



child rights connect
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STATE PARTY EXAMINATION OF THE UNITED REPUBLIC OF TANZANIA'S THIRD TO FIFTH PERIODIC REPORT

68TH SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD

12 JANUARY – 30 JANUARY 2015

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The United Republic of Tanzania ratified the Convention on the Rights of the Child (CRC) on 10 June 1991. On 15 and 16 January 2015, the Committee on the Rights of the Child (the Committee) examined the third to fifth report of the United Republic of Tanzania. It was last examined on 19 May 2006.

Opening Comments

The delegation of the United Republic of Tanzania was led by Hon. Dr. Pindi Hazara Chana, Deputy Minister of Community Development, Gender and Children. Ms. Hazara Chana was supported by a delegation consisting of the Permanent Representative at the Permanent Mission of the United Republic of Tanzania to the UN, the Deputy Permanent Secretary at the Ministry of Community Development, Gender and Children, Ms. Rahma A. Khamis, the Director for Women and Children Development at the Ministry of Empowerment, Social Welfare, Youth, Women and Children of the Revolutionary Government of Zanzibar, Mr. Benedict M. Missani, Acting Director for Children Development at the Ministry of Community Development, Gender and Children, Ms. Vickness Mayao, Acting Head of Legal Unit Ministry of Community Development, Gender and Children, Mr. Didas K. Daud, Legal Officer at the Ministry of Empowerment, Social Welfare, Youth, Women and Children in Zanzibar and of Ms. Catherine Sanga, Health Attaché.

Ms. Hazara Chana stated that the State party was actively working for the implementation of the CRC and its Optional Protocols, the Optional Protocol on the Involvement of Children in Armed Conflict (OPAC) and the Optional Protocol on the Sale of Children (OPSC).

Ms. Hazara Chana pointed out that the budget allocated to children welfare increased and highlighted the commitment of the government to increase the budget annually.

Note: This report is prepared at the discretion of Child Rights Connect. The content is designed to give a summary of the key discussions during the session of the Committee on the Rights of the Child but it is neither an official nor fully comprehensive report. More reports and further information can be found at 1

www.childrightsconnect.org/index.php/publications-resources/crc#countrysum

Ms. Hazara Chana further said that national strategies dealing with the eradication of cultural customs and traditions affecting the welfare of children were implemented and that the government was committed to instil the culture of human rights in the State.

Mr. Benyam Mezmur and Ms. Hiranthi Wijemanne, the two Country Rapporteurs, welcomed the delegation of the United Republic of Tanzania (the delegation).

General Measures of Implementation

Legislation

The Committee asked about efforts made to improve the legislation on the rights of the child and whether national plans and strategies had received enough financial resources for their correct implementation. The delegation did not respond to this question.

Coordination and monitoring

The Committee asked for more information on who was responsible for coordinating the implementation of the CRC and how this occurred. The delegation explained that implementation was coordinated at the ministerial level, and that a Union Committee was in charge of coordinating efforts between Zanzibar and the mainland. It also added that the government had started cooperating with the private sector to deal with certain children's rights issues, such as in the instance of orphanage centres managed by private actors.

Finally, the Committee asked about intentions to establish an Ombudsman office for the rights of the child.

Dissemination and training

The Committee enquired on the inclusion of the rights of the child in schools' curricula and on the impact of awareness campaigns related to human rights. The delegation replied that children's rights had been introduced into the programmes of some schools. It also said that people had knowledge of human rights and that people had started to report cases of violence against children, as a result of the government's campaigns.

Budget

The Committee expressed concerns related to the State party's reliance on foreign funding and asked how the government intended to ensure sustainability.

Data

The Committee welcomed the improvements in data collection and asked whether further efforts had been made. The delegation answered that a proper database needed to be established.

Definition of the Child

The Committee noted that children could marry at the age of 14 with the consent of their parents and raised concerns about the definition of the child in the State party. The delegation explained that Article 53 of the new Constitution defined the child as any person under the age of 18 and ensured that the legislation of the State would be amended to be in line with this provision.

General Principles

Non – discrimination

The Committee expressed concerns about discrimination against children with disabilities and made specific reference to the stigmatisation of these children in rural areas. The

delegation said that special protection measures for these children had been established in 2011, and that awareness rising campaigns on this issue were currently being carried out.

The Committee raised concerns regarding the practice of expelling pregnant girls from schools. The delegation said that pupils could not be expelled from school for any reason, including pregnancy, and that breastfeeding leave was granted. The delegation also informed the Committee that legal measures taken against teachers responsible for the expulsions.

The Committee asked about efforts made to eradicate the stigmatisation of albino children. The delegation said that the government started to raise awareness on this issue.

Respect for the views of the child

The Committee welcomed the laws on the participation of children and their freedom of expression and asked about the implementation of these laws. The delegation answered that children, including children with disabilities, could exercise their right to be heard through local and national children's councils. The Committee welcomed the involvement of children in radio and TV programmes but asked about the impact of these programmes on public opinion. The delegation explained that, through these programmes, children could air their views and issues and that people, even local leaders, often took part to the discussion responded.

The Committee asked if the issues of Female Genital Mutilation (FGM) and early marriage were included in these programmes. The delegation explained that radio and TV programmes were incorporated these topics and added that a mass media campaign to increase awareness on early marriage had been carried out in 2014.

Civil Rights and Freedoms

Corporal punishment

The Committee asked about efforts made to eliminate corporal punishment in the State party. The delegation replied that the government was working to abolish corporal punishment in the mainland and informed the Committee that it was already banned in Zanzibar. It also stated that cases of corporal punishment in schools were now reported by children.

The Committee expressed concerns on the use of corporal punishment by police officers. The delegation affirmed that the government had developed standard operative procedures on how to deal with children in police custody to prevent cases of corporal punishment.

Birth registration

The Committee asked for more information on the efforts made by the State party to guarantee birth registration. The delegation answered that a strategy to secure free registration had been launched in 2012. It also added that the government implemented a pilot project in some regions and that the number of children registered had increased.

Age of marriage

The Committee asked whether there was a comprehensive approach to deal with the question of early marriage. The delegation affirmed that marriage under the age of 18 was prohibited in both churches and local offices; however, early marriage was still occurring based on traditional practices and more efforts were needed to combat this phenomenon.

Family Environment and Alternative Care

Family support

The Committee expressed concerns about children detained with their parents and asked for more information and data. The delegation said that children did not go to prison with their parents but they were either put in the care of their relatives or they were brought to specialised centres. The delegation affirmed that the government intended to reform the child protection system and this would include the establishment of a registry to collect the number of children of incarcerated parents.

Alternative care

The Committee asked for information on the living standards and conditions of children in alternative care centres. The delegation replied that the government developed standard guidelines for these institutions.

Adoption

The Committee asked about the intentions of the State party to ratify the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption. The delegation explained that a law related to adoption procedures had been adopted and published in the national gazette in 2012.

Disabilities, Basic Health and Welfare

Health services

The Committee noted that the child mortality rate was of 56 per 1000 live births and asked about policies to reduce such a high rate. The Committee also raised concerns on high maternal mortality rates and enquired about the lack of medical personnel and the nutrition system. The delegation said that primary healthcare units had been built at the village level and that the government scaled up new-born and emergency obstetric care. In relation to nutrition, the delegation explained that the Tanzania Bureau Standards was in charge of controlling the quality of food to assess if this was appropriate for children.

Female Genital Mutilation

The Committee raised concerns on the practice of FGM in the State. The delegation said that FGM was considered a criminal offence and that girl victims of this practice had started to report violations to the competent authorities. The Committee asked what kind of protection the victims received and the delegation explained that they were brought to hostels where they could receive protection.

The Committee recalled the need for changing the mentality of people to enhance prevention of FGM. The delegation agreed with the Committee and explained that the practice of FGM represented a form of income for some people and, therefore, the government had started to provide alternative monetary resources, as a way to stop this practice.

Child pregnancy and Adolescent health

The Committee noted that abortion was prohibited and asked about services available for adolescents to prevent early pregnancies. The delegation answered that girls were taught about the change of their body and that they were encouraged to talk with their families. It further stated that there were plans to introduce more informative materials in schools. The delegation informed the Committee that in Zanzibar the government was trying to increase awareness on prevention of HIV/AIDS and early pregnancy.

Breastfeeding

The Committee asked about the activities carried out during the breastfeeding week organised in the State party and enquired about the options available to support exclusive breastfeeding. The delegation replied that the breastfeeding week included seminars, workshops and awareness raising activities. The Committee also asked whether mothers received proper training on breastfeeding. The delegation said that the government developed a plan (Integrated Management of Child Illnesses) that provided 6 guidelines on early childhood, with 1 dedicated to the practice of breastfeeding.

Drug and substance abuse

The Committee raised concerns about the up trending issue of drug abuse among adolescents and asked about preventative measures. The delegation stated that there were a Drug Commission dealing with this issue and that related legislation had been put in place.

Children with disabilities

The Committee raised concerns about the stigmatisation suffered by children with disabilities and asked about the government's plans on inclusive education. The delegation answered that children with disabilities had access to inclusive education since 2011, and that specialised teachers helped these children in their studies.

Education, Leisure and Cultural Activities

Education

The Committee noted that there was a decline in the number of children enrolling in school and asked about efforts undertaken on this issue. It also enquired on the pre-school education programmes. The delegation replied that the enrolment rates had increased in 2014 thanks to the government's decision to abolish fees for public primary and secondary schools. The delegation informed the Committee that the government was providing financial support to families for the 2 year-long pre-school education.

The Committee expressed concerns about the shortage of teachers, especially in rural areas. The delegation said that loans for students who wanted to become teachers were available and that employment after their studies was guaranteed. The delegation further stated that teachers practising in rural areas were provided with special teaching packages and that the teacher-student ratio in these areas had narrowed.

The Committee noted that private schools were flourishing in the State party and expressed concerns that this could undermine the realisation of Articles 28 and 29 of the CRC. The delegation explained that private schools had to follow national standards and that pupils had to go through national examinations. It also added that teachers working in private schools had started to move back to public institutions because of better increases in salaries.

Special Protection Measures

Juvenile justice

The Committee asked about the number of juvenile detention centres and enquired on strategies to make juvenile courts nation-wide. The delegation said that the government had planned a 5-year strategy to reform the juvenile detention system, to establish community rehabilitation centres and to expand juvenile justice courts on a nation-wide scale.

The Committee raised concerns on the length of pre-trial detention and asked about policies to shorten this period. The delegation explained that delays were often due to the lack of relevant evidence and that measures to speed up the process had been taken. The Committee

asked whether alternative mechanisms to pre-trial detention had been taken into consideration. The delegation welcomed this suggestion.

Child labour

The Committee raised concerns about the negative impact of mining enterprises on the rights of children, especially when major movements of the local population occurred. The delegation said that there were laws regulating the activities of enterprises to protect people and the environment.

The Committee further inquired about the involvement of children in small scale mining labour and asked if more efforts had been made to prevent this situation. The delegation explained that the Tanzania Social Action Fund helped vulnerable families to increase their incomes as a way to prevent child labour. It further specified that periodic controls were made to control the situation of child involvement in work activities.

Sexual exploitation

The Committee underlined that movements of populations caused by mining enterprises could expose children to sexual exploitation and asked for information on prevention strategies.

Trafficking and violence against Albino children

The Committee raised major concerns on the killings of albino children and asked about plans implemented by the government to abolish such a practice. The delegation said that the government commissioned a study in 8 regions where the prevalence of violence against albinos was high and that 5 perpetrators had been punished with life imprisonment. The delegation also stated that protection shelters for albino children had been established. The Committee asked for clarifications on the living conditions in these shelters and reminded the delegation of the importance of reintegrating albino children in the society. The delegation answered that the government had started to monitor the situation in these shelters.

The Committee expressed concerns on the trafficking of body parts of albino children and asked about actions implemented to eradicate superstitions, as it was aware of believes attributing magical powers to body parts of albinos. The delegation agreed on the need to change the mind-set of people and said that the government had banned fortune tellers. It further added that people who provided information for the identification of fortune tellers were protected by the State to avoid revenge.

Sale of children, child prostitution and child pornography

The Committee asked about the criminalisation of acts related to issues covered by the Optional Protocol on the Sale of Children (OPSC). The delegation answered that child pornography was prohibited and that the government developed a 2011-2015 road-map to implement regulations against child trafficking.

Children in armed conflict

The Committee asked about the prohibition of the involvement of children in armed conflict as well as the prohibition of economic exploitation of children by the army and child labour. It further emphasised the importance of having precise definitions for each type of offence.

Children living on the street

The Committee asked if children's opinions were included in the State's strategies to tackle the situation of street children. The delegation replied that children were included in the study on children living on the street made by the government and that children councils collected information on this issue.

Concluding Remarks

Mr. Benyam Mezmur and Ms. Hiranthi Wijemanne, the two Country Rapporteurs, thanked the delegation for the progress made so far and pointed out that many issues still needed to be addressed. The Country Rapporteurs also emphasised the importance of taking into account the voices of children for the implementation of the CRC.

The delegation thanked the Committee for the fruitful dialogue and stated that the government of the State party would take into consideration the advices, recommendations and concerns expressed by the Committee.