



**Convention on the Rights  
of the Child**

Distr.  
GENERAL

CRC/C/SR.1364  
19 December 2009

ENGLISH  
Original: FRENCH

---

COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-ninth session

SUMMARY RECORD OF THE 1364th MEETING

Held at the Palais Wilson, Geneva,  
on Monday, 29 September 2008, at 3 p.m.

Chairperson: Ms. LEE

CONTENTS

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of the United Republic of Tanzania under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (continued)

Initial report of the United Republic of Tanzania under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (continued)

---

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Editing Unit, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The meeting was called to order at 3 p.m.

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

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

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

1. At the invitation of the Chairperson, the delegation of the United Republic of Tanzania took places at the Committee table.

2. Mr. CITARELLA asked for additional information about the distribution of resources between mainland Tanzania and Zanzibar and as to whether the State party had two systems of criminal justice or only one. Despite the large number of cases of the sale of children recorded in Tanzania, it seemed that the offence was not prosecuted as such, even though there was a trafficking bill. He would therefore like to know whether the State party planned to establish the sale of children as a crime in its legislation. And did Tanzania's legislation contain a clear definition of child pornography?

3. He also wished to know whether Ministry of Defence personnel received instruction in the provisions of the Optional Protocol on the involvement of children in armed conflict.

4. Mr. PURAS asked what steps the State party was taking to furnish assistance to child victims of sexual exploitation and to prevent street children from being subjected to punitive and repressive measures, and whether there were any social rehabilitation and reintegration services for street children.

5. Mr. PARFITT noted that, according to the statistics, more than 55 per cent of the children involved in child prostitution were orphans and that some 25 per cent of them came from single-parent families and asked whether the State party was formulating prevention programmes targeted on such children. He also asked whether the Commission for the Promotion of Human Rights and Good Governance operated local services and whether it had personnel responsible for handling complaints of violation of the rights covered by the Optional Protocol. He said that he was surprised that Tanzania's courts had not had to try any cases of trafficking in children and asked what arrangements were in place to prevent sex tourism.

6. Mr. ZERMATTEN (Country Rapporteur for the Optional Protocol on the involvement of children in armed conflict) asked whether Tanzania's criminal law recognized the criminal responsibility of moral persons in respect of the offences covered by the Optional Protocol and whether the State party had established its extraterritorial jurisdiction with regard to such offences committed abroad against Tanzanian nationals.

7. He enquired further about the status of child witnesses in criminal proceedings and whether the codes of penal procedure provided such measures of protection as the use of audiovisual devices and a limit on the number of appearances by a child and whether they established the right to compensation.

8. He also asked whether the telephone hotline project for child victims had proved successful and requested additional information about any cases of the sale of children for ritual sacrifice connected with sorcery.

9. Ms. ORTIZ asked about the ways in which the State party collaborated with the media to prevent the sale of children and whether the 2002 Adoption Act, which was being amended, was consistent with article 21 of the Convention. Did the State party envisage ratifying the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption?

10. Noting that according to some reports children were sold for adoption in the United States, the United Kingdom and the United Arab Emirates and that in the refugee camps children from poor families were given up in exchange for bribes, she asked for additional information on those practices and whether steps had been taken to prevent them and prosecute their perpetrators. She asked about the impunity of police officers and whether they received instruction in the provisions of the Optional Protocol.

11. Mr. KRAPPMANN asked whether children's right to privacy was protected in all judicial proceedings and whether action had been taken to make children aware of the risks and dangers of the offences covered by the Optional Protocol.

The meeting was suspended at 3.20 p.m. and resumed at 3.40 p.m.

12. Ms. MALECELA (United Republic of Tanzania) said that the authorities were currently compiling a national database but technical and financial assistance would be needed for completion of the project. The authorities also sought assistance from the members of the Committee in order to be able to produce future reports in accordance with the guidelines.

13. The National Action Plan for implementing the "World Fit for Children" programme by 2015 would be revised in order to include matters connected with the two Optional Protocols. The Commission for the Promotion of Human Rights and Good Governance had undertaken to circulate the provisions of the Optional Protocols to the police authorities, the media and social workers in 11 of Tanzania's 26 regions, but the Commission would need additional resources to cover the whole country. The Ministry for Community Development, Gender and Children was organizing training for police officers, judges, prison personnel, and social workers.

14. Activities connected with the protection and defence of children's rights were funded under a global budget; there were no specific budget lines for the areas covered by the Optional Protocol. A working group on public spending on children had been set up in order to monitor the use of budget appropriations for children in all sectors. Its report on its work had not yet been published.

15. Ms. AIDOO (Country Rapporteur for the Optional Protocol on the sale of children, child prostitution and child pornography) asked whether that working group was ensuring that the global budget was sufficient for funding to be allocated for the protection of children against the offences covered by the Optional Protocol.

16. Ms. MWAFFISI (United Republic of Tanzania) said that working group took the matters addressed by the Optional Protocol into consideration when examining public spending on children.

17. Ms. MALECELA (United Republic of Tanzania) said that the authorities were not aware of any cases of the sale of children; she invited the Committee to disclose to the delegation the reports in its possession which indicated that such cases existed.

18. The number of rural children employed as domestic servants in the towns was declining as a result of the opening of secondary schools in rural areas and the conduct of awareness-raising campaigns aimed at parents.

19. Parents who authorized the early marriage of their children were prosecuted under the criminal law, as were persons who engaged in the sexual exploitation of children.

20. Ms. HERCZOG asked whether the Government was considering, as an alternative to the imposition of sanctions, carrying out awareness-raising campaigns to encourage parents to keep their children in school and deter them from marrying too early.

21. Ms. MALECELA (United Republic of Tanzania) said that awareness-raising went hand in hand with sanctions where early marriage was concerned. With regard to teenage pregnancies, arrangements were in place to allow teenage mothers to return to school after childbirth.

22. The authorities had investigated the reasons for the killing of albinos and had implemented awareness-raising activities. A task force on violence against albinos had been set up.

23. Sexual violence against children was addressed specifically in the Sexual Offences (Special Provisions) Act. The sexual exploitation of a child attracted a prison sentence of up to 30 years. With the backing of non-governmental organizations (NGOs) the Government was providing psychological treatment and support for children involved in prostitution.

24. Ms. SMITH asked for details of the judicial systems of mainland Tanzania and Zanzibar.

25. Mr. PARFITT said that according to some reports child victims of prostitution were prosecuted while little was done about the procurers who exploited them. He requested further information on the point.

26. Ms. MALECELA (United Republic of Tanzania) said that the judicial systems of mainland Tanzania and Zanzibar were similar. For example, the sale of children, child prostitution and child pornography were offences under the Penal Code and the Sexual Offences (Special Provisions) Act of both the mainland and Zanzibar. The Commission for the Promotion of Human Rights and Good Governance had offices in both locations.

27. Child victims of sexual offences were not prosecuted. She invited the members of the Committee to transmit the information in their possession to the Tanzanian authorities, which would act on it as necessary.

28. In proceedings concerning sexual offences committed against children the hearings were held behind closed doors. Police officers enjoyed no immunity. For example, a former chief of police had recently been charged with murder.

29. Ms. MWAFFISI (United Republic of Tanzania) added that the Tanzanian Police Female Network was specifically responsible for dealing with violence against women and children.

30. Ms. MALECELA (United Republic of Tanzania) said that the High Court exercised jurisdiction over adoption cases. It did not make decisions in such cases until it was certain that all the requirements of the law had been satisfied. Prior inquiries were made to verify that the child in question was not being adopted for sale or involvement in prostitution. The best interests of the child was one of the factors taken into consideration by the High Court.
31. Mr. KYARA (United Republic of Tanzania) said that since there had been little research into sex tourism in Tanzania it was difficult to assess the extent of the phenomenon.
32. Ms. AIDOO asked whether the Ministry of Health and Social Welfare acted alone when dealing with children subjected to trafficking, prostitution or pornography or whether it acted in coordination with other ministries.
33. Mr. CITARELLA noted that the sale of children was not a crime and asked under what law proceedings could be taken against a foreigner who came to Tanzania to buy a child.
34. Ms. MALECELA (United Republic of Tanzania) said that such a case would be covered by the trafficking legislation. The authorities would ensure that the sale of children was duly criminalized during the revision of the legislation on children.
35. Ms. SMITH asked about the harmonization of mainland and Zanzibar law, in particular whether, as part of the revision of the legislation on children, the law applicable in Zanzibar would also be amended to cover the sale of children. She also asked how the Government ensured that the provisions of the Optional Protocol were respected both on the mainland and in Zanzibar and whether the application of the law was coordinated.
36. Mr. LUMBANGA (United Republic of Tanzania) said that Zanzibar had its own prosecution service and its own courts. The judicial system was independent of the Executive both on the mainland and in Zanzibar. Legislative authority was exercised on the mainland by Parliament and in Zanzibar by the House of Representatives.
37. The CHAIRPERSON asked whether arrangements were in place to ensure that an offence committed in one part of the Union could be prosecuted in the other.
38. Ms. KYARA (United Republic of Tanzania) said that each part of the Union had its own legislation and that Zanzibar, just like mainland Tanzania, was in the process of revising all its legislation on children to bring it into line with the provisions of the Optional Protocol. That process was being supervised by a coordination committee under the auspices of the competent ministries of the two parts of the Union. There might be slight differences between the two parts but their legislation was substantially the same.
39. Ms. SITTA (United Republic of Tanzania) said that the competent ministries of the two parts of the Union held joint meetings on the application of the Convention and the Optional Protocols.
40. Ms. MWAFFISI (United Republic of Tanzania) said that Tanzania had not yet ratified the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption but did apply some of its provisions. She assured the members of the Committee that there was no way in which adoption could become a means of personal enrichment, for the adoption procedures were stringent. Furthermore, Tanzania had an organized system of social

workers who could intervene at all levels, local, district and national, thus ensuring the regularity of the procedures followed.

41. Ms. KYARA (United Republic of Tanzania) added that any foreigner wishing to adopt a Tanzanian child had to live in Tanzania and hold a residence permit; that requirement made it possible to investigate the person in detail.
42. Mr. PARFITT asked whether any child protection services had been put in place, both to prevent orphans from becoming involved in prostitution and to assist those who were already working as prostitutes.
43. Ms. MWAFFISI (United Republic of Tanzania) said that the large number of AIDS-orphans was one of the serious problems confronting Tanzania and that NGOs played a leading and praiseworthy role in caring for such children, a role which the Government would be unable to take on alone owing to the country's vast size. A plan dealing with the most vulnerable groups, including orphans, was currently being carried out in all the country's districts by the Ministry of Health and Social Welfare, in collaboration with NGOs, religious groups and various other stakeholders.
44. The children's telephone hotline ought to become operational shortly thanks to the financial support of a number of partners, including the United Nations Children's Fund (UNICEF).
45. Ms. MALECELA (United Republic of Tanzania) said that in cases of violation of the rights protected by the Convention and the Optional Protocols involving a Tanzanian victim and a foreign perpetrator the Tanzanian courts relied for the purposes of their judgments on the extradition agreements and other bilateral and multilateral agreements to which Tanzania was a party.
46. Mr. ZERMATTEN said that it would indeed be useful for Tanzania to revise its legislation since, as things stood at present, Tanzanian courts could not try the alleged perpetrator of an offence committed against a Tanzanian national outside Tanzanian territory unless there was a bilateral agreement between Tanzania and the perpetrator's country of origin.
47. Ms. MALECELA (United Republic of Tanzania) said that the authorities would examine the question of extraterritorial jurisdiction as part of the revision of the country's legislation.
48. Mr. RWE GASIRA (United Republic of Tanzania) said that members of the peacekeeping operations in which Tanzania took part who were about to be sent on mission abroad were made aware of the provisions of the two Optional Protocols as part of their training at the Dar es Salaam training centre. However, national service recruits and members of the Tanzanian army did not receive any instruction in human rights as part of their basic training.
49. The CHAIRPERSON asked for additional information about the situation of child prostitutes in Dar es Salaam, who were driven out of the town by the municipal authorities, in particular about the way in which such operations were conducted.
50. Mr. LUMBANGA (United Republic of Tanzania) said that from time to time the police and the municipal authorities raided the town's brothels in order to combat prostitution, but such operations were not targeted specifically on children.

51. The many child prostitutes on the streets of Dar es Salaam were cared for by NGOs, which, in collaboration with the competent governmental authorities, ensured that they attended rehabilitation programmes and rejoined the school system. They could even be paid a sum of money to enable them to start up an income-earning activity. The aim was to help them, not to prosecute and convict them of an offence.

52. Ms. MWAFFISI (United Republic of Tanzania) said that the Government was working in close collaboration with its partners to assess the magnitude of the problem of street children, with a view to introducing appropriate and targeted measures.

53. Mr. POLLAR said that it was an advantage that English was one of Tanzania's official languages, for that obviated the need to translate the Convention and the Optional Protocols and facilitated their dissemination. However, it would be useful to produce a simplified version of the texts which everyone could understand. Partners such as UNICEF might participate in such a project.

54. Ms. MWAFFISI (United Republic of Tanzania) said that the fact that the people spoke English was indeed an advantage, but the country's vastness and its lack of resources made the widespread dissemination of the Convention and the Protocols difficult. However, the Government was already working with UNICEF on the preparation of a simplified version of the Protocols.

55. Ms. AIDOO (Country Rapporteur for the Optional Protocol on the sale of children, child prostitution and child pornography) said that she welcomed the frank dialogue established with the Tanzanian delegation and the Government's clear political will to adopt legal, administrative and other measures to deliver better protection for the country's children. She was glad that the State party had formulated research programmes to provide a better picture of the problems encountered and of their scope, with a view to finding suitable solutions, for absence of complaint did not necessarily signify absence of offence.

56. She also welcomed the initiation by the State party of a revision of its legislation, both on mainland Tanzania and in Zanzibar, and its willingness to take the Committee's observations into consideration in that process.

57. Ms. SITTA (United Republic of Tanzania) said that she welcomed the constructive dialogue established with the members of the Committee and assured them that all of their suggestions and observations would be kept in mind during the revision of the legislation on children.

58. The CHAIRPERSON noted that Tanzania was to submit its second periodic reports under the Optional Protocols in 2011, when its second and fourth periodic reports on the application of the Convention would also be due.

59. The delegation of Tanzania withdrew.

The meeting rose at 5 p.m.

-----