



**POSITION PAPER BY CHILDREN UNDER THE AUSPICES OF GLOBAL
NETWORK OF RELIGIONS FOR CHILDREN (GNRC) PEACE CLUBS IN DAR ES
SALAAM¹**

**THE BILL TO ENACT THE LAW OF THE
CHILD ACT (2009)**

**TO BE PRESENTED TO THE PARLIAMENTARY STANDING COMMITTEE
(COMMUNITY DEVELOPMENT)**

On 7th and 8th October 2009.

¹ The views and comments expressed in this position paper belong neither to GNRC or the Facilitators, they are views of the children who were present at the youth forum.

1.0 About GNRC and Peace Clubs

With work valued and supported globally, GNRC partners with numerous organizations, including UN agencies such as UNICEF and UNESCO. GNRC was founded in May 2000 by the Arigatou Foundation, an NGO with special consultative status with the United Nations Economic and Social Council (UNESCO). While its global secretariat is in Tokyo, Japan, GNRC's areas of operation include the whole of Africa, Central Asia, Europe, Latin America, the Middle East and South Asia.

On top of frequent workshops and large annual events, GNRC Africa has facilitated children and youth to form up to 120 Peace Clubs with over 5,000 members. The Peace Clubs, which conduct year-round activities revolving around preventing violence, building peace and developing a culture of peace, convey their message and education through weekly forums, debates, peace camps, workshops, seminars, drama, music, art and other modes of communication and advocacy. Weekly forums, in which more than 100 youth and children participate, host discussions on various topics as religion, peace, conflict resolution, ethics, the environment, drug abuse, etc

2.0 The Youth Forum

The forum held on 7th October 2009 at the Alliance Francaise- Dar es Salaam brought together 100 children and young people from various GNRC peace clubs in Dar es Salaam. There were other stakeholders including UNICEF. The children were cognizant of the fact that this was a Bill relating to children in Tanzania and thus they were the primary stakeholders of the Bill, the forum is their way of participating in the process of enactment of a new Child Law 2009.²

3.0 Objective of this Position Paper

This position paper endeavors at providing shared position of children and other stakeholders. It aims to make children's voices, experiences, needs and expectations on the Child Law Act Bill heard by the government, stakeholders and the parliamentary standing committee. Through this position paper children wish to take part in the ongoing process.

² Bill Supplement No 13, published in the *Gazette of the United Republic of Tanzania*, No. 28 Vol. 90 dated 10 July 2009

4.0 Methodology

The children understand that the process for the enactment of the Child Law 2009, began as result of the Law Reform Study on the Law Relating to Children in Tanzania which was published in 1994.³ In 2003 the National Organizations Working with Children (NNOC) and Save the Children discussed and collected opinions from stakeholders including children and came up with a stakeholders Bill which was submitted to the government. The relevant international and regional treaties and principles enshrined therein together with informed the deliberations. The children's views were compiled from the Youth forum participants (a list is annexed).⁴

5.0 The Need for a New Child Law

The children noted that the existing laws were scattered all over the statute books, too old and overtaken by events. The laws do not conform to the standards and requirements of the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child as well as other international best practices. There is thus a need to have a consolidated law dealing with matters relating to children. The children noted the progressive elements in the Bill:-

- i. Consolidation of the laws affecting children
- ii. Definition of a child as a person below the age of 18
- iii. Recognition and guarantee of the rights and welfare of the child
- iv. Provision of the protection of all children
- v. The general duties of children
- vi. Provisions relating to hazardous employment, exploitative child labour
- vii. Local Government Authorities charged with supporting children
- viii. Inclusion of provisions relating to Juvenile Justice
- ix. The amendment of some of the draconian provisions

6.0 Specific Comments

i. Provision of Fundamental/Guiding Principles of the Law

While the law does have a glimpse of the basic principles of the rights of the child randomly they are not well elaborated nor are they set as fundamental/guiding principles for the implementation and enforcement of this and other laws affecting children. Children are of the opinion that the

³ LAW REFORM COMMISSION OF TANZANIA, "Report of the Commission on the Law Relating to Children in Tanzania," submitted to the Minister for Justice and Constitutional Affairs, Dar es Salaam, April 1994,

⁴ The Meeting was facilitated by GNRC and lead by Miss Asina A. Omari (LL.B,LL.M), from the Faculty of Law of the University of Dar es Salaam and an Advocate of the High Court of Tanzania.

Child Act 2009 should contain as a minimum the following principles with their comprehensive interpretation:

- a. Best interest of the child
- b. Survival and development of the child
- c. Non-discrimination
- d. The Child as an individual and Children's right to Participation
- e. Provision and Protection for and of children

ii. The Form and Language of the Bill

Children were of the opinion that though they were the primary stakeholders of the Bill, the Bill is in a form and language that most children do not understand thus hampering the extent to which they can debate and give input to the bill in the absence of interpreters.

iii. No express provisions against corporal punishment

While for example in Sections 13 the bill protects children from torture and degrading treatment, the Bill does not specifically provide against unregulated corporal punishment in schools and homes.

iv. Compulsory Secondary Education as a Solution

The children are of the opinion that even as we embark on enacting a new law there is need to recognize the role of universal secondary education in ending some of the problems that children face, like child marriages for instance.

v. Discrimination s.5

Need to recognize discrimination on the basis of parent's status.

vi. Employment

While the children recognized and acknowledged the guarantee of the child's right to work, there is concern on the ability to follow up and ensure that the line between light work and work can be separated. There is also concern that child work should not be used as an alternative/scapegoat to parental and community responsibility.

vii. Juvenile Courts

The law does not specify the qualifications of a magistrate who should sit in a juvenile court. It is recommended that the magistrates who sit as juvenile court magistrates should have extra training on how to conduct cases involving children and ensure the protection of children.

7.0 Conclusion

The children concluded their two hour deliberations by pointing out that this is only the beginning and more children country wide should be encouraged to give their views on the bill despite the fact that it is in English and will thus be difficult to have meaningful contributions without translation of the Bill to popular and understandable Kiswahili. It is the children's hope that the Government will take up the views and opinions of the various stakeholders in a bid to come out with a better law that promotes and protects the rights of a child.