



# EXECUTIVE SUMMARY

## Tanzania\*



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## Introduction

After achieving independence from Britain in the early 1960s, Tanganyika and Zanzibar merged to form the nation of Tanzania in 1964, although Zanzibar maintains semi-autonomous status. Tanzania is subject to several factors which increase the number of vulnerable children and therefore the risk of commercial sexual exploitation of children (CSEC). Poverty is widespread, although it has been reduced significantly over the past few decades.<sup>1</sup> The HIV/AIDS epidemic has left over two million abandoned or orphaned children.<sup>2</sup> The country's location, bordering eight other countries, makes it a popular destination for refugees and allows for large migration flows to, from and through the country. Child labour rates are high and birth registration rates are low.<sup>3</sup> Data on the commercial sexual exploitation of children (CSEC) is limited; however, research suggests that parental separation, poverty, low birth registration, school dropout, migration, trafficking, early marriage and hazardous domestic work all contribute to CSEC.<sup>4</sup>

**Prostitution of children** appears to be growing in Tanzania due to a number of factors including poverty, limited educational opportunities, orphanhood due to HIV/AIDS, marital separation, peer influence and forced/early marriages.<sup>5</sup> These factors lead to a growing number of street children in urban areas who are at a greater risk of engaging in prostitution. In addition, children may be directly trafficked into urban areas and prostitution through false promises of employment.<sup>6</sup> Increased tourism, along with the local demand for young children

who are believed to be free from HIV/AIDS, increases demand in urban areas.<sup>7</sup> Police tend to arrest the children engaging in prostitution rather than the offender; in addition, the police have been known to exploit children involved in prostitution by arresting them and offering to release them in exchange for sexual favours.<sup>8</sup>

Tanzania is a source, transit and destination country for children subjected to **child sex trafficking**. Internal trafficking (especially from rural to urban areas) is more prevalent than transnational trafficking, although cross border trafficking is said to be increasing along the Kenya-Tanzania border.<sup>9</sup>

**Child pornography/child sexual abuse images** are produced in Tanzania.<sup>10</sup> It is suspected that its production is coordinated and organised on a professional level, in part by Europeans.<sup>11</sup> Laws against child pornography appear to be limited in their enforcement.<sup>12</sup> Although Tanzania has subscribed to various campaigns and protocols regarding cybercrime, child pornography and internet safety, concrete steps to advance these initiatives have not been taken.<sup>13</sup>

Sexual exploitation of children in tourism is increasing,<sup>14</sup> especially along the Indian Ocean's beach hotels and in Zanzibar, which is recognized as one of the locations most affected by sexual exploitation of children in tourism in Africa.<sup>15</sup> Tourists come to these regions specifically looking to have sexual intercourse with children.<sup>16</sup>

## National Plan Of Action

While efforts have been made to create a National Plan of Action to combat CSEC in Tanzania,<sup>17</sup> it has not yet been adopted.<sup>18</sup> The Tanzanian Government has, however, developed the *National Costed Plan of Action for Most Vulnerable Children 2007-2010*.<sup>19</sup> The second phase of the plan (2013-2017) was launched in early 2013.<sup>20</sup> The first phase of the plan aimed to address “all forms of child abuse and exploitation, including child trafficking, child labour, and commercial sex.”<sup>21</sup> Progress was

made in many areas,<sup>22</sup> although the primary focus was on improving children’s access to basic rights rather than addressing CSEC issues directly.<sup>23</sup> The 2009 *National Guidelines for Improving Quality of Care, Support and Protection for Most Vulnerable Children in Tanzania* aided the progress of the plan.<sup>24</sup> A lack of funding is restricting the plan as the number of most vulnerable children (MVC) in Tanzania continues to increase.<sup>25</sup>

## Coordination And Cooperation

Organisations are in place to promote coordination within government: between government and NGOs, between civil society organisations, and between the government and the media in view of raising awareness of child rights issues and promoting child participation.<sup>26</sup> In an effort to better coordinate and implement the provisions of the CRC and children’s rights issues in general, the government created the Ministry of Community Development, Gender and Children (MCDGC) on the Mainland and the Ministry of Social Welfare, Youth, Women and Children Development (MSWYWCD) in Zanzibar.<sup>27</sup> The Tanzania Child Rights Forum (TCRF) was implemented in 2009 to coordinate civil society organisation (CSO) initiatives to support the government in implementing the *Law of the Child Act*.<sup>28</sup> The Children’s Agenda is a coalition of civil society organisations, development partners, the media, the private sector and government that are collaborating on the development and implementation of a national advocacy strategy for child rights in Tanzania. It also promotes child participation.<sup>29</sup>

NGOs and community based organisations have been involved in the preparation of country periodic reports, in the drafting and enactment process of the *Law of the Child Act 2009* and Zanzibar’s *Children Act 2011*, and in advising the government how to effectively implement the CRC and its Optional Protocols.<sup>30</sup>

The Tanzanian government, in coordination with the International Programme on the

Elimination of Child Labour (IPEC) and various NGOs, implemented a Time Bound Programme on the Elimination of the Worst Forms of Child Labour that addressed child prostitution and child domestic labour.<sup>31</sup> From 2002-2005, 6537 girls and 500 boys were prevented or withdrawn from commercial exploitation under the programme.<sup>32</sup>

The Child Protection Working Group seeks to strengthen child protection responses by promoting a common understanding of child protection among relevant stakeholders.<sup>33</sup> Various government departments and NGOs make up the working group. The group meets monthly to discuss child related issues and to set an agenda for children in the country.<sup>34</sup>

At a regional level, Tanzania is part of the East African Community (EAC) which conducted its first Child Rights Conference in 2012.<sup>35</sup> The EAC has adopted the *Bujumbura Declaration on Child Rights and Wellbeing in the East African Community*; partner states have committed to, *inter alia*, strengthening collaboration, cooperation and coordination on issues affecting children within EAC.<sup>36</sup> The Government of Tanzania is also a participant in the East African Police Chiefs Cooperation Organisation which works to strengthen regional cooperation and capacities among East African law enforcement authorities and includes programmes to increase coordination in combating human trafficking.<sup>37</sup>

The government and NGOs have made efforts to inform the public, especially children, about the CRC and its protocols through various media channels and school curricula.<sup>38</sup> Training on the CRC and its Protocols has been given to trainers, groups of children, and some organisations across Tanzania and Zanzibar. Systematic training on the provisions of the OPSC has been conducted for all professional groups working with child victims of the crimes covered by the OPSC.<sup>39</sup>

The cybercafes in Tanzania are not guided by well defined policies or regulatory schemes and the association of cafes operate under very loose guidelines. In addition to cybercafes, internet access through the mobile network is also common. Few guidelines or policies exist to govern the mobile networks to undertake protective mechanisms for children.<sup>40</sup>

The government has shown its commitment to reducing the MVC population by investing strongly in sectors that most directly impact children, although very little of this budget was allocated specifically to CSEC issues.<sup>41</sup> Both Tanzania and Zanzibar have NPAs focused on MVC: the *National Costed Plan of Action for Most Vulnerable Children 2013-2017* and the *Most Vulnerable Children Costed Action Plan 2010-2015* respectively. On the Mainland, this has led to the formation of 8,586 Most Vulnerable Children's Committees (MVCCs).<sup>42</sup> These committees work at the district and village levels and attempt to identify and coordinate the MVC response within communities.<sup>43</sup> Evidence shows MVCCs are

consistently successful in identifying MVCs, but they have trouble fulfilling their role due to lack of support.<sup>44</sup>

Primary school fees have been eliminated, although at the primary school level parents still have to pay for building projects and feeding programmes.<sup>45</sup> In regard to secondary schools, the reduction of fees<sup>46</sup> has apparently led to an increase in the number of secondary schools as well as the number of students enrolled.<sup>47</sup> The effect on child labour and vulnerable children in general, however, is unclear.<sup>48</sup>

The *Social Protection Programme 2011-2015* aims to educate communities on child abuse issues; improve technical skills within organisations that aim to prevent and respond to cases of child exploitation; and ensure the production of data on violence, abuse, trafficking and the exploitation of children.<sup>49</sup>

Legislation requiring births to be registered has been implemented in Tanzania<sup>50</sup> and Zanzibar.<sup>51</sup> Zanzibar has also established birth registration offices at the district level to help register those children born outside of health facilities.<sup>52</sup>

Tanzania was the first country in Africa to carry out a National Study on Violence Against Children in 2009.<sup>53</sup> An ILO/IPEC Rapid Assessment on Children in Prostitution in Tanzania was carried out in 2001.<sup>54</sup> The second study proposed numerous measures to help prevent child prostitution,<sup>55</sup> although there is little evidence to suggest that these measures were carried out in a comprehensive manner.

## Legislation

Tanzania has ratified the principle international treaties relating to child rights such as the CRC, the OPSC, the Convention on the Worst Forms of Child Labour, the Convention against Transnational Organized Crime, and the Trafficking Protocol. At a regional level, Tanzania has also ratified the African Charter on the Rights and Welfare of the Child.

Tanzania's *Law of the Child Act* domesticates the UN Convention of the Rights of the Child.<sup>56</sup> It prohibits the **sexual exploitation of children**<sup>57</sup> and provides for the care and protection of children who are found "soliciting or importuning for immoral purposes."<sup>58</sup> The Children's Act in Zanzibar does the same.<sup>59</sup>

Tanzania's *Anti-Trafficking in Persons Act* defines prostitution<sup>60</sup> while the *Penal Code* prohibits prostitution, including procuring or attempting

to procure any person under 18 years of age to go into or out of Tanzania with a view to facilitate prohibited sexual intercourse with any person inside or outside of the country.<sup>61</sup> Unlike the OPSC, however, it does not specifically prohibit the offering, obtaining or providing of children for prostitution.

Rape is defined as sexual intercourse with a child less than 18 years of age, regardless of consent; however, there is an exception to this provision if the woman is the wife of the offender and is fifteen or more years of age and not separated from the man.<sup>62</sup>

*The Sexual Offences Special Provisions Act of 1998* prohibits the giving of monetary consideration, goods or other benefits to a child or his/her parents with the intent to procure the child for sexual intercourse or any form of sexual abuse of indecent exhibition or show.<sup>63</sup> Combined, these laws provide a reasonable framework for protecting children from CSEC; however, proper implementation through the prosecution and conviction of perpetrators is still lacking.

The *Anti-Trafficking in Persons Act 2008* provides a comprehensive definition of the offence of trafficking in persons<sup>64</sup> and provides for heavier penalties for “severe trafficking” which includes

**child trafficking.**<sup>65</sup> Under this Act, and the *Law of the Child Act*, the government has a responsibility to provide care and protection of trafficked persons.<sup>66</sup> There appears to be an increase in police responsiveness to trafficking reports and the number of victims engaging in welfare services, but a lack of resources means several key protection provisions have not yet been implemented.<sup>67</sup>

In relation to **child pornography**, Tanzania’s *Penal Code* prohibits the making, production, trade and distribution of obscene objects “tending to corrupt morals,” but does not criminalise simple possession.<sup>68</sup> The *Law of the Children’s Act 2011* prohibits using children in pornographic performances or materials.<sup>69</sup> The *Zanzibar Children’s Act* makes it an offence to possess, access, produce, trade, sell or advertise child pornography.<sup>70</sup>

There is no specific legislation in Tanzania addressing the **sexual exploitation of children in tourism**; however, there are legal provisions that are relevant to the issue, including laws on extra-territorial jurisdiction, extradition, and dual criminality. Tanzania’s *Extradition Act* recognises child prostitution and child pornography as extraditable offences.<sup>71</sup>

## Child Protection Units

Research suggests that measures to prevent and respond to violence, exploitation and neglect in Tanzania’s child protection system are either weak or non-existent at national, district and community levels.<sup>72</sup> In response to this research, models of a comprehensive child protection system were established in four districts.<sup>73</sup> Several steps towards achieving a national, multi-sectoral response to child abuse have been taken, although there is still no coordination body in place and the child protection system has not been costed.<sup>74</sup>

The police force has established Gender and Children’s Desks in a number of police stations to handle cases of violence against women

and children.<sup>75</sup> The expansion of the Desks nationwide is planned to be completed by 2013.<sup>76</sup> It is unclear at this time if these Desks have been properly staffed or have sufficient resources and what, if any, effect they have had on victims of CSEC.

Zanzibar’s MSWYWCD established a Child Protection Unit in 2010 to address issues of child abuse and neglect.<sup>77</sup> The Unit has developed *National Guidelines for the Protection and Welfare of Children*, and a One Stop Centre under the Ministry of Health that provides access to law enforcement, lawyers, counselling, and doctors to victims of child abuse.<sup>78</sup>

## Support Services For Children

Part VIII of the *Law of the Child Act 2009* provides for general support services for a child by local government authorities and requires social welfare and police officers to respond to all cases of violations of a child's rights.<sup>79</sup>

Tanzania's *Anti-Trafficking in Persons Act* provides for the rescue, rehabilitation and protection of trafficking victims.<sup>80</sup> Although the provisions for support are comprehensive, it is unclear how many of the provisions have been

implemented in practice.

The Programme for Withdrawal, Rehabilitation and Reintegration run by Kiota Women's Health and Development Organisation (KIWOHEDE) has proved to be somewhat successful, with over 5000 children withdrawn and over 8000 children being protected from sexual exploitation. KIWOHEDE also runs a rehabilitation centre that houses survivors of CSEC and vulnerable children.<sup>81</sup>

## Training Law Enforcement Personnel

Many law enforcement officials lack the technical knowledge on child rights and protection, as well as physical resources.<sup>82</sup> Police appear to be part of the problem regarding commercially sexually exploited children's access to protection and rehabilitation. Research suggests that 84% of girls involved in prostitution in Tanzania have been beaten, raped or tortured by police officers and local community guards.<sup>83</sup>

According to the government, training on child rights is offered in all Tanzanian Police Academies as well as by NGOs.<sup>84</sup> A training manual created for Police Gender and Children Desk officers covers standards on gender based violence and child abuse.<sup>85</sup>

## Child And Youth Participation

Article 11 of the *Law of the Child* states that a child has "a right of opinion of forming views and the right to express an opinion, to be listened to and to participate in decisions which affect his well-being."<sup>86</sup> Article 5 of Zanzibar's Children's Act states that "views expressed by the child may be given due consideration."<sup>87</sup> Child participation objectives have been identified in several national policies.<sup>88</sup> Children's Councils exist on the Mainland and in Zanzibar; the children on these Councils have participated in the formation of the National Child Status Reports in 2010 and 2011.<sup>89</sup>

Despite these efforts to encourage child participation the implementation of these policies and Councils, and the level of actual child participation, remains unclear.<sup>90</sup> Without a formalised national structure, it has been difficult for child participation to take effect in a comprehensive matter.<sup>91</sup>

The Constitution of Tanzania is presently being reviewed.<sup>92</sup> KIWOHEDE is working with children in this reform process in several districts.<sup>93</sup> This could provide an opportunity to incorporate into Tanzania's new Constitution the right of children to express their own views in all matters affecting them.



## Priority Actions Required

### National plan of action

Tanzania needs to adopt and endorse a National Plan of Action on CSEC. Most Vulnerable Children's Committees need to be supported and funded in order to properly aid the implementation of NPAs at the local level.

### Coordination and cooperation

A central database should be formed to record violations of child rights and statistical data. The role of the National Inter-Sectoral Committee on Child Labour should be strengthened, especially in regards to its mandate to oversee child commercial sex work initiatives.

### Prevention

CSEC issues, sex-education and children and women's rights should be included in the educational curriculum. The government should continue and strengthen programmes to reduce poverty, improve education, eliminate child labour, and improve families' capacities to generate income legitimately. A long-term comprehensive plan to address the large number of vulnerable street children needs to be developed. Marriage laws should be amended so that the minimum age for marriage is 18. Deterrence measures must be implemented to reduce the demand for CSEC, starting with the strict enforcement of punishments of the offenders and not the victims. Awareness-raising campaigns should be created to expose the existence and negative effects of child pornography and sexual exploitation of children in tourism in Tanzania.

### Protection

The government should approve the draft National Social Protection Framework to have a comprehensive national system of social protection of most vulnerable groups. The police force needs training on how to effectively deal with CSEC issues; emphasis needs to be placed on punishing the offenders and not the victims. Legislation such as Tanzania's *Law of the Child Act 2009* and Zanzibar's *Children's Act 2011* need monitoring frameworks and regulations assigning roles and responsibilities to government ministries. Child pornography policies need to be enhanced: ISPs should have an obligation to report suspected child pornography/child sexual abuse images, and simple possession of these types of images should be criminalised. If not done so already, the Extradition Act should be revised to allow for jurisdiction over CSEC offences committed abroad against Tanzanian nationals, and to eliminate the dual criminality requirement. Recovery and reintegration

The provisions of the *Anti-Trafficking in Persons Act* regarding support, counselling, rehabilitation, and reintegration of child victims need to be consistently implemented. This could be possible through implementing a mechanism similar to the one established by the government and the UNHCR to treat and reintegrate child victims of armed conflict. Facilities and capacities of NGOs should be enlarged in urban areas and expanded to non-urban areas as well.

### Child and youth participation

Child participation should be constitutionalised in order to establish a formalised structure of child participation in Tanzania. The government should develop and promote guidelines, practice standards, and training materials to promote best practices relating to child and youth participation.

## Endnotes

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