Laws, Policies and Guidelines Related to Care for Children

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<th>Key international policy instrument</th>
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<td>Convention on the Rights of Persons with Disabilities</td>
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Key national legislation, policy instruments and frameworks

The Law of the Child Act, 2009. The regulations cover retention homes, foster care, children’s homes, child protection and adoption. (Although Tanzania has not ratified The Hague Convention, see table above).

The 2017/18 – 2021/22 National Plan of Action for Prevention of Violence against Women and Children (NPA-VAWC). This is a single document that combines eight different action plans concerned with violence against women and children to create a single comprehensive National Plan.

Key Figures and Statistics

A study conducted in 2011 revealed that Tanzania has over 3 million vulnerable children who are living without parental care or at risk of losing it.¹

Violence against children is also prevalent. A government study on violence against children in 2011 revealed that nearly 30% of girls and 14% of boys reported experiencing sexual violence. 75% of girls and boys reported having experienced physical violence at the hand of an adult or an intimate partner.² Other violations include: extreme poverty, child labour, child marriage, stigma and discrimination (especially on children with disabilities and children living with HIV/AIDS), and abandonment.

¹ SOS Children’s Villages Tanzania, Status of Children in Tanzania: Child Rights Based Situation Analysis of Children without parental care and at risk of losing parental care, 2012
A study in 2016 by The National Bureau of Statistics and UNICEF on Child Poverty in Tanzania presented the first national estimates of monetary and deprivation poverty among children in Tanzania. The study used eight broad categories to assess deprivation: insufficient nutrition; health; protection; education; information; sanitation; water and housing. This data showed that 74% of all Tanzanian children live in multidimensional poverty, while 29% live in households below the monetary poverty line.

**Social Protection and Alternative Care Options**

Due to these high levels of poverty the government has put in place a number of policies and strategies on poverty reduction, one of which is the Tanzania Social Action Fund (TASAF) programme. Its objective is to enable poor households to increase income and opportunities while improving consumption. The TASAF initiative targets people living below the poverty line and provides basic and conditional cash transfers to households with children. It also includes a public works component that provides labour-intensive employment to enrolled households for income support.

There is little awareness of alternative family and community based care options for children who are separated or at risk of separation from their families, and little awareness too of the harmful effects of institutional care. The alternative care system in the country lacks proper oversight, coordination and monitoring.

In 2010, there were 200,091 cases of children living in child-headed households due to the loss of both parents, where the duty of caring for children had fallen on the older sibling. In such situations, the children are often denied the right care and have little access to basics such as education and food. A 2012 study found that such children are particularly vulnerable to abuse, trafficking and exploitation.

Poverty perpetuates the institutionalisation of children, as does the issue of children living and working on the streets where they are highly vulnerable to abuse, neglect and exploitation. Children who live and work on the streets lack access to everyday essential services such as shelter, nutrition, health care and education. A 2017 ‘headcount’ report by Tanzania's government and USAID on street-connected children, conducted in six major cities in the country, revealed a total of 6,393 children living and working on the streets during the day and 1,385 at night.

An assessment of alternative care in Tanzania was carried out in 2013. This assessment added to the findings of a 2012 report on the status of children in Tanzania, revealing that there are approximately 282 children's homes accommodating approximately 11,216 children (6,089 boys and 5,127 girls).

These children's homes are situated all over the 21 regions of mainland Tanzania. The majority of the homes are privately run and registered as Community Based

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3 SOS Children's Villages, Tanzania Status of Children in Tanzania: Child rights based situation analysis of children without parental care and at risk of losing parental care, 2012

4 United Republic of Tanzania and USAID Kizazi Kipya Project Street Connected Children in Tanzania: Headcount findings, 2017


6 SOS Children's Villages, Status of Children in Tanzania: Child rights based situation analysis of children without parental care and at risk of losing parental care, 2012
Organisations (CBOs), NGOs, or individuals. Only 87 children's homes out of 282 are registered and only one is government-run. Of the identified 282 children homes, 20% focus solely on street children, while the remaining target other categories of orphan and vulnerable children.

Informal community and kinship-care is widely practiced. For most children, this maintains kinship ties for children and families so that they continue to enjoy family and community based care. However, poverty strains this support mechanism from extended family members and communities at large. More efforts are needed to promote informal care especially through family strengthening programmes.

The social workforce is critical in care reforms and child protection. There is a significant deficit of professional social welfare officers, well-trained social welfare officers and Police Gender and Children Desk (GCD) Officers to respond to the various issues affecting children in the country.

**Recommendations**

- **Develop National Alternative Care Guidelines** guided by the 2009 international guidelines
- **Ensure adequate and appropriate resources are allocated to support family based care**, and family-based alternative care systems.
- **Strengthen the evidence base** and improve knowledge about alternative care.
- **Use the data to inform policy** and programming interventions.
- **Implement legal and policy frameworks** to ensure accessible and appropriate services/interventions aimed at strengthening families so as to prevent violence and unnecessary separation.
- **Monitor and report** on the implementation of those frameworks.
- **Promote family and community based care** approaches such as kinship care, adoption, and foster care nationally to ensure children are supported in family based care.
- The government should stop registration of more orphanages in the country by instituting a moratorium; carry out a national study on the current status of institutional care and embark on a path of transforming current systems to a family and community based care system.
These Country Fact-Sheets developed by Transform Alliance Africa (TAA) Members are a snapshot of important national information relevant to care reform. They provide an overview of key policy and legislative frameworks, alternative care approaches and social protection, and latest developments in the sector. Note that the fact-sheets will be updated after every 6 months. If you have information relevant to care-reform please send an email to the Coordinator stephen@transformallianceafrica.org. We will consider the information in our next update.