



CAUCUS for CHILDREN'S RIGHTS Campaign to Protect Children

BRIEFING PACK

Half of Tanzania's population is under the age of 18. The future depends on how we treat these youth today.

INTRODUCING THE CAMPAIGN:

The 50% Campaign to Protect Children challenges Tanzania's lawmakers, media and civil servants to recognise the country's startling population demographic and, consequently, to do more for Tanzania's children and youth. 50% raises awareness amongst the public about Tanzania's startling population demographic. 50% campaigns for legal reform so that Tanzania adheres to international standards of child rights and protection. 50% encourages key agencies and individuals to join the Caucus for Children's Rights in piloting a child protection system in Arusha.

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www.50campaign.org

Tanzania's national population statistics reveal a startling truth...

more than half of the country is comprised of children and youth. In 2002, it was reported that **55%** of the population is **19 years or younger**. In 2005, it was revealed that a full **45.8%** of Tanzania's population is actually **under the tender age of 15**. In response to the urgency of the situation, the Caucus for Children's Rights (CCR) has launched the **50% CAMPAIGN TO PROTECT CHILDREN** ↗

Situation and campaign overview

YOU CAN'T IGNORE THEM. THEY WON'T GO AWAY. THEY ARE 50% OF TANZANIA'S POPULATION.

The youthfulness of Tanzania's population begs the question "Have we got our priorities right in national development plans?"

Where do children feature on the manifesto of CCM, Tanzania's ruling party? Where are the strategies to protect children from abuse in Tanzania's National Strategy for Growth and Reduction of Poverty (MKUKUTA)? The reality is that children have not been put centre stage in national or party political planning.

DESPITE BEING 50% OF THE TANZANIAN POPULATION AND 100% OF TANZANIA'S FUTURE, THEY HAVE BEEN SIDELINED.

This is reflected in the state of Tanzania's law with regards to children. Despite recommendations from the United Nations Convention on the Rights of the Child (UNCRC) Monitoring Committee Tanzania has not yet domesticated the UNCRC into its national law. Consequently the 'protection of the law' is far from reality for most Tanzanian children.

Existing legislation that affects children is haphazard and fragmented. In many Tanzanian communities customary law and practices prevail many of which are not in children's best interests (*See: A Socio Economic Policy Case Study in Tanzania for JLICA Learning Group 4, What Happened to the Children's Statute? Zubeida Tumbo Masabo & Valerie Leach & An Updated Reference Document of Policy and Legal Frameworks affecting the Realisation of Children's Rights in Tanzania, Authored by Magdalena K. Rwebangira, Rosemary Mramba, Respicus Didace & Charles Laurent, Submitted to REPOA in April, 2007*). Some examples of how children's right to protection are violated follow.

In Arusha and other cities the authorities and police routinely round up street children and youth, in violation of their right to equality and non-discrimination, personal freedom, privacy, personal security, and freedom of movement under the Tanzanian Constitution (*See: Articles 12, 13, 15, 16 & 17 of the United Republic of Tanzania's Constitution*). The outdated Removal of Undesirable Persons Act is instead used as a 'legitimate' tool to violate children's rights to protection.

In the absence of a Children's Act there is insufficient commitment, systems and financing to ensure the protection of children. This means that when children are the victims of sexual abuse they neither come into contact with trained counsellors or professionals within the police nor in hospitals (*See: Mkombozi, 2006, Action Alert: Sexual Abuse in Tanzania's Schools: Case studies from Majengo community*). When children are abused within the homes and communities there are no resources, procedures or measures in place to either prevent the abuse or to help children heal from it. The UNCRC notes that appropriate mechanisms for containing and preventing the abuse of children in Tanzania are insufficient and recommends systematic training for all professional groups working for and with children, especially law-enforcement officials, teachers and social workers.

A unified Children's Act would set the standards for the realisation of children's rights.

CHILDREN ARE 50% OF THE POPULATION. GIVE THEM AT LEAST HALF OF YOUR ATTENTION.

THE LAW SHOULD PROTECT CHILDREN.

IF WE DON'T CHANGE THE LAW WE CONDEMN HALF OF THE POPULATION TO PERISH.

When the Tanzanian Government ratified the UNCRC they committed to domesticating and practicing the

The **50% Campaign to Protect Children** is an unprecedented effort to spark national awareness that Tanzania's future depends on the treatment of its children today, and as such, there is an immediate need for legal reform, juvenile justice and child rights. Learn more about the campaign and how to join: info@50campaign.org / www.50campaign.org

The **Caucus for Children's Rights (CCR)** supports and coordinates the 50% Campaign. The CCR is comprised of individuals and organisations committed to the protection of children and youth in Tanzania, and is open to membership applications by like-minded colleagues. Learn more: info@ccr-tz.org / www.ccr-tz.org

principles enshrined in that International Law. They committed to realising children's rights. This would mean:

- Discrimination against certain groups of children (e.g. disabled, pregnant teenage girls, street children) is prohibited by legislation and in practice.
- Juvenile justice standards exist that diverts children from at any correctional and remand facilities.
- Repressive attitudes and norms toward children are challenged.
- Child labour faces judicial scrutiny even though the practice is prevalent.
- The use of corporal punishment against children is prohibited.
- The law protects children from dangerous situations of physical, verbal and sexual abuse.
- Health-care services and health insurance schemes are made accessible to the poorest children and families.
- Attention would be given to developmental, reproductive and mental health issues of adolescents.
- Quality education would be offered at all levels and the physical environment of many schools would be improved.

In reality, the political will to take the necessary action in drafting a Children's Act has been absent. There are no short-term consequences for the Tanzanian Government for not passing the Act. But the long-term picture for Tanzanian development in the absence of investing in children is bleak.

Donor partners are not pushing this issue. Civil Society has been quiescent on this issue. The Media is not discussing the situation. But now the 50% Campaign has been formed to speak out on behalf of Tanzania.

Children are citizens of the country with the full rights of a citizen. The Government is a duty bearer to ensure that their rights are upheld. The absence of a legal framework for the protection of their rights is a failure of the Government to uphold the rights of 50% of the population.

NOW IS THE TIME TO INSTITUTE LAWS THAT PROTECT CHILDREN. JOIN AND SUPPORT 50%...

Media professionals: Report the need for quality legislation that protects children and meets the need for resource allocation to children's services commensurate with their numbers. Contribute to public dialogue about the implications of this population demographic.

Donor partners: Use your influence to catalyse discussion in Government about this Act. You cannot call yourself "developmental" whilst ignoring the needs of children for a law that protects them.

Lawmakers: Ask the Ministry of Justice and Minister for Community Development Gender and Children to table the Act in Parliament. Educate yourself and critique the Government draft. Does it uphold good practice? Does it uphold the principles of UNCRC? Take your responsibility to represent 50% of your constituents seriously.

Business: Sponsor and raise awareness about 50%. Spread our logo and information on your corporate material. Send this message through SMS to your clients: *Did you know that 50% of Tanzanians are children who have no law to protect them? How will you help them?*

child rights +

child protection +

legal reform =

NATIONAL DEVELOPMENT



The CCR envisions...

that Tanzania protects the rights of all its children; that the rights of Tanzanian children inform policies and practices; that the “best interests” of Tanzanian children inform all decision-making.

Chronology of events to date showing process of instituting a Children's Act

JULY 1986 - Law Commission notifies Minister that it has set up working group.

SEPTEMBER 1990 - President signs CRC at World Summit for Children.

1991

- Law Commission working group completes study.
- National Assembly ratifies CRC in July.

APRIL 1994 - Law Commission Report published.

DECEMBER 1998 - Permanent Secretary, Ministry of Justice and Constitutional Affairs establishes committee to review three Law Commission reports on: children (1994), marriage (1994), succession and inheritance (1995). Committee submits its report.

OCTOBER 2001 - Workshop with committee and technical working group (“Makaramba report”).

JUNE 2002 - Workshop of Department of Social Welfare to review laws related to child rights.

2003

- Submission by National Network on Children (NNOC) of elements and principles for new legislation for children (Andersson and Mashamba) and then review of draft cabinet paper by Inter-ministerial Technical Committee Decision that a further consultation process is needed/white paper process.
- Plans and budget for white paper/consultation submitted for funding (by Law Commission?).
- Decision to postpone until after elections to be held end 2005.
- Re-start of white paper/consultation process.
- Cabinet review.
- Presentation of proposed legislation to the National Assembly.

2007

- Attendance by UNICEF, Mkombozi and the Open University at a meeting to publish the African Child Policy Forum's report on Harmonising of Laws in East & Southern Africa (2007), which revealed the extent to which Tanzania lagged much of Africa in domesticating the UNCRC.
- Mkombozi / UNICEF attendance at the International Network of Children's Law Centres revealed opportunities to collaborate with the Children's Law Centre in drafting an Alternative Children's Act, in using strategic litigation to challenge specific laws and finally the critical importance of a legal framework that realises children's rights.
- **December 2007** - UNICEF hosted a meeting with a number of Tanzanian NGOs to identify potential steps to support action.

Unanimous agreement that a broader consultative meeting was critical and that such a meeting should be representative of all Mainland Tanzania NGOs.

2008

■ **February 2008** - National NGO Consultative Meeting on Children's Rights and the Law. Development of strategy for a coordinated response to lobbying for the enactment of a Children's Act in Mainland Tanzania. A smaller Task Force was designated to take forward the operationalising of this strategy.

■ **April 2008** - Task Force Representatives follow up on the issue of the child Legislation in the Parliament, with the aim to identify key parliamentary committees and the contacts of their members who can impact on the process of enacting the Children Legislation and to acquire the formal Child Legislation Bill if available. The Group also hoped to learn from the reliable sources on the status of the Bill.

■ **May 2008** - Prof. Carolyn Hamilton from the Children's Legal Centre in the UK visits the Task Force. On December 10th, 2008 it will be the 60th Anniversary of the Declaration of Human Rights and an opportune time where we can look at the status of human rights in Tanzania through the lens of a child and to advance awareness of the 50% campaign with the public and lawmakers. There is an opportunity to mobilise momentum around human rights in the lead up to this Anniversary, which will be celebrated by the Commission for Human Rights and Good Governance (CHRAGG). Lobbying for a Children's Act cannot be done without analysing the systems, framework of laws and the implications for its implementation. Currently there is no analysis available of the legal situation and gaps in the current legislation. UNICEF have proposed, with the Task Force's backing, to make an agreement with Prof Hamilton to conduct research into the present system and to identify where it is not fit for purpose - where does it not meet international standards and the needs of Tanzanian children. Working with a Steering Committee composed of Government and Civil Society actors the Children's Legal Centre will produce a paper detailing both the analysis and recommendations for legal reform. These will serve to articulate the philosophical underpinnings of a prospective Children's Act. UNICEF have agreed to host a meeting of Government and Civil Society to share the recommendations of the research and to get a sense of what the institutional framework for a Children's Act could look like. This would then be the platform for influencing the content of the Children's Act as it is tabled to Parliament.

■ **June 2008** - Meeting organised by Commission for Human Rights and Good Governance (CHRAGG) focusing on the children's bill. The message was that the Government has taken an option of not coming up with one Bill and instead decided to review individually each Act that relates to children. CSOs were not well represented in the CHRAGG meeting. CHRAGG claimed that they were not involved in making the decision not to formulate one Act. Who then made the decision?

The CCR's mission is...

To advance the protection and empowerment of children and youth in Tanzania.

To advocate for the upholding of children's rights.

To replicate good practice and share learning amongst people and agencies in East Africa and beyond.

To engage communities & leaders to uphold the best interests of children and youth in Tanzania.

To mobilise national, regional and international movements to advance the rights of children.

To partner with other organisations in order to advance its learning, practice and objectives.

CASE STUDIES: Without appropriate law in Tanzania, child abuse is unpunished and child rights are unprotected

Child abuse is the physical or psychological / emotional mistreatment of a child.

Research shows that child abuse is rooted in traditional cultural practices, poverty, separation of couples/ divorce, neglect, alcoholism and drugs use and lack of parental skills, in generally ignorance of children rights.

In fact, child abuse is commonly accepted and practiced in many African countries, Tanzania included. This is true despite the fact that Tanzania has signed agreements on the protection of children's rights. Specifically, Tanzania ratified the UNCRC and ACRWC agreements about two decades ago! To date however, no actions have been taken "on the ground" to protect children, and no actions have been taken to domesticate the agreements toward a unified "Children's Law". In the absence of such law, and a supporting legal framework, interventions into child abuse and neglect are unsupported and uncommon.

Civil society organisations working with child rights in Tanzania face many challenges when advocating for children's rights. For example, Action for Children runs a project in the Arusha region, called "Child Rights Advocacy". In this program, the organisation: trains key child rights stakeholders and also conducts radio airing programmes and community theatre for awareness raising about child abuse. In the course of its work, Action for Children has witnessed child abuse in homes by parents and guardians/relatives, and it has witnessed abuse right on the streets.

CASE #1: CLEAR COURT PROCEDURES NEEDED

In one alarming story, a young boy, just 2 years old, was bitten by his stepmother. The woman claimed that she bit the child out of frustration for his bed-wetting. The young child's neighbours, who knew this child was repeatedly and consistently being abused, informed some local people who acted as "child rights monitors" about the recent events. The child rights monitors went to the young boy's home and found a young woman who introduced herself as stepmother to the child. As the monitors began to question the woman about the child's injuries, several other women suddenly appeared, wishing to harm the child's stepmother because the boy was so small and so badly bitten. The child rights monitors intervened and took the stepmother to the police station where she was arrested, while the young boy was taken to the hospital for treatment and care. Though this case of abuse has now proceeded to primary court, the issue of a national child law comes to bear - without it, there are no clear procedures in Tanzania's courts when it comes to handling such offenders and protecting children and their rights.

CASE #2: FAMILY INTERVENTIONS/SUPPORT NEEDED

A young mother was consistently abusing her children by striking them with big stick, starving and neglecting them. At one time, the woman reportedly abandoned her two week old infant at home, leaving the child with the father and returning only several weeks later. Another time, her infant child was harshly beaten, and her face was scratched with three lacerations. It was learned later that the child was beaten this severely for wetting her bed. When several neighbours finally approached the home of the abused children, they found the woman's husband and asked him why he does not protect his children from the abuse of his wife. The man responded that he does protect them as much and as often as possible, but his wife is exceptionally cruel. He further shared that sometimes, when he and his wife argue about the abuse, she will run away and leave him to care for the children alone. So, he is now worried that she will one day leave for good, and that she will leave when the children are still very young, and that he will not be able to care for them and raise them alone.

STRATEGY MAP FOR CIVIL SOCIETY CAMPAIGNING FOR THE E

1. Financing

STAKEHOLDER RELATIONS: The campaign will be resourced & financed by external & internal donors (CSO's, NGO's, DP, Govt etc)

VOICES OF CHILDREN & YOUNG PEOPLE: The Children's Bill will be properly financed so that provisions can be implemented and enforced.

KEY RESULTS:

1. Well funded children's services in Tanzania.
2. Resourced campaign that is not hindered by lack of funds.

KEY FOCUS:

1. National, with lobbying of external agencies (DPs)
2. Funds can be sourced locally and externally

ACTIONS NEEDED:

- 1.1 Draft Bill / NGO
- 1.2 Alternative Bill to be costed.
- 1.3 Examination of PER / MoF Guidelines to lobby for greater allocation to children.
- 1.4 Strategy development with DPs on including children in JAS.
- 2.1 Develop campaign concept note / funding proposal - submit to donors.
- 2.2 Agree terms.

TARGET INSTITUTION / PERSON:

1. Ministry of Finance & MCDGC, Donor Partners
2. UN agencies - UNICEF, UNDP, ILO-IPEC

PARTNERS LIKELY TO INSTITUTE CHANGES:

1. Social Welfare, MOEVT, MCDGC, MoF, Parliamentarians & Committees (Legal, Social Welfare & Development Committee)
2. Religious leaders - Bishops & Sheikhs, Ambassadors from Donor Countries, Celebrities, media, Private sector in TZ

LEAD GROUP: UNICEF

TIMEFRAME: Jan 2008 - Dec 2012 (because an ongoing commitment to fund the implementation of the Act). NB: Concerns about duration.

2. Media

VOICES OF CHILDREN & YOUNG PEOPLE: We will take into account the existing research and the real experiences of children on the ground in campaign media coverage.

ALLIANCES & PARTNERSHIPS: We will use different types of media in a systematic and strategic way to educate and provoke target groups for action.

KEY RESULTS:

1. Media coverage provokes action amongst decision makers.
2. Different media houses have specific programmes / adverts about children's legal issues (Need for legal protection through an Act).

KEY FOCUS: National and local.

ACTIONS NEEDED:

1. Produce short TV / radio slots / programmes on the lack of laws to protect CR to provoke the audience.
2. Partnership with media though having a media officer from the Campaign linking to the media from each region.
3. Training of media personnel on CR issues.
4. Demystify, revive the debate & popularise the alternative Draft Act that was originally developed by NNOC & NOLA.

TARGET INSTITUTION / PERSON: Children, parents, key government institutions working with children, law enforcers, Parliamentarians, community, private sector, FBOs.

PARTNERS LIKELY TO INSTITUTE CHANGES: Orgs already working on CR issues, FBOs, UN agencies, (ILO & UNICEF), INGOs, children & local government.

LEAD GROUP: Arusha Caucus & selected & existing networks.

TIMEFRAME: From April 2008 until success!

5. Partnerships and alliances with government

STAKEHOLDER RELATIONS: We commit to working with different stakeholders to strive towards achieving our shared objectives and values, by involving the government, development partners and politicians.

CAMPAIGN STRUCTURE: A CSO task force to be mandated to ensure that CSOs on the ground give the campaign legs.

ALLIANCES & PARTNERSHIPS: We will have an effective partnership with key decision makers to mainstream Children's Act issues into policy processes.

KEY RESULTS: Improved protection & welfare of children in TZ because of a high quality Act that domesticates CRC.

KEY FOCUS: Both national and local.

ENACTMENT OF A CHILDREN'S BILL IN MAINLAND TANZANIA

3. General awareness creation

STAKEHOLDER RELATIONS: Our campaign to protect children will take an integrated approach, based on supporting community initiatives through posters, billboards and media engagement. This will provoke public outrage and demand the enactment of the Children's Act.

CAMPAIGN STRUCTURE: We are committed to the active participation of children & young people in the process of designing, implementing and evaluating the Campaign both at a local and national level.

VOICES OF CHILDREN & YOUNG PEOPLE: A forum of children to be critical actors in this campaign.

ALLIANCES & PARTNERSHIPS: A forum of stakeholders, allies and partners local and international, public & privates, utilising each members' potentials, and engages all partners to take urgent and united action with common interest and purpose for the enactment of the Children's Act.

KEY RESULTS:

1. CSO access to & input in the development of the content of the Draft Bill.
2. National Junior Council functioning.
3. Enhancement of public knowledge on the absence of and need for a Children's Bill.
4. Availability of a child friendly version of the Draft Children's Bill.
5. Sense of ownership amongst children of the process, and outcome of the Campaign.

KEY FOCUS: Both national and local.

ACTIONS NEEDED:

1. Develop communications strategy.
2. Strengthen national Junior Council.
3. Create partnership strategy with key stakeholders.
4. Collaborate between UN agencies, CSO's to meet with key ministerial officials to deliberate the draft Children's Bill.
5. Access child friendly version of UNCRC & ACRWC.

TARGET INSTITUTION / PERSON: MCDGC, MoHSW, MOEVT, Ministry of Justice & Constitutional Affairs, Parliament, FBOs, CSOs, Community leaders.

PARTNERS LIKELY TO INSTITUTE CHANGES: UNICEF & other UN agencies, SCUUK, PACT, OXFAM.

LEAD GROUP: UNICEF & National Consultative CSO Forum

TIMEFRAME: 2008-2010.

ACTIONS NEEDED: Lobbying - direct contact with key decision makers, participate in forums in the Ministries, e.g. sectoral working groups, exchange information, Acquire spaces in key national forums.

TARGET INSTITUTION / PERSON: Key decision makers within line Ministries & Departments (MoHSW, MoJ, MCDGC, MOEVT).

4. Direct lobbying of policymakers

STAKEHOLDER RELATIONS: We commit to working with different stakeholders to strive towards achieving our shared objectives and values, by involving the government, development partners and politicians.

CAMPAIGN STRUCTURE: A CSO task force to be mandated to ensure that CSOs on the ground give the campaign legs.

ALLIANCES & PARTNERSHIPS: We will have an effective partnership with key decision makers to mainstream Children's Act issues into policy processes.

KEY RESULTS: Improved protection & welfare of children in TZ because of a high quality Act that domesticates CRC.

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TARGET INSTITUTION / PERSON: Key decision makers within line Ministries & Departments (MoHSW, MoJ, MCDGC, MOEVT).

PARTNERS LIKELY TO INSTITUTE CHANGES: INGO's & DPs, E.g. SCUUK, ILO, DANIDA, MPs, FBOs, Attorney General, District Councils, Ward Development Committees, Social Work Departments at the District level.

LEAD GROUP: CSO Task Force.

TIMEFRAME: From 2008 until the Act is passed!

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LEAD GROUP: CSO Task Force.

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Join the CCR...

Membership in the CCR is open to private or public Governmental or Non-Governmental Organisations and networks.

Members must be able to demonstrate that they can:

- advance the objectives of the Caucus;
- fill a demonstrable need in CCR programming;
- agree to a site visit and organisational capacity assessment;
- provide evidence of their organisational registration and legitimacy.

Note that members must negotiate and agree to a Memorandum of Understanding with the CCR (detailing the member's commitment and planned actions to advance CCR objectives).

Members must pay annual membership fees of Tsh 20,000 (individual) or Tsh 50,000 (organisation).

Application procedure: Submit a letter to the Caucus Coordinator (contact details below) expressing your interest to join. A site visit and organisational capacity assessment will be conducted to determine fulfillment of membership requirements. The application and findings from the assessment will be discussed in a general meeting of CCR members. The Board will consider the recommendation from the members' general meeting and make a final decision.

Caucus for Children's Rights

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Children's Rights**

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DO YOU KNOW A CHILD WHOSE RIGHTS ARE BEING ABUSED ? CONTACT US.