



Convention on the Rights of the Child

COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 8, PARAGRAPH 1, OF THE OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT

Initial reports of States parties due in 2006

UNITED REPUBLIC OF TANZANIA

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Report by the United Republic of Tanzania pursuant to article 8 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

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Summary

Introduction

The United Republic of Tanzania ratified the Convention on the Rights of the Child in 1991. It acceded to the Optional Protocol to the Convention on the involvement of children in armed conflict in November 2004 and the Optional Protocol on the sale of children, child prostitution and child pornography in April 2003.

In August 2004, the United Republic of Tanzania submitted its second periodic report on the Convention. The report was considered by the Committee on the Rights of the Child in Geneva in May 2006. The present report is the United Republic of Tanzania's initial report on the Optional Protocol on the involvement of children in armed conflict submitted in accordance with article 8, paragraph 1. In preparing this report, the United Republic of Tanzania followed the guidelines adopted by the Committee.

Background

The United Republic of Tanzania is a peaceful country in a troubled region. Armed groups do not operate in or from its territory. The United Republic of Tanzania has been involved in a situation of armed conflict only once since its independence when in 1979 Ugandan troops, under the rule of former President Idi Amin, briefly invaded the north-west of the country. Although the United Republic of Tanzania does not have a long history of armed conflict, it has nevertheless demonstrated its commitment to international

humanitarian laws related to conflict and has acceded to or ratified a number of key conventions including the Optional Protocol pursuant to which this report was prepared.

The Government of Tanzania, together with the United Nations High Commissioner for Refugees, jointly operates a separation facility for any subversive activities. This is to ensure that refugee designated areas maintain a civilian and humanitarian character.

Status of the Optional Protocol in domestic law

The United Republic of Tanzania acceded to the Optional Protocol on the involvement of children in armed conflict in November 2004 without reservation. As a common law country, international treaties have to be specifically adopted into domestic legislation before they become binding within the State (dualistic system). This is usually accomplished through enacting a piece of “stand alone” legislation or, more commonly, amending existing legislation through “consequential amendments”.

The Government has yet to incorporate international humanitarian laws (such as the Convention on the Rights of the Child and its Optional Protocols) into its domestic legislation, and is exploring appropriate modalities for their incorporation. It is also in the process of establishing an international humanitarian committee that will be responsible for ensuring compliance with the requirements of international humanitarian laws, including the Optional Protocols to the Convention.

Minimum age for recruitment and safeguards

Although in exceptional circumstances the law allows for the recruitment of persons under the age of 18 years, in practice there has been no such recruitment, and no members of the Tanzania People Defence Forces (TPDF) are under 18. The Tanzania People's Defence Forces is manned solely by volunteers and there is no conscription. No schools are under the control of the TPDF.

Disarmament, demobilization and reintegration

Since the United Republic of Tanzania has not recruited or used persons in hostilities contrary to the Optional Protocol, there are no measures in place with regard to disarmament or demobilization or for the physical and psychological recovery and social reintegration of soldiers.

Land mines

In consideration of the devastating effects of anti-personnel mines on children, the United Republic of Tanzania ratified the Ottawa Convention in 2002. In May 2005, the United Republic of Tanzania reported that it still retained 23,987 stockpiled landmines for military purposes. Subsequently 22,885 have been destroyed, and only 1,102 are retained for military purposes.

Implementation and dissemination of the Optional Protocol

The departments responsible for the implementation of the Optional Protocol are the Ministry of Defence and National Service, the Ministry of Community Development, Gender and Children, and the Ministry of Justice and Constitutional Affairs. The Optional Protocol has been disseminated and relevant training has been conducted for appropriate professional groups. This report was prepared in consultation with key stakeholders including government departments and institutions, non-governmental organizations (NGOs), international organizations and children.

Introduction

1. The United Republic of Tanzania ratified the Convention on the Rights of the Child in 1991. It acceded to the Optional Protocol to the Convention on the involvement of children in armed conflict in November 2004 and the Optional Protocol on the sale of children, child prostitution and child pornography in April 2003.

2. In August 2004, the United Republic of Tanzania submitted its second periodic report on the Convention. The report was considered by the Committee on the Rights of the Child in Geneva in May 2006. The present report is the United Republic of Tanzania's initial report on the Optional Protocol on the involvement of children in armed conflict submitted in accordance with article 8, paragraph 1. In preparing this report, the United Republic of Tanzania followed the guidelines adopted by the Committee.

3. In addition to the Convention, the United Republic of Tanzania ratified the African Charter on the Rights and Welfare of the Child in March 2003, and will submit its initial report on the Charter to the African Committee of Experts in 2006.

4. Many partners have been consulted in the preparation of this report, including government departments, NGOs and relevant international organizations, such as the United Nations High Commissioner for Refugees and the International Committee of the Red Cross (ICRC) (see annex below). In July 2006, an initial draft of this report was disseminated to all stakeholders, and a consultative meeting was held to discuss the report and agree on the sufficiency and correctness of the information contained therein. The present report is the final outcome of that process.

IMPLEMENTATION OF THE OPTIONAL PROTOCOL: OVERVIEW

Background

5. The United Republic of Tanzania has only once been involved in a situation of armed conflict when in 1979, Uganda, under the rule of former President Idi Amin - invaded the Kagera Region, in north-west Tanzania. The United Republic of Tanzania's then President, Julius Nyerere, declared war on Uganda and armed forces were deployed. The latter successfully removed Ugandan armed forces from Tanzanian territory.

6. Although the United Republic of Tanzania does not have a long history of armed conflict, it has nevertheless demonstrated its commitment to international humanitarian laws related to conflict. For example, the United Republic of Tanzania:

Acceded to the 1949 Geneva Conventions in 1962;

Ratified the two 1977 Additional Protocols to the Geneva Conventions in 1983;

Ratified the 1997 Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and their Destruction in 2002;

Ratified the 1998 Rome Statute of the International Criminal Court in 2002;

Ratified the International Labour Organization (ILO) Convention on the Worst Forms of Child Labour, 1999 (No. 182).

Status of the Optional Protocol in domestic law

7. The United Republic of Tanzania acceded to the Optional Protocol on the involvement of children in armed conflict in November 2004 without reservation. As a common law country, international treaties must be specifically adopted into domestic legislation before they become binding within the State (dualistic system). This is usually done by enacting a piece of “stand alone” legislation or, more commonly, amending existing legislation through “consequential amendments”.

8. Since the United Republic of Tanzania has not yet incorporated international humanitarian laws (such as the Convention on the Rights of the Child and its Optional Protocols) into its domestic legislation, it is looking into modalities for implementing these instruments. It is also establishing an international humanitarian committee that will be responsible for ensuring compliance with the requirements of international humanitarian laws, including the Optional Protocols to the Convention.

9. The Government is also currently examining a proposal submitted by the Ministry of Community Development, Gender and Children to establish a national coordination body to be responsible for coordinating all matters related to child rights at all levels. The proposed body would be expected to establish a mechanism and procedures for the periodic evaluation of the implementation of this Optional Protocol. It is expected to involve NGOs and civil society organizations.

Other humanitarian measures taken to ensure protection and care of children

10. The United Republic of Tanzania, in consideration of the devastating effects of anti-personnel mines on children, ratified the Ottawa Convention in 2002. In compliance with the Convention, the Government reports annually to the United Nations Secretary-General in April each year. In May 2005, the United Republic of Tanzania reported that it still retained 23,987 stockpiled landmines for military purposes. Subsequently 22,885 have been destroyed, and only 1,102 are retained for military purposes.

A. Ensuring that persons under the age of 18 years do not take part in hostilities, and are not subject to compulsory recruitment (arts. 1 and 2)

11. In the United Republic of Tanzania, “direct participation” is taken to mean active engagement in combat whether offensive or defensive. This meaning is derived from practice and is not defined in the National Defence Act and Regulations.

12. Although in exceptional circumstances the law allows for the recruitment of persons under the age of 18 years, in practice there has been no such recruitment, and no members of the Tanzania People Defence Forces (TPDF) are under 18.

13. The Tanzania People’s Defence Forces is manned solely by volunteers and there is no conscription. The labour laws in the United Republic of Tanzania prohibit forced labour including any work exacted under the National Defence Act for work of a military character. The United Republic of Tanzania labour laws are in compliance with the ILO Convention on the Worst Forms of Child Labour, 1999 (No. 182), which includes prohibition of forced or compulsory recruitment of children in armed conflict.

B. Minimum age of recruitment into the armed forces (arts. 3 and 4)

Minimum age and qualifications for enrolment

14. The minimum age set for voluntary recruitment into the TPDF in accordance with article 3, paragraph 2, of the Optional Protocol is 18 years of age. A person is eligible for enrolment in the Tanzania Defence Forces if he or she is:

A citizen of the United Republic of Tanzania;

Of “good” character;

Of the “apparent” age of 18 years;

Has completed secondary education.

Safeguards concerning voluntary recruitment

15. The procedure for recruitment involves announcing the vacancy in the print media; selection at District and Regional levels; and final selection at TPDF Headquarters. Candidates are required to produce their original academic and birth registration certificates. Candidates also undergo a medical examination to certify their physical and mental fitness. During enrolment, candidates are informed

of their duties in accordance with the code of service discipline.

Minimum time of service

16. Officers may serve either for an indefinite or fixed term not exceeding nine years. For men not of officer rank, the minimum period of service is six years.

17. No schools are operated by, nor are under the control of, the Tanzania People's Defence Forces as specified under article 3, paragraph 5 of the Optional Protocol. No armed groups operate in or from Tanzanian territory. The United Republic of Tanzania also prohibits refugees from engaging in activities that may compromise civilians and which are contrary to humanitarian laws, such as recruiting soldiers. The Government of Tanzania - together with the United Nations High Commissioner for Refugees jointly operates a separation facility for any subversive activities. This is to ensure that refugee designated areas maintain a civilian and humanitarian character.

C. Implementation and dissemination of the Optional Protocol (arts. 5 to 7)

18. The United Republic of Tanzania acceded to the Optional Protocol without reservation. The departments responsible for the implementation of the Optional Protocol are the Ministry of Defence and National Service, the Ministry of Community Development, Gender and Children, and the Ministry of Justice and Constitutional Affairs.

19. The Government is looking at ways of incorporating international humanitarian laws (such as the Geneva Conventions, the Rome Statute of the International Criminal Court, the Convention on the Rights of the Child, and its Optional Protocols) into its domestic legislation. The Government is also in the process of establishing an international humanitarian committee that will be responsible for ensuring compliance with the requirements of international humanitarian laws, including the Optional Protocols to the Convention.

20. The TPDF is one of the few government institutions to have integrated international humanitarian law into its training curriculum, with all levels of command regularly trained on key principles. The International Committee of the Red Cross (ICRC) has collaborated with the TPDF on training seminars/workshops and provided technical assistance.

21. International humanitarian law is also disseminated under the African Union Conflict Mechanism for Prevention, Management and Resolution. Dissemination and advocacy programmes on international humanitarian law are conducted and supported by the ICRC in collaboration with the Ministry of Justice and Constitutional Affairs and are aimed at relevant government departments and institutions including NGOs. So far three workshops have been conducted with government departments and other institutions responsible for implementing international humanitarian laws.

22. The Government also collaborates with the Tanzania Red Cross Society to conduct educational programmes, on concepts of international humanitarian law, at schools for members of the public, with the objective of preparing the public to render humanitarian assistance if and when the need arises. The Red Cross Society also runs a radio programme focused on issues of international humanitarian law. In addition, the Faculty of Law in the University of Dar es Salaam has introduced humanitarian law as an optional subject. The University also cooperates with other universities in the Southern Africa Development Community (SADC), and the East African Community by sharing information on international humanitarian law and updating curricula.

23. The United Republic of Tanzania participates once a year, through relevant departments and ministries, in the annual regional seminar on the implementation of international humanitarian law in Southern Africa organized by ICRC. In this seminar, every participant country submits a report on the progress made in implementing international humanitarian law and is also brought up to date with new developments.

24. In May 2006, the Ministry of Community Development, Gender and Children (MCDGC) disseminated the Optional Protocol to its personnel through a training programme that focused on child rights, and included key reports such as those of the Convention and its two Optional Protocols, and of the African Charter on the Rights and Welfare of the Child. Participants included 86 community development officers at regional and district levels, and 15 Principals of the Folk Development Colleges from 12 regions of mainland Tanzania. An action plan was adopted for implementing child rights within the participants' respective areas of work, including training their communities so as to promote and safeguard child rights. The MCDGC intends to expand training to other regions and up to the ward level. All documents have been translated into Kiswahili language to facilitate widespread dissemination.

25. Further awareness of the Optional Protocol has been fostered through individual consultations during the preparation of this report and in the deliberation of the draft report at the consultative stakeholders' meeting. The participants at the stakeholders' meeting included representatives from relevant government ministries/departments, the United Nations and international organizations and NGOs.

26. A three-day child forum meeting was also conducted at which children from eight districts on the mainland participated in the deliberations on the African Charter and the Optional Protocols.

Disarmament, demobilization and reintegration (art. 6, para. 3)

27. Since the United Republic of Tanzania has not recruited or used persons in hostilities contrary to the Optional Protocol, there are no measures in place with regard to disarmament or demobilization or for the physical and psychological recovery and social reintegration of soldiers.

Annex

Sources of information

A. Consultations

1. In order to obtain the information contained in this report, consultations with the following institutions, organizations, and fora were held:

(a) Government departments and Statutory Bodies | The Ministry of Justice and Constitutional Affairs; the Ministry of Defence and National Service; the Ministry of Foreign and International Cooperation; the Ministry of Home Affairs (Refugees Department); the Ministry of Labour, Employment and Youth Development; and the Faculty of Law at the University of Dar es Salaam;

(b) Non-governmental organizations - Tanzania Red Cross Society (TRCS);

(c) United Nations agencies - the United Nations Children's Fund, the International Labour Organization; and the International Committee of the Red Cross.

B. References

2. The following consists of a list of references used in the report:

(a) The United Republic of Tanzania's initial report on the implementation of the Convention on the Rights of the Child (submitted in 1998);

(b) The United Republic of Tanzania's second periodic report on the implementation of the Convention on the Rights of the Child (submitted in August 2004);

(c) The United Republic of Tanzania Law Reform Commission Report on the Law relating to Children (1994);

(d) Second and Third Annual Regional Seminar Reports of the ICRC on the implementation of international humanitarian law in Southern Africa and the Indian Ocean.
