

**THE ROLE OF HUMAN RIGHT IN PROTECTING ABUSED  
AND NEGLECTED CHILDREN, A CASE OF  
ILEMELA DISTRICT MWANZA REGION,  
TANZANIA**

**BY**

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### DECLARATON

I do hereby declare that this research report is my personal work and that it has not been prior submitted to any university for the award of a Degree or any other related award.

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## APPROVAL

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## **DEDICATION**

This research report is dedicated to my entire family members, friends and most especially to My Brothers, for their tireless efforts to see me at school and their financial help to complete this research.

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## TABLE OF CONTENTS

DECLARATON .....	i
APPROVAL .....	ii
DEDICATION.....	iii
ACKNOWLEDGEMENT .....	iv
ABSTRACT .....	ix
CHAPTER ONE.....	1
INTRODUCTION .....	1
1.0 Introduction.....	1
1.1 Background.....	2
1.2 Statement of the Problem.....	4
1.3 Objectives of the Study.....	5
1.3.1 General Purpose.....	5
1.3.2 Specific Objectives .....	5
1.4 Research questions.....	5
1.5 Scope of the Study .....	6
1.6 Significance of the Study .....	6
Key operational Terms .....	7
CHAPTER TWO .....	8
LITERATURE REVIEW .....	8
2.0 Introduction.....	8
2.1 The nature and impact of child abuse and neglect.....	8
2.2 The Traditional systems and child abuse and neglect .....	11

2.3 The Rights of Children .....	12
2.5 Policy recommendations for averting child abuse and neglect. ....	28
2.6 Conclusions.....	30
2.7 Conceptual Frame Work .....	30
 CHAPTER THREE .....	 32
METHODOLOGY .....	32
3.0 Introduction.....	32
3.1 Research design .....	32
3.2 Area of study.....	32
THE MAP OF MWANZA REGION SHOWING ILEMEL DISTRICT AS THE STUDY AREA .....	33
3.3 The study population .....	33
3.4 Sample Design .....	34
3.5 Data Collection methods and Instruments.....	34
3.5.1 Methods .....	34
3.5.2 Instruments .....	34
3.6 Procedures.....	35
3.7 Data Analysis.....	35
3.7.1 Quantitative Data Analysis .....	35
3.7.2 Qualitative Data Analysis .....	36
3.8 Limitations of the Study .....	36
 CHAPTER FOUR .....	 37
PRESENTATION, ANALYSIS AND DISCUSSION OF' THE FINDINGS.....	37

4.0 Introduction.....	37
4.1 Social Demographic Characteristics.....	37
4.1.1 Age.....	37
4.1.2 Marital Status.....	38
4.1.3 Sex of the respondents.....	38
4. 1.4 Educational status .....	39
4.2 What are the nature and the impact of child abuse and neglect in Ilemela district in Mwanza region? .....	39
4.4 What are the rights of children in Ilemela district in Mwanza region in Tanzania? .....	47
4.5 How do human rights protect abused and neglected children? In Ilemela district in Mwanza region in Tanzania?.....	52
CHAPTER FIVE .....	57
SUMMARY, CONCLUSION'S AND RECOMMENDATION'S.....	57
5.0 Introduction.....	57
5.1 Summary of the study .....	57
5.2 Conclusion's. ....	59
5.3 Recommendations.....	60
5.4 Areas for further research .....	62
REFERENCES .....	63
APPENDIX A QUESTIONNAIRE .....	65
APPENDIX B.....	68
QUESTIONS ON FOCUS GROUP DISCUSSION .....	68
APPENDIX C.....	69



## **List of tables**

Table 1 Age distribution of respondents.....	37
Table 2 Marital status .....	38
Table 3 Sex of the respondents .....	38
Table 4: educational level of the respondents .....	39
Table 5 showing the nature and the impact of child. Abuse and neglect in Ilemela district in Mwanza region? .....	39
Table 6 Showing how dots traditional system brought about child abuse and neglect in Mwanza region in Ilemela district Tanzania? .....	43
Table: 7 showing the rights of children in Ilemela 41st-let in Mwanza region in Tanzania? .....	47

## ABSTRACT

Research was based on the role of human rights in protecting abused and neglected children in ilemela district mwanza region in Tanzania. The number of children who die each year as a result of abused comes primarily from death registries or mortality data. young children are at greatest risk, with rates for the 0—4 years old age group more than double those of 5—14 year of age .

However, despite the role of human rights in protecting abused and neglected children , the numbers of abused children continue to rise. This has necessitated this research to investigate this worrying trend and pave the way forward.

The general objective was to examine the role of human rights standards in protecting abused and neglected children in ilemela district mwanza region Tanzania , to look at traditional systems and how it brings about child abused and neglected in ilemela district in mwanza region in Tanzania , To identify the rights of children in ilemela district in mwanza region in Tanzania, To find out how human rights protect children from being abused and neglected in ilemela district in mwanza region , To look at the policy recommendations for the averting abused and neglected children in ilemela district in mwanza region.

Legal bodies, political leaders, councilors and the local population participated in the study. Both the primary and secondary data were used in collecting the data . this was based on the research questions and the documentary review. Both qualitative data analysis were used.

The findings revealed the nature and the impact of child and neglect in ilemela district. Long-term physical violation of rights against abused and neglected child.

Physically, sexually ,or emotionally abused or neglected as children ,shaken baby syndrome is a servere form of head injury that cause the baby's brain to bounce against its skull, personality disorder, sympotoms can include paranoia, lack of impulse control , limited range of emotions, and inability to on how does traditional system brought about child abuse and neglect?

Denail of education , beliefs of forced marriage ,traditional corporal punishment, hard Labour, Denail of owning property, Denail of representation stoned to death.

On the right of children in illemela district , protection against children abused and Torture ,Every child has a right to acquire a Name and Nationality , Every child has a right be protected from child labour , the right to freedom of expression , Right to freedom of Thought, Conscience and Religion , Right to protection of privacy , Right to Education , Right to Health Services .

On how does Human Right protect abused and neglected children in Illemela District, Human Rights Providing Protection for Child Witnesses in state and Court Criminal trails, the human rights systemic improvements; representation of children in individual proceedings, human rights advocates for children as regards to human rights bodies , human right advocacy of aspect of representation of children is the administration of representation programs.

The researcher therefore concluded and recommended that the applicability of human rights laws to child abuse and neglect ;Governments, inter governmental, non governmental organizations are publicly joining efforts and take actions toward people in the context of child abuse and neglect.

## CHAPTER ONE

### INTRODUCTION

#### 1.0 Introduction.

The focus of the research is on the role of human rights in protecting abused and neglected children in Ilemela district in Mwanza region in Tanzania

Human rights are broadly concerned with defining the relationship between individuals and the state. International human rights law dictates that governments should not torture people, imprison them arbitrarily, or invade their privacy. Governments should, however, ensure that all people in society have shelter, food, medical care, and basic education. The concept of human rights has a long history, but the modern human rights movement dates back about 50 years when the promotion of human rights was set out as one of the purposes and principles of the newly created United Nations. (UN 2006)

The key human rights document and the cornerstone of the modern human rights movement is the Universal Declaration of Human Rights (UDHR). It is a common inspirational document, by and for governments, about what rights should exist for all people everywhere. The UDHR was adopted by the U.N. General Assembly on December 10, 1948. A number of international human rights treaties exist that further elaborate the rights set out in the UDHR including, the Convention on the Elimination of All Forms of Racial Discrimination. The Convention on the Elimination of All Forms of Discrimination against children and government responsibility for health in the context of the child abuse and neglect. Everything from the conventions and international instruments gives information, progress and benefits of scientific progress of public health and the rights of children in general (UN 2007).

- Human rights are a set of universal entitlements that individuals enjoy irrespective of their sex, nationality, religion, culture or other status, that are inherent to human beings and that are proclaimed and protected by international law (Universal Declaration of Human rights 1948). International human rights law developed in the context of global revulsion at the horrors of the Second World War and the establishment of the United Nations (UN) in 1945. In accepting the Charter of the United Nations, its member states recognize that non-interference in their internal

affairs is a principle that can be overridden where international peace and security are threatened. No doubt referring to the genocide and other war crimes of Nazi Germany, the drafters of the 1948 Universal Declaration of Human Rights -were moved to refer to “disregard and contempt for human rights [which] have resulted in barbarous acts [that} have outraged the conscience of mankind”. Although the declaration is not in itself a legally binding document, it reiterates that “human rights should be protected by the rule of law”. (Gruskin S, 1998)

Definition of a child as per Children’s and Young Persons Act Cap 13 of Tanzania defines a ‘child’ as a person under the age of 12 years and around person’s as between 12-16 years, but expressly excludes a child of 17 years.

Generally, this offends the international definition of a child which categorizes child as ‘a person below 18 years of age’. Besides offending international norms, the definition contradicts Tanzania’s other laws (eg. civil matters) which define ‘child’ as anyone under the age of 18. In the main, Tanzanian law is itself highly problematic as it does not have a consistent definition of what age constitutes a ‘child’. Within the minimum standards set by Child abuse prevention and treatment Act (CAA), each State is responsible for providing its own definitions of child abuse and neglect. Most States recognize four major types of maltreatment:

physical abuse, neglect, sexual abuse, and emotional abuse. Though any of the forms of child maltreatment may be found separately, they often occur in combination. In many States, abandonment and parental substance abuse are also defined as forms of child abuse or neglect.

### **1.1 Background**

Mwanza region is located in the northern part of Tanzania; it has a total population of approximately 2.5 million people. It is a populated area (region) in Tanzania with Sukuma people. The dense population is due to the lucrative trade. Language spoken is Kisukuma which is the native language; Kiswahili and English are the most spoken languages in the area, Ilemela District is one of the 8 districts of the Mwanza Region of Tanzania. It is bordered to the North by the Nyamagana District, to the South and East by the Misungwi District and to the West by Lake Victoria. According to the 2007 Tanzania National Census, the population of the Ilemela District was 265,911.

The Ilemela District is administratively divided into 10 wards: Buhogwa, Kitangiri, Busweiu, Nvarnanoro, Igoma, Ilemela, Kirumba, Nyakato, Pasiansi, Sangabuye, Ilemela District. Ilemela is a sister component of Mwanza City along with Nyamagana in the districts of the west. To the north are the larger waters of Lake Victoria. Nyamagana lies to the south while Magu and Misungwi border the district to the east. The main activities are commercial and industrial together with Agriculture and livestock keeping.

- Ensuring the protection of children requires ongoing legal and judicial reforms. of embraced, the result is “stable and just legal system (which) supports the promotion of security, equity, and prosperity”. International law scholar, Professor Steven J. Toope writes, “More specifically, reform of legal institutions and processes is integral to the promotion and protection of children rights, democratic development, and good governance In other words, legal and judicial reforms are also necessary to establish a framework that is a worthy end in itself and is most probably a means to facilitate other developmental objectives”

The respect and protection of children’s rights in Tanzania is, evidenced through

- (1) The Tanzania commission for human rights and good governance,
- (2) Tanzania’s legal sector reform program,
- (3) Judiciary (national courts) and
- (4) The National Parliament.

Information on the numbers of Children who die each year as a result of abuse comes primarily from death registries or mortality data. According to the World Health Organization, there were an estimated 57,000 deaths attributed to homicide among children under 15 years of age in 2000. Global estimates of child homicide suggest that infants are at greatest risk, with rates for the 0—4- year-old age group more than double those of 5—14-year-olds. The risk of fatal abuse for children varies according to the income level of a country and region of the world. For children under 5 years of age living in high-income countries, the rate of homicide is 2.2 per 100,000 for boys and 1.8 per 100,000 for girls. In low- to middle-income countries the rates are 2—3 times

higher — 6.1 per 100,000 for boys and 5.1 per 100,000 for girls. The highest homicide rates for children under 5 years of age are found in the WHO African Region — 17.9 per 100,000 for boys and 12.7 per 100,000 for girls. The lowest rates are seen in high-income countries in the European, Eastern Mediterranean and Western Pacific Regions. Many child deaths, however are not routinely investigated and postmortem examinations are not carried out, which makes it difficult to establish the precise number of fatalities from child abuse in any given country. Even in wealthy countries there are problems in properly recognizing cases of infanticide and measuring their incidence. Significant levels of misclassification in the cause of death as reported on death certificates have been found, for example, in several states of the United States of America. Deaths attributed to other causes — for instance, sudden infant death syndrome or accidents have often been shown on reinvestigation to be homicides. Despite the apparent widespread misclassification, there is general agreement that fatalities on child abuse are far more numerous than official records suggest in every country where studies of infant deaths have been undertaken. Among the fatalities attributed to child abuse, the most common cause of death is head injury, followed by abdominal injury, Intentional suffocation has also been extensively reported as a cause of death.

## **1.2 Statement of the Problem**

According to the Tanzania human rights report of 2005, The Children's Statement to the U.N General Assembly Special Session on Children, on May 8th, 2002 reads "We want a world fit for children, because a world fit for us is a world fit for everyone." Having ratified the Convention on the Rights of the Child (CRC in 1991), Tanzania has legally embraced the spirit of this statement. The number of children who die each year as a result of abuse comes primarily from death registries or mortality data. According to the World Health Organization, there were an estimated 57,000 deaths attributed to homicide among children under 15 years of age in the year 2003. Global estimates of child homicide suggest that infants and very young children are at greatest risk, with rates for the 0-4-year-old age group more than double those of 5—14-year-olds.

In Tanzania Despite all the instruments and statutes that are in place to protect children's rights for example The Constitution of the Republic of Tanzania of 1977 and Children and Young

Persons Act cap 13, there are still many violations of these rights taking place. Children have been abused and neglected in Tanzania by inflicting painful discipline on children through defilement, culture of marrying minors, child labour, abductions and mistreatment:

However, despite the role of human rights in protecting abused and neglected children, the numbers of abused children continue to use. This has necessitated this research to investigate this worrying trend and pave the way forward

### **1.3 Objectives of the Study**

#### **1.3.1 General Purpose**

To examine the role of human rights in protecting abused and neglected children in Ilemela district in Mwanza region in Tanzania,

#### **1.3.2 Specific Objectives**

- 1) To find out the nature and impact of child abuse and neglect in Ilemela district in Mwanza region in Tanzania
- 2) To look at traditional systems and how it brings about child abuse and neglect in Ilemela district in Mwanza region in Tanzania
- 3) To identify the rights of children in Ilemela district in Mwanza region in Tanzania
- 4) To find out how human rights protect children from being abused and neglected in Ilemela district in Mwanza region
- 5) To look at the policy recommendations for the averting abused and neglected children in Ilemela district in Mwanza region

### **1.4 Research questions**

- (i) What is the nature and the impact of child abuse and neglect in Ilemela district in Mwanza region?



(ii) How does a traditional system bring about child abuse and neglect in Mwanza region in Ilemela district, Tanzania?

(iii) What are the rights of children in Ilemela district in Mwanza region in Tanzania?

(iv) How do human rights protect abused and neglected children in Ilemela district in Mwanza region in Tanzania?

• (v) What policy recommendations should be availed to avert the abuse and neglect of children?

### **1.5 Scope of the Study**

The study covered the children affected with abuse and neglect and factors contributing to the increased number of abused and neglected children in Ilemela district in Mwanza region and the mitigation measures. The study covered Ilemela district in Mwanza region in Tanzania. **Time frame work:** The study to a period of three months.

### **1.6 Significance of the Study**

The study helped the principle researcher to recommend on appropriate strategies of human rights in combating child abuse and neglect in Ilemela district in Mwanza region.

The research however, is hoped to help policy makers come up with appropriate policies of solving the effects of child abuse and neglect in Ilemela district in Mwanza region.

The local community in particular may use the findings of the study to enhance their rights as the study highlighted all the contemporary issues with regards to constitutional right regarding children who are Victims of abuse and neglect and their rights to live in a peaceful, political, economic, and. social environment.

The research findings Will boost the documented literature resource of Kampala reiteration university by reading the related materials on the role of human rights in protect L abuse and neglect children Having undertaken the study, the researcher will built good experience and attained deeper insight is not only research but also public issues in reiat.ons to human rights and children rights in regard to abuse and neglect.

### **Key operational Terms**

**Human right** –are the lawful powers and decisions of individuals without discrimination.

**Child/ children-** is any person below 18 years , this is according to the convention on the rights of children. and according to the Somalia children's Act. child is defined as a person under the age 12 years and a young persons as between 12-16.

**Physical abuse-** is non accidental physical injury (ranging from minor bruises to severe fractures or death as a result of punching, beating , kicking , biting , shaking throwing stabling, shicking , hiting , with a hand, stick, strap, or other object, burning or otherwise harming a child.

**NEGLECT-** is the failure of a parent, guardian, or other caregiver to provide for a child's basic needs. Neglect may be physical (e. g, failure to provide necessary ,food or shelter or lack of appropriate supervision) Medical ( e. g, failure to provide necessary medical or mental health treatment) Educational ( e. g, failure to provide educate a child or attend to special education needs).

## **CHAPTER TWO**

### **LITERATURE REVIEW**

#### **2.0 Introduction**

This chapter includes looking through the earlier research documents, and relevant literature with an aim of identifying a problem of concern. Apart from going through other related work, it also involved critically going through other services of materials that are related with the research topic.

#### **2.1 The nature and impact of child abuse and neglect**

The enforcement of the rights of the child has grown over the years with the mounting evidence of hardship and abuse suffered by children as some established facts reveal that abandoned by their families, some 100 million children subsist by back breaking work, or turn to petty crime, prostitution or begging. Over 50 million children work under unsafe or unhealthy conditions. About 120 million children between the ages of six and eleven are deprived of education; Some 3.5 million children die each year of diseases which could be, prevented or cured; Some 155 million children under five in the developing countries live in absolute poverty; Millions including many in the richer societies are maltreated or neglected, are sexually exploited or become victims of drug abuse (ENGLISH, DIANA J. 1998).

Recognition of children's rights can be traced back to 1923 when the first declaration of the rights of the child was drafted. There are many laws dealing with children's rights which include: the United Nations Conventions on the Rights of the Child, the Africa Charter on the Rights and Welfare of the Child, The Constitution of the Republic of Tanzania 1977 (amended in 1997) and Tanzanian Children's and Young Person's Act cap13 that talks about the rights of children. Despite all the instruments that are in place to protect children's rights, there are many violations of these rights taking place. Children rights have been abused in Tanzania by inflicting painful discipline on children through defilement, culture of marrying minors, child labour, abductions and mistreatment of children.

In 2001, Child Protective Service (CPS) agencies investigated more than 3.25 million reports of child abuse and neglect throughout the United States. This is an increase of 2 percent from the

previous year. Teachers, law enforcement officers, social service workers, and physicians made 56 percent of the reports. In 2001, CPS agencies determined approximately 1.1 million children were victims of substantiated or indicated child abuse and neglect. The term “substantiated” means that an allegation of maltreatment was confirmed according to the level of evidence required by the State law or State policy. The term “indicated” is an investigation finding used by some States when there is insufficient evidence to substantiate a case under State law or policy, but there is reason to suspect that maltreatment occurred or that there is risk of future. Efforts to quantify the number of abuse cases in the United States include self-report surveys, in which parents are asked to report their own behavior toward their children; surveys of cases of abuse that were observed by someone outside the family and reported to community and public-agency professionals; and the collection of statistical information from child protective agencies. In 1990, the National Child Abuse and Neglect Data System were established. Information from this database indicates a growing trend in child abuse and neglect during the 1990s.

In general, neglect is the most common form of child abuse reported, accounting for more than half of all reported cases. According to national statistics, approximately 2.8 million referrals for abuse and neglect are made annually. Less than half of these (approximately 1 million) are found to be substantiated cases. Of those that are substantiated, over half are for neglect, about 25 percent are for physical abuse, and slightly more than 10 percent are 04 for sexual abuse. Approximately three children die each day of abuse or neglect in the United States.

According to the (Child Welfare League of America 2001), children whose parents abuse drugs and alcohol are almost three times more likely to be abused and four times more likely to be neglected than children of parents who are not substance abusers. Eighty-five percent of states that report statistics for child abuse and neglect cite parental substance abuse and poverty as the top two issues related to child abuse and neglect. Additionally, studies have shown that the most consistent finding in substantiated child abuse cases is that the abusive parents often report having been physically, sexually, or emotionally abused or neglected as children. According to (MCCROSKEY,1998) Certain children are at increased risk for abuse. Younger children are particularly vulnerable to certain types of abuse, such as *shaken baby syndrome* and *battered child syndrome*. Shaken baby syndrome is a severe form of head injury that occurs when a baby is shaken hard enough to cause the baby’s’ brain to bounce against its skull. This

causes bruising, swelling, and bleeding in the brain that can lead to permanent, severe brain damage or death. Even with immediate medical treatment, the prognosis for a victim of this syndrome is very poor. Most babies will be left with significant damage to their brain that can cause mental retardation or cerebral palsy. One of the difficulties in identifying this type of abuse is that there are usually no outward physical signs of trauma, which often creates a delay in the child receiving treatment, ( MCCROSKEY, JACQUELIN, and MEEZAN, WILLIAM. 1998) Battered child syndrome is characterized by a group of physical and mental symptoms caused by long-term physical violence against the child. The abuse takes the form of cuts, bruises, broken bones, burns, and internal injuries from hitting, punching, or kicking. Nearly half of the victims of this type of abuse are under the age of one. Parents who bring their abused children to an emergency room frequently offer complicated and vague explanations of the child's injuries. Medical personnel must be trained and knowledgeable of the causes of various types of injuries. For example, medical professionals have learnt to recognize a spiral pattern on X-rays of broken bones, particularly in the arms and legs, which indicate an injury is the result of the twisting of a child's limb. Trained professionals also look for evidence of old injuries, such as a bruise that is several- days old and bones that have broken and healed, in addition to the presenting injuries. Such a pattern of injuries helps constitute the diagnosis of battered child syndrome, (ENGLISH, DIANA J. 1998).

By its very nature, child abuse is threatening and disruptive to normal child development. The very persons charged with the care and nurturing of a child, and to whom the child turns for food, love, and safety, can cause the child pain and injury. The child then learns to distrust adults. Children who are neglected and abused exhibit a wide array of characteristics and behaviors.

Most common among these are anger, acting out, depression, anxiety, aggression, social withdrawal, low self-esteem, and sleep difficulties. At the extreme end, abuse can cause a child to disassociate and develop disorders such as schizophrenia, amnesia, and personality disorder.

Personality disorder is a mental disorder that affects a person's ability to function in everyday activities such as work, school, and interpersonal relationships. Borderline personality disorder is a frequent diagnosis for children who are victims of abuse or neglect. Symptoms can include

paranoia, lack of impulse control, limited range of emotions, and inability to form close and lasting relationships.

## **2.2 The Traditional systems and child abuse and neglect**

Traditional perceptions of children have often been characterized as. Incompetent, dependent, powerless, and politically silent-too often the victims of circumstance.

Adult interventions in children's lives were often based on concepts of charity, confused ideas of protection (of adults from children as well as the protection of children themselves), the need to isolate children from the adult world and the view that children should be seen but not heard. - For the past decades, families used the traditional methods of child protection through cultural beliefs such as a girl child keeping virginity before marriage and cultural spirits. Traditionally if a girl child found her virginity broken, they were sent away from the family or killed. Similarly, traditionally any man found abusing a young girl it was regarded as evil and stoned to death, using traditional medicine to keep their children from being abused by strangers such people were called witch doctors. The council of elders would convene and solve the matters of abused and neglected children culturally. As time advanced, the traditional system could not work in regard to child protection because they were no prison and the body for advocacy to enforce laws and guidelines for child protection such institutions of police, courts, and awareness of the community looked too minimal and on such outlook the cases of child abuse and neglect seem to have been on the increase and no institution were set for children to report and express their concerns. This resulted into child mistreatment, death, injury and every form of child suffering in communities.

In the 21 century, few studies have directly examined the child abuse and neglect of children in Tanzania. Information is typically anecdotal and attitudinal. However, some studies do offer insights into the nature and incidence of child sexual abuse and neglect. Dungy and Mhagama (2000) interviewed children in selected villages and various community leaders (police, health personnel, and village leaders, and parents, guardians) regarding child abuse. In addition, community forums were held in a number of villages, involving between 30 and 50 villagers to give feedback and receive further information on child abuse. The general discussion among villagers indicated that child sexual abuse by fathers or other close male relatives does occur and is

generally dealt with in the family. Indeed, “people proven to sexually abuse children [should] be legally accountable even *if* the molested children are their children or children of their close relatives” (2000). The authors conclude that: “From the discussions it is clear that child abuse and neglect is on the increase especially with little boys and girls who are lured by people with money, including businessmen and truck drivers.”

### **2.3 The Rights of Children**

Human Rights are universal, and civil, political, economic, social and cultural rights belong to all human beings, including children and young people. Children and youth also enjoy certain human rights specifically linked to their status as minors and to their need for special care and protection. The human rights of children and youth are explicitly set out in the Convention on the Rights of the Child, the most widely ratified human rights treaty in history. They are also contained in other human rights documents including the Universal Declaration of Human Rights, the International Covenants, the Convention on the Elimination of All Forms of Discrimination against Women, and other widely adhered to international human rights treaties and Declarations. Not only that rights of children are included and stipulated in international instruments, they are also included in national statutes like Tanzanian Constitution of 1977 and Tanzania Children’s and Young Person’s Act cap 13. Recent conceptions of children rights, the human rights standards of Children are conceptualized recently in three main categories:

- 1 Rights of protection,
- 2 Rights of provision
- 3 Rights of participation

Children rights are more extensive than adult rights, however because children cannot find for themselves, these rights are to protect, provide for their needs and also to ensure that they are allowed to participate in matters concerning them. According to the CRC 1989 a child is any person under 18 years s of age and who has also not been declared an adult in the nation’s laws. (Article 1 of the CRC)

According to Tanzanian Children’s and Young Person’s Act Cap 13, stipulates that a ‘child’ is a person under the age of 12 years and a young person’ as between 12- 16 years, but expressly

excludes a child of 17 years. Generally, this offends the international definition of a child which categorizes a child as 'a person below 18 years of age'. Besides offending international norms, the definition contradicts Tanzania's other laws (e.g. civil matters) which define 'child' as anyone under the age of 18, Children rights movement

A feature of the debate on child abuse and neglect in Tanzania is the consensus that, this is a novel phenomenon caused by perpetrators' efforts to cure themselves of HIV/AIDS, the breakdown of the traditional communal child care system, the influence of 'foreign cultures,' widespread poverty and, finally, the powerless position of girls and women in society. Indeed, these explanations are common throughout sub-Saharan Africa (SSA) Lalor, in press 2006).

Another generation of the CRC advocates supports the application of the international legal standards for children for example Amnesty International and Human Right Watch. Today Children rights education has been added to the curriculum of many law schools in the US and in some states of US the study of human rights including children rights have been adopted in primary and secondary schools. Creation of international rights for children. According to Nigel Catch well former director of defense for children international, the path towards international children rights begun with five principles published by Britain Save the Children International Union in 1923. The founder of the Save the Children Movements, Eglantine Jebb, believed that the obligation to protect and nurture children was not only the responsibility of parents but also of the wider community. She drafted the five points of the first declaration of the rights of children in 1923, and the League of Nations, the inter war predecessor to the UN, adopted this the following year.

In 1948, fifty nations of the UN expanded the five points of Jebb into seven principles. In 1959, the children rights were declared. In 1978, a new and binding convention on the rights of children was called for, in advance of the following year's international year of the child.

It took ten years in the making because all experts from the world had to come up with a general consensus including 175 nations. Therefore CRC is unique as it represents an enforceable legal consensus. It bridged two political blocks, the north and the south; bridging civil rights and freedoms with economic, social and cultural rights; bridging state accountability with the active



involvement of civil society. In 1989 CRC is adopted by the general assembly and in 1990 it was ratified and entered into force automatically International Society for Prevention of Child Abuse and Neglect

The International Society for Prevention of Child Abuse and Neglect (ISPCAN), founded in 1977; is the only multidisciplinary international organization that brings together a worldwide cross-section of committed professionals to work towards the prevention and treatment of child abuse, neglect and exploitation globally. To increase awareness of the extent, the causes and possible solutions for all forms of child abuse, to disseminate academic and clinical research to those in positions to enhance practice and improve policy According to African charter on the rights and welfare of the child OAU doc. Cab/leg/24.9/49 (1990), *entered into force* Nov. 29, 1999.

The child. OAU Doc. CAH/LIG/24.Y/49 (1990), *entered into force* Nov. 29, 1999. The African Member States of the Organization of African Unity, Parties to the present Charter entitled African Charter on the Rights and Welfare of the Child, recognizing that the child occupies a unique and privileged position in the African society and that for the full and harmonious development of his personality. The child should grow up in a family• environment in an atmosphere of happiness, love and understanding, CONSIDERING that the promotion and protection of the rights and welfare of the child also implies the performance of duties on ‘the part of everyone,

REAFFIRMING ADHERENCE to the principles of the rights and welfare of the child contained in the declaration, conventions and other instruments of the Organization of African Unity and in the United Nations and in particular the United Nations Convention on the Rights of the Child; and the QAU Heads of State and Government’s Declaration on the Rights and Welfare of the African Child.

Article 1: Obligation of States Parties recognizes the rights, freedoms and duties enshrined in this Charter and shall undertake to the necessary steps, in accordance with their Constitutional processes and with the provisions of the present Article 2: definition of a Child for title purposes

of this Charter. a child means every human being below the age of 18 years. Every child have a Right to Non Discrimination Article 3: Every child shall be entitled to the enjoyment of the rights and freedoms recognized and guaranteed in this Charter irrespective of the child's or his/her parents or legal guardians' race, ethnic group, colour, sex, language, religion, political or other opinion, national and social origin, birth or other status. Principles published by Britain Save the Children International Union in 1923. The founder of the Save the Children Movements, Eglantyne

Jebb, believed that the obligation to protect and nurture children was not only the responsibility of parents but also of the wider community. She drafted the five points of the first declaration of the rights of children in 1923, and the League of Nations, the inter war predecessor to the UN, adopted this the following year.

In 1948, fifty nations of the UN expanded the five points of Jebb into seven principles. In 1959, the children rights were declared, In 1978, a new and binding convention on the rights of children was called for, in advance of the following year's international year of the child.

It took ten years in the making because all experts from the world had to come up with a general consensus including 175 nations. Therefore CRC is unique as it represents an enforceable legal consensus. It bridged two political blocks, the north and the south; bridging civil rights and freedoms with economic, social and cultural rights; bridging state accountability with the active involvement of civil society. In 1989 CRC is adopted by the general assembly and in 1990 it was ratified and entered into force automatically.

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Article 3: Every child shall be entitled to the enjoyment of the rights and freedoms recognized and guaranteed in this Charter irrespective of the child's or his/her parents or legal guardians' race, ethnic group, colour, sex, Hanguage, religion, political or other opinion, national a:d social origin, fortui, birth or other status.

Right t.o the best Interests of the Child this is under Article 4: that concerns with all actions concerning the child undertaken by any person or authority the best interests of the child shall be the primary consideration. In all judicial or administrative proceedings affecting a child who is capable of communicating his/her own views, and opportunity shall be provided for the views of the child to be heard either directly or through an impartial

representative as a party to the proceedings, and those views shall be taken into consideration by the relevant authority in accordance with the provisions of appropriate law.

Every child has an inherent right to life. Article 5: Survival and Development, this right shall be protected by law. States Parties to the present Charter shall ensure, to the maximum extent possible, the survival, protection and development of the child and death sentence shall not be pronounced for crimes committed by children.

Every child has a right to acquire a Name and Nationality as per Article 6: Every child shall have the right from his birth to have a name. Every child shall be registered immediately after birth. Every child has the right to acquire a nationality. States Parties to the present Charter shall undertake to ensure that their Constitutional legislation recognize the principles according to which a child shall acquire the nationality of the State in the territory of which he has been born if, at the time of the child's birth, he is not granted nationality by any other State in accordance with its laws.

The right to Freedom of Expression, Article 7: Every child who is capable of communicating his or her own views shall be assured the rights to express his opinions freely in all matters and to disseminate his opinions subject to such restrictions as are prescribed by laws. Every child has a right to freedom of association under Article 8 of the African charter of child welfare says that every child shall have the right to free association and freedom of peaceful assembly in conformity with the law.

Article 9: Freedom of Thought, Conscience and Religion.. Every child, shall have the right to freedom of thought conscience and religion. Parents and where applicable, legal guardians shall have a duty to provide guidance and direction in the exercise of these rights having regard, to the evolving capacities, and best interests of the child. Guardians to provide guidance and direction in the enjoyment of these rights subject to the national laws and policies.

Article 10: Protection of Privacy No child shall be subject to arbitrary or unlawful interference with his privacy, family home or correspondence, or to the attacks upon his honour or reputation, provided that parents or legal guardians shall have the right to exercise reasonable supervision over the conduct of their children. The child has the right to the protection of the law against such interference or attacks.

Every child has a right to education as per article 11:

The education of the child shall be directed to;

- (a) The promotion and development of the child's personality, talents and mental and physical abilities to their fullest potential;
- (b) Fostering respect for human rights and fundamental freedoms with : particular reference to those set out in the provisions of various African instruments on human and peoples' rights and international human rights declarations and conventions;
- (c) (c) The preservation and strengthening of positive African morals, traditional values and cultures;
- (d) Provide free and, compulsory basic education; to encourage the development of secondary education in its different forms and to progressively make it free and accessible to all and make the higher education accessible to all on the basis of capacity and ability and moral education of the child in a manner with the evolving capacities of the child.
- (e) Article 12: Leisure, Recreation and Cultural Activities. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the art and 'leisure activity.
- (f) Article 13: Handicapped Children. Every child who is mentally or physically disabled shall have the right to special measures of protection in keeping with his physical and moral rides and under conditions which ensure his dignity, promote his self-reliance and active participation in the community. Resources, to a disabled child and to those responsible for his care, of assistance for which application is made and which is appropriate to the child's condition and in particular shall ensure that the disabled child has effective access to training, preparation for employment and recreation opportunities in a manner conducive to the child achieving the fullest possible social integration, individual development and his cultural and moral development.

- (g) Article 14: Health and Health Services. Every child shall have the right to enjoy the best attainable state of physical, mental and spiritual health. States Parties undertake to pursue the full implementation of this right and in particular shall take measures: to reduce infant and child motility rate, to ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care; to ensure the provision of adequate nutrition and safe drinking water; to combat disease and malnutrition within the framework of primary health care through the application of appropriate technology;

Every child has right to be protected from Child Labour as per Article 15 of the charter which states that every child shall be protected from all forms of economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's physical mental, spiritual, moral, or social development.

Article 16: Protection against Child Abuse and Torture. States Parties to the present Charter shall take specific legislative, administrative, social and educational measures to protect the child from all forms of torture, inhuman or degrading treatment and especially physical or mental injury or abuse, neglect or maltreatment including sexual abuse, while in the care of the child. Protective measures under the article include effective procedures for the establishment of special monitoring units to provide necessary support for the child and for those who have the care of the child, as well as other forms of prevention and for identification, reporting referral investigation, treatment, and follow-up of instances of child abuse and neglect.

According to Amnesty international The Human Rights of Children: Overview Protecting the human rights of children is to invest in the future. Children's rights are the building blocks for a solid human rights culture, the basis for securing human rights for future generations. The United Nations universal declaration of human rights of Children, are entitled to all the rights guaranteed by the *Universal Declaration of Human Rights* and the various treaties that have developed from it. Children are also guaranteed additional rights, notably under the *UN Convention on the Rights of the Child* — the most widely ratified. Human rights treaty —

because they need special protection and care. They must be able to depend on the adult world to look after them, to defend their rights and to help them develop and realize their potential.

Governments are obliged to protect all the rights of the child - economic, social and cultural rights as well as civil and political. States are not only responsible for the violations committed by their own state officials, but they are also obliged to take positive measures to prevent abuses against children by private individuals, whether in the community or in the family. Amnesty International campaigns around the world to ensure those children's human rights are protected. It calls on governments, opposition groups and all other actors who exercise control over children to adhere to the principle of 'best interests of the child' as the primary consideration in all actions concerning children.

The United Nations general assembly also identifies the rights of children right away from article 19 of the declaration "Everyone has the right of good standard of living, health and well-being, motherhood and childhood are titled to special care and assistance. All children enjoy the same social protection.... Everyone has the right to education...." *Universal Declaration of Human Rights*, Articles 25 and 26 "States Parties respect and ensure rights to each child without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin; property, disability, birth or other status. States Parties shall ensure ... the survival and development of the child. States Parties recognize the right of the child to the ... highest attainable standard of health.

State parties shall strive to ensure that no child is • deprived of his or her right of access to health care services. States Parties diminish infant and child mortality; ensure the provision of health care to all children. States Parties take all effective measures with a view of abolishing traditional practices prejudicial to the health of children. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development. States Parties take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support.



Particularly with regard to nutrition; clothing and housing States Parties recognize the right of the child to education. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development. States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. *On the Rights of the Child*, Articles 2, 6, 24, 27, 28, 32, and 34

"The States Parties recognize that special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States Parties recognize the right of everyone to an adequate standard of living....; to the highest attainable standard of physical and mental health... The steps to be taken to achieve the full realization of this right shall include those necessary for the reduction of the stillbirth-rate and of infant mortality, and for the healthy development of the child. States Parties ... recognize the right of everyone to education...." -*International Covenant on Economic, Social and Cultural Rights*, Articles 10, 11, 12, and 13. Sentence of death are- not imposed for crimes committed by persons below eighteen years of age Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status.... The family is the natural and fundamental group unit of society and is entitled to protection by society and the State. Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State. Every child shall be registered immediately after birth and shall have a name. Every child has the right to acquire a nationality."

*International Covenant on Civil and Political Rights*, Articles 6, 10, 23, and 24  
 'States Parties condemn discrimination against women in all its forms, agree to take all appropriate measures, including legislation, to modify or abolish existing laws, ... customs and practices which constitute discrimination against women.... States Parties shall take all



appropriate measures ... to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.... States Parties shall ... eliminate discrimination against women. in the field, of education. in the field of health care....”

*Convention on the Elimination of All Forms of Discrimination Against Women*, Articles 2, 5, 10, and 12 “The States Parties undertake to discontinue any practices which involve discrimination in education..; to formulate, develop and apply a national policy which will promote equality of opportunity and of treatment in education and in particular: To make primary education free and compulsory; make secondary education in its different forms available and accessible to all; make higher education equally accessible to all on the basis of individual capacity; assure compliance by all with the obligation to attend school prescribed by law; To encourage and intensify the education of persons who have not received any primary education or who have not completed the entire primary education It is essential to recognize the right of members of national minorities to carry on their own educational activities, including the maintenance of schools and the use or the teaching of their own language.” --*Convention against Discrimination in Education*, Articles 3, 4, and 5 ‘Each Member. . Undertakes to pursue a national policy ... to ensure the ‘effective abolition of child labour and to rise progressively the minimum age for admission to employment or work to a level ‘consistent with the fullest physical and mental development of young persons The minimum age. shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years.The minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardize the health, safety or morals of Young persons shall not be less than 18 years....’ *ILO Minimum Age Convention* (No. 38), Articles 1, 2, and 3. The achievements of the first decade of the CRC. Almost Universal ratification Only two states have not ratified the convention:

the USA and Somalia. For many countries this was the first international human rights treaty that they had signed. In ratifying, governm5 voluntarily accept the obligations set out in the convention and hold themselves accountable for their Success or failure in performing them.

The way in which children are seen has begun to undergo a significant change in the last ten years. The convention has not been solely responsible for this but it has played a major role in encouraging a re-evolution of the ways in which adults see children. In the past, children were invisible inside families and communities, within which specific interests were obscured. Government introduced family Policies rather than children's policies. Development projects were introduced that target families or women, in the hope that the benefits would trickle down to children.

Investment in children was seen as an investment in human capital: for tomorrow's children. In the 1990s this situation began to change.

The convention, by directing attention to the specific rights of children, has challenged governments and others to question their assumptions and value children for what they are today, not what they will become tomorrow. In the 2nd half of the 1990s saw a series of international conferences addressing issues such as the commercial sexual exploitation of children (Stockholm 1996) and child labor (Amsterdam 1997), Oslo 1998 and Geneva 1999.

Implementation of the convention and the achievement of 27 specific targets in health, basic education, water and sanitation, nutrition and child protection.

The convention has challenged these views by emphasizing children's dignity, competence, resilience and the right to have their views heard. Perceptions of children. Traditional perceptions of children have often characterized as incompetent, dependent, powerless, and politically silent—too often the victims of circumstance.

Adult interventions in children's lives were often based on concepts of charity, confused ideas of protection (of adults from children as well as the protection of children themselves), the need to isolate children from the adult world and the view that children should be seen but not heard. The creation of a global children's rights community. The convention has been a major catalyst to the development of a children's rights movement across the world. It has enabled a sharing of vision of the fulfillment of children's rights in the world. It has developed a global sense of responsibility and commitment that transcends many of the traditional barriers to dialogue and joint working.

Human right organizations are beginning to work more closely with children's organizations and development NGOs (UNICEF, Save the Children) to support implementation of the convention. Professional groups, health-care workers, teachers and social workers, have considered how they can integrate the principles and standards of the convention into their work. Many children now know that they have human rights and will carry that forward into their adult

**24 Humanistic rights,** child and neglect. According to Nigel Catchwell former director of defense for children international, the path towards international children rights begun with five principles published by Britain Save the Children international Union in 1923. The founder of the Save the Children Movements, Eglantyne Jebb, believed that the obligation to protect and nurture children was not only the responsibility of parents but also of the wider community. She drafted the five points of the first declaration of the rights of children in 1923, and the League of Nations, the inter war predecessor to the UN, adopted this the following year. In 1948, fifty nations of the UN expanded the five points of Jebb into seven principles. In 1959, the children rights were declared, In 1978, a new and binding convention on the rights of children was called for, in advance of the following year's international year of the child. In Protecting Children in the 21st Century, Child Protection System (CPS) cannot adequately handle the large number of abuse and neglect cases and the caseload that develops from these reports is not well targeted some families are included in the CPS caseload unnecessarily and others are not receiving assistance that they need. There are problems with the types of services that are offered families and with service delivery and orientation as well. Families should receive timely services that are appropriate for their needs. A 'one-size fits all' approach means that most families will not receive appropriate services. A "differential response system" that would provide more targeted response to families and would include a broader base of service providers.

The difficulties of reform are illustrated by the failure of the Adoption - Assistance and Child Welfare Act of 1980 (ACCWA). In "The Adoption and Safe Families Act-Hope and Its Subversion" child welfare agencies did not implement the ACCWA permanency planning concepts, such as the "reasonable efforts" requirement, and a reason for ACCWA's failure was that its compliance review design was flawed In response to the failure of ACCWA,

4 another reform was adopted: the Adoption and Safe Families Act of 1997 4 (ASFA). It explicitly indicated that child safety was the primary goal of state child welfare systems and that these systems were to obtain permanent placements for children in a timely way. Like ACCWA, ASFA relies primarily on state officials to enforce compliance, but does not provide significant additional funds to courts or CPS to help implement the ASFA provisions. In addition, the federal funding scheme still provides a financial incentive to states to keep children in foster care. There are also significant exceptions to the ASFA time limits. Changes that could result in greater compliance with ASFA goals are proposed In "Family Preservation and Reunification Programs in Child Protection Cases:

Effectiveness, Best Practices and Implications for Legal Representation, Judicial Practice and Public Policy', there is a synthesis of empirical evaluations of CPS programs that were intended to fulfill ACCWA's reasonable efforts requirement. they provides important information about two types of CPS service programs: (1) family preservation service programs (FPS) that are intended to make it possible for children to stay with their families rather than being placed in foster care and (2) family reunification service programs (FRS) that are intended to assist in reunifying families when children have been removed from home.

Although overall it was found that there was discouraging number of programs which were not successful, some were. For example, the analysis showed that FRS programs that coupled a managed care approach with rigorous case management were more likely to be successful. It is also found that both FPS and FRS programs that provided concrete services, such as emergency cash, housing, food or medical care were more likely to be successful than those that offered therapy or counseling alone. Another finding was that programs that lasted longer than 4-6 weeks were -more likely to be successful, as were programs with more highly skilled or experienced workers Human rights efforts in providing protection for child witnesses in state and criminal trials. According to Janet Leach Richards' article "Protecting the Child Witness in Abuse Cases, explains the need for another reform effort-namely providing protection for child witnesses in state and federal criminal trials.

The effort to protect child victims must be balanced against the rights of the accused secured by the Confrontation Clause of the Sixth Amendment. Professor Richards

analyzes the constitutional requirements and reviews legislative and court procedures that are being used to protect child witnesses.

Her analysis includes the federal Child Victims and Child Witnesses Rights statute that provides for a number of protections for child witnesses testifying in federal criminal trials, such as testimony through two-way closed circuit television and videotaped depositions. She also analyzes state child witness protection legislation. She identifies steps courts can take to help child witnesses, even without explicit statutory provisions, such as preparing the child witness, allowing closed circuit television testimony, modifying examination rules, changing the courtroom setting, and even closing the courtroom.

The human rights systemic improvements; representation of children in individual proceedings is an important aspect of improving the child welfare process. In "Children's Rights and the Need for Protection", the analysis of children's rights provides an opportunity to reflect on the goals of systemic change and to move to consideration of the function of the child's representative in child abuse and neglect cases. They advocates for an empowerment rights perspective that would be a means for remedying children's powerlessness. It is argued that children need to be respected and empowered because they- have rights, rather than being viewed as powerless and vulnerable. It is noted that the status of children today in the child welfare system supports the idea that children may not fare well when they must rely on adults who are advocates for their best interests. It is suggested that the best interest's model results from dissatisfaction with CPS and judges. Further, a best interests approach indicates a skepticism about a rights based approach that would provide advocates for a child's preference. It is noted that rights that usually belong to a party in a judicial proceeding, such as rights to call and examine witnesses, are not the child's rights in a protection proceeding but rather are the representative's duties or rights. An empowerment rights perspective, rather than a best interest approach, would emphasize children's abilities rather than disabilities. Children's claims would be more likely to be heard and respected if they came from a position of power, rather than vulnerability.

Human rights advocacy In "Legal Representation for Children in Protection Proceedings. There is suggestion that we need to abandon the debate between best interests and client-directed, and embrace both models. It is acknowledged that the prevailing view among academics and

professional organizations is that the child's representative should advocate for the child's wishes but notes that a majority of state laws require representation of the child's best interests. In addition to the concerns raised, a major criticism of the best interests approach is that the standard is indeterminate and therefore the child's attorney has unlimited discretion to determine what constitutes the child's best interests. It is pointed out that the client-directed model suffers from a similar deficiency because typically the attorney can determine the child's competence and a number of exceptions in the model allow the attorney to take an approach at variance with the client's wishes.

Research on representation of children in England, reported in "Representation of Children in England: Protecting Children in Child Protection Proceedings", provides a unique perspective for the special issue because it includes data from interviews with participants in the process, including the children. In England, children usually are provided a guardian ad litem and a solicitor in protection cases. The guardian ad litem is a social worker which is independent of the child protective services agency. Both the guardian ad litem and the solicitor have special training in child protection issues. The guardian ad litem instructs the solicitor, unless the solicitor believes that the child wants to give conflicting instructions and is competent to do so. However, solicitors were unlikely to take instructions from a child if the child's instructions would conflict with the guardian ad litem's. It was found that typically children had little opportunity to influence the court or make their wishes known. The emphasis on children's welfare resulted in excluding them from participating in the proceedings in a meaningful way. An important, but often overlooked, aspect of representation of children is the administration of representation programs. In "The Role of Strategic Management Planning in Improving the Representation of Clients: A Child Advocacy Example", In 1995 the New York City Juvenile Rights Division (JRD). Employed 130 attorneys and represented 40,000 children. In order to provide effective representation, a legal services office needs to be responsive to changes in law and practice. To effectuate change, a new manager must not only understand the organization's culture, structure and resources, but also must understand how it fits within the larger context of its operations, such as its relationship to the courts and child welfare agencies. Further a new manager must consciously choose a management philosophy and study management techniques skills that make a person a good attorney are not necessarily the same as

those of a good manager. The manager must administer personnel and the budget and be successful at fundraising and communicating with the media. The manager must be able to deal with administrative issues in a way that directs the organization toward the overall goal, which is to create a structure for good practice that can keep up 'with changes in the field. JRD improved its ability to problem solve and work toward constructive change in areas such as continuity of representation and the use of paralegals Our child welfare system is in desperate need of improvement.

They challenge us all to make a contribution to that endeavor and to be strong advocates for . Children as regards to human rights bodies

### **2.5 Policy recommendations for averting child abuse and neglect.**

Due to the continuation of child abuse and neglect in the world, there is a need for partner states to come up with a uniform way of averting child abuse and neglect as recommended by the authors below:

There is a need to promote professional involvement in child protection in higher education through incentives for graduate education and loan forgiveness in psychology, nursing, social work, medical and legal training, for example. Foster interdisciplinary collaborations at the graduate school level, through clinical, programs and promote training of multi-cultural and multilingual professionals in child protection. Support university-affiliated programs at academic medical centers for research and training with a prevention focus. (Moscicki, E.K., et al,2003)

Further more, Allocate increased resources to support community-based child abuse prevention activities through the Child Abuse Prevention and Treatment Act (CAPTA). To prevent child abuse and neglect, communities must provide an array of effective strategies that support and strengthen families. All families need support; universal child abuse prevention programs offer the support families need. For example, evaluations of home visiting services have shown positive effects in the areas of parenting, child abuse and neglect, birth outcomes, and health care. Crisis nurseries have been demonstrated to protect children against abuse at home.

According to a nationwide longitudinal study, parents who participated over time in parent support groups showed improvement in child protective factors and reduced child, maltreatment. (Whitaker, T. Weissmuller, T. & Clark, E, 2006) –

Nevertheless, expand the focus on assisting families in building protective factors that help ensure prevention of child abuse and neglect. Based on research, essential protective factors have been identified that help strengthen families and prevent child abuse and neglect. Often, small and simple changes in practice or policy help families make significant positive changes. Strategies to promote these protective factors can be implemented in all settings that serve children and their families, including early care and education, child welfare, education, community based prevention programs and others.

To point out, there is a need for states to provide enough funds to improve child protective services, including infrastructure enhancement, through the CAA Basic State Grants. States are hard pressed to respond quickly and adequately to the volume of reports of child maltreatment. To treat abused and neglected children, or to protect them from further harm, a fact that is particularly troubling when the youngest children suffer the highest victimization rate. The nation's protective services (CPS) system has long been stretched beyond capacity, and CAPTA funds have not kept pace with the needs of communities for supporting families and protecting children. At current funding levels, child protection agencies are unable to serve hundreds of thousands of abused and neglected children in their caseloads. According to the most recent HHS data, almost 40 percent of the 900,000 child victims known to CPS received no services following a substantiated report of maltreatment CAPTA's Basic State Grants help states protect children. (*Child Maltreatment 2006,1*)

According to the U.S. Department of Health and Human Services (2008) stated that there is a need to focus on funding the National Institutes of Health for biomedical and behavioral research on health promotion and disease prevention to address prevention and treatment approaches in child abuse and neglect, building on the work of the Child Abuse and Neglect Working Group, with expanded priority concerns for research in such areas as child and adolescent health, recurrent health conditions, mental health, and substance abuse. Support development of a coordinated research agenda through leadership at NIH in



collaboration with other federal agencies supporting scientific research. Establish a standing in the U.S. Department of Health and Human Services (2008)

## 2.6 Conclusions

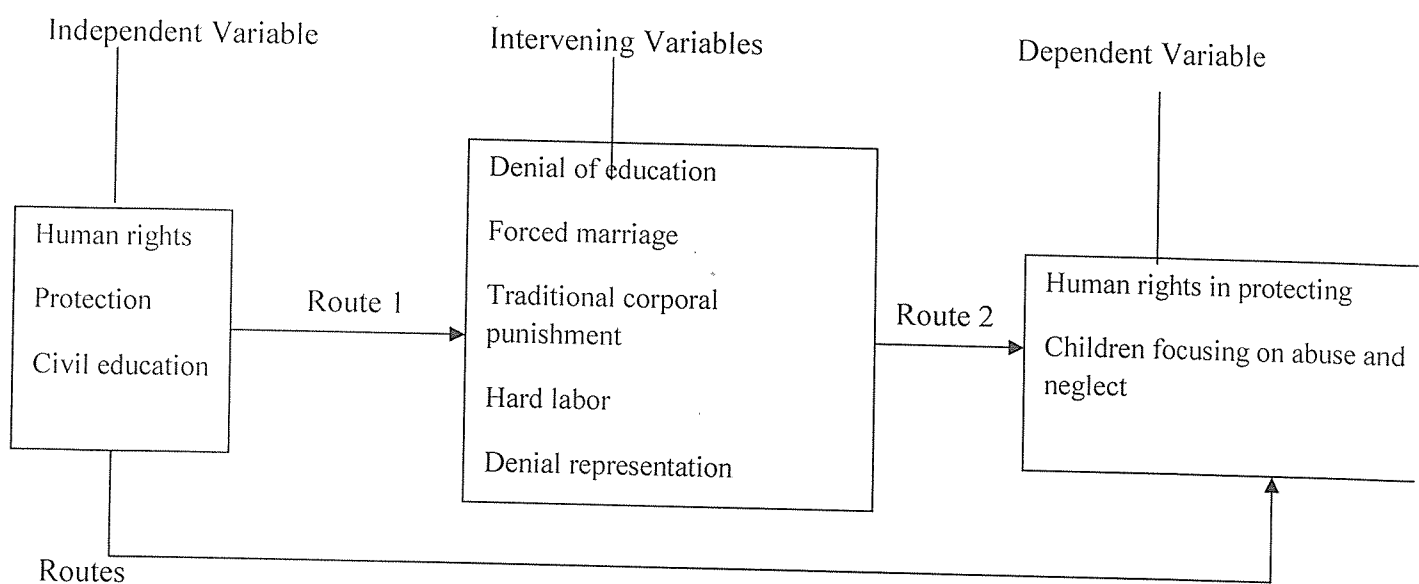
In conclusion abuse and neglect of children in Tanzania has been a major issue of controversy hence creating a *growing* attention. However, no empirical database exists. Through the reviewing of other scholar's work, most of them to have explained on the awareness of children rights, insisting on child best interest theory and looking at protective measures to be used in states.

Although all the measures are in place they are still in theory or in papers and not in practice. In other words the measures have not been implemented within the countries including Tanzania, that is why many violations of these rights have continue to rise through inflicting painful discipline on children through defilement culture of marrying minors, child labour abductions and mistreatment of children. Therefore, the tendency international agencies the focus on the *comer* sexual exploitation of children (CSEC) rather than child sexual abuse in the borne or community is also among the weakness whereby countries have failed to implement this matter in practice.

## 2.7 Conceptual Frame Work

This can be illustrated in the model below:

Conceptual Model



According to Bell J (1999) in the book on “how to complete your research project successfully”, he explained the independent variables, dependant and intervening variables as follows, The independent variables are the explanatory variable. It’s the one that influences the dependent variable. Here we are looking at how human rights bodies can be used in averting the child abuse and neglect. The intervening variable is a variable that surfaces between the times the independent variables starts operating to influence the dependent variables and the time their impact is felt on it. In this case, we are looking at factors that are influencing child abuse and neglect.

Dependent variable is the criterion variable, it’s the primary interest to the research. In this case, the dependent variables’ are the role of Human rights in protecting child abuse and neglect and it is the measures to be looked at to bring out the solution of the statement of the problem,

## **CHAPTER THREE**

### **METHODOLOGY**

#### **3.0 Introduction**

This chapter provides the methodology of the study. It includes research design, geographical location/ Area and population sampling design, data collection methods and instruments, data analysis process and the significance of the study.

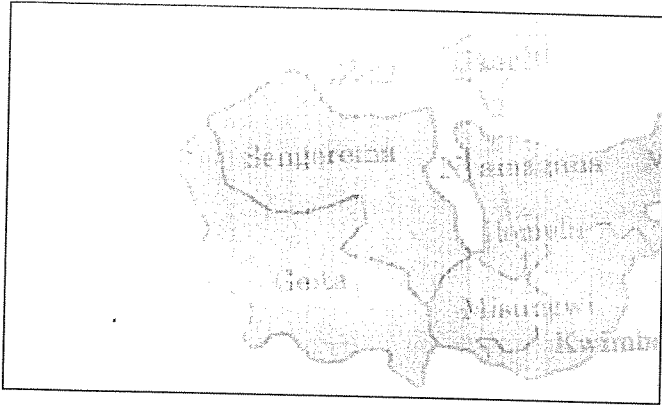
#### **3.1 Research design**

The researcher used descriptive research design. This was because it allows the research to get accurate and correct information. These were selected because they were effective ways of research presentation. It was on quantitative and qualitative data analysis. This offered lively dialogue among participants. They also activated the memories, feelings, experience and *resulted* into more information.

#### **3.2 Area of study**

The research was conducted in one area that is Illemela district in Mwanza Region in Mwanza. The neighboring regions were Kagera to the west, Shinyanga to the south, and Mara to the east.

## THE MAP OF MWANZA REGION SHOWING ILEMEL DISTRICT AS THE STUDY AREA



Ilemela District is one of the 8 districts of the Mwanza Region of Tanzania. It is bordered to the North by the Nyamagana District, to the South and East by the Misungwi District and to the West by Lake Victoria. The Ilemela District is administratively divided into 10 wards: Bugogwa, Kitangiri, Buswelu, Nyamanoro, Igoma, Ilemela, Kirumba, Nyakato, Pasiarisi, Sangabuye District.

Ilemela is a sister component of Mwanza City along with Nyamagana. To the north are the larger waters of Lake Victoria. Nyamagana lies to the south while Magu and Misungwi borders the district to the east.

### 3.3 The study population

According to the 2007 Tanzania National Census, the population of the Ilemela District was 265,911. The numbers of children in Ilemela are estimated to 30% of the total population of the study area.

The study focused on children below the age of 18 years of age. Chronology of how Convention on the Rights of Children stated.

In Ilemela district in Mwanza Region in particular, children rights have been the major issue on how they should be protected and promoted. This is still a major concern especially due to increase of numbers of children who are abused and neglected. The respondents consisted of local population especially children, adults, legal bodies and the opinion leaders. The population was basically chosen because the researcher is familiar with the people and is able to speak Sukuma, Kiswahili, and English.

### 3.4 Sample Design

The researcher used Purposive sampling technique since it ensures that the only chosen respondents are knowledgeable of the specific aim, hence getting relevant, correct and adequate information. The researcher got 80 sample out of the targeted population of 265,911 of Ilemela District. This is because it's more than of the targeted population, Then the respondents were divided according to categories.

The sample size of 80 respondents was chosen and this was arrived at as:

Category	Number of Respondents
Political leaders	16
Legal bodies	28
Local population	20
Counselors	16
Total	80

### 35 Data Collection methods and Instruments

#### 3.5.1 Methods

The researcher collected/got data from both primary and secondary sources.

##### (a) Primary Data

This was sourced by physical visiting of the study fields and collecting data through variable tools.

##### (b) Secondary data

This was sourced by reviewing of documented resources as newspapers, journalists, reports, presentations, magazines, online publications and data was sought upon the background of the study, purpose and objectives of the study.

#### 3.5.2 Instruments

The following data collection instruments were used:

#### **(a) Questionnaire**

This was designed in line with the related topic. They included both open and closed-end question and this instrument was selected because it is efficient and convenient in a way that the respondent were given time to consult the documents before answering the questions. It was also because the respondent gave unbiased answers since she/he is given to write whatever she/he would like to write which would otherwise be hard for the respondent to write if the researcher is present.

#### **(b) Focus Group Discuss**

Instrument was chosen because the respondents give instant answers and the data collected was easily edited since the researcher had heard when the respondent were communicating (answering) the question. The researcher was saved from misinterpretation since he can rephrase the question if not fully heard or answered so that he got the relevant information wanted.

#### **c) Documentary Review**

This included detailed review of already existing literature. The tool was selected because it gave the accurate, correct, and historical data, which was used for future reference.

### **3.6 Procedures**

This section provided a detailed story of how the study was conducted from the start to finish. The researcher included the proposal preparation process, the permission from the University and the data process.

### **3.7 Data Analysis**

#### **3.7.1 Quantitative Data Analysis**

Editing of the information from the respondents was done. This was before leaving the respondent. This was done purposely to avoid the loss of material, misinformation and also. to check for uniformity, consistency, accuracy, and comprehensibility. After the collection of data, the Researcher was able to analyze data and tabulate it manually and get the results in terms of percentage.

### **3.7.2 Qualitative Data Analysis**

Data was analyzed before, and after collection. Before data collection, tentative for themselves was identified. The tentative themes were social, economic, political and social factors associated with increased rate of child abuse and neglect. After data collection, information of the same code was assembled together and a report was written.

### **3.8 Limitations of the Study**

The study was hindered by the following factors;

Refusal of the respondents to effectively respond to the questions was one of the most notable problems that the researcher faced while conducting the **research**. Rudeness and hostility among some respondents also limited the study in the sense that the researcher und rude and hostile respondents who in the long run turn down the request of the researcher to answer the questions. Many of such respondents walked away despite the fact that the researcher tried to plead for their attention. Shyness of the respondents was another limitation of the study.

However, these problems were overcome by the researcher in the following ways; humble talk and convincing of respondents was employed by the respondents to overcome the problem of unwilling and shy respondents to answer the questions.

## CHAPTER FOUR

### PRESENTATION, ANALYSIS AND DISCUSSION OF' THE FINDINGS

#### 4.0 Introduction

The data was collected using both quantitative and qualitative methods, which was then analyzed and processed to make it useful and understandable. Data was collected, tabulated and then analyzed.

#### 4.1 Social Demographic Characteristics

##### 4.1.1 Age

Respondents were asked questions related to their age and the results are shown in the table below:

**Table 1 Age distribution of respondents**

Age	Frequency	Percentage
Below 24	30	37.5
25-29	16	20
30-39	14	17.5
40-49	10	12.5
50- above	10	12.5
<b>Total</b>	<b>80</b>	<b>100</b>

*Source: Primary data*

The figure shows that 37.5% of the respondents were below 24 years. This is because the focus of the research was more on the children who were neglected and abused, 20% were between 25-29 years of age, 17.5% were between 30-39 years of age, 12.5% were between 40-49 years and 12.5% were above 50 years of age. It should be noted that the age group between 25-50 was studied because more information was gathered from different angles, concern and their experience as their responsibility of the adult in protecting abused and neglected children.



#### 4.1.2 Marital Status

Another variable which was important in respect to the situation of the people in the area was marital status. Information *regarding* marital status of the respondents was obtained by asking them whether they were married single, widowed or widowers.

**Table 2 Marital status**

Marital status	Frequency	Percentage
Married	20	25
Single	30	37.5
Widow	16	20
Widower	14	17.5
<b>Total</b>	<b>80</b>	<b>100</b>

*Source: primary data*

Table 2 above shows that 25% of the respondents were married, 37.5% were single, 20% were widows and 17.5% were widowers. It was also noted that the highest Percentage of 30(37.5) was more considered because most children are single and therefore was considered to take the highest percentage of the study since abused and neglected children was the main topic of the study.

#### 4.1.3 Sex of the respondents

Sex was also another factor which was considered during the study. This is because the researcher was interested in finding out the number of females and males in the whole of the population, and compares the percentage composition of the two.

**Table 3 Sex of the respondents**

Sex	Frequency	Percentage
Female	50	62.5
Male	30	37.5
<b>Total</b>	<b>80</b>	<b>100</b>

*Source: primary data*

Table 3 above shows the sex of the respondents and it was found that 52.5% of the respondents were females and 37.5% were males.

#### 4. 1.4 Educational status

Respondents were asked questions related to their educational status and their responses are shown in the table below;

**Table 4: educational level of the respondents**

Educational level	Frequency	Percentage
Uneducated	30	37.5
Primary	20	25
Secondary	10	12.5
University	6	7.5
Tertiary	10	12.5
Others	4	5
<b>Total</b>	<b>80</b>	<b>100</b>

*Source: primary data*

Table 5 above shows educational levels of the respondents and it revealed that **37.5%** of the respondents were uneducated, 25% were of primary level, 12.5% had secondary education, 7.5% received university education, 12.5% had tertiary education and 5% fell under other levels of education. Children who are Abused and neglected fall under 30(37.5%) of the respondents because the majority of them can be able to decide on what to do with their rights and they have not acquired skills in regards to their rights

#### 4.2 What are the nature and the impact of child abuse and neglect in Ilemela district in Mwanza region?

**Table 5 showing the nature and the impact of child. Abuse and neglect in Ilemela district in Mwanza region?**

Responses	Legal bodies	Political population	Local population	Counselors	Total	%
longterm physical . violence against abused and neglected child	8	6	5	5	24	30
Physically, sexually, or	3	0	3	3	9	11.25

Emotionally abused or neglected as children						
Shaken baby syndrome is a severe form of head injury that cause the baby brain to bounce against its skull	5	4	4	2	14	18.75
Personality disorder	2	2	0	1	5	6.25
Symptoms can include paranoia, lack of impulse control, limited range of emotions, and inability to form close and lasting relationships.	4	0	5	3	12	15
Children's future destroyed	6	4	3	2	15	18.75
Total	28	16	20	16	80	100

### Long-term physical violation of rights against abused and neglected child

Long-term physical violation of rights against abused and neglected child Long term physical violence has been identified as one of the nature and the impact of child abuse and neglect in Ilemela district. According to the research, 30% of the respondents experienced hardship and abuse suffered by children as some established facts reveal that abandoned by their families, the children resorted to petty crime, prostitution or begging. According to children and human rights care organization on their report of 2007, it was stated that "children work under unsafe or unhealthy conditions". Battered child syndrome is characterized by a group of physical and mental symptoms caused by long-term physical violence against the child. The abuse takes the form of cuts, bruises, broken bones, burns, and internal injuries from hitting, punching, or kicking. Nearly half of the victims of this type of abuse are under the age of one. Parents who

bring their abused children to an emergency room frequently offer complicated and vague explanations of the child's injuries. Medical personnel must be trained and knowledgeable of the causes of various types of injuries. For example, medical professionals have learnt to recognize a spiral pattern on X-rays of broken bones, particularly in the arms and legs, which indicate an injury is the result of the twisting of a child's limb. Trained professionals also look for evidence of old injuries, such as a bruise that is several days old and bones that have broken and healed, in addition to the presenting injuries. Such a pattern of injuries help constitute the diagnosis of battered child syndrome which resulted into the increase of neglected and abused children in Ilemela district in Mwanza region.

### **Physically, sexually, or emotionally abused or neglected Children**

Physical, sexual and emotional abuse and neglect were of the nature and impact of child abuse and neglect in Ilemela district. The research finding shows that 11.25% of the respondents said that their cases of child abuse and neglect were observed by some families in Ilemela district and outside the families. Reports from statistical information from child protective agencies and National Child Abuse and Neglect Data System of 2007 indicated that, the *growing* trend in child abuse and neglect during the beginning of that year has increased to 30%. Children are sexually abused by their family members or other people in the community and such cases are not reported. Over half of them are neglected, about 25 percent are for physical abuse, and slightly more than 10 percent are for sexual abuse. According to disabled organization for legal affairs and social development of children, most common among these are anger, acting out, depression, anxiety, aggression, social withdrawal, low self-esteem, and sleep difficulties. At the extreme end, abuse can cause a child to disassociate and develop disorders such as schizophrenia, amnesia, and personality disorder. Approximately three children die each day of abuse or neglect in Ilemela district in Mwanza region Tanzania. Hence the nature and the impact of child abuse and neglect in Ilemela district.

Shaken babies syndrome that cause head injury and brain to bounce against the skull was one of the nature and impact of child abuse and neglect. According to disabled organization for legal and social development of children, it is reported that the large number of children especially in rural areas are at increased risk of abuse due to shaken baby syndrome. Younger children are

particularly vulnerable to certain types of abuse, such as *shaken baby syndrome* and *battered child syndrome*. Shaken baby syndrome is a severe form of head injury that occurs when a baby is shaken hard enough to cause the baby's brain to bounce against its skull. Research shows that 18.75% of the respondents said that the causes include bruising, swelling, and bleeding in the brain that can lead to permanent, severe brain damage or death. Even with immediate medical treatment, the prognosis for a victim of this syndrome is very poor. Most babies are left with significant damage to their brain that can cause mental retardation or cerebral. One of the difficulties in identifying this type of abuse and neglect is that there are usually no outward physical signs of trauma, which often creates a delay in the child receiving treatment hence research observed it as the nature and impact of child abuse and neglect in Ilemela district.

### **Personality disorder**

Personality disorder was identified as one of the nature and impact of child abuse and neglect in Ilemela district. Personality disorder is a mental disorder that affects a person's ability to function in everyday activities such as work, school, and interpersonal relationships. Borderline personality disorder is a frequent diagnosis for children who are victims of abuse or neglect. Research shows that 6.25% of the respondents said that personality disorders are caused by the impact of child abuse and neglect. Symptoms can include paranoia, lack of impulse control, limited range of emotions, and inability to form close and lasting relationships.

Symptoms were certified by the respondents as one of the impacts of child abuse and neglect in Ilemela district. About 15% of the respondents said that symptoms can include paranoia, lack of impulse control, limited range of emotions, and inability to form close and lasting relationships. According to Tanzania human rights commission and good governance, by its very nature, child abuse is threatening and disruptive to normal child development. The very persons charged with the care and nurturing of a child, and to whom the child turns for food, love, and safety, can cause the child pain and injury. The child then learns to distrust adults. Children who are neglected and abused exhibit a wide array of characteristics and behaviors of child abuse and neglect in Ilemela district in Mwanza region.

### Children's future destroyed

Children's future has *been* also identified as one among other impacts of child abuse and neglect in Ilemela district in Mwanza region. Research findings shows that abused and neglected children are victims of all sorts of circumstances because once they are denied, they end up on dropping out of school and end up on streets, others who are defiled by old men receive unwanted pregnancy and become pre-mature parents without any plan and once they produce unwanted babies, their family neglects them by sending them away from their homes, About 18.75% of the respondents said that most of children who are bitten badly end up being disabled and they can not perform future duties like normal persons. According to the report of 2006 published by media council of Tanzania, it was reported that "the future of children in Ilemela district was in a worrying state due to the increase of child abuse cases" for example school dropout, street children, thefts in the community, drug abuse and becoming potters on construction rather than being shaped for development, have led to difficulties in accounting for future of children hence resulting into impact of child abuse and neglect in Ilemela district.

#### 4.3 How does traditional system brought about child abuse and neglect in Mwanza region in Ilemela district Tanzania?

**Table 6 Showing how does traditional system brought about child abuse and neglect in Mwanza region in Ilemela district Tanzania?**

Responses	Frequency	Percentage
Denial of education	18	22.5
Beliefs of forced marriage	9	11.25
Traditional corporal punishment	10	12.5
Hard labour	16	20
Denial of owing property	7	8.75
Denial of representation	10	12.5
Stoned to death	10	12.5
<b>Total</b>	<b>80</b>	<b>100</b>

*Source: primary data*

### **Denial of education**

Denial of children's education was one of the traditional systems which brought about child abuse and neglect in Ilemela district in Mwanza region Tanzania. Traditionally, educating a child was seen as a colonial culture and education was regarded as western doctrine amongst Africans. In Ilemela district, parents didn't want to send their children to school though children were interested in studying. According to the respondents, 22.5% of the respondents said that traditionally it was of no value to send children to school because it was expensive and wastage of time. Children's rights were abused because most of the children wanted to learn how to write, read and get new ideas which will in future help them to transform their societies. It was until the United Nations formed the convention on the rights of children in 1948. The main point of its formation was to advocate for the rights of children worldwide including the right to education. This helped children to realize their rights to education. It also helped parents to start emphasizing on the aspect of education to their children, so as to create a brighter future for them.

### **Beliefs of forced marriage**

Forced marriage of children was one of the ways of traditional system of child abuse and neglect in Ilemela district in Mwanza region. Traditionally, marriages were conducted between parents of both parties who have a say to whom their daughters and boys to marry. In the interview, 11.25% of the respondents said that it was the duty of parents to negotiate for their children's marriages with or without the children's consent regardless of the children's age. Girls were forced to get married to boys if their parents agree to it. Such forced marriages are against human rights of children in Ilemela district in Mwanza region. Additionally, children were regarded as a small part of community members- and as a result parents were the ones to decide whom to give their daughters and to which family or clan. Hence traditional abuse and neglect of children rights.

### **Traditional corporal punishment**

Corporal punishment was also another traditional system which brought about child abuse and neglect in Ilemela district in Mwanza region. Corporal punishment in simple terms is canning-of

children in the community. Traditionally, if there was a misunderstanding of children and any mother of the community, a child was brought to the council of elders for canning and every elder would cane freely and it was brutal for children to seek for their rights and there was no body to advocate for their rights in Ilemela district. About 12.5% of the respondents noted that corporal punishment was commonly used as the way of correcting the children's misdeeds although the current human right bodies are against all forms of corporal punishment in all societies and institutions including schools. Gusper Peterson an old man of 97 years of age said that "for them it was good to discipline their children in order to bring respect in the society, but today children are spoiled because of the introduction of the children's human rights which is against their traditional systems of upbringing children in Ilemela district in Mwanza region".

### **Hard Labour**

In the traditional system, hard labour was discovered to be one among other ways of traditional abuse and neglect of children in Ilemela district in Mwanza region. About 20% of the respondents said that sending children to look after animals from morning up to late in the evening, collecting fire wood and doing other community work as required were the jobs that were recommended to children in African societies by elders. Their main point was that, any person in the community would see his or her children to any hard labour as long as he or she can bring money home. Children were not able to deny it, as they were regarded to be a part of the community, so they had to accept and obey anything from their elders even if it was torture to them. Hence this brought about child abuse and neglect in Ilemela district in Mwanza region.

### **Denial of owning property**

Denial of children owning property was seen by the respondents as a traditional abuse and child neglect in Ilemela district in Mwanza region Tanzania. Children owning property is their Constitutional and human right of belonging, but most orphans once their parents die, the community elders take away their properties on the assumption that children can not be able to take care of the property and once children complain, they are neglected by their care takers. About 87.5% of the respondents and among them orphans said that when their parents died of



HIV/AIDS, their young uncles took their father's properties and were mistreated because they had no parents.

### **Denial of representation**

Children in a traditional system were not represented in any council or tribunal of elders and therefore, their views were not heard in any way. Traditionally the council comprised of only old people who could meet and solve clan problems or conflict and children were regarded as being young and with nothing to contribute to the society because their ideas were irrelevant in the community. Children's concerns were not heard and their human right to be represented or heard was neglected. According to the number of respondents, 12.5% of the respondents when they were asked about denial of representation on part of the children stated that "children were always isolated from the world of adults and their argument was that children should be seen but not heard". Hence in the traditional system, children were not represented at all. This in general brought about child abuse and neglect in Ilemela district in Mwanza.

### **Stoned to death**

Traditional perceptions of regarding children as incompetent, dependent, powerless, and politically silent too have often made them in unusual victims of circumstances. Traditional methods of child protection through cultural beliefs such as a girl child keeping virginity before marriage and cultural spirits were mostly used according to respondents, 12.5% show that traditionally if a young girl was found that her virginity was broken, this was regarded as evil and shame to her family and therefore, her punishment was to be stoned to death. The major problem was that the institution in place which was to handle children's rights was failing to give out reports and handle cases concerning how traditionally people mistreated their children. Hence this resulted into mistreatment, death, injury and every form of child suffering in the communities, hence creating child abuse and neglect in Ilemela district in Mwanza Region.

#### 4.4 What are the rights of children in Ilemela district in Mwanza region in Tanzania?

Table: 7 showing the rights of children in Ilemela 41st-let in Mwanza region in Tanzania?

Responses	Legal bodies	Political population	Local population	Counselors	Total	%
Right protection against Child Abuse and torture	4	2	2	1	9	11.25
Every child has a right to acquire a name and nationality	4	1	3	2	10	12.5
Every child has right to be protect from child labour	3	3	2	3	11	13.75
The right to freedom of expression	4	1	3	2	10	12.75
Freedom of thought conscience and religion	3	2	3	4	12	15
Rights to protect privacy	3	2	2	1	8	10
Every child has a right to education	3	3	5	1	12	15
Right to health	1	2	0	2	5	6.26
Total	28	16	20	16	80	100

Source: Primary source

### **Protection against Child Abuse and Torture**

The right against Torture is one of the rights that was abused in Ilemela district in Mwanza region. The bodies like legislature, administrative, social and educational measures were not acting properly to protect the number of children that were tortured in Ilemela. According to Tanzania Human Rights Commission, the main problem was corruption especially in judicial sector on handling matters of Torture. The total of 11.25% of the respondents noted that there is no child care from the parents to the children hence this resulted into mental and physical torture. According to the Chairman of Tanzania legal sector reform program Mr. Warioba, he identified the Protective measures under the international and national Constitution that could be used to protect children against abuse and torture. These measures include; effective procedures for the establishment of special monitoring units to provide necessary support for the child and for those who have to take care of the children as well as other forms of prevention and identification, reporting referral investigation units, treatment, and follow-up of instances of child abuse and neglect.

### **Every child has a right to acquire a Name and Nationality**

The respondents identified that every child has a right to acquire a name and nationality in Ilemela district in Mwanza region. The total of about 12.5% of the respondents from legal experts like legal and human rights center stated that every child shall have the right from his birth to have a name. According to Chapter III of the Constitution of Republic of Tanzania 1977, it states that, "every child shall be registered immediately after birth". Every child has the right to acquire a nationality and the States shall ensure that their Constitutional legislation recognize the principles according to which a child shall acquire the nationality of the State in the tenor of which she/he has been born if, at the time of the child's birth, he/ She is not granted nationality by any other State in accordance with its laws". Hence rights of children to acquire a name and nationality in Ilemela district in Mwanza region.

### **Every child has right to be protected from Child Labour**

The number of respondents noted that children have rights of protection from child labour in Ilemela *district* in Mwanza region Child labour was looked at in several ways by the respondents

Such factors that are considered to reflect child labour included using children as house boys and house girls below the age of 18 as illustrated by the Tanzania- Constitution. According to Joram Wilson Massesa from the children and human rights care organization, “overworking children with heavy work, for example working in the construction like old men, over working children past 9: 30pm in the night and early in morning before 6:00 am, is a psychological torture”. Research of 13.75% of the respondents also noted that other children are cattle keepers in their communities looking after animals of over 150 in number that gives them hard time to control. Moreover children who are under step parents have been affected spiritually, morally and socially due to lack of care and love from their parents. Children rights against child labour in Ilemela district can be protected by the legal bodies, teachers, police and other civil societies with the help of the Government.

### **The right to Freedom of Expression**

Right to freedom of expression was identified as one of the rights of children in Ilemela district in Mwanza region. Research found out that every child who is capable of expressing his or her own views shall be assured the right to express his/her opinion freely in all matters and to disseminate his/her opinions subject to such restrictions as are prescribed by laws. The total of 12.5% of the respondents stated that every child has a right to freedom of association as stipulated by Article 8 of the African charter of child welfare which states that every child shall have the right to form an association and freedom of peaceful assembly in conformity with the law. Hence the rights of children in Ilemela district in Mwanza region in Tanzania.

### **Right to freedom of Thought, Conscience and Religion**

Right to freedoms of thought, conscience and religion was identified as one among other rights of children in Ilemela district in Mwanza region. About 15% of the total respondents identified that every child has the right to freedom of thought conscience and religion. When the researcher asked the Tanzania women lawyers association Chairperson Mrs. Victoria Mandari, she said that freedom of thought, conscience and religion starts from home by parents giving their children freedom to practice them wisely. Legal guardians have a duty to provide guidance and direction

in the exercise of these rights having regard to the involvement, capacities, and best interests of the child. According to Tanzania - legal sector reform program operating in Ilemela District, guardians have a duty to provide guidance and direction in the enjoyment of these rights subject to the national laws and policies. Hence the rights of children in Ilemela district in Mwanza region.

### **Right to protection of Privacy**

Respondents identified the right to protection of privacy as one among other rights of children in Ilemela district in Mwanza region. According to Tanzania human rights commission and good governance, it was stated that no child shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, or to the attacks upon his honor or reputation, provided that parents or legal guardians shall have the right to exercise reasonable supervision over the conduct of their children. The total of 10% of the respondents noted that a child has the right to the protection of the law against such interference or attacks. According to Tanzania legal center representative Ms Neema J., even in homes, children have their rights to whatever they desire not to be disclosed to any one even if you're his or her parent. She stressed that privacy helps children to decide in their way of thought and development, hence the right of privacy in Ilemela district in Mwanza region.

### **Right to education**

A right to education was identified as one of the major rights of children in Ilemela district in Mwanza Region. Every child has a right to education. This is seen under Article 11 of the African charter on the rights of children and as referred to in Tanzanian Children's and Young Person's Act Cap 13. The total of 10% of the respondents said that education of the child is directed to encourage the development of primary and secondary education in its different forms and to progressively make it free and accessible to all and make the higher education accessible to all on the basis of capacity and ability and moral education of the child in a manner with the evolving capacities of the child, leisure, recreation and Cultural Activities. State Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the art and leisure

activity in education systems as the rights of child education in Ilemela district in Mwanza region.

### **Rights for handicapped Children**

Every child who is mentally or physically disabled shall have the right to special measures of protection in keeping with his/her physical and moral needs and under conditions which ensure his/her dignity, promote his/her self-reliance and active participation in the community. Resources from HRW (Human Rights Watch) stated that all those organizations that handle the application and appropriate conditions to take care of disabled children should ensure that there is effective access to training, preparation for employment and recreation opportunities in a manner conducive to the child achieving the fullest possible social integrations, individual development and his or her cultural and moral development.

### **Right to Health Services**

Right to health services was identified as among other rights of children by the respondents in Ilemela district. Every child shall have the right to enjoy the best attainable state of physical, mental and spiritual health.

According to Dr Damas of Bugando Hospital he stated that "States Parties undertake to pursue the full implementation of this right and in particular shall take measures: to reduce infant and child mortality rate". The about 6.25% of the respondents said that the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care; to ensure the provision of adequate nutrition and safe drinking water; to combat disease and malnutrition within the framework of primary health care through the application of appropriate technology in Ilemela district in Mwanza region is the very crucial element towards the attainment of social and mental development of every child in Ilemela district..

Human rights advocacy In 'Legal

Representation for Children in Protection

**4.5 How do human rights protect abused and neglected children? In Ilemela district in Mwanza region in Tanzania?**

**Table showing how human rights protect abused and neglected children in Ilemela district in Mwanza region in Tanzania?**

Responses	Legal bodies	Political population	Local population	Counselors	Total	%
Human rights providing protection for child witnesses in state and federal criminal trials	8	3	4	5	20	25
The human rights systemic improvements; representation of children in individual proceedings	6	4	5	3	18	22.5
Human rights advocacy In 'Legal Representation for Children in Protection Proceedings	3	3	4	2	12	15
Human right advocacy of aspect of representation of children in the administration of representation programs	3	2	3	4	12	15
Strong human rights advocates for children as regards to human rights bodies	8	4	4	2	18	22.5
Total	28	16	20	16	80	100

*Source: secondary data*

### **Human rights providing protection for child witnesses in state and federal criminal trials -**

The respondents in Ilemela noted that human rights protects abused and neglected children by human rights efforts in providing protection for child witnesses in state and criminal trials. According to Tanzania media women association Mr. Amir Ramadhan Maneto, in his work "Protecting the Child Witness in Abuse Cases", explains the need for another reform effort - namely providing protection for child witnesses in state and federal criminal trials. The total of 25% of the respondents also said that the effort to protect child victims of abused and neglected must be balanced against the rights of the accused secured by the Confrontation Clause of the Sixth Amendment.

Professor Issa Shivji of the University of Dar-es-salaam analyzes the situation in Ilemela district, and stresses that it is a constitutional requirement and reviews legislative and court procedures that are being used to protect child witnesses. His analysis includes the Child Victims' and Child Witnesses' Rights statute that provides for a number of protections for child witnesses testifying in courts criminal trials, such as testimony through two-way closed circuit television and videotaped depositions. He also analyzes state child witness protection legislation. He identifies steps courts can take to help child witnesses, even without explicit statutory provisions, such as preparing the child witness, allowing closed circuit television testimony, modifying examination rules, changing the courtroom setting, and even closing the courtroom as the human rights protection of abused and neglected children in Ilemela district in Mwanza region.

### **The human rights systemic improvements; representation of children in individual proceedings**

Respondents also noted that human rights bodies in protecting abused and neglected children in Ilemela district was the human rights systemic improvements; representation of children in individual proceedings is an important aspect of improving the child welfare process. The figure shows that 22.5% of the respondents identified that "Children's Rights and the Need for Protection", the analysis of children's rights provides an opportunity to reflect on the goals of systemic change and to move to consideration of the function of the child's representative in child abuse and neglect cases. According to Joram Wilson Masseso of the children and human rights care organization for children in Tanzania responded to research question that "to advocate for an empowerment rights perspective of children would be a good means for remedying



children's who are powerlessness'. It is argued that children need to be respected and empowered because they have rights, rather than being viewed as powerless and vulnerable. The respondents in Ilemela district noted that the status of children today in the child welfare system supports the idea that children may not fare well when they must rely on adults who are advocates for their best interests. It was suggested that the best interest's model results from dissatisfaction with CPS and judges. Further, a best interests approach indicates skepticism about a rights based approach that would provide advocates for a child's preference as one of the human rights way in protecting abused and neglected children in Ilemela district.

### **Human rights advocacy In "Legal Representation for Children in Protection Proceedings"**

Respondents also identified that human rights advocacy In "Legal

Representation for Children in Protection Proceedings was one of the human rights ways of protecting abused and neglected children in Ilemela district in Mwanza region. Human rights suggestion is that there is a need to abandon the debate between best interests and client-directed, and embrace both models. It is acknowledged that the prevailing view among academics and professional organizations is that the child's representative should advocate for the Child's wishes, but notes that a majority<sup>3/</sup> of state laws require, representation of the child's best interests. *in addition* to the concerns raised, <sup>1</sup> a major criticism of the best interests approach was that the standard is indeterminate and therefore the child's attorney has unlimited discretion to <sup>4</sup> determine what constitutes the child's best interests. About 15% of the respondents noted pointed out that the client-directed model suffers from a similar deficiency because typically the attorney can determine the child's competence and a number of exceptions in the model allowing the attorney to take an approach at variance with the client's wishes.

Research on representation of children in Ilemela district reported in Representation of Children in Ilemela district: Protecting Children in Child Protection Proceedings", provides a unique perspective for the special issue because it includes data from interviews with participants in the process, including the children, in Ilemela district, children usually were provided with, guardian ad litem and a solicitor in properties cases The guardian ad litem

is a social worker who is independent of the child protective services agency. Both the guardian ad litem and the solicitor have special training in child protection issues. The guardian and litem

instructs the solicitor, unless the solicitor believes that the child wants to give- conflicting instructions and is competent to do so. However, solicitors were unlikely to take instructions from a child if the child's instructions would conflict with the guardian ad litem's. It was found that typically children had little opportunity to influence the court or make their wishes known. The emphasis on children's welfare resulted in excluding them from participating in the proceedings in a meaningful way.

### **Human right advocacy of aspect of representation of children is the administration of representation programs**

Human rights advocacy of representation of children in administration of representation programs was identified as the human rights ways of protecting rights of abused and neglected children in Ilemela district in Mwanza region. 15% of the respondents noted that the aspect of representation of children in the administration of representation programs was a very important aspect in children's rights to representation especially in Ilemela district. In The Role of human rights to enforce the Strategic Management Planning in Improving the Representation of children: A Child Advocacy Example, In 1997 the Tanzania Judicial sector employed 105 attorneys and represented 40,000 children. In order to provide effective representation, a legal service office needs to be responsive to changes in law and practice. To effectuate change, a legal frame work must be implemented not only understand the organization's culture, structure and *resources*. but also must understand how it fits within the larger context of its operations such as its relationship to the courts and child welfare agencies so as to provide full representation of Children.

### **Strong human rights advocates for children as regards to human rights bodies**

Strong human rights advocacy for children was identified as one of the ways used by the human rights bodies to protect the rights of children in Ilemela district in Mwanza region According to the report of 2007 of Children and Human rights Care Organization, it was reported. that, Our child welfare system is in desperate need of improvement as it's faced by a lot of challenges, it's a situation which needs us all to start contributing strongly and advocates for the rights of children and their protection' This should also be done by Human Rights Bodies with the help of

the Government. About 22.5% of the respondents noted that an empowerment rights perspective, rather than a best interest approach, would emphasize children's abilities rather than • disabilities. Moreover human rights protection of children claims would be more likely to be heard and respected if they came from a position of power, rather than vulnerability in Ilernela district.

## CHAPTER FIVE

### SUMMARY, CONCLUSION'S AND RECOMMENDATION'S

#### 5.0 Introduction

This chapter was concerned with the summary of the study, conclusions, and recommendations. It includes also references and the appendices of the study.

#### 5.1 Summary of the study

In the research findings *were* on the role of human rights in protecting abused and neglected children in Ilemela district in Mwanza region in Tanzania, Children rights have been abused in Tanzania by inflicting painful discipline on children through defilement, culture of marrying minors, child labour, abductions, and mistreatment of children.

The numbers of children who die each year as a result of abuse comes primarily from death registries or mortality data, According to the World Health Organization, there were an estimated 57,000 deaths attributed to homicide among children under 15 years of age in 2000. Global estimates of child homicide suggest that infants and very young children are at greatet risk, with rates for the 0-4-year-old age group more than double those of 5— 14-year-olds. Th e risk of fatal abuse for children varies according to the income level of a country and region of the world. For bhiidren under 5 years of age living in high-income countries, the rate of homicide is 2.2 per 100,000 for boys and 1.8 per 100,000 for girls.

However, despite the role of human rights in protecting abused and neglected children, the numbers of abused children continue to rise. This has necessitated this research to investigate this worrying trend and pave the way forward.

The study involved both qualitative and quantitative methods of data collection in which questionnaires, interview guides and focus group discussions were used to collect the data from the respondents.

The major objective was to examine the role of human rights in protecting abused and neglected children in Ilemela district in Tanzania Region Tanzania Political leaders, Lega) bodies Counselors Local population, participated in the study.

A total of eighty (80) participants, 16 Political leaders, 28 Legal bodies, 16 Counselors, 20 Local populations participated in the study.

The findings were based on the research questions that were given to the respondents. After that, the findings were drawn according to the following questions of the study; The first research question asked was "What are the nature and the impact of child abuse and neglect in Ilemela district in Mwanza region? Long-term physical violation of rights against abused and neglected child, Physically, sexually, or emotionally abused or neglected as children, Shaken baby syndrome is a severe form of head injury that cause the baby's brain to bounce against its skull, Personality disorder, Symptoms can include paranoia, lack of impulse control, limited range of emotions, *and* inability to form close and lasting relationships and Children's future destroyed. These were the answers given by this research questions. The second research question was "How does traditional systems bring about child abuse and neglect in Ilemela district, Mwanza region? Denial of education, Beliefs of forced marriage, Traditional corporal punishment, Hard Labour, Denial of owning property, Denial of representation, Stoned to death. This were the answers given to this research question

The third research question was "What are the rights of children in Ilemela district in Mwanza region *in* Tanzania, the answers given to this research question were: Protection against Child Abuse and Torture, Every child has a right to acquire a Name and Nationality, Every child has right to be protected from Child Labour, The right to Freedom of Expression, Right to freedom of Thought, Conscience and Religion, Right to protection of Privacy , Right to education, Right to Health Services this were the answers given to this research question by the respondents The forth research question was "How does human *right* protect abused and neglected children in Ilemela district in Mwanza region? The answers given to this research question were: Human rights providing protection for child witnesses in state and federal criminal trials, The human rights systemic improvements; representation of children in individual proceedings, Human

rights advocacy In “Legal Representation for Children in Protection Proceedings, Human right advocacy of aspect of representation of children is the administration of representation programs and the Strong human rights advocates for children as regards to human rights bodies. In general terms, the enforcement of the rights of abused and neglected children has grown over the years with the mounting evidence of hardship and abuse suffered by children as some established facts reveal. The Constitution of the Republic of ‘Tanzania 1977 (as amended in 1997) and Tanzanian Children’s and Young Person’s Act cap13 also talks about the rights of children. However, despite all the instruments that are in place to protect children’s rights, there are still many violations of these rights that are taking place. Children rights have been abused in Tanzania by inflicting painful discipline on children through defilement, culture of marrying minors, child labour, abductions and mistreatment of children.

Human rights efforts in providing protection for child witnesses in state and criminal trials. According to Janet Leach Richards’ article Protecting the Child Witness in Abuse Cases, explains the need for another reform effort-namely providing protection for child witnesses in state and federal criminal trials. The effort to protect child victims must be balanced against the rights of the accused secured by the Confrontation Conclusions and recommendations were then made after presenting and interpreting of the data.

## **5.2 Conclusion’s.**

The conclusion’s were made in line with the various themes of the study and was based on the findings of the study.

The first research question asked was “What are the nature and the impact of child abuse and neglect in Ilemela district in Mwanza region?” Long-term physical violation of rights against abused and neglected child 30%, Physically, sexually, or emotionally abused or neglected as children 11 .25%, Shaken baby syndrome is a severe form of head injury that cause the baby’s brain to bounce against Its skull18 75%, Personality disorder 6 25%, Symptoms can include paranoia, lack of impulse control, limited range of emotions, and inability to form close and lasting relationships 15% and Children’s future destroyed18.75% The second research question was “How does traditional system bring about child abuse and neglect in ilemela district, Mwanza region?” Denial of education22 5%, Beliefs of forced marriage 11 25%, Traditional

corporal punishment 12.5%, Hard Labour 20%, Denial of owning property 8.75%, Denial of representation 12.5%, Stoned to death 2.5%.

The third research question was "What are the rights of children in Ilemela district in Mwanza region in Tanzania". The answers given to this research question were, Protection against Child Abuse and Torture 11.25%, Every child has a right to acquire a Name and Nationality 12.5%, Every child has right to be protected from Child Labour 18.75%, The right to Freedom of Expression 12.5%, Right to freedom of Thought, Conscience and Religion 15%, Right to protection of Privacy %, Right to education 15%, Right to Health Services 6.25%.

The fourth research question was "How does human right protect abused and neglected children in Ilemela district in Mwanza region?" The answers given to this research question were; Human rights- providing protection for child witnesses in state and court criminal trials 25%, The human rights systemic improvements; representation of children in individual proceedings 2.5%, Human rights advocacy In 'Legal Representation for Children in Protection Proceedings' 15%, Human right advocacy of aspect of representation of children is the administration of representation programs 15%, and the Strong human rights advocates for children as regards to human rights bodies 22.5%.

The researcher therefore concludes that the applicability of human rights laws to child abuse and neglect; governments, Intergovernmental organizations, and non governmental organizations are publicly joining effort and take actions toward people in the context of child abuse and neglect. Given the reality of violations that continue to occur, it is useful to consider the specific human rights bodies and responsibilities of governments for rights directing rights of abused and neglected children, as well as for ensuring the conditions that enable people to realize their rights. It is understood that, for every human right, governments have responsibilities at all levels in child abuse and neglect by using human rights bodies around the globe.

### **5.3 Recommendations**

Due to the continuant on of child abuse and neglect in the world, there is a need for partner states to come up with a uniform way of averting child abuse and neglect as recommended by the author below:

There is a need to promote professional involvement in child protection in higher education through incentives for graduate education and loan forgiveness in psychology, nursing, social work, medical and legal training, for example Foster interdisciplinary collaborations at the graduate school level, through clinical programs and promote training of multi-cultural and multilingual professionals in child protection. Support university- affiliated programs at academic medical center& for research and training with a prevention focus on child abuse and neglect.

Further more, Allocate increased resources to support community-based child abuse prevention activities through the Child Abuse Prevention and Treatment to prevent child abuse and neglect, communities must provide an array of effective strategies that support and strengthen families. All families need support; universal child abuse prevention programs offer the support families need. For example, evaluations of home visiting services to show a positive effect in the areas of Parenting, child abuse and neglect, birth outcomes, and health care Crisis nurseries have to be demonstrated to protect children against abuse at home.

Nevertheless, expand the focus on assisting families' building protective factors that help ensure prevention of child abuse and neglect based on research, essential protective measures to identify the need to strengthen families and prevent child abuse and neglect. Often, small and simple changes.

To point out, there is a need for states to provide enough funds to improve child protective services, including infrastructure enhancement, through the CAPTA Basic State Grants. States should be hard pressed to respond quickly and adequately to the volume of reports of child maltreatment, to treat abused and neglected children, or to protect them from further harm, a fact that is particularly troubling when the youngest children suffer the highest victimization rate. The nation's protective services (OPS) system has to be stretched beyond capacity, and CAPTA funds have to keep pace with the needs of communities for supporting families and protecting children.

Focus on funding the National Institutes -of Health Kor biomedical and behavioral research on health promotion and disease prevention to address prevention and treatment approaches in child abuse and neglect, build on the work of the Child Abuse and Neglect Working Group, with



expanded priority concerns for research in such areas as child and adolescent health, recurrent health conditions, mental health, and substance abuse.

#### **5.4 Areas for further research**

Further research should be done on why human rights bodies are not able to protect abused and neglected children. More research should also be done on the three organs of the state which include the Legislature, Judiciary, and Executive by not fully coordinating and implementing human rights in protection of children from being abused and neglected.

Furthermore, research has to be done on why most of African governments do not give independence of civil societies and support in protection of abused and neglected children. - Research also has to be done on why human *rights* education has not been fully promoted in rural areas where the rights of children have been violated.

Finally, further research should be carried on why the judiciary has failed to handle the large number of cases concerning the abused and neglected children in Tanzania.

## REFERENCES

- African Medical and Research Foundation. (1993). *Female adolescent health and sexualztu—Kenyan secondary schools a research report* Nairobi: AMREF.
- ANPPCAN. (2000). *Awareness and views regarding chilá abuse and child rights in selected communities in Kenya*. Nairobi: ANPPCAN.
- Bell .J (1999) *How to complete your research project successfully*, UBS New Delhi India
- CHILD WELFARE LEAGUE OF AMERICA. 2001. "Creating Connected Communities: Policy, Action, Commitment."
- Erulkar, A., Karueru, 3., Kaggwa, 0., King'ola, N., & Nyagah, F. (1998). *Adolescent experiences and lifestyles in Central Province Kenya*. Nairobi: Population Council.
- ENGLISH, DIANA 3. 1998. "The Extent and Consequences of Child Maltreatment." *The Future of Children* 8 (i):35—53.
- FINKELHOR, DAVID, 1994. 'Current Information on the Scope and Nature of Child Sexual Abuse.' *The Future of Children* 4 (2):31—53.
- Government of the United Republic of Tanzania. (1996). *Child development policy*. Dar es Salaam: Ministry of Community Development, Women Affairs and Children.
- International Labour Organisation (ILO)/International Programme for the Elimination of Child Labour (2001) *Tanzania Children in prostitution, a rapid assessment*. Geneva: ILO.
- Kuleana Center for Children's Rights. (1997). *Child sexual abuse and HI V/AIDS. U/her e 's the justice?* Remarks prepared for the launching of the Tanzania Network on Ethics, Law and HIV/AIDS.
- Lalor, K. (in press). Child sexual abuse in sub-Saharan Africa: A literature
- Mdungi, Z., & Mhagama, 0. (2000). *Learning discussions on child abuse*. Report on Bagamoyo District fieldwork.

- MCCROSKEY, JACQUELIN, and MEEZAN, WILLIM. 1998. "Family-Centered Services: Approaches and Effectiveness." *The Future of Children* 8 (1):54—71.
- (MI). (1999). *Kenya Demographic and Health Survey 1998*. Calverton, MD: NPD, CBS, and MI Ndtional Council for Population and Development (NCPDJ, Central Bureau of Statistics (CBS), Office of the Vice President and Ministry of Planning and National Development (Kenya), and Macro International
- National clearinghouse on child abuse and neglect information. 2001.
- NGO Forum. (2000). *TVGO report on Tanzania to the Committee on the Convention on the Rights of the Child, November 2000*. Dar Es Salaam: NGO Forum.
- Onyango, P., & Walji-Moloo, P. (1991). *Report on the Kenya National KABP Survey on Aids 1990—1991*. Nairobi: Initiatives Publishers.
- Population Studies and Research Institute. (1991). *Sexual practices and the risk of the spread of aids and STDs in Kenya*. Nairobi: University of Nairobi, Population Studies and Research Institute.
- Rajani, R ,&Kudrati, M (1996) The varieties of sexaal experience of the street children of Mwanza, Tanzania. In S. Zeidenste in & K. Moore (Edsj, *Learning about sexuality, a practical beginning* (pp. 301—323). New York:
- The Population Council. TAMWA. *Sex workers among young girls in Sin gida*. Dar es Salaam: Tanzania Media Women's Association.
- TAMWA. (1998). *A review of the Sexual Offences Special Provisions Ad, 1998*. Dar es Saiaam: Tanzania Media Women's Association.
- UNICEF. (1999). *Children in need of special protecridn measures, a Tanzanian study*. Dar es Salaam: UNICEF.
- WALDFOGEL, JANE. 1998. Rethinking the Paradigm for Child Protection." *The Future of Children* 8 (1):104—119.

## APPENDIX A QUESTIONNAIRE

I SUAD SAID NASIR, a student of Kampala International University pursuing Bachelor in Development Studies, kindly requests you to answer these questions in utmost faith that would really help me successfully finish my course as a partial fulfillment of the award of a degree in Development Studies. I therefore *affirm* that this information is purely for the academic purpose.

### SECTION A

Tick where necessary

1) **Sex**  
 (a) Male ☐ (b) Female ☐

2) **Age**  
 (a) 20-25 ☐ (b) ☐  
 (c) 30-40 ☐ (d) ☐  
 (e) 50-above ☐ 25-30  
41-50

3) **Marital Status**  
 (a) Married ☐ (B) Single ☐  
 (c) Widower ☐ (d) Widow ☐

4) **Religion**  
 (a) Catholic ☐ (b) ☐  
 (c) Muslim ☐ Protestant  
 (d) Others (Specify)

5) **Educational Level**  
 (a) None ☐ (B) ☐  
 (c) Secondary ☐ (d) Tertiary ☐ Primary

e) University ☐

f) Others ☐

**SECTION B , Nature And Impact Of Child Abuse And Neglect.**

**SECTION**

**C**

**1) What are the nature and the impact of child abuse and neglect in flemela district in Mwanza region?**

1				
2				
3				
4				
5				
6				

**2) How did the traditional system used to bring about child abuse and neglect in Ilemela district in Mwanza region in Tanzanian?**

1				
2				
3				
4				
5				
6				

3) How are human rights protect children from being abused and neglected in Ilemela district in Mwanza region?

1				
2				
3				
4				
5				
6				

## **APPENDIX B**

### **QUESTIONS ON FOCUS GROUP DISCUSSION**

- 1). What do you know about human rights?
- 2) What do you think are the impact of child abuse and neglect in Ilemela district in Mwanza region?
- 3) What do you know about the rights of children in Ilemela district in Mwanza region in *Tanzanian* communities?
- 4) What do you know about the traditional system of protecting child abuse and neglect in Ilemela district in Mwanza region in *Tanzanian* communities?
- 5) What do you think human rights bodies can do in order to protect children from being abused and neglected in Ilemela district in Mwanza region?
- 6) What do you think are the policy recommendation of averting child abuse and neglect in Ilemela district in Mwanza region?

**THANK YOU**

**END**

## APPENDIX C

The study costed TZSHS. 760,000/ arrived at as follows:

ITEM	cost
stationary and other related costs	100.000/=
transport	80.000/=
communication	120.000/=
photography	100.000/=