitted to the hospital; and
- (b) children victims of domestic violence are advised to seek medical care and treatment first and quickly then consult the police later. As per the National Policy Guidelines for the Health Sector Prevention and Response to Gender Based Violence 2011 it's important to save lives first i.e. in acute conditions like bleeding and rape survivors that need to obtain post exposure prophylaxis within 72hours provided emergency contraceptive to prevent unexpected pregnancy within 120 hours from the assault. All of these are important to be done within the limited time as shown above thus way survivors were advised to report first to the health facilities then to Police.

195. In respect of Zanzibar, the State Party has undertaken a number of policy, legislative and administrative measures, as follows:

- (a) In the implementation of National Plan of Action to prevent and respond to Violence Against Children, 15 sectors including Government ministries (6), Government Department (7) and CSO (2) formed a Multi sectoral Task Force to monitor the NAP on VAC through quarterly meeting and report sharing whereby the resolution and recommendation are set and used to improve its implementation;
- (b) A Communication Toolkit has been developed for the aims of disseminating various VAC messages to different audience like pupils, teachers, parents, community etc. For understanding types and behaviour of perpetrators of child abuse. Posters, brochures, wall charts, TV and radio programmes have been eared and widely communicated to assist in delivering of the said messages;

⁶⁶ "PF3" is an acronymy for Police Form No. 3 using to capture information on crimes statistics relating to bodily injuries such as assault and rape.

(c) The State Party has carried out training of trainers (TOTs) course on Parenting Education Training Manual to extension workers who deal with children. The training is covered all professional working on children issues at community level in all district within the mainland and until July, 2014 90 professionals have been trained those are including teachers, social welfare, police officers, and prosecutors and CSO members

(d) The State Party in Zanzibar has established parenting groups at the grassroots level (*Shehia*) and now they are strengthened to provide children care to parents and children. The aim of establishing these groups is to make parents to take their role and responsibility as parent by imparting them with positive parenting skills. The State Party trained 35 TOTs National on VAC and Positive Parenting Skills, among them there were Social Welfare Officers, Women and Children Officers, Ministry Agencies and NGO's deals with Children issues; and

(e) The State Party has also developed a Roadmap (2014-2016) on Violence Against Children and Gender Based Violence for raising awareness and campaign against violence on children. It outlines the list of activities to be carried out during the lifespan of the roadmap some of these activities include development of TV SOPs and radio dramas.

196. In addition, the State Party in Zanzibar has taken various measures to combat sexual violence, harassment and sexual exploitation of girls, including supporting the Department of Social Welfare in collaboration with Save the Children to establish a One-Stop Centre in each of the six Districts (i.e. Micheweni, Wete, Chakechake – Pemba, Mjini – Mjini Magharibi Unguja, Kusini and Kaskazini “A” Unguja). At the One-stop Centers children victims of violence and abuse do not require any report from police before being admitted. Moreover, the State Party has established National GBV Committee, parenting groups, *Polisi Jamii* (i.e. Community Policing) and a VAC Communication Strategy to address the issues of violence against children. Furthermore, the State Party wishes to make it very clear that in Zanzibar there is no compulsory testing of pregnancy to girls of any age.

197. Similarly, the New Education and Training Policy of 2014 (applicable in the Mainland) has incorporated a statement that the government shall remove all things and environment which hindering the access to education and completion of the respective level of education.

198. In addition, the State Party has undertaken efforts to end the heightened risk of physical and sexual violence at school, school grounds and on the way to and from school both on the Mainland and in Zanzibar. In the Mainland there are efforts to harmonize the legal and policy framework to make sure that there will be clear Code of Ethics and professional conduct user friendly to teachers and other school members. The Public Service Regulations (2003) provides, in the Third Schedule, for the adoption of a code of ethics and conduct in the public service. These regulations are also regulates the conducts of teachers. Paragraph 6 of this Schedule provides to the effect that any public servant should refrain from having sexual relationships at the work place. A servant needs to avoid all types of conduct which may constitute sexual harassment. Moreover, a public servant should respect all human rights and be courteous. A servant who contravenes shall be subject to dismissal and brought before courts of law for criminal charge. The procedures to dismiss a servant are provided under section 23 of the Public Service Act⁶⁷. The State Party is also in the process of preparing the Teachers Registration Act under which there are specific schedule with regards to the Teachers' Code of Ethics and Professional Conduct; during the reporting period the progress on the mentioned registration was at the government structures for further comments before being approved.

199. In respect of addressing issues relating to physical and sexual violence at school and on the way to go and back from schools in Zanzibar, the State Party has established a pilot programme on alternative discipline in 20 schools in Zanzibar's 10 districts (2 in each district). Through this initiative, the pilot schools have stopped administering corporal punishment to pupils; rather, misbehaving pupils are given other, alternative forms of discipline, including counselling, and extra studies/extra curriculum activities. The Police Force has also designated one police officer in 50 constituencies to assist on stopping child abuse. Furthermore, there is enhancement of the Community Police where community police have join their efforts

⁶⁷ Act No. 8 of 20002.

in combating violence against children; all these are government commitments to curb children rights abuse in schools and on the way to schools and at family level.

(iii) Sale, trafficking and abduction (Article 29)

200. The State Party has developed Regulations for the implementation of the Anti-trafficking in Persons Act(2008)⁶⁸, which promotes human dignity, protects the people including children from any threat of violence and exploitation. Besides, the State Party has carried out several measures to combat the sale, trafficking and commercial sexual exploitation of children, in particular to combat internal trafficking. As such, the State Party, in collaboration with the International Organization for Migration (IOM), has conducted special trainings to Police Officers on how to identify and detect perpetrators and victims of human trafficking within the country, whereby 40 Police Officers have been trained in between 2013 and 2014. In 2013, the Tanzania Police Force established the Community Police Unit which, among other things, deals with raising awareness to the community on the issues relating to, *inter alia*, anti-trafficking.

200.1. A series of trainings were conducted to CSO's officials on how to provide assistance to child victims of human trafficking and developed a Manual for Civil Society Organizations for the Operationalization of the Tanzania Anti-Trafficking in Persons Act 2008 specifically focusing on identification, providing direct assistance to victims of trafficking (including child victims. In 2014, a series of trainings were conducted to Journalists from Arusha, Dar es Salaam, Dodoma, Kigoma, Mwanza and Zanzibar on ethical reporting on human trafficking cases and Media Guidelines on how to report cases of human trafficking without re-victimizing the victims (including children) was developed. Trainings were also conducted to Local Government Authorities on prevention of child trafficking and developing by-laws in their respective villages to prevent child trafficking and developed awareness raising materials on prevention of child trafficking and human trafficking in general such as wall posters, flyers, banners, newsletters and share them with different stakeholders, service providers and public schools.

200.2. The State Party is finalising the Regulations for the Anti-Trafficking in Persons Act (2008) and resources (however minimal) have been allocated for the implementation of the National Anti-Trafficking in Persons Action Plan 2013-2017 including protection and support services for children.

200.3. A National Committee has also been set up to coordinate the implementation of this law. Furthermore, the State Party's Ministry of Home Affairs and the Ministry of Health and Social Welfare (MoHSW), in collaboration with the International Organization on Migration (IOM), has prepared draft Standing Operating Procedures (SOPs) to be adopted later after consultations with relevant state and non-state actors. The SOPs aim at assisting victims (including women) of human trafficking. In July 2014 the anti-trafficking secretariat and others stakeholders such as the police, the public prosecutors, magistrates, social welfare officers, medical practitioners and NGO's met to develop the SOPs which will outline the laws and responsibilities of the all the parties involved and provide guidelines for case management and information sharing. In addition, the State Party has adopted the National Anti-trafficking Action Plan and is in the final stages of developing the Regulations for the implementation of the Act.

201. In addition, the State Party has ensured that resources for the protection and support services for children within the National Anti-Trafficking in Persons Action Plan 2013-2017 have been allocated.

⁶⁸ Act No. 5 of 2008.

(d) Measures to Reform the Juvenile Justice System

202. In 2013 the State Party undertook the reform of the Juvenile Justice System by particularly adopting a five-years Strategy for Progressive Child Justice Reform (2013 -2017) on the Mainland. Through this strategy, the State Party has undertaken a number of programmes, including:

- (a) developing a Guide on the Establishment and Implementation of Community Rehabilitation Programmes in 2013. This programme provides support to young offenders and children at risk of offending while they remain in their community where they receive a number of rehabilitative services. Notably, this is a diversion and alternative sentencing measure to children. The Guide provides practice guidance to all persons and institutions involved in the establishment, supervision, implementation, monitoring and running of the Community Rehabilitation Programme;
- (b) piloting a programme on Diversion and Community Rehabilitation and Reintegration Scheme for children in conflict with the law and children at risk of offending in the Temeke Municipal Council (Dar es Salaam Region). The programme became operational in July 2012 . So far, 120 children have benefited from this programme. The State Party is making initiatives striving to replicate the Community Rehabilitation Programme in other region in the Mainland and Zanzibar. From 2014 the programme is rolled out in Mbeya Region (Mainland) and in the Urban and West Regions (Zanzibar); and
- (c) piloting the legal aid programme for children in conflict with the law in the Dar es Salaam Region from 2012 to 2015. Since it become operational in 2012, the programme has provided legal assistance to more than 647 children and facilitated the release of 471 children from detention facilities. The State Party is currently in the process of replicating this programme in the Mbeya Region. Further plans are being made to replicate it in other regions. In addition, the State Party has finalised drafting a Legal Aid Bill, which will, *inter alia*, guarantee the right to legal assistance for children in Tanzania.

203. The State Party has undertaken other concrete measures to reform the juvenile justice system, including:

- (a) Ministry for Constitutional and Legal Affairs (MoCLA), in 2014 coordinated the production of a one-year report on the implementation of the five-year Strategy for Progressive child justice reform (2013 -2017). This report, the first ever, details progress made by all actors in the implementation of the strategy. It also details challenges encountered and avoid duplication of efforts.
- (b) Specific department to deal with Legal Aid Policy issues under MoCLA established.
- (c) Legal Aid Secretariat under MoCLA in the context of the Legal Sector Reform Programme to administer legal aid and coordinate legal aid providers in the Mainland established.
- (d) Legal Aid Bills awaits the adoption of a new Constitution for it to be tabled in Parliament for enactment drafted. The bill provides an opportunity to ensure that children in conflict with the law receive legal assistance from the arrest up to conclusion of the cases.
- (e) Legal Services Facility (LSF), which provide financial and technical assistance to legal aid providers, particularly paralegals, in order to provide legal assistance to children and other vulnerable groups at different levels (i.e. from the grassroots to the regional levels) established in the Mainland.
- (f) Directives with reference number JC/DPP/CPNF/23/7 of 2010 for Law Enforcers to fast-track cases involving children issued by the Director of Public Prosecutions. The directives aim at ensuring children cases are handled timely, and reducing the time children spend in detention facilities;
- (g) Inspect 89 detention facilities in 2013. The inspection aimed at assesses the situation of children in facilities in Mainland. A total no. of 703 children were found in prisons whereby 22 of them are girls. Out of detained children, 220 were convicted of which 5 were girls. In the Police Lockups total of 25 children were found in custody. Further, there were 37 children who were incarcerated with their mothers in prisons. Total of 46 pre – trial children cases

were withdrawn through *nolle prosequi* since there was no prima facie case to prosecute them.

- (h) Train 121 law enforcers on prosecution of juvenile cases and the Law of the Child Act No. 21 of 2009 from 21 Regions in 2013. The Law enforcers include State Attorneys, Social Welfare Officers, Magistrates, Police Officers and Prison Officers.
- (i) Develop SOPs which provide for prosecution of juvenile cases in friendly manner.
- (j) Review PGI to incorporate juvenile issues.
- (k) Nine resolutions, which address some of the challenges faced by children in conflict with the law in Tanzania as highlighted in the Five Years Strategy were adopted by the National Criminal Justice Forum. One of which being to monitor the promotion and protection of child justice-related matters in the country⁶⁹;
- (l) Through the Department of Social Welfare, the State Party has developed a Human Resource for Health and Social Welfare Strategic Plan III 2014 – 2019. The Plan provides guidance to health and social welfare sectors in proper planning, development, management and effective utilization of human resources. The plan identifies six Strategic Objectives that form the focus of achievement in the next five years, that is:
 - (i) strengthening Human Resources for Health and Social Welfare(HRH & SW) policy development and planning at all levels;
 - (ii) strengthening HRH & SW research and utilization at all levels;
 - (iii) promoting leadership and advocacy for HRH & SW at all levels;
 - (iv) strengthening HRH & SW recruitment, retention, career development and utilization at all levels;
 - (v) increasing and standardizing production and quality of HRH & SW and
 - (vi) strengthening and/or promoting partnerships; and
 - (vii) coordination of HRH & SW interventions among stakeholders at all level;
- (viii)
 - (m) The Commission for Human Rights and Good Governance in collaboration with inspection mandated bodies has developed Standardized Monitoring Tools to monitor Juvenile in detention facilities;
 - (n) Through the Office of Prime Minister, the State Party has issued a specific circular directing all local government authorities (LGAs) in the Mainland to employ more social welfare officers at the LGA level in order to, *inter alia*, oversee the implementation of the Law of the Child Act (2009) at the LGA level; and
 - (o) In respect of Zanzibar, the State Party through the Revolutionary Government of Zanzibar, has committed to undertake a comprehensive national programme for child justice reform. Under the auspices of the Ministry of Empowerment, Social Welfare, Youth, Women and Children (MESWYWC) a Five-Year Child Justice Reform Strategy has been developed and currently launched for operationalise. This strategy sets out the vision for the reform of the Zanzibar Child Justice System, articulating child justice reform as a thematic priority under the broader national legal sector Reform Programme. As such, it seeks to effectively operationalize the implementation of the Children’s Act (2011).

204. In addition, the State Party has established one Juvenile’s Court, which has already been designated and is operational in the Urban West Region in Unguja. The Court is currently determining cases from all regions in Unguja. However, the challenge is that one centralized court serving all Regions in Unguja is not yet sufficient to serve all children in Zanzibar. In order to address this challenge, the Juvenile Courts are later to be progressively rolled out for the establishment of Juvenile Court in every region in Unguja (which has 3 regions) and Pemba (which has 2 regions). Work is in progress for the renovation required for establishment of Juvenile Court in Chakechake, Pemba. Moreover, in 2016 further renovation will be carried out for the renovation and equipment of a Juvenile Court in Unguja North Region.

⁶⁹ In Particular, the NCJF meeting was held on 30 and 31 May 2014, whereby one day was devoted to discuss child justice issues..

205. In addition, Juvenile Court Rules to be adopted soon and deal with the case management of both criminal and civil cases before the Juvenile Court. Furthermore, the Guide to the Juvenile Court Rules will provide further detailed guidelines on case management. In order to complement these legislative measures, the State Party in Zanzibar has started to implement the Child Justice Reform Strategy 2013 - 2018 by developing Monitoring and Evaluation (M&E) Plan for Implementation of Child Justice Strategy. To date, targets and indicators in this regard have been identified; and M&E Tools are under development and will be finalized at the end of 2015. Moreover, the State Party carried out training on the use of the tools to be delivered at the end of 2015 to data focal points in all justice institutions which will include Persecutors, Courts and Police officers

206. Furthermore, the Zanzibar Director of Public Prosecutions Manual is currently being reviewed in order to include issues of children and manners how to handle cases of children victim and witnesses. The Offenders' Education Act (1980)⁷⁰ is also being reviewed in order to align it with child justice, particularly to include and accommodate minimum standards set out in the Charter. Consultations and review workshops on the development of new legislation to repeal the existing Offenders' Education Act conducted. Currently, the State Party has finalised working on an advanced draft of a Bill to repeal the Offenders' Education Act and bring national legislation into line with international minimum standards for the treatment of prisoners and children in detention.

207. Besides, training on the Standard Operating Procedures (SOPs) relating to the operationalisation of Gender and Children's Desks in police stations have been conducted. Notably, the SOPs were developed and adopted in 2013, consequent to which the State Party has now printed adequate copies of the same, which have already widely disseminated to all concerned actors. The State Party has also prepared and adopted SOPs for Prevention and Response to GBV and Child Abuse, which are in both English and Kiswahili. They have been widely disseminated to relevant actors.⁷¹

208. In addition, the Guide to the Community Rehabilitation Programme for Zanzibar has been developed and operationalised. The Guide includes appropriate protocols for relevant referral bodies. In fact, the mapping of non-state actors (NSAs) that currently work with the State in the implementation of the scheme has been conducted. The scheme is dealing with children in conflict with law and children at risk of offending just like it is the case with the one already being implemented in the Mainland

(e) Children victims of harmful social and cultural practices affecting the welfare, dignity, normal growth and development of the child:

(i) Betrothal of girls and boys (Article 21.2)

209. The State Party has undertaken legislative and administrative measures to ensure that there is no betrothal of boys and girls in its jurisdiction by particularly having specific provisions in the Penal Code and the Law of the Child Act that criminalize using children in prostitution and earning an income through prostitution. In particular, the Law of the Child Act imposes primary duties on parents to provide maintenance and protection to children and to ensure that their children do not get lured into prostitution. The State Party has also continued to raise public awareness on this matter.

(ii) Early and forced marriage (Article 21.2)

210. The State Party has undertaken several constitutional, policy, legislative and administrative measures striving to end early marriages of girls in its jurisdiction. In 2014 the State Party adopted Education and Training Policy, which prohibits early and forced marriages for school girls and has resulted in a number positive changes in policy formulations and administrative measures. Basing on the Policy, the State Party has taken up a decision to adopt a National Plan of Action to Eliminate FGM and Child Marriages. Of late, the MOEVT has prepared the Re-entry Guidelines for Impregnated Children to return to school on the basis of

⁷⁰ Act No. 1 of 1980.

⁷¹ It should be noted that the SOPs are prepared taking into account divergent and specific contexts prevalent both in the Mainland and Zanzibar.

the Policy. The Guidelines, which are awaiting to be approved by the relevant authorities, strives to ensure that a child will be back to school after two years after giving birth; whereby she will be provided with appropriate counseling services to assist her manage to cope with the roles of child-mother as well as a pupil, altogether.

211. Administratively, in 2014 the State Party launched the “*Child Marriage-Free Zone*” campaign, which is a national ending child marriage campaign whose focus is to scale up collaborative efforts to ending child marriage in Tanzania. This campaign is in line with African Union’s campaign launched in May 2014. In Tanzania the campaign has started in Tarime District, Mara Region. Nationally the Campaign was launched in August 2014 in Dar es Salaam and localised in Tarime in October 2014 as part of the International Day of the Girl Child celebration. The Campaign has drawn up people from different spheres of the community including adolescent girls and boys, young people, local and national government authorities, traditional and religious leaders and the community at large.

212. In Zanzibar the State Party is in the process of reviewing the Marriage (Solemnisation and Registration) Decree,⁷² to impose an obligation on couples to enter in marriage contracts/agreements outlining duties during marriage and in the event of its dissolution. Zanzibar is also reviewing the Succession Decree⁷³, a colonial piece of legislation which is outdated, to ensure that succession procedures to be followed by courts of laws are clearly set out and properly adhered to. The objective is to develop rules of procedure that smoothen succession proceedings in courts.

213. In its legal system, the State Party ensures that those customary laws which contradict with the constitution and formal legal provisions are invalid to the extent of the inconsistency.⁷⁴The Committee also called upon the State Party to implement measures aimed at eliminating polygamy, as called for in the Committee’s general recommendation No. 21 on equality in marriage and family relation. The State Party has addressed this matter through the ongoing constitutional review and making process, whereby its citizens aired their recommendations on a number of issues including; customary law and marriage rights, to be incorporated in the envisaged new constitution. Such matters include the status of customary law and marriage rights.

(iii) Measures to Prevent and Combat female genital mutilation (Article 21.1(a))

214. The State Party has undertaken a number of measures, including legislation, to accelerate the ending of harmful traditional practices and stereotypes that discriminate against women, in conformity with Articles 2(f) and 5(a) of the Convention. In particular The State Party has enacted specific policies and laws addressing the issue of sex role stereotyping and prejudice. In addition, the Penal Code was amended to criminalise FGM in line with the Sexual Offences Special Provision Act (SOSPA), Act no. 4, 1998 which protects girls under the age of 18 from FGM. The SOSPA however has been noted not to protect women above 18 from FGM. There are various strategies established by the State Party geared towards curbing harmful traditional and negative cultural practices, including:

- (a) the National Plan of Action for Prevention and Eradication of Violence against Women and Children (2001-2015);
- (b) the National Plan of Action for Prevention and Eradication of Female Genital Mutilation 2001-2015;
- (c) the National Community Sensitization Strategy to Prevent and Respond to Gender-based Violence;

⁷² Cap. 92 of the Laws of Zanzibar.

⁷³ Cap. 21 of the Laws of Zanzibar.

⁷⁴ Cf: *Elizabeth Stephen & Another v AG* High Court of Tanzania at Dar es Salaam, Misc. Civil Cause No. 82 of 2005 (unreported).

- (d) the National Multi-sectoral Committee to Prevent and Respond to Violence Against Women and Children; the National Plan of Action on Preventing and Responding to Violence against Children the MCDGC Strategic Plan (2011-2016);
- (e) the Child Development Policy (2008); the National Strategy for Gender Development (2005);
- (f) the National Plan of Action to Accelerate the Eradication of FGM and Other Harmful Traditional Practices;
- (g) a Multi-Sectoral Strategy and Action Plan for Preventing and Responding to Gender Based Violence (GBV) in Zanzibar (developed in 2011);
- (h) the National Human Rights Action Plan (2013-2017); and
- (i) the Ministerial GBV Committee⁷⁵ established in 2013 to monitor GBV cases in Zanzibar.

215. Currently, the Kadhi's Court Act requires the Kadhi's (the officials presiding over the Kadhi's Court) to apply principles enshrined in other national laws such as the Evidence Decree and Civil Procedure Decree while they have no legal knowledge. In practice, this has resulted in avoidable miscarriage of justice for those using the courts, particularly women.

216. Previously, the UN General Assembly in 2006⁷⁶ and the CEDAW Committee⁷⁷ urged UN member states to undertake measures to eliminate violence against women and girl child in their jurisdictions. In response to this request, the State Party has undertaken a National Study on Violence against Children (2009). In particular, the VAC Study emphasized the urgency of country-level action and set two key targets for Governments to meet: first, the integration of measures 'to prevent and respond to violence against children in national planning processes, which should include the identification of a focal point, preferably at Ministerial level'⁷⁸; and, second, prohibiting all forms of violence against children 'by law and initiating a process to develop reliable national data collection systems.'⁷⁹

217. In Zanzibar the State Party is in the final stages of a process of adopting a New Gender Policy that, *inter alia*, seeks to address the issue of elimination of negative cultural practices, sex role stereotyped and prejudice against women and girls. In particular, the State Party has continued to strengthen the implementation of the Zanzibar Penal Act (2004), which consolidates the provisions of the Sexual Offences Special Provisions Act (1998)⁸⁰

218. The State Party became the first country in Africa to undertake studies on violence against children for both Tanzania Mainland and Zanzibar (Tanzania VAC Studies).⁸¹ Briefly, the findings of the

⁷⁵ This committee comprises of ministers responsible for justice and constitution, education, health and empowerment, social, welfare, youth, women and children.

⁷⁶ United Nations Secretary-General, *Study on Violence against Children* New York: United Nations, 2006 (A/61/299). The VAC Study – the first and most comprehensive global study to research, report, and make recommendations to prevent and respond to violence against children in multiple settings where they live and survive – reveals highly shocking levels of violence against children, with places previously presumed to be safe for children being found to be unsafe. See also United Nations Committee on the Rights of the Child (CROC), "Consideration of Reports Submitted by States Parties under Article 44 of the Convention – Concluding Observations: United Republic of Tanzania", 42nd Session, 21 June 2006 (CRC/C/TZA/CO/2), paras 51-2; and African Committee of Experts on the Rights and Welfare of the Child (ACERWC), "Concluding Recommendations on the United Republic of Tanzania Report on the Status and Implementation of the African Charter on the Rights and Welfare of the Child", 2010

⁷⁷ CEDAW Committee, "Concluding Observations: United Republic of Tanzania", 2008, paras 111-2.

⁷⁸ Ibid.

⁷⁹ United Republic of Tanzania, *Violence Against Children in Tanzania: From Commitments to Action – Key Achievements from the Multi-Sectoral "Priority Responses" to Address Violence against Children (2011-2012) and Priority Activities for 2012-2013*, Dar es Salaam: Government of the United Republic of Tanzania, June 2012, p. 1.

⁸⁰ Act No.7 of 1998.

⁸¹ United Republic of Tanzania, *Violence Against Children in Tanzania: Findings from a National Survey 2009* Dar es Salaam: UNICEF/US Centre for Disease Control and Prevention/Muhimbili University of Health and Allied Sciences, August 2011. The study was launched in August 2011 under the auspices of the Ministry of Community Development, Gender and Children (MCDGC) at a high profile meeting involving UN Agencies, members of the diplomatic corps, line ministries and representatives of international and local NGOs and officiated by the then UN Deputy Secretary-General, Dr. Asha-Rose Migiro.

studies indicate that nearly 3 out of every 10 female and one out of every 7 male reported at least one experience of sexual violence prior to the age of 18; and nearly 6% of female have been physically forced to have sexual intercourse before the age of 18. They also indicated that almost three quarter of the children both male and female experienced physical violence prior to age 18; and approximately one quarter of children both male and female experienced emotional violence prior to age 18.

219. As response to addressing the challenges uncovered in the Tanzania VAC Study, both Tanzania Mainland and Zanzibar prepared their respective National Plans to Prevent and Respond to Violence against Children⁸²⁸³. In Zanzibar the State Party has conducted study on capacity gap of law enforcement agencies and health care institutions in dealing with cases of GBV in 2009 and a study on GBV related laws in 2008 to assess the capacity of law enforcers in dealing with GBV cases and incidences.

220. Programmes to protect women and girl children from harmful practices are implemented in collaboration with partners including UNFPA, TAMWA, CDF and others particularly in areas where FGM and Child Marriage are prevalent. Initiatives in Mara region where FGM, Child Marriage and other harmful practices are evidenced, there have been increased community knowledge on the harm that these practices cause on women and girls. A provision for alternative rites of passage for girls at risk and increasing access to justice has been accorded to.

221. In its bid to strengthen the implementation of provisions relating to sexual offences in 2008-2009 the Law Reform Commission of Tanzania (LRCT)⁸⁴ commissioned a study to review the efficacy of this law. In its report released in March 2009⁸⁵, the LRCT concluded, *inter alia*, that the sexual offences laws 'are still valid and serving the purposes they were intended for despite the fact that some provisions need improvements, harmonization and strengthening'⁸⁶; and further that law alone 'cannot solve the sexual offences challenges'; other systems also 'need to be strengthened and used effectively in the process of addressing sexual offences in the country.

222. Similarly, the State Party, through Zanzibar Law Reform Commission⁸⁷, has reviewed some laws which affect the development and welfare of women and children. These laws include the Evidence Decree⁸⁸ and the Kadhi's Court Act (1985).

223. In order to reinforce these laws, the State Party has been carrying out public awareness-raising campaigns and media programmes to ensure that female genital mutilation is eliminated as well as to enhance a positive and non-stereotypical portrayal of women. The State Party has also complied with the Committee's request by devising programmes for alternate sources of income for those who perform female genital mutilation (known in Kiswahili as 'Ngariba's') as a means of livelihood. In addition, the State Party has

⁸²See Revolutionary Government of Zanzibar, *National Plan to Respond to Violence against Children (2011-2015)* Zanzibar: Revolutionary Government of Zanzibar, 2011; and Government of Tanzania, *National Plan of Action to Prevent and Respond to Violence against Children (2012-2015)* Dar es Salaam: Government of Tanzania, 2012.

⁸³ United Republic of Tanzania, *Violence Against Children in Tanzania: From Commitments to Action – Key Achievements from the Multi-Sectoral "Priority Responses" to Address Violence against Children (2011-2012) and Priority Activities for 2012-2013*, op. cit, p. 1.

⁸⁴ The LRCT was established under Section of the Law Reform Commission of Tanzania Act (1981), Cap. 171 R.E. 2002. According to Section 4(1) of this law, the LRCT mandate is 'to take and keep under review all the laws of the United Republic with a view to its systematic development and reform.'

⁸⁵ Law Reform Commission of Tanzania, "Report on the Review and Drafting of the Proposed Provisions for the Amendment of the Sexual Offences Laws as Amended by SOSPA 1998" Dar es Salaam: Law Reform Commission of Tanzania, March 2009.

⁸⁶ Ibid, para 4.1.1.

⁸⁷ The Revolutionary Government of Zanzibar established the Law Reform Commission in 2011. The Commission is chaired by a Judge of the High Court of Zanzibar and has the mandate keeping the laws of Zanzibar under regular review.

⁸⁸ Cap. 5 of 1917.

continued to collaborate with other Stakeholders in carrying out public awareness-raising campaigns using community media and traditional village leaders focusing at eliminating and preventing gender-related cruelties and malpractices against women and girls. These are particularly prominent in Arusha, Dodoma, Kilimanjaro, Manyara, Mara, and Shinyanga Regions where incidents of violence against women and children rooted in harmful traditional and cultural practices are more prevalent.

224. As a result of measures undertaken by the State Party to combat FGM in the period under report, the Tanzania Demographic and Health Survey (TDHS 2010) has indicated a slight drop in prevalence of FGM/C from 18 percent in 1996⁸⁹ to 15 percent in 2010⁹⁰. However, the practices of FGM/C still exist in some regions scoring more than 60percent prevalence: i.e. Manyara Region (71%) and Dodoma Region (64%). In Mara Region, there is a slight increase in the FGM prevalence: from 38% in the 2004-5 TDHS⁹¹ to 40% in the 2010 TDHS. Nonetheless, other regions have recorded a slight decline in the prevalence of FGM/C. For instance, Arusha region recorded a slight decrease in FGM prevalence from 59 percent in the 2004-5 TDHS to 55 percent in the 2010 TDHS. This drop is due to the widespread of infrastructures including communication and information networks which give room for rural population to access information. Meanwhile, significant interventions by human activists' through various campaigns in rural areas led to an increase of knowledge regarding impact of FGM/C⁹² to rural women and the community at large.

225. In further combating and eliminating FGM/C, the State Party recognizes this as one of the critical gender-based violence (GBV) issues that have serious health implications needing specific attention. Therefore, the State Party has resolved to monitor the issue of FGM/C to be monitored through the TDHS.

(f) Risky, Vulnerable or Street Children

226. The State Party has put in place several measures that aim at providing appropriate care and protection to children deprived of a family (Para 14 of the List of Issues). These measures include developing the National Coasted Plan of Action for MVC II 2013 – 2017 (NCPA II). The goal of this plan is to establish an MVC response which is government led and community- driven, that constitutes a multi-sectoral response and commitment which facilitates MVC access adequate care, support and protection and access to basic social services through increasingly mainstreamed and sustainable government lead systems. The plan has four strategic objectives which are to Strengthen the capacity of household and communities to protect care and support MVC, Increase access to effective gender responsive child protection services within a well-resourced child protection system that has the best interest of the child at its core, Improve access and utilization of primary health care and education including early childhood care and development services and strengthen the coordination and leadership, policy and service delivery environment.

227. In particular, NCPA II defines children living and working in the streets as among the most vulnerable children category in Tanzania and are the attribute of the target group of NCPA II plan. Moreover these children are better supported through the Child Protection System which have been scaled up to 17 District Councils of Tanzania mainland. The child protection team has 25 members from different sectors.

228. In addition, the State Party has adopted a Guide on the Establishment and Implementation of Community Rehabilitation Programmes in 2012, which provides practice guidance to all institutions and persons involved in the establishment, supervision, monitoring, implementation and running of the Community Rehabilitation Programme. Besides, the State Party has development a Community Based Strategic Plan of 2013 for dealing with the problem of children living and working in the streets. It the plan through which the state party has established a joint emergency, short-term and long-term care and protection

⁸⁹ United Republic of Tanzania, *Tanzania Demographic and Health Survey 1996* Dar es Salaam: National Bureau of Statistics, 1997.

⁹⁰ United Republic of Tanzania, *Tanzania Demographic and Health Survey 2010* Dar es Salaam: National Bureau of Statistics, 2011.

⁹¹ United Republic of Tanzania, *Tanzania Demographic and Health Survey 2004-2005* Dar es Salaam: National Bureau of Statistics, June 2005.

⁹²United Republic of Tanzania, “Tanzania 3rd, 4th and 5th Reports on the Implementation of the Convention on the Rights of the Child (CRC) 2005-2011”, 9 January 2012, para 198.

mechanism for children living and working on the streets and other vulnerable children. The emergency and long term care solutions for children out of home care, with focus on improving the situation of urban street children and other vulnerable children in Dar es Salaam. It is a joint project between the MOHSW and three NGOs (KIWOHEDE, Dogodogo Centre and MAKINI,) with the aim to respond to the urgent need of the situation of children in the streets of Dar es Salaam. The project targets the following categories of children:

- (a) a child who is alone and at risk, lives, sleeps, works and eats on the streets without adult supervision and care;
- (b) a child who is part- or fulltime on the street but goes “home” in the evenings
- (c) a child who is begging with their parents/other care on the streets;
- (d) a child who has just arrived to the streets;
- (e) a child who lives in poverty or is a victim of family breakdown and thus is at risk of migrating to the street; children living in the slums; and
- (f) a child engaged in domestic work, brothels and other types of child labour.

229. The State Party has also established a National Child helpline which is available across all telephone networks in the country through dialing 116. The call center is now situated in Dar es Salaam but all the people in the country access it. Other initiatives include adoption of the regulations on foster care, children homes, adoption, retention homes, apprentices and child employment in 2014, Development of the guideline for Psychosocial Care and Support Services for Most Vulnerable Children and Youth in Tanzania in 2014. The main objective of this guideline is to promote the effective and comprehensive fulfillment of basic psychosocial needs and the realization of high quality of psychosocial outcomes for MVC and their families in Tanzania. Moreover, those measures to a great extent have ensured that MVC, such as street children and children in conflict with the law, are provided with appropriate care and protection.

230. The State Party has also taken measure to deinstitutionalize children and to further develop placements with foster cares for children deprived of a family environment which includes; adopted the regulation for foster care placement and adoption in 2011 which guide the procedures of fostering children and adoption, review and develop the guideline for foster care and adoption, development of children home regulation and guideline for establishment and management of children home. All these measures aim to encourage children grow under the family environment.

231. In addition, CSOs in collaboration with the department of social welfare is the process to harmonize the national children’s home guidelines of 2006 to that of UN Guidelines on alternative care has been adopted by the UNCRC in 2009. Also in February 2014 SOS Children’s Villages Tanzania has launched the national “*Care for Me*” Campaign embedded with “quality care to every child”. This campaign is coordinated hand to hand by DSW. Through this campaign, Social Welfare at all level are encouraged to provide technical support including supervision of the institutions which provide alternative care but also to enforce the non-registered institutional to be registered. The ministries of community development, gender and children, constitutional affairs and justice are supporting this “*Care for Me*” campaign on the implementation of UN Guideline on Alternative Care.

232. During the reporting period the campaign has reached over 2,000,000 Tanzanian through printed and electronic media like radio, TVs and Blog. Over 50 social welfare officers at ward and district levels have been taking part to educate the public on quality care to every child to especially those children without parental care. The UN Guidelines on alternative care has been translated into Swahili version to make it more accessible and well understood by the stakeholders and government official, specifically over 500 copies have been distributed to ward councillor, social welfare and community development officers.

233. Currently, the State Party is widely consulting with all stakeholders on its endeavour to ratify the Hague Convention on Inter country Adoption. Once the consultations are complete it will be in a position to state the consensus so far reached.

X. RESPONSIBILITIES OF THE CHILD

234. The State Party has undertaken several legislative, judicial, administrative and other specific measures to ensure that children in its jurisdiction do effectively discharge their duties in light of Article 31 of the Charter. This part also sets out the major factors and difficulties encountered and progress achieved in implementing the relevant provisions of the Children's Charter.

235. The Law of the Child Act (2009) (applicable in the Mainland) as well as the Zanzibar Children Act (2011) have all incorporated specific provisions as regards to the general responsibilities of the child in the context of the Charter. According to these laws, a child among other things shall have a duty to:

- (i) work for the cohesion of the family
- (ii) respect his parents, guardians, superiors and elders of all times and assist them in case of need.
- (iii) Serve his community and nation by placing his physical and intellectual abilities at its service in accordance with his age and ability.
- (iv) Preserve and strengthen social and national cohesion
- (v) Preserve and strength the positive social cultural values of his community and the nation in general in relation to other members of the community or the nation.

236. Similarly, para 63 of the Child Development Policy (2008) (applicable in Tanzania Mainland) has provided a policy statement "Children have to adhere directives, advise and trainings from the parents, guardians and the community.

