



**Convention on the
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COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-ninth session

SUMMARY RECORD OF THE 1363rd MEETING*

Held at the Palais Wilson, Geneva,
on Monday, 29 September 2008, at 10 a.m.

Chairperson: Ms. LEE

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* No summary records were issued for the 1358th to 1362nd meetings.

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The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of the United Republic of Tanzania under the Optional Protocol on the involvement of children in armed conflict (CRC/C/OPAC/TZA/1; CRC/C/OPAC/TZA/Q/1 and Add.1)

1. At the invitation of the Chairperson, the members of the delegation of the United Republic of Tanzania took places at the Committee table.
2. Ms. SITTA (United Republic of Tanzania), introducing the report (CRC/C/OPAC/TZA/1), said that children under 18 accounted for more than half of the Tanzanian population, and their well-being was important to the Government. Legislation to protect them from all forms of exploitation included the Employment and Labour Relations Act No. 6 of 2004 (Mainland) and the Employment Act No. 11 of 2005 (Zanzibar) and the Anti-Trafficking in Persons Act of 2008. Strategies had been devised to reduce poverty and eliminate child labour. A plan of action for the prevention of violence against women and children had been developed with a view to creating a society free of physical, psychological and sexual violence against women and children by 2015.
3. More than 18 per cent of the total budget for 2008-2009 had been allocated to education. Secondary schools had been established at ward level throughout the United Republic of Tanzania, and the network of vocational schools was being extended to absorb children who had missed enrolment for secondary education. The complementary basic education programme provided out-of-school children with access to quality basic education and survival skills; specific attention was given to girls, whose vulnerable situations led them to drop out of school or prevented them from enrolling.
4. Children's issues were coordinated by the Ministry of Community Development, Gender and Children (Mainland) and the Ministry of Youth, Employment, Gender and Children's Development (Zanzibar). The Commission for Human Rights and Good Governance had a special desk for children's affairs, which in 2005 had conducted a public hearing on 307 cases of violence and abuse against children in 11 out of 21 regions of mainland Tanzania.
5. The Tanzania Police Female Network had been formed to raise awareness about violence against women and children, and the Ministry of Community Development, Gender and Children had created a task force involving various stakeholders to address that problem. Mainland Tanzania was in the process of establishing a commission on the rights of the child.
6. A number of challenges remained, including poverty, the vastness of the territory and poor infrastructure. The lack of financial and human resources affected data collection, research and programme implementation. However, the Government had the political will to address children's issues, and she called upon the international community to assist it in that endeavour.
7. Since the ratification of the Optional Protocol on the involvement of children in armed conflict in 2004, the Government had undertaken legislative reforms to ensure that the Protocol was incorporated into domestic legislation. For example, in connection with the National Defence Act, which stipulated that the age of recruitment to the armed forces was 18, the

Government had established criteria whereby the Ministry of Defence and National Service, in cooperation with the Registration, Insolvency and Trusteeship Agency, had to verify that applicants' birth certificates were genuine. The Registration, Insolvency and Trusteeship Agency was endeavouring to raise public awareness about the importance of birth registration and registering persons who had missed registration.

8. Although the United Republic of Tanzania had not experienced any conflict since the ratification of the Optional Protocol, it faced the problem of unaccompanied child asylum-seekers and migrant children coming from areas affected by armed conflict, particularly the Great Lakes region. The Government worked closely with the Office of the United Nations High Commissioner for Refugees (UNHCR) to ensure that children who might have been involved in armed conflict in their countries were given the necessary support for their rehabilitation and reintegration into society. There were no armed groups operating in or from Tanzanian territory. Refugees were prohibited from engaging in activities that might compromise the security of civilians.

9. Mr. ZERMATTEN (Country Rapporteur) said that while he understood the enormity and complexity of the task facing the State party, in terms of general implementation measures, it seemed that no progress had been made since the Committee had issued its concluding observations on Tanzania's second periodic report under the Convention on the Rights of the Child. He enquired about the status of the draft Children's Act, which was intended to ensure the incorporation of the Optional Protocol and other relevant instruments into domestic legislation, and the establishment of a national humanitarian committee to monitor their implementation. He asked what steps the Government had taken to establish a national body to coordinate all matters relating to the rights of the child between the relevant ministries, NGOs and central and local government authorities.

10. He expressed concern that Tanzanian law allowed for the recruitment of persons under 18 into the armed forces "in exceptional circumstances" and that a person "of the apparent age of 18" was eligible for enrolment. He asked what the Government was doing to enforce the prohibition against underage recruitment, since that was not a criminal or military offence.

11. A further concern was the fact that the birth registration rate was still very low, which opened the way for abuse. He stressed the need to establish a proper data collection system with a view to devising targeted policies and programmes. He welcomed the disaggregated data on unaccompanied child asylum-seekers and migrant children contained in the supplementary written replies. He enquired what steps the Government was taking to provide the necessary facilities for such children and to ensure their rehabilitation, reintegration into society and repatriation, where appropriate.

12. Mr. PARFITT asked whether the Commission for Human Rights and Good Governance had jurisdiction over the military and was able to conduct investigations, including investigations into allegations of underage recruitment. He also asked whether the Commission had offices both in mainland Tanzania and in Zanzibar.

13. He enquired whether the sale and transfer of small arms to States that made use of child soldiers was prohibited by law.

14. He asked whether draft legislation on the minimum age of recruitment would eliminate underage recruitment in exceptional circumstances.
15. Mr. PURAS wished to know how the Government assessed the needs of children entering Tanzanian territory from conflict areas and what difficulties it had encountered in meeting their physical, psychological and social needs. He asked what training was given to professionals working with such children.
16. Ms. AIDOO (Alternate Country Rapporteur) requested clarification regarding the status of the draft Children's Act, which was intended to provide a legal framework for dealing with children's issues. She wondered whether the Government had the political will to enact such legislation, or whether there were any particular impediments that might explain the long delay. The delegation should confirm whether similar legislation was being drafted for Zanzibar.
17. In her opening statement, the representative of Tanzania had said that children's issues were currently being coordinated by the Ministry of Community Development, Gender and Children in mainland Tanzania and by the Ministry of Youth, Employment, Gender and Children's Development in Zanzibar. She would appreciate more information on how those ministries worked with Zanzibar's National Child Rights Committee and what their relationship would be with the Commission on the Rights of the Child proposed for mainland Tanzania. Did the two bodies have the authority, mandate, resources and infrastructure to enable them to coordinate all the offices concerned?
18. The lack of comprehensive birth registration made it difficult to establish children's identity and age and therefore to provide appropriate protection and assistance when their rights were violated. She understood that a vital registration transformation project was under way, and she wondered how that would help to speed up birth registration. She wondered how the project would deal with children who had not been registered at birth. Had the State party considered using mobile units to ensure that all children were registered? Lastly, she asked how the local authorities coordinated their birth registration activities with the central Government.
19. Mr. KRAPPMANN asked whether the Optional Protocol was covered in the school curriculum. He also wondered whether schools provided human rights education and peace education.
20. Mr. POLLAR requested more information on the voluntary recruitment procedure, from the announcement of a recruitment campaign to enrolment. He asked what safeguards the State party had put in place to prevent refugee children from the Great Lakes region from being smuggled back into their countries of origin for use as soldiers.
21. The delegation should describe the process by which the State party had drafted its report.
22. Lastly, he asked what capacity and machinery the United Republic of Tanzania had to ensure that the State party was not used as a transit country for the sale of arms to organizations that might be using child soldiers.

23. Ms. AIDOO said that the United Republic of Tanzania was the entry point for many imports purchased by its landlocked neighbours, and she wondered whether its controls on arms imports by those countries were effective.

24. Mr. CITARELLA said that he was concerned that most of the issues covered by the Optional Protocol were dealt with by different structures and jurisdictions in mainland Tanzania and in Zanzibar. The Optional Protocol applied to the State party as a whole, not to two separate governments. He asked for information concerning the respective responsibilities of the central Government, the government of Zanzibar and local government. He wondered whether any arrangements had been made to bring the Optional Protocol to the attention of cadets in military academies.

25. The CHAIRPERSON said that the State party's report did not follow the Committee's guidelines, and she wondered who had prepared it. Referring to paragraph 11 of the report, she noted that the definition of "direct participation" was derived from practice and was not defined in law. She would like to know what the State party meant by "practice".

26. According to the supplementary written replies, programmes were in place to assist child asylum-seekers and migrant children. However, she had the impression that the programmes mentioned were principally concerned with reintegration, and she wondered how children were assisted with psychological recovery.

The meeting was suspended at 11.05 a.m. and resumed at 11.45 a.m.

27. Mr. RWEASIRA (United Republic of Tanzania) said that, under the National Defence Act, enrolment in the Tanzania Defence Forces was permitted from the "apparent age of 18" and that, under the forces routine orders issued by the Chief of Defence Forces, the minimum age for enrolment was 18. No one under the age of 18 had ever been enrolled in the Defence Forces. However, a special committee appointed by the Chief of Defence Forces had recommended that no person under the age of 18 should be enrolled in the Defence Forces.

28. There were no armed groups in Tanzania, and the Constitution prohibited any person or organization from raising or maintaining of armed groups; any violation of that provision was prosecuted as treason. Consequently, the question of recruitment of children into armed groups did not arise.

29. Mr. ZERMATTEN said that the Optional Protocol required the adoption of legal measures to criminalize the use of children in armed conflict. It was not sufficient to refer to the Constitution.

30. Mr. PARFITT wondered whether the arrangements recommended by the special committee included any exceptional circumstances in which people aged under 18 could be recruited.

31. Mr. RWEASIRA (United Republic of Tanzania) said that the situation had never arisen in practice and that his Government was taking steps to ensure that it would never arise in the future.

32. The recruitment cycle consisted of an announcement in the media followed by initial screening of applicants, first at the village level and then at the national level. Officers from headquarters then visited the regions to verify applicants' birth and school-leaving certificates and their state of health. Applicants who met all requirements were recruited.

33. The export and transit of arms to countries where children took part in armed conflict was prohibited by law. Legal shipments of arms were escorted by the Defence Forces through Tanzania to the country of destination.

34. Ms. MALECELA (United Republic of Tanzania) said that a national humanitarian committee had been set up to coordinate the incorporation of international conventions, including the Optional Protocol, into Tanzanian law by bringing domestic legislation into line with the conventions.

35. The Commission for Human Rights and Good Governance had full jurisdiction to investigate any ministry or government department, including cases involving the recruitment of children.

36. Ms. AIDOO said that it was normal in common-law countries for international conventions not to apply directly until they had been incorporated into the domestic legal order. However, Tanzanian domestic law still prevailed over the Convention and the Optional Protocols. She wondered if the review of domestic legislation could be completed quickly; it might perhaps be speedier to press ahead with the draft Children's Act.

37. Ms. MALECELA (United Republic of Tanzania) said that children's issues were very sensitive and affected such areas as culture and religion. The Government had sought stakeholders' views and had determined that the best course was to amend existing legislation. That task had been given to the National Humanitarian Committee, which was a multidisciplinary body involving governmental and non-governmental actors.

38. Mr. ZERMATTEN asked whether the Government intended to abandon the draft Children's Act.

39. Ms. MWAFFISI (United Republic of Tanzania) said that discussions on the possible adoption of the draft Children's Act were still being held with stakeholders.

40. Mr. DAUD (United Republic of Tanzania) said that Zanzibar's Children's Rights Committee comprised sectoral ministries and NGOs dealing with children's issues. Its purpose was to ensure that ministries implemented their policy in relation to children's rights. Members of Zanzibar's House of Representatives were given an annual course on children's status in order to promote political commitment to children's well-being. Zanzibar's Children's Rights Committee would have a legal mandate after the promulgation of the Children's Act.

41. Ms. MWAFFISI (United Republic of Tanzania) said that there were difficulties coordinating the work of the Ministry of Community Development, Gender and Children with that of other ministries. A national commission on children's rights could be set up with the power to monitor ministries' implementation of children's rights and provide coordination at other levels. The Ministry of Local Government and Regional Administration was responsible

for coordinating the work of ministries and local authorities. At the local level, community development officers disseminated information on children's rights. In addition, each local council was able to gather information on children at the household level and transmit it to the central Government.

42. All stakeholders, including ministries and a large number of national and international NGOs, had been involved in preparing the State party's report.

43. There were children's councils at the national and regional levels where children were able to discuss issues relating to their rights. Children were also involved in policy discussions, including public expenditure reviews, where their views and their rights were taken into account. In addition, children's and human rights were covered in the school curriculum.

44. One of the objectives of the Registration, Insolvency and Trusteeship Agency, which had branches in every district, was to improve the overall situation of birth registration. Campaigns were conducted to raise awareness of the importance of birth registration, and to register children who had not been registered at birth. The time period required for completion of the birth registration process had been reduced from three months to two weeks. Owing to a lack of resources, there were currently no mobile units to carry out birth registration; however, the Government hoped to work with its partners to develop such units.

45. The CHAIRPERSON asked whether children's councils had been established in Zanzibar. She enquired whether children took part in discussions concerning budget allocations for the military.

46. Ms. MWAFFISI (United Republic of Tanzania) said that a national children's council had been established and that children's councils had been set up in every region, including Zanzibar. Efforts were currently under way to set up children's councils at the district level. The national children's council was well informed about issues pertaining to children's rights. Its representatives participated in national functions, such as the public expenditure review, in which all stakeholders met to evaluate the Government's performance in implementing the general budget. At such meetings, children voiced their opinions concerning such budgetary items as health and education, but did not participate in discussions on the military budget.

47. The Government and its social welfare officers worked closely with UNHCR to rehabilitate refugee children in the United Republic of Tanzania by providing them with education, recreation and emotional support.

48. Mr. ZERMATTEN asked whether special measures had been taken in conjunction with UNHCR, to identify former child soldiers from among the asylum-seekers entering Tanzanian refugee camps.

49. Ms. MWAFFISI (United Republic of Tanzania) said that no figures were available on the exact number of refugee children who had been involved in armed conflict in other countries. The Government was currently working to develop a national database that would identify various categories of children and produce disaggregated data. The Government would seek assistance from its international partners to conduct studies in order to determine the magnitude of the problem and to report on it in the future.

50. Mr. PARFITT asked whether there was a repatriation programme for former child soldiers and whether measures were taken to ensure that such children were not sent back to conflict zones in their countries of origin.

51. Mr. LUMBANGA (United Republic of Tanzania) said that the Government worked very closely with UNHCR and other international agencies to ensure that child refugees were provided with all appropriate refugee services, including health and education. The Refugees Act of 1998 clearly stipulated the regulations pertaining to refugees. Individuals who were found by the courts of law to be guilty of violating that Act or other domestic legislation were either sent to prison or repatriated. The entire repatriation process was conducted on the basis of a tripartite arrangement between the Tanzanian Government, the refugee's country of origin and UNHCR.

52. The CHAIRPERSON said that, according to information she had received, the number of rapes of minors in Tanzanian refugee camps in the north-western part of the country was increasing. She asked what kinds of safeguards were being developed to prevent such incidents.

53. Mr. LUMBANGA (United Republic of Tanzania) said that refugees were protected by Tanzania's domestic legislation and by an agreement with UNHCR. There were police depots in all refugee areas, and communal police actions were carried out by the refugees themselves. However, despite those efforts, a few cases of rape still occurred.

54. The CHAIRPERSON said that there were allegedly more than "a few cases of rape" in Tanzanian refugee camps. She had received reports of more than 1,000 incidents of gender-based violence in 2007.

55. Mr. LUMBANGA (United Republic of Tanzania) said that most of those acts of gender-based violence had been perpetrated by members of the refugee communities. With the assistance of UNHCR, the Government was taking a number of measures to prevent such incidents, but it could not guarantee a 100 per cent success rate.

56. The CHAIRPERSON requested an explanation of the statement made in paragraph 11 of the initial report to the effect that the meaning of "direct participation" in hostilities was derived from practice and was not defined in the National Defence Act and Regulations.

57. Mr. RWEGASIRA (United Republic of Tanzania) said that "direct participation" meant taking part directly in combat. It was more a military concept than a legal one and was therefore not defined in Tanzanian law.

58. Mr. ZERMATTEN (Country Rapporteur) welcomed the State party's political will to bring its domestic legislation into conformity with international standards, including the Optional Protocol. In particular, he welcomed its commitment to ensuring that all persons under 18 were excluded from voluntary recruitment, and the fact that the Registration, Insolvency and Trusteeship Agency was making improvements in birth registration. The Committee's recommendations would focus primarily on the collection of data on former child soldiers in the United Republic of Tanzania, the criminalization of underage recruitment and the establishment of extraterritorial jurisdiction over such recruitment.

Initial report of the United Republic of Tanzania under the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSC/TZA/Q/1 and Add.1)

59. Ms. SITTA (United Republic of Tanzania), introducing the report (CRC/C/OPSC/TZA/1), said that the Government was reviewing all laws with a view to harmonizing them with the Optional Protocol; such laws included the Law of Marriage Act No. 5 of 1971, and the Affiliation Act, the Children and Young Persons Act and the Adoption Act of 2002. The sale of children, child prostitution and child pornography were prohibited under the Mainland Penal Code, as amended by the Sexual Offences Special Provisions Act, and the Zanzibar Sexual Offences Special Provisions Act.

60. Efforts to curb trafficking included advocacy and awareness-raising activities. With the support of the International Organization for Migration, the Government had established a project to combat trafficking designed to improve institutional capacity and training for relevant NGOs and law enforcement and judicial officials.

61. The Government was committed to eliminating the worst forms of child labour by 2010, including through the Time-Bound Programme on the Elimination of the Worst Forms of Child Labour. Children removed from situations of exploitation received counselling, education and vocational training; those who wished to be reunited with their families and communities were supported and monitored.

62. Ms. AIDOO (Country Rapporteur) said that the fact that children made up the majority of the Tanzanian population gave particular importance to the implementation of the Convention and the Optional Protocols. Although the United Republic of Tanzania was a least developed country in which three quarters of the population lived in poverty, its gross domestic product was growing and had been among the highest in Africa in 2007. The challenge for the Government was to ensure that such macroeconomic success trickled down far enough to improve the lives of children and to enable their families to care for them.

63. There had been many positive developments in the form of new legislation to implement the Optional Protocol and efforts to review existing laws. Those would no doubt help to clarify and improve the situation of children in the United Republic of Tanzania. However, insufficient data collection and analysis prevented the Government from developing appropriate policy responses in the areas of prevention, care and protection. The Government should endeavour to ensure that more research on children was carried out, that future reports followed reporting guidelines and that the definitions of the relevant offences provided in the Penal Code corresponded more closely to those of the Optional Protocol. More information was needed on the sale of children and child pornography and on the implementation of the Optional Protocol in Zanzibar. It was therefore essential for the Government to address the overall issue of data collection and analysis as a matter of priority.

64. She asked whether the Government intended to develop a national plan of action to implement the Optional Protocol and whether such a plan would address children in Zanzibar. She enquired what action was being taken to make the Optional Protocol more widely known to all Tanzanians, including children, and to train professionals who worked with child victims of the offences covered by the Optional Protocol. She requested additional information on the allocation of resources for implementing the Optional Protocol. In particular, she wished to know

whether resources were earmarked for the protection of children in the general budget and to what extent the Government's poverty reduction strategy focused on children, especially children living outside the family environment.

65. Although there seemed to be a growing awareness in the United Republic of Tanzania concerning trafficking and commercial sexual exploitation, there appeared to be little awareness of the other offences covered by the Optional Protocol. She asked what steps the State party was taking to address that situation, and she enquired to what extent children participated in the development and implementation of awareness-raising campaigns.

66. The Committee had received reports of cases of girls being sold for domestic service, for work as barmaids and for sexual exploitation. It had also received reports of gender-based violence, enforced or early marriages, a high rate of teenage pregnancy, and ritual killings of albino children. She wished to know how the Government and the Commission for Human Rights and Good Governance followed up on such reports. She wondered what strategies for research, data collection and awareness-raising had been developed in order to create an environment conducive to instituting criminal procedures against perpetrators and providing assistance to child victims.

67. She enquired whether there were social welfare officers in every district to assist child victims, and whether they were trained in the Optional Protocol. She requested information on the existence of sex tourism and how that problem was being addressed. Lastly, she asked for information on whether refugee children were being sold or trafficked into prostitution or forced labour.

The meeting rose at 1 p.m.