Implementing Child Rights in Tanzania

What is working well, what is not?

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THE AFRICAN CHILD POLICY FORUM (ACPF)

TThe African Child Policy Forum (ACPF) is an independent, not-for-profit, pan-African centre of policy research and advocacy on the African child. We were established in 2003 out of concern about the situation of the African child, and the need for us – Africans – to recognise our collective responsibility to ensure the realisation of all rights for all children.

The major focus of our work is the promotion of State Accountability. We are convinced that sustained change can come about only through vigorous state action, and that this can be brought about only by advocacy especially by us, Africans, and African civil society. The major pillars of our work are: Knowledge-building; Policy advocacy; Policy dialogue; and the creation of a stronger collective voice for children in Africa. Only by so doing can we hold our governments accountable and help establish an Africa where our children will have roots to stand on and wings to fly.

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ACRONYMS AND ABBREVIATIONS

ACPF	The African Child Policy Forum
ACRWC	African Charter on the Rights and Welfare of the Child
BRN	Big Results Now
CDO	Community Development Officer
CHRAGG	Commission for Human Rights and Good Governance
CPT	Child Protection Team
CRC	Committee on the Rights of the Child
CRSA	Child Rights Situation Analysis
CSO	Civil Society Organisation
DCPT	District Child Protection Team
DSW	Department of Social Welfare
ECD	Early Childhood Development
FGM/C	Female Genital Mutilation/Cutting
GBV	Gender-Based Violence
LGA	Local Government Authority
LHRC	Legal and Human Rights Centre
M&E	Monitoring and Evaluation
MCDGC	Ministry of Community Development, Gender and Children
MCLA	Ministry of Constitutional and Legal Affairs
MDA	Ministries, Departments and Agencies
MHCDGEC	Ministry of Health, Community Development, Gender, Elderly and Children
MKUKUTA	Mkakati wa Kukuza Uchumi na Kuondoa Umaskini Tanzania (national strategy for growth and reduction of poverty)
MKUZA	Mkakati wa Kukuza Uchumi na Kuondoa Umaskini Zanzibar (see MKUKUTA)
MOEVT	Ministry of Education and Vocational Training
MOHSW	Ministry of Health and Social Welfare
MSTF	Multi-Sectoral Task Force
MSWYWCD	Ministry of Social Welfare, Youth, Women and Child Development
MTEF	Mid-Term Expenditure Framework
MVC	Most Vulnerable Children
MVCC	Most Vulnerable Children Committee
NAP	National Action Plan
NCPA	National Costed Plan of Action
NGO	Non-governmental Organisation
NHRAP	National Human Rights Action Plan
NPA	National Plan of Action
NSC	National Steering Committee
PMO	Prime Minister's Office
PMO-RALG	Prime Minister's Office – Regional Administration and Local Government
PO-RALG	President's Office – Regional Administration and Local Government
RITA	Registration, Insolvency and Trustee Agency
SDG	Sustainable Development Goals

SWASH	School Water, Sanitation and Hygiene
TACAIDS	Tanzania Commission on AIDS
TASAF	Tanzania Social Action Fund
TCRF	Tanzania Child Rights Forum
TDHS	Tanzania Demographic and Health Survey
TGNP	Tanzania Gender Networking Programme
TSED	Tanzania Socio-Economic Database
UNCRC	United Nations Committee on the Rights of the Child
UNCT	United Nations Country Team
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund
VAC	Violence Against Children
VAWC	Violence Against Women and Children

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PREFACE

The experience in implementing child rights in Africa over the last 25 years shows two main things. First, most African governments have made encouraging progress in establishing structures responsible for children's affairs, developing policies and plans of action that target children and increasing their overall efforts to realise the rights and wellbeing of children. This has led to considerable results, particularly in enhancing child survival and improving their access to basic needs and essential services such as education. Second, while these efforts are promising, the implementation of children's rights generally falls short of expectation and remains less effective in terms of fulfilling the ideals of the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child. It is clear that more needs to be done to enhance efficiency and effectiveness of child rights implementation efforts to achieve better results and improve the wellbeing, particularly of marginalised and most vulnerable groups of children.

As part of its pan-African advocacy initiative to put effective child rights implementation high on the agenda, ACPF has dedicated the theme of the fourth edition of its flagship report series – *The African Report on Child Wellbeing 2016 – Getting It Right: Bridging the gap between policy and practice* – to this important issue. The report advocates for a change in the way the structures and systems responsible for children's affairs function and promotes enhanced capacity in implementing agencies and effective delivery of services for all children. This in-depth case study on child rights implementation in Tanzania is part of the multi-country research that informs this report.

This report – *Implementing Child Rights in Tanzania: What is working well, what is not?* – aims to contribute to national efforts to improve the effectiveness of child rights implementation by identifying the systemic and structural challenges that impede the process. Almost all key government and non-government stakeholders in the country have had input or made contributions to the report. We believe that it will help improve main actors' understanding of the dynamics of child rights implementation in Tanzania – particularly around the institutional, planning, coordination, monitoring and accountability mechanisms involved – and therefore help stakeholders develop appropriate strategies to improve performance.

One of the report's main findings is that implementing agencies' capacity limitations and chronic budgetary constraints are the main barriers to ensuring effective child rights implementation. This echoes the call from all stakeholders to change the current situation, characterised by weak structures and largely ineffective coordination and accountability mechanisms.

I join the call and urge all stakeholders at national and sub-national levels to join hands to enhance the effectiveness of implementation efforts by mainstreaming children's issues in their core activities, engaging in collaborative initiatives, improving coordination, increasing budget allocation, enhancing monitoring and accountability mechanisms and improving overall performance.

I hope that policymakers, government and non-government practitioners, civil society at large and academics in Tanzania and other countries of similar context will find this report a useful resource in their efforts to enhance efficiency, achieve child-focused Sustainable Development Goals and fulfil the rights and wellbeing of all children.

Théophane Nikyèma
Executive Director

EXECUTIVE SUMMARY

The 25 years since the adoption of the UN Convention on the Rights of the Child (UNCRC) and the African Charter on the Rights and Welfare of the Child (ACRWC) have seen remarkable progress in ensuring that children's issues are an integral part of development initiatives at all levels – global, regional and national. Tanzania has also made remarkable progress since it ratified the UNCRC and ACRWC.

These positive developments notwithstanding, practical actions for the effective implementation of children's rights fall short of expected commitments. Going forward with the 2030 Agenda for Sustainable Development and the African Union's Agenda 2063 requires strong and effective implementation mechanisms at national and sub-national levels. In view of this, the African Child Policy Forum has chosen child rights implementation as the main theme of the fourth edition of its flagship report series, the *African Report on Child Wellbeing 2016*, to explore the process and identify the bottlenecks that hinder its effectiveness.

As a part of knowledge building and advocacy to strengthen child rights implementation efforts in Africa, we undertook country case studies in Nigeria, Senegal, Egypt, Guinea Bissau and Tanzania. These were based on a solid conceptual and analytical framework that was validated and benefited inputs from senior experts in the field. The Tanzanian case study in particular aims to provide credible and timely information on key aspects of child rights implementation in the country and help the ongoing reform process to further strengthen the structures and systems involved in realising children's rights and achieving better child wellbeing outcomes within the context of its development plan.

Although the study took place in the 3rd quarter of 2015 before the national election, a consequent substantial review incorporated more recent changes. It has also benefited from the National Consultative Workshop held in July 2016 which was organised in collaboration with Tanzania Child Rights Forum (TCRF) with financial support from UNICEF.

The study underscores the significant progress that Tanzania has made over the years in promoting and implementing children's rights. It particularly recognises the Government of Tanzania's efforts and commitment to enhance child protection and combat violence against children and women. The formulation of the National Plan of Action to End Violence Against Women and Children 2016–2021 is a demonstration of the government's renewed commitment to prevent and respond to all forms of neglect, abuse, exploitation and violence against women and children through a comprehensive protection and response system at all levels. Tanzania is also doing very well at ensuring children's access to healthcare and vaccines, resulting in almost universal immunisation coverage for most childhood illnesses.

Education is one of the sectors to make significant improvements over the years. As well as enhancing access to primary and secondary education, early childhood development is being considered as an important aspect in the revision of the forthcoming National Child Development Policy after much discussion among several ministries. The study also noted many good examples of pilot schemes such as a simplified birth registration scheme focusing on children under five and the development of most vulnerable children

committees and district child protection committees to implement and coordinate child rights at sub-national level. These good practices can be scaled up to expand coverage.

The study recognises the recent wave of reforms of the new government, which came into power in November 2015, that aim to improve efficiency in the governance system, reduce costs and bureaucracy, fight corruption and improve the Government's overall performance in delivering services to all its citizens, including children. While these developments are encouraging and form the basis on which to build future interventions, much more needs to be done to fulfil children's rights to survival, protection and development. A significant proportion of children's rights – including the right to adequate nutrition, quality primary and secondary education and protection against abuse and exploitation – remains unfulfilled.

Before the restructure, the Ministry of Community Development, Gender and Children (MCDGC) was mainly responsible for children's affairs. It has now been incorporated wholesale into the Ministry of Health, Community Development, Gender, Elderly and Children (MHCDGEC), with the added portfolio of major social issues such as health and matters relating to the elderly. Despite several constraints, MCDGC registered significant successes in increasing the visibility of children and their rights. These included: enactment of the Law of the Child Act 2009; review of the Child Development Policy to integrate early childhood development issues; inclusion of child rights in the draft constitution; a national survey on violence against children, culminating in the National Plan of Africa (NPA) on Prevention and Response for Violence against Children; establishment of the Multi-Sectoral Task Force for Violence Against Children; and submission of periodic reports to the UNCRC and the ACRWC. The new Ministry, MHCDGEC, has also been engaged, among other things, in the development of the new National Plan of Action to End Violence Against Women and Children 2016–2021, another milestone in the promotion and fulfilment of children's right to adequate protection from violence and exploitation.

However, it was clear from the assessment of past practices and experience that the MCDGC – and therefore, the Child Development Department within it – did not have the organisational and financial strength it needed to effectively coordinate other implementing agencies and hold them accountable for their performances when delivering on their responsibilities on children issues. MCDGC faced severe human resource shortages. Children are a low priority in the budget process and depend on specific projects, largely funded by donors and development partners.

With children's issues repositioned in (MHCDGEC), it is important that they are given adequate attention both within the Ministry and in all other national development endeavours. This restructuring of government offers an opportunity to integrate activities of the Departments for Child Development, Social Welfare and Gender and coordinate their interventions to enhance effectiveness within the MHCDGEC. By establishing functional mechanisms for working together and enhancing it departments' human and financial resource capacity, the new ministry can expand the scope of interventions and address the main challenges to the effective implementation of child rights at all levels.

Child rights implementation has costs and government budgets are key to financing all relevant activities in the process. But there are serious resource constraints to

implementing child rights, as indicated by previous budgets allocated to the MCDGC. Even accounting for the depreciation of the value of the Tanzanian shilling, the increases in allocations are clear. But, given the Ministry's multiple responsibilities, the budget allocated is not commensurate to its portfolio. The new ministry is faced with an impossible task of improving the living conditions of vulnerable groups that constitute more than half the population with limited budgets. Development budgets are often disbursed late (two to three months before the end of the financial year), which also significantly disrupts activities. All of these issues need to be taken into account while budgeting for the new Ministry.

Coordination is complex at both national and lower levels of administration. There are separate coordination mechanisms for the mainland and Zanzibar, as children are not a union matter. Many national plans are also broader in scope and coordinated by different Ministries, Departments and Agencies (MDAs). Although the MCDGC was responsible for coordinating children's issues both at policy and implementation levels, it did not adequately perform this role. Coordination mechanisms work relatively well at Local Government Authority (LGA) level, where all sectors report quarterly to the Director and the Council. At national level, the general tendency has been to move more coordination responsibility overall to the Prime Minister's Office – Regional Administration and Local Government (PMO-RALG) which has now moved to the President's Office (PO-RALG), which has been increasing its capacity to fulfil such a role. But officers interviewed during the assessment noted that the lines of authority between ministries and PMO-RALG were unclear and there were risks of overlap, which undermine the effectiveness of the ministries.

There is an encouraging move to develop a functional coordination mechanism for the implementation of the newly revised NPA to End Violence Against Women and Children 2016–2021 by bringing on board relevant actors at national and lower administrative levels. As experience from previous such arrangements show, coordination mechanisms need to be accompanied with a stronger and functional accountability mechanism to ensure that all actors are effectively playing their part and contributing to the achievement of the targets.

The study examined three major cross-cutting national plans – the National Costed Plan of Action for Most Vulnerable Children 2013–2017; the Multi-Sector NPA to Prevent and Respond to Violence Against Children 2013–2016 (otherwise known as the VAC Plan) and the Five-Year Strategy for Progressive Child Justice Reform 2013–2017 – which provide a good picture of how the government intends to cover a broad range of issues concerning child rights. We noted an overlap of mandates between MDAs, leading to: duplication; the waste of resources; low articulation of authority and mandate by the critical coordinating ministries; financial and human resource constraints; and questionable agenda ownership. Our study also revealed areas of convergence across the three plans and shows that they all adopt a collaborative approach as a multi-sectoral or a multi-stakeholder forum. These similarities present a unique opportunity for creating operational synergies at different levels and establishing joint accountability on child rights.

A number of action plans require multi-sectoral coordination under the auspices of the sector producing them, reflecting on the MCDGC's lack of clout to fulfil its coordination mandate. This includes issues related to budgeting for children and monitoring the progress of child rights-related programmes across government sectors. The existence of other sector-specific plans addressing children's issues was an opportunity for the MCDGC to exercise its authority, as outlined in the statutory mandate, providing much-needed leadership in taking stock and pulling different strands together; providing an integrated monitoring mechanism; and establishing a common coordination platform to which every sector is accountable. This could have helped move the MCDGC beyond concentrating purely on the VAC Plan. The new government needs to take these very important issues into account as it works on further strengthening structures and mechanisms for coordinating and overseeing child rights implementation.

Effective monitoring and accountability mechanisms depend on the political will to follow up and earmarking resources to undertake the required activities. Most of the multi-sectoral plans have built-in targets and monitoring mechanisms and at sub-national level, the officers responsible are required to report on what they have done to reach these targets. But there are several constraints to effective monitoring. Human resource shortages were among the main barriers hindering full-scale monitoring.

At national level, several independent or semi-independent institutions are involved in monitoring child rights, either directly or indirectly. Within the Commission for Human Rights and Good Governance (CHRAGG), the Children's Desk receives and investigates child rights-related complaints and provides legal aid services. But it does not have the financial or human resource capacity to fulfil its mandate and it relies on external support to undertake its core function.

Based on these analyses and findings, the following ten key recommendations have been made to enhance the implementation of children's rights in Tanzania and improve their wellbeing:

1. The Government of Tanzania – particularly the Ministry of Health, Community Development, Gender, the Elderly and Children (MHCDGEC) – needs to harmonise activities within its departments and organs to ensure that it mainstreams children's rights and best interests within its core functions.

2. The Government and Parliament need to take proactive measures to ensure that decision makers prioritise children in development planning, budgeting and implementation efforts at all levels. This includes in any ongoing SDG-related initiatives.

3. Capacity limitations being among the major bottlenecks to the promotion and realisation of the rights and wellbeing of children in Tanzania, institutional and human resource capacity building must be urgently prioritised, particularly in the MHCDEC and its various departments.

4. National and sub-national cross-sectoral and hierarchical mechanisms are needed to coordinate the implementation of child rights. The PO-RALG should issue a circular to all LGAs to integrate child-related plans of action into their budgets and work plans, follow up their effective implementation and take remedial action in cases of unsatisfactory performance.

5. An overarching national framework for action that comprehensively outlines priority areas for fulfilling all children's rights and improving their overall wellbeing needs to be developed in a participatory manner. For it to succeed, the Government needs to provide strong political support and sustained commitment in its implementation.

6. There needs to be a substantial increase in the budget allocated for ministries involved in implementing children's rights, particularly the MHCDGEC, which serves the majority of the Tanzanian population. Budgets must be fairly allocated within ministries so that the departments that target vulnerable groups get the funds they need to undertake their core functions.

7. There must be a concerted effort to establish a children's Commission, which would enhance visibility, engagement and accountability to children. Such a Commission would help promote the rights and wellbeing of children within both government and non-government sectors, enhance coordination, monitoring and accountability and improve overall performance in child rights implementation.

8. Relevant MDAs, the National Bureau of Statistics and other key government and non-government stakeholders need to work together to develop a comprehensive and integrated monitoring framework. Government and donors alike should provide technical and financial support to set up a functional system that facilitates the collection, compilation, dissemination and use of data. External monitors must play a stronger, more proactive role in child rights monitoring and holding responsible actors accountable.

9. Children need to be involved in the decisions that affect them, contribute to the implementation of their rights and help monitor efforts to ensure that services meet the required standard. Children's councils need to be expanded to reach communities where such opportunities do not exist and enhance children's engagement in LGAs.

10. Non-governmental actors — mainly civil society organisations, intergovernmental organisations such as UNICEF and international non-governmental organisations — need to play a more active role in providing all-round support to the government to strengthen its coordination and oversight capacity. This would help develop functional systems and mechanisms for the coordinated implementation of laws, policies and programmes that target children at all levels of administration.

Expediting the implementation of children's rights in Tanzania will be an exciting challenge. Although the visibility of children may appear to have been further downgraded within the overall structure, the recent restructuring could provide opportunity and space for serious discussion about the place of children and their rights in the overall workings of government. It could be an opportunity to enhance systems and mechanisms to uphold the best interests of children within the Government and develop stronger and more effective structures in light of the challenges outlined in this report. We hope this report will contribute to national dialogue and reflection on the most appropriate structuring and coordination mechanism to expedite the implementation of child rights and move towards building a Tanzania that is fit for its children.

1 INTRODUCTION

1.1 Background and rationale for focusing on child rights implementation

In the 25 years since the adoption of the UN Convention on the Rights of the Child (UNCRC) and the African Charter on the Rights and Welfare of the Child (ACRWC), there has been remarkable progress in making children's issues integral to development initiatives at global, regional and national levels. Most African countries now consider children's rights and wellbeing in their national development agendas and reflect their needs in planning and budgets. And these efforts have borne fruit: fewer children die of preventable diseases and many more children go to school, access healthcare and increasingly participate in discussions and decisions that affect them.

The findings of the various studies by the African Child Policy Forum (ACPF), UNICEF and other child-focused organisations show that African governments are increasingly making efforts to realise children's rights and become child friendly (UNICEF 2016; 2015 and 2014; ACPF 2014a, 2014b and 2013). There have been significant improvements in harmonising domestic laws with child rights standards, allocating budgets for sectors benefiting children, and increasing the commitment to implement them. These encouraging developments should provide the basis for building future interventions that target children as governments further strengthen their efforts to fulfil their obligations to children.

But practical actions and the effective implementation of children's rights fall short of the expected levels of commitment stipulated in the UNCRC and the ACRWC. Deficit in implementation is echoed at all levels and across sectors, but knowledge of the strengths and constraints that affect child rights implementation is generally limited in many countries. Without a proper understanding of these factors, there is always a danger that child rights implementation will be fragmented and haphazard. As a part of building knowledge of – and advocacy for – strengthening child rights implementation efforts, ACPF has chosen child rights implementation in Africa as the main theme for the 4th edition of its flagship report series, the African Report on Child Wellbeing 2016. ACPF commissioned country case studies in Tanzania, Nigeria, Egypt, Senegal and Guinea Bissau to inform the report.

As well as helping us better understand the dynamics of child rights implementation in various contexts and the factors that affect the processes, these case studies help in identifying exemplary practices from which others could learn from. We hope that the analyses and recommendations from these studies will pave the way for accelerating practical actions to ensure that the rights of all children are progressively fulfilled at all levels.

We based our selection of countries for the case studies on a combination of criteria, including: administrative structure, institutional setup of government bodies responsible for children's affairs, child population, geographic representation and ranking in the Child-

Friendliness Index (CFI).[1] The five case study countries have diverse administration types, child population sizes and levels of CFI performance. We selected Tanzania to represent eastern Africa because of its various structures and mechanisms for child rights implementation and its relative performance in the CFI.

Tanzania ratified the UNCRC in 1991 and adopted the ACRWC in 2003. The country has since made remarkable progress in terms of fulfilling children's rights to survival, development, protection and participation in matters that affect them. But many challenges still hinder the effective implementation and realisation of the rights and wellbeing of all children, particularly the most vulnerable groups. This is a cause of major concern and needs coordinated effort by all stakeholders to address it. This report aims to contribute to national and sub-national efforts to improve performance in the realisation of children's rights and wellbeing.

1.2 Objectives

The main objective of the case study in Tanzania is to contribute to national efforts to improve the effectiveness of child rights implementation by providing credible and timely information on key aspects of the process and helping to develop and implement strategies to strengthen the structures, systems and mechanisms engaged in the process.

Specific objectives include:

- To improve understanding on child rights implementation and issues related to it among key stakeholders by generating and consolidating knowledge on the institutional, planning, coordination, monitoring and accountability mechanisms involved and how they work in practice.

- To promote collective action to improve performance of all implementing agencies and achieve better child wellbeing outcomes by initiating dialogue and facilitating experience sharing among implementing actors, and

- To provide context-relevant framework for action and policy options that government and other key stakeholders could use to build institutional capacity, enhance coordination, improve budget use and strengthen monitoring and accountability systems to improve performance in child rights implementation.

The report is particularly important, given the government restructuring and strengthened efforts to improve efficiency and overall performance in development endeavours, including through the promotion of human and child rights.

1.3 Methodology

The Tanzania case study is part of a multi-country research to assess child rights implementation and examine the factors that influence how effectively the implementation process fulfils children's rights and wellbeing. It is based on a solid conceptual and analytical framework validated through inputs from senior experts in the field. The in-depth

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[1] The CFI is ACPF's composite measure of governments' performance in realising child rights. It uses more than 40 child-related indicators on legal frameworks, policy, budgets, access to services and child wellbeing outcomes (ACPF 2008; Mekonen 2010).

case study, on which this report is based, took place in the 3ʳᵈ quarter of 2015, before the national election. Because the new government has consequently brought substantial change, we carried out an extensive revision with financial support from UNICEF to incorporate the new developments. A consultative workshop we organised in July 2016 was another platform for soliciting additional inputs and perspectives, contributing to further enrichment of the report. But in general, the assessment used four main methods for data gathering:

a) Face-to-face interviews with key informants inside and outside national and regional government, including: key ministries, the Police Force, Tanzanian Commission for Human Rights and Good Governance (CHRAGG), Registration Insolvency and Trusteeship Agency (RITA), Tanzanian Commission on AIDS (TACAIDS), Tanzania Social Action Fund (TASAF), local council officials in Dar es Salaam, Arusha, Hai and Dodoma and international and national NGOs involved in general and children's human rights. The latter included NGOs concerned with particular issues such as Female Genital Mutilation/Cutting (FGM/C). We also interviewed representatives from UNICEF and other UN agencies.

b) A detailed analysis of three key national action plans for children: the National Costed Plan of Action for Most Vulnerable Children 2013–2017 (NCPA II); the Multi-Sector National Plan of Action (NPA) to Prevent and Respond to Violence Against Children 2013–2016 (the VAC Plan); and the Five-Year Strategy for Progressive Child Justice Reform, 2013–2017 (Child Justice Strategy).

c) A feedback workshop with key informants to discuss, solicit further information and validate the findings from the initial interviews. Workshop participants included representatives from the former MCDGC; the ministries of Health and Social Welfare (MOHSW), Home Affairs and Constitutional and Legal Affairs (MCLA); the Attorney General's Chambers; the Prime Minister's Office (PMO); TACAIDS; TASAF, the Police Force's Gender and Children Desks and RITA. The civil society was represented by the Tanzania Child Rights Forum (TCRF) and the local government authorities (LGAs) by a highly experienced district social welfare officer from Temeke, who reviewed and discussed the report's findings and recommendations, making invaluable corrections and suggestions.

d) A literature review of all relevant documents, including: laws (in particular the Law of the Child Act 2009); Ministries, Departments and Agencies (MDAs) policies, strategies and plans; Civil Society Organisations (CSOs) plans and reports; the latest government report and alternative reports to the UNCRC; universal periodic reviews; and research studies.[2]

One of this report's main limitations was that it is based on mainland Tanzania. Resource constraints made it impossible to visit government and civil society partners in Zanzibar to analyse their government structures. Children are not a union matter, and Zanzibar has its

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[2] A full list of sources and references are included in the bibliography.

own structures and mechanisms. We feel that there needs to be a separate assessment to analyse the child rights implementation process within Zanzibar's systems to have a proper understanding of the situation in the United Republic of Tanzania. Other limitations worth highlighting include:

a) The process to contact relevant government stakeholders and officials took longer than originally planned.

b) The complexity of coordination structures presented a real challenge in terms of understanding how they did or did not work and interact.

c) The time allocated made it difficult to investigate in more detail the extent to which plans are actually put into practice.

Despite these limitations, the in-depth case study and its findings provide adequate and useful information on the state of child rights implementation in mainland Tanzania. They also shed light on what is working well and what is not. In line with its objective, it provides evidence on strengths, gaps and the measures that need to be taken to improve the situation.

1.4 Report structure

The report is divided into seven chapters:

- Chapter 1 is the introduction;

- Chapter 2 gives an overview of Tanzanian society, politics, economics and governance, including a snapshot of the wellbeing of children;

- Chapter 3 draws lessons from the experience of the former MCDGC, which had the overall mandate for implementing and coordinating child rights implementation. The current Ministry of Health, Community Development, Gender, the Elderly and Children (MHCDGEC) could learn and get insights from these lessons;

- Chapter 4 examines other MDAs involved in implementing, coordinating and holding stakeholders to account regarding child rights;

- Chapter 5 discusses the three main multi-sectoral plans in detail and relates them to other existing plans, including sectoral plans;

- Chapter 6 analyses how all the national plans are monitored by both government and non-government actors; and

- Chapter 7 provides conclusions and recommendations on how to improve performance in effectively implementing the rights of children in Tanzania.

2 POLITICAL, ECONOMIC, SOCIAL AND GOVERNANCE OVERVIEW

2.1 The political environment

Tanganyika gained its independence in 1961 and Zanzibar in 1963, forming the United Republic of Tanzania in 1964. In 1977, the parties on both sides of the union merged to form Chama cha Mapinduzi – the current ruling party – within a one-party system. In 1992, Tanzania adopted a multi-party system.

The government initiated a constitutional review process which included broad-based consultations across the country. The resulting draft constitution was presented to a constituent assembly made up of all Parliamentarians and representatives from different walks of life. The assembly revised the proposed constitution, which the people were due to vote on in a referendum before the October 2015 general election. But the plebiscite did not happen and it is unclear how or when the constitutional process will continue.

The debates around the constitution and the bills on access to information, the Statistics Act and Cyber-Crime Act show the growing strength of citizen engagement to ensure that fundamental rights are guaranteed. Civil society is also playing a critical role in promoting human rights in general and the rights and wellbeing of marginalised groups – such as women, children and persons with disabilities – in particular. For example, during the constitutional debate, child-serving NGOs in the TCRF developed a joint position paper that contributed to the specific inclusion of child rights in the draft constitution. Other lobbying NGOs have done the same for the human rights of women, young people, persons with disabilities, the elderly and indigenous groups.

Some of the largest national NGOs – for example, the education-focused HakiElimu, Tanzania Gender Networking Programme (TGNP), Tanzania Media Women's Association and the Legal and Human Rights Centre – have had a major impact on national consciousness, contributing to the increase in government attention to human rights-related issues. More recently, Twaweza and its affiliates – particularly Uwezo – have been at the forefront of conducting and publicising on the situation in Tanzanian schools and academic attainment among pupils.

Citizens are increasingly realising that they can and should take action themselves to bring about the development they desire, as democratic institutions slowly get stronger and more functional in terms of delivering their constitutional mandates. These, in turn, create an enabling environment to expedite development and effectively implement human rights, including child rights, in Tanzania.

The Tanzanian system has long been characterised as one of transparency without accountability (Chaligha 2014). Tanzania has a strong public accounts control system, and the Controller and Auditor General presents an annual report on the state of public accounts. But, despite generating serious concern among Parliamentarians, media and the

general public through its exposure of fraud, negligence and large-scale embezzlement, the annual report has rarely resulted in any action being taken against the perpetrators. Similarly, the media regularly exposes major financial scandals, but those exposed usually stay in office with the exception of two former ministers who were imprisoned for a short period.

These realities – a cause of great frustration among citizens – ensured strong public support for the new President's immediate action against negligence, fraud and corruption, which led to the dismissal or suspension of several high-level administrators and major cost-cutting to reduce unnecessary government expenditures. The government now needs to follow these measures up with a well thought-out, systematic strategy to ensure their effectiveness and sustainability in improving governance and public resource management.

2.2 Socioeconomic situation

The blueprints for Tanzania's socioeconomic strategies are found in the national strategies for growth and reduction of poverty – MKUKUTA II for the mainland and MKUZA II for Zanzibar. Both plans recognise the need to strengthen social services and good governance alongside the push for economic growth. The new Five-Year National Development Plan 2016/17 – 2020/21 to accelerate development and achieve the Sustainable Development Goals (SDGs) will also benefit children. Other national economic strategies to reduce poverty include:

- Zanzibar Youth Employment Action Plan (2007)
- Tanzania Five-Year Development Plan (2011/12 – 2015/16)
- National Development Plan (2012/13)
- Comprehensive Tanzania Long Term Perspective Plan (2011/12 – 2025/26)

Together with increased exploitation of natural resources, the implementation of these strategies has led to rapid macro-level expansion of the economy. In 2013, the economy grew by 7.3 per cent, up from 6.9 per cent in 2012; growth is projected to remain at above seven per cent. Inflation has declined to an annual average of 6.8 per cent in 2014 and in 2015, the foreign reserves position remained healthy with 4.1 months of income cover. The account deficit stood at around 11 per cent of GDP (AfDB, OECD and UNDP 2015).

Tanzania remains dependent on foreign aid, in particular for its development budget, which has led to precarious situations in the past. For example, when development partners, dissatisfied with the slow pace of the war against high-level corruption and embezzlement, suspended their disbursement of budget support funds in 2014, the Government had to increase domestic borrowing from banks and pension funds to finance development projects. But the Government is aware of the dangers of such dependency, as the former Minister of Finance recognised in her budget speech for 2015–6:

> The Government has continued to take measures that aim at reducing budget dependency, whereby aid dependence has declined from 24 per cent 2004/5 to 17 per cent 2010/11, down to 6.4 per cent in 2015/16 (Ministry of Finance and Planning of Tanzania 2015).

One way the government is trying to reduce dependency is by increasing domestic revenue by strengthening tax collection, one of the main priorities of the new government. Recent actions to curb tax evasion have already led to major increases in tax collection and the President has reiterated that Tanzania should stop being dependent on foreign aid. But despite these efforts, certain areas of the budget are still very donor dependent. For example, 44 per cent of Tanzania's aid is allocated to the social sector, which deals with children's issues (Society for International Development 2013).

Tanzania's new National Development Plan sums up the macro-economic challenges:

> *Most of the fiscal policy challenges faced were related to budget credibility (unrealistic resource envelop and expenditure plans, accumulation of budget arrears, and weak budget control), mismatch between approved budgets and expenditure outturns, misuse of public finances as frequently revealed by reports of the Controller and Auditor General, weak enforcement of procurement procedures and non-adherence to financial regulations, and inadequate financial allocations to development budget. The other challenges included low mobilisation of [local government authorities'] LGAs' own revenue and erratic allocation of subvention by central government inadequate funding for priority investments and limited private sector participation. This state of affairs calls for effective strengthening public finance management in the ongoing reforms* (Ministry of Finance and Planning of Tanzania 2016a).

At the same time, the new Minister of Finance and Planning has recognised that large sections of the population have hardly benefited from the economic boom *(*Ministry of Finance and Planning 2016b). According to African Economic Outlook, agriculture remains the mainstay of the economy and employs the largest percentage of the workforce, although its share of the economy is in decline, dropping from 28 to 24 per cent between 2005 and 2012 (Society for International Development 2013). The agricultural sector is plagued by low productivity, unstable markets and problems of infrastructure. As a result, poverty is more prevalent in rural than urban areas and it is in the poorer regions that agriculture remains the main economic activity (World Bank 2015). Per capita incomes in rural areas are less than half those in Dar es Salaam. The most recent household budget survey showed that 28.2 per cent of Tanzanians (about 12 million) are poor (ibid.).

Urbanisation continues at more than four per cent a year. At this rate, the number of people living in cities will double in the next 16 years, and most of these will probably end up in unplanned settlements around cities and towns (Society for International Development 2013). Outside of agriculture, only seven per cent of the productive population is employed in the formal sector (63 per cent private, 37 per cent public) (National Bureau of Statistics 2012). Twice as many men are employed than women who, like young people, are more dependent on the informal sector, giving them an often unpredictable source of income that is subject to many restrictions (National Bureau of Statistics 2014).

As part of the government's effort to transition the country from a low- to middle-income economy, Tanzania has adopted the Big Results Now (BRN) initiative. BRN replaces the traditional project planning and budgeting approach with a more rigorous process of identifying challenges, setting goals, prioritising key activities based on evidence, developing specific interventions with extremely detailed implementation plans and operationalising a

strong monitoring process from the central to the local levels. It was envisaged that such innovative approaches would enable Tanzania to reform its institutions for more productive investments in human capital development (World Bank 2014). The new Five-Year National Development Plan intends to build on lessons learned from BRN, particularly in relation to entrenching an implementation culture and making use of some of the innovations already introduced in the earlier reform initatives (Ministry of Finance and Planning of Tanzania 2016a).

For example, in education, BRN has used a broad-based participatory process to develop a programme that concentrates on two main areas: high potential impact on student learning and fast delivery. It includes financial rewards for school performance, early grade student assessments, targeted support for lagging students, recognition and incentives for teachers and ensuring funds reach schools in a timely manner. The programme is expected to cost US$416 million and is partly financed by the Tanzanian government with support from the governments of UK and Sweden as well as the International Development Association (World Bank 2014).

2.3 Governance structures

Tanzania has a presidential system of government. The executive body of the government is led by the President of the United Republic of Tanzania who is elected by popular vote every five years. The President is commander-in-chief of the army and chair of the cabinet and has widespread powers, including the responsibility to appoint nearly all senior posts in government at national, regional and district levels. The president can hold office for a maximum of two terms (10 years).

The legislature is also elected every five years. In addition to constituencies represented by Members of Parliament (MPs), there are special seats reserved for women (amounting to 30 per cent of all seats), which are allocated according to the number of votes each party wins in the general election. The President appoints ministers and a Prime Minister from among the MPs. The Prime Minister leads government business in Parliament.

Parliament has the triple function of passing and amending legislation, allocating resources through the budget and overseeing government implementation. Opposition party members in parliament may be small in number, but they use their positions strategically to raise issues of corruption, mismanagement and misuse of public funds.

Mainland Tanzania follows a policy of decentralisation by devolution. It is divided into 25 regions, which are further sub-divided into districts, divisions and wards. The head of district-level government administration is the District Executive Director. Urban areas are administered by municipal or city directors, who run a team of sectoral officials and experts. The government system extends down to division and ward level, where paid government sectoral officials sit on ward development councils. Elected councillors in each ward play similar roles to MPs, but at a lower level. *Kitongoji* (village and sub village level) and *Mitaa* (urban neighbourhoods) also elect their committee members, who are directly answerable to the people. These elected councillors have to hold whole community meetings when, among other things, the accounts are read out to the public.

2.4 The national budget process

2.4.1 The national budget process

In this section, we examine the four stages of the national budget process: formulation and preparation; consultation; presentation to parliament, debate and approval; and finally execution (HakiElimu and Policy Forum 2008).

Budget formulation and preparation (August to January)

The main objective and core activities under this stage include:

- Formulate budget policy and resource projections
- Issue planning and budget guidelines
- Estimate revenues and expenditure
- Prepare individual MDA budgets.

At this stage, discussions are largely at government level and these provide the overall framework for individual budgets. Some CSOs, such as TGNP, have been successful in working together with members of the Budget Guidelines Committee to decide key priorities, ensuring that the guidelines incorporate specific cross-cutting issues, such as gender. In the instructions for regional secretariats and LGAs, they are required to enforce systems protecting children's rights, including support to most vulnerable children (Education Development Trust 2014). The guidelines also specify the capitation grants that should be provided for each student at primary and secondary level. But UWEZO research has shown that these grants reach schools late and incomplete (Uwezo 2014; Twaweza 2013). School feeding has not been comprehensively implemented, despite the new administration designating it as a priority.

Consultations with parliamentary committees (February)

Once formulated, the estimates are submitted first to the Ministry of Finance, which ensures they adhere to the budget guidelines and ceilings, and then to the parliamentary standing committees and the Inter-Ministerial Technical Committee. This is the second area where citizens can have some impact on national-level budget formulation, as these committees review the performance of each MDA and can propose changes to – or even block –proposals from ministries.

Although many of the important committee meetings are still closed to the public, it is possible to lobby committee members. The MP we interviewed for this report insisted that CSOs were missing out on opportunities by not lobbying these committees. Parliamentarians also have their own informal associations, such as one on child rights and nutrition. Their members include the chairs and key members of standing committees, which makes it possible for other bodies to lobby them effectively even if they are outside the formal structures.

Budget presentation to Parliament, debating and approval (April to June)

At this stage, the following are the main activities:

- Tabling in legislature
- Budget speeches presented
- Debate in full Parliament
- Budget voted into law.

After cabinet approval in March, budgets are presented for vote to full Parliament. The overall budget speech used to be presented at the beginning of the parliamentary session, severely limiting the possibility of changing sector budgets and leading to frustration on the part of MPs. So in 2015, the system was changed to allow the inclusion of issues raised by MPs during the debates. Now the overall budget is read at the end of the session, incorporating any necessary amendments.

The opportunity for participation at this stage is largely limited to MPs, but members of the general public or interest groups can lobby their MP or publicise and debate aspects of the budget.

Budget execution (July to June)

MDAs prepare work plans and funds are released for them to implement their budgets. At this stage, CSOs can monitor service delivery and share information about the approved estimates to help people follow the budget and make sure it is spent as planned. Apart from internal monitoring, the Controller and Auditor General conducts an external audit, which is tabled in Parliament.

The various phases of the budget process overlap, as multiple phases of the budget process can take place at any given point in the year. So, for example, while the coming year's budget is being prepared, the current budget is being executed, and the previous year's budget is being scrutinised.

2.4.2 Local government budgeting

Budgeting at local government level starts, at least theoretically, with a bottom-up process known as *Opportunities and Obstacles to Development*. This is supposed to recognise and support community priorities. Within the budget guidelines provided, local governments ask their wards and villages to develop their own budget proposals, to incorporate into the LGA budget. But in practice, the start of the process is often delayed, insufficient information is provided and village plans are changed at every stage to conform with national priorities and existing budgets. As a result, the original village plans bear little resemblance to the approved ward and district level plans.

LGAs can raise some revenue locally through, for example, licences, property taxes, parking and market levies, taxes on livestock, telecommunications towers, hotels, guest houses and places of entertainment. Revenue from taxes has steadily increased from just over 100 billion shillings in 2008/09 to over 300 billion shillings in 2013/14. Central government provides funds for roads, health, education, agriculture and water (Parliament of Tanzania

2016). However, according to the Controller and Auditor General's report for 2011/12, LGAs can only raise 20 per cent of what they need (National Audit Office 2013). This goes a long way to explaining why children's issues face the same obstacle – underfunding – at local level that they face at national level.

Citizen involvement in budget processes

In all of these stages and processes, there are opportunities for citizens' involvement to influence budget allocation and utilisation. Local communities also have the opportunity to participate in planning processes, even if many of their priorities are often overturned. In general, CSOs can play an important role in ensuring child sensitivity of budgets both at national and local levels. There are noteworthy initiatives. For example:

a) Through its gender budgeting initiative, TGNP has succeeded in influencing even the national budgeting guidelines to ensure that gender issues are included in the budget. With its partners, TGNP also carries out a thorough gender analysis of draft budgets to lobby for changes.

b) HakiElimu, Twaweza and Uwezo have all advocated for different aspects of education budgeting – for example, HakiElimu advocates strongly for early childhood education.

c) Different CSOs follow up on what happens once the budget is allocated, scrutinising whether funds reach their designated destinations. For example, Twaweza follows up on water, sanitation, education and health; Sikika on health and HakiElimu on education. They also publicise the findings from the controller and auditor general's audit reports.

d) Several CSOs produce television and radio spots and other advocacy materials to influence budget allocations.

Generally, very limited effort is made to lobby for child-sensitive budgeting or ensuring that children's best interests are reflected at all stages of the budget process. This, in turn, has impact on both the volume and composition of budgets that specifically benefit children. All stakeholders need to exert more pressure within their sphere of influence to ensure that children get their fair share in national and local budgets and that these funds are efficiently utilised to improve their wellbeing.

2.5 Status of child wellbeing

Tanzania has come a long way in promoting children's rights and wellbeing. It has significantly reduced child morbidity and mortality, has made great strides in increasing children's access to primary education and continues to strengthen the protection of children from abuse and exploitation. These efforts are increasingly showing results at all levels.

Although these developments are encouraging and form the basis for building future interventions, they are not enough. Much more needs to be done to fulfil children's rights to survival, protection and development. According to the CFI, Tanzania dropped eight places in overall child-friendliness between 2008 and 2013, largely because other nations have progressed more rapidly in allocating budgets that benefit children, providing better legal protection and attaining concrete child wellbeing outcomes (ACPF 2013).

Health and young children

The chances of survival for children in Tanzania are improving, with under-five mortality significantly falling from 112/1,000 in 2005 to 49/ 1,000 in 2016 (UNICEF 2016). This is the result of a combination of factors, including more than 90 per cent immunisation coverage, which is almost universal for measles vaccines (UNICEF 2016, 2015; National Bureau of Statistics of Tanzania and ICF Macro, 2011). But health facilities leave a lot to be desired, with only 43 per cent of pregnant women getting four or more antenatal care visits, less than half of all deliveries attended by skilled health workers and only two per cent of newborns and 31 per cent of new mothers receiving postnatal care, despite the importance of these services for safe pregnancy and child survival (UNICEF 2016).

Malnutrition remains a serious issue. Despite falling from 42 per cent in 2010 to 35 per cent in 2014, the high proportion of stunted children is a sign that chronic malnutrition remains endemic (National Bureau of Statistics (NBS) of Tanzania and ICF Macro 2011). In nine regions of mainland Tanzania, including the major food-producing regions, malnutrition is higher than 40 per cent; in three regions it is higher than 50 per cent (Ministry of Health and Social Welfare of Tanzania 2014). Tanzania has become a key partner in the global Scaling Up Nutrition initiative and has developed a multi-sectoral national nutrition strategy (The Government of the United Republic of Tanzania 2015).

Education

There have been significant improvements in education over the last years. After much discussion among several ministries, early childhood development – including pre-primary education – is being incorporated into the revised national Child Development Policy, along with enhancing access to primary and secondary education. The draft policy outlines opportunities for cross-sector coordination, including parenting, and some sectors are paying increasing attention to young children within their sectoral area. For example, in the new Education and Training Policy, compulsory pre-primary education is now a part of basic education. Currently, only 33.4 per cent of children attend pre-primary school (ibid.).

Net primary enrolment in 2014 stood at around 90 per cent, up from 85.5 per cent in 2003 (UNDP-Tanzania 2014). Enrolment rates will increase with the removal of school fees and other contributions by the new government. Gross primary education completion rates stands at 87.2 per cent (83.4 per cent for boys and 90.9 per cent for girls), but only 57 per cent passed the primary school leaving examination and only 32.9 per cent of secondary school aged children are enrolled in Forms 1–4, falling to 2 per cent in Forms 5 and 6 (Ministry of Finance and Planning of Tanzania 2016a).

Although the government is taking measures to build science laboratories in every secondary school and ensure that all children are sitting at a desk every day, educational quality generally remains very low. Both primary and secondary education facilities are characterised by: inadequate physical infrastructure; a lack of teaching and learning materials; authoritarian and hierarchical teaching methods; and overcrowded classrooms (Plummer 2014). Many children are not learning. As early as Standard II,[3] only eight per

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[3]   Standard II is the second year of primary school, where most children are aged 8 or 9.

cent of pupils can read with comprehension at grade level; a similar proportion can add or subtract; and less than one per cent show high levels of life skills such as academic grit, self-confidence, and problem solving (Uwezo 2014). The results of the primary school leaving examinations on the mainland show low pass rates – of about 50 per cent in 2013 and 57 per cent in 2014 – and according to the research by Uwezo across East Africa:

> *One out of five or 20 per cent of children in Grade 7[4] are not able to pass both the literacy and numeracy tests. Evidently, therefore, the number of years of completed schooling does not effectively translate into genuine learning for a substantial share of pupils* (ibid.)*.*

In a country where around 7.8 per cent of the population is disabled, less than one per cent of children enrolled in both primary and secondary schools have a disability. This indicates that most children with disabilities are not enrolled in school. There is no functioning national system to identify and assess children with physical or mental disabilities, and no coherent data to track or respond to their needs (ibid.).

We also noted that newly built secondary schools have an unfavourable environment and lack adequate protection for girls both in school and on the way to and from school. Other areas of concern include water and sanitation and inconvenient facilities for children with disabilities. We hope that the new child protection guidelines for schools will contribute to making the environment safer.

Sexual and reproductive health

The sexual and reproductive health rights of adolescents are not well developed. Largely because of the desire to protect them against sexual abuse and exploitation, all sex with an adolescent (even consensual adolescent-adolescent sex) is a crime, unless a girl is having sex with her husband. But in a landmark case in 2016, the High Court in Tanzania declared it illegal to marry anyone under the age of 18 and instructed the government to revise legislation accordingly within 12 months (High Court of Tanzania-Main Registry 2016). We hope that the amendment will contribute to reducing child marriage. Abortion is generally regarded as a crime due to a lack of adequate interpretation of the existing law and policy. Around 20 per cent of maternal deaths are caused by unsafe abortions, particularly among adolescents (UNCT (Tanzania) 2015).

The Multi-Sectoral Strategic Framework for HIV and AIDS III (2013/14–2017/18) stipulates that quality comprehensive sexuality and life skills education should be delivered in primary, secondary and tertiary education institutions through the core curriculum. But the current curriculum is scattered and vague on the topic and implementation is very weak. According to a survey conducted in 2011/12, only 33 per cent of female and 39 per cent of male 15 to 17-year-olds had a comprehensive knowledge of AIDS, while 58 per cent of women and 62 per cent of men aged 18 to 49 thought that children aged 12 to 14 should be taught about using a condom to avoid AIDS (National Bureau of Statistics of Tanzania and ICF Macro 2011).

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[4]   The last year of primary school (aged 13).

Child protection

Child protection is getting increasing recognition in Tanzania, where violence against children is widespread in the home, at school and in community settings. Specific groups of children – including orphans, children living with step-parents and relatives, those with disabilities, child labourers and children living on the streets – are particularly vulnerable to abuse and exploitation. There are numerous initiatives to strengthen child protection, based on the Law of the Child Act (2009) which laid down the framework for a national child protection system. These include deliberate national-level efforts such as the National Disability Act, the Anti-Trafficking in Person Law, the NPAs on Child Labour and NCPA II which have led also to the establishment and roll-out of district-level child protection teams (CPTs).

Although these efforts are bearing fruit, Tanzania is lagging behind other African countries when it comes to child protection. According to the 2013 CFI, Tanzania dropped eight places in overall child friendliness between 2008 and 2013 (ACPF 2013). Other countries are putting more legal safeguards in place for children. There are specific areas where Tanzania's laws and policies to protect children are weak, particularly around corporal punishment, which is not fully prohibited at home, in schools or the criminal justice system (see the quotation below) (Global Initiative to End All Corporal Punishment of Children 2016). There are also gaps in child marriage, as the minimum age for girls to marry is still 15; and criminal responsibility, as the minimum age stands at 10, below the UN Committee on the Rights of the Child recommended age of 12 (ACPF 2013).

In its report to the UNCRC, the government claimed that:

> The State Party deems justifiable the application of caning of unruly students in school as falling outside the scope of corporal punishment and it has regulated the application of the punishment in schools in order for it not to amount to degrading or inhuman treatment (The Government of the United Republic of Tanzania 2012).

Violence against children – including sexual abuse – in schools is common. In its report to the UNCRC, the government quoted findings from its 2009 survey on violence against children which showed that 60 per cent of episodes of violence against children occur in schools, with teachers perpetrating half of them (ibid.). The NPA is an endeavour "to build a comprehensive child protection system to prevent and respond to violence" against children in Tanzania, bringing together an array of state institutions with support from civil society and faith-based organisations. The NPA has undergone an annual review process where implementing stakeholders come together to take stock of progress made every 12 months (Mashamba 2016). This practice needs to be further strengthened to ensure effective implementation of the new plan.

Efforts are also being made to reform laws and policies to ensure the plan is effectively implemented and the response to violence against children is adequate. These include adopting the Child Justice Strategy and standard operating procedures of the Police Force for handling children in conflict with the law, reviewing the prisons' child policy and procedures and adopting both the Guidelines for establishing Gender and Children Desks and child protection guidelines for schools.

In August 2014, the government launched the national Child Marriage-Free Zone campaign to scale up collaborative efforts to end child marriage in Tanzania. This campaign is in line with the African Union's campaign and has attracted people from different spheres of the community, including adolescent girls and boys, young people, local and national government authorities, traditional and religious leaders and the community at large. The government has also undertaken policy, legislative and administrative measures to end early marriage. Noteworthy is the Education and Training Policy, which prohibits early and forced marriages for school girls (ibid.). Despite such efforts, child marriage is still prevalent in Tanzania, where an almost two in five girls marry before their 18th birthday, with all the attendant effects of loss of schooling and vulnerability to maternal morbidity and mortality (UNICEF 2015; The Elders Group 2015).

It is clear from successive surveys that FGM/C is consistently declining. This is a result of concerted efforts by various stakeholders in collaboration with the government to combat the practice. But FGM/C is still prevalent in Tanzania and performed in secrecy at an earlier age, signalling the need to intensify efforts at all levels to further reduce and ultimately end the practice (28 Too Many 2013). See Table 2.1 for trends in FGM/C prevalence in Tanzania.

Table 2.1: Prevalence of FGM/C in women and girls by age (percentage)

Age	Year		
	1996	2004/05	2010
15–19	13.5	9.1	7.1
20–24	15.9	13.7	11

Source: 28 Too Many 2013

Work and child labour

Child labour continues to be a serious problem in Tanzania. Both the 2004 Employment and Labour Relations Act and the 2009 Law of the Child Act criminalise involving children in hazardous forms of child labour. In Tanzania, 14 year is the minimum age for child employment, but in reality, 28.8 per cent of urban children and 35.6 per cent of rural children below 14 are engaged in types of time-excessive work or hazardous/exploitative occupations that meet the definition of child labour (National Bureau of Statistics 2014). Boys are more likely than girls to be working in such conditions (ibid.). It was also noted that adolescent girls are often sexually exploited by employers in low-paying jobs (Plummer 2014).

Trafficking in person

In its report on trafficking in person across the world, the US State Department has shown some concern about the trafficking of children in Tanzania, in particular the employment of girls as domestic workers, often with minimal or no pay under the pretext that they are relatives or that they are living free. Some girls are exploited in sex work in tourist areas, while boys are subjected to forced labour primarily on farms, in mines and quarries and in

the informal commercial sector. Tanzania remains a Tier 2 Watch country (US Department of State 2014).

In response to the growing problem of trafficking, particularly of children, Tanzania enacted the Anti-Trafficking in Person Act 2009, which criminalises child trafficking and puts in place response mechanisms and structures against trafficking. Its enforcement still needs more effort to mitigate the problem.

Child participation

Tanzania has also developed structures to facilitate child participation, including in the implementation and monitoring of children's rights at various levels. Such structures include children's clubs in schools, youth clubs and informal youth groups and, above all, inclusive Junior Councils. These are children's councils made up of child representatives from the ages of nine to 18 promoted and coordinated by the MCDGC. A standard child participation toolkit was developed with support from UNICEF to help children participate in the constitutional review process where, through their representatives, children were able to present their recommendations to the Constitution Review Commission (Plummer 2014).

Junior Councils have been established in most districts, but children in the National Junior Council expressed concern that most of the established councils are not functioning. The evaluation of the Children's Agenda also noted that many of the Councils do not follow MCDGC guidelines (Education Development Trust 2014). Most of the more active councils are supported by UNICEF, international NGOs – in particular Save the Children International, World Vision and Plan International – and some local civil society groups. Where such support ends, funding for the Councils also tends to end.

The recent periodic report submitted by the Government of Tanzania to the UNCRC highlights that Junior Councils have been established in every LGA, with specific attempts to include representatives from vulnerable and marginalised groups of children (The Government of the United Republic of Tanzania 2012). These Councils elect representatives to the National Junior Council. There are also such committees at sub-district level. Despite these efforts, the TCRF's alternative report to UNCRC noted that:

> Despite the fact that the State Party has established Junior or Children's Councils, it has failed to provide both material/financial and technical support to make these children and youth associations effective. This includes lack of effective supervisory mechanism beginning from the local through to the national levels (TCRF 2012).

This was backed up by the observations in the Child Rights Situation Analysis (CRSA):

> The Government has been engaged in a number of widely publicized initiatives to promote children's participation as citizens, including: support for the Children's Agenda; children's councils at national, regional and district levels; and children's committees and clubs in schools. However, the most successful examples of child participation heavily depend on the support of NGOs, and even they generally are only accorded token or superficial respect by adults. The vast majority of Tanzanian children rarely are consulted about their opinions in decisions that affect them at home, at school, or in their communities (Plummer 2014).

2.6 CONCLUSION

In this chapter, we have reviewed, broadly, how the governance system works. The increasing prevalence of corruption in the country nevertheless has undermined proper functioning of this system. It is commendable that the new government has exposed this situation and launched a crusade against corruption and its effects on the Tanzanian economy and social services. The full-scale outcome and impact of these initiatives are yet to be seen.

We have observed that children are given a low priority within the budget process and depend largely on donor-supported specific projects. It is important that, as major constituents of the Tanzanian community, children are given adequate attention in all national development endeavours and that decision makers take proactive measures to ensure they prioritise children in budget allocation, implementation practices and oversight roles to ensure the effectiveness of programmes and interventions that aim to benefit them.

3 GOVERNMENT STRUCTURE TO IMPLEMENT CHILDREN'S RIGHTS

3.1 Organisation of the structure, mandate and role

The ministerial reorganisation of the new government left three ministries responsible for managing the implementation of child rights: the Ministry of Health, Community Development, Gender, Elderly and Children (MHCDGEC); the Minister of State in the President's Office, who is responsible for regional administration, local government, the civil service and good governance; and the Minister of State in the Prime Minister's Office, who is responsible for policy, parliamentary affairs, labour, employment, youth and the disabled.

Before the restructure, the Ministry of Community Development, Gender and Children (MCDGC) was mainly responsible for children's affairs. It has now been incorporated wholesale into the MHCDGEC, with the added portfolio of major social issues such as health and Matters relating to the elderly. The new Minister and Deputy Minister for Health, Community Development, Gender, Elderly and Children have already taken several high-profile actions to improve health services and made statements on several occasions about gender. It is too early to say what effect these changes will have on the government's performance with respect to its obligations to children and the implementation of their rights. But we believe that these changes have both merits and demerits. To those concerned with children's rights, placement of children's affairs under a Ministry with multiple mandates presents a challenge to the promotion and prioritisation of the implementation of children's rights.

On the other hand, the merger of the MCDGC and the Ministry of Health and Social Welfare (MHSW) should make it easier to harmonise activities, enhance cooperation between departments and improve overall performance for better results for children. There is a great potential in this arrangement to integrate the activities of the Departments for Child Development, Social Welfare and Gender. This would address one of the main challenges that hinder child rights implementation: effective coordination within these departments and between other implementing ministries and agencies.

The Child Development Department had a low profile in the MCDGC, which also had multiple mandates. The Ministry of Health's Department of Social Welfare (DSW) experienced a same problem, getting only one per cent of the total ministry budget. These realities have caused serious concern about how the current restructuring brings about better results for children. Given that the current restructuring is too recent to evaluate, we decided to analyse the activities and practices of the Child Development Department in the old MCDGC. Analysing and drawing lessons from past experience provides useful inputs for designing future interventions and will help strengthen efforts to expedite child rights implementation and achieve better results in improving the wellbeing of all children in Tanzania.

Under the umbrella of the MCDGC, children were a small part of a very broad mandate which encompassed almost every aspect of life in communities. Community development officers (CDOs) were trained to mobilise, advocate and educate communities on all aspects of their lives, including issues from other ministries.

The Ministry was formed in 1990, originally as a Ministry of Community Development, Women Affairs and Children, with the view of empowering people to recognize their own ability to understand themselves and their environment, change their attitudes positively, so that they can take a leading role geared at increased responsibility in improving and managing their living conditions effectively and efficiently.[5] To broaden its mandate, 'women' was later changed to 'gender', but the ministry retained a particular emphasis on women. Children were originally subsumed into the Women Affairs Division, eventually getting a division of their own.

Box 3.1: Vision, mission and core activities of the MCDGC

Vision: Promoting communities' pro-activeness, confidence, commitment and culture of hard working in striving for better livelihood embracing gender equality and children's rights.

Mission: To promote community development, gender equality, equity and children rights through formulation of policies, strategies and guidelines in collaboration with stakeholders active in the country.

Its main functions were also to:

- develop, coordinate, monitor and evaluate the implementation of community development policies and programmes
- coordinate, prepare and issue guidelines and operating procedures for community development institutes and folk development colleges
- develop guidelines for the professional advancement of field unit technicians; coordinate community-based organisations
- prepare programme implementations; coordinate, follow up and evaluate the implementation of women's and gender development policy
- collect, process and store gender-related data and statistics for use and dissemination
- oversee the coordination and monitoring of community-based HIV and AIDS interventions, paying special attention to gender issues
- formulate and oversee the implementation of child and family development policies
- register, coordinate and monitor NGOs, and
- advocate, publicise, disseminate, broadcast and document the ministry's policies, strategies, programmes, plans, regulations and functions to create public awareness.

Source: Website of the ministry accessed at www.mcdgc.go.tz

While the ministry's vision hints at involvement in implementation, its mission puts more emphasis on policy formulation. The ministry was also responsible for coordinating and monitoring NGO activities. It is also clear from Box 3.1 that the Ministry had a very broad mandate, with most of its functions relating to community development. While children are a part of community development, only one function refers specifically to them. It was

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[5] For this and the rest of the description of the Ministry, unless otherwise stated, see www.mcdgc.go.tz

evident that children's issues were managed by a Ministry that was overwhelmed by other functions. The low priority given to children's issues was also reflected in resource allocation. It was also reflected in the curriculums of the ministry-run colleges. None have any courses related to child development and rights, although the degree programme does cover family and children. The 55 folk development colleges concentrate on personal development and technical skills for community members, while the nine community development training institutes provide professional training on general community development. The degree course includes gender and development, but not child rights. Similarly, the CDOs we interviewed for this report said that they had not had child development or rights training.

The functions of the MCDGC's Child Development Department were, among other things, to:

- plan, develop strategy, coordinate activities, monitor and evaluate the implementation of the Child Development Policy
- coordinate, follow up, monitor and prepare implementation reports on the UNCRC and the ACRWC
- coordinate the implementation of activities on the Day of the African Child; monitor and evaluate the implementation of all national and international resolutions and agreements concerning child welfare
- advocate for policies and laws to address harmful practices that inhibit child growth and development
- monitor and evaluate problems related to children who need special protection such as orphans, children living in streets, child labourers and children with disabilities
- monitor and evaluate children and adolescents' concerns on HIV and AIDS
- empower communities to support orphans and most vulnerable children, and
- support the Junior Councils.

At sub-national level, children's issues are managed by Community Development Officers found in all local governments at district and lower levels. District-level overlaps show that the MCDGC acted primarily at national level. CDOs do not report to the Ministry, but to their District Executive Director; they are employed by the PO-RALG, which is responsible for oversight of all local government. At LGA level, community development and social welfare officers belong to the same department under the leadership of the CDO, although the Most Vulnerable Children Committees (MVCCs) and CPTs are supervised by Social Welfare Department. This is in keeping with the spirit of the Law of the Child Act 2009, whereby the social welfare function at all levels is given a broad mandate to implement necessary actions regarding child protection. However, as stated in the VAC Plan:

> *The key frontline workers – CDOs – who are at the forefront of community life in Tanzania, play an essential part in promoting community awareness to prevent violence. Moving forward, it is essential CDOs are trained on child protection (especially violence prevention) and become key actors within the referral process of the child protection system. Their role is clearly defined within the (forthcoming) Child*

Protection regulations of the law (developed by the Department of Social Welfare). [CDOs] play an essential part in promoting community awareness on the Law of the Child Act, preventing violence and referring cases of abuse to the mandated Social Welfare Officers (The Government of the United Republic of Tanzania 2013).

3.2 Human and financial resources

If you want it, budget it! [6]

Implementing child rights has costs. Budgets are the key instruments for financing all relevant activities in the process, and their allocation and efficient use are intrinsically linked to realisation of children's rights (ACPF 2011; Tsegaye and Mekonen 2012). So we analysed the budget allocated to the MCDGC to consider its adequacy and the need for its efficient use in the implementation of children's rights.

In its report to the UNCRC in Geneva, the government stated:

The State Party has improved its budget allocations for children in the period under report. Whereas the allocation of budget for the implementation of the Convention in Tanzania Mainland is vested onto the MCDGC, in Zanzibar this task is bestowed on the MSWYWCD [Ministry of Social Welfare, Youth, Women and Child Development]. However, both on Tanzania Mainland and Zanzibar, other cross-cutting ministries such as those responsible for education, health, sports, home affairs and local government authorities do allocate budget for issues relating to children's welfare, a fact that resulted in ranking the State Party the first country amongst the African Governments to allocate budgets for children in 2010 (The Government of the United Republic of Tanzania (2012).

But despite these efforts, there are serious resource constraints to implementing child rights. As shown in Table 3.1, budget allocated to the MCDGC have been rising over the years, but it is not commensurate with the broad mandate and responsibility of the Ministry. In the debate on the Ministry's budget for 2015/16, all the MPs who spoke stated strongly that, given the Ministry's multiple responsibilities, its budget was too low. They also noted that the Ministry faced the challenging task of improving the living condition of vulnerable groups making up more than half the population. As a result of this, the Ministry as a whole and the Child Development Department in particular are highly dependent on donor funding.[7]

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[6] Advocacy slogan of TAMASHA, a participatory youth development centre based in Arusha.
[7] Interview with MCDGC staff.

Table 3.1: Prevalence of FGM/C in women and girls by age (percentage)

Budget item	Year		
	2012–13	2014–5	2015–6
Overall budget	15,616,991,000	29,453,599,000	31,421,641,000
Development budget:	3,401,341,000	8,927,544,000	10,923,420,000

* At the time of writing, the exchange rate was 1 US Dollar to 2100 Shillings

Sources: Compiled from budget laws of the indicated years

It is also important to bear in mind that resource allocation is not as simple as the budget speeches make it sound. Once the budget estimates have been passed, the process goes through several stages, as shown in Figure 3.1. At each stage along the way, the funds are drastically reduced. For example, in the MCDGC budget for 2014/15, while the budget for salaries was likely to be fully provided, only 22.8 per cent of the development budget had been disbursed by April 2015 (three months before the end of the financial year in June). Although MPs strongly urged that the budgeted money be released to the ministry before the end of the financial year, this did not happen.

Figure 3.1: The stages of the budget process

Budgeted → Allocated → Disbursed → Disseminated → Used

The MCDGC also faced severe human resource shortages. The fact that the salaries bill dropped between 2014/15 and 2015/16 is indicative of this reality. A similar shortage is visible across all the departments – including Child Development and Gender – of the newly restructured Ministry. Staff we interviewed told us that 61 per cent of ward-level community development posts had not been filled. According to the Minister's budget speech, there were a total of 2,774 CDOs working at LGA level, 1,464 at district level and 1,310 at ward level in 2015. It was also noted that some districts have no ward-level community development staff at all (Parliament of Tanzania 2016).

The government will need to take all these issues into account while budgeting for the new Ministry (MHCDGEC). Within the bigger envelope of health, there is a danger that the equally important domains of child rights, which go beyond access to adequate healthcare and nutrition, will be neglected. It is vital that the department that houses child rights coordination is adequately budgeted for so it can effectively exercise its mandate.

Despite these problems, the Ministry, with strong support from partners, has had some success in increasing the visibility of children and their rights. The Law of the Child Act was passed and is now being implemented, although at slower pace. A recent review of the draft Child Development Policy by stakeholders recommended the incorporation of early childhood development and child protection issues. The policy document is awaiting approval. The Ministry has strongly supported the Children's Agenda and the work of the Junior Councils. Together with CSOs, the Ministry was able to advocate successfully for the

inclusion of child rights into the draft of the new constitution, which is awaiting a referendum. It has continued to convene the Multi-Sectoral Task Force for Violence against Children (VAC MSTF) and has produced the 3rd, 4th and 5th reports to the UNCRC and the 2nd, 3rd and 4th reports to the ACRWC.

But all these activities have been severely constrained by insufficient budgets. Without support from partners such as UNICEF and international NGOs such as Plan International and Save the Children International, it would not have been possible to carry out much of the work.

Recently, the ministry – particularly its Departments of Child Development and Gender – with the support of UNICEF, UNFPA and UN-WOMEN, developed the NPA to End Violence against Women and Children 2016–2021. This comprehensive five-year plan aims to set up a protection system for all types of violence against children and women that includes prevention and response services for victims. Drawing on experience from the VAC Plan, this new plan of action seeks to involve key stakeholders, improve coordination of activities and put in place monitoring and evaluation mechanisms to enhance the effectiveness of implementation. Strategies to achieve its goals include supporting parents, caregivers and community members to raise children in homes, schools and communities that are free from violence and promoting non-violent values to ensure full respect for women and children rights through awareness-raising programmes to all target audiences.

While the Government's commitment to combat violence against children and women is commendable and exemplary, it has not given similar attention to other aspects of children's rights to development and participation. There needs to be more emphasis on enhancing children's access to quality nutrition, education, healthcare, water and sanitation services. Given the preponderance of health issues and the ministry's Health Sector Strategic Plan, it is important to ensure that children's rights are dealt with more broadly and comprehensively beyond the health sector. There must be proactive efforts to develop a comprehensive strategy to attain all children's rights to survival, development, protection and participation and to commit the required resources to effectively implement them.

3.3 Challenges and opportunities

The main challenges to implementing children's rights can be summarised as:

1. Children's issues have not been high on the list of development priorities at all levels, including within the MCDGC. Funds for children are not ring-fenced; they are allocated within the wider ministries and departments, where children are given low priority.

2. The ministry responsible for children and the department responsible for vulnerable children (social welfare) are both severely short of human resources.

3. CDOs, who head up the relevant departments at district level, have not been trained in child rights.

Despite such challenges, there are opportunities for future interventions to build upon. As well as the potential advantage of integrating activities and enhancing coordination within the new Ministry, other opportunities with positive implications for the realisation of children's rights include:

a) The new constitution that is being drafted, which specifically lays out children's rights for the first time. If and when it is adopted, it will give prominence to the rights and wellbeing of children and enhance compliance to their implementation.

b) The new Ministry could continue to solicit support from partners to strengthen its capacity and ensure that the department responsible for children's rights has the required resources to fulfil its responsibilities.

c) Tanzania has been selected as a pathfinder country to herald the work of the Global Partnership on Violence against Children. This should help to mobilise global resources on and around the issue of combating violence against childrenand facilitate the implementation of the new NPA to End Violence against Women and Children 2016–2021.

COORDINATION MECHANISMS

4.1 The overall scenario

In Tanzania, coordination is complex. Children are not a union matter, and there are separate mechanisms for mainland Tanzania and Zanzibar. And, while one ministry has the overall mandate over child rights on both sides of the union, there are many other coordination mechanisms also at work. On the mainland, there are two types of coordination: issue-based – which is led by different ministries, usually multi-sectoral but can be bi-sectoral between two MDAs – and sector-based. Many other national plans are broader in scope and coordinated by different MDAs, such as TACAIDS, TASAF and CHRAGG. And these impact or involve children's issues.

Before the restructure, at LGA level and below, all sectors and programmes were coordinated by the District Executive Director under the aegis of PMO-RALG. Table 4.1 summarises the main coordinating bodies and mechanisms before the government restructure. It is not yet clear how the changes in ministries will affect these mechanisms. We examine these in more detail in the rest of this section.

Table 4.1: Coordination bodies before the cabinet restructuring of the new Government

Name	MCDGC	MOHSW	Ministry of Home Affairs	PMO-RALG	Ministry of Labour and Employment	MCLA
Mandate	Violence against children	NCPA II	Anti-Trafficking Committee	Overall coordinator of LGAs and multi-sectoral plans at LGA level	Task Force on Child Labour	Child Justice Forum
	MTSF		Forum on Refugees	Inter-sectoral Committee on Child Labour		National Criminal Justice Forum
	FGM and early marriage		Police Partnership Forum Gender and Children's Desks	High-Level National Steering Committee for Nutrition		
	Children living and working on the street					
	Early childhood development					
After restructure	Incorporated wholesale into MHCDGEC			Moved to the President's Office	Now Ministry of Parliament, Policy, Labour, Employment, Youth and People with Disabilities	

Ministry of Community Development, Gender and Children

As discussed in Chapter 3, the MCDGC was responsible for coordinating and ensuring the implementation of children's policy in mainland Tanzania, while the MSWYWCD was responsible for doing the same in Zanzibar. But there has been limited coordination between these two key ministries. The MCDGC invites the MSWYWCD to an annual collaboration meeting to discuss children's issues generally, but the meetings are neither regular nor systematic. The last meeting was held in 2009 (TCRF 2013).

Although the MCDGC was urged by the UNCRC to strengthen this role, its strategic plan for 2011–2016 fails to mention the coordination role, other than reiterating the mandate itself. Instead, the plan identifies the MCDGC's main functions as: coordinating community development policies, community-based HIV and AIDS interventions and implementing women and fender development policies. With regard to children, the plan states its function as formulating and overseeing the implementation of child and family development policies.

In her budget speech for 2015/16, the Minister enumerated the achievements of the MCDGC over the last 10 years. When evaluating the previous year, she mentioned the ongoing revision of the Child Development Policy to include early childhood development, the continuing coordination of the VAC MSTF and setting up the local and national Junior Councils (MCDGC 2015; Parliament of Tanzania 2016). The MCDGC is also responsible for coordinating data collection for the VAC MSTF, the FGM and Early Marriage Forum, the Gender-Based Violence (GBV) National Technical Committee (which includes violence against children) and the Forum on Street Children (for which it has developed a national action plan for children living and working on the street).

Ministry of Health and Social Welfare

While MCDGC was responsible for the overall coordination of child rights and their implementation, the MOHSW also had a broad role to play, particularly in relation to child protection. According to the Law of the Child Act, 2009:

> *The Minister responsible for social welfare shall, after consultation with the Minister responsible for children affairs,[8] make regulations prescribing for (a) care and protection of children; procedure for admission and removal of children, from residential homes or institutions; (b) foster care placement; (c) adoption; (d) child labour; (e) apprenticeship; (f) children accompanying a parent, guardian or a relative admitted in hospital for more than six months; (g) open adoption; (h) matters provided for under section 6, 7 and 8; (i) approved residential homes and institution; and (j) generally for the promotion and furtherance of the objects of this Act.*

This shows that the DSW had a large role to play, albeit after consultation with the Minister Responsible for Children Affairs. Although it was in charge of coordinating the NCPA II – which we analyse in depth in Chapter 5 – the DSW did not receive funding commensurate to the role it was supposed to play, with only one per cent of the MOHSW budget. So in

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8   Under the revised structure, these two ministerial roles have been combined

practice, children's issues only received 0.05 per cent of the budget.[9] The Department is also severely understaffed at LGA level.

In the revised structure, the MHCDGEC does not have a social welfare component, and in the absence of ministerial instruments, it is still not clear whether it will be assigned to another ministry – for example, the President's Office – or form part of the newly constituted Ministry. Given the importance of this department for children and its role in implementing the Law of the Child, it is essential that clarity be provided as soon as possible.

Ministry of Home Affairs

Under this ministry, the Tanzania Police Force has set up Gender and Children Desks to handle cases of violence against women and girls and have trained police officers to run the desks. This plan is gradually being rolled out to the whole country. The Police Force has also established a Police-Partner Coordination Group – consisting of MDAs, development partners and CSOs – to support the police in implementing their strategic plan on GBV and child abuse. The number of people reporting GBV and VAC has since risen by nearly two-fold, and about half of those cases have been taken to court. Child rights and child protection have also been included in the police academy curriculum. But the focus to date is only on a few regions and there is a need to expand these practices to the whole country.[10]

The ministry is also responsible for coordinating the Anti-Trafficking Committee and allocating a budget to this issue for the first time. Although its adoption of implementing regulations for the 2008 Anti-Trafficking Law has been weak, the existence of a plan to combat trafficking and the commitment of resources to implementing that plan convinced the US Department of State not to downgrade Tanzania to Tier 3 in regard to trafficking (US Department of State 2015). It is important that the plan be effectively implemented to combat human trafficking and make Tanzania a safer place.

Ministry of Labour and Employment

Child labour has its own national action plan and a monitoring system under the Ministry of Labour and Employment, which is responsible for the enforcement of child labour laws. In the restructure it was incorporated into the new Ministry of Parliament, Policy, Labour, Employment, Youth and People with Disabilities. Before that, PMO-RALG oversaw the National Inter-sectoral Committee comprised of government ministries and NGOs working on child labour. The committee, which coordinated action to bring attention to the issue and strengthen local structures to eliminate child labour, met once during the reporting period to circulate child labour policies and collect regional and district-level data on the prevalence of child labour (US Department of Labor 2015). Twenty-three district child labour committees were established, but only a few have been active. The Ministry of Labour and Employment also works with other relevant ministries, but its programmes have been severely limited by a lack of funding:

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[9]   Interview with respondent from Department of Social Welfare.
[10] First year progress report 2013/2014 for the action plan for police gender and children's desks

> *Several components of the [National Action Plan] have yet to be mainstreamed at either the district or national levels. As a result, the Ministry of Labour and Employment need to increasingly mainstream the NAP [national action plan] into the policies of other ministries and solicit resource allocations from individual ministries such as the Ministry of Education, the Ministry of Local Government and the Ministry of Finance* (ibid.)*.*

This is one of several examples of multi-sectoral plans being developed without costing and depending on the financial good will of other sectors. In its latest report on the ACRWC, the Government stated:

> *Similarly, the State Party has taken steps to decrease its over reliance on CSOs and donor funding for protecting children from child labour in the Mainland, in particular hazardous forms of child labour. Through awareness creations on National Action Plan for Elimination of Child Labour, the State Party pursued Municipal councils to integrate of child labour issues into municipal plans and budgets, aiming in enabling the sustainability of campaigns against child labour* (The Government of the United Republic of Tanzania 2015).

Ministry of Constitutional and Legal Affairs

A Child Justice Forum, with a mandate to serve as a consultative and policy development platform, has been set up within the ministry. Its mandate includes overseeing research and guiding the development of strategies to strengthen the child justice system in line with study recommendations.

The Forum includes all those involved in governmental and non-governmental institutions working in the area of law and representatives from other ministries, including the MCDGC. The MCLA is the lead agency and convenor for the Forum. The Ministry's Permanent Secretary chairs the forum and its Director of Public Legal Services is the Secretary. The Forum has produced its own Child Justice Strategy, as stated in the document:

> *It is intended to provide a framework for reform, within which relevant MDAs and CSOs can shape their child justice related activities, to ensure that everyone is moving in the same direction to achieve a common vision of the child justice system.*

As with child labour, there is no guarantee that other stakeholders will include funding to implement this plan of action in their budgets.

4.2 Other multi-sectoral plans

The multi-sectoral plans for children discussed in the earlier section only deal with the issue of protection in one form or another. In this section, we examine some of the other sectoral plans that include cross-cutting issues related to children.

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9   Interview with respondent from Department of Social Welfare.

School Water, Sanitation and Hygiene (SWASH)

In 2010, a technical working group was established as a coordinating body for the School WASH Partnership, involving four ministries – MOHSW, Ministry of Education and Vocational Training, PMO-RALG and Ministry of Water – Tanzanian universities, UN agencies, national and international NGOs. This has led to the development of the National Strategic Plan for SWASH 2011–2015. The national coordinating mechanism depends on external support MOEVT (2012).

Nutrition

MOHSW was responsible for overall coordination, technical leadership and guidance on the implementation and monitoring of the Nutrition Strategy (Ministry of Health and Social Welfare of Tanzania 2011). The High-Level National Steering Committee for Nutrition includes senior representatives from the government, development partners, the private sector and civil society.

FGM/C and other harmful practices

A number of plans, strategies, committees and coordinating bodies provide guidance and regulation to prevent and respond to harmful practices such as FGM/C, among others. These include:

- NPA for Prevention and Eradication of Violence against Women and Children (2001–2015)
- NPA for Prevention and Eradication of Female Genital Mutilation (2001–2015)
- National Community Sensitization Strategy to Prevent and Respond to Gender-based Violence
- National Multi-sectoral Committee to Prevent and Respond to Violence Against Women and Children
- NPA on Prevention and Response to Violence against Children
- MCDGC Strategic Plan (2011–2016)
- Child Development Policy (2008)
- National Strategy for Gender Development (2005)
- NPA to Accelerate the Eradication of FGM and Other Harmful Traditional Practices
- National Human Rights Action Plan (NHRAP) (2013–2017).

The major threat of having multiple plans of action is that efforts could be duplicated – at national or sub-national level – leading to inefficiency and ineffectivness. The Child Justice Strategy makes explicit mention of the potential overlaps of plans and the need to harmonise them for greater impact on children:

> *A number of strategies and plans related to child protection, gender based violence, human rights and social protection (e.g. National Plan of Action to Prevent and Respond to Violence Against Children; National Plan of Action II for Most Vulnerable Children, National Human Rights Action Plan 2012–2017 etc.) have been or are in the process of being developed. Justice is a key sector for these strategies. Efforts must be made to ensure*

cohesion and harmonisation between these plans of action and the Five Year Strategy for Progressive Child Justice Reform. The reform process will be undermined if different national strategies set out different objectives and goals for the child justice system.

4.3 The sub-national context

At sub-national level, all programmes – with the partial exception of the TASAF, which has always been directly under the President's Office – fell under the aegis of PMO-RALG, which was responsible for governance at regional, district and community level.[11] In the restructure, regional administration and local government were moved wholesale to the President's Office, under the portfolio of the Minister of State for Regional Administration, Local Government, Civil Service and Good Governance.

Under the previous Government, all sectors and district-level programme coordinators reported to the Council or Municipal Director, who was responsible for filtering reports up to regional and national level in the PMO. The PMO then used the information, also relaying data to the line ministries as needed. So the Director was and remains the overall coordinator of child rights at LGA level.

Challenges and constraints

District Child Protection Teams (DCPTs) are the primary district-level coordinating body for multi-sectoral child protection plans, following up on incidents of violence against children and ensure that institutions for vulnerable children meet national standards. Headed by Social Welfare Officers, these teams also include district officers for planning, education, social welfare, community development and health as well as the district prosecutor and magistrate, and representatives from the Community Service Division, NGOs and the District Child Council. The teams are under the overall coordination of the director and meet quarterly and whenever the need arises. In the districts visited for the study, team meetings were well attended and there was good coordination, particularly between the social welfare officer and the gender and child protection officer in the Police Force.

Although NCPA II and the VAC Plan were run by two different national ministries, at district level they were coordinated one department - Social Welfare. Coordination should be easier now that community development and social welfare belong to one ministry, but deliberate steps need to be taken to harmonise their roles. Only 30 out of 169 districts have set up CPTs to date (The Government of the United Republic of Tanzania 2015).

Some plans – such as VAC, Anti-Trafficking and Child Justice – are only coordinated at national level. But NCPA II, the GBV NPA, the FGM and Early Marriage Forum and the Child Labour Programme all have coordinating committees at district, ward and village levels. But this sometimes means that there are three or four multi-sectoral committees at all these three levels, often consisting of the same people. For example, one of the social welfare officers from Hai District mentioned that the same group of people can meet as the MVCC one day and as a the GBV committee the next. As well as overlap of people, there are also

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[11] Now under the President's Office

problems associated with multiple and concurrent plans. In summary, constraints at sub-national level include:

Limited geographical scope: The Child Protection Programme is active in only 30 districts out of 169. Although there is increased government funding, without the support of UNICEF and Save the Children International, the teams would have difficulty functioning effectively (MCDGC, UNICEF and Global Affairs Canada 2015).

Overlap of functions and responsibilities of committees: There is some lack of clarity as to roles and functions. MVCCs have been in place for some time as part of the NCPA. There is some overlap between the functions of the more recent DCPTs and the MVCCs, for which child protection was also important. Although MVCCs are being retrained to identify and take action against VAC, DCPTs are not yet functional in all districts.

Status and recognition: The CPTs are not official council committees and therefore attendance at the CPT is an additional task outside of official job descriptions. According to the social welfare officers who coordinate the teams in the districts we visited, attendance at meetings and the effective functioning of district teams depends on the goodwill of the relevant officials and the social welfare officer's ability to foster their commitment. In such a situation, accountability is also limited.

Parallel national and local structures: Each district has a District Commissioner supported by a team of officers who are appointed at national level as part of the central government structure and a District Executive Director supported by a team who are part of, and answerable to, the LGA. This can affect the smooth functioning of child rights efforts.

Disconnect between functioning of the different committees limiting effectiveness: Although TASAF works within the district structure (the TASAF coordinator is a Social Welfare Officer answerable to the council) it is not a member of the DCPT and has its own structures and committees at community level. It reports to the district council, but also has its own district technical adviser to ensure accountability and the proper use of allocated funds.

Tension between social welfare and community development: At national level, MCDGC is concerned mainly with policy and planning, while social welfare is more operational. At district level, community development is more concerned with prevention activities, while social welfare is responsible for response and case management. Council-level Social Welfare Officers were in a department headed by the community development officer, while nationally, they were in the Ministry of Health. It is not surprising that they find it difficult to play a coordinating role. This may become easier to develop better division of labour and coordination mechanisms now that they are both in the same ministry. In one of the interviews for this study, a representative from CHRAGG said they had identified the same overlap and potential for conflicts and made recommendations to government which have not yet been implemented.

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Box 4.1: Influencing local governments' performance: What can we learn from Pamoja Tuwalee?
International organisations and national and local CSOs have generally worked with and through local government structures. Evidence of such relationships can be found in the mid-term evaluation of the Pamoja Tuwalee (Let us bring them up together) programme funded by USAID to reach out to the most vulnerable children (MVC). Although it has different principal recipients in different parts of the country, Pamoja Tuwalee has consistently worked with the MVCCs at district and sub-district levels.

All implementing partners have invested in strengthening LGAs and MVCCs. The programme has mobilised and strengthened LGAs and community-based responses to support MVC. All partners reported collaborating with LGAs to train and supervise MVCCs that are providing improved quality support to MVC. As a result of this collaboration, LGAs have invested more in MVC activities, including training and supervision of MVCCs. This has also led to increased commitment to funding at district level.

The MoU [memoranda of understanding] have reportedly provided the basis for stronger collaboration with LGAs, resulting in improved support for MVC. Strong LGA capacities have reportedly resulted in prioritization on MVC needs in budgeting (USAID 2014). However, the evaluation recognises that there is still a lot of work to be done with regard to council buy-in (figuratively and financially) to the programme. Very few councils have funded their commitments and, while local authorities acknowledged their responsibility to support MVC, they cited limited financial resources as a critical challenge. This may be true; but it is also a reflection of the fact that children's issues remain a low priority.

Source: USAID (Tanzania) 2014

4.4 Coordinating data

The MCDGC has no consolidated database for children. The broadest and most cross-sectoral sources are the census and the Demographic Health Survey (DHS), among others.[11] Otherwise, data is stored by different MDAs and PMO-RALG. Sectoral ministries for education, water and health have their own information management systems.

Given the plethora of multi-sectoral and sectoral plans, data coordination remains very weak:

> Efforts to centralize data management systems have been discussed between ministries over the years, but have not yet materialized ... Each of the ministries dealing with children has their own data management system, but there is no centralized system with synchronized data. There is no institution with a centralized data system that harmonizes all information from all MDAs. Even the MCDGC has its own data management system (TCRF 2013).

When it comes to multi-sectoral cross-cutting plans, there is a dearth of data, let alone coordinated data. For example:

• The Ministry of Labour and Employment was supposed to collect data on child labour, but they did not have labour officers in every district.

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[12] It is interesting that even in its latest report to the UNCRC, the government used population data from the 2002, rather than 2012, census.

- The DSW within MOHSW has its own MVC data system, mainly targeting vulnerable children. And although it is fed with data from district, ward and village levels, data collection is not consistent and there are many gaps.[13]

- TACAIDS has its own monitoring system and database to monitor HIV and AIDS-related interventions, including support to orphans and vulnerable children. But when staff members were interviewed, they said they do not have data on children living with HIV and their access to antiretroviral drugs (UNCT (Tanzania) 2015).

Even within sectors, there can be more than one data collection system. For example, the BRN programme has its own data collection, which is sometimes at odds with the parent ministries, such as education. But there are also some cases of good data coordination. For example:

- The ongoing child registration and vital statistics project/initiative aims to improve the availability of statistics and revamp civil registration by creating interoperability between RITA and the National Bureau of Statistics. The system plans to expand coverage and lay the foundations for improving child rights data in other sectors.

- TASAF holds data for the poorest 15 per cent of the Tanzanian population (about 2.7 million children), which it updates every two months. This includes data on clinic and primary school attendance, as these are prerequisites for families to get their cash grants. There is discussion on how the TASAF database could be used to create a single registry.

The Ministry of Health and Social Welfare had its own statistical base, which is recorded online at district level so that it can be accessed at national level. The revitalised Nutritional Surveillance System will also be linked with other information management systems such as the Health Information Management System and Tanzania Socio-Economic Database.

4.5 Effectiveness of coordination mechanisms

It is clear that the current coordination mechanisms are working most effectively at LGA level, where all sectors report quarterly to the Director and the Council.

At national level, the general tendency has been to move overall coordination responsibility to the PMO-RALG, which has now moved to the President's Office and is increasing its capacity to fulfil this role. But respondents noted that the lines of authority between line ministries and PMO-RALG were unclear and the latter is in a danger of becoming too big and unwieldy to coordinate everything.

Coordinating committees often do not meet. Further, when different stakeholders are expected to contribute to funding an action plan, they usually do not do so. Many respondents noted that the MCDGC had the power to convene, but did not exercise it. None of the ministries responsible have the resources to exercise their mandate effectively. All these factors have contributed to limiting the effectiveness of the mechanisms in place to expedite implementation of child rights in Tanzania. There needs to be immediate action to address these problems and enhance coordination and effectiveness of implementation efforts to improve the wellbeing of all children in Tanzania.

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[13] Measure Evaluation is currently working with the MOHSW to strengthen the database on vulnerable children.

5 A NATIONAL STRATEGY AND PLAN OF ACTION FOR CHILDREN

5.1 Overview and scope of national strategy/plan of action for children

There is no single strategy or plan of action that is comprehensive enough to address the full range of child rights issues in the country, although child rights are included in Tanzania's overarching development strategy. Goal 3 of Cluster III (governance and accountability) of MKUKUTA – mainland Tanzania's national strategy for growth and poverty reduction – seeks to promote and protect human rights for all, particularly women, children and other vulnerable groups including people living with HIV and AIDS. The key interventions outlined in MKUKUTA for these operational targets are:

- Providing an environment that ensures that all children have a right to basic services, including education, food, shelter and legal protection.

- Supporting children's rights against the worst forms of forced labour and sexual abuse, improving juvenile justice and supporting children who live in difficult circumstances.

- Holding duty bearers – including parents, teachers and law enforcers – accountable for the abuse of children's rights.

Within this framework, each ministry deals with the issues of child rights that are pertinent to its own mandate. So the Ministry of Health and Social Welfare has programmes for maternal and child health, nutrition, adolescent health, while the Ministry of Education works to ensure that all children access their right to education. Different ministries and/or communities of interest also formulate separate, issue-based action plans that are then coordinated by lead ministries depending on a particular issue falling within their respective sector or being expressly tied to their mandate.

With support from development partners such as UNICEF, UNFPA and UN Women, the government of Tanzania developed the NPA to End Violence Against Women And Children 2016–2021. This plan's broader vision is to create an environment where all women and children in Tanzania live free from all forms of violence, abuse, exploitation, neglect and discrimination. It aims to prevent and respond to all forms of violence against women and children by establishing a comprehensive protection and response system at all levels and in collaboration with various stakeholders, including civil society and women and children themselves. The plan builds on its predecessor, the VAC Plan, and is scheduled to be adopted soon for implementation.

In this context, there are three major cross-cutting national plans worth examining in more detail: NCPA II, the VAC plan and the Child Justice Strategy. These provide a good picture of how the government is trying to develop action plans that cover a broad range of issues concerning child rights.

Although this chapter focuses on the three key documents, reference has also been made of other action plans or strategies to help illustrate the government's approaches on planning for children, whether harmonisation issues are addressed and how that affects resource allocation for children. These include:

- Birth Registration Strategy for the Under Five

- NPA for Human Rights

- NPA for the Elimination of Violence against Women and Children

- Action Plan for Police Gender and Children Desks to Respond to GBV and Child Abuse 2013–2016

- National Multi-Sectoral HIV/AIDS Strategy, and

- National Strategy on Inclusive Education 2009–2017.

5.2 NCPA II: The National Costed Plan of Action for Most Vulnerable Children

The NCPA II intended to create an effective child protection service at the district level, coordinating and strengthening existing community development, social welfare, NGO, and voluntary resources, managed under a district social services committee. One objective was to improve district and ward professional child protection capacity and ability to monitor, supervise, and improve case management (Plummer 2014).

This is the second plan of action in support of MVCs and it builds on the lessons learned during implementation of the first. It has four strategic objectives:

1. To strengthen the capacity of households and communities to protect, care for and support MVCs.

2. To establish an effective, accessible and fully resourced child protection system in order to prevent and respond to violence against children.

3. To improve access to and use of primary healthcare, education and early childhood care and development services.

4. To strengthen the coordination and leadership, policy and service delivery environment.

The plan defines MVCs as "those under the age of 18 years falling under the extreme conditions characterised by severe deprivation as to endanger their health, wellbeing and long-term development." Laying out clear criteria for identifying children in vulnerable situations and at risk of abuse is a critical positive element of the plan.[14] How that plays out in practice is an issue for further investigation.

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[13] The plan defines the dimensions of vulnerability, for the purposes of identifying children who are most vulnerable.

Implementation mechanism and oversight

The plan was housed in the MOHSW, with the DSW playing the coordinating and lead role for its implementation, in collaboration with implementing partners and funding agencies. Strategic Objective 4 seeks to establish a coordination structure that is responsible for following up implementation. At national level, the structure consists of:

- **National Steering Committee (NSC):** mobilises and coordinates all ministries, and ensures there is adequate resource allocation for the plan. The NSC is made up of permanent secretaries from relevant line ministries and chaired by the permanent secretary in the PMO. The committee is supposed to meet bi-annually, but meetings are rarely held.

- **National Technical Committee:** chaired by the permanent secretary of the MOHSW with the commissioner for social welfare as secretary. It is comprised of senior officers from line ministries, agencies and programmes and includes representatives from local and international NGOs. Among the key functions are coordinating, supporting and monitoring the implementation of the plan. The committee meets quarterly and receives implementation reports from different ministries

- **National Child Protection Advisory Committee:** serves as a sub-committee to the National Technical Committee and addresses all technical child protection system-related issues. It also supports building DSW capacity to provide oversight for child protection.

- **Implementing Partners Group:** draws its membership from government ministries and a wide range of CSOs and meets quarterly. It is the policy dialogue and information-sharing forum for the government, funding agencies and CSOs. The line between the National Technical Committee and Implementing Partners Group is quite fine, as their functions overlap. But the group seems to meet more often.

One of the strengths of the NCPA II, compared to other national plans, is that it articulates institutional arrangements for LGAs, laying down the roles and responsibilities of district councils to establish the MVCCs at district, ward, village and sub-village levels. As reflected in the title, costing all the aspects of the plan was a key element and an example of good practice, as it provides policymakers and economic planners with a clear picture of the financial resources required to implement the plan.

Strategic Objective 2 is to establish an accessible child protection system within the context of the NCPA II. But it is noteworthy that the relationship between the DCPT and MVCCs is not clearly articulated. This is one area of overlap.

Monitoring the national plan

NCPA II has a monitoring and evaluation (M&E) plan, developed in 2015 to ensure its impact is measurable. The M&E plan puts in place a system to monitor progress by collecting, analysing and reporting data starting from the lowest structure of village and *Mitaa* level to ward, district, region and eventually national level. The NCPA II M&E plan also envisages using the elaborate TASAF M&E system to complement data from the MVC

database. Evidence from field work indicates that the TASAF III M&E framework and its attendant database are quite comprehensive, so implementing a plan for the interoperability of data collection would help address the many challenges facing the Child Protection Information Management System.

Implementation of the plan

Despite its comprehensive nature, the plan's implementation has been seriously delayed and it has not been possible to roll it out to the whole country for several reasons, including:

a) Human resources: The DSW, the primary implementer, is severely under-resourced. With very few social welfare officers at ward or even district level, the department has insufficient human resources to carry out their work. So programme implementation depends more on CDOs.

b) Funding constraints: Although the overall NCPA II budget was US$57 million for 2013 and US$44 million for 2014, much less was allocated to it. The government attributes this to donor delays in disbursing funds, but it could be a result of the Ministry of Finance allocating money to other priorities.[15]

c) Donor dependence: Donors, international NGOs and local CSOs and faith-based organisations are working with the government to implement the NCPA II at district level. For example, Pamoja Tuwalee is funded by USAID and works in all regions in Tanzania (USAID (Tanzania) 2014). The USAID funding has ensured significant implementation of the programme, but raises the issue of sustainability.

All national interview respondents who commented on this issue reported that the most active examples of child protection systems at regional, district, and ward levels are those that are actively coordinated and supported by NGOs. Child protection systems in areas that do not receive direct support from non-governmental sectors are quite variable in their quality and scope. The research visits confirmed this reality. While Hai and Arusha municipal districts had well-developed child protection systems with the support from UNICEF and Save the Children International, respectively, we found that in other districts, such as Dodoma, DCPTs had been formed and trained but had not started to function. While she did not have the exact figures, the respondent from Hai district estimated that the annual council budget allocated TSh4,000,000 to cross-cutting children's issues (particularly protection and participation) while UNICEF allocated TSh112,000,000. It is clear that the programme would not function without UNICEF funding.

In Arusha, respondents said that MVCCs and children's councils are facilitated by Save the Children International, although the city council has launched its own child protection strategy and provides some funding. Our respondent in Dodoma Urban, where there is no large-scale donor, said the department was allocated TSh10,000,000 in the budget but, in reality, would receive no more than TSh3,000,000–5,000,000. This was not enough for follow-up and monitoring activities. None of the districts we visited had vehicles and staff

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15 This is particularly critical in an election year. According to participants of the validation workshop, 40 per cent of the 2015/16 national budget has been cut to finance the general election.

had to borrow vehicles or take advantage of visits by other departments to do their community work. In Dodoma, this was easier because it was a town council, rather than an urban district, which covers relatively smaller area.

The CPTs and indeed the whole protection programme are still regarded as a stand-alone project. The teams are not recognised as formal district structures within the LGA system, which affects the LGA's ability to allocate resources to them and to MVCCs: for the DCPT and MVCC to be budgeted for in LGA plans, the PMO-RALG needs to issue a circular authorising it. This has not happened, resulting in serious delays.

5.3 Multi-Sector National Plan of Action to Prevent and Respond to Violence against Children

The VAC Plan was developed to operationalise the 'priority action' commitments by MDAs and other stakeholders in response to the findings of the national VAC survey launched in 2011 by the MCDGC (The Government of Tanzania 2011). The MSTF led the process of developing the VAC Plan, which was coordinated by the MCDGC. The VAC Plan's mission is "to guide the provision of quality violence prevention and response services as part of the national child protection system through the multi-sectoral collaboration" (The Government of the United Republic of Tanzania 2013).

It is a costed plan, and each outcome area has an estimate for the financial resources required. It also highlights multi-sectoral collaboration as key to the VAC prevention and response strategies and clarifies each sector's contributions as follows:

- Community development, gender and children: promoting awareness and addressing social norms for prevention of violence.

- Social welfare: setting the regulatory framework and coordinating the child protection system.

- Health: providing the medical response to GBV and VAC.

- TACAIDS: addressing violence as a core strategy for epidemic prevention.

- Justice: addressing aspects of child justice, especially with regard to strengthening access to justice for child victims of violence.

- Education: creating safer schools to protect children in school settings from violence.

- The police: building a police force with specific services and provisions for women and children at risk.

- Civil society: working to supplement government priorities; working closely with national structures and systems as part of the national response.

- Religious associations: working to provide moral authority and extensive reach to the most vulnerable groups in the fight against violence.

- Local government system: ensuring that policy commitments are implemented on the ground.

Coordinating the plan's implementation

Through its convening mandate of the MSTF, the MCDGC was responsible for providing overall leadership and ensuring the effective collaboration and participation of other MDAs in the quarterly meetings and implementation of the plan. The aim is to ensure the VAC Plan is integrated into national-level sector MDA strategies, plans and programmes and to integrate VAC into the National Development Plan.

The VAC Plan mentions that its coordination is closely linked with the NCPA II, which in turn is coordinated by the PMO in close collaboration with the MOHSW. The VAC Plan has a clear implementation, monitoring and evaluation and results matrix with well-articulated outcome statements for each sector.

Drawing on the experience of its predecessor, the new NPA to End Violence Against Women And Children (NPA VAWC) (2016–2021) has proposed a coordination mechanism that involves all relevant government and non-government actors operating at all levels of administration (see Figure 5.1 and Box 5.1).

Figure 5.1: Coordination structure for implementing the NPA to End Violence Against Women and Children (2016–2021)
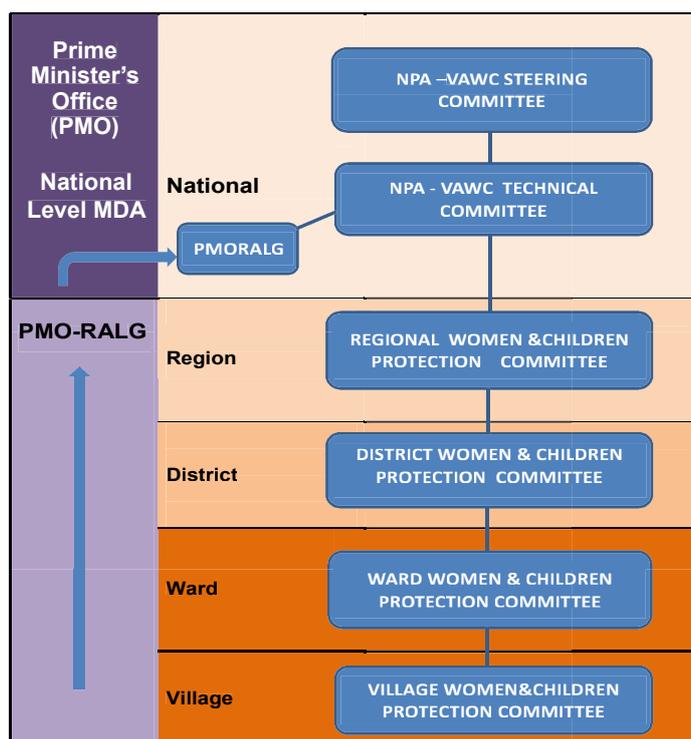
Source: MHCDGEC 2016

It is encouraging to note that the government took the initiative to develop a coordination mechanism to implement the newly revised NPA to End Violence Against Women and Children (2016–2021) by bringing on board relevant actors at national and lower levels of administration. We also note that, while putting the coordination structure in place and constituting the relevant agencies for implementation is very important, the functionality of these structures and delivery on commitments are equally critical. As experience from

previous such arrangements shows, the coordination mechanism needs to be adequately resourced and accompanied with a stronger accountability mechanism to ensure that all actors are effectively playing their part and contributing to the achievement of the targets.

Box 5.1: Names of institutions/organisations to be involved in the implementation of the NPA to End Violence Against Women and Children (2016–2021) as members of the steering committee

Permanent secretaries for:
- Prime Minister's Office (chair) **PMO**
- President's Office Regional Administration and Local Government **(PO-RALG)**
- Ministry of Health, Community Development, Gender, Elderly and Children **MHCDGEC**
- Prime Ministry Office Labour and Employment **POCL**
- Ministry of Finance **MoF**
- Ministry of Constitution and Legal Affairs **MCLA**
- Ministry of Education, Science and Vocational Training **MOEST**
- Ministry of Information Culture, Sports and Art **MOIYCSA**
- Ministry of Home Affairs – **MoHA**

Government departments/units
- TASAF – Tanzania Social Action Fund
- TACAIDS – Tanzania Commission for AIDS
- RITA – Registration Insolvency Trusteeship Agency
- TFNC – Tanzania Food Nutrition Commission
- CHRAGG – Commission for Human Rights and Good Governance

Development partners (DPs) and CSOs:
- A representative from the private sector to be determined by the NSC
- Two faith-based organisation representatives
- Two CSO representatives
- Two heads of selected UN agencies – UNICEF and UNFPA
  • Two representatives of bilateral partners – USAID and another
  • Representative from an umbrella organisation for people with disabilities.

Source: MHCDGEC 2016

5.4 Five-Year Strategy for Progressive Child Justice Reform

Scope and reach

The Child Justice Strategy originates from two comprehensive studies conducted in 2011 that highlighted major gaps in Tanzania's child justice system. One examined access to the justice system for under 18 and the other was a situation analysis of children in conflict with the law. The strategy also drew on lessons learned from the implementation of the Legal Sector Reform Programme, which found a lack of coherent approach to children's issues in the legal sector, especially for children in conflict with the law, and highlighted problems for all children accessing the justice system.

The strategy sets out the concrete steps that MDAs and NGOs need to take to reform the child justice system in Tanzania, and is organised around eight key objectives. These range from strengthening the capacity of formal and informal child justice systems to developing a child rights-compliant justice system and include responses to child victims and witnesses, effective child protection, quality legal assistance and effective monitoring and coordination.

The Child Justice Plan is not costed. It expects individual MDAs to integrate the activities identified in the strategy in their respective medium-term expenditure frameworks (MTEFs). A review of its implementation is conducted every year and encouraging progress has been noted.

Coordination

The Child Justice Forum – a body made up of MDAs, legal aid providers, NGOs and development partners –serves as the monitoring and oversight body for the Child Justice Strategy. The forum is convened and coordinated by the MCLA and meets annually to review progress on implementation and agree on the way forward for further improvements.

Implementation, monitoring and accountability

The strategy does not have an M&E plan to monitor progress and impact, but respondents stated that the M&E plan and database are under development. Ironically, despite the absence of a coherent M&E plan, monitoring of progress is carried out systematically and objectively by counting the completion of individual activities. Each objective is given a progress rating according to the number of scheduled activities, with ratings ranging from *completed* to *some progress made*. A cumulative overall progress rating is then presented for each of the eight objectives. This type of monitoring is useful in addressing process or progress indicators, but does not provide much value in measuring impact on outcomes for children.

5.5 Financing national plans

Although several ministries have been involved in implementing child rights, every plan developed for this purpose at both national and local levels is largely dependent on donor funding. Without the support of UNICEF and other international donors and NGOs, much of the good work currently being done would grind to a halt. At the same time, some municipal councils – such as Arusha – are increasingly allocating funding to child rights issues.

It was also noted that the provisions of the national plans we have analysed here have rarely informed the annual MTEFs of the ministries responsible for implementing the plans. Costing seems to be carried out on an ad hoc basis outside normal budgetary processes and is sometimes based on unrealistic assumptions that do not reflect the realities on the ground. There seems to be no clearly spelt out resource mobilisation strategy. Findings from the interviewed ministries show that all were constrained in terms of financial resources, even for their traditional business outside of the action plan.

While it was not easy to access details of the finances of the MDAs visited, it was observed during the study that there was no direct relationship between ministry budgets and the availability of resources for implementing the plans. That is to say, there was no evidence that interventions were included in the ministries' budgets. This explains the connection between low levels of plan ownership among national stakeholders, their lack of accountability for them and why most of their activity budgets have continued to rely heavily on donor funds. Ministry budgets have shown no substantial increase since the launch of the action plans, pointing to the lack of connection between their budgets and resourcing for action plans. Overall, this issue is related to the government's lack of a resource-driven planning culture for plans that fall outside the regular budgetary cycle.

5.6 Adherence and application by various stakeholders

There is no single, coherent and comprehensive NAP for child rights with specific roles assigned to particular government institutions. Instead, an array of individual plans stretches across different sectors, covering children rights from a number of angles. Each sector has its own plan related to the specific areas in their mandate. Although some might see this as detrimental to organised and systematic planning, the existing sector-based model of national planning for children rights might be the most suitable arrangement for Tanzania. Although having a unified national plan may sound appealing, the prospect of navigating the mammoth institutional architecture it would need may prove too complicated and therefore unattainable. It could also militate against the weaknesses of the centralised coordination structure.

But there is room for improvement in the existing set up. The challenges reflect the constraints of overlapping mandates between MDAs, which lead to duplication, waste of resources and low articulation of the authority and mandate among the coordinating ministries. Other problems include financial and human resource shortages, questionable agenda ownership and a lack of resource-driven planning with superfluous costing exercises.

The study reveals that in some areas all the plans are addressing the same thing. For example, the NCPA II, the VAC Plan, the national GBV plan and the Child Justice Strategy all have items to develop a child protection system. And while the plans acknowledge close linkages between them, it remains unclear how they will avoid double allocation. The same applies to the Child Justice Strategy and the NHRAP being coordinated by MCLA and CHRAGG, respectively.

There are also similarities and convergences around the timeframe within which the plans are being implemented: mainly from 2013 to 2017. The oversight committees, structures and mechanisms created to monitor their implementation are also similar. For example, the NCPA II has its National Steering Committees, National Technical Committees and Child Protection Advisory Committees; the VAC Plan has the MSTF; and the Child Justice Strategy has the Child Justice Forum. All these mechanisms adopt a collaborative approach as a multi-sectoral or a multi-stakeholder forum. These similarities present a unique opportunity for creating operational synergies at different levels and establishing joint accountability on child rights.

The proliferation of NAPs requiring multi-sectoral coordination under the auspices of the sector producing the plan reflected on the MCDGC's lack of clout to fulfil its coordination mandate. This includes issues related to budgeting for children and monitoring the progress of child rights-related programmes across sectors of government. MCDGC coordinated and oversaw the MSTF's work for the VAC Plan, which provides an opportunity to address a wide range of child rights issues. The experience generated through this oversight could have been used to develop across-the-board standards of practice for coordinating child rights, but the MCDGC continued to assign this important coordination role to fairly junior civil servants and failed to seize the opportunity.

The existence of other sector-specific plans addressing children's issues was an opportunity for the MCDGC to exercise the authority emanating from its statutory mandate by providing much-needed leadership in taking stock and pulling different strands together. MCDGC could also provide an integrated monitoring mechanism and establish a common coordination platform to which every sector is accountable. This could have helped move the MCDGC beyond focusing purely on the VAC plan. These are very important issues that the new government needs to take into account as it works on structures and mechanisms for comprehensively coordinating and overseeing child rights implementation.

At sub-national level, there are not enough linkages with LGAs to impact on integrating child rights into local government budgeting processes. PMO-RALG had the primary responsibility for ensuring that national-level strategies and plans are put into effect at local level. To do this, it needs to match the transfer of responsibility with the necessary financial and human resources. In our interviews with PMO-RALG, respondents expressed concern that the sectoral ministries have tended to hold back on decentralisation, especially when it comes to allocating and using resources from donor funds. This hesitation to transfer functions to PMO-RALG has hindered the integration of plans into local government budgets. At the same time, PMO-RALG needs to ensure that such plans are integrated – for example, by ensuring that structures such as the DCPT become an integral part, rather than an optional appendage, of local government work.

6 MONITORING CHILD RIGHTS IMPLEMENTATION AND ACCOUNTABILITY MECHANISMS

6.1 Self-monitoring and accountability mechanisms

All MDAs have built-in self-monitoring and accountability mechanisms. Most respondents stressed that, at an individual level, officials in the MDAs are accountable to their supervisors, who are accountable in turn to the Permanent Secretaries of ministries and Directors of MDAs. At LGA level, all are accountable to heads of department and the Director. LGA Directors were answerable to PMO-RALG and now to PO-RALG. The ministries are in turn accountable to the Paymaster General for their finances and the cabinet for their programmes. But the Paymaster General has no independent authority, as s/he and the Permanent Secretaries are all appointed by the executive body of the government (Sikika 2011). They are also accountable to the Parliament. But these mechanisms have not proved very effective in many cases.

The in-depth case study found little evidence of substantial, recent child rights governance progress in areas without NGO support, and multiple problems with accountability at community level. The following are worth highlighting:

- Accountability is dependent on knowledge and awareness. Councillors and district officials cannot hold people accountable if they do not know what they are supposed to be holding others accountable for. An official respondent in Dodoma admitted that, while she has a copy of the Law of the Child Act 2009, she has still not read it. In Mwanza, NGO representatives reported little awareness of children's rights among council members, as most of them have not been sensitised to those issues.

- Accountability is one way. Government officials can hold CSOs to account for the way they implement their programmes in line with government plans and policies, but the reverse is not true. CSOs are welcomed as partners in implementation, but they are not involved in the planning, allocation and oversight of government resources. NGO representatives working in Mwanza commented that district government authorities visit and monitor their work with children, but do not included them in district planning and there is no transparency around the allocation and use of district revenues. Some CSOs have tried to carry out budget tracking exercises, but only in a few places.

- There is little or no accountability at local level, with people often expressing frustration that teachers and government representatives are not accountable to community members. Parents in Mwanza mentioned teachers who work under the influence of alcohol or who demand repeated parental contributions to build school facilities such as laboratories which never materialised. Mention was also made of a case where government official who was transferred to another post after being found guilty of child abuse (UWEZO 2014). Such examples of misbehaviour by teachers are commonplace, and the same applies to services at health facilities

where public dissatisfaction is very high. And while there are community-based mechanisms such as school and health facility committees that include community members, they often have neither the authority nor the knowledge of their powers, to be able to monitor effectively and report on violations.

The effectiveness of such self-monitoring and accountability mechanisms is dependent on having both the political will and the resources to undertake the required activities. For example, the Ministry of Education and Vocational Training has laid down standards for every secondary school in terms of infrastructure, staffing, equipment and facilities. And, while the ministry does insist that privately run schools adhere to the system, the standards are not always applied to the public school system, many of which would have to shut down if forced to comply. Meeting the standards at both primary and secondary level is dependent on the release of the full capitation grants to all schools, which has not been happening for some time.[16] This is one area where the BRN initiative is expected to improve results. Similarly, it is difficult for the Ministry of Health to monitor and hold accountable health facilities when the sector is short of more than half the staff it needs to deliver on its responsibilities.

Most multi-sectoral plans have built-in targets and monitoring mechanisms and at sub-national level, officers are required to report on what they have done to reach these targets. The best example of this is the VAC Plan where each sector or stakeholder set the targets for which they were to be held accountable. Despite these targets, there are several constraints to effective monitoring, as the following illustrates:

> *Monitoring and evaluation for the implementation of the School WASH Strategic Plan shall make use of the current systems in the key ministries and shall combine information from different school WASH Stakeholders. The Local Government monitoring system shall feed information to the PMORALG while MoHSW maintains HIMS [the Health Information Management System]. The Ministry of Education and Vocational Training has established Education Information Management System (EIMS) and the Ministry of Water maintains the Information Management System (IMS). The functions of physical monitoring of programmes and projects will be strengthened, decentralized, but effectively coordinated at the central level. Combined monitoring and evaluation tools shall be developed to facilitate information management of School WASH from the different systems being used. Indicators available in the existing systems shall also be used in the School WASH Monitoring and Evaluation as bases for subsequent measures and decision making for policy formulation* (MOEVT 2012).

The School WASH system described here involved four different monitoring systems maintained by four different MDAs. Although the plan claims that they will develop combined monitoring and evaluation tools, it will be very difficult to put all the pieces together without a very strong coordinating body. Many of the multi-sectoral plans openly state that implementing the plan depends on the allocation of resources by all the MDAs and other partners involved. There is no assurance that the MDAs, which already suffer

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[16] Uwezo

from resource shortages, will be able to allocate such resources to effectively carry out their oversight roles.

It is also worth noting that a shortage of human resources makes full-scale monitoring impossible. Even in districts with large-scale donor funding for child protection systems, which have developed a comprehensive reporting and monitoring system as part of the Child Protection Information Management System, respondents admitted that they only record the most significant cases of violence against children. Otherwise, they would be swamped by the reporting requirements. It is therefore difficult to know just how prevalent such cases are.

In general, these mechanisms do not look at progress and achievements in terms of child outcomes. And they rarely provide space to monitor, rather than just implement, the plan, until it comes to developing the next one. Monitoring needs to be an integral part of the implementation process at all levels. Only then will it provide useful input to evaluate and revisit strategies and enhance performance in effectively realising the rights and wellbeing of all children.

6.2 Independent monitoring bodies

At national level, several independent or semi-independent institutions are involved, either directly or indirectly in monitoring child rights implementation.

Commission for Human Rights and Good Governance (CHRAGG)

CHRAGG is an independent government body established as the national institution for promoting and protecting human rights and watchdog on the observance of principles of good governance in Tanzania. It was established under the 1977 Constitution, and became operational in 2001 after the Commission for Human Rights and Good Governance Act No. 7 of 2001 came into force (Plummer 2014).

At the time of drafting this report, CHRAGG officially had 190 staff members. But during discussions at the consultative workshop, representatives from CHRAGG noted that there were 171, as some staff had left in the previous months and there were vacancies. There are seven human rights commissioners, one responsible for children's rights. The Children's Desk is one of several desks within the Human Rights Department, which has a head of section for special groups. In theory, the Children's Desk has one officer for investigation, one research officer, one public education officer and one officer from the Legal Department. But in practice, these officers are not confined to children's rights. CHRAGG also has an office in Zanzibar and two sub-national zones in Lindi and Mwanza, where there is one officer specifically responsible for child rights.

The mandate of the Children's Desk is quite broad, and includes:
- mainstreaming all child rights issues in CHRAGG's work
- receiving and investigating child rights complaints and providing legal aid services
- research on child rights
- inspecting detention facilities

- monitoring child rights
- creating public awareness
- sensitising decision makers and policymakers, and
- advising the government.

Although CHRAGG has been in existence since 2001, its role expanded significantly with the development of the National Human Rights Action Plan 2013–2017, which it spearheaded. CHRAGG is responsible for monitoring implementation of the plan and its monitoring and evaluation framework includes tracking the activities of the child rights section (CHRAGG 2013). The Tanzania UN Country Team reports that CHRAGG has made progress in monitoring NHRAP implementation and building its own capacity and the capacity of MCLA and the Attorney General's Office and linking them to other ministries and CSOs (Plummer 2014).

But many respondents commented that CHRAGG does not have the financial or human resource and capacity to fulfil its mandate overall, and with regard to children's issues countrywide. As noted above, it has officers in only two zones of the country and the extent to which it exercises its monitoring mandate often depends on external funding. The same applies to investigating complaints, most of which are brought by CSOs. This was noted implicitly by the then Minister for Constitutional and Legal Affairs in his preface to the plan:

> *The Ministry understands that the Government will face significant challenges in implementing the NHRAP, including lack of sufficient resources to support the Plan's implementation* (CHRAGG 2013).

This is supported by the observations of the UN Country Team (UNCT) in Tanzania:

> *[CHRAGG] was awarded "A" status at its last review in 2011. Nonetheless, the CHRAGG is weak in reality, unable to enforce many of its recommendations and its ability to function effectively is affected by serious budgetary constraints. The CHRAGG was further undermined due to the extended delay of over six months in the appointment of the Chair, vice-Chair and member posts. The Chair and six commissioners were appointed and assumed responsibilities in early 2015* (UNCT (Tanzania) 2015).

The UNCT also noted that, since 2014 and early 2015, CHRAGG has been facing a major resource crisis, as the government has released only some 40 per cent of its allocated budget. Thus the NHRAP faces the same problems as those outlined above. As the alternative report to the UNCRC commented:

> *[CHRAGG] is not an effective independent monitoring mechanism and it is not better positioned and mandated to provide effective monitoring of children's issues as it does not have the capacity (in terms of both financial and human resources) to effectively monitor the implementation of the CRC country-wide. Besides, the Rules of Procedure for CHRAGG to work upon as a child ombudsperson are yet to be promulgated as previously requested by the Committee (TCRF 2012).*

CHRAGG respondents noted that the commission is severely under-funded: it receives only half of its budget allocation, which has also been declining for the last three years. There is no specific allocation for the Children's Desk. The little money that is allocated is divided up internally and since child rights are not a priority area, the Children's Desk receives very limited funds. As one of the representative of CHRAGG noted in the interview:

> *Nothing is earmarked for children as such. The allocations are allotted internally at the departmental level based on the actual needs for each year. However, we highlight the fact that the commission is underfunded with an approximate margin of underfunding of about half of the annual budget. So, unless specially earmarked under the Project Funding, there will be no specific funding for children. The Commission has no specific sub vote in the budget book for children issues.*

The Children's Desk is dependent on project funding, especially from UNICEF. The lack of budget is supposed to be compensated by MDAs' inclusion of human rights issues in their MTEFs, but this is rare.

Finally, although CHRAGG has mandate to enforce its recommendations through the High Court, as one of the respondents from the Commission observed, this being a government to government issue, it has not been practical and was not possible to enforce decisions.

Informal parliamentary bodies

Parliament also has a role in monitoring child rights implementation and overall compliance with the regional and international child rights treaties that Tanzania has ratified. Oversight of the implementation of child rights should fall under the Standing Committee for Social Services and Regional Administration. But this Committee does not prioritise child rights in its routine activities.

Instead, an informal group or association of Parliamentarians under the leadership of a well-known child rights activist takes up children's issues to fill the gap. This group played a major role in pushing for the Law of the Child Act and domestication of child rights issues in national law. It is easier for other child rights activists to contact members of this group as they are not bound by parliamentary bureaucracy and have access to – and influence over – official standing committees in their individual capacities. However, the coordinator of this informal association admitted that there is a need to formalise their position to have a place in the standing committees as there is only so much that can be achieved informally.

The coordinator also pointed out that CSOs concerned with child rights have not fully used opportunities to effectively advocate for and monitor child rights through Parliament. She pointed out, for example, that only 10 parliamentarians are needed to bring a bill before Parliament and suggested that CSOs need to be more proactive to bring Parliamentarians on board.

Civil society organisations

Informal initiatives for monitoring and mounting pressure on governments to be more accountable and perform better in delivery of services have been increasing. CSOs are among the main actors initiating and implementing informal initiatives. Within civil society, the Tanzania Child Rights Forum has potential to become a powerful voice for children, coordinating child rights issues and holding the government and other stakeholders to account. Although capacity and financial constraints mean it has produced only one *Child Rights Status Report* (in 2013), its initiative to produce an annual status report shows the potential role it could play in monitoring and advocating for the implementation of children's rights. TCRF also leads and coordinates CSO initiatives to support the Government to formulate and implement child sensitive legislation and policies. It also works with other CSOs and international organisations on the ground to follow up on specific thematic issues, including:

- education (Hakielimu, TENMET)
- child labour in the extractive industry (Human Rights Watch),and
- Children with albinism (Under the Same Sun).

In general, CSOs face numerous challenges to effectively engage in expediting child rights implementation in Tanzania. Many – especially those that operate at community level – are not sufficiently aware of the UNCRC or ACRWC and their role in advocating for their implementation. Limited capacity also inhibits many from carrying out their advocacy work and holding government bodies to account.

There are a number of civil society organisations involved in promoting children's rights, particularly their fundamental right to access quality education. Uwezo, for example, monitors performance in primary schools on a regular basis, providing detailed analysis of education standards, and plays a significant role in raising public concern about the quality of education and students' performance. HakiElimu, a strong rights-based organisation engaged in research and advocacy on education-related issues, has highlighted the gaps between government promises and practice on the ground. These initiatives are promising civil society engagement in monitoring the implementation of the rights of children and holding implementing agencies accountable for their performance.

International organisations and UN agencies

UN agencies and international NGOs support monitoring initiatives to track progress in the implementation of children's rights in Tanzania in various ways.

UNICEF is supporting the government and CSOs to build capacity and improve performance, not only in delivering services for children, but also in developing and undertaking comprehensive planning, implementation and M&E initiatives that contribute to the effective implementation of children's fundamental rights to survival, development, protection and participation.

Plan International and Save the Children International are also contributing to the national effort to enhance commitment to children and ensure the progressive realisation of all

children's rights. Their joint Child Rights Situation Analysis aimed to take stock of the status of children in the country, identify gaps and promote action to improve their wellbeing (Plummer 2014).

These agencies actively engage in coalitions that bring together CSOs, government and other interested partners to strengthen monitoring efforts and advocate for greater commitment to child rights in Tanzania. Through these coalitions, they promote the Children's Agenda which includes, among other things, nutrition, hygiene, sanitation in all settings including schools and health facilities, early childhood development, quality education, protection from violence and adolescents' reproductive health. The work of these organisations – which stretch from supporting planning, implementation, monitoring and advocacy – have resulted in positive outcomes for children and need to be further strengthened (Education Development Trust 2014).

7 CONCLUSION AND RECOMMENDATIONS

7.1 Conclusions

Tanzania is among the few countries experiencing rapid economic growth and on track to ensure good governance through sweeping reforms and political commitment. This positive trend has impacted on children and led to considerable improvements in their wellbeing, particularly through child survival interventions at an early age and the large-scale expansion of post-primary educational opportunities.

The importance of ensuring children's wellbeing and fulfilling their rights is increasingly being recognised in national development efforts. Child protection in particular is receiving increasing attention at all levels. These encouraging developments are manifested in the inclusion of specific child rights in the proposed new constitution, the passing of the Child Act for Mainland Tanzania and the Law of the Child for Zanzibar, as well as the development of NPAs to address different aspects of children's rights. The government of Tanzania is also increasingly trying to allocate more resources to sectors that benefit children.

These positive developments notwithstanding, child rights implementation in Tanzania is far from satisfactory and much needs to be done to improve performance through enhancing coordination, improving accountability and maximising the efficiency of resource use to improve child wellbeing.

Current state of affairs in relation to children

The situation for children is generally improving. More children are accessing basic needs and services, and fewer children die of preventable causes today than did a decade or so ago. But serious gaps remain, and these need to be filled to fully realise the rights and wellbeing of all children. Children need to be given greater attention in the national political and development agenda. The government must keep up with the pace at which the UNCRC and ACRWC demand fulfilment of children's rights. ACPF's last Africa-wide assessment of child wellbeing found that Tanzania was lagging behind many other countries, particularly with regard to child protection (ACPF 2013). There could be several reasons for this, which we explore here.

Traditional beliefs undermine the effective implementation of children's rights. While Tanzania has gone a long way in the promotion of child rights, there are still widespread attitudes and practices that regard children as lesser beings whose 'rights' are externally imposed. Even the state argues that caning in schools is not corporal punishment and despite repeated attempts to change the situation, the Law of Marriage Act still allows girls to be married at 15 or younger, and FGM/C is widely practised in some communities. Although the UNCRC and ACRWC both reiterate the imperative to consider the 'best interests of the child', more often than not the views and interests of adults take priority. While there have been some initiatives to enable children to be heard, these are usually confined to small groups of children and even then, their recommendations are often not

put into practice. Child participation has not been institutionalised at council and sub-council level.

Inadequate national budget allocation for implementing children's rights. Budget allocation is often a reflection of the priority given within the government. Although there have been improvements in the allocation of resources to the social sectors that benefit children, these are not commensurate with the growing demand to fulfil children's rights. The low priority given to children is reflected in the budgets allocated to them (and to social welfare in general).

For example, the MCDGC received a smaller budget than most other ministries. Similarly, in CHRAGG, the Children's Desk is one of many desks in the Special Groups Section of the Department of Human Rights that gets the least share of budget. Internal allocation of resources within MDAs gives low priority to the children's departments/desks. At LGA level, funding for children's programmes is almost seen as the duty of external funders. This is of particular concern now as the MCDGC is part of a bigger Ministry whose mandate additionally includes health and issues related to the elderly.

With the partial exception of education, low funding for social services significantly affects children. The Abuja Declaration – where African governments, including Tanzania, pledged to allocate 15 per cent of their total budget for health – has not been respected. As noted in the previous chapters, the DSW receives only one per cent of the budget for the Ministry of Health, showing the low priority given to social issues within the ministry. This shows the low priority given to children in internal budget allocation negotiations.

Severe capacity limitations of the Child Development Department and others involved in child rights implementation: Weak institutional capacity and authority is one of the main barriers affecting child rights implementation in Tanzania. This deficit, combined with the inadequate financial resources discussed above, significantly limits the department's ability to effectively coordinate national programmes targeting children and meaningfully engage with other implementing agencies to expedite the implementation of children's rights and achieve better child wellbeing outcomes.

Dependence on external funding: Government agencies responsible for children's issues often depend on external support to undertake even core activities and deliver on their main responsibilities. This poses serious challenge to long-term planning and sustainability.

Coordination of child rights issues

The MHCDGEC is mandated to oversee child issues in the country. Previously it was the MCDGC. But both ministries have found it a challenge to get the organisational and financial strength they need to effectively coordinate other implementing agencies and hold them accountable for their performance in delivering on their responsibilities. Capacity constraints have severely limited them from exercising their mandate. As a result, the MHCDGEC has narrowed its focus to a few areas – such as combating VAC and promoting child participation. While this is welcome, it is not enough to fully attain all children's fundamental rights to survival, development, protection and participation. The concern

among the child rights community with incorporation of MCDGC into the MHCDGEC is whether the Child Development Department will have the power and capacity to formulate and effectively coordinate the implementation of national programmes for children under such a big ministry with multiple mandates.

But the merger of the MCDGC and the MHSW also has inherent advantages, as it can synchronise the work of the two major departments concerned with children's issues: child development and social welfare. The assessment of the previous experience shows that much could be achieved by coordinating the work of these departments and avoiding the duplication of efforts. The ministry's database can also be revamped to include children's issues and serve as a resource for formulating policy and monitoring progress.

Furthermore, while official coordination at policy level was done by the relevant line ministry, the PMO-RALG (now PO-RALG) was ultimately responsible for implementing all plans, as it oversees the LGAs where the council/municipal director is the principal coordinator of all plans. There are a number of different NAPs for children, which are often mirrored in several committees at district and sub-district level. This practice makes overlap and duplication inevitable and severely affects the efficiency and effectiveness of implementation efforts. But the MHCDGEC – and in particular the Child Development Department – could play a more proactive role in monitoring overlaps and duplication by developing overall monitoring tools, including the database, and building its own capacity to effectively deliver on its national responsibilities to ensure that all provisions of the UNCRC and ACRWC are fully realised in Tanzania.

National plan for children

Although there is no single, coherent and comprehensive NAP for children rights with specific roles assigned to particular government institutions, there is an array of individual plans stretching across different sectors and covering almost all child rights. Each sector has its own plan related to the specific areas in their mandate.

On the one hand, such a proliferation of plans could lead to greater outreach to all children in Tanzania through different sectors while an omnibus plan covering all aspects of children's rights could lead to excessive bureaucracy, eventually defeating the original intention to coordinate. On the other hand, there are clear overlaps and duplications, with many of the plans targeting the same children, either directly through the VAC Plan, NCPA II, Child Justice Strategy and the GBV Plan or indirectly through TASAF's Conditional Cash Transfer Programme. The various plans acknowledge close linkages between them, but it remains unclear how double allocation will be avoided. This reality resonates with the call for strengthening the capacity of MHCDGEC's Child Development Department so that it can undertake the role of ensuring consistency in plans that target children and harmonising their objectives and activities to enhance efficiency and maximise synergy. This would make it possible to avoid wastage of financial and human resources, which are evidently scarce and require efficient ways of using them for better results for children.

Accountability

At national level, all partners in each multi-sectoral plan are required to give feedback to the convening MDA. However, in the current scheme of things, the ministries mandated to coordinate national efforts to implement children's rights can only convene other implementing agencies; they cannot hold them to account. The convening meetings often end up being a reporting mechanism and miss their main objective – to improve performance to achieve better results for children.

Similarly, at district level, all programmes report to the Council Director and through the District Executive Director to the PMO-RALG and now to PO-RALG. For the NCPA II, there was also a steering committee housed in PMO-RALG. Therefore, PMO-RALG was the primary internal source of accountability for the action plans in terms of ensuring that the activities have been carried out. At national level also, each sector is supposed to report to the relevant committees with accountability vested in each ministry's Permanent Secretaries, but in reality such meetings are often not held, and even if one sector has not accomplished what is required, there is no clear higher authority to ensure accountability.

CHRAGG should be the primary independent organ of accountability, but it has constraints in terms of visibility, prioritisation and human and financial resources for child rights. There are also some Parliamentarians who are activists on child rights issues and have formed their own association, but they have not, to date, been able to ensure such concerns are fully integrated into the work of parliamentary standing committees.

TCRF, the main NGO network responsible for following up and holding the government accountable, needs to develop its capacity further to perform any sustainable monitoring role. It also needs to strengthen its linkages with member organisations to monitor child rights implementation and engage in advocacy to improve performance.

UN agencies such as UNICEF and international NGOs such as Plan International and Save the Children International need to strengthen their support to both the government and CSOs to help them engage in child rights implementation efforts at all levels. These actors also need support to enhance their capacity to undertake, regular monitoring initiatives so they can track progress, hold relevant bodies accountable and influence performance in the realisation of child rights and wellbeing.

Success factors

In this assessment, it was noted that the NPAs developed so far are all well-crafted and comprehensive and, if implemented effectively, will go a long way to ensuring that all children' rights are fulfilled. But now the plans need to be put into practice. TASAF's experience offers good practice that other initiatives could learn from: through its Conditional Cash Transfer Programme, it has not only reached about 1.1 million poor households in Tanzania, but continues to follow up on progress every two months. To achieve this, TASAF has kept its own technical adviser at district level to act as programme monitor and coordinator. At the same time, it works with the district council and supports a district social welfare officer. TASAF has also developed several simple monitoring criteria to ensure that those who are benefiting from the transfers meet the conditionalities, including attending clinics for infants and school for children of school-going age.

Tanzania also has many good examples of pilot schemes that need to be scaled up to cover the whole country – such as a simplified birth registration scheme that focuses on children under five; a registration process that addresses core issues of accessibility and affordability; the development of MVCCs and district child protection committees who are involved in the implementation of child rights at sub-national level; and HakiElimu's Friends of Education scheme. The nagging question that remains is how to scale these up with the minimal resources available. This requires a major rethink on the part of the government how to ensure that children who constitute more than half of the population are prioritised in its core policy and implementation functions.

Prospects for sustainability, ownership and institutionalisation are greater with national programmes that provide equitable access. Ensuring appropriate accountability structures are in place and promoting citizens' participation in the decisions that determine their rights and entitlements to services are also essential. The key question is not how can we get more attention and funding for children or AIDS or primary education in Tanzania, but what specific policies, interventions, and mechanisms for accountability can be put in place to promote the wellbeing of children, and in a manner that can go to scale and is lasting (Mamdani, Rajani and Leach 2008).

Civil society should also be a part of the system, monitoring the implementation of existing programmes, providing evidence about impact, advocating for what works for whom and where, and helping ensure that the best interests of MVC are met. They should also be involved in the implementation effort to enhance effectiveness of activities in improving their wellbeing and helping them achieve their full potential.

7.2 Recommendations

Based on the aforementioned analyses and findings, the following ten key recommendations have been made to enhance the implementation of children rights in Tanzania.

1. **The government of Tanzania, particularly the MHCDGEC, needs to harmonise the activities within its various departments and organs to ensure that children's rights and their best interests are mainstreamed within its core functions.**

    Such harmonisation initiatives will help the Ministry exercise its mandate in coordinating child rights implementation both within and outside the ministry to effectively undertake its oversight role of the work of other implementing ministries and agencies.

    The incorporation of the MCDGC into the MHCDGEC is a good opportunity to harmonise interventions that target children and to enhance coordination, particularly within and between the two important departments – Social Welfare and Child Development – which were previously in two different ministries and had limited interaction. The duties and responsibilities of community development officers, health professionals and social welfare officers also need to be harmonised at all levels. All these will help to enhance the effectiveness of ongoing implementation and monitoring activities at all levels – from community to national level.

2. **The Government and Parliament need to take proactive measures to ensure they prioritise children in development planning, budgeting and implementation efforts at all levels, including ongoing SDGs-related initiatives.**

   While the government increasingly makes efforts to improve the wellbeing of children, it is evident that there is a gap in fulfilling the rights and wellbeing of particularly the most vulnerable groups of children. It is also clear that, although children are major constituents in Tanzania, they are not getting a commensurate response to their demands for access to basic needs and essential services. Proactive measures are needed to change this situation and ensure that children's needs are adequately reflected in development plans, national budgets and enforcement practices on the ground.

3. **The Government needs to give institutional and individual capacity building utmost priority, particularly in the MHCDEC and its various departments.**

   Capacity is a major bottleneck to the promotion and realisation of the rights and wellbeing of children in Tanzania. Our study shows that the MHCDEC suffers from inadequate financial and human resources; these are among the main factors that inhibit it from fully exercising its mandate to effectively coordinate the implementation of all children's rights stipulated in the UNCRC, the ACRWC and other international and regional child rights instruments. So it is important to take measures to strengthen the Ministry's capacity in general, and the Departments for Child Development, Social Welfare and Gender in particular, so that they can deliver on their responsibilities. Community development training institutes should also include child rights in their curricula to support national-level capacity building initiatives.

4. **There need to be cross-sectoral and hierarchical mechanisms for coordinating child rights implementation at national and sub-national levels.**

   Lessons from current practice show that effective coordination mechanisms hinge on factors relating to the level of authority of the coordinating body, availability of financial and technical resources, leadership, having an effective accountability system and stakeholder participation, including children and community leaders. The government needs to revisit its coordination mechanisms to ensure that they have a clear mandate conferred by law and political authority through their position within the government's decision-making hierarchy.

   The coordination mechanisms must have regional and sub-regional reach and be able to coordinate between actors operating at both national and sub-national levels. To operate effectively, they need to also be adequately resourced in terms of both human and financial resources. To this effect, PO-RALG should issue a circular to all LGAs that gives them the authority to integrate child-related plans of action, include them in their budgets, follow up their effective implementation and take remedial action in situations where performance is unsatisfactory.

5. There needs to be an overarching national framework for action that comprehensively outlines priority areas for fulfilling all children's rights. The framework needs to be developed in a participatory manner and must enjoy strong political support and sustained commitment.

    There are multiple national plans related to children in Tanzania. These often overlap and are not integrated into the mainstream development planning and budget cycles. And because coordinating the implementation of such a wide range of action plans is also problematic, there is a push from various stakeholders for the development of an integrated national plan for children similar to the National Human Rights Plan. The government must shift from developing multiple plans of action to developing a comprehensive NPA for children that serves as an overarching framework and common reference to all implementing agencies. Such a framework will improve efficiency and enhance coordination and monitoring efforts.

6. The budget allocated for ministries involved in the implementation of children's rights needs to substantially increase. This particularly applies to the MHCDGEC which, in practice, serves the majority of the Tanzanian population.

    Almost all implementing agencies that took part in our research raised budgetary constraints as a major barrier to implementing child rights. As well as fair allocation for ministries, there needs to be fair allocation within them, so that departments targeting vulnerable groups – such as Social Welfare and Child Development – that have often been least prioritised get the funds they need to undertake their core functions. Measures should be taken to ring-fence budgets for these departments.

7. Establishing a children's Commission similar to other Commissions, such as those for HIV and AIDS, would enhance visibility, engagement and accountability to children.

    A children's commission would contribute to promoting the rights and wellbeing of children within both government and non-government sectors. It would also enhance monitoring and accountability, thereby improving overall performance in child rights implementation.

    Issues relating to children have been subsumed into a ministry with multiple responsibilities, and as a result, are often not prioritised. A Commission drawn from key stakeholders, as demonstrated from the experience of other countries, would lend children's issues the political clout and visibility required to overcome administrative, budgetary and operational challenges, thus expediting the implementation process (ACPF 2015). Such a Commission could be answerable, like TASAF, to the President's Office and would have the broad mandate of coordinating, monitoring and holding implementing agencies accountable according to their roles and responsibilities as outlined in the comprehensive plan of action for children. The day-to-day implementation would have to be left to the relevant MDAs and LGAs on the basis of an organisational capacity assessment that enables to determine whether or not these agencies are able to undertake such a responsibility.

8. A comprehensive and integrated monitoring framework should be developed in collaboration with relevant MDAs, the National Bureau of Statistics and other key stakeholders from government and non-government sectors.

    Both government and donors should provide technical and financial support to set up a functional system that facilitates the collection, compilation, dissemination and use of data. The role of external monitors should also be strengthened. The government should allocate adequate funds for CHRAGG to develop its human and institutional capacity to play a proactive role in child rights monitoring.

9. Children need to be given enough space to get involved in the decisions that affect them, to contribute to the implementation of their rights and to help monitor efforts to ensure that services meet the required standard.

    Children's councils should be expanded to reach communities where such opportunities do not exist and to enhance their engagement in LGAs.

10. Non-government actors – mainly CSOs, UNICEF and international NGOs – need to play a more active role in providing all-round support to the government to strengthen its coordination and oversight capacity and contribute to the development of functional systems and mechanisms for the coordinated implementation of laws, policies and programmes that target children at all levels of administration. Efforts need to also be made to revitalise the Children's Agenda and ensure it is implemented at all levels.

    Particular emphasis needs to be given to the promotion and effective implementation of the rights and wellbeing of the most vulnerable and marginalised groups of children, who are often missed out in conventional service delivery schemes. NGOs and UN agencies also need to:

    - prioritise capacity development as an overarching support to the government and engage in capacity strengthening initiatives at all levels of governance

    - regularly organise and facilitate dialogue forums to enhance collaboration among all stakeholders and build consensus on key priority areas affecting children that need to jointly be acted upon

    - identify entry points for lobbying Parliament, the Government including the MDAs and LGAs to ensure that they give all children's rights equal attention and that national programmes, plans of action and budgetary allocations reflect the inalienability of children's rights

    - make efforts to seize opportunities to influence action by engaging with various formal and informal bodies including groupings of MPs who are interested in issues of children's rights, Parliamentary Standing Committees on Social Development and Services and other sectors affecting children

    - play an active role in analysing and tracking budgets that target children and advocate for their effective use for intended purposes by enhancing their own capacity to undertake such initiatives

- support the capacity of local CSOs and encourage them to become actively involved in monitoring and holding relevant bodies accountable within their communities, and

- collaborate with independent human rights organisations such as CHRAGG to ensure their active engagement in child-related issues.

The current state of affairs is both exciting and challenging in terms of expediting the implementation of children's rights in Tanzania. Although the visibility of children seems to have been further downgraded within the overall government structure, the recent restructuring could provide opportunities and space for serious discussion about the place of children (and youth) and their rights in the overall workings of government. As originally intended, this restructuring could be an instrument to develop stronger and more effective structures in the light of the challenges outlined throughout the report. This moment should not be lost; stakeholders need to seize all opportunities and transform them to the advantage of children. We hope this report will contribute to national dialogue and reflection on the most appropriate structuring and coordination mechanism to expedite child rights implementation and will help move towards building a Tanzania that is fit for its children.

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