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Domestication of the UN Standards on Children Protection: The Case of Tanzania

Getrude John Likango

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getliko@gmail.com

Noragric
Department of International Environment and Development Studies
P.O. Box 5003
N-1432 Ås
Norway
Tel.: +47 64 96 52 00
Fax: +47 64 96 52 01
Internet: http://www.nmbu.no/noragric

Declaration

I, Getrude J Likango declare that this thesis is a result of my research investigations and findings. Sources of information other than my own have been acknowledged and a reference list has been appended. This work has not been previously submitted to any other university for award of any type of academic degree.

Signature……..

Date……

Acknowledgements

This work is a product of various contributions and cooperative efforts from different angles. Since it is not possible to mention all who contributed, I would like to mention a few key contributors to the success of this work. To start with, I am grateful to my God for His goodness and mercies throughout my studies. Secondly, I humbly appreciate the contribution from my supervisor Dr. Jose Darley Kjosavik for her kind guidance and devotion to the success of this thesis. Her scholarly advice, patience, encouragement and concern for accuracy shaped my mental perspective as well as the work.

Finally, I wish to express my gratitude to the Norwegian government for giving me a study permit, lecturers at Noragric, and my family for support and encouragement necessary for the successful completion of this masters program. I am really grateful for all the support I received from different organisations and individuals.

Dedication

This work is dedicated to my beloved son Nathan-Ethan D Agodzo who has been with me since my admission at Noragric in 2013. In one way he is the motivation behind the success of this work. Certainly, without this motivation I would not have reached this stage.

Abstract

This study examines Tanzania's commitment towards the realization of child protection objectives as stipulated in the United Nations Convention on the Rights of the Child (UN-CRC) - 1989. The country level commitment to the UN-CRC is studies by examining country's legislations, policies, institutions and programs. In addition, the gaps in relation to the legislations, policies, institutions, and programs are identified.

I have deployed a qualitative approach in this study. The strategy of inquiry is a case study with samples drawn from Dar es Salaam, Tanzania. Forty respondents were drawn from NGOs, government, children centres and the street. The respondents were interviewed individually and in groups. Major instruments I used in data collection are in-depth interviews, observation and documentary analysis. Information gathered was coded based on their themes and patterns and presented according to the research objectives and questions.

The general finding from the study is that, to some extent, Tanzania has internalized the child protection agenda as directed by the UN-CRC through country's laws, policies and programs. However, due to poor economic status of the country, harmful traditional values, and weak institutions, gaps still exist. Meeting poverty reduction goals and prioritization of child protection agenda has not been easy with the government. These challenges affect the prioritization of children concerns and so the country fails to meet the objectives of the UN-CRC in an effective manner. All the discussed gaps and challenges have contributed to lack of protective environment for children in Tanzania.

Among other things, I highly recommend public private partnership (PPP), establishment of an independent child protection institution, mapping off-budget resource mobilization and a special scheme for protecting special group of children like those with albinism for a child friendly society.

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CHAPTER ONE

RESEARCH PUZZLE AND BACKGROUND INFORMATION

1.0 Introduction

"Children can only realize their rights to survival and development and become healthy, productive adults if they are safe from harm" (UNICEF 2010a: 153).

Protection of children and other vulnerable groups in the society is a crucial step towards an attainment of humane development. There is a necessity to safeguard children who are in challenging situations like orphans, children who are under threat of facing abuse, children with special needs (those with disabilities, and adolescent mothers), children living in conflict situations and other disasters, and street children. It is the responsibility of states to provide protection to all children regardless of their situation.

My research explores Tanzania's efforts in the implementation of the United Nations (UN) standards on child protection. The major focus is on how Tanzania practically approach child protection in its day-to-day operations. The practice is studied by examining; the country's policies, legislations and programs so as to see how they promote and safeguard children against abuse and maltreatment. I applied in-depth interviews, observation and document analysis as the ways of soliciting information.

In this chapter, I will present the reasons for conducting this study, the research problem, objectives and key questions that will be answered by this study, motivation and limitations of this study. In addition, a review of child protection as a concept will be presented as well as the UN guidelines for child protection.

1.1. Motivation for conducting this Study

The rationale for undertaking this study is my interest in knowing how the country is committed in protecting children because of their inherent vulnerability that call for a special attention. Another reason is the general reports from Tanzania mass media about children situation that shows many incidents of child abuse. UNICEF (2005) reports that children in Tanzania have been subjects of abuse and other maltreatment from those who were supposed to protect them ranging from governments, relatives, teachers, community members and other actors. To justify the UNICEF findings, Tanzania country report on human rights, 2013 and 2009 survey on child abuse reveals that, approximately more than 8 in 10 women and men aged 13 to 24 years have experienced sexual and physical abuse before age 18. This is an indicator that children are not well protected in the country and so their rights in some way are highly compromised.

Furthermore, I decide to conduct my study in Tanzania because the country signed the UN Convention on the Rights of the Child (CRC) of 1989. By signing this convention Tanzania is obliged to ensure that the provisions of the convention are internalized in its programs, and respected.

1.2. Statement of the Problem

Countries that ratify UN conventions are under obligation to implement such standards. Tanzania has ratified UN conventions on children protection and so it is from this fact that Tanzania is supposed to create conducive environment for the protection of children. So far the condition and the safety of the children in Tanzania

is still questionable as the vulnerability level increases and victims of different abuse are also increasing. Due to this, I decided to conduct an exploratory study aiming at exploring the country's commitment to the UN standards on child protection in particular the CRC.

1.3. Objectives

This study will be guided by general and specific objectives as follows:

1.3.1 General Objective

This study examines how Tanzania internalizes the United Nations guidelines and standards concerning child protection in the government's daily operations.

1.3.2 Specific Objectives

a. To find out available legislations, policies, institutions, and programs for child protection in relations to UN guidelines.
b. To identify gaps related to the national legal and policy framework that governs protection of the child.

1.4. Research Questions

a. What are the available laws, policies, institutions and programs for child protection in Tanzania?
b. What are the legal and policy challenges and gaps?

1.5. Significance of the Study

This study is the contribution to the post-2015 child protection global agenda that aims at achieving full child protection by the year 2030. The findings from this study enlightens the international actors for child rights on the level reached by Tanzania in

the course of achieving the agenda to end violence against children and abuse by 2030.

Furthermore, this study has not only added knowledge on the existing schema on child protection in Tanzania but also it has provided a wider picture on the real situation of Tanzanian children. It is from this broader picture the international community will decide what to do and how to go about in dealing with Tanzania's commitments to child protection.

More importantly, this research is the requirement for the accomplishment of Masters of Science in International Relations.

1.6. General Overview of Child protection

According to the United Nations Convention of the Rights of the Child – 1989, a child is any person below the age of 18 years. Individuals under this group calls for special protection from the family, society, as well as from the governments because of their mental and physical vulnerability. This special treatment is what in other words may refer to 'protection'.

Like many other concepts in the field of social science, the concept of 'child protection' is subject to different definitions from different actors motivated by their context, situation and the purpose of such definitions. The concept of child protection is used by UNICEF referring to "…preventing and responding to violence, exploitation and abuse against children – including commercial sexual exploitation, trafficking, child labor and harmful traditional practices, such as female genital mutilation/cutting and child marriage" (UNICEF 2006:1). UNICEF targets children

who are under the risk of falling to child abuse especially orphans, those under civil violence, and those encountering the law. In addition, RCPCH (2016:3) defines child protection as "…the process of protecting individual children identified as either suffering, or likely to suffer, significant harm as a result of abuse or neglect…" involving the mechanisms and institutions established to inhibit and respond maltreatment. Children are protected from the physical, sexual, and emotional abuse as well as neglect.

In summary, all the above definitions of child protection I presented explicitly perceive child protection as all actions against all the evil and bad treatment directed to children. Guided by the above definitions, **In my research I will use the term 'child protection referring to all the processes and activities that aim at preventing individuals under the age of 18 from abuse and violence in all levels of their development.**

As presented by Lachman *et al* (2002) child protection started to become the debate of the day from the 16th and 17th century in Europe when churches and other groups began to establish children charity homes to help children in need. The motive behind was linked in the assumption that children are the vulnerable individuals that need care and support. Later on (by the end of the 17th Century), these activities gained government support and were formalized. By the end of the 20th Century most societies in Europe and the world had at least developed full institutions for child protection and so it facilitated a movement from perceiving children rights as welfare to rights and from charity to entitlement. The UN Convention on the Rights of a Child facilitated this move.

Over time, the situation of children regardless of their origin is not promising. As depicted from the literature, violence against children and other maltreatment are massive. The 2006 UN global research on violence against children reveals that every year, more than 500 million children experience maltreatment worldwide. The consequences of such maltreatments affect not only child's physical, social and emotional life but the families too (UN 2006).

Understanding the urgency for and the needy for protection, the UN through its conventions and works has put clearly that all children are entitled to protection against violence and abuse (Article 19 of the UN convention on the Rights of the child 1989). To promote this, different organizations are working hand in hand with UN member-states to defend and disseminate children protective rights through system development at the local and national levels.

In the same line, Save the Children Organization is protecting children all over the world against all harmful treatments including child trafficking. In partnership with national and international actors, the organization is dealing with the most vulnerable children (MVC) although the long-term aim is to safeguard the wellbeing of all the children. By the year 2014, Save the Children child protection projects reached approximately 21 million exploited, abused and neglected children in the world. It is from the outcome of their work that Honduras successfully banned corporal punishment and other humiliating punishment to children (Save the children, 2014).

As reported by UNICEF (2010a: 1) "violations of the child's right to protection take place in every country and are massive, under-recognized and under-reported…" and therefore are "…barriers to child survival and development..." Children experiencing

maltreatment, violence, mistreatment, and abandonment are vulnerable to death, sexual transmitted diseases (STDs), poor health, and other problems.

Child protection in policy and planning is implemented using different approaches such as the system approach, ecological approach, social learning approach, comparison approach, indigenous based approach and many other approaches. In general, the major difference between these approaches is that, in one point some approaches will deal with macro level, while others will deal with the micro level planning (Wulzzyn 2011; Munro 2011; and Young 2014). However, the most common approach emphasized by the United Nations is the system approach to child protection that will be discussed in details in chapter two.

To have a well-established and effective child protection environment, there must be full government commitment in safeguarding children rights, enforcing establishment of laws, addressing traditional practices and detrimental mind-sets. Governments must also commit themself to emphasising on learning and dialogue on child protection issues, equipping children with skills and knowledge regarding their rights for them to participate in protecting their entitlements. Other areas of importance are; government´s commitment in ensuring the availability of the important services for adaptation, recovery and reintegration, and monitoring and evaluation of the practices as well as programs.

1.7. UN Standards and Instruments for Child Protection

Through its charter and other instruments, the UN is standing for people's freedom, justice and peace that in the end safeguard equality, and human dignity. Since its

genesis, the United Nations has been an outstanding organization in protecting, defending and mainstreaming child rights. The UN works through its agencies such as ILO, UNICEF, and other related agencies at the global to the country level to ensure that the principles of child protection are adhered.

To ensure protection of children in all arenas, the UN has made different legal agreements (conventions) so as to safeguard the welfare of children. The following are the UN conventions on children rights:

i. The United Nations Convention on the Rights of the Child
ii. Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts – 2000
iii. Optional Protocol to the Rights of the Child on the Sale of Children; Child Prostitution and Child Pornography – 2000
iv. Minimum Age Convention, 1973 (No. 138)
v. Worst Forms of Child Labor Convention, 1999 (No. 182)

For the purpose of this study, the focus will be on the Convention on the Rights of the Child-1989.

1.7.1 The United Nations Convention on the Rights of the Child (UN-CRC) – 1989

As indicated in the UN website resources section, this convention is the first legal binding instrument for children rights' protection. From the discussion by Lachman *et al* (2002), the UN Convention on the Rights of the Child (CRC) is the only convention that has gained full support from all countries except the United States of America and Somalia. It is a comprehensive, international binding agreement on the

rights of children adopted by the United Nations General Assembly in 1989 and entered into force in September 1990. Tanzania ratified the agreement in 1991.

This convention is "a full package" when it comes to children rights since it incorporates all the aspects in children rights and welfare from when they are born until they reach adulthood. The UN-CRC has adopted an integrated and holistic approach to the rights of children. All rights are necessary for the full development of the child. According to the Convention, the basic rights of the child are defined as survival rights, development rights, participation rights and the right not to be discriminated against.

Containing 54 articles, the convention discusses three key aspects; provision, protection, and participation as fundamental rights a child must enjoy. On provision, it points free education, health services, food and other basic needs that every child must enjoy. On protection: children are set free from all maltreatment, abuse, child-labor, involvement in warfare, slavery and trafficking. On the last aspect of participation, the convention puts it clear that every child is entitled to freedom of participation in every aspect affecting their lives, freedom of speech, and freedom to airing their views in decision-making.

Specifically, the following are provisions in the UN-CRC (1989) that oblige the governments to safeguard children's welfare; the state recognition of the child's right to life, survival and development (article 6), state's support to children (article 18), measures by the state to protect the child from all maltreatment while under the care of the parents or the guardian (article 19), states ensuring and taking appropriate

actions to make sure the school discipline is governed by principles of human dignity and the directives of the convention (article 28), the responsibility to ensure the child is not exposed to exploitative works especially those intervening with the school timetable and dangerous to physical, mental and other aspects of child development (Article 32), states are directed to take appropriate measures to protect the child from abuse and exploitation (Article 34).

The UN acknowledge that children are in a special category that necessitates special protection and care due to their bodily and mental immaturity through suitable legal safeguards. Therefore, UN-CRC committee "…has made it clear that when a State ratifies the CRC, it takes on obligations under international law to implement it "through children friendly environment guided by legal and policy frameworks" (Lundy *et al* 2012:18).

After every five years, signatories of this convention must submit the report to the UN-CRC committee about children situation and how they comply with children rights in their countries. The reports are reviewed and recommendations are made. Also, the Committee crosschecks whether member-states uphold to the agreements provided in the convention.

In regard to the response of the CRC at national levels, 10 years after the insertion of the convention 160 nations were able to submit their first convention implementation report to the CRC while 40 other states submitted their second implementation report. The reports were highly concerned about several activities related to child rights implemented as well as the legal, institutional and policy reforms made in conformity to the UN-CRC. Generally, irrespective of the Convention on the Rights of the Child

committee lacking the legal force to enforce implementation, to a larger extent it has helped to address key issues like those affecting vulnerable children and other minorities such as the disabled (Lachman *et al* 2002).

1.8. Limitations of the Study

This study is not free from limitations. There have been different limits that in one-way or another might have affected the findings and conclusions reached. Primarily, since this study was conducted in Dar es Salaam region only, the findings might not be applicable and generalized to other regions in Tanzania.

Another limitation is the shot time and financial resources dedicated to this study. One-month time was not enough to get all the information needed as well as to conduct substantial interviews. Also the resources were scarce to the extent that I could not go beyond the available budget. Consequently, I was only capable of conducting 40 interviews mostly with children and few officials.

Lastly, researching my own country of origin was an opportunity but also a limit. The limiting factor was when I found myself feeling pathetic to my own country's situation in relation to the implementation of the UN-CRC guidelines, and country's children rearing values and norms. This is because of the sensitivity attached to children issues around different countries. In one way, my feelings might have affected the research findings. However, I tried my best to take this research from an outsider point of view and so to a larger extent, I have maintained objectivity.

In qualitative research, researcher's values are inherently part of the research process. This is because researchers are social beings that are constituted by their own values and judgements towards different social phenomena. However, Mason (2002) advises qualitative researchers to reflect on every stage and action they take throughout the research process so as to improve objectivity.

1.9. Structure

This work is organized in seven chapters. In the first chapter I presented the background information surrounding the research puzzle. This includes the motivation for this research, problem statement, objectives, research questions, significance of this study, the general overview of child protection and UN guidelines on child protection and limitations. Theoretical foundations as well as child protection literature is presented in chapter two. Chapter three lay out the research methods and ethical considerations. The fourth, fifth and sixth chapters present Tanzania laws, policies, and programs safeguarding children, gaps and challenges and finally the extent to which Tanzania is protective to children. In chapter seven - summary, conclusion and recommendations finalizes this study.

CHAPTER TWO

THEORY AND LITERATURE REVIEW

2.0. Introduction

This chapter covers the system approach to child protection, its application in the policy and planning arena, as well as the critics directed to the approach. Furthermore, the presentation concerning general overview of child protection practice, the social economic status of children in Tanzania, and the Tanzania child protection, legal and policy framework will follow. The conceptual framework will finalize the chapter.

2.1 System Approach to Child Protection

From the last decade onwards, child protection discourse has experienced a fundamental shift in approach. The shift is from focusing on an exclusive kind of children needs to focusing on a more inclusive strategy by responding to all kinds of violence against children and other needs of children. It was from this shift that the UN recommended all states to design a framework reflecting a system approach in addressing violence against children (Plan International Global Strategy 2015 - 2020).

Like many other approaches in social science, the system approach has its assumptions. The key assumption is that all systems are made up of different parts that are structured to attain a mutual target or goal. It is this goal that attaches the system together. Moreover, the structures and substructures have functions and so

they interact and coordinate together to accomplish those functions that contribute to an accomplishment of a mutual goal.

The theory asserts that changes in one unit or structure, affects the functioning of the whole system. Therefore, to sustain the system, cooperation, coordination, teamwork and system flexibility are very important (Wulczzyn *et al,* 2010). As referred by Delaney and Quigley child protection system is "…a coherent set of actions and actors, in which the child is the starting point and which aims to guarantee the rights and well-being of the child by constructing synergies within and between protective environments" (Delaney and Quigley 2012:1).

In reference to child protection, child protection system has certain nested structures (such as families, communities, and the government), functions and capacities, laws, policies, services, accountability, circle of care, cooperation, coordination and collaboration, among other components that have been assembled in relation to a set of child protection goals (Forbes *et al*, 2011; Save the Children, 2009; UNICEF 2008).

For a successful attainment of the child protection objectives, the system has to interact with the context. As Wulczyn *et al* (2010) asserts, child protection systems succeed when there is a balance between the system's goals, "…structures, functions, capacities and the normative context in which it operates. Children are effectively protected by such systems when both the system and the normative context in which it is embedded place highest priority on ensuring children are free from violence, abuse, exploitation, and other forms of maltreatment" (Wulczyn *et al* 2010:4).

This approach acknowledges the connection of child rights and the multifaceted roots and significances of violence. It contributes to a broad and long-term social transformation guided by governments that accomplish their principal obligations as the responsible institutions for protecting the rights of all children in their respective countries. Individual child protection endeavours might concentrate on explicit cases of violence such as early marriages, HIV and AIDS, street children, disabled or sexual abused but a systems approach underscores the necessity of inserting particular problems within a wide out look for sustained results and impacts (Plan International Global Strategy 2015-2020).

As explained by Forbes *et al*, (2011:6),

> "The main aims of a systems approach are to strengthen the protective nature of the environment around children and to strengthen children themselves, in order to ensure their well-being and fulfill their rights to protection from abuse, neglect, exploitation and other forms of violence".

In addition the approach is addressing:

> "…Child protection issues in a comprehensive and sustainable manner, affirms the role of parents and caregivers as the first responsible for care and protection of children, affirms the responsibility of states to guarantee the care and protection of children, through respecting, protecting and fulfilling children's protection rights outlined in the United Nations Convention on the Rights of the Child (CRC) and other international human rights instruments, strengthens the protective environment for all children" (Forbes *et al* 2011:6).

In its holistic nature the approach insists on interaction and mutual responsibilities of all actors such as the government, civil society organizations, parents, families,

caregivers, relatives, community, and other formal and informal structures related to children protection. This makes it easier as every unit is accommodated in the process.

The application of the system approach to children protection was recommended by the UN due to the limited scope of a fragmented approach to child protection. The recommendation was that all states must apply and integrate a multi-faceted approach on planning for child protection programs and policies for sustainable results and for wide-range and long-term responses to children issues. Effectively, a number of organizations have integrated the system approach into their programs such as the UNICEF, Save the Children, World Vision, and the UNHCR (Wulczyn *et al* 2010).

The importance of using this approach of child protection is engendered in its ability to cover and address all children issues, the ability to recognize the multiple causes of child violence phenomenon, consistency, efficiency, employing different sectors dealing with children, its holistic nature, and the application of interdisciplinary approach to address the problem (UNICEF 2013).

The system approach to child protection is not free from criticisms as Lawrence (2004:111) asserts that there is no inherently interdependence nature between the structures of the organization. Individuals are the actors who unpredictably react to the organization environment and that the approach has not discussed well "… the power relations inherent in the family relationships".

2.2. Child Protection System

According to UNICEF Global Strategy (2008:1), child protection system is a "…set of laws, policies, regulations and services needed across all social sectors – especially social welfare, education, health, security and justice – to support prevention and protective responses inclusive of family strengthening". In another aspect, Forbes *et al* defines a child protection system as "…a set of coordinated formal and informal elements working together to prevent and respond to abuse, neglect, exploitation and other forms of violence against children" (Forbes *et al* 2011:2) and Plan International uses the term child protection system denoting "a comprehensive and sustainable approach to preventing and responding to child protection issues, comprising of the set of laws, policies, regulations and services required across all social sectors, especially social welfare, education, health, security and justice to respond to and prevent protection-related risks" (Plan International Global Strategy 2015-2020: 4).

Additionally, UNHCR (2010:10) portrays a national child protection system as composing "coordinated series of functions and actions " assumed by different actors at all levels starting from the family, community, national and international working together to prevent, counter and alleviate all sources of child protection issues. The system must build the family capacity and founded by children opinions.

Basing on the above definitions in this study, child protection system involves all the processes, actions, instruments and the institutions coordinated together so as to

address child protection issues in a cross sectorial and sustainable manner. The activities must be children-centered and aiming at family strengthening.

2.2.1. Elements of Child Protection System

UNICEF (2013) put it very clear that child protection system is not applied in a 'one-size-fits-all' method and so the country's context and situation matter. However, as Plan International Global strategy 2015-2020 asserts, regardless of the context, or nature of clients served a successful child protection system must consists of some key elements that are fundamental to all the systems. To start with, the system of child protection must have governmental and non-governmental institutions such as children who are served, families, communities and pressure groups. All these institutions and actors have key functions to fulfill in the success of the child protection process.

Although countries are diverse in terms of culture, legislations, and resources all the countries will always have the legal and policy structure that stipulates the intervention, activities, guidelines, benchmarks and the justice issues related to child protection, family backing, community involvement and the service structures (the central and local government departments and activities for protecting children).

Inferring to Forbes et al (2011), child protection system incorporates together the formal (legislations, policies, plans, and programs) and informal (local values, traditions and practices for protecting children) structures of the respective society. Formal components are recognized, authorized and directed by regulations and informal components are not guided by legislations of the government but molded by values, attitudes, norms, and other societal practices. If the child protection activities

are to be delivered using the formal structures alone, there may be resistance from the families and the community. Therefore, to avoid this resistance, it is very important to seek support from the clients as well as where the client is located; that is the community.

Save the Children emphasizes on the significance of community-based approach at the local level and how helpful may be during the contingent circumstances and time saving. Presently, in many countries with weak child protection systems, formal and informal structures seem to be separated. (Save the children 2010:4). Additionally, The Hague has set a well standardized legislative procedures on how best the formal and formal elements can be incorporated in a child protection system (UNICEF 2013).

Young (2014) presents the importance of starting with the families when addressing the issue of child protection as among the issues for a successful achievement of child protection goals. True participation of families on how to improve the welfare of their children and assisting the families to develop the missing skills on caring children are the aspects to be included in social work practice. She (Young) emphasizes on the centrality of developing family capacities because the state cannot forever be a parent to a child (even when the state has the best motives).

So as to enhance child protection system, Wulzzyn *et al* (2010) suggests issues such as consolidating the government's capacity, enacting and enforcing proper laws, addressing dangerous local values and practices, emphasis on learning and feedback, strengthening children's capacity to have full participation in demanding and

protecting their rights and updated monitoring and evaluation. On principles guiding a child protection system, Munro (2011b) recommends principles likes; child-centered approach - assisting families on how well to protect their children, early intervention, recognizing heterogeneity of children needs and diversified strategy to address the needs, guided by theory and with a well-planned methods of managing risks as the principles for a well-functioning and effective system of child protection. Figure 1 below is the summary of child protection system elements.

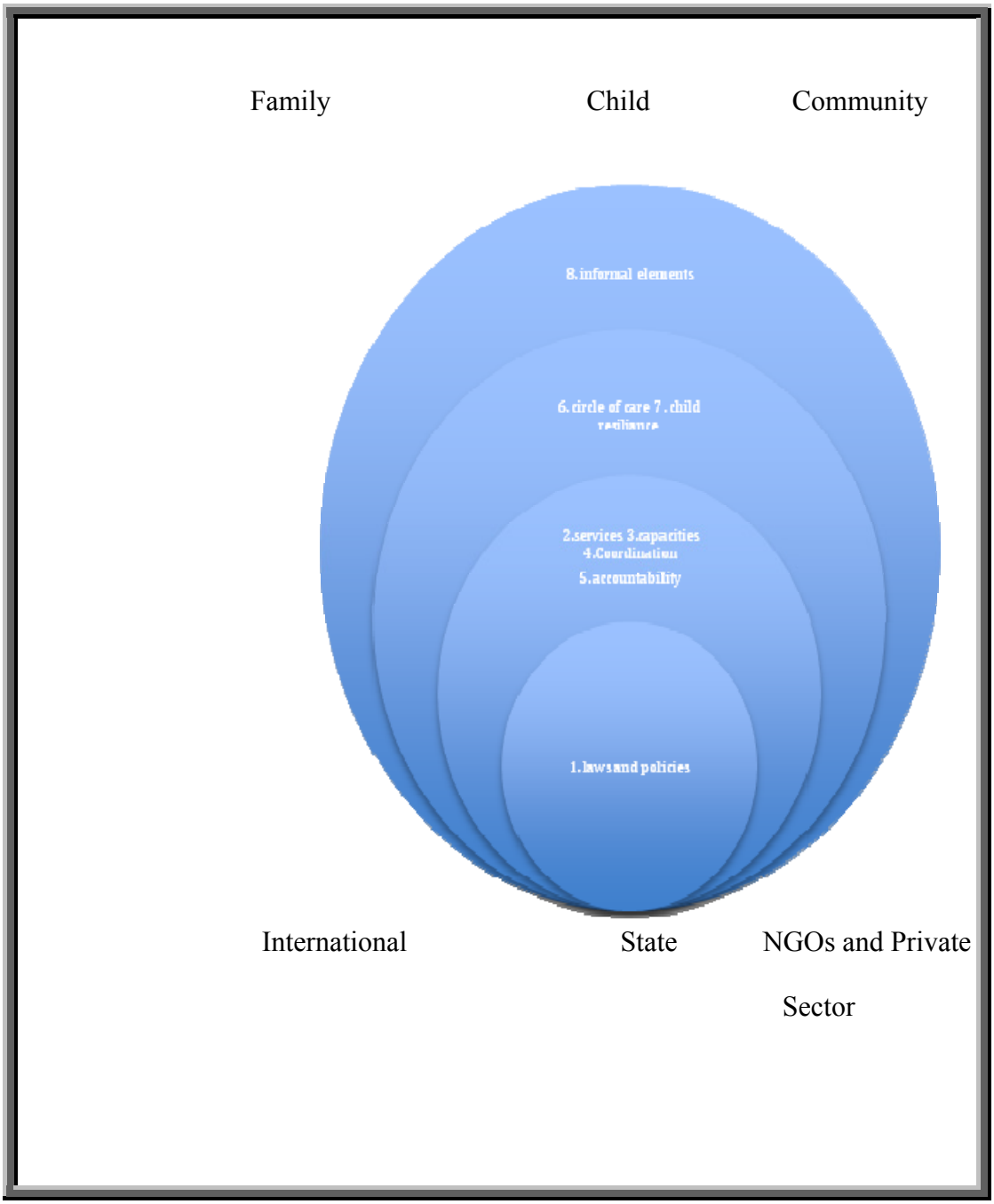

Figure: 1. Child Protection System: Elements

2.2.2 Key Challenges facing Child Protection Systems in the Developing World

Most of the child protection systems encounter different challenges that affect their efficiency in the long run. As discussed by Borg (2012:5), the shift from a single-issue approach to a systemic approach is to a larger extent a radical move and so the national systems in the developing world seem to be less funded and not well prepared to handle children with complex issues. Consequently, some activities done seem to oppose one another.

The radical move discussed by Borg (2012) is inconsistent with the budget allocations. In many countries as pointed by Borg (op cit), child protection system budget allocation has been inadequate especially in poor countries like Sierra Leone and Niger where the system is understaffed due to budgetary deficits. In several nations (including Tanzania) under one percent of the government budget is directed to the child protection issues even when children outnumber other groups in the population structure. Budget deficits leads to a trend where social workers only focus on the children who are recognized and openly abused without cogitating the big number of children facing other issues.

Moreover, accessibility of information on the intensity and frequency of child abuse incidents, violence, child exploitation and neglect is poor especially in the developing world. The actual data on the occurrence, nature and the operation of the child protection system are limited. In the long run, this challenge affects the prioritization and urgency in addressing children protection needs. Actually, few countries gather complete records that later may be disaggregated.

Furthermore, child protection structures are often poorly coordinated especially now that different ministries impacting children welfare have to work together. Numbers of children encounter many interrelated particular issues. For instance, where as the Ministry of Social Welfare is mandated to counteract and mitigate child maltreatment, and other harmful acts, other sectors such as education, health, and judiciary are also responsible in dealing with children. For instance, a child may not be at school but could encounter the law due to street roaming and other problems (TCRF 2014).

Lachman *et al* (2002) in his presentation of the challenges facing child protection in the south presents global debts and poverty as key challenging issues affecting child protection system in less developed countries. His main thesis relies on the assumption that the global cannot successfully address child protection problems without examining and considering issues of global debt and poverty. Burdened by debt, there could not be any genuine potential of institutionalizing successful child protection programs. Children´s needs are not well addressed because most of these countries do not have enough resources for child protection. For instance Tanzania spend more than four to nine times of what it spends on education and health care respectively in paying the debt. Therefore, it is hard for a country like this to have sound programs for child protection on its own.

Another challenge raised by Lachman *et al* (2002) is the HIV and AIDS epidemic. This epidemic has not only reshuffled the social structure but has also brought devastating outcomes. HIV/AIDS has inflicted chaos upon children and families. Children who lost parents to HIV face stigma and become homeless. Subsequently, children have to look after one another regardless of their age and income.

Issues of civil and other wars are other challenges in protecting the children. It is very unrealistic to think of child protection in such states of affair. Incidences in Somalia and Sudan and other places present a gloomy picture to the welfare of children. Children in war settings lack the opportunity to attend school, face psychological and other abuses, lack social services, and fatigue. Apart from affecting children, the state machinery and other infrastructures are disrupted.

Despite the above challenges the work of different organizations such as UNICEF and other NGOs cannot be underestimated. Globally, UNICEF is working with national governments, civil society and other actors to strengthen and develop effective child protection systems for the betterment of the society. Challenges may be turned to opportunities so as to make children live happily regardless of their geographical origin.

2.3. Child Protection Discourse Evaluated

Writers such as Wrennall, Munro, Lonne, and Young have made critical milestones on evaluating the practice of child protection and how well it can be improved so as to address the real family and children's needs.

Wrennall (2010:306) uses the theory of the Trojan horse to condemn the discourse of child protection. He claims that the discourse has been in some ways politicized to foster "…political and economic interests rather than addressing the children interests." He adds… "Child protection exploits the vulnerability of disadvantaged families, profiting from their misfortune … at times…(leads to) …fatal consequences to children." He maintains that this discourse is actually misused for aims that have less to offer in the improvement of children's wellbeing. Wrennall´s major thesis is

centred on the idea that regardless of the justification, activities aimed at rescuing children are always implemented for the purpose of indirectly installing other agendas.

The Anglophone Child Protection (that has dominated the discourse) builds a justification for executing scrutiny, intervening intimate space, and affecting the parents' freedoms for the sake of addressing the problem of harm to the children. As Lonne *et al* provides "… investigation and surveillance are all approved and developed under saving the children" (Lonne *et al* 2009:72). Instead of focusing on the real needs of the people intended, they are "…obsessed with reporting, investigating and monitoring" (Lonne et al 2009:107).

Many discussions engaged in the relationship between the development practitioner and planners reveals that the development workers have failed the poor and have made a very small impact to the disadvantaged populations. Overtime, the poor people have been theorized as 'dangerous' and exposed to greater policies. This implies biasness in approaching communities that are affected by certain policies. So, even the discussions and projects for child protection is indirectly the expansion of the control of the local people (Wrennall 2010; Jones 2002; and Carrabine *et al* 2009).

The major preoccupation of the social worker in the lives of disadvantaged people is a managing role, implicating control, instead of improving and solving the root cause of their problems. Wrennall (2010) uses the term 'authoritative-liberalism' to imply to the system of control pose to the locals under the umbrella of child protection. For

example in Australia, the child protection against sexual abuse allegations were employed as a reason to apply militarist control for a mandatory letting of Aboriginal land and demolishing of indigenous communal arrangements of management (Hunt 2007).

Moreover, the technological advancement has also affected the child protection mainstream as well as the social worker's practices. The use of technologies has created a gap between policies and the existed experience of decision-making as well as the gap between the client and the practitioner. Technologies have come with the quantified and standardized instruments of storing child protection information. Critical thinking and engagement with the clients (children in this case) have been replaced by ticking the boxes designed using different statistical and other computerized software (Carrabine *et al* 2009; Munro 2011a).

Alternatively, Young (2014) shaped by constructivist ideas suggests for a modified approach to child protection that will be a child-centred, appropriate to particular environment, founded in collective actions, involving the family and reciprocal based approach. In short, the approach would involve equal participation of workers, families, children, communities and all other actors involved in the child protection realm for a true change. The reason for equal participation is based on the truth that individuals and processes together construct social reality and are the agents of change.

Additionally, Munro (2011a) in her discussion on the review of child protection system in England suggests that the previous strategies have resulted into negative

outcomes as well as further non-evident complications. For instance, due to strict and standardized reporting systems in most cases, development workers are rather occupied by meeting deadlines rather than designing best ways of improving the safety of children. She (Munro) asserts;

> "A dominant theme in the criticisms of current practice is skewed in priorities that has developed between the demands of the management and inspection processes and professionals' ability to exercise their professional judgment and act in the best interests of the child. This has led to an over-standardized system that cannot respond adequately to the varied range of children's needs" (Munro 2011a: 5).

Like Young (2014), Munro (2011) also points to the emphasis on increasing regulations, complex procedures, and more use of technological instruments rather than full engagement with children for the purpose of needs' identification. As Munro present it, the emphasis on procedures has resulted into a defensive system of child protection and has put aside critical issues such as improving the expertise so as to effectively address true children needs. Therefore, "instead of doing things right (i.e. following procedures) the system need to focus on doing the right thing (i.e. checking whether the children are being helped)" (Munro 2011:6b).

In my study, I have applied the system theory of child protection by analyzing Tanzania's child protection systems structures, values and institutions. I examined how Tanzania child protection structures and institutions are well coordinated for child protection services delivery, how legal and policy structures are harmonized to address and safeguard children rights, and how other programs for child protection are implemented. Finally after examining the structures, policies and legislations, I have concluded that to a greater extent Tanzania is not protective to children.

2.4. Children's Status and Child Protection in Tanzania

2.4.1. Status of Children in Tanzania

According to Tanzania National Bureau of Statistics (NBS) in 2013, the population of children ranging from 0-17 years in Tanzania is estimated to be 22,504,525 (that is 50.1% of the total population). This implies that around half of all the citizens are children under the age of 18 years (URT - NBS 2013). According to the CIA world fact book 2015, children below the age of 15 cover 44% (22,135,841) of the Tanzania population.

Currently, the most vulnerable children (MVC) in the nation are approximately to be 3,000,000. Most of these children are parentless and some in danger of losing their parents. These children involve dual orphans (230,256), motherly orphans (462,688), paternalistic orphans (1,283,067), children cared by seniors (327,514) and those under the care of relatives (200,091). The figure provides that, in 2012 about 11,565 children were residing in domiciliary homes while 453 children were in conflict with the law and kept under prison. Five hundred and seventy eight (578) were in detention, 80 in retention, and 80 in approved schools (CRSA, 2012). Due to an increase of children in need, most of the individuals in the community failed to play their major traditional role of providing care and protection to children something that has led to an increase of children who are parentless, victimized, tortured, mistreated, killed and unsocial in Tanzania.

Once these children lost their parental care, the chances of developing a problematic behaviour are high. The community may experience cases like robbery, rape, drug abuse and other issues. Failure to support these children may lead to serious problems

to the community notably early pregnancies that could lead to an increase in more vulnerable groups. A similar situation may also happen to other children if strategies for youth development are limited (REPOA, NBS and UNICEF, 2009).

Employed youth and not engaged in any self-reliance activities are more likely to be irresponsible for their own children. They might not be able to meet the necessary needs of their children. Immediately control strategies are needed to prevent the extension of the problem to the next generation.

2.4.2 Issues that trigger Child Rights Violation in Tanzania

a. Effects of Poverty on Children

The consequences of poverty and deprivation on children are devastating. Poverty co-operates with and leads to poor outcomes in health, nourishment, education, water and cleanliness. Poverty makes children vulnerable to exploitation, violence and abuse, as well as to common illnesses and premature death and denies their rights to a better standard of living adequate for their physical, mental and social development. More than 70% of Tanzanian children are reported to suffer from two or more deprivations regarding health, nutrition, sanitation, education, information, water supply and shelter; with inadequate access to shelter and water being the most severe. In addition, more than half of rural setting children suffers dispossession of basic necessities (REPOA, NBS and UNICEF, 2009).

Studies conducted by McGregor-Grantham *et al* (2007) on development potentials in the first five years of child development in poor countries, Bryce *et al* (2003) on how to reduce child mortality in Tanzania, Victora et al (2003) on how equitable resource allocation could be used so as to reduce children deaths, Wedgwood (2007) and

Beegle *et al* (2006) on child labour suggests that; poverty is not only affecting family income but also is the cause of child mortality before age five, poor children school achievements, child malnutrition and stress, child exposure to poor health risks, and child labour.

The process of reducing poverty should begin with children because they are the most affected due to their vulnerable situation. Realization of child rights depends highly on addressing the poverty surrounding their communities and families. The government in collaboration with donors have made some efforts to assist the most vulnerable children. However, public programmes for the most vulnerable children have low coverage compared to the numbers of children and households in extreme need, and there is little evidence of their impact. Existing interventions are uncoordinated and financed largely from external sources (REPOA, NBS and UNICEF, 2009).

b. HIV/AIDS prevalence

Tanzania continues to be deeply affected by HIV and AIDS. The epidemic poses a threat to the country's economic and social development and has exacerbated the vulnerability to most children, their households, and communities (NCPA 2007-2010).

According to UNAIDS (2011) the estimated number of people living with HIV in Tanzania was approximately 1,600,000; the prevalence rate among adults aged 15 to 49 years was 5.80%. The total number of adults aged 15 years and more living with HIV was 1,300,000 (1,200,000 - 1,500,000), the number of women aged 15 years and

beyond living with HIV was 760,000. 230,000 children aged 0 to 14 years were living with HIV. There were 84,000 deaths due to AIDS and the number of orphans due to AIDS aged 0 to 17 years was 1,300,000.

According to the 2011-2012 Tanzania HIV/AIDS and Malaria Indicator Analysis (THMIA) on HIV prevalence, an overall of 5.1% Tanzanians aged 15-49 were HIV positive. HIV prevalence among women and men has shrunken from 5.7% in the 2007-2008 THMIS to 5.1% in the 2011-2012 THMIS. Although the trend in HIV prevalence seems to decrease from 5.7% to 5.1% the number of vulnerable children due to HIV/AIDS who are denied their rights continue to increase. The above percentages reveal that in some years to come the number of children in need of protection will significantly increase.

Ng'weshemi *et al* (2002) study on HIV impacts on mother and child mortality in rural Tanzania concludes that HIV leads to increase in child mortality rates especially when involving affected mothers. Above all, HIV intensifies medical expense that would have been used otherwise on addressing children needs.

c. Presence of Harmful Traditions and Cultural Values

According to UNICEF (2010) some societies in the country still practise the most harmful cultural practices that abuse children rights by causing physical and psychological torture to children. Practises such as forced children marriages for girls, female genital mutilation (FGM) and traditional perception that children are objects of rights have highly affected the children rights in Tanzania. For instance the perception that children are objects of rights that their rights depend on the favour of

the adults has not only shaped the way children are treated at the family and community level but also shapes the day to day government's programs and activities geared on children protection in the country. When children are perceived as objects and not subjects of rights, there will be no prioritization of their needs in terms of budget allocation.

Walker (2012) findings on early marriages and harmful effects study in Sub-Saharan concludes that, early marriages leads to high poverty rate and in addition, traditional beliefs leads to stigma and killing of children.

2.4.3. National Legal and Policy Structure

The Constitution is a supreme law of the country. This means all laws enacted have to be in line with Tanzania's Constitutions. Both, the Tanzania Mainland Constitution of 1977 and the Zanzibar Constitution of 1984 contain a Bill of Rights. The Bill of Rights enlists basic human rights and fundamental freedoms to which a person is entitled. Tanzania Mainland is recently amending her 4th constitution.

Over the last two decades, the Tanzanian government has made different efforts through policies and legal frameworks aiming at improving the welfare of the children. The policies reflects the guidelines from the international child rights instruments including the UN convention on the rights of the child (CRC) ratified in 1991 and its two optional protocols and the African Charter on the Rights and Welfare of Children (ACRWC). Efforts are made through improvement of policies and legislations aimed at improving children´s rights (Tanzania Child Rights Forum, 2013).

The Tanzania Government has recently enacted two comprehensive child laws: The Law of the Child Act (2009) in Tanzania Mainland and the Law of the Child Act (2011) in Zanzibar. These two laws protect fundamental rights of children; lay foundations for child care procedures and bring Tanzania on the way to domesticate its obligations under international laws that are relevant to children's rights.

The Law of the Child Act in Zanzibar includes provisions on custody, foster parentage and guardianship as well as the roles and responsibilities of professionals and institutions in providing care and support. The enactment of the Law of the Child Act 2009 represents a real breakthrough and opportunity to strengthen the environment of Tanzanian children (UNICEF, 2013).

The Law of the Child Act of 2009 is an;

> "act to provide for reform and consolidation of laws relating to children, to stipulate rights of the child and promote, protect and maintain the welfare of a child with a view of giving effect to international and regional conventions on the rights of the child; to provide for affiliation, foster care adoption and custody of the child; to further regulate employment and apprenticeship; to make provisions with respect to a child in conflict with law and provide for related matters" (URT, 2009:9).

Moreover, the Law of the Child Act of 2009 provides some measures for the prevention of family separation. In Section 94(3), a local government authority through a social welfare officer shall provide parental counselling to parents, guardians, relatives and children for the purpose of promoting reconciliation between them. Also the law requires the implementation of processes and measures to ensure that suitability of family based alternative care for a child is considered before

envisaging the child's placement in residential care. The Right to grow up with parents is emphasized. Section 7(2) of the Child Act states,

> "A person shall not deny a child the right to live with his parents, guardian or family and to grow up in a caring and peaceful environment unless it is decided by the court that living with his parents or family shall - lead to a significant harm to the child; subject the child to serious abuse; or not be in the best interest of the child" (Law of the Child Act, 2009 Section 7(2)).

In addition to that, there are conditions for placement in foster care; foster care is arranged if a child has been committed to an approved residential home or an institution under a supervision order; a recommendation has been made by a social welfare officer that an approved residential home or an institution is the most suitable place for child; or a child has been placed in an approved residential home or an institution by any person (Section 53 sub sections 1 of the Law of the Child Act 2009).

While several important measures are in progress that can lead to the development of a comprehensive child protection system, identifying the resources to put these plans into practice presents a serious challenge. The current systems that exist in Tanzania for caring for Most Vulnerable Children are still fragmented. The Department of Social Welfare which develops guidelines and mechanisms for services, government-run social welfare schemes, large international initiatives and an array of faith-based organisations and community based organisations provide services but typically do not work together as a cohesive group. Thus various services rendered to MVCs are not coordinated (URT, 2008:26). Most African countries have child protection

systems that are weak, fragmented and under-resourced (African Child Policy Forum 2013).

2.5. Conceptual Framework for Creating a Protective Environment for Children

Children are supposed to start benefiting from their rights to protection as soon as they are born. So as to be able to access their rights, they have to be registered as well as receive their birth certificates. Child protection is attained by both the government actions to create adequate infrastructures and child protection supportive behaviours. UNICEF (2010a) and Landgren (2005) provides that, creating a protective environment for children needs a strategy that address both the attitudes leading to children right abuse, exploitation and neglect, strengthen the capacity of children themselves to protect and demand their rights when violated, and the establishment and strengthening of the child protective structures such as laws, policies, government commitment, political will and prioritization of children needs for sustainability reasons.

Landgren (2005)'s discussion illustrates for a need to go beyond country's legislation for a safe and protective environment for children. She writes:

> "Children's protection from violence, exploitation, and abuse is weak in much of the world, despite near universal ratification of the Convention on the Rights of the Child. Often, improved legislation is not accompanied by significant changes in state or private practices and capacity…" (Landgren 2005:214).

Therefore there must be

> "…Eight elements key to creating or strengthening a protective environment around children… these …are government commitment and capacity; legislation and enforcement; culture and customs; open

> discussion; children's life skills, knowledge, and participation; capacity of families and communities; essential services; and monitoring, reporting, and oversight" (Landgren 2005:219).

On other hand, UNICEF (2010:153) stress on the importance of family and community strengthening. UNICEF asserts:

> "The well-being of children depends highly on the well-being of their families and communities. In turn, families and communities will be better enabled to support and protect their children if national laws and policies are developed in harmony with the United Nations Convention on the Rights of the Child (UNCRC) UNICEF 2010:153).

Presented in Figure 2 is the illustration that summarizes the essential components needed for creating a protective environment for children. Highlighted aspects in this framework are discussed in details in chapter six (6) of this thesis.

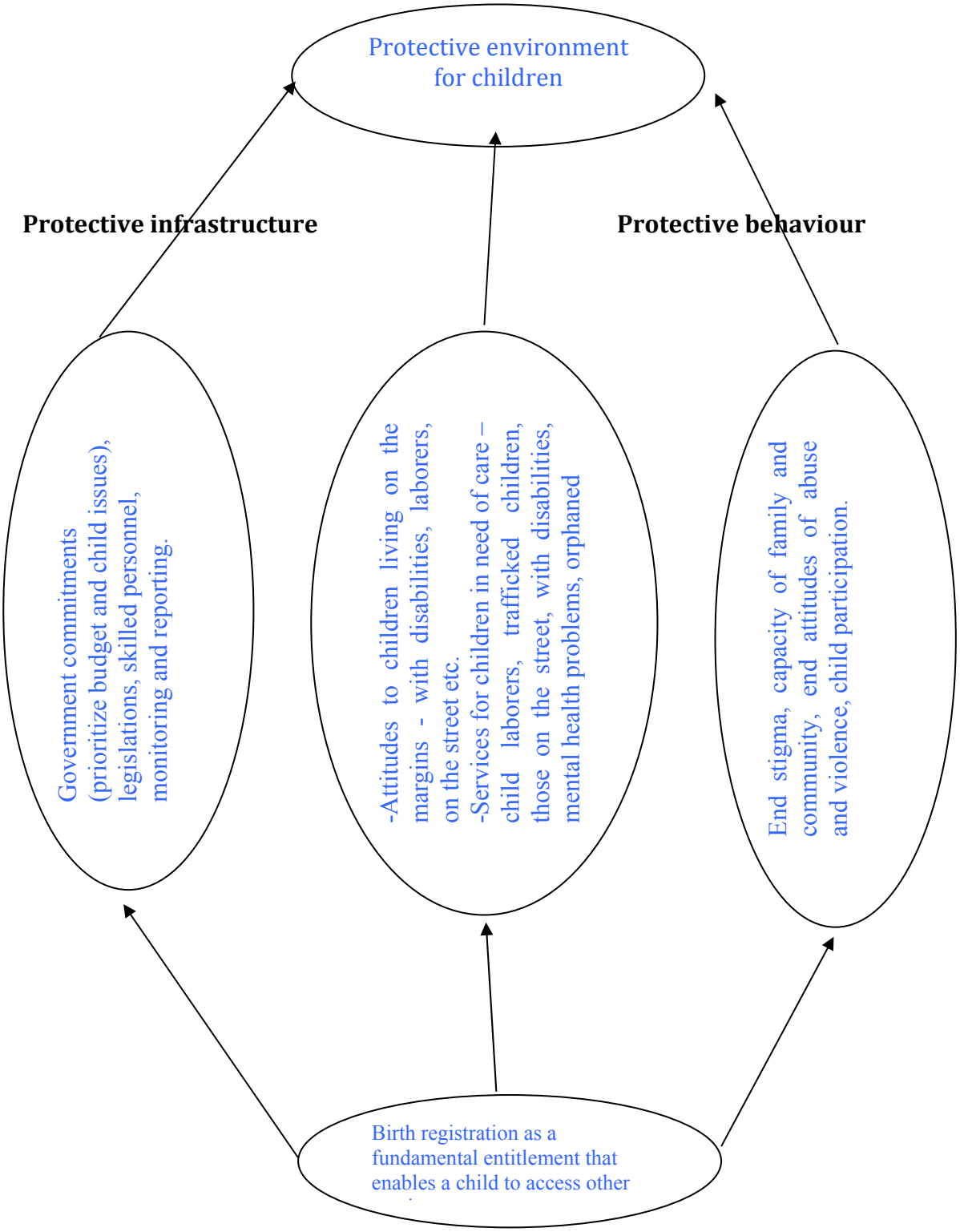

Figure 2. A conceptual framework for creating a protective environment for children

Adopted and modified from: UNICEF (2010: 158) and Landgren (2005:219)

CHAPTER THREE

METHODS

3.0. Introduction

This chapter presents information about the research approach, research design, population and sampling, as well as data collection instruments. In the final subsections, ethical considerations and data analysis procedures are presented.

3.1. Strategy of Inquiry and Approach

The study is within the framework of qualitative research approach. A qualitative inquiry is used due to its capacity to study both the observable and non-observable factors in studying social phenomena. In addition, this study applied an exploratory case-study approach where Tanzania is a case in studying the domestication of UN-CRC children protection rights' and the commitment at the country level.

3.2. Population, Choice of the Area of Study and Sampling

i. Population and study area

I decided to conduct my study in Tanzania because I have special interests and it is my home country. Since it is my home, it was relatively easy to access different places and offices that are concerned with child rights protection. I addition, Tanzania is among the countries where child abuse, exploitation and maltreatment is still practiced despite the country's ratification of the UN-CRC convention that binds countries to enact child friendly legislations, policies and programs. Therefore, I found it wise to conduct my study in my own country so as to identify new insights regarding child protection.

Tanzania is located in the Eastern coast of Africa bordering Uganda and Kenya in the north, bordering Rwanda and Burundi to the west, and in the eastern side borders Zambia, Mozambique, Democratic Republic of Congo and Malawi. The country is rich in minerals, lakes (Lake Nyasa, Victoria, Tanganyika and Manyara to mention a few), rich in national parks, and is the home of mount Kilimanjaro (the African highest mountain). According to the 2012 people and housing census, Tanzania is estimated to have a total population of 44,928,923 people (21,869,990 men and 23,058,933 women) in 2012. Moreover, children were estimated to be 22,504,526 (that is 50.1% of the total population). Making inferences from this information, children occupy more than half of the total population in Tanzania (URT-NBS 2013).

This study was conducted in Dar es Salaam, Tanzania where as its population is estimated to be 4,364,541 people where 37.8% of the total residents are children below the age of 18 years (URT-NBS 2013). The study sample was drawn from Kinondoni, and Ilala districts. Child respondents were drawn from Ilala (Kiwohede centre and Fire Junctions in Kariakoo) and Kinondoni (Watoto wetu Tanzania - Our children center -Kimara Suka). Figure 3 presents the location of Dar es Salaam from the map of Tanzania as well as the sampled districts.

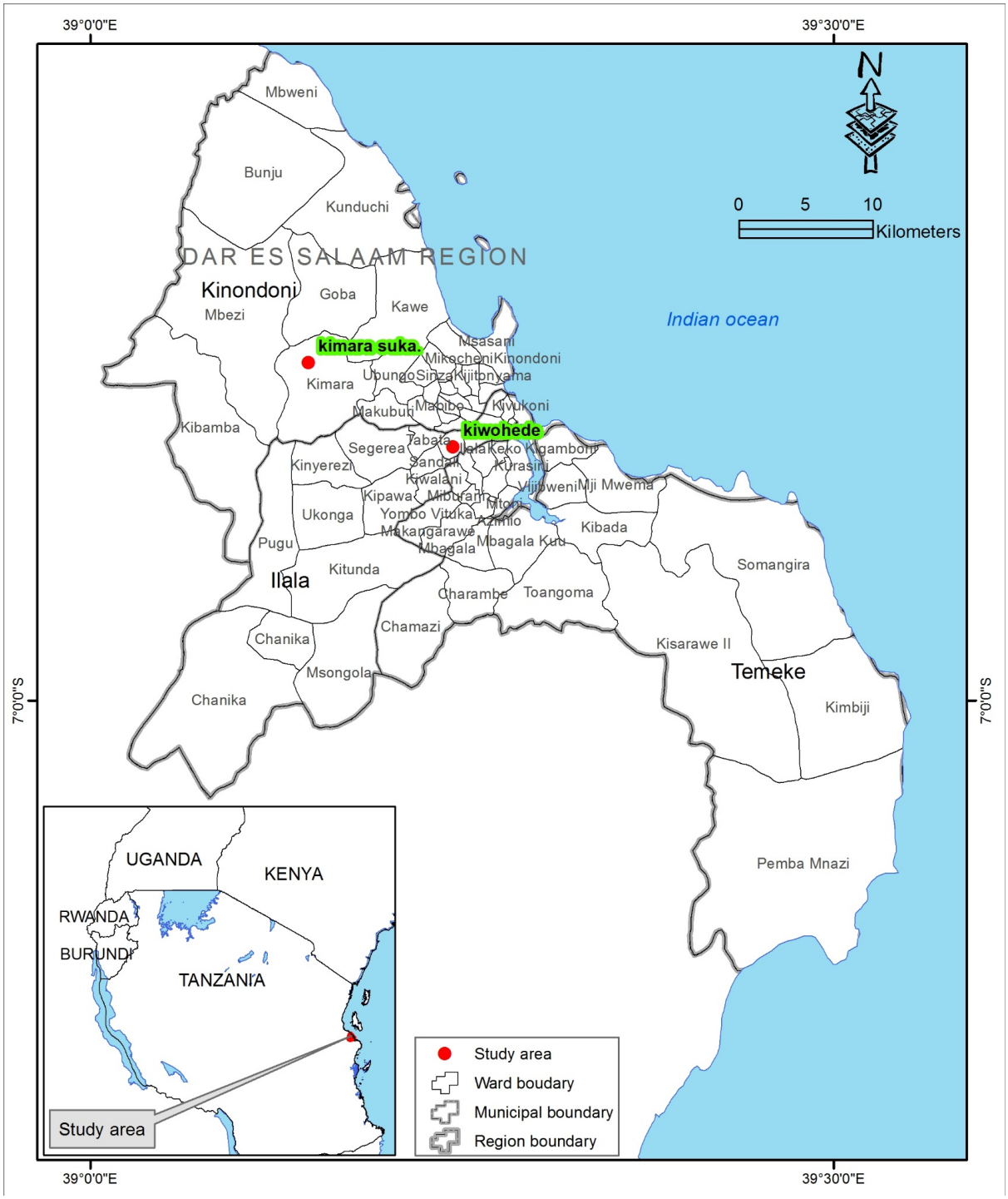

Figure 3. A map showing Dar es Salaam and the study areas

ii. Sample and Sampling Techniques

The information was obtained from government officials, NGOs and children. The study employed four sampling techniques namely: purposive, stratified, convenient and simple random sampling. In purposive sampling, the sample is chosen for a specific purpose (Cohen *et al.,* 2000). The purposive sampling technique was used to select the centres for child respondent and four NGO officers (from KIWOHEDE, TCRF, Watoto wetu Tanzania/Our children in Tanzania), and the government official working under the children department. Stratified sampling was used to get children basing on the nature of their existence (that is those from the street, those under the care centres/homes, and those with and without parents). Mason & Bramble (1997) argued that stratified random sampling separates random samples drawn from each of the strata. Simple random sampling was used to get child respondent under each stratum. Lastly, convenient sampling method was used to access street children.

iii. Sample Size

The sample composed of one (1) official from the Ministry of Health, Development, Gender Elderly and Children, 4 officials from three NGOs (Tanzania Child Right Forum, KIWOHEDE and WatotoWetu Tanzania Children Home), 35 children (6 from the street and 29 from Children Care Centres). In sum, this sample composed of 40 respondents.

Apart from the government institution responsible for children affairs, I decided to include the NGO officials in the sample because they are directly working with children and are watchdogs of government's action and are therefore in a position to

tell about the government commitments. Children were also included so as to get an insider view about the real situation.

iv. Sample Characteristics

The respondents were drawn from a wide range of sources. In case of officials information came from the government as well as from the NGOs dealing with children. On the children side, I sampled children from the street and children from care centres (who are coming from different regions). Age and gender issues were not ignored and so both girls and boys of different age groups were interviewed (17 girls and 18 boys ranging from 9 to 18 years). The age interval was as follows: 7 children were between 9-12 years, 12 children were between 13-15 years and 16 children were aged between16-18. Lastly, the sample included children with parents, children without parents as well as children with single parents. Table 1 summarizes the respondents' features.

Category		Sex		
		Male	Female	
Officials	G/O	1	0	1
	N/O	4	0	4
Single parents		5	3	8
Orphans		6	7	13
With two parents		5	3	8
Street children		2	4	6
Total		23	17	40

Table 1. Sample characteristics

3.3 Instruments of Data Collection

This study employed instruments such as interviews, document analysis and observation to solicit information. I conducted individual in-depth interviews so as to get in-depth and detailed information on how the government is committed to protecting the children in Tanzania. A total of 40 interviews were conducted. Apart from interviews, documents were analysed so as to support the findings from the interviews as well as to get a detailed content of various government policies, laws, and plans. Other documents from the UNICEF and the child protection NGOs were also consulted.

Observation was applied on daily basis so as to identify observable facts related to the situation of children in Tanzania.

3.4. Data Analysis

The interviews were transcribed verbatim and coded according to their themes and patterns in accordance with the research questions. The interpretation and discussion is supported by the information from the documents.

3.5 Ethical Issues

This study was guided by the research code of conduct under which the rights of the respondents were observed. Before commencing the study, I asked for an introduction letter from Noragric so as to get the permit from the Ministry of Development, Health, Gender, Elderly and Children in Tanzania. The same introduction letter made easy acceptance to the NGOs.

Moreover, the respondents were voluntarily asked to take part or withdraw from the study through free and prior informed consent. I also asked their permission to record their voices for accuracy purposes. One respondent refused to be recorded and so I respected his decision.

Furthermore, the anonymity of their identities and confidentiality of the information they provided were assured before their participation. To make sure this promise is kept, I decided to use different acronyms to represent their identities. For example, the use of 'GO' for government official, 'NO' for NGO officials and 'C' for child interviewee.

Guidelines on using children respondents in research were also observed. The guidelines such as the Helsinki Declaration of 1964 explaining that there must be a permit from children themselves, their parents, or the relatives in cases where they do not have parents was observed. The declaration states, "…Whenever the minor child is in fact able to give a consent, the minor's consent must be obtained in addition to the consent of the minor's legal guardian" (Declaration of Helsinki 1964:1). Additionally, other principles emphasized by Scheyvens and Storey (2003) was adhered. Such principles are giving children some control over the research, ensuring their participation for mutual benefits, to give the children enough time so as to gain their rapport, appreciate them and providing some fun and entertaining activities.

Last but not least, I adhered to the NMBU (2015) ethical guidelines that emphasize on good research practice by maintaining reliability, integrity, transparency, and impartiality in the research process and reporting of the results.

3.6. Validity and Reliability of the Instruments

I improved the validity and reliability by applying triangulation of the instruments for data collection as well employing a diversified sample (respondents with different characteristics such as street children, children living in the centres, government officials, and NGO representatives).

CHAPTER FOUR

LEGAL AND POLICY FRAMEWORK, INSTITUTIONS AND PROGRAMS FOR CHILD PROTECTION IN TANZANIA

4.0. Introduction

This chapter provides the reader an understanding of the available legislations, programmes and institutions for child protection in Tanzania. This information is gathered from government, NGO officials, and children through in-depth interviews. Again, documents by UNICEF, Tanzania Child Rights Forum (TCRF) and other documents from NGOs based in Tanzania, UN-CRC Committee reports and those of the government of Tanzania complemented the interview findings.

Before presenting the institutions as well as the legal and policy framework, it is important to make it clear that the government of Tanzania mandates the Commission for Human Rights and Good Governance to oversee the execution of the UN-CRC in Tanzania. In addition, presentation in URT (2012) states that, by the year 2012, Tanzania had already submitted five periodic reports to the UN-CRC Committee in consultation with different stakeholders such as UNICEF, Red Cross, Save the Children, TCRF, ILO and other government commissions.

4.1. Legislations and Institutions

The information obtained from the NGOs as well as the government representative (from the Ministry of Development, Health, Gender, Elderly and Children) verified

that, for the past 8 years Tanzania has shown substantial efforts in creating the environment for child protection in the country. These efforts (in terms of policies, laws and plans) came in 20 years after Tanzania has ratified the UN-CRC of 1989. After the ratification, the first thing was to ensure that the country's laws, policies and programmes were in harmony with the provisions of the UN convention on the rights of the child of 1989.

In general, there has been some advancement in the legal framework for child rights in Tanzania (for both mainland and Zanzibar) by passing the two major legislations (that of the law of the child act 2009 and the children act 2011 in Zanzibar), which primarily aimed at internalization the values of the convention on the rights of the child (CRC).

To give the convention the legal force, in 2009 Tanzania mainland enacted the Law of the Child that was implemented in 2010. For the first time, Tanzania was capable of coming with a compressed document that assembled together the international as well as local needs for children protection in Tanzania. This law is the foundation of the legal systems and procedures for child protection in the country as it touches the entire social, cultural, economic, legal and domestic environment in which the child interacts. From the UNICEF presentation, the Tanzania Law of the Child Act 2009 provides for:

> "…Non-discrimination…the right to a name and nationality…that a child's best interests shall be the primary consideration in all actions taken concerning him/her…the right of children to an opinion, to be listened to and to participate in decisions impacting them…the right to protection from torture and degrading treatments…the right to be protected from economic exploitation…the right to know and be cared for by their

> parents; and…the right that their parents must uphold – to guarantee their children´s life, dignity, respect, leisure, liberty, health, education and shelter.." (UNICEF, 2010:155).

In general,

> "The Tanzania Law of the Child Act 2009 brings together child specific provisions from a range of national laws into one document. For the first time, the Law enshrines key child rights, drawn from international and regional agreements. It establishes a framework for the protection of children from abuse, violence and neglect at local and national levels and sets standards for juvenile justice. Existing provisions for children who need care outside their own homes, as well as restrictions on child employment have been strengthened in this new law" (UNICEF 2012:2).

The law sets the structure for safeguarding fairness for children, incase, they are victims, eyewitnesses or offenders of the law. Also, it describe show best children can be protected whether they have families or not.

Furthermore, the Child Law of 2009 provides for the establishment of juvenile courts in the country with special judges trained on children rights, law and affairs. According to interviews with both the government and the NGO officials, the major aim of the establishment was to bring in a child sensitive process and procedures in the courts as well as to avoid further institutional violence to children. The amendment was made with the faith that child-friendly and protective justice system is not only built in the court procedures but also the physical settings or structures (buildings). The NO2 had the following to say in relation to this:

> "…The law of the child of the year 2009 came with juvenile court that is a special children court under the Children´s Law. This came so as to avoid children issues to be handled using rigid court procedures so as to avoid institutional violence" (NO2: Field work 2016).

Concerning the children court, I had to make further investigation and observation so as to see the availability as well as the total number countrywide. I came to the conclusion that there was only one child court all over Tanzania.

I addition, the law provides for the establishment of special gender and children desk (in the Mainland) and the national gender based violence committee (in Zanzibar) so as to simplify and effectively address child abuse and violence in a proper and systematic manner that do not infringe children's rights. The aim is to ensure that all child violence claims are attended immediately with sensitivity to children's rights protection and child dignity. The police attendants of those desks are not allowed to service in formal uniforms. They also receive special training on children´s affairs. This is effectively achieved because by now, all the police posts all over Tanzania have this special desk. Stressing on the gender and children desk, the Tanzania country representative when interviewed by the CRC Committee in the 1944th gathering affirmed the special training of the attenders of such desks. She explains the following:

> "Members of the police were trained to handle cases involving child victims and children in conflict with the law. To that end, a standard operating procedure had been devised to guide police officers on how to deal with children in police custody without resorting to corporal punishment…" (Ms. Chana: CRC 1944th committee meeting).

Concerning addressing gender-based violence, the government official (GO) interviewed provided that, in the course of addressing gender-based violence, the government has collaborated with NGOs like Save the Children to establish 'one-stop-centers` in different parts of Tanzania so as to closely and immediately address the abuse on children's gender and as another way of consolidating child protection

systems in Tanzania. These centers are opened for twenty-four hours in seven days where children violence and abuse cases are reported and medical services and counseling for abused children are provided.

In Zanzibar, the national gender based violence committee responds to abuses facing children at home as well as the victims of gender-based violence. The committee involves the police, civil society representatives, doctors and nurses, lawyers, and teachers.

However, the information captured from the interviews with the children showed that the justice system in the country is not friendly to children due to its corrupt nature. The major concern from the children encountered was that whenever they have cases with the police and the court, they lack big amount of money to bribe officials due to poverty. Therefore, they found themselves in the position of right denial when the other party uses bribes.

According to the interview with the government official, the State party has taken fundamental legal efforts in safeguarding the rights of the children with disabilities. The Law of the Child Act 2009 safeguards the rights of children with disabilities in different ways. The Law provides for the right not to be discriminated, provides for establishment of special facilities for such children, and emphasizes equal access to social service opportunities such as health, education and other important services. It is important to note that Tanzania has domesticated the UN convention on the rights of persons with disabilities - 2009 by enacting the 2010 Person with disabilities act. Unlike the Law of the Child Act 2010, Persons with Disabilities Act goes beyond by levying citizens to report to the authorities, abuses done to children based on their

disability. So far Tanzania has 17 centers for caring disabled children that are owned by the government (UNICEF 2010; TCRF 2014).

The Law of the Child Act as well as the Broadcasting Act also prohibits Child pornography. On child trafficking, the committee is set with a guiding plan for the implementation of the act against human trafficking.

On vulnerable children statistics, the Law of the Child Act 2009 demands each district to update and keep a record of most vulnerable children in the district and in addition provides those registered with the support whenever they are in needy. Key problems associated with this scheme is the failure of many districts to implement this provision, lack of sufficient financial resources, as well as incompetent and unknowledgeable social workers concerning the Law of the Child Act, CRC guidelines and other children`s rights instruments.

Concerning alternative service provision to children in need of care and support as their last resort, the government has established one alternative care center (residential center) that takes in children who do not have parental support as well as the victims of domestic abuse and violence. I addition, the government is collaborating with the private sector as well as some local NGOs to assist and provide alternative homes for the most vulnerable children especially the survivors of abuse. The interview with the NGO officials (NO) at the care centers indicates that the NGOs that I consulted under this study have received children in their centers brought by the government. This is probably because the government owns only one child-care home/center.

Again, so as to ensure that the childcare homes/centers do not abuse the children they claim to protect, the government has specified guidelines for registration and the 'dos' and 'don'ts' to the center owners. The guidelines aimed at ensuring maximum safety of the children at these centers. Social welfare officers are directed to regularly inspect the centers so as to know the condition of the children living in those centers and whether the centers adhere to the principles and regulations given for child protection. The complaint by the NGO official respondents about the regular inspection by their district social welfare officer to their center is a proof that this is done frequently. However, the big issue raised was that, apart from inspection, the government hardly provides the material support to the centers.

In general, so as to protect children and their rights, Tanzania is in the process of revising different laws (Acts) that show controversy or deny children their rights. Examples of the laws that are in the process of amendment include the Marriage Act of 1971 that allows people aged 14 and above to marry, "…Adoption Act of 1955; The Children and Young Persons Act 1937, The Disabled Persons (Care and Maintenance) Act (1982); The Employment and Labour Relations Act (2004); The Education Act (1978); The Sexual Offences Special Provisions Act (1998); The Succession and Inheritance Act (1953)"(Child development policy 2008:11:12). The discussion on how these acts violate child rights is discussed in chapter five.

4.2. Policy Framework

Generally, all the officers interviewed proved of the existence of a very weak policy framework on child protection in Tanzania. However, they pointed that, in the case of policies, since 1996, the child development policy was passed and went through a

series of reviews so as to address the new challenges and issues related to children´s needs. The first review was done in 2008 and the second review is in progress. According to the interview with one of the NGO officials, the review in progress might be published in the next two years. As noted by the former Minister of Development Mrs Margret Sitta, the Child development policy of 2008 is compiled in reflection to the Convention of the Rights of the Child 1989. One of the main goals of this policy (both prior and after the review) is to improve child protection in the country and the overall child welfare (Tanzania Child Development policy 2008).

In case of available plans and strategies, overtime, the government of Tanzania has made a vital move. Since the beginning of the year 2000, there has been a series of plans to ensure the country adjusts itself to the global tune of child rights: child protection inclusive. The National Costed Plan for most Vulnerable Children 2013-2017 phase one (1) and two (ii) and the Multi Sector National Plan of Action to prevent and Respond to Violence against Children July 2013-June 2016, are the key plans for protecting children.

The national costed plan for orphans and most vulnerable children (NCPOVC) was designed to ensure that the government allocates resources as well as work force to ensure that children under risky situations receive adequate care and support from the government. In addition, the plan aimed at ensuring that orphans in particular and other children living in vulnerable situation get desirable services. The NCPOVC laid the framework for the system approach to child protection. It is from this plan that the new approach (system approach) to child protection was applied for the first time in

Tanzania. The social welfare department coordinated the plan (The National Costed Plan of Action for most Vulnerable Children 2013-2017).

Further, the Multi Sector National Plan of Action to prevent and Respond to Violence against Children July 2013-June 2016 aims at putting together different sectors for effective collaboration to achieve child protection. This plan is the result of a mega research done by the government in collaboration with UNICEF and other stakeholders. The major aim of that research was to examine the extent of child abuse/violence, causes and how to address them. For the very first time in Tanzania, all the key ministries related to children directly holistically acknowledged the need for a concrete commitment for child protection in the country. Stakeholders such as the Ministry of Education, the Ministry of Development, the court, police, the Social Welfare, the Ministry of Development and other key ministries connected to children are supposed to respond immediately as a whole whenever there is any action of child abuse. For coordination and implementation purposes, a multi sector child protection task force is formed (involving participants from the local government, education, civil society, police, justice, and health) with the agreement on issues to prioritize in each ministry. The sectors prioritized are justice, health, education, HIV and AIDS, police, community development, civil society and religious sector (Tanzania Multi Sector National Plan of Action to Prevent and Respond to Violence against Children July 2013- June 2016).

Moreover, the plan establishes the district, and ward child protection teams that constitute the police officials, education actors, social welfare officials, community development, health, court, and religious officials. The district and ward social welfare department coordinate these teams. The major preoccupation of each team

member is to work in coordination with other team members effectively to respond to child abuse and children needs at the respective levels. Despite the fact that most children were unaware of the policies, laws, and programs for their protection, one of the child respondent living at the child care centre confirmed receiving some help from the district that later helped the arrival to the city to trace one of the parents (Interview with C8, Field work 2016).

The government (through the Multi Sector National Action Plan to respond and act against child violence) has used local radio and other mass medias to inform the public about stopping female genital mutilation (FGM) and forced child marriages. The radio programmes aimed at showing how wrong and undesirable is the act of FGM. This programme was coordinated by the Ministry of Development, Gender and Children (but now changed to Ministry of Health, Development, Gender, Elderly and Children) and partly funded by UNICEF Tanzania.

In general, the key stakeholders I interviewed strongly believe that the two plans have strengthened the protection system in Tanzania to a larger extent.

In Zanzibar, the country implemented the National Guidelines 2011 aiming at improving children's welfare. Methods and mechanisms on how to address child abuse and supporting the victims of abuse are well explained in the guidelines. The government in Zanzibar in addition has designed a plan of action 2009-2015 aiming at eliminating child labor as well as the costed plan of action for most vulnerable children that provides a map on how to identify and assist extreme vulnerable children.

Thinking of the originality of the above-described plans, one may ask about those who are behind such mega plans? Is it the domestic agents or international agents? If those behind those plans are the external agents, then, the ownership as well as the sustainability of the plan at the implementation level will be endanger. Most of the development plans failed to achieve its objectives after donor sponsorships.

4.3. Programs

On child health, according to the government officer (GO), in the course of protecting the prenatal and post-postnatal babies so that they are born safe, the government introduced a campaign of dispensaries' construction in every village so as to decrease maternal death. Also, in rural areas, there was a scheme for solar panel installation in those dispensaries and other healthcare facilities to get reliable power source. Immunization is given freely to the newborn babies as part of this program. In addition plans are made on how to build the capability of the health sector attendants as well as facilities for taking care of the newborns.

Through the National Health Insurance Scheme, children all over the country can receive health care services in almost all the public and private hospitals in the country. Parents both working in formal and informal sector are emphasized to join the National Health Insurance Scheme to be able to receive predictable medical treatments. The annual fee varies according to the package but the lowest 50,000 Tanzanian Shillings (approximately 25 US Dollars) is affordable to an ordinary Tanzanian.

Both officials asserted that, ensuring schoolgirls are protected; the government has issued an order to the effect that girls who are pregnant whilst in school must not be suspended. They should be allowed to continue with their education after delivery. However, a man found to be responsible for schoolgirl´s pregnancy is convicted and imprisoned for a term of 30 years (for adults). Teachers impregnating students are banned from teaching in any school as well as a stated term of imprisonment. All other misconducts and maltreatment done to girl-children by their teachers are also sanctioned. In implementing this rule, a number of teachers were sanctioned according to the law. For instance, as reported by the Tanzania Jamii forums on the 5th of March 2016, eight (8) teachers including the headmaster of Mihana secondary school in Mwanza region were expelled and reported to the police for having sexual intercourse with students.

On the protection of children living with HIV/AIDS, government resorted to mass campaigns aiming at educating the public to stop stigmatizing people and children with HIV. The government official interviewed affirmed that, in some places the social welfare department at the district level has supplied the HIV families who are poor with food and some necessities. He added that the food given was not primarily for the mother but was aimed at helping the children. The crux of all these programs was means of protecting the child.

As far as child exploitation is concerned, the government in collaboration with different local and international actors such as ILO succeeded in decreasing numerous children working in mines, on farms, as prostitutes, and other dangerous works. The data presented by UNICEF (2010) indicated that between January 2002

and March 2005, 11,178 children were prevented from participating in dangerous works and other 6, 083 children were saved from prostitution in 2005 to 2007.

To conclude this chapter one is convinced to argue that, regardless of Tanzania's economic status and other challenges, the collaboration between the government and other local and international stakeholders have resulted into a solid foundation for strengthening child protection system in the country. Since the foundation has been laid now, it is the government's work to ensure that the good work continued for the betterment of children living in Tanzania.

CHAPTER FIVE

GAPS AND CHALLENGES IN LEGISLATIONS, POLICIES AND INSTITUTIONS

5.0. Introduction

This part of the thesis presents the second objective, which is concerned with the gaps identified in the available legislations, policies, programs, and institutions for child protection in Tanzania. The information sources are interviews, personal observation and documents. Furthermore, in the last section of this part an account for the gaps identified is presented.

5.1 Gaps and Challenges

It is importantly emphasize that the respondents were able to voice out the gaps in the instruments and programmes for child protection in Tanzania. Most of them (especially the officials) depicted that, despite key progress made by the government in cooperation with other stakeholders still there are gaps that need to be coupled for full realization of the of child protection goals as stated in the CRC and in Tanzania laws and policies. Presented below are the raised gaps from the primary as well as the secondary data.

I. Insufficiency and Deficiency of Laws, and Necessity for Harmonization

Regardless of the legislative achievements discussed above, some laws are not in harmony with each other. Again, very key institutions established by the law are not

available. There is also the problem of lack of potentials for resourcing the activities of these institutions.

The interview with the NO.1 revealed very clear that, regardless of having the new Child Law, some national laws that touch on children are yet to be harmonized to fit into the new Child Laws both in Zanzibar and in the Mainland. This gap complicates the general implementation of the Law of the Child Act 2009 in the Mainland and the 2012 Children Act in Zanzibar. The laws that are not in synchronization include Penal Code Provisions, the Law of the Marriage Act 1979, Education Act and all the laws dealing with inheritance. For example, the Law of the Marriage Act 1979 is in contradiction with the Child Law on the right age for marriage. The new Law of the Child-2009 acknowledges all individuals below 18 years as children and so they are not subjected to any marriage contract. While the Marriage Act allows girls to marry at the age of 15 years instead of 18 years when they are full adults. On other side, Education Acts still provides for a corporal punishment to school-children.

Additionally, the definition of who is a child is inconsistent from law to law and in some laws, it is not well specified. It is clearly specified in both the Law of the Child Act 2009 and the Children Act -2011 that a child is any individual below the age of 18 years but the Labour Act states 14 years old children can engage in employment. In the case of Criminal Procedures Act it is not very clear who children are. The same gap is observed by the TCRF (2014) when reporting to the UN-CRC committee about the inconsistency of different laws in defining who children are. The TCRF (2014:9) reads:

> "…Both the ZCA and the LCA have defined a child as any person below 18 years. However, various minimum ages of the child have been retained in other legislations of the State Party - thus causing inconsistencies and outright

interpretational conflict in the application (i.e. minimum age for marriage, minimum age for criminal responsibility, and minimum age for admission to employment)"(TCRF 2014:9).

In addition, the criminal procedures provide the criminal responsibility age to be 7 years. The implication is to get children of 7 years and above tried by the law. This age is very low compare to the criminal responsibility age in developed countries (Smeaton 2011). For instance in Norway it is15 years, 18 years in Belgium, 13 years in France, 14 years in Italy and 16 years in Spain (CRC country Reports 1992-1996, Wolf, 2004).

Moreover, the 2009 child law has not addressed discrimination seen in the marriage law, discrimination due to disabilities, discrimination to children living with HIV, discrimination of pregnant teenagers and people with albinism. On marriage, the discrimination is seen on proper marriage age for girls and boys. According to this law, boys are allowed to marry when they are 18 years old but for girls it is 15 years. The Law of the Child Act has failed to correct this discriminatory provision by lifting the girls' minimum age to 18 years like that of boys. The government personnel interviewed maintained that religion is the major reasons for not amending such the marriage Act.

On the side of pregnant teens, the law has not addressed the stigma faced by all those children who found themselves in a pregnancy situation. It is very difficult for a girl-child to be re-enrolled to school after delivery due to stigmatization. The situation is the same with children affected by HIV as other children and the public do not feel free to integrate with such children. The UN-CRC committee depicts the same gap in the CRC/C/TZA/CO/3-5:

> "While noting the anti-discriminatory provisions contained in the laws of the State party, the Committee reiterates its concern (CRC/C/TZA/CO/2, para. 27) that, discrimination against certain groups of children still exists, in law and in practice, particularly against pregnant teenage girls and teenage mothers (in the Mainland), children with albinism, children with disabilities, children infected with or affected by HIV/AIDS and children living on the streets. It also notes with concern that almost no systematic measures have been undertaken, including religious leaders, opinion makers and the mass media, to combat and change the discriminatory laws, attitudes and practices (CRC/C/TZA/CO/3-5).

On child inheritance, the Law of Children Act 2009 has remained silent in addressing the succession rights especially for the right to inheritance for children born out of the matrimony. Moreover, out of wedlock children still face religious and customary discrimination. This call for the state party to review the succession laws for the aim of addressing this discrimination so as to open up the inheritance right for every child regardless of whether they were born out of wedlock or not.

In supplement, the inconsistency still exists concerning the minimum age in which children can be involved in an employment between the labour laws in the Mainland and Zanzibar. The minimum age is 15 years in Zanzibar and 14 in the Mainland. According to the United Nations Convention on the Rights if the Child Article 2, the minimum age for employment is 15.

Besides, the State Party still lacks the legislation that guides and limit which information should be accessed and not accessed by people of different age. Since the limit is not publicly defined and cleared, children in Tanzania have different ways of

accessing information that are contrary to their age such as pornography through informal media (TCRF 2014).

So as to ensure the government act fast on amending its laws, in 2013 and 2014 different nongovernmental actors such as the CSOs, UNICEF, children, human rights activists, and academicians, campaigned publicly to pressurize the government to review and amend the laws that contradict key national Child Law.

The CRC committee has also made recommendation to the government regarding the compliance between the laws so as to avoid the contradictions in addressing issues for protecting the child. Quoted below is part of the recommendations;

> "The Committee encourages the State party to create an appropriate legal framework ensuring that all laws are in compliance with the provisions of the Convention. The Committee therefore urges the Government to reform existing legislation and to strengthen the protection of children's rights"(General Observation Report: CRC/C/TZA/CO/3-5: 2).

Regardless of the inconformity between the laws and other related gaps, some nongovernment actors are very optimistic with the realization and positive results from the Law of the Child. Quoted by the Ministry of Development, Gender and Children (2013) UNICEF representative proved that

> "… even with these gaps, the new law can make an enormous difference for children in Tanzania. The good news is the tremendous solidarity among all the partners who have come forward during the legislative process. We all have a stake in bringing the Law of the Child to life" (MDGC Web page, 2013).

However, in the interview, the GO stated that the government is in the process of reviewing and amending those laws that are not in harmony with the new Law of the Child Act 2009. Yet, the government official insisted that the government has made a very tremendous move and so to say almost everything is complete except the resource gap.

ii. Low Rate of Child Registration

Both UNICEF (2010) and the TCRF (2014) presentation reveal poor child registration right at birth despite the realism of being clearly stipulated in the 2009 Law of the Child and in the UN-CRC article 7 (1). In 2008, only 20% of children who were below the age of five years were registered in Tanzania Mainland. In addition, it is merely 6% of children under the age of five years in Tanzania Mainland that have birth certificates. Registration of the number of births is very important as it informs policy-markers on how well to redistribute the resources as well as proper child protection planning. Without the accurate number of the children, policies will be poorly informed and prediction about the future of children will be poorly made.

iii. Slow Implementation of Policies, laws and Programmes

Putting the laws, policies, plans and programmes into action have always been a problem in the country despite having most of the key instruments for child protection. The practice of creating and approving the guidelines that would permit the acts to be functioning has been really slowly governed. For instance, the guidelines related to child protection and juvenile courts are still in draft form and still others are yet to be drafted.

All the NO officials interviewed pointed this issue as one of the gaps hindering the linkage between the prescription and the reality. For example, NO.2 had the following to provide:

> "…okay…you have laws and policies but at which rate are they implemented? There are no available institutions for implementation of such laws. The process after launching of the laws and policies is very slow. Take for instance the children court stipulated in the child law is yet to be implemented in full" (Interview with NO.2, Field Work 2016).

The CRC Committee when interviewing the Tanzania representative in the 1944th committee meeting raised the same concern of low rates of policies and plan implementation and so asked the government to work on that.

iv. Failure to address Child Trafficking and Street Children

On daily basis, many children are transported from one region to another for the purpose of employing them as domestic and sex workers. Some children decide to move from the rural areas to towns in search of good life but in return end up being street children, roaming without any hope of success. As per UNICEF (2010) at least 23% of families in Tanzania live with a migrant boy child and 17% of families live with a migrant girl-child. Consequently, the migrated children face abuse from the families they are living with and later end up in the street.

Tanzania is one of the countries where its major cities constitute a larger number of street children despite several plans aiming at tackling the problem. Plan like the National Costed Plan of Action for the most vulnerable children was mainly to address the problem of street children and orphans. However, this plan has failed to end the problem since children are found everywhere on the highway junctions of

cities like Dares Salaam everyday begging for food and money. I surveyed Dar es Salaam city for two consecutive weeks and saw children scattered in very risky junctions of highways where vehicles are driven very fast. Consequently, the situation is not only unsafe for their physical health but it put the children at the risk of sexual and psychological abuse.

v. Inadequate Resources and Budgeting for Child Protection

According to the African Child Policy Forum (2010:1), "budgeting is a process of crucial importance, through which governments' financial resources are generated, prioritized, allocated, executed and controlled." Therefore, the budget is a crucial tool for improving the wellbeing and child security. As discussed by Calin (2010), a budget is an essential instrument for successful implementation of any plan and programs. Without sufficient budget, the plan/policy/program is incomplete. Despite the vulnerability nature and the realism of children occupying more than 50% of the total population in Tanzania, the resource allocated to children issues is not sufficient. Most of the progress achieved especially on laying the foundations for implementation of several legislations, policies and other programs are highly funded by donors (UNICEF, Global fund, USAID, PACT, Family health international, and others) instead of the government (UNICEF 2010).

From the interviews, it was very clear that children issues, child protection in particular is not a priority and so it is given a very small percentage of funds in the national budget. It is really paradoxical when considering the children budget percentage (1% of the ministry budget) and the big number of activities to be accomplished in the policies, plans and the programs for child protection. The

interview with the NO3 depicted the following regarding budget allocations for children;

> "Children issues is not a priority in Tanzania budget allocation despite the country's commitment to different convention for children. The budget is insufficient however, the huge chunk of it is wasted on administrative processes at the ministry level" (NO3: Field Work 2016).

Child protection budget is underfunded and not on the government priority list in terms of what should come first. The national budget 2015/2016 allocated only 1% of the ministry of health's budget to the overall department of the social welfare that deal with children, elderly and other vulnerable groups.

Most of the available laws, policies, plan, and programs for child protection are highly funded by UNICEF. This implies a donor-dependent syndrome of design and implementation in most of the existing policies plans and programmes including the production of a simplified version of the child law document. This reality leaves a lot of questions on how Tanzania will achieve its commitments.

The UN-CRC committee has shown a very big concern for Tanzania's budget deficits and prioritization of children issues. Therefore, the following was recommended to the government of Tanzania;

> "…the Committee expresses its concern that there is no specific budget allocation for children or for the implementation of the Convention and its Optional Protocols in the State party… the economic growth resulting from, for instance, the extractive industries, has not led to increased investment in children and that the State party continues to over-rely on donor funding" (CRC/GC/2003/5: 5) .

Therefore,

> "The Committee encourages the State party to ensure the effective implementation of the existing strategies, addressing children's issues through the provision of sufficient human, technical and financial resources" (CRC/GC/2003/5: 5).

The government fiscal budget is an authoritative monetary tool that offers opportunities for the government of the day to redistribute income. This opportunity should be used properly to address poverty as well as children issues. Also the national budget needs to apply a child-right-based perspective enshrined in the Child Rights Convention so as to see the need for prioritization of the children affairs.

From my observation, the major reason for this budgetary gap is poor planning. The government is over ambitious in designing plans with no implementation strategy. Most of the plans are not tied to the existing budget and to the existing government priorities. What happens- the government plans for the sake of planning hopping that the plan will inform the priorities? This problem has resulted into poor implementation of many plans and programs for addressing children needs because they are not informed by the government priorities as far as funding is concerned.

vi. Persistence of Abuse and Poor Adaptation Plan

Physical abuse, drug abuse as well as sexual abuse still persists and there are few child-trained psychological counsellors to help victims of abuse**.** All the children interviewed had gone through one type of abuse in the street and from their homes. However, there was no mitigation to address their situations even at the care centres. This validates numerous NGO reports on how critical is the situation of children in Tanzania as they are still exposed to maltreatment, violence and mistreatment from home, school and from the community. People supposed to help the adaptation

process and protection of children is among the abusers of children's rights. For example Tanzania Mwananchi newspaper of 9th March 2016 reported incidences where teachers impregnated their students, a father impregnating her school daughter, and police raping minors.

The available laws and policies have failed to remove the corporal punishment to children at home and at school. The children interviewed proved that they have experienced this punishment at home and at school. All the respondents felt uncomfortable with corporal punishment and blamed the government for not banning such a humiliating and abusive punishment to children.

Moreover, in some places especially the mining areas, children are still exposed to some wasteful forms of labour and are exploited by the mining companies.

vii. Failure to Address Child Labour

On child labor**,** girl-children are still highly vulnerable to sexual employment as well as domestic employment. Furthermore, most boys are still victims of child exploitation in the mining sectors. The children interviewed provided that this problem is a very serious challenge as most of the girls dropout from school so as to migrate and become employed in urban areas as domestic workers. The same finding is made by TGNP and SIDA (2006) in presenting the gender profile of Tanzania, where they provide that, children from rural settings travel to urban places to look for better jobs but as the results they end up being sex workers and house maids.

viii. Justice system for Children

Justice for children is under compromise due to unavailability of infrastructures for effective child justice procedures. Children desk in the police posts as well as the juvenile courts established by the Law of the Child Act 2009 is yet to be full realized. In the case of the police children´s desk, despite their availability in almost all the police posts, they are critically underfunded and understaffed and children are very uncomfortable with the police officers that by their nature are unfriendly to children. There are also corrupt practices and planned delays of reported child abuse cases. In some cases the costs to run the case are too high for their parents to afford. This has led to many child abuse and violence cases to remain unreported due to fear of all the above.

Despite the provision that provides for an establishment of the juvenile courts as per Child Laws, only one court operates in the Mainland and one in Zanzibar. Due to insufficient (almost lack of) juvenile courts in the country, many cases involving children are still processed in adult courts that may put the child's right and dignity in danger. For example as revealed by UNICEF, in 2011 over 1400 children were tried in adult courts.

ix. Lack of Well-planned Institutional Coordination

For effective and efficient realization of child protection objectives, there has to be a well-coordinated child protection system. This realism is contrary to Tanzania´s case where 'a child' is seen spreading to several ministries without a connecting point for coordination. In Tanzania Mainland, children´s issues are supposed to be coordinated by the Ministry of Development, Health, Gender, Elderly and Children. However, this

ministry is very weak, it has no political ability and has no reliable source of funding. The data from the fieldwork interviews revealed that the Ministry of Development Gender and Children (now Ministry of Development, Health, Gender, Elderly and Children) has failed to make coordination across different departments. This failure to coordinate well is an obstacle to the fulfilment of the CRC provisions.

Apart from poor coordination, poor capacity of both the children department and the Social Welfare Department is another constraint. The paradox lies in the nature of the responsibilities entrusted to those departments especially at the local government level and the resources or capacity they have. This has affected the implementation of the overall goals of child protection and child rights.

Regarding coordination, the CRC committee has suggested for an establishment of a single body responsible for overseeing all the affairs of children in Tanzania. The Netherlands has successful created a single body for overseeing children affairs known as Children Ombudsman.

x. Failure to address Protection of Children with Albinism.

Child protection must go beyond child's colour, race, ethnic groupings and other subdivisions. Child protection system needs to address the social, economic, cultural and security needs of the children from the minority groups too. This is against the current situation in Tanzania whereby children with albinism live in fear because they face social marginalization from the society, and are hunted by the witch doctors to be killed and mutilated for wealth rituals. Since the year 2000 to 2013 about 71 people including children with albinism have been killed for wealth ritual purposes (UN

2013). This situation deprives their right to life as well as the freedom to live their life the way they wish.

The prosecution of the few suspects of the albino murders is still very slow and surrounded by corruption. The protection of children in their homes is not certain, neither the living condition in the protective camps desirable and protective enough. The government need an international wakeup call to ensure children as well as parents with albinism are under serious and special protection from the government.

xi. Poor Dissemination of the Laws, Policies and Programmes.

Enacting laws, designing policies and plans has to go hand in hand with dissemination and coverage so as to make the beneficiaries aware of the provisions and activities that has to be accomplished by the respective law, policy, plan and program. However, in the interview I noticed that many respondents especially children were unaware of child laws, and programs. In some cases even the NGO officers dealing direct with vulnerable children were unaware of some provisions of the law of the child 2009**.** The difficulty is that it is from these laws and policies that children protection system is described and elaborated**.**

If the children living in the city with access to televisions and other mass media are unaware of the instruments for their protection, what about those living in villages and other marginalized and remote areas? This situation is the revelation that the laws, policies and programs are not disseminated well to the field level and so key/direct beneficiaries are not aware of their entitlements and duties**.** The result of this unawareness to children is failure to demand their rights as well as not knowing where they should go when they are in a dangerous situation.

Inferring this gap to the practicality of development discourse, when the beneficiaries are less informed of their rights and obligations through the legislative and policy frame then, officials in the government, NGOs and local government become the controllers of everything since they are more educated and informed about legislations, policies, plans and program compared to the beneficiaries. They also have specific responsibilities to play in the programs therefore are more powerful in controlling all major decisions regarding any development endeavour. This is what Batten (1967:8-10) calls a directive approach in which the agency controls all the decisions. The consequence of this approach is unsustainability of the results, resistance from the beneficiaries, and extension of dependency.

xii. Persistence of some Harmful Practices that extend Violence against Girl Child

Some children in Tanzania especially girls from Musoma, Manyara, Morogoro, Geita, Mwanza and Mara still suffers from harmful practices such as forced child marriage for girls and female genital mutilation (FGM). This reality was proved in the interview with some children who are living at the childcare homes as the result of escaping from their parents who forced them to accept FGM or to marry when they were under age. One of the child respondents was a victim of forced early marriages at 12 yrs.

The UN-CRC committee raised forced early marriage issues as a key concern and one of the reasons that denies children the right to education.

> **"**The Committee is deeply concerned about the persistence of forced and early marriages of girls, and to lesser extent of boys, in the State

> party, sometimes even before they reach puberty…The Committee is also concerned that despite the Sexual Offences Special Provisions Act (1998), criminalizing all sexual activity with girls below the age of 18, marital rape is not prohibited once the married child reaches 15 years. The Committee also notes with concern that being married is one of the grounds for exclusion from school" (CRC/GC/2003/5).

I confronted the GO so as to get the government's views concerning the persistence of these harmful practices to children and why the laws have failed to end them. He pointed that the government is taking a slow motion in reviewing and dealing with traditional social practices so as to avoid contradiction with people's beliefs. He pointed the issue of pregnancy before marriage as a taboo in Tanzania and so victims must marry regardless of the age to avoid such shame. He said:

> "We wanted to take everything slowly so that we do not contradict with our people's beliefs and traditions…If a person is impregnated it is against the tradition and religion, it is better they marry while still young rather than staying at home and wait for the right age" (GO, fieldwork 2016).

I went further to ask about why it takes so long to address practices like that of female genital mutilation to children especially in the Lake Zone. He responded as follows;

> "When you think of progress in child protection development levels matters a lot. Tanzania is still poor and the law that is dealing with human beings always take a long time as we cannot wake up and change everything over- night. That will be a revolution (GO, Fieldwork 2016).

xiii. Limited Understanding, Emphasis and Institutionalization of Child Protection

Child protection as an independent entity and concept is not well explained and given higher emphasis in the law as well as institutionally established. This is opposing the fact that child protection forms the basis to the realization of other children´s rights.

There have been confusions on clarifying and on what constitutes child protection. In some ways, child protection is overshadowed in country's social protection activities. Stressing on the same observation UNICEF asserts:

> "Child protection is not defined in the Tanzanian law, nor is there a government department actively providing child protection services in all districts. Child protection appears missing from the national agenda. It has been conceptually absorbed into social protection with the emphasis on the Most Vulnerable Children (MVC) programme being considered sufficient as a child protection intervention" (UNICEF 2010:8).

Referring to the presentation by the ANPPCAN (2011) this gap is found not only in Tanzania but in several other Eastern African countries like Ethiopia, Uganda, Kenya and Rwanda. Therefore, they need to make extra efforts to make sure they establish an instrument/institution that will separately address child protection issues.

In summary, the gaps presented here are highly connected with the poor economic situation that limits the funding and implementation of various plans, amendment of different laws, and channelling sufficient fund for child protection issues. Other factors are related to the public will to act on children issues as well as traditional bottlenecks. The question to ask is whether there will be a full realization of children rights especially that of protection in such a fragile and weak policy and legal framework. Nevertheless, with all those gaps there must be a child-friendly environment for children to live happily as children and not as survivors.

Equitable budget allocations on children issues must be keen. As noted in the African Child Policy Forum (2010), a national budget must allocate equitable budget to meet the large number of children in African countries. It is only through the

budget policy instrument that the realization of child-friendly context will be achieved.

5.2. Accounting for the Gaps in Implementing UN-CRC Child Protection Guidelines in Tanzania.

This part is an account for the persistence of gaps in child protection laws, policies, and programs in Tanzania. The following are among the reasons:

i. Lack of Legal Power to Enforce the Implementation

The information I obtained from the interview I conducted with the NO1 showed that UN-CRC signatories were not in any way or legally forced or obliged to implement provisions of the Convention on the Rights of the Child (CRC). However, the only thing they (countries) can do is to show an evidence of positive progression towards child protection goals. He added, "even if the countries will not show any positive progression, the UN has no mandate to use force" (NO1, Field work 2016). The GO too strongly believed that nothing will be done if by any way Tanzania delay or do not fulfil its obligation in protecting children as directed in the CRC. This is a window-dressing style of convention implementation.

If this is the case, then the future protection of the children of this world, Tanzania in particular is not promising. Some countries may lack the political will and so fail to prioritize children affairs and act basing on child's best interest. The global community needs to set out an instrument that will work hand in hand with government to ensure that they fulfil the goal of child protection in practice. Such

instrument should also be empowered to induct measures and penalties to countries that fail to fulfil the obligations without the genuine reasons.

Many writers like Hathaway (2002) and Hafner-Burton and Tsutsui (2005) discusses the same issue of the UN lacking enforcement mechanism to make signatories abide to what they commit themselves to after ratification. For instance Hathaway provides that by 2002 more than 194 countries that ratified the United Nations Convention on the Rights of the Child were not able to provide evidences that they were progressing positively in implementing children rights. Moreover, he suggests that there is a negative correlation between signing of the treaty and human rights score and in most instances the human rights agenda has been used to foster and reward positions through creations of new human rights structures.

ii. Poverty

Poverty is conceptualized in a multidimensional way. These dimensions include lack of income, lack of material assets such as housing, clothes, lack of service access and other assets and lack of capabilities to accomplish things (UNDP 2006).

There has been a debate whether there is a positive correlation between poverty and child abuse. Most scholars such as Marcus (2014) and Bower (2003) to mention a few believe child abuse, exploitation and neglect happens all over the world regardless of whether the country is poor or rich, however, where there is poverty children are vulnerable to deprivation, abuse and exploitation. Bower (2003) writes:

> ‘It must be clearly stated that poverty does not cause child abuse. It is our contention, however, that living in deep poverty is in itself a violation of

> rights, and it enormously increases the vulnerability of children to abuse and neglect' (Bower, 2003: 84 cited in Marcus 2014:1).

As noted by UNICEF (2010:8), in Tanzania "…one-third of households live in poverty". To address the poverty of Tanzanian people children in particular, is very complicated as one problem is embedded in another problem. With limited resources, the government is also responsible to addressing many other problems apart from child protection concerns. Since there is an absolute poverty, currently, everything in the country needs prioritization and so the government finds itself in a confused state. In addition, like many other African countries, Tanzania is among the highly indebted countries that spend large amount of her income in debt servicing (Lachman *et al* 2002). Putting all these issues together, it is very difficult to make an adequate and big investment in strengthening child protection system solely from the national budget.

In addition, poverty has led to more children involved in child labour, poverty has paralysed and still paralysing the government's capability to address its domestic socio-economic, political and environmental predicaments including developing a well-functioning scheme of service delivery to children. Poor economic status of state party has led to weak institutions, and weak implementation of the CRC.

iii. Inefficiency of the Tanzania Commission for Human Rights and Good Governance

Referring to the presentation in chapter four sub-sections one of this work, the government has assigned the monitoring of the UN-CRC to the Tanzania's Commission of Human Rights and Good Governance (CHRAGG). However, the effective functioning of this human rights ombudsman institution is questionable not only in children issues but in the overall human rights affairs in the country. As Tanzania Child Right Forum (TCRF) (2014) discerns, this institution is not autonomous, self-functioning, and neutral. Therefore, it cannot be trusted to monitor child rights. The organ lacks human and financial resources to monitor the UN-CRC implementation nation-wide. If the organ to monitor the UN-CRC implementation in Tanzania is weak therefore, one cannot expect a miraculous output concerning child protection in Tanzania.

vi. Local and Traditional Values

The implementation of the UN-CRC is not done in a vacuum but it is implemented in a social setting with local values, customs, and traditions. Some communities in Tanzania still believe and practice some harmful local practices that inflict physical and psychological harm to children. Practices like Female Genital Mutilation (FGM), child early marriages and the general perception of a child as an object of rights impede the conformity to the UN-CRC conventions, hence the gaps. For instance in Tanzania a child is seen as an object of right as their rights are held upon the rights of the adult taking care of such child. This belief is practiced at the family and individual level but has informed policies and plans affecting children. Since children are objects of rights then prioritization of their needs is limited.

CHAPTER SIX

IS TANZANIA PROTECTIVE TO CHILDREN?

6.0. Introduction

The discussion in this chapter is centred on the extent to which the environment in Tanzania is protective to children. This discussion is guided by the elements presented in the conceptual framework in chapter two sub-sections five (2.5), different documents, as well as the information obtained from field interviews. I will use the framework elements (protective behaviour and protective infrastructure) to discuss the situation in Tanzania.

6.1. Protective Infrastructure

According to UNICEF (2010a: 153) protective infrastructure involves government's commitment (political will) and prioritization of child protection issues, legal reforms in domestic legislations and institutions, skilled and committed social workers, investment in children who are most vulnerable, monitoring and reporting resources and activities, and alternative care for children in the margin (street children, labourers, orphans and children with disabilities).

6.1.1. Government's commitment

According to Landgren (2005), a protective environment to children must have government commitment indicated in the political will to act and prioritize children welfare issues. From the interviews I conducted with different respondents including children, it was concluded that the government is not showing serious commitment to different child protection issues. In addition, the political will to act and promote

child protection issues initiated by domestic actors is not evident. This is evidently proved by the donor dependency syndrome in designing of policies, enacting legislations, and in implementing different programs and strategies aiming at protecting children in Tanzania. On prioritization, the information presented in chapter five proves that the government has not yet prioritized child protection issues in its budget and its day-to-day activities. This is seen in the budget allocation where only 1% of the overall ministry of development budget is allocated to all children affairs in the 2015/2016 annual government's budget.

With poor commitment and lack of political will to act in favour of children, undoubtedly the situation and the future of children in Tanzania is unpredictable.

6.1.2. Legal and Policy Reforms

From the interview I conducted with the NGO officials and the presentation I made in the previous chapters, I have come to conclude that the general legal and policy context in Tanzania is changing very slowly. Most of the available laws directly related to children are out-dated and they (laws) intensify discrimination and further violence against the child. Generally, apart from the Law of the Child act 2009 and Zanzibar Children Act 2011, other remaining laws are not safeguarding child's best interests. The policy framework is also very weak and hardly addressing current children real needs (TCRF 2014). This situation is against the rhetoric that, child protection framework has to be instituted in the national policies and legislations. To make Tanzania protective to children then the policies and laws must be reformed so as to domesticate and reflect the guidelines that the UN-CRC provides.

6.1.3. Skilled and Committed Social Workers

Drawing inference from UNICEF (2010a), a protective environment to children is the one that has in place enough and well trained social workers to deliver child protection services. Social workers are very crucial since they are the one to inform the policymakers about the situation of children needs overtime. Poor training of social workers may result into poor informed policies. The Tanzania Child Rights Forum (TCRF) NGO alternative report presented to the UN-CRC committee in 2014 shows that Tanzania is facing the challenge of insufficient and poorly trained social workers. In addition, some of the social workers that are responsible for updating the day-to-day children situation at the district level are not full aware of the national child laws as well as the UN Convention on the Rights of the Child. Consequently, there has been poor information gathering about child protection and poor service delivery at the district level (TCRF 2014).

6.1.4. Investment in Children who are Most Vulnerable (MVC)

The amount of investment in helping children who are most vulnerable is another criteria for a protective environment for children. According to the research conducted by REPOA in 2008, about 1,000,000 (that is 6-8%) of children in Tanzania were most vulnerable (MVC) (REPOA 2008). According to the interview I conducted with NO.1 Tanzania is assisted by UNCEF and other international and local stakeholders in designing frameworks that would be used to identify and assist children living in extreme risk conditions. These frameworks include the National Strategy against Child Violence and the National Costed Strategy for most Vulnerable Children. However, these strategies are highly funded by donors and are not as successful as it was aimed due to poor skills of social workers and poor planning (NO.1 Field Interview 2016). Currently, many children are still found living

risky environment such as sleeping outside regardless of the weather, begging on highways regardless of cars passing, and no comprehensive strategy of exploring homes so as to identify cases of severe domestic child violence.

6.1.5. Alternative Child Care

All children are entitled to the right to good care from their parents or the state so as to grow within a protective environment. The United Nations General Assembly puts it clear that alternative childcare is designed for children who cannot live with their parents due to various reasons and the state is responsible for alternative care provision. UN-General assembly elaborates:

> "Where the child's own family is unable, even with appropriate support, to provide adequate care for the child, or abandons or relinquishes the child, the State is responsible for protecting the rights of the child and ensuring appropriate alternative care, with or through competent local authorities and duly authorized civil society organizations. It is the role of the State, through its competent authorities, to ensure the supervision of the safety, well being and development of any child placed in alternative care and the regular review of the appropriateness of the care arrangement provided (UN General Assembly 2010:3).

As the above quote indicates, the UN confers the responsibility of alternative care to the state itself or to other agencies that the state trusts. The government of Tanzania is administering one child alternative care centre regardless of the number of children who are seriously in need (estimated one million most vulnerable children). Putting aside few children living in private care centres, it is obvious that many children in Tanzania are having nowhere to call their home.

Many children are living hopelessly in the street and consequently turn into armed robbers, prostitutes, and child-labourers and, are exposed to the risk of being affected by HIV.

In summary, Tanzania child protection infrastructure is not protective and so children are under the risk of falling into abuse, exploitation and neglect. Even the issue of birth registration and birth certificates that is made compulsory by the law, is not yet realized. There is no way the government can design feasible policies and plans if the total number of registered children is unknown. Immediate efforts from the government are needed so as to rescue and create a protective environment for children. Children are the future and the future is prepared today.

6.2. Protective Behaviors

Protective behaviour includes all behaviours and perceptions that are protective in nature such as public attitudes towards violence and child abuse, societal mind-sets, open discussion designed to end discrimination faced by girls and other children. Others are attitude change, children participation in decisions making in the issues affecting them directly. The rest are, training on parental care and approaches by enhancing families' capacity and community to abandon traditional ways that cause harm to children, promote children ability to protect themselves and attitudes to children living on the margins such as those with disabilities, labourers, and those on the street.

6.2.1. Attitudes towards the Most Vulnerable Children (MVC)

In general, public attitude towards the most vulnerable children in Tanzania is not good. Most children, especially those living in the street, children with disabilities and children living with AIDS face stigma and discrimination on daily basis. Former

street children who participated in focus group discussions were uncomfortable to answer some of the questions openly fearing to the negative attitudes from other children who might spread their situation to the public. This implies that the general attitude towards their situation is not positive. For instance, street children no matter their background are commonly perceived as criminals by the society and protective agencies like the police (UNICEF 2010b). The study conducted by Lugalla and Mbwambo (2009) on street children survival and health implications asserts the following in regards to the public attitudes towards street children in Tanzania:

> "Official government attitude towards street children has been very negative. Street children are considered to be hooligans, vagabonds and prone to commit crimes. As a result of this, they have been a target of harassment by law enforcement organizations; there are many cases of street children being beaten by the police, detained and sometimes repatriated to their rural homes" (Lugalla and Mbwambo 2009:129).

In addition, children living with AIDS are also victims of stigma and discrimination from the society as well as their relatives. The findings from the study conducted by Nyblade et al (2003) in Tanzania, Zambia and Ethiopia identify serious stigma and discrimination faced by HIV child victims and how this stigma in turn affect their wellbeing.

Regarding children with disabilities, stigma, isolation, rejection and discrimination are what the society give to them. The general perception towards disability is very negative as it is linked with bad luck, curse and therefore become a burden to the family. There have been several cases where children were found locked up in the room for 7 years because they were born with disabilities (McNally and Mannan 2013).

6.2.2. Attitudes towards Violence and Child Abuse

Through observation and information obtained from different interviews, abuse and violence is a common phenomenon experienced by many children in the country. In addition, many literatures suggest the same observation that, the society's mind-set towards children maltreatment is supportive and normative to the extent that abuse incidents are not addressed in an urgent manner and sometimes they are over-looked (Ellsberg and Heise 2005). Child abuse incidences like unreported child rape, early pregnancies and corporal punishment for children are happening on daily basis.

According to Pereda *et al* (2009), estimated 204 children had experience sexual abuse in 2009. The 4th Tanzania President Dr Jakaya Mrisho Kikwete was once reported saying, early pregnancies by schoolgirls is the result of girls' mistakes and their easy-going behaviour (in Swahili language kiherehere). This perception by the president is typical of how people perceive sexual abuse in Tanzania and has led to unreported cases due to fear of being perceived an easy-goers and being negligent.

Studies by Abeid *et al* (2014) and Abeid *et al* (2015) on knowledge and attitudes towards rape and child sexual abuse concludes that there is poor knowledge and highest level of supportive and accommodating attitudes towards child sexual violence among Tanzanian communities especially in rural areas. Moreover, some societal values fortify sexual violence against girls and women as well as hindering them from taking further actions. Therefore, Abed *et al* (2014) calls for a designed plan of action aiming at attitudes change and awareness building on to harmful social values so as to fight child abuse.

Concerning corporal punishment, the society perceives it as a way of disciplining young generation including children therefore they see it as normative. For instance, in 2010 Tanzania is ranked as the world second country with high prevalence of corporal punishment by the study conducted by Straus (2010).

In summarizing this part, strategies and actions aiming at making Tanzania a protective place for all children must start with changing the societal supportive attitudes, perceptions and mind-sets towards child abuse and violence.

6.2.3. Children Participation and Self-protection

In general children, participation in Tanzania is very poor. This situation may be highly contributed by the general cultural perception that sees children as objects of rights. Traditionally, children rights are subjective and contingent upon the rights of the adult world, therefore this culture does not take children as equal participants in defending and demanding their rights. Children involved in this study voiced that they are not fully involved in issues affecting their lives. In discussing aspects in which they are highly bypassed, they all pinpointed what they want to study, and what they want to become in future to be the leading issue in which they are bypassed. However, political participation was not brought in probably because of their age and scope.

The research that was conducted by Meda and Koshuma on children participation concludes that children voices in Tanzania are not heard and are not well informed about their rights and how to demand them. Researchers cited a 16 years child who made it very clear that they are not involved in any locality meetings; therefore, it is

hard for their voices to be heard. Sounding very pessimistic, a female child responds "calling us in meetings is hard. Do you think they can take our opinions?" (Meda and Koshuma 2011:iii: x).

6.2.4. Strengthening Family and Community Capacity

Family and community capacity strengthening programs are outreach activities aiming at empowering families and communities that have limited capacity of providing adequate care to children. Such programs target the children who are under the threat of missing family care. Agents assist families and communities directly on how to take a good care of their families according to the government guidelines. Apart from empowerment, the overall aim of family strengthening programs is to help children realize their human rights including the right to protection, help children grow within family settings, and strengthening community social support for sustainable results.

Family strengthening activities in Tanzania are highly conducted by NGOs such as SOS, Save the Children, Plan International, and, UNICEF. The government through the social welfare in most cases claims to lack resources needed to assist families that are not in a position to fulfill their parental duties because of poverty (UNICEF 2016).

Emphasizing on the importance of improving families' capacities for a successful child protection UNICEF (2010:153) suggests; "the well-being of children depends highly on the well-being of their families and communities". If the family is not capable of providing care to their children, then realization of child protection goals will remain in books.

Conclusively, the environment in which Tanzanian children live is not protective enough for the realization of the UN-CRC objectives. Child protection systems are very weak and they hardly provide adequate services to children who are in need. The government is not fully participating in the protection of its children by making serious enforcement of available laws, policies, plans, and programs. The efforts made by non-government agencies to strengthen child protection systems are not enough therefore they highly need government's full commitment to benefit all children under threat.

CHAPTER SEVEN

SUMMARY, CONCLUSION AND RECOMMENDATIONS

7.0. Introduction

The previous three chapters presented the legal, policy and institutional framework for child protection in Tanzania. In addition, the gaps and challenges in the laws, policies, institutions and programs were discussed as well as the extent to which Tanzania is protective. In this chapter I present the summary of this study, conclusion and recommendations for further improvement of child protection in Tanzania.

7.1. Summary of the Study

This study aimed at finding how the UN-CRC is domesticated at the country level in Tanzania. Specifically, the study examined the legal, policy, and institutional framework for child protection in Tanzania as well as the gaps associated with the framework. I employed qualitative inquiry to a larger extent. However, few aspects of quantitative approach were employed in sampling processes.

The study area was Dar es Salaam Tanzania whereby 40 respondents were drawn from Ilala and Kinondoni districts to complete the sample for this study. I used individual and group interviews, observation and documentary analysis to solicit information. The analysis of the findings was done using qualitative data analysis methods.

I presented and discussed the findings according to the themes and patters while answering the research questions. The laws, policies, programs and institutions for child protection were presented as well as the challenging gaps. Various gaps such as

insufficient resource gaps, poor institutions gap, lack of harmonization between different laws, failure to protect different groups of children such as those with albinism and street children, poor justice for children and many other gaps were presented in chapter five subsection one (5.I). The reasons for these gaps are poverty, lack of legal mechanism to enforce the convention, weak human rights ombudsman institution and traditional beliefs and local values.

Lastly, I evaluated Tanzania child protection system basing on the conceptual framework for creating a protective environment for children as presented in chapter two. I applied protective infrastructures and protective behaviours concepts as key guidelines for evaluation. Tanzania has poor infrastructure and behaviour that are not friendly for child protection. In other words, Tanzania do not have friendly and protective environment for children in terms of behaviour and infrastructure.

7.2. Conclusion

Going through the country's main Child Law (Law of the Child Act 2009), policies, and key program documents, one sees a ray of hope in terms of the government's willingness to improve children´s rights and condition. The presented legal framework proves that children rights are in the government agenda. However the actual implementation is different from what is stated in the guiding documents (laws, policies, and programs). Therefore, so as to establish a society where children are happy and not only survivors, the government is advised to address all the highlighted gaps presented in this study. To make Tanzania a friendly environment for children and for the better realization of the UN-CRC, there must be harmonization of different country laws dealing with children so as to bring conformity between the laws, strengthening child protection institutions and

improving coordination, investment in the private public partnership so as to supplement one another, increased budget for children issues, address family needs so as to directly address children needs and improving accountability and transparency in children resources.

7.3. Recommendations

7.3.1. Recommendations on how to Address the Challenging Gaps

For an improved child protection system and achievement of the UN-CRC goal of child protection in Tanzania, I would recommend the following:

Initially, if the government would establish an Independent Child Protection Institution (IPCI) that is separate from the general social welfare institutions, child abuse, exploitation and neglect would be addressed adequately in a special way. Such institution will be responsible of coordinating all the activities and efforts geared towards safeguarding children rights in the country.

Moreover, I would suggest for an increased budget and prioritization of children-related issues in the national budget. Alternatively, because the government is faced by many problems that affect the prioritization of child protection in budgeting, the government in partnership with other stakeholders should map out where and how to mobilize financial resources that may help in implementing activities stipulated in the children laws, policies, and plans.

Additionally, while appreciating the importance of the establishment of the gender and children desk (in the Mainland) as well as the gender-based violence desk (in Zanzibar) institutions, it is also very crucial for the government to ensure that these

institutions are equipped with adequate human and financial resources so as to achieve the goal of child protection.

On top of that, because many citizens are not well informed about the UN-CRC and the national laws that protect children, more activities aiming at disseminating the UN-CRC as well as the Laws of the child at the family and community level are needed.

Engaging communities in finding ways of addressing and preventing local practices that extend gender-based violence would be a better option to end gender violence and other harmful local practices.

Last but not least, ensuring that children with albinism receive maximum protection, the government should invest in awareness building in the communities that albinos are killed, ban all the witch doctors in the country, rapid prosecution of reported cases and assisting families having children with albinism.

7.3.2. Recommendations for Further Research

The literature reviewed concerning child protection in Tanzania lacks deep examination of resource allocated for children protection issues, monitoring and reporting. There are limited studies on how efficiently the allocated resources are properly and adequately utilized. Therefore it is very important to examine how resources are allocated, utilized and whether the utilized resource address the real children´s needs.

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Appendices

1: Interview guide for the government officials and the NGO officials.

1. What are the efforts made by the government in ensuring the children are protected (insistence on Most Vulnerable Children)?

-Policies

-Laws

-Programs

-Institutions

2. What are the gaps between the policy/legal prescription and the reality?

3. What are the challenges encountered in implementing the above programs, policies and enforcing the laws?

4. What are the possible solutions to the challenges above?

2. Interview guide for the children respondents

1. How old are you?
2. Where is your home?
3. Do you have parents? And where are they?
4. Why are you here?
5. Where and at what time do you attend school?
6. Where do you go after here (night hours)?
7. Where and how do you get your basic needs (food, shelter, clothes, etc?
8. How do you protect yourself?
9. What are the challenges you face?
10. Do you think the government is protecting the children in this country? Why, and how?
11. What are you suggestions/recommendation in regard to the protection of children?

3. List of Abbreviations

UN – United Nations

UN-CRC - United Nations Child Right Convention

CRC – Child Rights Convention

NGOs – Non-Governmental Organizations

PPP – Public Private Partnership

UNICEF – United Nations Children Fund

MVC – Most Vulnerable Children

STDs – Sexual Transmitted Diseases

ILO – International Labour Organization

HIV – Human Immune Virus

UNHCR – United Nations High Commissioner for Refugees

NBS – National Bureau of Statistics

URT – United Republic of Tanzania

REPOA – Research on Poverty Alleviation

NCPA – National Costed Plan of Action

UNAIDS – United Nations program on AIDs and HIV

THMIS – Tanzania HIV/AIDS and Malaria Indicator Survey

FGM – Female Genital Mutilation

LCA – Law of the Child Act

ZCA – Zanzibar Children Act

ACPF – African Child Policy Forum

KIWOHEDE – Kiota Women Health and Development Organization

TCRF – Tanzania Child Right Forum

GO – Government official

NO – NGO official

C – Child

NCPOVC – National Costed Plan of Action for Orphans and Most Vulnerable Children

CSOs - Civil Society Organizations

MDGC – Ministry of Development Gender and Children

SIDA – Swedish International Development Cooperation Agency

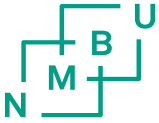
TGNP – Tanzania Gender Networking Program

UNDP – United Nations Development Program

4. Research Budget

S/N	ITEM	AMOUNT
1	Transport to and from the field	10,000 NOK
2	Food, Housing and daily field transport for 42 days)	10,000 NOK
3	Stationaries during fieldwork (printing and photocopies, notebook, etc)	1000NOK
4	Facilitation	1000 NOK
	Total	22,000 NOK

Table 2. Research budget



Norwegian University
of Life Sciences

Postboks 5003
NO-1432 Ås, Norway
+47 67 23 00 00
www.nmbu.no