

Child Protection



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unite for children



Fast facts

Sexual violence experienced in childhood	28% girls – 13% boys
Physical violence experienced in childhood	74% girls – 72% boys
Children with birth certificate (under 5 years)	8%
Estimated number of children in adult prisons	1400
Child Labour (5–17 years)	20.7%

Source: TVAC 2010, TDHS 2010, CHRAGG “Children in Detention” Assessment 2011

CHILD PROTECTION

While significant steps have been taken to improve the legal framework for the protection of the rights of children in Tanzania, many children are still vulnerable to violence, exploitation, neglect and abuse. Commonly, the very institutions and individuals that are supposed to protect children – teachers, police, and relatives – are cited as the perpetrators of the violence or abuse.

The Law of the Child Act, approved by the Tanzanian Parliament in November 2009 and the Children’s Act, passed by Zanzibar’s Parliament in March 2011, enshrine fundamental rights of children and lay the foundation for a child protection system that will oblige a range of bodies to prevent and respond to violence, abuse and exploitation of children.

Tanzania is committed to ensuring that the rights of children are respected. Nevertheless the challenge remains to use and translate laws and policies effectively to deliver equitable and lasting results for children.

Child protection issues intersect with every one of the Millennium Development Goals (MDGs) – from poverty reduction to getting children into school, from tackling gender inequality to reducing child mortality. There is little hope of achieving most of the MDGs if children are not protected from violence, exploitation, neglect and abuse.



Violence against children

Violence against children has a profound impact on emotional, behavioural and physical health and social development throughout life.

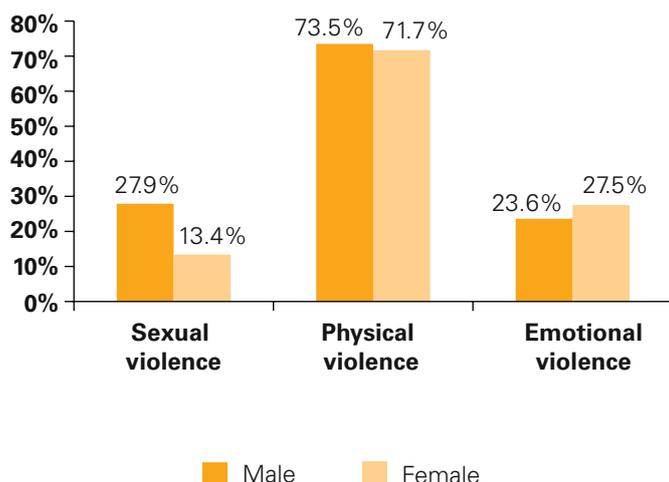
Sexual violence: A National Survey on Violence against Children, launched in 2011, exposes that almost a third of females aged 13 to 24 experience at least one incident of sexual violence before the age of 18. The most common form of sexual violence experienced was unwanted sexual touching followed by attempted unwanted sexual intercourse. Among males in the same age group, more than 13 per cent stated that they had experienced at least one incident of sexual abuse prior to the age of 18. Few of those who experienced sexual violence received any service. Victims of sexual violence are often reluctant to let others know about their experiences due to confusion, feelings of guilt, shame, fear of not being believed, or even being reprimanded for what has occurred. The structures and systems to protect children are either weak, under resourced or non-existent.

Physical violence: 72% of girls and 71% of boys experience being punched, whipped, kicked, or threatened with a weapon like a gun or knife by a relative, authority figure (such as teachers), or an intimate partner over their childhood. 60% of children name fathers and mothers as the most common perpetrators of physical violence. 78% of girls and 67% of boys who have been abused by teachers are punched, kicked, or whipped more than five times- going well beyond that sanctioned as corporal punishment. Corporal punishment is still a common practice in Tanzania, is perceived as a legitimate form of correction of behaviour in homes and schools, and is even sanctioned as a legal punishment.

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Violence experienced in childhood reported by males and females aged 13 to 24 years (%)

(CDC/UNICEF/MUHAS 2011)



Justice for children

Police stations are not child friendly places and as a result put off children from reporting cases of abuse. Cases that are prosecuted are subjected to long delays, and even where the case does reach the trial stage, children and their families are often not able to travel long distances to reach a court, leading to cases being dropped and impunity for the perpetrator.

Too often children and youth in conflict with law are treated as adults, ignoring the many developmental differences and violating children's rights. Tanzania does not have separate justice procedures for children, and has set the age for criminal responsibility at 10 years – very low by international standards.

The country has only one juvenile court and so the majority of children's cases are heard in adult courts. Children face being detained for long periods, both pre and post-trial, in adult prisons. In 2011 it was estimated that over 1400 children were held in adult prisons, 75 per cent of whom were awaiting trial. Few alternatives exist to detention and the alternatives that are available are not rehabilitative; Tanzania retains caning as a punishment – known as "stroking". Children who are arrested or detained are vulnerable to violence and abuse from law enforcement officials and from fellow detainees.

Birth Registration

Birth Registration rates in Tanzania have not changed for the past five years. Latest data (TDHS 2010) shows that only 16 per cent of children under the age of five have been registered in Tanzania, of who about only 8 per cent received birth certificates.

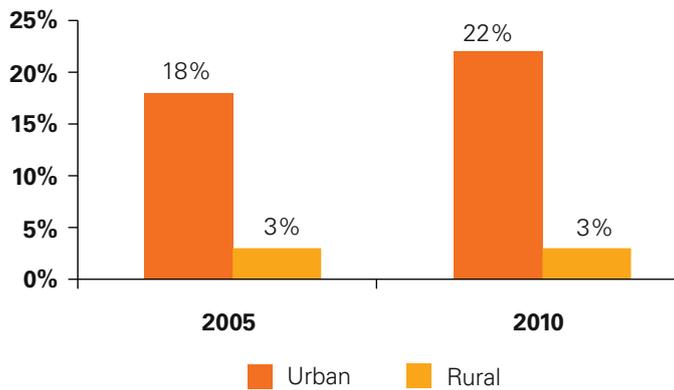
Registration of urban births is almost four times higher (44%) than rural (10%). While the birth notification is free, a birth certificate costs 3,500 TSH (around \$3).

Considering that about 34 per cent of the population lives below the basic needs poverty line, this cost is unaffordable for many families.

In Tanzania birth registration has recently been made compulsory by law. However, factors exist which continue to limit access, which includes: high rates of home births; low awareness among parents and caretakers; absence of demand from key services; the cost of registration and travel costs to get to the district headquarters where registration and certificates are obtained and; highly centralized and inaccessible registration services.

Percentage of children under-5 with a birth certificate Urban/Rural

(TDHS, 2005, 2010)



WHAT IS UNICEF DOING

UNICEF works with government and partners to build and strengthen child protection systems – which includes the set of laws, policies, regulations and services needed across all social sectors, - especially social welfare, education, health, and justice which provide protection services. Such systems are key to securing and operationalizing a protective environment for children.

The Law of the Child Act

UNICEF has been supporting the Department of Social Welfare to develop rules and regulations under the Law of the Child Act, which are essential for the laws' operationalization. In Phase 1, UNICEF supported the development of regulations on adoption, foster care, children's homes, child labour, apprenticeships, approved schools and retention homes. In Phase II, UNICEF will support the Department to develop regulations on child protection which will formally set out how a child protection system will work at the local level and set out the minimum package of child protection services to be provided by LGAs. The child protection regulations will deliver a legally binding set of multi-disciplinary procedures that provide standards for identifying, referring and responding to cases of child abuse, as well as the roles and responsibilities of all concerned agencies and competent officers. UNICEF is also supporting the development of a Social Welfare Workforce Strategy for the Department of Social Welfare (DSW) in order to address the dearth of social welfare personnel which adversely impacts on the protection of children.

Building a model for a child protection system in Tanzania

UNICEF is strengthening national and community capacity to prevent and respond to violence, abuse, neglect and exploitation and helps to mobilize the considerable resources needed to put this into effect.

UNICEF is supporting the practical application of a child protection system in four districts, engaging all relevant sectors of local government and civil society. In these districts, the health, social welfare, police, education and justice sectors and informal community structures are working together to ensure cases of child abuse are dealt with swiftly and appropriately. The knowledge and evidence of these pilot districts will help to inform the development of a national child protection system linked to, and reinforced by the Law of the Child Act, that provides a comprehensive range of prevention and response services to address child protection issues, such as those evidenced by the National VAC survey.

National Costed Plan of Action for Most Vulnerable Children (NCPA MVC 2011-2015)

UNICEF is supporting the Department of Social Welfare in the development of the next National Costed Plan of Action (NCPA) (2011–2015) to ensure the Most Vulnerable Children (MVC) program addresses and mainstreams children's vulnerability to abuse, violence exploitation and neglect alongside providing economically vulnerable families with



support. The Violence against Children survey provides compelling evidence regarding why the focus of the National Costed Plan of Action must reflect priorities for child protection. The government's obligations to child protection under the Law of the Child Act also need to be reflected in the revised NCPA. This framework provides an excellent opportunity to use existing partnerships and structures on the ground to scale up child protection responses.

National Plan of Action for the Prevention and Response to Violence against Children (2011-2015)

UNICEF is working closely with Tanzania's Multi-Sector Task Force on Violence against Children, led by the Ministry of Community Development, Gender and Children. The Task Force is responsible for guiding the Violence against Children survey and overseeing the development and implementation of a National Plan of Action to Prevent and Respond to Violence against Children, involving the police, justice system, health and social welfare services, HIV/AIDS sector, education and civil society. This multi-sector plan reflects work that is ongoing to strengthen child protection systems and seeks to support and expand upon existing national efforts to prevent and respond to all forms of violence, abuse and exploitation against children. A Communication Strategy is also being implemented that aims to encourage children to recognize and report violence and abuse and to promote appropriate responses to violence and abuse by adults, engaging a wide range of mass media and inter-personal communication channels.

Paving the way for better Child Justice procedures

UNICEF is supporting the justice sector to develop child friendly and sensitive procedures for child victims and children in conflict with the law. These activities are being shaped by major studies which will identify the gaps and propose measures to strengthen the capacity of the justice system to respond to cases involving child victims in Tanzania and ensure that young offenders' rights are respected throughout the process.

UNICEF is advocating for the assignment of specialist police and prosecutors and providing support for the development of in-service and pre-service training. UNICEF also supports establishment of Gender and Children's Desks in police stations that will provide a secure, child-friendly environment

where children can report incidents of violence and abuse. UNICEF will also strengthen referral systems of children to support services from the justice system.

UNICEF advocates for the establishment of additional Juvenile Courts to handle cases of children accused of committing a crime, and cooperates with legal aid providers to help increase children's access to legal representation. To protect children in detention from abuse, UNICEF continues to advocate for the separation of children from adults. UNICEF supports the development of child protection mechanisms in detention centres and is helping to build the capacity of staff to protect children in their care. UNICEF advocates for and supports development of alternatives to detention, including community rehabilitation programmes to help children stay out of trouble.

Birth Registration

In Tanzania, only 3 per cent of rural children and 22 per cent of urban children under five years have a birth certificate. The national rate, of just 8 per cent has not improved in the last five years, and remains one of the lowest rates of birth certification in Africa.

Official registration of a child's birth is free - yet even this formal notification of birth is low, at only 16 per cent overall, and does not provide parents with the documentary proof that is carried in a birth certificate. To obtain a birth certificate, parents must pay Tshs 3,500 (about US\$ 3) – a cost that is prohibitive for many families.

Recently, birth registration has been made compulsory by law, yet the heavily centralized process prevents many parents from accessing services. Half of all births take place at home and travel costs to district offices where registration currently takes place present significant obstacles.

Many parents are not aware of the value of registering a birth or of obtaining a birth certificate. Experience shows however that when these services are made available close to home, and when parents are well informed, they are keen to ensure their children are registered and have a birth certificate. The chief challenge for the Tanzanian government is the development of a system that makes birth registration and certification practical, accessible and affordable.

“The police will ensure that child victims of violence receive timely justice in a sensitive approach that avoids their re-victimization.”

INSPECTOR GENERAL OF THE POLICE ON BEHALF OF MINISTRY OF HOME AFFAIRS/TANZANIA POLICE FORCE, AUGUST 2011

KEY RESULTS FOR CHILD PROTECTION BY 2015

- Supporting the development of child-specific rules, procedures and programmes to ensure the rights of children in conflict with the law are respected, to reduce the use of detention and to ensure that children in detention are protected from abuse.
- Ensuring that lawyers, judges, police, social workers and other professionals are trained and understand how to implement the Law of the Child Act and to know the factors that expose children to risk of abuse and neglect and to put in place appropriate measures for prevention and response
- Establishing Gender and Children’s Desks in all police stations staffed by trained police officers sensitive to situation of children and families affected by violence.
- Strengthening referral pathways and services, including the Child Helpline, in line with provisions within the *National Plan of Action for the Prevention and Response to Violence against Children (2011 – 2015)*.
- Enhancing coordination among all sectors responsible for prevention, response, care, protection and justice for children.
- Supporting the development and implementation of the national birth registration strategy for children under 5.
- Scaling up of the child protection system strengthening models being demonstrated in four districts to national level.
- Ensuring that the national response to Most Vulnerable Children includes prevention and response to child abuse, violence and exploitation.
- Challenging social norms that place children at risk through a comprehensive communication strategy.
- Building an evidence base through research and data collection to make the case for a strengthened national child protection response.
- Developing and implementing national strategies to increase children’s access to justice and their care and protection within the Justice system.

FUNDING GAP (USD) 2011–2015

Programme intervention	Funds required	Funding gap
Effective and comprehensive child protection system	8,100,000	5,000,000
Child Justice	3,900,000	2,100,000
Protection and care of most vulnerable children	3,820,000	2,620,000
Evidence base, advocacy and communication	3,600,000	2,500,000
Total Child Protection	19,420,000	12,220,000