



Convention on the Rights of the Child

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COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-ninth session

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

Concluding observations: United-Republic of Tanzania

The Committee considered the initial report of United Republic of Tanzania (CRC/C/OPAC/TZA/1) at its 1363rd and 1364th meetings (CRC/C/SR.1363 and CRC/C/SR. 1364), held on 29 September 2008, and adopted, on 3 October 2008, the following concluding observations:

Introduction

The Committee welcomes the submission of the State party's initial report and the replies to its list of issues (CRC/C/OPAC/TZA/Q/1/Add.1). The Committee expresses appreciation for the frank dialogue held with the high-level and multi-sectoral delegation.

The Committee reminds the State party that these concluding observations should be read in conjunction with its previous concluding observations adopted on the State party's second periodic report (CRC/C/TZA/CO/2) and with the concluding observations adopted on the initial report under the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/OPSC/TZA/CO/1).

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Positive aspects

The Committee welcomes the information that, children below 18 cannot participate in hostilities and that the Tanzania People's Defence Forces is manned solely by volunteers and that there is no conscription.

The Committee also welcomes the ratification by the State party of:

The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography in 2004;

The International Labour Organization (ILO) Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour in 2001;

The African Charter on the Rights and Welfare of the Child in 2003;

The Rome Statute of the International Criminal Court in 2002; and

The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and their Destruction in 2000.

I. General measures of implementation

Legal status

The Committee welcomes the information that a number of laws are under review in order to be in line with the Convention on the Rights of the Child and the two Optional Protocols, in particular the Optional Protocol on the involvement of children in armed conflict. It also notes the plan to adopt a children's act. Nevertheless, the Committee is concerned that there is no schedule for the adoption of the Children's Act, that the two processes are going on simultaneously and that the State party has not specifically incorporated the Optional Protocol on the involvement of children in armed conflict into its domestic law.

The Committee recommends that the State party continue and complete the process of adopting a Children's Act and urge it to complete the review of the national legislation in accordance with the provisions of the Optional Protocol.

Coordination

The Committee regrets that the existing coordination mechanisms are inadequate, understaffed and have weak linkages with local authorities. While noting the plan to establish a national body for the coordination of policies at all levels, the Committee is concerned at the lack of effective coordination both in Tanzania Mainland and Zanzibar.

The Committee recommends that a high-level national body be appointed, provided with adequate human and financial resources in order to ensure that a harmonized coordination is provided in Tanzania Mainland as well as in Zanzibar with regard to the implementation of children's rights and in particular the Optional Protocol.

Dissemination and training

The Committee welcomes the efforts undertaken by the State party in translating the Optional Protocol in Kiswahili language to facilitate widespread dissemination. It also notes the training programme focused on child rights, including the Optional Protocol, for participants from various regional and district levels of Tanzania Mainland. The Committee is however concerned that specific information on the Optional Protocol is not yet included in all training programmes and school curricula. It is further concerned that the Kiswahili used to translate the Optional Protocol is too technical and not user-friendly.

The Committee encourages the State party to continue providing training on the Optional Protocol to members of the armed forces and groups of professionals dealing with children, such as teachers, authorities working for and with asylum-seeking and refugee children coming from countries affected by armed conflict, lawyers and judges, the media and police in Tanzania Mainland and Zanzibar. Furthermore, it recommends that the State party enhance its efforts to make the Optional Protocol widely known to the public at large and in particular to children and their parents through, inter alia, school curricula at all levels integrated with human rights education, and through the provision of a more user-friendly Kiswahili version.

Data collection

The Committee is concerned at the lack of data on former child soldiers seeking asylum in the United Republic of Tanzania, especially in the north-western part of the country.

The Committee recommends that a comprehensive data collection system is established in order to ensure that data, disaggregated, inter alia, by age, sex, socio-economic background and geographical area, including asylum-seeking and migrant children, are systematically collected and analysed as they provide essential tools for measuring policy implementation. The State party should seek the assistance of United Nations agencies and programmes, including the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Children's Fund (UNICEF), in this regard.

Independent monitoring

The Committee reiterates its concern expressed upon consideration of the second periodic report of Tanzania under the Convention (CRC/C/TZA/CO/2) about the lack of accessibility and availability of the Commission for Human Rights and Good Governance to all children in the country.

The Committee recommends that the State party provide necessary human and financial resources to ensure that the Commission for Human Rights and Good Governance can be easily accessible for all children at the local and regional levels to complain of any violation of their rights, including those covered by the Optional Protocol.

II. Prevention

Voluntary recruitment

The Committee appreciates the fact that the State party has no compulsory recruitment and that the minimum age for the voluntary recruitment of persons into its national armed forces is 18 years, but notes that in exceptional circumstances the law allows for the recruitment of persons under the age of 18. The Committee is also concerned that the gaps in the birth registration system may allow the recruitment of persons under 18.

The Committee recommends that the State party consider reviewing its legislation in order to absolutely ensure that no person under 18 years can be recruited. It further encourages that the State party enhance its birth registration system.

Birth registration

The Committee appreciates the information that a new agency, Registration, Insolvency and Trusteeship Agency (RITA) in charge of restructuring the birth registration system is now active and that its campaign to raise awareness on the importance of birth registration is effective and that a large number of newborns and children have been registered. However, the Committee remains concerned at the very low level of birth registration in the country, in particular in remote and rural areas, which poses important difficulties in the implementation of the Optional Protocol.

The Committee reiterates its recommendation made upon the consideration of the second periodic report of Tanzania under the Convention (CRC/C/TZA/CO/2, para. 32). In particular, the State party should ensure free birth registration

and introduce mobile birth registration units in order to reach the remote and rural areas throughout the country.

III. Prohibition and related matters

Criminal legislation and regulation in force

The Committee is concerned at the lack of specific legislation which prohibits the involvement of children in hostilities.

The Committee recommends that the State party:

Ensure that the violation of the provisions of the Optional Protocol regarding the recruitment and involvement of children in hostilities be explicitly criminalized in the State party's legislation;

Establish extraterritorial jurisdiction for these crimes when they are committed by or against a person who is a citizen of or has other links with the State party; and

Ensure that military codes, manuals and other military directives are in accordance with the provisions and the spirit of the Optional Protocol.

IV. Protection, recovery and reintegration

Assistance for physical and psychological recovery

While appreciating the cooperation between the State party and UNHCR, the Committee notes that the State party receives a high number of asylum-seeking and migrant children, including a number of former child soldiers coming from areas affected by armed conflicts. The Committee is concerned that no specific action is undertaken to identify these children with a view to providing them with specific assistance.

The Committee recommends that the State party assess the situation of children entering t Tanzania who may have been recruited or used in hostilities abroad, and provide them with culturally sensitive and multidisciplinary assistance for their physical and psychological recovery and their social reintegration in accordance with article 6, paragraph 3 of the Optional Protocol.

V. International assistance and cooperation

The Committee, while noting that the State party has adopted the Arms and Ammunition Act in 2002 which prohibits the trade and export of small arms and weapons, remains concerned at the fact that there exists no specific limitation of transportation of arms through the United Republic of Tanzania where the arms are destined to countries where children may be recruited or used in hostilities.

The Committee recommends that the State party further strengthen its normative framework by considering introducing a specific prohibition with respect to the sale of arms to countries where children have been known to be or may potentially be recruited or used in hostilities.

The Committee further recommends that the State party, in accordance with article 7 of the Optional Protocol, strengthen its cooperation in the implementation of the present Optional Protocol, including in the prevention of any activity contrary thereto and in the rehabilitation and social reintegration of persons who are victims of acts contrary to the provisions of the Optional Protocol, including through technical cooperation and financial assistance.

VI. Follow-up and dissemination

Follow-up

The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia, by transmitting them to the members of the Union Parliament, the House of Representatives of Zanzibar,

the Ministry of Defence and to local authorities, where applicable, for appropriate consideration and further action.

Dissemination

The Committee recommends that the initial report submitted by the State party and concluding observations adopted by the Committee be made widely available to the public at large in order to generate debate and awareness of the Optional Protocol, its implementation and monitoring.

VII. Next report

In accordance with article 8, paragraph 2, the Committee requests the State party to include further information on the implementation of the Optional Protocol in its combined third and fourth periodic report under the Convention on the Rights of the Child, in accordance with article 44 of the Convention, due on 9 January 2012.

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