



CHILD JUSTICE
A FIVE YEAR STRATEGY FOR PROGRESSIVE REFORM
2013-2017

MINISTRY OF CONSTITUTIONAL AND LEGAL AFFAIRS

DECEMBER 2012

PREFACE

The Ministry of Constitutional and Legal Affairs is pleased to put forward the Government of the United Republic of Tanzania's Five Year Strategy for Progressive Child Justice Reform 2013-2017 (Child Justice Strategy).

The United Republic of Tanzania is committed to upholding the human rights of children. To demonstrate this commitment, the State has ratified key international and regional human rights treaties, and, in 2009, adopted the Law of the Child Act No. 21, which domesticated core child rights standards in line with the UN Convention on the Rights of the Child 1989 and the African Charter on the Rights and Welfare of the Child 1990.

Together, these instruments provide a comprehensive and detailed framework for child justice, covering all children who come into contact with the justice system, whether as victims, witnesses and alleged offender. Child justice also encompasses access to justice for children - either to respond to children's need for care, custody or protection or to provide a just and timely remedy for violations of their rights.

To date, no reform processes have been initiated which focus on strengthening the justice system for children and bringing the system into line with international and regional standards. While children benefit from the wider reforms taking place in the legal sector, they will continue to struggle to access justice and to enforce their rights unless the justice system recognises their specific needs and vulnerabilities and has the capacity to respond appropriately and effectively.

Over the last 18 months, the Ministry of Constitutional and Legal Affairs has been leading the process of developing the Child Justice Strategy. The Ministry was initially prompted to start this process in anticipation of the next Legal Sector Reform Programme (LSRP). At the start of the programme, child specific activities were limited, fragmented and lacking a strategic approach. The impact of such activities had therefore been constrained. As the process of developing the Child Justice Strategy has progressed, with the involvement of the LSRP Legal Sector Institutions, the LSRP Annual Work Plans have in turn become much more child focused. It is essential that the next phase of the LSRP continues to benefit from this more systematic and strategic approach to child justice reform.

However, the Ministry recognises that child justice reform involves a much wider range of MDAs and NGOs than those involved in the Legal Sector Reform Programme and many of the reform initiatives will be undertaken and funded outside the remit of the LSRP. The Ministry strongly believes that consolidating these initiatives into one cohesive strategy and coordinating their implementation will maximise their impact.

To facilitate the development of the Child Justice Strategy, the Ministry convened the Child Justice Forum – an inter-agency group comprised of state and non-state bodies,

which oversaw two major and unprecedented studies – an analysis of the system for children in conflict with the law and an assessment of the access to justice system for under-18s. The findings of these Studies helped set out the vision for the reform of the child justice system in the United Republic of Tanzania. They s confirmed a number of challenges that determined the strategic priorities within the Strategy and the concrete steps that need to be taken over the next five years in order to progress towards the realisation of the vision.

The Ministry would like to extend its gratitude to the Ministries and Agencies that committed to the development of the Strategy, to all the members of the Child Justice Forum, who participated in this process, and to the many NGOs and frontline workers who contributed to the studies and regional consultations. The Ministry is also grateful to UNICEF for their technical and financial support for this process.

It must be noted that this is not a costed plan of action and was not intended to be so. It is intended to provide a framework for reform, within which relevant MDAs and CSOs can shape their child justice related activities, to ensure that everyone is moving in the same direction to achieve a common vision of the child justice system.

The Ministry recognises the substantial and sustained efforts needed to realise the Child Justice Strategy on the part of both the Government and civil society, but believes that together significant results can be achieved over the next five years. The Ministry is committed to child justice reform and looks forward to working closely with the members of the Child Justice Forum to translate the Strategy into practice.

MINISTER FOR CONSTITUTIONAL AND LEGAL AFFAIRS

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GLOSSARY

ACRWC	African Charter on the Rights and Welfare of the Child
AGC	Attorney General's Chambers
CHRAGG	Commission for Human Rights and Good Governance
CRC	Convention on the Rights of the Child
CMA	Commission for Mediation and Arbitration
CSO	Civil Society Organisation
DCPT	District Child Protection Team
DPP	Office of the Director of Public Prosecutions
DSW	Department for Social Welfare
FBO	Faith Based Organisation
ICCPR	International Covenant on Civil and Political Rights
LCA	Law of the Child Act
LEA	Law Enforcement Agencies
LGA	Local Government Authorities
LRCT	Law Reform Commission of Tanzania
LSRP	Legal Sector Reform Programme
MACR	Minimum Age of Criminal Responsibility
MCDGC	Ministry of Community Development, Gender and Children
MCT	Media Council of Tanzania
MDAs	Ministries, Departments, Agencies
MIYCS	Ministry of Information, Youth, Culture and Sports
MoCLA	Ministry of Constitutional and Legal Affairs
MoEVT	Ministry of Education and Vocational Training
MoF	Ministry of Finance
MoHA	Ministry of Home Affairs (unless otherwise stated, this refers to the Police)
MoHSW	Ministry of Health and Social Welfare (unless otherwise stated, this refers to the Department for Social Welfare)
MoLE	Ministry of Labour and Employment
MVCCs	Most Vulnerable Children's Committees
PCSD	Probation and Community Services Department (under the MoHA)
PMO-RALG	Prime Minister's Office, Regional Administration and Local Government
POPC	President's Office – Planning Commission
RAS	Regional Administrative Secretary
SWO	Social Welfare Officer
TIE	Tanzania Institute for Education
TLS	Tanganyika Law Society
VEO	Village Executive Officer
WEO	Ward Executive Officer

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PART 1: RATIONALE AND BACKGROUND FOR THE CHILD JUSTICE STRATEGY FOR REFORM

There is a strong rationale for the United Republic of Tanzania to have a strategy on child justice reform. To date, no reform processes have been initiated which focus on strengthening the justice system for children. While children benefit from the wider reforms taking place in the legal sector, they will continue to struggle to access justice and to enforce their rights unless the justice system recognises their specific needs and vulnerabilities and has the capacity to respond effectively.

To Implement International Standards: The Government of the United Republic of Tanzania has ratified a range of human rights treaties, including the United Nations Convention on the Rights of the Child (UNCRC) on the 10th June 1991, and the African Charter on the Rights and Welfare of the Child (ACRWC) on 16th March 2003. Therefore, Tanzania has a legal obligation to undertake all necessary steps, including legislative, administrative and other measures to implement the rights contained in both Conventions.¹ These measures must necessarily include actions to enable children to access justice if their rights are violated, and must ensure that children in conflict with the law are afforded and have access to their rights.

However, in their review of Tanzania's implementation of these Conventions, while 9-20 recognising the efforts made by the Government in the field of justice, both the Committee on the Rights of the Child² and the African Committee of Experts for the Rights and Welfare of the Child³, concluded that Tanzania is not yet fully implementing these international standards.

¹ Article 4, CRC; Article 1, ACRWC

² UN Committee on the Rights of the Child, *Concluding Observations: United Republic of Tanzania*, UNCRC/C/TZA/CO/2, 21 June 2006

³ African Committee of Experts on the Rights and Welfare of the Child (ACERWC), *Concluding Recommendations on the Republic of Tanzania Report on the Status and Implementation of the African Charter on the Rights and Welfare of the Child*, 2010, p. 9

When Tanzania appeared before the Human Rights Council during the Universal Periodic Review process in December 2011, members raised concerns relating to both juvenile justice and the access to justice system. Tanzania endorsed the recommendations made on strengthening the juvenile justice system and enhancing the ability of the justice sector to respond effectively to violence against children⁴, and by so doing committed to taking steps to implement these recommendations.

To Implement National Standards: Domestic law, including the Law of the Child Act No. 21 2009 (LCA), enshrines a number of key international child justice standards. However, many of these standards are not being upheld in practice. Even though the LCA, which enshrines key provisions on child justice, came into force in 2010, very limited steps have been taken to operationalize its provisions, including by the justice sector. It is essential that the justice sector identifies and implements the steps necessary to translate these standards from paper to practice.

To Ensure Coordinated and Effective Reform

Effective child justice reform requires a vision agreed by all relevant actors of how the system should work and the services that should be available. A strategy is essential for setting out the steps that each relevant agency needs to take to achieve this vision.

While individual Ministries, State Agencies and Civil Society Organisations (CSOs) have been taking steps to create a child friendly justice system and guarantee rights to children in contact and conflict with the law, these efforts are largely undertaken in isolation and are not coordinated with other agencies.

As achieving change rarely relies on only one child justice actor, a lack of coordination can undermine reform, as people work towards different visions at different paces. For example, if the law is reformed to provide for mandatory legal representation of children in court in line with international standards, but there are

⁴ Recommendations 85.58 and 85.69 respectively, Report of the Working Group on the Universal Periodic Review, United Republic of Tanzania, A/HRC/19/4, 8 December 2011

not enough qualified lawyers and/or legal aid providers do not take steps to provide services to children, then justice risks being delayed when lawyers are not available.

It is therefore essential to consider reform of the whole system from the outset rather than tackling the reform process piece by piece, without a comprehensive plan.

A strategy enables a cohesive and coordinated approach to reform, for which MDAs have clear accountabilities for implementing specific actions.

It must also be remembered that the child justice system cannot be strengthened in isolation. Ensuring access to justice for all children, including children in conflict with the law, relies on building strong links with the justice, child protection and social protection systems.

For example, it is essential that the Strategy for Progressive Child Justice Reform influences the **development of the new Legal Sector Reform Programme (LSRP)**. While the existing LSRP includes child focused activities, these activities are fragmented and based on priorities of individual MDAs. There is no coherency for child justice. In addition to shaping individual MDA programming on child justice, this Strategy was developed to shape the new LSRP, to ensure that the child related activities that are included are strategically selected and effectively contribute to the realisation of an agreed national vision for the child justice system.

In addition, a number of strategies and plans related to child protection, gender based violence, human rights and social protection (e.g. National Plan of Action to Prevent and Respond to Violence Against Children 2012-2015, National Plan of Action II for Most Vulnerable Children, National Human Rights Action Plan 2012-2017 etc) have been or are in the process of being developed. Justice is a key sector for these strategies. Efforts must be made to ensure cohesion and harmonisation between these plans of action and the Five Year Strategy for Progressive Child

Justice Reform. The reform process will be undermined if different national strategies set out different objectives and goals for the child justice system.

VISION AND STRATEGY DEVELOPMENT PROCESS

In order to inform the development of the strategy, the Ministry of Constitutional and Legal Affairs (MoCLA), in collaboration with UNICEF Tanzania, initiated two comprehensive studies in 2011:

- ◆ an Assessment of the Access to Justice System for Under-18s in Tanzania; and
- ◆ an Analysis of the Situation for Children in Conflict with the Law.

The Child Justice Forum⁵ – an inter-agency Forum comprised of representatives from MDAs and key justice and child protection actors from civil society – was convened in March 2011 by MoCLA to oversee and guide these studies.

Findings of the child justice studies

These studies found that, in many areas, justice for children in Tanzania does not conform to international standards. The majority of children are without adequate access to justice when their rights are violated, and throughout the justice process, their rights are further at risk.

The **Assessment of the Access to Justice System for Under-18s** in Tanzania found numerous barriers facing children who sought to resolve legal disputes, access their legal entitlements or seek redress for violation of their rights in both the informal and formal sectors. The assessment's key findings, endorsed by the Child Justice Forum, are:⁶

- ◆ Children and care givers have very limited knowledge, awareness and understanding of their rights;

⁵ See Annex 1 for the TOR and membership of the Child Justice Forum

⁶ Report recommendations on specific objectives and activities are elaborated throughout this document

- ◆ Crimes and rights violations against children are underreported because children fear reprisal or that they will not be believed or are discouraged from making a complaint against an adult. In addition, the long delays characterising the justice system in Tanzania, lead people to seek alternative and informal ways to resolve issues;
- ◆ There is limited training in all sectors regarding child rights and handling children's cases;
- ◆ Few stakeholders have access to the Law of the Child Act and fewer still have had capacity building on the Law;
- ◆ Key rules and regulations to operationalize the Law of the Child Act are not yet in place⁷;
- ◆ There is a lack of material capacity within the judicial, quasi-judicial, administrative and community sectors, making it difficult, practically, for process to be followed;
- ◆ There is very limited legal aid, legal representation and legal services available and accessible in general and specifically for children;
- ◆ Proceedings in criminal cases involving child victims and witnesses do not meet international standards and risk revictimising the child;
- ◆ There are limited special protection measures to ensure the safety of the child after reporting a rights violation or crime;
- ◆ Access to justice is limited in the child protection system due to confusion over roles, limited capacity among stakeholders and limited knowledge of the Law of the Child Act;
- ◆ Access to justice for children who are engaged in child labour is limited by lack of understanding of the roles of different agencies and limited knowledge and capacity among labour officers, social welfare officers and the police to implement the law;
- ◆ Children in civil cases may have difficulty finding a 'next friend' to represent their interests, and the next friend can often have conflicting motives for intervening; and
- ◆ Current practice in inheritance and land cases discriminates against girls or children born out of wedlock, despite constitutional provisions outlawing discrimination.

The **Analysis of the Situation for Children in Conflict with the Law** found that, in many areas, the juvenile justice system in Tanzania does not conform to

⁷ Seven regulations developed under the Law of the Child Act were gazetted in November 2012 - Retention Home Rules, Approved School Rules, Children's Homes Regulations, Adoption of Children Regulations, Foster Care Placement Regulations, Child Employment Regulations, and Apprenticeship Regulations

international standards and leaves children vulnerable to human rights violations at every stage of the process. It was recognised that fundamental, systemic reforms are necessary in order to ensure that the system complies with international human rights standards and that the rights and welfare of children in conflict with the law are protected. In particular, the study, endorsed by the Child Justice Forum, made the following main findings:⁸

- ◆ There is a lack of specialised juvenile justice institutions, procedures and systems;
- ◆ There is limited knowledge and coordination among criminal justice professionals on how to handle children's cases;
- ◆ Children are unlawfully and unnecessarily exposed to the juvenile justice system;
- ◆ The vast majority of children do not have legal representation or other appropriate assistance at the police station, in the preparation of their case or during court proceedings;
- ◆ Children are at risk of experiencing multiple human rights violations at the police station, including, in some cases, ill-treatment and forced confessions;
- ◆ There is no formal system of diversion;
- ◆ Children continue to be placed in adult prisons and mixed with adults, both on remand and post-sentencing;
- ◆ There are limited alternatives to pre-trial and post-trial detention and an absence of community rehabilitation programmes; and
- ◆ Children are exposed to numerous human rights abuses in detention facilities.

Development of the Vision and Strategy for Reform

The studies made a series of recommendations on how to bring law and practice into compliance with international standards and best practice. Building on these recommendations, the Child Justice Forum developed a shared vision of how the Child Justice System should operate in Tanzania and the reforms required to achieve the vision.

⁸ Report recommendations on specific objectives and activities are elaborated throughout this document

Many of the recommendations entail significant legal, structural and institutional reforms, which require long term, sustained commitment to realise. The Forum identified the key actions that could and should be undertaken over the next five years to work towards the vision for the Child Justice System and developed a detailed plan setting out the specific activities, responsible ministries and bodies and timescales and benchmarks.

It is important to note that during the course of developing this strategy, in 2012, MDAs took a number steps to implement key actions – this progress is detailed in the introduction to each objective.

THE GOALS AND OBJECTIVES OF THE CHILD JUSTICE REFORM PROCESS

The overall goal of the child justice reform process is to bring law, policy and practice into line with international norms and standards and with the Law of the Child Act in order to ensure a fair and effective system of child justice in Tanzania.

Reforms to the **access to justice system** aim to ensure that all children are able to seek and obtain a remedy through formal or informal institutions of justice, in conformity with human rights standards.

Reforms to the **juvenile justice system** aim to ensure that all children in conflict with the law are treated in a manner that complies with international standards, is consistent with their dignity and worth, and focuses on their rehabilitation and reintegration into society.

KEY PRINCIPLES

The reform process is framed by key principles enshrined in the UN Convention on the Rights of the Child, the African Charter on the Rights and Welfare of the Child, and other international instruments, as well as the principles found in domestic law, in particular, in the Law of the Child Act:

- ◆ The best interests of the child are the primary consideration in any proceedings that affect them;
- ◆ Children have the right to be heard in decisions affecting them and their views taken into account and given due weight according to their age and maturity;
- ◆ Children shall not be subject to discrimination on the basis of age, gender or for any other reason related to their status, including disability;
- ◆ A child-sensitive fully functional justice system should be in place and include:
 - Clear laws that set out rights and entitlements⁹;
 - Procedures that recognise the inherent vulnerability of children, respond to their specific needs and facilitate their access to justice;
 - Impartial and competent tribunals, courts and judges; and
 - Access to information, advice and support (both legal and otherwise) that enhances their access to justice and assists them during the justice process.
- ◆ A juvenile justice system is in place that:
 - Focuses on prevention;
 - Deals with children who are in conflict with the law separately from adults;
 - Uses measures for dealing with children without resorting to formal proceedings wherever possible and appropriate;
 - Uses deprivation of liberty, whether pre or post-trial, only as a matter of last resort and for the shortest appropriate period; and
 - Has as its aim rehabilitation and reintegration and not punishment or deterrent.

⁹ Laws should enshrine civil and political rights as well as social, cultural and economic rights

OBJECTIVES OF THE REFORM PROCESS

The reform of the child justice system is based on the following objectives:

Objective 1 – Children and Communities are Aware of Children’s Rights: children, parents, guardians and the community are aware of and understand children’s legal rights, entitlements and the remedies for violations of these rights.

Objective 2 – Capacity of the Justice System Strengthened: the formal and informal justice system has the capacity, infrastructure and resources (human and financial) to implement children’s rights and dispense effective, efficient and timely justice for children.

Objective 3 – Child Rights Compliant Juvenile Justice System: the provisions of the Law of the Child Act 2009 are fully implemented and measures are in place to ensure that:

- a) children are treated separately from adults;
- b) children are not exposed to the criminal justice system unlawfully or unnecessarily;
- c) children in conflict with the law have their rights upheld at the police station;
- d) detention is only used as a last resort and for the shortest appropriate period of time, and that children can be supported in their own communities to avoid offending and reoffending; and
- e) conditions of detention conform to international standards and norms and effectively prepare children for release.

Objective 4 – Effective Response for Child Victims and Witnesses: child victims and witnesses are treated in a manner that complies with international standards, avoids re-victimisation and ensures protection.

Objective 5 – Effective Enforcement of the Child Protection System: children are protected from violence, exploitation, abuse and neglect in all settings and have

effective access to justice, both to prevent such violations of their rights and to seek redress.

Objective 6 – Non-discriminatory Civil Justice: children are free from discrimination with respect to land rights and rights to inheritance.

Objective 7 – Improved Access to Quality Legal Help: legal advice and representation is available to children at all stages of criminal and civil cases in all areas of the country.

Objective 8 - Effective Monitoring and Coordination: the child justice system is effectively coordinated, monitored and evaluated at the national level.

The Strategy sets out key actions and activities to be implemented over the next five years (from January 2013 to December 2017) in order to take the first step towards achieving the Goals and Objectives of the child justice reform process.

GUIDE TO THE STRATEGIC PLAN

The Strategic Plan is split into the eight areas corresponding with the reform objectives, and for each area sets out:

- ◆ the long term vision for the child justice system in that area, including the international and domestic standards which provide a basis for the reform process;
- ◆ the current challenges, which were identified by the two child justice assessments – the analysis of the situation for children in conflict with the law and the assessment of the situation for access to justice for under-18s; and
- ◆ the key actions, broken down into specific activities required over the next five years to work towards the objective and vision for reform.

The table incorporating the key actions sets out:

- ◆ **Activities** which are required for the key action;
- ◆ **Timeline** for each activity. The timeline shows the date **from** which the activity should start, the date **by** which the activity should have been completed, or the period in which the activity is taking place;
- ◆ **The Lead Agency** for each activity. The lead agency (**in bold**) is either the body which is responsible for direct implementation of the activity or the body which will take the lead in coordinating the activity, ensuring its implementation and reporting on progress on implementation. The table also lists the stakeholders who should be consulted or involved in the development and/or implementation of the activity by the lead agency. This list is not exhaustive and is not intended to limit participation in the activity.
- ◆ **The main results and indicators** set out the expected impact of the key action (**in bold**) and the key indicators which will be used to measure the process and the impact. Following the adoption of the Strategy, the Child Justice Forum will devise a detailed M&E framework and mechanism for the Strategy, in order to monitor progress on implementation and the impact of the reform process.

It is envisaged that the strategic plan will be reviewed on an annual basis and that activities and timelines will be able to be adjusted, as well as lead agencies, where deemed appropriate by the Child Justice Forum, in order to ensure the most effective implementation of the Strategy.

IMPLEMENTATION OF THE STRATEGIC PLAN

The Five Year Strategy for Progressive Child Justice Reform was endorsed by the Child Justice Forum on 22nd August 2012 and formally adopted by all relevant MDAs at the High Level Review Meeting held on 3rd November 2012 at Kunduchi Hotel in Dar Es Salaam.

At this meeting, MDAs committed to coordinating and implementing the activities for which they are given responsibility under the Strategy and to support activities

for which they have been identified as a stakeholder. This includes ensuring that activities are reflected in inter-sectoral and MDA strategic plans, reflected in the MTEFs and adequately budgeted for.

Through the Child Justice Forum, of which all relevant MDAs are a member, responsible agencies also committed to providing regular progress reports and to meeting periodically to collectively review progress on implementation, address challenges and plan for future implementation.

It is envisaged that during the fifth year of implementation, an in depth evaluation of progress and results will be undertaken, and a second five year strategy will be developed for 2018-2022, shaped by lessons learned from implementation of the first Five Year Strategy for Child Justice Reform.

PART 2: FIVE YEAR STRATEGY FOR PROGRESSIVE CHILD JUSTICE REFORM

OBJECTIVE 1 – CHILDREN AND COMMUNITIES HAVE AWARENESS OF CHILDREN’S RIGHTS

OBJECTIVE 1 - Children, parents, guardians and the community are aware of and understand children’s legal rights and entitlements and the remedies for violation of those rights and entitlements.

Meaningful access to justice is inextricably linked to the right-holder’s knowledge about his or her rights. Without such knowledge, the right-holder will not always be aware that a legal right or entitlement has been violated, and is less likely to know what actions to take in order to seek remedy for the violation. In order for children in Tanzania to access justice, it is therefore essential that they have awareness of their rights and entitlements, and of what to do or who to seek out if they feel their rights have been violated.

It is also essential that parents, guardians and the wider community are aware of children’s rights and entitlements and how to access justice, so that the community can support and empower children to act when there is a violation and to help to enforce remedies or redress.

Increased community and parental knowledge and understanding about child rights will also contribute to preventing rights violations.

It is also important, in the Tanzanian context, to raise children’s awareness about their responsibilities, as well as their rights, which are both enshrined in the Law of the Child Act.

CURRENT CHALLENGES

- ◆ The majority of children are unaware of their rights, their entitlements and the law;
- ◆ Children do not know to whom to turn when they have problems;
- ◆ Where children are aware that their rights have been violated, they are reluctant to seek help for fear of perceived repercussions for reporting or not being believed;
- ◆ There is also a lack of awareness within the community and amongst parents on child rights and the Law of the Child Act and how to access assistance in cases of rights violations;
- ◆ In addition, communities often prefer to address issues affecting children with ‘social’ solutions rather than ‘justice’ solutions; and
- ◆ While the LCA has been translated into Kiswahili and reviewed by the Attorney General’s Chambers, it has not yet been published and disseminated; and
- ◆ Limited numbers of simplified guides have been produced and disseminated.

KEY ACTIONS AND ACTIVITIES

OBJECTIVE 1 – AWARENESS RAISING			
Activity	Timeline	Lead Agency	Main results and indicators
1.1 Develop and distribute accessible information country-wide¹⁰			
1.1.1 A simplified and child friendly guide containing information on the LCA is developed in both English and Kiswahili and in a disability accessible format and disseminated	By end 2013	MCDGC Stakeholders: MoHSW, AGC, MIYCS, MoLE, MoEVT, PMO-RALG, Junior Councils, CSOs	Access to information on child rights and child law for children, parents and communities improved
1.1.2 Age appropriate guides	By end	MCDGC/MoHSW	

¹⁰ It is important that this activity is linked with the communications plan under the National Plan of Action to Prevent and Respond to Violence Against Children.

on issues of law relevant to child justice, for example - 'What to do if you are the victim of violence or abuse', 'What to do if the police apprehend you' - produced in English and Kiswahili, and made widely available through schools, junior councils, health centres, hospitals, community centres, at police stations etc.	2014	Stakeholders: MoEVT, MoLE, MoHA, PMO-RALG, Junior Councils, MCT, MIYCS Legal Aid Providers, CSOs	Simplified, age-appropriate guides containing information on the LCA are available and accessible Number of users of the legal information website
1.1.3 Educational and entertainment materials on child rights and responsibilities are improved and disseminated to reach increased numbers of children (e.g. posters, fliers, stickers, brochures, theatre and arts)	By end 2014	MIYCS Stakeholders: MCDGC, MoEVT, MoHSW, MoLE PMO-RALG, MCT, CSOs	
1.1.4 Increase in relevant programmes on child rights and the Law of the Child Act, including on community radio and through private media and drama groups (e.g. Bongo Flava Artiste). Advocacy is carried out with television and media agencies to encourage the development and screening of additional relevant programmes on children's rights	By end 2014	MIYCS Stakeholders: MCDGC, MoEVT MoCLA MoHSW, PMO-RALG, MCT, CSOs	
1.1.5 A legal website is developed for children, containing information on aspects of rights and domestic law relevant to children, as well as information about how to lodge complaints or access remedies if these rights or	By end 2013	MCDGC Stakeholders: Legal Aid Providers, MoHSW, MoEVT	

laws are violated			
1.2 Create a specific module on children’s rights and legal issues for the school curriculum and for those out of school			
1.2.1 A module on children’s rights and responsibilities under the LCA and legal issues relevant to children is developed and integrated into the school curriculum ¹¹	By end 2014	MoEVT Stakeholders: TIE, MoCLA, MoHSW, MCDGC, CSOs	Child rights and child law issues effectively integrated into relevant education and training programmes for in and out of school children Number of teachers trained to deliver the child rights module Number of Junior Councils trained on how to deliver the child rights training package
1.2.2 Teacher trainer colleges integrate a course on child rights, the LCA and child law issues into the teacher training curriculum and in-service teachers are trained on delivering the new module	2013-2017	MoEVT Stakeholders: TIE, MoCLA, MoHSW, MCDGC, CSOs	
1.2.3 A training package is devised and disseminated to teach children about their rights in community settings	By end 2014	MCDGC Stakeholders: MoHSW, CSOs	
1.2.4 Junior Councils are provided with the skills and resources to raise awareness on children’s and use the training package (see 1.2.3)	By end 2015	MCDGC/ PMO-RALG Stakeholders: LGAs, Community Development Officers, CSOs	

¹¹ It is important that this activity is coordinated with the development of the human rights module envisaged in the National Human Rights Action Plan 2012-2017

OBJECTIVE 2 – BUILDING THE CAPACITY OF THE CHILD JUSTICE SYSTEM

OBJECTIVE 2 - The formal and informal justice system¹² has the mandate, capacity, infrastructure and resources (human and financial) to implement children’s rights and dispense effective, efficient and timely justice for children

Access to justice depends upon a clear legal and regulatory framework, fully functioning procedures and a solid infrastructure – sufficient institutions, buildings, equipment, budgetary allocation and personnel, who have the knowledge, capacity and material tools to discharge their responsibilities.

Further, to ensure the system can meet the specific needs of children, all settings must endeavour to provide a child friendly environment, staffed by personnel who have knowledge of child specific legislation and procedures and the skills on how to effectively interact with children. Ideally, only specialist personnel should handle cases involving children.

In the long term, all justice actors should have a base knowledge on child law. Child law should be introduced as early on as possible. It should be introduced as a mandatory course for students at the Law School and should be offered as a course on LLB degree courses. Child specific modules should be incorporated into pre-service training for professionals as a mandatory course. In service training should be delivered in order to develop specialism in handling children’s cases at all levels of the justice system. Joint training with justice actors (including magistrates, prosecutors, police, social welfare officers, probation officers, prison officers, as well as WEOs and VEOs) who work together at the local level is also a valuable tool for promoting coordination and cooperation in the justice system. In order to reach

¹² The informal justice system refers to mechanisms for dispute resolution that take place outside formal court systems, usually at the community level, but have a certain degree of legitimacy and institutionalisation e.g. Ward Tribunals

more personnel, child rights should also be incorporated into training delivered to the justice sector on human rights.

International standards are clear that with respect to **children in conflict with the law** a separate court system should be established. This does not necessarily require the State to build separate courts, but rather that children are tried separately from adults in a 'child friendly' environment, with a procedure that enables young people to understand the process fully and to participate in proceedings. Trials of under-18s should be presided over by trained specialist 'juvenile magistrates'. These should be experienced magistrates who receive additional training, not only on the law but also on wider issues of child development, international juvenile justice standards and how to effectively interact with young people. Prosecutors handling these cases should also be specialists. Hearings should be held 'in camera' (in a closed court room).

Juvenile Courts, which have the mandate to deal with welfare proceedings and criminal proceedings against children, should be designated by the Chief Justice in every district and governed by Juvenile Court Rules that enshrine a child sensitive and child friendly approach. The Rules should also cover the architecture and set-up of juvenile court-rooms, enshrine that children's cases shall be heard with the least possible delay, set time limits in criminal cases for the period between charge and trial, and in civil cases between instigating proceedings and hearings.

CURRENT CHALLENGES

- ◆ The formal and informal justice systems face acute challenges from insufficient human and material capacity;
- ◆ Parts of the justice system lack basic materials e.g. storage facilities, computers for magistrates, and paper and pens at Ward Tribunals. Material difficulties place a strain on the justice system and on the officers within the system;
- ◆ There is a shortage of functioning court buildings and insufficient magistrates and judges to preside over them;

- ◆ A limited network of accessible transportation further hampers access to justice, especially for children in rural areas;
- ◆ Both civil and criminal cases are plagued by delays;
- ◆ There are limited child specialists in the justice system. However, Tanzania Police Force are in the process of establishing specialism, primarily through the establishment of Gender and Children’s Desks – child friendly units, staffed by trained officers – in all 417 police stations in Tanzania. The Attorney General has also established a specialist children’s desk;
- ◆ The Law of the Child Act established juvenile courts but, at present, only one Juvenile Court has been designated in Dar Es Salaam, resulting in a majority of children’s cases, both civil and criminal, being heard by other courts;
- ◆ Training on the Law of the Child Act has been inadequate and the majority of justice personnel lack basic awareness on the act and other child related legislation. Likewise, most personnel have not received training on how to effectively interact with children; and
- ◆ Children rarely access the informal justice system, in part, to a lack of awareness of their rights under the system, but also due to limited capacity, training and awareness among those working in the informal system about the rights of children.

KEY ACTIONS AND ACTIVITIES

OBJECTIVE 2 - BUILDING THE CAPACITY OF THE CHILD JUSTICE SYSTEM			
Activity	Timeline	Lead Agency	Main results and indicators
2.1 Enhance the material capacity and facilities of the child justice system			
2.1.1 Materials and facilities needed to improve the justice system are identified through needs assessment and inventory activity	By end 2015	MoCLA, Judiciary, DPP, AGC, MoHA, PMO-RALG	Resource allocation and utilisation to implement the LCA and deal with cases involving children enhanced
2.1.2 Adequate budgetary allocation is provided to the justice sector to improve working infrastructures to the police,	By end 2017	MoF Stakeholders: MoCLA,	

prosecutors and judiciary to enable procurement of materials and facilities		Judiciary, DPP, AGC, MoHA, PMO-RALG	Proportion of budgetary allocation to the justice system
2.1.3 Ward Tribunals are provided with at least a minimum level of material support, including copies of relevant laws, paper, pens and files and lockable filing cabinets and storage for files	By end 2014	PMO-RALG	Year on year increase in the budget allocated to the justice sector
2.2 Establish Juvenile Courts countrywide			
2.2.1 Juvenile Court Rules are adopted The Rules clarify the jurisdiction over juvenile crime cases and child protection cases Rules set requirements for pre-service and in-service training for court officers and the judiciary	By mid 2013	Judiciary Stakeholders: AGC, MoHSW, MCDGC, DPP, MoHA, MoCLA, Legal Aid Providers	Children's cases (criminal, welfare and protection) are handled by Juvenile Courts Juvenile Court Rules gazetted % of districts with Juvenile Courts
2.2.2 Juvenile courts are identified in each district and designated by the Chief Justice as Juvenile Courts	2013-2015	Judiciary Stakeholders: MoCLA, DPP, MoHSW, PMO-RALG	Number of cases dealt with by Juvenile Courts
2.2.3 Law of the Child Act amended to allow for any court premises to be designated as Juvenile Courts	By end 2013	Judiciary Stakeholders: MCDGC, AGC, MoHSW	
2.2.4 Laws harmonised with the Juvenile Court Rules	By end 2014	Judiciary Stakeholders: MCDGC, AGC, DPP, MoHSW	
2.2.5 Rules on Juvenile Courts are translated and disseminated to law enforcement agencies and	By end 2013	Judiciary Stakeholders: AGC, DPP	

stakeholders		MoHSW, MCDGC, MoCLA, MoHA, Legal Aid Providers	
2.2.6 Directives and instructions issued for police and prosecutors to refer children's cases to Juvenile Courts where these are operational in the locality	By end 2013	MoHA, AGC, DPP	
2.2.7 Building and renovations of courts takes into consideration the Juvenile Court Rules, the need to provide a child friendly environment and the needs of children with disabilities	2013 - 2017	Judiciary Stakeholders: MoCLA	
2.3 Enhance court administration and case management for child justice			
2.3.1 Guidance on Managing Cases in the Juvenile Court and other courts is produced in both English and Kiswahili	By end 2013	Judiciary Stakeholders: MoCLA, PMO-RALG, DPP, MoHA, MoHSW, MCDGC	Children receive timely justice Average period between charge and trial for criminal cases, and in civil cases between the instigations of proceedings and hearings reduced
2.3.2 Guidance on managing cases in the Juvenile Court and other courts is made available to all stakeholders in the juvenile justice system including resident magistrates, prosecutors, police, court administrative staff and social welfare officers attached to courts	By end 2014	Judiciary Stakeholders: MoCLA, PMO-RALG, DPP, MoHA, MoHSW, MCDGC	% of Juvenile Courts with operational child justice management committees
2.3.3 Exchange programmes for judicial and informal officers to other countries to learn about child-friendly justice are established	By end 2016	MoCLA Stakeholders: CSOs	
2.3.4 Child justice management committees are established at each Juvenile Court made up of major stakeholders to oversee and	Piloted at Kisutu Juvenile	Judiciary Stakeholders: MoCLA, PMO-	

monitor the implementation of the provisions of the Law of the Child Act relating to both the criminal and civil jurisdiction and to co-ordinate the provision on services at local level	Court by end 2013 Rolled out to Juvenile Courts by end 2015	RALG, DPP, MoHA, MoHSW, MCDGC	
2.3.5 Steps are taken to expedite children's cases	By end 2013	Judiciary Stakeholders: DPP, MoHA, Legal Aid Providers, MoHSW	
2.4 Raise awareness amongst stakeholders in the formal, quasi-judicial and informal justice systems on the Law of the Child Act			
2.4.1 Kiswahili translation of the Law of the Child Act is published	2013	AGC/MCDGC	Stakeholders in the formal, quasi-judicial and informal justice systems are informed about and effectively implement the LCA Kiswahili version of the LCA gazetted Proportion of police stations, retention homes, approved schools, residential homes, courts, social welfare offices, and all other relevant locations and stakeholders that have copies of the LCA (and applicable
2.4.2 The official Kiswahili version of the LCA is widely distributed to all stakeholders in the formal and informal justice system and to schools, hospitals and service providers, etc.	2013-2015	MCDGC Stakeholders: MIYCS, MoEVT, MoHSW, MoCLA, PMO-RALG	
2.4.3 Justice specific guides on the implementation of the Act are developed and disseminated	2013-2015	MCDGC /MoCLA Stakeholders: MoHSW, PMO-RALG, AGC, DPP, MoHA, CSOs, Legal Aid Providers	
2.4.4 Regulations adopted under the Law of the Child Act are translated and disseminated	2013 - 2015	MoHSW Stakeholders: MCDGC, MoCLA, AGC, PMO-RALG, MoHA, MoLE,	

		Judiciary, Legal Aid Providers, CSOs	regulations)
2.5 Enhance the capacity of personnel in the formal and informal justice systems			
2.5.1 Capacity needs/gaps among Judicial, quasi-judicial and informal justice sector staff are identified	2013	See subsequent key actions for specific training leads for justice actors	Justice actors handling children's cases have the knowledge and skills to deliver effective justice Child law is a mandatory course for law school students Number of justice actors who have received training on the LCA
2.5.2 Mandatory training is provided to all stakeholders dealing with children's cases in the formal and informal justice system over an agreed time frame	2013-2017	See subsequent key actions for specific training leads for justice actors	
2.5.3 Joint/inter-agency training package developed and delivered at the district level, involving judiciary, social welfare officers, police, prosecutors (and prison and probation officers), WEOs, on handling children's cases to promote a common understanding and collaboration (see 4.4.3)	2013 - 2017	MCDGC /PMO-RALG Stakeholders: Judiciary, MoHSW, DPP, MoHA, CSOs	
2.5.4 Regular and refresher capacity building schedule for police, prosecutors, judicial officers and informal justice sector, including Ward Tribunals and lay members of the Primary Court is established and on-going, providing training no less than once every six months	By end 2014	MCDGC Stakeholders: Judiciary, MoHSW, DPP, MoHA, PMO-RALG, CSOs	
2.5.5 Child law is incorporated in the curriculum of the Law School as a mandatory course	By end 2014	MoCLA/ Law School	
2.5.6 Child Law module offered at all Universities running LLBs	By end 2017	University Law Departments	
2.5.7 Adequate budgetary allocation is progressively provided in order to fill the human resource gaps in the justice	2013-2017	MoCLA, MoF Stakeholders: Judiciary, DPP, MoHA, MoHSW,	

system		PMO-RALG	
2.6 Designate and build capacity of specialised juvenile prosecutors			
2.6.1 Designate two specialised juvenile prosecutors in every district / region to undertake all work on cases involving child suspects and child victims (depending on volume of juvenile cases, these prosecutors may also need to work with adult suspects)	By 2016	DPP	Specialised child prosecutors are available in every district % of districts with specialist prosecutors and % increase of districts with specialist prosecutors year on year
2.6.2 Develop Standard Operating Procedure / Guidance for investigation and prosecution of cases involving child suspects and victims on child-friendly procedures for working with children in conflict with the law	By end 2013	DPP Stakeholders: MoHSW, Judiciary, MoHA	Number of prosecutors trained on handling children's cases
2.6.3 Develop training modules on handling cases of children for designated specialised juvenile prosecutors, to be delivered through Training of Trainers (ToTs). Training modules should cover juvenile justice laws, special procedures in the Standard Operating Procedure / Guidance, social and psychological aspects of child offending, child development and techniques and best practices for working with children in conflict with the law	By end 2014	DPP	
2.6.4 Deliver training module to all designated specialised juvenile prosecutors	By end 2016	DPP	
2.7 Designate and build capacity of juvenile magistrates			
2.7.1 Designate a certificated magistrate in each designated Juvenile Court	2013-2015	Judiciary Stakeholders: Institute of	A certificated juvenile magistrate presides over each

		Judicial Administration	juvenile court
2.7.2 Designate specialist trained magistrates and judges to preside over hearings outside the jurisdiction of the Juvenile Court and in areas where no Juvenile Courts have been designated	By end 2015	Judiciary Stakeholders: Institute of Judicial Administration	No. of trained juvenile magistrates
2.7.3 Develop a child law course/certification at the Institute of Judicial Administration The course should cover child laws, special juvenile court procedures, social and psychological aspects of child offending, child development and techniques and best practices for working with children	By end 2013	Institute of Judicial Administration Stakeholders: Judiciary	
2.8 Improve accessibility of the informal justice system for children			
2.8.1 Ward Tribunals and community justice facilitators ¹³ work within the community to ensure that children (and adults) know of the purpose, role and location of Ward Tribunals	2013-2015	PMO-RALG /MoHSW Stakeholders: LGAs, WEOs	Informal justice deals effectively with children's cases
2.8.2 Ward Tribunals simplify their procedures to make them easily accessible to children and brief all children on their procedures at the start of any hearing	By end 2013	PMO-RALG Stakeholders: MoHSW, MCDGC	Increase in the number of children's cases being heard by Ward Tribunals
2.8.3 Ward Tribunals allow a child to be supported by an community	By end	PMO-RALG	

¹³ Community Justice Facilitators (CJFs) are community volunteers trained on child issues who provide a link between most vulnerable children and the village/*mtaa*, ward and the district social welfare officers, judicial and quasi-judicial bodies, and other service providers. CJFs also support children to resolve disputes related to rights violations and legal entitlements without resorting to formal court proceedings.

justice facilitator (or paralegal where there are no community justice facilitators) who should be permitted to speak for the child, where the child so requests	2013	Stakeholders: MoHSW, MCDGC	
2.8.4 In order to support the child in making an application, community justice facilitators are provided with material resources, including paper, pens, a lockable filing cabinet and a small level of expenses for transport etc	By end 2014	PMO-RALG Stakeholders: LGAs, MoHSW	
2.9 Strengthen accessibility for children to the complaints mechanisms of the Commission for Human Rights and Good Governance			
2.9.1 Capacity gaps are addressed in CHRAGG to increase the ability of the Commission to address children's complaints and investigate child rights violations	2013-2017	CHRAGG Stakeholders: MoF	Increase in the number of children lodging complaints with CHRAGG % of regions with CHRAGG child rights desks
2.9.2 CHRAGG offices are set up in every region with an operational child rights desk	2017	CHRAGG Stakeholders: MoF	
2.9.3 Awareness raising activities carried out amongst children on the role of CHRAGG and the complaints mechanism	2013-2017	CHRAGG Stakeholders: PMO-RALG, Junior Councils, MCDGC, MoEVT	

OBJECTIVE 3 – CHILD RIGHTS COMPLIANT JUVENILE JUSTICE SYSTEM

OBJECTIVE 3 - All children in conflict with the law are treated in a manner that complies with international standards, is consistent with their dignity and worth, and focuses on their rehabilitation and reintegration into society.

International standards set out a very detailed framework for administration of juvenile justice. States must establish a juvenile justice system that:

- Deals with children separately from adults in a specialist child friendly, child-rights compliant juvenile justice system;
- Uses measures for dealing with children without resorting to formal proceedings wherever possible and appropriate;
- Uses deprivation of liberty whether pre or post-trial, only as a matter of last resort and for the shortest appropriate period; and
- Has as its aim rehabilitation and reintegration, rather than punishment or deterrent.

International standards also promote prevention as the corner stone of an effective juvenile justice system.

CURRENT CHALLENGES

When Tanzania came before the UN Committee on the Rights of the Child, the Committee expressed concern at “the limited progress achieved in establishing a functioning juvenile justice system throughout the country”¹⁴ and recommended a number of steps to bring Tanzanian juvenile justice policy, law and practice in conformity with international human rights law. In 2010, the African Committee of Experts on the Rights and Welfare of the Child made similar concluding recommendations in relation to the implementation of juvenile justice standards in Tanzania: enact comprehensive provisions in the juvenile justice standards; allocate

¹⁴ UN Committee on the Rights of the Child, *Concluding Observations: United Republic of Tanzania*, UNCR/C/TZA/CO/2, 21 June 2006

sufficient human and physical resources; and conduct regular training to juvenile justice personnel to ensure that juvenile justice is administered in consonance with best practices and international standards.¹⁵

KEY ACTIONS

- a) Create a specialist child friendly, child rights compliant juvenile justice system;**
- b) Develop assessment and referral mechanisms to ensure that children not exposed to the criminal justice system unlawfully or unnecessarily;**
- c) Put in place mechanisms to ensure that children in conflict with the law have their rights upheld at the police station;**
- d) Develop programmes (prevention, rehabilitation and reintegration) at the local community level to respond to the needs of children in conflict or at risk of coming into conflict with the law and ensure the least possible use of prosecution and custody, and provide justice actors with the mandate, knowledge and skills to use these programmes;**
- e) Improve conditions of detention to conform to international standards and norms and build the capacity of detention centres to effectively rehabilitate children and prepare them for their release; and**
- f) Protect and provide for children in detention due to their mother's imprisonment.**

a) CREATE A SPECIALIST CHILD FRIENDLY, CHILD-RIGHTS COMPLIANT JUVENILE JUSTICE SYSTEM

A child rights compliant juvenile justice system requires child-specific legislation and institutional structures, so that all children coming into conflict with the law are dealt with in a manner appropriate to their age and needs, by personnel who are appropriately trained to meet their needs and in a way that complies with international child rights standards.

¹⁵ African Committee of Experts on the Rights and Welfare of the Child (ACERWC), *Concluding Recommendations on the Republic of Tanzania Report on the Status and Implementation of the African Charter on the Rights and Welfare of the Child*, 2010, p. 9

Children in conflict with the law are systematically exposed to the risk of having their rights violated at all stages of the criminal justice process, as a consequence of inadequate specialist institutions and professionals and limited knowledge of juvenile justice standards and relevant domestic legislation. It also has the effect of exposing children who should not be subjected to criminal proceedings (for example, children under the minimum age of criminal responsibility), to the criminal justice system.

In order to promote a child-friendly, child-rights compliant and effective criminal justice process, it is important that law enforcement officials who come into contact with children are properly trained, to ensure that they are aware of relevant domestic criminal justice laws, and are also aware of international child rights standards, child development, causes of juvenile delinquency and appropriate techniques of working effectively with young people. Training should also include the promotion of diversion and non-punitive approaches to juvenile offending.

Training, on its own is not considered to be enough. International law requires that specialised units for children, staffed by trained personnel, are to be established within the police, the prosecution, and social services and that separate child friendly courts are established.

Specialised services such as legal aid, counselling, supervision, rehabilitation, reintegration and, where necessary, facilities for residential care and treatment of children in conflict with the law also need to be established.

CURRENT CHALLENGES

- ◆ There are no designated police units or officers who deal specifically with children in conflict with the law. However, the Guidelines for the Establishment of Police Gender and Children's Desks, adopted by the

Inspector General of Police, allows for children in conflict with the law to be handled by Desk Officers;

- ◆ The law does not provide for specialist prosecutors or prosecution units to carry out the investigation and prosecution of cases involving child suspects, though several have been designated in practice;
- ◆ Only one juvenile court has been designated and, as a result, the majority of children's cases are heard in regular courts;
- ◆ There is a significant shortage of Social Welfare Officers (SWOs) in most districts and there are no specialised SWOs, with the exception of three SWOs attached to the juvenile court in Dar es Salam;
- ◆ SWOs appear to be unclear about their role in the juvenile justice system and about their duties under the Law of the Child Act (LCA), with notable exceptions, including the SWOs attached to the juvenile court and the SWOs who are part of District Child Protection Team pilots;
- ◆ There is a lack of clarity regarding the respective roles of probation officers and social welfare officers in the juvenile justice system since the introduction of the Law of the Child Act, in relation to social inquiry reports and supervision of probation orders;
- ◆ There are inadequate juvenile detention facilities (Retention Homes only exist in five regions and there is only one Approved School);
- ◆ Many criminal justice professionals were found to have a very low knowledge of juvenile justice standards and domestic juvenile justice laws; and
- ◆ There is inadequate coordination at the district and regional levels between different juvenile justice institutions and professionals, which has impaired the ability of institutions to implement the LCA and provide a child-friendly response to children at risk of and in conflict with the law.

KEY ACTIONS AND ACTIVITIES

The majority of activities relating to creating a specialised justice system for children, with trained personnel, are contained in other objectives. The strategy does not repeat them but seeks to highlight the link.

OBJECTIVE 3(a) - A SPECIALIST CHILD FRIENDLY, CHILD-RIGHTS COMPLIANT JUVENILE JUSTICE SYSTEM

Activity	Timeline	Lead Agency	Main results and indicators
3.1 Create a child rights compliant legislative framework for juvenile justice			
3.1.1 Publish report on juvenile justice law reform	By end 2014	Law Reform Commission	Children in conflict with the law are dealt with separately from adults
3.1.2 Develop and operationalize regulations on juvenile justice under the Law of the Child Act (Specific areas/provisions to be included in the Regulations are set out in the relevant objectives and key actions - denoted by JJ REGS)	By end 2015	MoHSW Stakeholders: AGC, MCDGC, Judiciary, MoHA, DPP, Attorney General, MoCLA, PMO-RALG, CSOs, Legal Aid Providers	Task Forces established for the drafting of the Juvenile Justice regulations (by end 2013) Regulations on juvenile justice gazetted
3.1.3 Criminal justice legislation harmonized with the Law of the Child Act and the Juvenile Justice Regulations	By end 2015	MoCLA Stakeholders: Judiciary, MoHA, DPP, AGC, MoHSW	
3.1.4 Commissioner for Social Welfare issues a directive under s16(q) LCA to include children at risk of and children in conflict with the law as children in need of care and protection	2013	MoHSW Stakeholders: AGC	
3.2 Designate and build capacity of specialist personnel to handle children's cases			
3.2.1 Designate and build the capacity of police to handle cases of juvenile offenders	2013 - 2017	MoHA Stakeholders: MoHSW	Children coming into conflict with the law are dealt with by specially trained personnel at every stage of the juvenile justice process
3.2.2 Designate and build the capacity of juvenile prosecutors – see 2.6	<i>NB Timeline, lead agency and stakeholders are indicated in the relevant</i>		

3.2.3 Designate and build the capacity of juvenile magistrates – see 2.7	objective		
3.2.4 Designate and build the capacity of juvenile justice social welfare officers/juvenile probation officers - see 3.16			
3.2.5 Joint/inter-agency training package developed and delivered at the district level, involving judiciary, social welfare officers, police, prosecutors, prison and probation officers, WEOs, on handling children’s cases and on counselling and reconciliation – see 2.5			
3.2.6 Industry training (pre service) for all justice actors is revised to include a module on juvenile justice, including for police, magistrates, probation officers and social welfare officers	2013 - 2014	MoHA /Judiciary /MoHSW	
3.2.7 Designate and build the capacity of social welfare officers to handle cases of children in conflict with the law - see 3.17	By end 2013 (in districts where SWO are in place) Ongoing for districts as SWOs are put in place	MoHSW	
3.3 Establish Juvenile Courts countrywide			
See 2.2 for activities related to the establishment of Juvenile Courts countrywide			All cases of children in conflict with the law are handled by Juvenile Courts
3.4 Expedite children’s cases and avoid unnecessary delays			

3.4.1 An instruction / directive is issued to police and prosecutors and gazetted that the investigation of cases involving child offenders must be prioritised	By end 2013	MoHA /DPP Stakeholders: MoCLA	Children's cases are dealt with efficiently without unnecessary delay Time between charge and final hearing for children's cases
3.4.2 An instruction / directive is issued to the government chemist and gazetted that forensic results from investigations involving child offenders must be prioritised	By end 2013	MoHSW - Health Stakeholders: DPP, MoCLA, MoHA	
3.4.3 An instruction is issued and gazetted prescribing that in cases involving child offenders, these cases must take priority in all court listings, and that juvenile cases must not go part heard but should be heard on subsequent days in the event that the trial does not finish on the first day	By end 2013	Judiciary Stakeholders: MoCLA	
3.4.4 Transport is provided to ensure that all under-18s held in the Retention Homes and Prisons attend court as prescribed	By end 2016	MoHSW (Retention Homes) /MoHA (Prisons) Stakeholders: President's Office – Planning Commission	
3.4.5 The Chief Justice has exercised his/her powers to issue Rules/ Directive giving juvenile courts power to hear mentions in a retention home to ensure that the case of all children can be reviewed by a resident magistrate every 2 weeks as required by law, and to avoid delays caused by lack of transport	By end 2013	Judiciary Stakeholders: MoHSW	

3.5 Establish free legal assistance programmes for children at all stages of the criminal justice process		
3.5.1 See Objective 7 - Improved Access to Quality Legal Help		Children in conflict with the law have access to quality legal advice at all stages of the criminal justice process

b) DEVELOP ASSESSMENT AND REFERRAL MECHANISMS TO ENSURE THAT CHILDREN ARE NOT EXPOSED TO THE CRIMINAL JUSTICE SYSTEM UNLAWFULLY OR UNNECESSARILY

In order to comply with international law, a juvenile justice system should cover all children who are alleged as, accused of or recognised as having infringed the penal law who are over the age of criminal responsibility, but under the age of 18. Robust age assessment processes should ensure that all children under the age of 18 years, who are in conflict with the law are identified as such and subject to specialised juvenile justice procedures.

International law requires States to set a minimum age of criminal responsibility and this age should not be set too low. According to the Committee on the Rights of the Child, the minimum age of criminal responsibility should not be set below the age of 12 years and should be an absolute minimum age, not variable according to whether mental capacity can be established.

In addition, children should not be held criminally responsible for ‘status offences’ including, for example, truanting or other minor disorder offences, like vagrancy or loitering. These offences particularly affect already vulnerable groups of children, such as those without parental care or street children, and should be decriminalised. Wherever possible, children should not be exposed to criminal prosecution where this is not in their best interests.

To ensure the criminal justice system is only used to process young offenders, a child protection system needs to be operating which can effectively provide to support and care for vulnerable groups of children.

CURRENT CHALLENGES

- ◆ While children below the age of 12 years are presumed not to have the capacity to commit crime, between the ages of 10 and 12 this presumption is rebuttable;
- ◆ Children below the minimum age of criminal responsibility are being processed through the formal criminal justice system, due to limited knowledge of juvenile justice laws and an absence of mechanisms for dealing with these children;
- ◆ Many children in conflict with the law do not know their age (and do not have birth certificates), and this appears to have left them open to age-related challenges by law enforcement officials, being treated as adults in the criminal justice system, and being denied the special protections to which they are entitled;
- ◆ Children under the age of 10 were found in the Retention Homes. The juvenile justice system is often used as a substitute for a functioning child protection system. Detention centres are being used to accommodate children who do not have parents/guardians who can take care of them, due to limited child care provision, rather than because these children pose a danger to society and need to be detained;
- ◆ Children who have not committed a criminal offence, but have been 'misbehaving', for example, truanting or loitering, are being processed through the formal criminal justice system; and
- ◆ While theft and other minor property crimes are the most common offences for which children are arrested, a significant proportion of teenagers are arrested for statutory rape (sexual conduct that is, in fact, consensual). Often, parents are complainants, and children are frequently unhappy for these cases to be prosecuted.

KEY ACTIONS AND ACTIVITIES

OBJECTIVE 3b – EFFECTIVE AGE ASSESSMENT AND REFERRAL MECHANISMS IN PLACE			
Activity	Timeline	Lead Agency	Main results and indicators
3.6 Put in place an effective system to deal with children under the MACR			
3.6.1 Section 15(2) of the Penal Code is amended to abolish the rebuttable presumption of doli incapax for 10-12 year olds and 12 years is set as the absolute minimum age of criminal responsibility	By end 2015	MoCLA Stakeholders: AGC, MCDGC	No children under the age of 12 arrested, prosecuted, charged or convicted
3.6.2 (JJ REGS – see 3.1.2) Regulations issued under the Law of the Child Act contain paragraphs clarifying that police, prosecutors and courts cannot arrest, charge or convict a child under the age of 12 of any offence	By end 2015	MoHSW Stakeholders: Judiciary, MoHA, AGC, DPP, MoCLA	Amendment to the Penal Code Number of children under the age of 12 placed in the Retention Home, Approved School and Prisons
3.6.3 Directive/instruction issued to police, prosecutors and courts stating that children aged under 12 years cannot be arrested, charged or convicted of any offence	By end 2015	MoHA/DPP /Judiciary	
3.6.4 Awareness raising activities undertaken with key criminal justice institutions on the minimum age of criminal responsibility (linked with awareness raising on MACR)	2015-2017	MoCLA Stakeholders: MoHA, DPP, Judiciary, MoHSW, PMO-RALG	
3.6.5 Establish a referral mechanism for children under the MACR to be referred to child protection/support services where appropriate	By end 2013	MoHSW Stakeholders: MoHA, DPP, Judiciary, PMO-RALG, CSOs	
3.6.6 Conduct awareness raising of	2014-	MoHSW	

the services available for children under the MACR at risk with police, prosecutors, courts and SWOs	2017	Stakeholders: MoHA, DPP, Judiciary, PMO- RALG, CSOs	
3.7 Ensure that children are not incorrectly assessed as adults			
3.7.1 Develop guidelines which establish a presumption that, where there is any doubt, a person is to be regarded as under 18 years unless or until proven otherwise Guidelines establish a threshold setting out the circumstances in which a person will be referred for an age assessment, as well as the process for referral	By end 2013	MoCLA Stakeholders: MoHA, Judiciary, DPP, MoHSW, PMO- RALG	All children under 18 years are dealt with under relevant juvenile justice laws and procedures Guidelines on age assessment available and accessible
3.7.2 Conduct awareness-raising with key criminal justice institutions on the Guidelines (linked with awareness raising on MACR)	2014-2017	MoCLA Stakeholders: MoHA, DPP, Judiciary, MoHSW, PMO- RALG	Increase in the number of children with birth certificates by 46% in 5 regions (June 2014)
3.7.3 Implement the Under-5 Birth Registration Strategy, which includes drafting amendments to laws and regulations to introduce free birth registration and certification and the rolling out of a decentralised system of registration, in order to increase the number of children registered and with birth certificates	2013 - 2017	RITA Stakeholders: MoCLA, PMO- RALG, MCDGC, MoHSW	
3.8 Review and amend relevant laws to decriminalise disorder and status offences			
3.8.1 Review criminal justice laws to identify all minor public disorder offences (and status offences), and amend the laws to exempt persons aged under 18 from being held criminally responsible for these offences. Relevant offences should include, but not be limited to	By end 2015	MoCLA Stakeholders: MoHA, AGC, DPP	No child is prosecuted for minor public disorder offences or for a status offence (an offence only applicable to

vagrancy, touting, loitering and truanting			children)
3.8.2 Directive/instructions issued to the police, prosecutors and courts setting out the amended law on public disorder offences and reminding them that children must not be arrested, prosecuted or charged for the 'disorder' offences specified in the amended law	By end 2015	MoHA/DPP /Judiciary	Number of children prosecuted for minor public disorder offences
3.8.3 Develop a referral mechanism for children who are engaging in disorder offences and are at risk to be referred for services where appropriate (see 3.1.4)	By end 2013	MoHSW Stakeholders: MoHA, DPP, Judiciary, PMO-RALG, CSOs	
3.9 Develop a child protection system which can support and care for vulnerable groups of children			
3.9.1 Establish a child protection regulatory system that can effectively identify and respond to child protection cases, including of street children and domestic workers (see Objective 5)	By end 2014 legislative framework in place	MoHSW /MCDGC /PMO-RALG	Children's cases are not processed through the criminal justice system unnecessarily
3.9.2 Develop support services, including emergency care, for children without parental care, including street children (see 5.3.8)	2013 - 2017	MoHSW Stakeholders: MCDGC, PMO-RALG, CSOs, Legal Aid Providers	Regulations on Child Protection under the LCA gazetted
3.10 Provide greater clarity on the meaning of 'public interest' in deciding whether to prosecute statutory rape cases			
3.10.1 Issue a Directive / Guidance that prosecutions for statutory rape should not generally be regarded as being in the 'public interest' when there are two consenting children of similar age	By end 2014	DPP	Prosecutions of children for statutory rape are reduced in defined circumstances

3.10.2 Conduct awareness-raising / sensitisation with key criminal justice institutions on the use of the 'public interest' prosecution exemption	2015-2017	DPP Stakeholders: MoHA, Judiciary	
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c) PUT IN PLACE MECHANISMS TO ENSURE THAT CHILDREN IN CONFLICT WITH THE LAW HAVE THEIR RIGHTS UPHELD AT THE POLICE STATION

Specially trained police should handle all cases of children at the police station, including children in conflict with the law. A system of child supporters (adults trained to provide assistance at the police station) and/or paralegals should be operating, to ensure that children have assistance during questioning and throughout their detention.

CURRENT CHALLENGES

The studies found that children are at risk of human rights violations at the police station, including ill treatment and forced confessions. Children are generally not accompanied by a parent, or any other adult, when they are questioned by the police for an alleged offence. Parents are often not informed or are given insufficient time to come to the police station. As a result, there is nobody present to support the child and ensure the questioning is fair and not oppressive and that the child understands what is being asked by the police.

KEY ACTIONS AND ACTIVITIES

Objective 3(c) - EFFECTIVE SUPPORT AND PROTECTION AT THE POLICE STATION			
Activity	Timeline	Lead Agency	Main results and indicators
3.11 Build capacity of Police Gender and Children Desks to become specialised units for children in conflict with the law			
3.11.1 Instruction issued requiring all children in conflict with the law to be referred to Gender and	2013	MoHA - Police Stakeholder	Children in conflict with the law are dealt with by

Children Desks on apprehension or arrest		MoHSW	pecially trained officers nationwide
3.11.2 Develop Standard Operating Procedures for Gender and Children Desks on child-friendly procedures for working with children in conflict with the law	By end 2013	MoHA - Police Stakeholders: MoHSW, DPP, Judiciary, Legal Aid Providers, CSOs	SOP issued on handling cases of children in conflict with the law
3.11.3 Integrate a module on children in conflict with the law into the standardised training package for Gender and Children's Desks Officers (see 4.1.3)	By end 2013	MoHA - Police Stakeholders: Tanzania Police Female Network, MoHSW, CSOs	% of Gender and Children's Desks Officers trained on the SOP
3.12 Establish a child supporters programme for police stations			
3.12.1 Designate SWOs to be 'police liaison officers', and establish a communication protocol for police to notify a police liaison SWO immediately following the arrest of a child (see 3.2.7)	By end 2013 (in districts where SWO are in place) Ongoing for districts as SWO are put in place	MoHSW Stakeholders: MoHA, PMO-RALG	All children in pilot districts have access to a child supporter immediately following arrest, and during questioning and investigation Length of time spent in police detention does not exceed maximum specified in domestic law Allegations of forced confessions reduced
3.12.2 Identify organisation(s) / institution(s)/ individuals in pilot districts to act as child supporters at the police station (e.g. paralegals / community justice facilitators, SWOs, or para-social workers)	By end 2013	MoHSW Stakeholders: MoHA, PMO-RALG, Legal Aid Providers, CSOs	% of children with child supporters
3.12.3 Develop and deliver training to child supporters	2013 - 2015	MoHSW Stakeholders: Legal Aid Providers, CSOs	CHRAGG inspection report 2015 (see 3.24.5)

3.12.4 Develop a communication protocol for police officers to set out duties and timelines for contacting the child supporter and role of the child supporter and raise awareness amongst and sensitise police officers about the programme	By end 2013	MoHSW Stakeholders: MoHA, PMO-RALG	
3.12.5 Develop and disseminate information on the child supporter programme	2013 - 2014	MoHSW Stakeholders: MoHA, PMO-RALG, Legal Aid Providers, CSOs	
3.12.6 Replicate the child supporter model	2015-2017	MoHSW Stakeholders: MoHA, PMO-RALG, Legal Aid Providers, CSOs	

d) DEVELOP PROGRAMMES (PREVENTION, DIVERSION, REHABILITATION AND REINTEGRATION) TO RESPOND TO THE NEEDS OF CHILDREN IN CONFLICT OR AT RISK OF COMING INTO CONFLICT WITH THE LAW AND ENSURE THE LEAST POSSIBLE USE OF PROSECUTION AND DETENTION

The primary goal of a child right compliant juvenile justice system should not be that of punishment for the crime or deterrence, but prevention of juvenile crime and rehabilitation and reintegration of the child¹⁶. The reaction to each juvenile offender must be proportionate to his/her circumstances and the harm caused by the offence (not just the gravity of the offence).¹⁷ The emphasis should be placed on the well-

¹⁶ UNCRC, Art. 40(1). In May 2002 the UN General Assembly (during its Special Session on Children) approved a Plan of Action that calls for States to: “Promote the establishment of prevention, support and caring services as well as justice systems specifically applicable to children, taking into account the principles of restorative justice and full safeguard children’s rights and provide specially trained staff that promote children’s reintegration in society” (Article 44(7), A World Fit for Children).

¹⁷ Beijing Rules, Rule 5

being of the juvenile and decisions should take into account his/her inherent special needs and vulnerability.

The Committee on the Rights of the Child does not accept that a rights based approach is 'soft' on juvenile offenders or undermines the effective functioning of a criminal justice system. The body acknowledges that the preservation of public safety is a legitimate aim of the justice system. However, the Committee asserts that the best way to ensure public safety and reduce offending and re-offending is to implement the international framework on juvenile justice, which focuses on prevention, diversion, rehabilitation and reintegration of under 18s rather than punishment and deterrence.¹⁸

PREVENTION: Prevention programmes are often referred to as operating at primary, secondary and tertiary levels. While only tertiary programmes (those aimed at preventing recidivism for children who have admitted or have been convicted of an offence) are contained in this child justice strategy, it is nevertheless essential that primary (i.e. universal) and secondary (i.e. targeted) prevention programmes are developed as part of child protection services. Prevention programmes should include support for particularly vulnerable families and the involvement of schools in teaching basic values, including information about the rights and responsibilities of children and parents under the law (see Objective 5).

DIVERSION: International law requires States to develop procedures that allow children who come into conflict with the law to be handled without resorting to judicial proceedings or a trial ('diversion'), wherever appropriate and desirable, providing that human rights and legal safeguards are fully respected. Diversionary measures avoid stigmatisation, have good outcomes for children and society, are proven to be more cost-effective than initiating criminal proceeding and reduce recidivism. The possibility of diverting a child away from the formal justice system into a programme or activity that addresses the child's offending behaviour using

18 General Comment No. 10, para. 4e

restorative justice, family and community focused measures to assist the child's reintegration, should be available to the police, prosecutor and the court at every stage of the criminal justice process prior to trial. Before a decision is made to use diversionary measures, the child must have admitted guilt (without coercion) and have provided informed consent for the diversionary measure. The child should always have the right to have an adult present and consult with his/her parents/legal guardians and access legal or other appropriate assistance before accepting diversion. The child should retain the right to plead innocent and proceed to trial at all times.

LEAST POSSIBLE USE OF DETENTION: Article 37(b) of the UN Convention on the Rights of the Child is clear that children should only be deprived of their liberty either pre-trial or as a result of a custodial sentence if this is in accordance with the law, as a matter of last resort (no other non-custodial sentences being appropriate) and for the shortest appropriate period of time. To reduce pre-trial detention, bail options need to be put in place that can provide a non-custodial option for children from poor families or those without parental care. Detention must not be used simply because no other alternatives have been established by the State.

REHABILITATION AND ALTERNATIVE SENTENCING: The UN Convention on the Rights of the Child also requires States to provide for a variety of widely available, non-custodial sentencing measures in their legislation to ensure that children are dealt with in a manner that is appropriate to their well-being, proportionate both to their circumstances and the offence, that takes into account their age and the need to promote the child's re-integration and assume a constructive role in society. Measures that should be available include care, guidance and supervision orders, counselling, probation, foster care, educational and vocational training programmes and other alternatives to custody. Social inquiry reports should be available to the Courts to assist them in determining the most effective response for the child.

Ideally community-based rehabilitation and reintegration programmes should be established for children in conflict with the law in their own communities and should

work with the child and family to address the immediate and root causes of the child's offending. Police, Prosecutors and Courts should have the mandate and authority to refer children to these programmes.

CURRENT CHALLENGES

- ◆ There is no clear power in law which allows children to be diverted out of the formal criminal justice system and referred to rehabilitative services and support where appropriate;
- ◆ Children are being denied bail due mainly to their inability to meet imposed bail conditions, rather than due to the severity of the alleged offence or the risk posed by the child to society;
- ◆ Many children are held in detention on remand for periods far exceeding the statutory maximum of 60 days. Children, charged with more serious offences, are being held for up to two years on remand;
- ◆ Even in districts in which there are Retention Homes, children on remand continue to be placed in adult prisons;
- ◆ The majority of children remanded in detention are street children and domestic workers;
- ◆ Children continue to be placed in adult prisons following sentencing, despite a prohibition on imprisonment in the Law of the Child Act;
- ◆ While the LCA is clear that SWOs supervise probation orders made by Juvenile Courts, there is a lack of clarity as to whether SWOs or Probation Officers have the supervisory role for probation orders imposed on under-18s made by other courts; and
- ◆ No community rehabilitation schemes for young offenders and children at risk of coming into conflict with the law are available¹⁹.

¹⁹ The first community rehabilitation programme was launched in Temeke District, Dar Es Salaam in August 2012 by MoHSW and Temeke Municipality, with the involvement of the Police, Prosecutors, Courts (District Court and Juvenile Court), Probation and district Social Welfare Officers. Children aged 10-17 years who come into conflict with the law are offered the opportunity to attend a non-residential programme, which is individually tailored to their needs, lasting 4-6 months. Children can be referred as a diversionary measure by the Police and Prosecutors, as a non-custodial sentence by the Courts, as part of a Probation Order and by Social Welfare Officers if they are deemed to be at high risk of offending.

KEY ACTIONS AND ACTIVITIES

OBJECTIVE 3(d) – PREVENTION, DIVERSION AND REHABILITATION PROGRAMMES IN PLACE			
Activity	Timeline	Lead agency	Main results and indicators
3.13 Put in place a legislative/regulatory framework that allows for children to be diverted out of criminal justice system, where appropriate			
3.13.1 Draft amendments to the Law of the Child Act, the Criminal Procedure Act and the Police Act to allow explicitly for diversion if Chief Justice determines such amendments are necessary	By end 2015	MoHA Stakeholders: Judiciary MoCLA MOHA, A-G, DPP, MoHSW	Children are diverted from the criminal justice system % of children diverted by the police
3.13.2 Develop referral mechanisms between the police and local services for children (see 3.18)	By end 2015	MoHA Stakeholders: MoHSW, PMO-RALG	
3.13.3 Sensitise police officers on the benefits of and mechanisms for diversion	2013-2017	MoHA Stakeholders: MoHSW, PMO-RALG	
3.14 Amend bail provisions and introduce presumption of bail for children			
3.14.1 Amend relevant criminal justice legislation to exempt children from mandatory pre-trial detention for 'non-bailable' offences	2013	MoCLA Stakeholders: Judiciary, AGC, DPP	Reduction on the number of children in pre trial detention % of children awarded bail
3.14.2 Chief Justice issues a directive that : a) There be a presumption that bail is to be granted to a child unless the child poses a serious risk to the public; and	2013-2014	Judiciary Stakeholders: MoHSW, AGC, DPP, Legal Aid Providers	No. of children in pre-trial detention

b) That in the case of a child there shall not be a requirement or condition that the granting of bail be dependent upon a financial sum being deposited or pledged			
3.14.3 Establish a mechanism for children's homes, street children centres and foster parents to act as 'fit' institution/persons and provide accommodation to children in conflict with the law who are out of home (e.g. street children and domestic workers)	By end 2013	MoHSW Stakeholders: Judiciary, DPP, MoHA, MCDGC, CSOs	
3.14.4 Carry out awareness raising with courts, prosecutors, and defence lawyers about the bail schemes	2013-2017	Judiciary /DPP /MoHA Stakeholders: Legal Aid Providers, MoHSW	
3.15 Sentencing provisions promote rehabilitative measures for children in conflict with the law			
3.15.1 (JJ REGS – see 3.1.2) Regulations issued under the Law of the Child Act and Juvenile Court Rules extend the available non-custodial sentencing options within the framework of the Law of the Child Act to promote rehabilitation and reintegration	By end 2015	MoHSW/ Judiciary Stakeholders: MoCLA, MoHA, PMO-RALG, AGC, CSOs	Sentences that respond to the situation and needs of each child are handed down % of children receiving non-custodial sentences
3.15.2 The Law of the Child Act is amended to explicitly prohibit corporal punishment as a sentence for a child convicted of a criminal offence	By end 2015	MCDGC Stakeholders: MoCLA, Judiciary, AGC, MoHSW	% of children receiving corporal punishment as a sentence No. of social inquiry reports that explore non-custodial sentences
3.15.3 Guidance issued on the preparation of social inquiry reports to include requirement that non-custodial sentencing options are to be explored and	By end 2013	MoHSW Stakeholders: MoHA – Probation,	

considered		Judiciary	
3.15.4 Strengthen alternative sentencing options and increase use by magistrates	By end 2017	MoHSW Stakeholders: Judiciary, PMO-RALG, NGOs, CSOs. FBOs, Child Supporters, Legal Aid Providers, Courts	
3.16 Promote and extend the use of probation services for children convicted of an offence			
3.16.1 Clarify the respective roles of social welfare officers and probation officers in the juvenile justice system (see 3.17.1) Other activities in section 3.16 depend on the outcome of 3.16.1	2013	MoHA – PCSD/ MoHSW - DSW	Children with probation orders/conditional sentences are provided with effective support from trained probation officers
3.16.2 Designate one/two specialised juvenile probation officers in each district / region to work on cases involving child offenders	By end 2013 (in areas where probation officers are in place), Ongoing in new areas where probation officers are deployed	MoHA - PCSD	No. of specialist juvenile probation officers
3.16.3 Develop Standard Operating Procedure / Guidance for probation officers working with child offenders	By end 2013	MoHA - PCSD Stakeholders: MoHSW, PMO-RALG	

3.16.4 Revise training curriculum to include an updated module on children in conflict with the law and children's rights in pre-service training for all probation officers	By end 2014	MoHA - PCSD Stakeholders: MoHSW	
3.16.5 Develop and deliver in-service training modules / materials to all designated specialised juvenile probation officers, to be delivered through Training of Trainers (ToTs). Training modules should cover juvenile justice laws, special procedures in the Standard Operating Procedure / Guidance, social and psychological aspects of child offending and techniques and best practices for working with children in conflict with the law	By end 2014	MoHA – PCSD Stakeholders: MoHSW, PMO-RALG	
3.17 Clarify the duties and strengthen capacity of social welfare officers to support child offenders			
3.17.1 (JJ REGS – see 3.1.2) Clarify and set out the roles of probation officers and social welfare officers in relation to juvenile offenders and those at risk of offending in regulations issued under the Law of the Child Act	By end 2015	MoHSW Stakeholders: MoHA	Social welfare officers have the skills and mandate to support young offenders and children at risk of coming into conflict with the law
3.17.2 Develop Standard Operating Procedure / Guidance for social welfare officers on working with children in conflict with the law and those at high risk of offending	By end 2014	MoHSW Stakeholders: MoHA, PMO-RALG, Judiciary	SWO curriculum incorporates module on juvenile justice
3.17.3 Designate one/two social welfare officer in each district to work with children in conflict with the law in each district. The SWO will also be the 'police liaison officer' who will be notified, in accordance with a notification	By end 2013 (in areas where SWO are in place), Ongoing	MoHSW Stakeholders: MoHA	% of districts with a designated SWO to handle cases of children in conflict with the law

protocol (see 3.17.4), following the arrest of a child, and supervise probation orders	in new areas where SWO are deployed		% of SWO trained in handling cases of children in conflict with the law
3.17.4 Designate SWOs to be 'police liaison officers' and establish a communication protocol for police to notify a police liaison SWO immediately following the arrest of a child	2013	MoHSW Stakeholders: MoHA	
3.17.5 Revise training curriculum to include an updated module on children in conflict with the law and children's rights in pre-service training for all social welfare officers	By end 2014	MoHSW	
3.17.6 Develop and deliver in-service training modules / materials to designated SWOs, to be delivered through Training of Trainers (ToTs). Training modules should cover juvenile justice laws, special procedures in the Standard Operating Procedure / Guidance, social and psychological aspects of child offending, child development, carrying out social inquiry reports, and techniques and best practices for working with children in conflict with the law	By end 2014	MoHSW	
3.18 Establish services for children at risk of being and children in conflict with the law at the community level			
3.18.1 Develop Regulations to the Law of the Child Act on Part XIII (Duties of Local Government Authorities to safeguard children) to ensure minimum package of services (see 5.1.1)	By end 2013	MoHSW Stakeholders: MoCLA, PMO-RALG	Children who offend are effectively supported to rehabilitate in their own communities
3.18.2 Pilot a diversion and community rehabilitation and reintegration scheme	2013 - 2015 ongoing	MoHSW Stakeholders: Temeke	No. of children referred to the

		Municipal Council, Temeke District Child Protection Team, WEOs, CSOs, MoHA, DPP, Judiciary, Legal Aid Providers	pilot diversion and community rehabilitation programme % of children diverted and % of children given non-custodial sentences in the pilot areas
3.18.3 Establish referral mechanisms from the police, prosecutors, judiciary, probation and SWO	2013	MoHSW Stakeholders: PMO-RALG MOHA (Police and Probation), DPP, Judiciary, CSOs, Legal Aid Providers, Temeke District Child Protection Team	
3.18.4 Establish links between the child supporters programme (see 3.12) and the legal assistance programme (see 7.5)	2013	MoHSW Stakeholders: Temeke Municipal Council, CSOs, MoHA, Legal Aid Providers	
3.18.5 Assign members of staff from relevant criminal justice institutions and LGA to sit on a project co-ordination body	2013	MoHSW Stakeholders: Temeke Municipal Council, WEOs, CSOs, MoHA, DPP, Judiciary, Legal Aid Providers, Temeke District Child Protection Team	

3.18.6 Develop and implement a monitoring and evaluation plan to measure the effectiveness of project and amend projects as necessary	2013	MoHSW Stakeholders: Temeke Municipal Council, Temeke District Child Protection Team, WEOs, CSOs, MoHA, DPP, Judiciary, PMO-RALG, Legal Aid Providers	
3.18.7 Plan for replication country wide	By end 2015	MoHSW Stakeholders: PMO-RALG MoHA, DPP, Judiciary, CSOs, Legal Aid Providers	

e) IMPROVE CONDITIONS OF DETENTION TO CONFORM TO INTERNATIONAL STANDARDS AND NORMS AND BUILD THE CAPACITY OF DETENTION CENTRES TO EFFECTIVELY REHABILITATE CHILDREN AND PREPARE THEM FOR THEIR RELEASE

According to international standards, the primary purpose of placing a child in conflict with the law in detention must be the reintegration of the child and his/her assuming a constructive role in society. It is recognised that even where diversionary measures and effective alternatives are in place, some children will require this level of 24 hour supervision and support to prevent future reoffending and protect the safety of others.

Detention facilities holding under-18s must be able to care for, protect and rehabilitate them effectively.

Creating juvenile wings in adult prisons is not recommended as a long term solution for dealing with children in detention. Instead, there should be sufficient specialised

juvenile detention facilities, to effectively serve all regions of the country, so that children who are detained can more easily maintain contact with their families – an essential element to successful reintegration - so that specialist services can be provided to children by trained personnel, and so that children are protected from abuse and criminal contamination by adult detainees.

Juvenile detention facilities must have the capacity and resources to ensure that children receive care, protection and all necessary assistance - social, educational, vocational, psychological, medical and physical - that they may require while in detention. Every child should have a rehabilitation and reintegration plan, which is tailored to their needs, in place from the beginning of their detention.

In order to implement these standards, it is imperative that the Approved School and Retention Homes, and adult prisons (until all children are removed from them) are staffed by personnel who have the qualifications, skills and experience, as well as the materials and resources, to assess and work with children, and to assist them to reintegrate with their families and /or communities.

Every child should be adequately prepared for their release by staff in detention facilities. Arrangements should be made to assist children in returning to society, family life, education or employment following release from detention. Children should also be adequately supported following their release to help them stay out of trouble.

CURRENT CHALLENGES

- ◆ Children in adult prisons are not wholly separated from adults and are exposed to the risk of sexual, physical and emotional abuse;
- ◆ Children in adult prisons and Retention Homes share vehicles with adult detainees when they are transported to and from court, and are subjected to the risk of abuse;
- ◆ Corporal punishment is used as a disciplinary measure in adult prisons and solitary confinement is used in some prisons. It is used in some

Retention Homes, and is used in the Approved School in cases of sodomy/attempted sodomy;

- ◆ The material conditions in adult prisons in Tanzania do not conform to international standards, no special provision is made to child detainees and girls are given little special consideration;
- ◆ Children detained in adult prisons do not have access to adequate health care, primary or secondary education, or other rehabilitative services either in the community or inside the prison;
- ◆ In practice, many children do not receive visitors in adult prisons nor in the Approved School;
- ◆ The Approved School Rules and Retention Home Rules, which enshrined children's rights and a progressive approach to rehabilitation and reintegration, were developed and gazetted in 2012. Staff now need to be made aware of their contents and be supported to implement their provisions;
- ◆ Retention Homes are not adequately staffed and SWOs in Retention Homes do not have specific training on how to rehabilitate children in conflict with the law;
- ◆ Children are not provided with primary schooling or educative materials in all Retention Homes, and cannot access secondary education;
- ◆ Children in the Approved School receive primary school education. However, no secondary education is provided and children do not have access to vocational training;
- ◆ The rehabilitation and reintegration programme in place in the Approved School is limited. To compound the situation, the Approved School is situated approximately 75km from Mbeya Town, hampering family visits and reintegration. In addition, children receive little support when they return to the community to help them to reintegrate; and
- ◆ In collaboration with the mandated inspection bodies for places of detention holding children, in 2012, the Commission for Human Rights and Good Governance developed and piloted a comprehensive

monitoring and inspection tool. It is important that this tool is now brought into mainstream use, coordinated and adequately financed, so that the situation of children in detention can be effectively monitored.



KEY ACTIONS AND ACTIVITIES

3(e) – CONDITIONS OF DETENTION MEET INTERNATIONAL STANDARDS AND NORMS			
Activity	Timeline	Lead agency (and relevant stakeholder agencies)	Main results and indicators
3.19 Establish additional juvenile detention facilities			
3.19.1 Two additional Retention Homes are established and operational In Mwanza and Dodoma	By end 2016	MoHSW Stakeholders: MoF	Children in Mwanza and Dodoma are not placed in adult prisons Two additional Retention Homes and one additional Approved School are operational
3.19.2 One additional Approved School is established and operational in an area of high offending	By end 2017	MoHSW Stakeholders: MoF	
3.20 Operationalize Rules for juvenile detention facilities that enshrine international standards and practices			
3.20.1 Rules on the Approved School and Retention Homes (developed under the LCA) setting out minimum standards for detention facilities are translated, disseminated and implemented	By end 2013	MoHSW	Children are have their rights protected while in detention Rules on the Approved School and Retention Homes gazetted No. of personnel employed at the Approved School and Retention Homes % of detention
3.20.2 In service training provided on new Rules on the Approved School and Retention Homes	By end 2013	MoHSW	
3.20.3 Sufficient appropriately skilled personnel are employed at the Approved School and Retention Homes to implement the new Rules	By end 2015	MoHSW	
3.20.4 Guidelines to the Approved School Rules and Retention Home Rules are developed and disseminated	By end 2013	MoHSW	

			facility personnel trained
3.21 Strengthen rehabilitation and reintegration services at juvenile detention facilities			
3.21.1 Multi-disciplinary reintegration team established with mandate to develop and co-ordinate the implementation of individualised rehabilitation programmes and reintegration plans at the Approved School	By end 2013	MoHSW Stakeholders: CSOs	Children do not reoffend following their release % children detained in the Approved School with reintegration plans % staff trained at the Approved School % of SWO trained on supporting children to reintegrate following their release
3.21.2 Enhance the capacity of the multi-disciplinary team through training to enable them to provide reintegration services	2013 - 2014	MoHSW Stakeholders: CSOs	
3.21.3 A range of services at the Approved School developed and established including psychological support, education, vocational training, family counseling and life skills training etc.	2013 - 2015	MoHSW Stakeholders: MoEVT, CSOs and FBOs	
3.21.4 Teachers are recruited at the Approved School to provide secondary education	By end 2013	MoHSW /MoEVT	
3.21.5 Establish links between the Approved School(s) and Retention Homes with LGAs and local community services to ensure that a child's practical needs (e.g. housing, education and employment) are met upon the child's release from detention	2013 - 2015	MoHSW Stakeholders: Approved School, Retention Homes, PMO-RALG, LGAs, SWO, CSOs	
3.21.6 LGA Social Welfare Officers are trained on their obligations under the LCA, Approved School Rules and Retention Homes to support the development of a reintegration plan for children and support children upon their release	By end 2015	MoHSW Stakeholders: Approved School, Retention Homes, CSOs, PMO-RALG/LGAs	
3.22 Enhance protection of children while detained			

3.22.1 Child protection policies and procedures are in place in the Approved School and Retention Homes, as well as the staff trained to implement them	2013	MoHSW	<p>Children are better protected from abuse, violence and exploitation</p> <p>Child protection policies and procedures adopted by the Commissioner for Social Welfare</p> <p>Child protection procedures integrated in the prison governing documents</p> <p>Child protection module taught to basic prison officer recruits</p>
3.22.2 Implementation of the child protection policy is reviewed by DSW on a regular basis and no less than annually	2013 - 2017	MoHSW	
3.22.3 SOP, Code of Conduct and Client Service Charter for Prisons incorporates child protection principles and procedures	By end 2013	MoHA - Prisons	
3.22.4 Child protection module integrated into the curriculum for basic prison officer recruits	By end 2013	MoHA - Prisons	
3.22.5 Child friendly literature produced on the child protection policy and procedures and made easily available	By end of 2013 (Approved School and Retention Home) By end 2015 (Prisons)	MoHA – Prisons, MoHSW	
3.23 An effective complaints mechanism is available to all children in detention			
3.23.1 Identify a body that can act as a complaints mechanism for complaints about the Approved School(s), Retention Homes and adult prisons (in the interim)	By end 2013	MoHA – Prisons/ MoHSW	<p>Complaints relating to detention centres are effectively handled and resolved</p> <p>Child friendly guides on complaints mechanisms available and accessible</p>
3.23.2 Develop and adopt a complaints procedure / mechanism	By end 2013	MoHA – Prisons/ MoHSW	
3.23.3 All managers/wardens/officers in	By mid	MoHA – Prisons/	

charge made aware of the complains procedure	2013	MoHSW	% of complaints resolved
3.23.4 Develop and disseminate publications to children and staff on the complaints mechanism	2013 - 2014	MoHA – Prisons/ MoHSW	
3.24 An inter-agency coordination mechanism for monitoring and inspection of juvenile detention facilities is established			
3.24.1 Disseminate standardised tools for mandated inspection bodies in order to monitor and inspect all places of detention	By mid 2013	CHRAGG Stakeholders: MoHSW, Prisons, DPP, Judiciary, Board of Visitors, Welfare Committees, CSOs	Detention facilities holding under-18s are inspected on a regular basis Annual reports on the situation of children in detention (CHRAGG)
3.24.2 Build the capacity of mandated bodies to inspect and monitor places of detention	By end 2013	CHRAGG Stakeholders: MoHSW, Prisons, DPP, Judiciary, Board of Visitors, Welfare Committees, CSOs	
3.24.3 Implement the new mechanism for the collection and collation of information on children in detention	2013 - 2017	CHRAGG Stakeholders: MoHSW, Prisons, DPP, Judiciary, Board of Visitors, Welfare Committees, CSOs	
3.24.4 Implement the mechanism	2013	CHRAGG	

for analysis and periodic reporting on the situation of children in detention	2017	Stakeholders: MoHSW, Prisons, DPP, Judiciary, Board of Visitors, Welfare Committees, CSOs	
3.24.5 Comprehensive inspection of places of detention holding children carried out (using 2011 Inspection Report as a baseline)	By end 2015	CHRAGG Stakeholders: MoHSW, Prisons, DPP, Judiciary, Board of Visitors, Welfare Committees, CSO	
3.25 No child is placed in an adult prison, either on remand or post-sentence			
3.25.1 Transition plan developed to phase out the use of adult prisons for under-18s	By end 2014 (imple- mentatio n 2015- 2017 and beyond)	MoHA - Prisons Stakeholders: MoHSW, MoF, MCDGC, MoCLA	
3.25.2 (JJ REGS – see 3.1.2) LCA Regulations reflect a transition clause, setting out how children currently placed in adult prisons are to be transferred out of prison / making alternative arrangements for them	By end 2015	MoHSW Stakeholders: MoHA	

3(f) PROTECTION AND PROVISION FOR CHILDREN IN DETENTION DUE TO THEIR MOTHER'S IMPRISONMENT

Children who are in prison due to their mother's imprisonment need to be afforded protection and care. Currently, insufficient resources are provided to prisons to meet the needs of children, leaving them vulnerable to health problems and malnutrition, as well as poor development.

OBJECTIVE 3(f) – CHILDREN IN DETENTION DUE TO THEIR MOTHER'S IMPRISONMENT ARE PROVIDED FOR AND PROTECTED			
3.26 Protect and provide for children in prison due to their mother's imprisonment			
3.26.1 Regulations developed under the LCA on children in prisons with their mothers	By end 2014	MoHSW Stakeholders: MoHA - Prisons	Children accommodated in prison with their mothers have the basic needs effectively met Regulations gazetted No. of prisons officers trained on the child protection module
3.26.2 Additional resources allocated to provide basic necessities for pregnant women, lactating women, mothers, infants and young children	Ongoing	MoHA – Prisons Stakeholders: MoF	
3.26.3 Links enhanced between prisons and SWO to promote a smooth transition of children from their mothers to alternative care	By end 2013	MoHA-Prisons /MoHSW	
3.26.4 Module on child protection for prison academies include section on supporting imprisoned mothers with children (see 3.22.4)	By end 2013	MoHA - Prisons	
3.26.5 Non-custodial alternatives are promoted for mothers who have infants	Ongoing	Judiciary Stakeholders: MoHA – Prisons, MoHSW	
3.26.6 Cases involving mothers in pre-trial detention with infants are expedited	Ongoing	Judiciary Stakeholders: MoHA – Prisons, MoHSW	

OBJECTIVE 4 - EFFECTIVE RESPONSE FOR CHILD VICTIMS AND WITNESSES

OBJECTIVE 4 - Child victims and witnesses are treated in a manner that complies with international standards, avoids re-victimisation and ensures protection

International standards protect children who are the victims or witness of criminal acts. Guidance on this is provided both within the UN Convention on the Rights of the Child, African Charter on the Rights and Welfare of the Child and the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime.²⁰ These standards require that children receive access to “the mechanisms of justice and to prompt redress, as provided for by national legislation, for the harm they have suffered”²¹, as well as access to fair and adequate compensation.²² Regionally, the African Commission on Human and People’s Rights “Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa”²³ also set out the rights of victims and witnesses.

The Child Justice System needs to ensure that children who are victims and witnesses have the right to be treated with dignity and compassion,²⁴ to be protected from discrimination,²⁵ to be kept informed,²⁶ to be heard and to express

²⁰ ECOSOC Resolution 2005/20 of 22 July 2005. See also the Guidelines for Action on Children in the Criminal Justice System. ECOSOC Resolution 1997/30 of 21 July 1997. UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power. General Assembly Resolution 40/34 of 29 November 1985. Other guidance, including, for example, the International Association of Prosecutors (IAP) Model Guidelines for the Effective Prosecution of Crimes against Children also instructs those within the justice system on how to work in a child-friendly manner with children who are in contact with the criminal law system as victims and/or witnesses. Available at http://www.icclr.law.ubc.ca/Site%20Map/Programs/Model_Guidelines.htm

²¹ Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, ECOSOC Resolution 2005/20 of 22 July 2005, Para 47 and the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by General Assembly resolution 40/34 of 29 November 1985. Article 1.

²² Para 48

²³ Adopted by the African Commission on Human and Peoples' Rights, 2001

²⁴ Guideline 14 Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime

²⁵ S5 Law of the Child Act, Article 2 UNCRC

²⁶ Guidelines 19-20 Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime

views and concerns,²⁷ to have effective assistance,²⁸ to privacy,²⁹ to safety,³⁰ and the right to special measures to prevent re-victimisation.³¹

In practice, this guidance means that child victims and witnesses must be treated in a child friendly manner at all stages of the proceedings, including at the police station and within the court process. They must be assisted to testify and given support to ensure that they are protected and not re-victimised throughout the judicial process.

The purpose of the strategy is not just to protect children, however, but also to tackle impunity by ensuring that perpetrators of crimes against children can be brought to justice, that the best evidence that can be obtained from children is put before the court, and that evidence is robust and can stand up to scrutiny by the court.

It must be noted that while cases involving child victims, where the perpetrator is a child, will be heard in the juvenile court, the majority of crimes against children are committed by adults and therefore will be held in regular courts. Therefore, steps need to be taken to ensure that both Juvenile Courts and other courts operate in a child friendly manner.

In addition, adequate linkages must be made between the justice system and support services in order to assist child victims with their recovery.

²⁷ Article 12, CRC and Guideline 21 Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime.

²⁸ Guideline 22-24 Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime.

²⁹ Article 16 CRC and Guidelines 26-28 Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime.

³⁰ Guidelines 32-34 Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime.

³¹ Guidelines 38-39 Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime.

CURRENT CHALLENGES

- ◆ Reporting by child victims is low – the Violence against Children Survey³² found that about one half of girls and two thirds of boys do not tell anyone about their experience;
- ◆ Child victims and witnesses do not generally receive a child friendly/ child sensitive response from the justice system. Child victims are sometimes re-victimised by the process;
- ◆ The challenges the justice system faces in dealing with children’s cases expeditiously and in protecting children from further harm, contribute to the low level of reporting by children (and their families);
- ◆ Police, prosecutors, magistrates and judges have not received adequate training in working with child victims and witnesses;
- ◆ Children are often not adequately assisted at the police station or during court proceedings;
- ◆ The police have begun establishing Gender and Children’s Desks, with the goal of having desks in all 417 police stations. Guidelines for the Establishment of Police Gender and Children’s Desks and Standard Operating Procedures for Prevention and Response to Gender Based Violence and Child Abuse have been adopted by the Inspector General of Police. Establishing the Desks involves the creation of child friendly rooms and the assignment and training of officers. In a few police stations, child friendly/victim friendly rooms have been established³³, however, in most police stations there are no separate, child-friendly rooms in which to interview child victims or witnesses, or a separate place for children to wait prior to interview:
- ◆ The current law provides that child victims and witnesses shall give evidence in camera and the LCA contains provisions relating to the weight given to uncorroborated evidence given by children. However, few other concessions are made for child victims and witnesses during the trial;

³² “Violence against Children in Tanzania: Findings from a National Survey 2009”, United Nations Children’s Fund U.S. Centers for Disease Control and Prevention Muhimbili University of Health and Allied Sciences, United Republic of Tanzania 2011

³³ Including in Hai, Magu and Temeke

- ◆ Court procedures are generally not adapted to children, and children do not always understand the proceedings;
- ◆ Most children do not have access to a Social Welfare Officer to assist them during court proceedings;
- ◆ Police, Social Welfare Officers, health service providers, court magistrates and prosecutors do not always collaborate as they should under the law; and
- ◆ There are weak linkages between the justice system and the child protection system and other support services. This results in children not being referred to existing services that could assist them to recover.

KEY ACTIONS AND ACTIVITIES

OBJECTIVE 4 - EFFECTIVE RESPONSE FOR CHILD VICTIMS AND WITNESSES			
Activity	Timeline	Lead Agency	Main results and indicators
4.1 Establish Gender and Children's Desks, staffed by adequately trained officers, countrywide			
4.1.1 Progressive renovation and refurbishment of police stations to accommodate Gender and Children's Desks and create child friendly interview rooms When new police stations are designed/built, rooms for Gender and Children's Desks should be incorporated	2013 - 2017	MoHA - Police Stakeholders: Tanzania Police Female Network, CSOs	Gender and Children's Desks, with adequately trained officers, established in police stations countrywide % of police stations with Gender and Children's Desks
4.1.2 Guidelines for the Establishment of Police Gender and Children's Desks translated and disseminated	2013	MoHA - Police Stakeholders: Tanzania Police Female Network, CSOs	% of Gender and Children's Desk Officers who have received training
4.1.3 A standardised training package is adopted, translated and disseminated for Gender and Children's Desks Officers, for use by the police and CSOs training desk officers (incorporates training on the Guidelines (see 4.1.2) and	By end 2013	MoHA - Police Stakeholders: Tanzania Police Female Network, CSOs	

the Standard Operating Procedures (se 4.2.1))			
4.1.4 Police officers assigned to Gender and Children's Desks in all police stations	By end 2013	MoHA - Police Stakeholders: Tanzania Police Female Network	
4.1.5 Training package delivered to all Gender and Children's Desks Officers	2013 2015	MoHA - Police Stakeholders: Tanzania Police Female Network, CSOs	
4.2 Introduce child friendly investigation procedures			
4.2.1 Standard Operating Procedure for Prevention and Response to Gender Based Violence and Child Abuse, which set out investigation procedures translated and disseminated	2013	MoHA - Police Stakeholders: Tanzania Police Female Network, CSOs	Children's friendly investigation procedures developed, adopted and implemented Standard Operating Procedures (for the Police) and Standard Investigation Guidelines (for Prosecutors) in operation % of children's cases handled by Gender and Children's Desks
4.2.2 Interviews of child victims or witnesses are undertaken by Gender and Children Desk police officers who have been specially trained in interviewing children	2013 onwards	MoHA - Police	
4.2.3 A joint working protocol is developed and implemented between police and Social Welfare Officers on interviewing children to avoid multiple interviews	By end 2013	MoHA /MoHSW /PMO-RALG	
4.2.4 Child-friendly procedures are in place for identification parades involving children	By end 2013	MoHA - Police	
4.2.5 Police facilitate the presence of 'next friends' to support children during interviews	Ongoing	MoHA - Police	
4.2.6 Develop Standard Investigation Guidelines for prosecutors for investigation and prosecution of cases involving child suspects and victims on child-friendly procedures for working	By end 2013	DPP Stakeholders: MoHSW, Judiciary, MoHA	

with children in conflict with the law			
4.2.7 Child victims or witnesses giving evidence against the accused are kept informed of the progress of the investigation and any proceedings, and the outcome of those proceedings, by the prosecutor or where the prosecution service does not yet function by an appointed police liaison officer	2013 – onwards	DPP Stakeholders: MoHSW	
4.3 Introduce special measures for the giving of evidence by child witnesses at trial			
4.3.1 The use of screens in court: children are permitted to give evidence behind a screen so the child witness cannot see the accused	From 2013	Judiciary Stakeholders: MoCLA, DPP	<p>Children are not revictimised by the trial process and are able to provide more robust testimony</p> <p>% of courts using screens</p> <p>% of courts using pre recorded video evidence/ tele-justice</p> <p>Availability of information packs for preparing children for the trial process</p>
4.3.2 The use of pre-recorded evidence and ‘tele-justice’ in cases involving children is assessed and, where necessary, amendments are made to laws of evidence and criminal procedure	2013-2015	DPP/ Judiciary	
4.3.3 Based on the outcomes of the assessment (see 4.3.2), the use of ‘tele-justice’/ pre-recorded video evidence introduced to replace evidence in chief and cross-examination	Piloted in Kisutu Juvenile Court from 2014	DPP/ Judiciary	
4.3.4 Court officials are trained on the use of ‘tele-justice’ / pre-recorded evidence	Piloted in Kisutu Juvenile Court from 2013	DPP/ Judiciary	
4.3.5 Regulations / direction from the Chief Justice are in place to allow a child victim or witness to	2013	Judiciary	

give evidence in a closed courtroom			
4.3.6 Guidance is developed for prosecutors on child-friendly interviewing and interrogation techniques during the trial (see 2.6.2)	By end 2013	DPP Stakeholders: MoHSW, Judiciary, MoHA	
4.3.7 Guidance is developed for magistrates on child-friendly procedures and courtrooms, including courtroom environments and practical special measures, and steps for ensuring that child witnesses are accompanied in court by a parent/guardian or, in their absence by a social welfare officer/probation officer	By end 2013	Judiciary Stakeholders: MoHSW, DPP	
4.3.8 Magistrates presiding over children's cases are trained in child-friendly procedures and courtrooms and on handling cases involving child victims and witnesses (see 2.7.3)	2013-2016	MoCLA Stakeholders: CSOs	
4.3.9 Courts use trained intermediaries where necessary to explain the question being asked of the child	2013 onwards	Judiciary Stakeholders: MoHSW, MCDGC, CSOs	
4.3.10 The concept and viability of introducing a system for consideration of victim impact statements during sentencing (in cases involving child victims) assessed and a model piloted in select courts	By end 2014	DPP Stakeholders: AGC, Judiciary, MoCLA, CSOs	
4.3.11 Information packs are developed for child victims and witnesses in the court system: these should include details about the court, who will be present in the court and what will happen during the proceedings (see 1.1.2)	By end 2013	MCDGC /MoHSW Stakeholders: Judiciary, DPP, Legal Aid Providers, CSOs	

4.4 Establish linkages between the justice system and support services			
4.4.1 Police (Gender and Children's Desks where they exist) develop a network of local support services to enable them to make referrals of children, in accordance with the Guidelines adopted for the operation of the Desks	2013 - 2017 Each Desk to do this within one year of being operationalised	MoHA - Police Stakeholders: Tanzania Police Female Network, LGAs, CSOs	Linkages between the justice system and the child protection system reinforced to increase children's access to services that protect them from further harm and assist in their recovery
4.4.2 One Stop Centres established to provide a holistic response for victims of child abuse (and GBV), promoting joint working between health, social welfare and the police	2013 - 2017 5 by end 2014, additional 10 by end 2017	MoHSW - Health Stakeholders: MoHA, Tanzania Police Female Network, LGAs, CSOs	No. of operational One Stop Centres Proportion of cases involving children reported to the police linked to child protection services
4.4.3 Provision is made for regular joint workshops for the Police, Social Welfare Officers and Health Professionals on working with child victims and witnesses (see 2.5.3)	2013 - 2017	MCDGC Stakeholders: Judiciary, MoHSW, DPP, MoHA, PMO-RALG, CSOs	
4.4.4 A law on witness protection is adopted	By end 2013	DPP/AGC Stakeholders: MoHA, MoCLA, MoHSW	
4.4.5 A witness protection unit is established that will safeguard child witnesses	By end 2014	DPP/AGC Stakeholders: MoHA, MoCLA, MoHSW	

OBJECTIVE 5 - EFFECTIVE ENFORCEMENT OF THE CHILD PROTECTION SYSTEM

OBJECTIVE 5 - Children are protected from violence, exploitation, abuse and neglect in all settings and have effective access to justice, both to prevent such violations of their rights and to seek redress

The Concluding Recommendations of the UN Committee on the Rights of the Child in 2006 recommended that the Government of Tanzania strengthen its existing measures to prevent abuse and neglect, and to take action with partners to ensure the protection of children from all forms of abuse, including concrete, appropriate and time-bound responses.³⁴ The Government has taken a number of steps to address this recommendation, including passing the Law of the Child Act and, following the publication in 2011 of the ‘Violence against Children in Tanzania: Findings from a National Survey 2009’³⁵, issuing “Priority Responses towards a Multi-Sectoral National Prevention and Response Plan (2011 - 2015)”. In this document the Ministries and bodies involved in child protection (the Police, MoCLA, MOEVT, MoHSW – health and social welfare, TACAIDS, PMO-RALG, MCDGC and the CSOs collectively (Tanzania Child Rights Forum)) all set out the commitments and actions to be taken to address the survey findings.³⁶

Introducing a new child protection system is a huge task, but one that has already begun with several system components already identified by key sectors and Ministries³⁷ who are members of the national Multi Sector Task Force on Violence against Children³⁸. It involves not only a number of different Ministries, but also local

³⁴ CRC/C/TZA/CO/2 21 June 2006.

³⁵ United Nations Children’s Fund U.S. Centers for Disease Control and Prevention Muhimbili University of Health and Allied Sciences, United Republic of Tanzania 2011

³⁶ Plans for 2012 and onwards include operationalising the public declarations and identified priority responses and building a sound child protection system that responds to the alarming results contained in the Survey in a sustainable and dynamic way.

³⁷ See VAC Priority Responses, August 2011.

³⁸ An interagency forum of Ministries and civil society, convened by MCDGC

government, CSOs and FBOs. It requires a comprehensive regulatory framework in order to facilitate the implementation of the LCA. It also requires a cultural and attitudinal change on the part of parents and the public and a new way of approaching and managing child protection on the part of the police, social welfare officers, community development officers, the judiciary and those working in the education and health sectors. Child protection is also strongly linked to social protection and any reforms must create linkages with existing and planned future social protection programmes, especially the TASAF III cash transfer and public works initiative. This strategy does not seek to address the multiplicity of issues raised here, but focuses instead on the 'child justice' issues arising from the duty to protect children. A separate strategy is being developed on the wider issues of child protection under the leadership of the Ministry of Health and Social Welfare (Department for Social Welfare).

A key priority response to the Violence Against Children Survey committed to by MoCLA was to carry out analyses of the justice system, and with the Child Justice Forum, develop and implement a five year strategy for reform that would strengthen the capacity of the system to respond to violence, exploitation and abuse. The justice system has a fundamental role to play in strengthening the child protection system. Responding to violence, abuse and exploitation includes ensuring an effective criminal response, where the abuse is investigated and prosecuted, and a proportionate sentence is applied where the offender is found guilty. An effective criminal response also acts as a deterrent and contributes to preventing abuse.

In addition, the justice system has a specific role to play in protecting the child from harm. Under the Law of the Child Act, it is the role of the courts (including primary, resident magistrates and the high court) to grant and enforce Supervision Orders (s19), which allow social welfare officers to monitor the risk to children in the home and take steps to protect the child from harm, and Care Orders, which allow the removal of children from significant harm (s18&24). The court can also place a duty on the police to support social welfare officers to investigate cases of abuse and remove children from their home (s29).

CURRENT CHALLENGES

- ◆ The Law of the Child Act 2009 has yet to be implemented in any meaningful way;
- ◆ However, significantly, in late 2012, seven key LCA Regulations were gazetted – Approved School Rules, Retention Home Rules, Children’s Homes Regulations, Foster Care Placement Regulations, Adoption Regulations, Child Employment Regulations and Apprenticeships – which had been developed by MoHSW in consultation with key MDAs and CSOs. In addition, regulations on Child Protection and the Juvenile Court Rules are expected to be finalised by the end of 2012/ early 2013. The challenge is how to translate this regulatory framework into practice;
- ◆ There remains a lack of infrastructure, making implementation of the Law of the Child Act problematic. Social Welfare Officers have not yet been employed in 40% of districts;
- ◆ There is no clear system for the reporting and investigation of allegations of abuse;
- ◆ There has been no systematic training delivered to those responsible for undertaking the child protection duties imposed by the Law of the Child Act;
- ◆ Services to support children and their families have still to be developed, as do services for children who cannot remain within their families. Consequently, in such cases, there are few options available to those with statutory responsibility for protecting children;
- ◆ There are at present limited social work training programmes available to staff working at community level, including the MVCC volunteer staff; and
- ◆ There are six areas, Hai, Kasulu, Magu, Temeke, Bukoba and Musoma, where innovative child protection models have been introduced by MoHSW and the LGAs that could form the basis of a vision for the future of child protection and for the nationwide development of child protection services. The challenge is how to scale up child protection services to all districts. The

first major milestone set by the Health Sector Strategic Plan is to have District Child Protection Teams in 25 districts by 2013.

KEY ACTIONS AND ACTIVITIES

OBJECTIVE 5 - EFFECTIVE ENFORCEMENT OF THE CHILD PROTECTION SYSTEM			
Activity	Timeline	Lead Agency	Main results and indicators
5.1 Develop and issue regulations under the Law of the Child Act, which provide a clear framework for a coherent and comprehensive child protection system, with explicit mandates for all relevant actors in the system			
5.1.1 A full set of Child Protection Regulations are drafted including referrals, investigation, assessment, decision-making, care planning, place of safety, emergency placement, care orders and supervision orders etc. and adopted in order to implement the Law of the Child Act fully	By mid 2013	MoHSW Stakeholders: AGC, MCDGC, PMO-RALG, MoHA, Judiciary, MoEVT, MoLE	A fully elucidated statutory child protection system governed by regulations that clearly set out explicit mandates for all relevant actors in the system, including the role of Social Welfare Officers in relation to other actors is in place Child protection regulations under the LCA gazetted
5.1.2 All Regulations issued and adopted under the Law of the Child Act are translated into Kiswahili and copies are freely available both in written form and in downloadable form from the internet	By end 2013	MoHSW Stakeholders: MCDGC, MoHA, MoCLA	
5.2 Put in place a transitional arrangements plan for progressive implementation of the Child Protection Regulations			
5.2.1 The Ministry of Health and Social Welfare, Ministry of Community Development, Gender and Children, the Ministry of Home Affairs and PMO-RALG together develop and adopt a Transitional Arrangements Plan for implementation of the Law of the Child Act and accompanying Regulations, developed in	Plan in place by end 2013	MoHSW Stakeholders: MCDGC, MoHA, PMO-RALG	Child protection system is operationalised

accordance with an agreed budget for child protection, and implemented			
5.3 Strengthen referral, response and the justice process for child protection			
5.3.1 Working protocols are developed between social welfare and police, nurseries and schools, health providers, CSOs and FBOs etc. to ensure clarity on roles, responsibilities and procedures for referrals and investigation, as well as for care planning, case conferencing and implementation of Supervision and Care Orders (linked with 5.1.1)	By mid 2013	MoHSW Stakeholders: MoHA, MoEVT, MCDGC, CSOs, FBOs, PMO-RALG	Effective coordination for improved response to child abuse cases Guides on child protection are available and accessible for all justice actors
5.3.2 Guides and codes of conduct are developed for key actors/front line professionals to understand child abuse and their role under the regulatory framework for child protection	By mid 2014	MCDGC Stakeholders: MoHA, DPP, AGC, Judiciary, MoHSW, MoEVT, CSOs	% of districts with Multi-Disciplinary Child Protection Teams
5.3.3 Child protection is incorporated into pre and in service training for justice actors. In particular, a module on child protection is incorporated into the basic recruit, advanced and detective training courses at the police academies; and a module is incorporated by the Institute of Judicial Administration in continuous learning programmes for magistrates	By end 2014	MCDGC/ MoHA/ Institute for Judicial Administration Stakeholders: DPP, AGC, MoHSW, MoEVT, TIE	No. of children's cases living and working on the streets being processed through the criminal justice system reduced (measured through data collected in social inquiry reports)
5.3.4 Social welfare officers, police, magistrates and the judiciary are trained to ensure that applications are made to court for care and supervision orders when necessary and are dealt with appropriately	2013-2016	MCDGC Stakeholders: MoHA, DPP, AGC, Judiciary, MoHSW, MoEVT, TIE	

<p>5.3.5 Multi-Disciplinary Child Protection Team, which include justice actors (magistrates, police, probation, prisons) are replicated in additional districts</p>	<p>25% of districts by end 2015</p> <p>40% of districts by end 2017</p>	<p>MoHSW/ PMO-RALG</p> <p>Stakeholders: MoHA, Judiciary, CSOs</p>	
<p>5.3.6 Awareness is raised among children, parents, the community about the law on child protection, including through the development and dissemination of poster/leaflets on child abuse and reporting mechanisms (to be linked with Objective 1 key actions and activities on awareness raising)</p>	<p>2013-2017</p>	<p>MCDGC</p> <p>Stakeholders: MoHSW, MoHA, MoEVT, MoLE, PMO-RALG, MIYCS, CSOs, LGAs, WEOs</p>	
<p>5.3.7 Stronger linkages are developed between the child protection system and the Most Vulnerable Child Programme – children in need of protection are recognised as MVCs in the National Costed Plan of Action II, the role of MVCCs in identifying and responding to child protection cases, as well as the referral pathway to child protection services, is defined and MVCCs are included in child protection training activities</p>	<p>2013-2017</p>	<p>MoHSW</p> <p>Stakeholders: PMO-RALG, LGAs, DCPT, MVCCs, MCDGC, CSOs</p>	
<p>5.3.8 Services for street children are enhanced, including emergency care, and stronger linkages made between justice actors and street children programmes, in order to reduce the number of street children being processed through the criminal justice system and detained</p>	<p>2013 - 2017</p>	<p>MoHSW</p> <p>Stakeholders: MCDGC, PMO-RALG, CSOs, Legal Aid Providers</p>	

5.3.9 Awareness is raised amongst the media on the law relating to reporting on child protection cases	2014 - 2017	MCDGC Stakeholders: MIYCS, MCT	

CHILD LABOUR

In addition to the duty to protect children from abuse, violence and neglect, States are also placed under a specific duty to protect children from economic exploitation and from performing work that is hazardous or is likely to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral or social development.³⁹

CURRENT CHALLENGES

Although there are clear laws forbidding exploitative child labour contained in the Law of the Child Act 2009, the recently gazetted LCA Regulations on Child Employment, and the Employment and Labour Relations Act 2004, and a clear enforcement mechanism, these laws remain largely unenforced, leaving children vulnerable to exploitation. Front line professionals have limited understanding of what constitutes child labour, including the police and social welfare officers, resulting in cases of exploitation not being identified. Further, the respective responsibilities of the Labour Officers and the Social Welfare Officers are not well understood by front line professionals.

Child domestic labourers, in particular, are coming into contact with the police when their employers accuse them of a crime. The studies found that often false accusations are made when children ask for their wages. However, when the cases are reported, the police do not question whether the employer is violating the law through engaging the child in exploitative labour. Children rarely have birth

³⁹ Article 38, CRC, Article 15 ACRWC

certificates and age assessments are not carried out to determine if the child is under the legal age to engage in work⁴⁰. Instead, the majority of these children are held pre-trial (the majority of detained girls are domestic labourers), while their cases are processed. As many of these children have migrated from rural communities to take up domestic work, there are no parents or relatives nearby that can post bail or take care of the child.

KEY ACTIONS AND ACTIVITIES

OBJECTIVE 5 - EFFECTIVE ENFORCEMENT OF THE CHILD PROTECTION SYSTEM			
Activity	Timeline	Lead Agency	Main results and indicators
5.4 Enhance access to justice for child workers			
5.4.1 Regulations on child employment under the LCA are disseminated to Labour Officers, Unions and Employers	By end 2013	MoLE Stakeholders: MCDGC, MoHSW, AGC, MoHA	Capacity of LEAs and communities to effectively identify cases of exploitative child labour and effectively respond when it occurs enhanced
5.4.2 Capacity building provided to all Labour Officers on child labour and the new regulations	By end 2015	MoLE	
5.4.3 Regulations being drafted under the Employment and Labour Relations Act on child labour are harmonised with the regulations on child employment under the LCA	By end 2013	MoLE Stakeholders: MoHSW, MoHA, MCDGC, AGC	Numbers of frontline workers trained on child labour issues
5.4.4 Joint working guidelines on child labour are developed for Social Welfare Officers, Labour Officers and the Police	2013	MoLE Stakeholders: MoHA, MoHSW	Simplified guide on child labour available and accessible
5.4.5. Simplified guide on the law on child labour is developed and	By end	MoLE	

⁴⁰ Section 77 LCA sets the minimum age of employment at 14, at which age children may engage in “light work”, where “light work shall constitute work which is not likely to be harmful to the health or development of the child and does not prevent or affect the child's attendance at school, participation in vocational orientation or training programmes or the capacity of the child to benefit from school work”.

disseminated to Labour Officers and Employers and a popular version is developed for the general public and children	2014	Stakeholders: MCDGC, MoHSW, MoHA, Trade Unions, CSOs	
5.4.6 Capacity building of the police, through incorporating a module on child labour (including the National Action Plan on the Elimination of the Worst Forms of Child Labour) in the courses at the Police Academy	Module incorporated by end 2013	MoHA/ MoLE Stakeholders: MoHSW	
5.4.7 Capacity building is provided for SWOs, DPP, NGOs and trade unions on child labour, with a particular view to treating children subjected to economic exploitation as victims of a criminal offence	2013-2015	MoLE Stakeholders: MCDGC, MoHA, MoHSW, PMO-RALG, Trade Unions, CSOs	
5.4.8 Capacity building is provided for Commission for Mediation and Arbitration to promote child friendly actions	2013-2015	MoLE Stakeholders: CMA, Trade Unions, CSOs	
5.4.9 Awareness raising activities are carried out within communities, with MVCCs and LGAs and other stakeholders on the law and regulations on child employment	2013 - 2015	MoLE Stakeholders: PMO-RALG , MoHSW, CSOs	

OBJECTIVE 6 – NON-DISCRIMINATORY CIVIL JUSTICE

OBJECTIVE 6 - Children are free from discrimination in the courts with regard to land rights and rights of inheritance

Tribunals should be more accessible to children and members should have the knowledge and skills to effectively handle cases involving children. To enhance access, the pool of people who can act as ‘next friends’ needs to be increased to support children to bring cases.

The life chances of children can be reduced dramatically by violations of civil rights. For example, children may lose land, their property, their inheritance and their right to be maintained due to a lack of access to dispute resolution mechanisms. Civil law and enforcement should ensure the application of laws without discrimination on the basis of gender or any other status.

CURRENT CHALLENGES

- ◆ Children face discrimination in civil cases;
- ◆ In land and inheritance cases, children, especially children born out of wedlock, girls and children with disabilities are discriminated against by traditional or religious laws that are enforced by Courts despite the constitutional right of equality;
- ◆ A child’s right to inherit from his or her parents or family is a contentious issue. This is partially due to the fact that many people do not leave valid wills, partially due to customary laws that discriminate against children in general and particularly against girl children and those born out of wedlock, and partially because, in the absence of an effective enforcement system, a deceased’s estate can be misappropriated by others without such misappropriation being challenged either by a child or by the community as a whole; and

- ◆ Children may only bring civil cases to court through “next friends”. Although this is in keeping with practice in several common law countries, such a rule may deter a child from making an application and the Courts and Tribunals do not always ensure the “next friend” is acting in the interests of the child.

KEY ACTIONS AND ACTIVITIES

OBJECTIVE 6 – NON-DISCRIMINATORY CIVIL JUSTICE			
Activity	Timeline	Lead Agency	Main results and indicators
6.1 Increase the pool of next friends and supporters who can assist children to bring actions in the civil courts and to other Tribunals			
6.1.1 Guidelines, protocols and an information pack on acting as a next friend are developed and published	By end 2014	MoCLA/ MCDGC Stakeholders: Judiciary, PMO-RALG, MoHSW, MIYCS, Ward and Village Executive Officers, CSOs	Children are given effective support to seek a remedy in matters of civil law in the courts Guidelines are available to support next friends perform
6.1.2 Awareness is raised on who can be a next friend and on the role of next friend, including through the dissemination of guides, protocols and information packs	2013-2015	MoCLA/ MCDGC Stakeholders: Judiciary, PMO-RALG, MoHSW, MIYCS, Ward and Village Executive Officers, NGOs, CSOs	No. of children’s cases in civil courts and other tribunals in which next friends support the child
6.2 Strike out or amend discriminatory laws and direct that the constitutional right to non-discrimination takes precedence over customary law			
6.2.1 Advocacy undertaken for the reform of discriminatory customary law	2013 onwards	CSOs Stakeholders MoCLA, Law	Discriminatory legal and customary practices that deny children’s access to

		Reform Commission, MCDGC, MoHSW	justice related to land and inheritance amended or struck out Practice direction issued regarding the principle of non-discrimination Regulations under the LCA on child rights, including the right to parental property adopted and operationalized
6.2.2 A test case is instituted on child discriminatory customary laws which are contrary to LCA	By end 2013	CSOs	
6.2.3 The Chief Justice issues a practice direction that all courts and magistrates operate in accordance with the constitutional principle that there shall be no discrimination in application of the law: that boys and girls shall be treated equally in matters of inheritance and that children's rights shall be give equal weight to those of adults	By end 2013	Judiciary	
6.2.4 Capacity building of District Councils to identify cases where customary law discriminates against children on the basis of their age or gender and creation of mechanism of alerting national bodies about these laws	2013-2015	MCDGC Stakeholders: PMO-RALG, MoCLA, Judiciary	
6.2.5 (LCA REGS) Regulations under s.10 Law of the Child Act (right to parental property) are adopted and operationalized (part of the child rights regulations issued under the Act)	By end of 2014	MoHSW Stakeholders: AGC, MoCLA, PMO-RALG, Judiciary, MCDGC	
6.2.6 Awareness is raised on the writing of wills in order to enhance protection of children's rights to inheritance	2013 onwards	MCDGC Stakeholders: MoCLA, MoHSW, CSOs	
6.3 Enhance access of children to Ward, Land and Housing Tribunals			
6.3.1 District Land and Housing Tribunals ensure that children have access to enforce their rights to land	By end 2013	MoCLA Stakeholders: Judiciary, District Land	Capacity of Ward, Land and Housing Tribunals to enforce children's rights

		and Housing Tribunals, PMO-RALG	strengthened
6.3.2 Community justice facilitators and para-legals are permitted to support and put the child's views and evidence before Tribunals	By end 2013	Judiciary Stakeholders: MoCLA, MoHSW, PMO-RALG, CSOs	Increase in the number of children bringing cases before Ward, Land and Housing Tribunals
6.3.3 Information pack developed and regular capacity building provided to Ward Tribunal members on child rights and handling cases involving children	By end 2015	PMO-RALG Stakeholders: CSOs, MoCLA	

OBJECTIVE 7 – IMPROVED ACCESS TO QUALITY LEGAL HELP

OBJECTIVE 7 - Legal advice and representation is available to children at all stages of criminal and civil cases in all areas of the country

Legal aid, a general term used to describe the provision of legal advice and representation at a reduced or no cost, is an essential element of the criminal justice system and the system for access to civil justice. In civil cases in particular, legal aid provision can support a justice system that can lead to poverty eradication and gender equality.

Without free legal advice and representation, children will find it difficult, if not almost impossible to make an application to court to enforce their rights against an administrative body, or to defend themselves against a criminal charge and thus to access justice.

In most States worldwide, legal aid is limited to those who fall into set criteria, in order to make the system financially viable for the State to set up and administer. These criteria are commonly linked either to financial assets or to the type or 'scope' of legal case. Often, legal aid providers must show that the case has 'merit' in order to qualify for financing by the State.

Legal aid is particularly crucial for children because they often have limited access to resources and because the justice system can be very difficult for them to negotiate and understand.

Where **children come into conflict with the law**, it is a requirement of international standards that legal advice and support is provided. The UN Convention on the Rights of the Child requires States to ensure that every child deprived of his or her

liberty, has the right to prompt access to legal assistance.⁴¹ The CRC also requires the State to ensure that every child is provided with “legal or other appropriate assistance in the preparation of his or her defence”⁴². The African Charter on the Rights and Welfare of the Child provides that every child accused of a crime shall be afforded legal assistance in the preparation and presentation of his defence.⁴³ The CRC does not address the issue of whether or not a child should have a right to ‘free’ legal aid but Article 14 of the ICCPR enshrines the right to free legal assistance if the child or the parents do not have sufficient means to pay for a lawyer.⁴⁴ Further, the UN Committee on the Rights of the Child has recommended that legal assistance be free of charge.⁴⁵

Where **a child is involved in a civil case**, it will often be because he or she has suffered from a harm that makes that child particularly vulnerable, such as the loss of a parent or theft of property. In such circumstances, it is even more important that children receive legal aid and representation. Although there is no obligation in the CRC to provide legal aid in civil cases, the African Charter on Human and People’s Rights, Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa⁴⁶ provides that a party to a civil case has a right to legal assistance free of charge where the interests of justice so require. The Guidelines do not mandate that the Government deliver legal aid itself, but do require that the Government facilitate access to legal assistance.

The level of legal assistance offered varies. In some cases, simple advice or information might be required and sufficient. In others, a child may need assistance in filing a case, or may even need representation at court. Without access to legal advice and assistance, most children cannot find themselves unable to access formal justice system and, in many cases, traditional systems.

⁴¹ Article 37(d) UN Convention on the Rights of the Child

⁴² Article 40(2)(b)(ii) UN Convention on the Rights of the Child

⁴³ See Article 17(3)(c)(iii)

⁴⁴ Article 14(3)(d) International Covenant on Civil and Political Rights

⁴⁵ See UN Committee on the Rights of the Child, General Comment No 10. CRC/C/GC/10 2007

⁴⁶ Adopted by the African Commission on Human and Peoples' Rights, 2001

As a priority, the child justice system should aim to provide legal assistance to children in conflict with the law, targeting children who are in detention or liable to be detained pre-trial or upon conviction as a matter of urgency, with a view to progressively making legal aid available and accessible to all children in contact with the law. Broader reform initiatives to establish legal aid mechanisms must prioritise children.

Priority also needs to be given to extending services and accessibility for children in rural areas.

CURRENT CHALLENGES

- ◆ The provision of legal services to children in Tanzania is extremely limited both in civil and in criminal settings;
- ◆ There are not enough advocates (a 2011 count placed the number at 2317) or legal aid providers to assist children across the whole of Tanzania;
- ◆ There are very few advocates in rural areas (70% of advocates operate in urban settings);
- ◆ Few legal aid organisations provide legal aid services to or target children in either civil or criminal cases;
- ◆ Private advocates have displayed little interest in representing children pro bono or for a reduced fee;
- ◆ Legal aid providers do not have training in providing or regulations governing services for children;
- ◆ Children lack knowledge on how to access legal aid providers and face further challenges in reaching providers due to practical constraints of getting to their offices;
- ◆ Children in the criminal system do not have sufficient access to lawyers or legal representation;
- ◆ Children's cases are often heard in Primary Courts, in which advocates are not allowed to represent clients, meaning that children rarely have support, even where they may be involved in criminal cases;

- ◆ Paralegals and Community Justice Facilitators have limited training and capacity to deliver legal aid services for children and are unregulated (although a law on paralegals is in the process of being drafted);
- ◆ Those working in legal aid have limited access to material and administrative support such as computers, files, or storage systems;
- ◆ Legal aid services are provided only through face-to-face meetings, with little use of telephone advice and no use of internet advice; and
- ◆ Legal aid providers do not currently record data on their representation of children, making it difficult to assess the effectiveness of services for children.

KEY ACTIONS AND ACTIVITIES

OBJECTIVE 7 – IMPROVED ACCESS TO QUALITY LEGAL HELP			
Activity	Timeline	Lead Agency	Main results and indicators
7.1 Develop more easily available and effective legal services for children			
7.1.1. A law is enacted to regulate provision of legal assistance/aid services, which reflects the specific needs of children	By end 2013	MoCLA Stakeholders: DPP, AGC, Legal Aid Providers, Judiciary	Legal services for children are more available and effective Law on legal aid is operational
7.1.2 A Central Legal Aid Board is established for the setting of standards for legal aid providers	By end 2013	MoCLA	Central Legal Aid body is operational
7.1.3 A code of conduct is developed for legal aid providers, including both advocates and paralegals, on working with children	By end 2013	MoCLA Stakeholders: TLS, Legal Aid Providers, MCDGC, MoHSW	Code of conduct disseminated to legal aid providers Training module for Legal Aid Providers developed
7.1.4 Training module for legal aid professionals on how to provide advice and representation to children developed and delivered	2013 - 2014	TLS Stakeholders: Legal Aid Providers	No. of children receiving legal
7.1.5 Legal Aid Providers with the	Begin	Legal Aid	

capacity to provide legal help to children advertise their services specifically to children	2013	Providers Stakeholders: TLS	assistance
7.1.6 Comprehensive data collection system on legal aid provision is developed and maintained, including details of age and gender of children provided with legal advice and representation. The data provided should also record outcomes for children	By end 2013	TLS/ Central Legal Aid Board (once established) Stakeholders: Legal Aid Providers, MoCLA	
7.1.7 Legal Aid Providers set targets for numbers of children to be provided with legal advice and with representation in juvenile crime cases	By end 2013	TLS/ Central Legal Aid Board (once established) Stakeholders: Legal Aid Providers	
7.1.8 Legal aid mobile services and local paralegal services are enhanced and/or developed	2013 onwards	MoCLA Stakeholders: Legal Aid Providers, TLS	
7.1.9 Awareness raising amongst the judiciary on their existing discretion to assign an advocate under the Legal Aid (Criminal Proceedings) Act (1969)	2013 onwards	Judiciary Stakeholders: MoCLA, TLS, Legal Aid Providers	
7.2 Create incentives for advocates to provide legal aid to children			
7.2.1 A database of advocates and Legal Aid Providers who are willing and ready to provide legal aid to children is established and publicized	By end 2013	TLS/ Central Legal Aid Board (once established) Stakeholders: Legal Aid Providers, MoCLA, MCDGC, PMO-RALG, MoHSW	More advocates provide legal aid to children Incentive mechanisms to provide legal aid to children in urban and rural areas

			devised and implemented
7.2.2 The Central Legal Aid Board devises an incentives system to encourage advocates to provide legal services for children and in rural areas	By end 2014	MoCLA Stakeholders: Legal Aid Providers, TLS	Database on Legal Aid Providers offering assistance to children is available and easily accessible
7.2.3 An award/appreciation scheme is prepared to recognise and award advocates who excel in providing legal aid to children	2013 - 2014	TLS Stakeholders: Legal Aid Providers, MoCLA	% of children in conflict with the law who receive legal assistance
7.2.4 The Central Legal Aid Board ensures adequate levels of representation in juvenile crime cases	By end 2015	Central Legal Aid Board Stakeholders: MoCLA, Legal Aid Providers	
7.3 Regulate and increase the number of paralegals countrywide			
7.3.1 A law recognising and regulating paralegals is operational	By end 2014	MoCLA Stakeholders: Legal Aid Providers, TLS, MoHSW, MCDGC, PMO-RALG	Children are able to access quality legal advice and assistance through paralegals Training pack for paralegals is available
7.3.2 Partnerships are established between established Legal Aid Providers and un-partnered community based paralegals and paralegal bodies and community justice facilitators to provide technical support and supervision and strengthen the quality of legal help provided	By end 2013	TLS/ Central Legal Aid Board (once established) Stakeholders: Legal Aid Providers, MoHSW, MCDGC, PMO-RALG	Increase in number of legal aid providers operating in rural areas
7.3.3 Legal Aid Providers increase presence in rural areas	2013 - 2017	TLS/ Central Legal Aid Board (once established)	

		Stakeholders: Legal Aid Providers	
7.3.4 Potential paralegals are identified	2013	TLS/ Central Legal Aid Board (once established) Stakeholders: Legal Aid Providers, MoCLA	
7.3.5 Training packages are developed for paralegals and community justice facilitators who wish to become paralegals	2013 - 2014	TLS Stakeholders: Legal Aid Providers, MoCLA, MoHSW, MCDGC	
7.4 Develop a mechanism of providing online and telephone legal assistance			
7.4.1 Conduct a feasibility study on viability, applicability, operation and coordination of a stand alone child law helpline and the integration of a child law advice component into the proposed National Child Helpline (the scope and content of activities in section 7.4 depends on the outcomes of the feasibility study)	By end 2013	MCDGC Stakeholders: MoCLA, MoHSW, MoLE, Legal Aid Providers	Children and others are able to call a helpline to report child law concerns No. of recorded calls
7.4.2 Begin piloting the provision of legal assistance through a helpline	By end 2014	MCDGC/Legal Aid Provider Stakeholders: MoCLA, MoHSW, MoLE, Legal Aid Providers	
7.4.3 Raise awareness of and advertise availability the helpline services	2014-2017	MCDGC/Legal Aid Provider Stakeholders:	

		MIYCS, MoCLA, MoHSW, MoLE, Legal Aid Providers	
7.4.4 Establish linkages with legal aid providers who can provide further support to callers	2014	MCDGC/Legal Aid Provider Stakeholders: Legal Aid Providers	
7.4.4 The legal website (see 1.1.5) is able to respond to email inquiries	By end 2014	MCDGC/Legal Aid Provider	
7.5 Establish a pilot legal aid and representation scheme			
7.5.1 Pilot legal aid scheme is established targeting children in conflict with the law in prisons, in the retention homes, in police stations, and at the juvenile court	Ongoing to 2015	MoLCA/ identified legal aid provider Stakeholders: Legal Aid Providers, DPP, Judiciary, MoHA – police, MoHA – prisons, MoHSW, MCDGC	All children accused of a crime and appearing before the Juvenile Court in Dar es Salaam and detained in Segerea Prisons and Upanga Retention Home are provided with legal advice and/or representation Annual reports of the Legal Aid Provider
7.5.2 Develop referral mechanism with the police, prosecutors, social welfare officers, magistrates, prisons, retention homes, child supporter scheme and community rehabilitation schemes	By end 2013	Identified legal aid provider Stakeholders: MoCLA, DPP, Judiciary, MoHA – police, MoHA – prisons, MoHSW	

7.5.3 Conduct awareness raising with child supporters, police, prosecutors, magistrates, prison officers, retention home personnel, communities, children and parents	Ongoing to 2014	Identified legal aid provider Stakeholders: MoCLA, DPP, Judiciary, MoHA – police, MoHA – prisons, MoHSW, MoEVT, PMO-RALG, FBOs, CBOs	
7.5.4 Develop and implement monitoring and evaluation mechanism for effectiveness and impact of pilot	By mid 2013	Identified legal aid provider Stakeholders: MoCLA	
7.5.5 Roll out legal aid model	2014-2017	Identified legal aid provider Stakeholders: MoCLA, DPP, Judiciary, MoHA – police, MoHA – prisons, MoHSW	

OBJECTIVE 8 – EFFECTIVE MONITORING AND COORDINATION OF THE CHILD JUSTICE SYSTEM

OBJECTIVE 8 - The child justice system is effectively coordinated, monitored and evaluated at the national level

A range of different Ministries, Departments and Agencies, as well as CSOs and legal aid providers, are engaged in the Child Justice System. A successful reform process requires a coordinated effort amongst Ministries, harmonisation between separate but related reform processes, and effective monitoring.

Justice reform must not sit in isolation from other reform processes. Effective coordination includes ensuring the harmonisation of other strategies and plans of actions with the Five Year Strategy for Child Justice Reform, including: MDA and CSO Strategic Plans; Sector Reform Strategies; thematic plans of action (e.g. National Plan of Action to Prevent and Respond to Violence Against Children 2012-2015, National Costed Plan of Action II for Most Vulnerable Children, National Human Rights Action Plan etc.); and related programmes and reform processes (e.g. development of the child protection regulations under the Law of the Child Act, Strengthening Access to Justice in East Africa Programme etc.). Most significantly, the forthcoming Legal Sector Reform Programme and its Annual Work Plans will be shaped by the Five Year Strategy for Progressive Child Justice Reform.

In the long term, a permanent multi-agency body should be established at the central level to coordinate and monitor the child justice system. However, in the short term, the Child Justice Forum will expand its role to monitor the implementation of this Child Justice Strategy and coordinate the collection and collation of data in order to measure the impact of the reform initiatives.

In order to monitor the implementation of the Strategy, lead MDAs will be required to submit regular progress reports. The reports will be collated and reviewed by the

Child Justice Forum at regular meetings. This review process will also provide an opportunity to identify key challenges and to resolve these challenges in a coordinated manner.

However, monitoring the flows of children through the system and the outcomes for children is equally important to understand the impact of reform initiatives, to identify challenges and bottlenecks and to more effectively target resources. In the short term, justice institutions will be required to submit data annually, which will be collated by MoCLA and analysed by the Child Justice Forum. In the long term, an effective data collection and collation and information management system should be established and effectively implemented. Such information will also provide valuable empirical evidence on the impact of the reform process and consequently provide a basis for policy and programme development.

CURRENT CHALLENGES

- ◆ Data collection and collation of information relating to the flow of children through the civil and criminal justice system and the outcomes for those children, as well as monitoring of the impact of reform initiatives is limited;
- ◆ While individual agencies may collect their own data at sub national and national level, this information is not collated and analysed to provide an up to date picture of the child justice system;
- ◆ Justice actors have limited access to ICT systems which would facilitate the collection, collation and analysis of data; and
- ◆ Limited data hampers the development of policies and programmes and the targeting of resources difficult and creates a challenge for effective monitoring of the implementation of the current Five Year Strategy for Progressive Child Justice Reform.

KEY ACTIONS AND ACTIVITIES

OBJECTIVE 8 – EFFECTIVE MONITORING AND COORDINATION OF THE CHILD JUSTICE SYSTEM			
Activity	Timeline	Lead Agency	Main results and

			indicators
8.1 Establish an inter-agency forum for the monitoring and evaluation of the Five Year Strategy for Child Justice Reform			
8.1.1 Child Justice Forum adopts a revised TOR for its work, which includes an oversight and monitoring role for implementation of the Five Year Strategy for Child Justice Reform	2013	MoCLA Stakeholders: Child Justice Forum members (see Annex 1)	Mandated national coordination structure for the effective monitoring of the implementation of the Five Year Strategy for Child Justice Reform in place Annual reports of the Child Justice Forum M&E framework in place
8.1.2 Design monitoring and evaluation system for the child justice strategy	2013	MoCLA Stakeholders: Child Justice Forum members (see Annex 1)	
8.1.3 Develop targets/ indicators / tools / guidelines to monitor progress, effectiveness and impact of the reform activities, including reporting tools for the use of MDAs	2013	MoCLA Stakeholders: Child Justice Forum members (see Annex 1)	
8.1.4 Convene regular coordination and monitoring meetings of the Child Justice Forum	Ongoing on a quarterly/ bi-annual basis	MoCLA Stakeholders: Child Justice Forum members (see Annex 1)	
8.1.5 Prepare and disseminate annual reports on the progress towards implementation of the Five Year Strategy for Progressive Child Justice Reform	Annually	MoCLA	
8.1.6 Convene open round-tables with stakeholders on an annual basis	2013 and on-going	MoCLA Stakeholders: Child Justice Forum	

		members (see Annex 1)	
8.2 Promote implementation of the Strategy through its integration and harmonisation with the new Legal Sector Reform Programme, MDA strategic plans and sector plans of action			
8.2.1 Forum reviews member MDAs' strategic and annual plans to promote harmonization with the Five Year Strategy for Progressive Child Justice Reform	2013 - 2015	MoCLA Stakeholders: Child Justice Forum members (see Annex 1)	The Legal Sector Reform Programme and its Annual Work Plans are harmonised with the Five Year Strategy for Child Justice Reform Relevant and related action plans and strategies are harmonised with the Five Year Strategy for Progressive Child Justice Reform
8.2.2 The Forum reviews inter-agency and thematic plans to ensure harmonization with the Five Year Strategy for Progressive Child Justice Reform	2013 - 2017	MoCLA Stakeholders: Child Justice Forum members (see Annex 1)	
8.2.3 The Forum inputs into the development of the new Legal Sector Reform Programme and reviews Annual Work Plans to ensure harmonisation with the Five Year Strategy for Progressive Child Justice Reform	2013 - 2017	MoCLA Stakeholders: Child Justice Forum members (see Annex 1), Technical Coordination Committee for the LSRP	
8.2.4 The Forum reports regularly to the Joint Implementation Review Committee and the Technical Coordination Committee for the LSRP on the implementation of the Five Year Strategy for Progressive Child Justice Reform	2013- 2017	MoCLA Stakeholders: Child Justice Forum members (see Annex 1), Technical Coordination Committee for the LSRP	
8.2.5 Five Year Strategy for Child Justice Reform costed	2013	MoCLA Stakeholders: All lead	

		agencies, Child Justice Forum members (see Annex 1)	
8.3 Establishment of an effective system of data collection and collation and information management for the child justice system			
8.3.1 Review and assess the existing systems for data collection, collation, analysis and sharing in key child justice institutions	2013	MoCLA Stakeholders: CHRAGG, DPP, AGC, Judiciary, MoHA, MoHSW (DSW), MCDGC, National Bureau of Statistics, PMO-RALG	An effective, well-coordinated and resourced system of information management for the Child Justice system established and operationalized Data is collected on nature and extent of access to justice by children to aid in the formation of effective child justice policies
8.3.2 Develop raw data collection tools for key child justice institutions and strengthen IT management of data	2013	MoCLA Stakeholders: CHRAGG, DPP, AGC, Judiciary, MoHA, MoHSW (DSW), MCDGC, National Bureau of Statistics, PMO-RALG	
8.3.3 Institutional arrangement agreed with child justice institutions on the collection, collation and submission of relevant statistics and information to the Child Justice Forum / Ministry of Constitutional and Legal Affairs	2013	MoCLA Stakeholders: CHRAGG, DPP, Judiciary, MoHA, MoHSW (DSW), MCDGC, National Bureau of Statistics, PMO-RALG	

8.3.4 Develop and carry out training with key personnel in child justice institutions on data collection and information management	2014 - 2016	<p>MoCLA</p> <p>Stakeholders: CHRAGG, DPP, AGC, Judiciary, MoHA, MoHSW (DSW), MCDGC, National Bureau of Statistics, PMO-RALG</p>	
8.3.5 Develop protocols for the annual publication of specified data on child justice	2014	<p>MoCLA</p> <p>Stakeholders: CHRAGG, DPP, AGC, Judiciary, MoHA, MoHSW (DSW), MCDGC, National Bureau of Statistics, PMO-RALG</p>	
8.3.6 (JJ REGS – see 3.1.2) Include data collection, reporting and collation requirements in guidance / regulations	By end 2015	<p>MoCLA</p> <p>Stakeholders: CHRAGG, DPP, AGC, Judiciary, MoHA, MoHSW (DSW), MCDGC, National Bureau of Statistics, PMO-RALG</p>	

ANNEX 1: Terms of Reference for the Child Justice Forum 2011

Terms of Reference 2011⁴⁷ CHILD JUSTICE FORUM

Background

The Government of Tanzania has taken significant steps to strengthen the justice system over the last five years, through various initiatives and programmes, including the Legal Sector Reform Programme. However, until recently, there has been limited focus on strengthening the child justice system both for children in conflict with the law and for children in contact with the law.

The Child Justice Forum is convened to promote a greater focus on under-18s within these reform efforts.

In particular, there is a pressing need for a strategy to be developed on strengthening the Child Justice System, considering the following developments:

- The Law of the Child Act, which was adopted in 2009, was a major step in Tanzania's efforts to strengthen the Child Justice System. However, it is yet to be operationalised. It is vital that efforts to reform the justice system include measures to take the relevant provisions of the new Law from paper to practice; and
- In 2010/2011, a sector wide assessment of the justice system will be undertaken as part of the Legal Sector Reform Programme, with a view to developing a strategy for further system strengthening. It is important that the specific needs of children are reflected in the proposals for reform.

In order to inform the work of the Child Justice Forum and the development of a strategy to strengthen the justice system for children and young people, two comprehensive studies will be carried out:

- an analysis of the situation of children in conflict with the law
- an assessment of access to justice for children under 18 who are in contact with the law

The assessments will identify the strengths and weaknesses in law, policy and practice and options for system strengthening.

Mandate of the Child Justice Forum:

⁴⁷ Endorsed by the Forum members in March 2011

The Child Justice Forum will act as a consultative and policy development forum, providing expert guidance on both the execution of the studies and the development of a strategy for Child Justice system strengthening. Specifically, the Child Justice Forum will:

- Cooperate in the execution of the studies by:
 - Providing guidance on the scope of the two studies
 - Identifying key stakeholders for participation
 - Providing guidance on sites for field visits
 - Facilitating meetings and visits
 - Providing relevant data and qualitative information
 - Review the draft studies and provide expert feedback and recommendations on structure and content (orally and in writing)
- Guide the development of strategies to strengthen the child justice system in line with the recommendations of the studies

Scope and frequency of meetings:

The scope, membership and frequency of the meetings will be agreed during the inaugural meeting of the Child Justice Forum. Although the initial focus of the meetings is proposed to be linked to the scope of the two Studies under development, members might identify other areas of immediate concern and envisage the need for the Child Justice Forum to continue beyond the completion of the Studies and development of the strategy.

Members:

Lead Agency and Convenor: Ministry of Constitutional and Legal Affairs (formerly Ministry of Constitutional Affairs and Justice)

Chair: Permanent Secretary, Ministry of Constitutional and Legal Affairs

Secretary: Director of Public Legal Services, Ministry of Constitutional and Legal Affairs

Ministry of Constitutional and Legal Affairs – Public Legal Services Department, Legal Sector Reform Programme and Registration, Insolvency and Trusteeship Agency
Attorney General’s Office – Constitutional and Affairs and Human Rights Department
Commission for Human Rights and Good Governance
Department for Public Prosecutions
Judiciary – High Court and Juvenile Court Magistrate
Law Reform Commission
Ministry of Community Development, Gender and Children
Ministry of Education and Vocational Training
Ministry of Health and Social Welfare – Department for Social Welfare
Ministry of Home Affairs, Tanzania Police Force – Gender and Children’s Unit and Interpol, Prisons Department, and Probation and Community Services Department
Ministry of Information, Youth, Culture and Sports
Ministry of Labour and Employment – Department of Labour

PMO-RALG
Standing Parliamentary Committee – Constitutional, Legal and Public Administration
Committee
CIDA
Conservation, Hotels, Domestic and Allied Workers Union CHODAWU
Kiwohede
Legal and Human Rights Centre
Legal Aid Committee, University of Dar es Salaam
Legal Aid Unit, Open University of Tanzania
Legal Sector Working Group
Media Council of Tanzania
National Organisation for Legal Assistance
Tanzania Federation of Disabled People’s Organisations
Tanganyika Law Society
Tanzania Network of Legal Aid Providers
Tanzania Teachers Union
Tanzania Women Lawyers Association
UNICEF
WHVUM
Women’s Legal Aid Centre