

THE UNIVERSITY OF DAR-ES-SALAAM
FACULTY OF ARTS AND SOCIAL SCIENCES

**THEME: HUMAN RIGHTS, GENDER AND INTER-GENERATIONAL
RELATIONS**

**TITLE: HUMAN RIGHTS AND CHILD WELFARE IN SUB-
SAHARAN AFRICA**

PRESENTER: DR. PETER A. KOPOKA

INSTITUTE OF DEVELOPMENT STUDIES

UNIVERSITY OF DAR-ES-SALAAM

P.O. BOX 35169

DAR-ES-SALAAM.

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Abstract:

The end of the twentieth century presents a hostile face to many millions of children¹ in sub-Saharan Africa. There is growing concern for the protection as well as the survival of children. An increasing number of children/adolescents are being forced to the streets as a result of poverty, abuse, torture, rape, abandonment or orphaned by AIDS. Human rights violations against children, denial of basic human and legal rights including the right to life, liberty and security as a person are becoming a basic characteristics of the African socio-economic landscape. Child labour, the growing number of street children, the tragedy of child soldiers as well as the denial of basic human needs such as food, shelter, education and health brings into sharp focus the urgent need to address the problem of human rights of children.

Objectives of the Paper:

This paper makes a critical examination of the situation of human rights with particular focus on the rights of children in sub-Saharan Africa. The paper explores policy and legal issues pertaining to the provision of human rights for children since independence and in the present era of the free market economy in the region. The paper also highlights the obstacles hindering the provision of basic human and legal rights to children/adolescents and how these obstacles can be overcome. The paper puts forward proposals that may help promote human rights and will ensure that the rights of children take center stage in the twenty-first century.

Methodology:

The paper is descriptive and analytic in nature based on case studies carried out in sub-Saharan Africa. The paper adopts a framework, which considers human rights within the context of other political, social, economic and cultural factors associated with development. Human rights are at the very center of a person's well being and the corner stone for human and social development. The paper suggests priority areas for the promotion of human rights in sub-Saharan Africa.

Discussion and Conclusions:

Amongst others the paper underscores the following:

- The problem of human rights abuses against children in sub-Saharan Africa is increasing rapidly with devastating consequences. For instance adolescents are being subjected to widespread, deliberate sexual abuse including rape. Children are being denied basic human rights including the right to life, education and equal opportunities to work/employment.
- Adolescents are usually less informed about their basic human rights and the few who are informed are unable to acquire these rights.
- Lack of clear guidelines/poor implementation to put into effect various international conventions on human rights, particularly the rights of children. There is thus need to create specific institutions to safeguard and promote the rights of children.
- The custodians of children are women who are also being denied many of their basic rights. Therefore promotion of human rights for children have to go hand in hand with ensuring of basic rights for women.
- Children's rights can also be promoted through advocacy, focusing more so on children at risk, the special needs of girls, street children and children orphaned by AIDS.
- The future development of sub-Saharan Africa lies in the future of its children who have become the majority of the population. Their rights must be protected and promoted.

¹ The term children in conjunction with adolescents will in this paper will be used to mean children up to the age of eighteen. The term will thus be used interchangeably with adolescents.

Introduction:

In today's world, the question of human rights holds powerful sway. Indeed, the respect and defence of human rights is the foundation of any democratic nation. The rights of children and other disadvantaged groups in society stand out for particular attention. A country's constitution is laudable only insofar as it defends and sustains human rights - particularly those of children who are the most vulnerable in society. A government is held in esteem to the extent that it implements the significant rights recognized in the world today.

Concern and efforts to bring about change and development in Africa is perhaps the biggest challenge that the people of Africa face. These efforts are inseparable from a concern for their human rights. Human rights abuses in Africa have become common occurrences. The most affected have been children.

Denial of rights and discrimination of children and the youth population have to be addressed if Africa is to make progress in the twenty-first century.

In many African countries the state of human rights leaves much to be desired. There is increasing violation of human rights, particularly against children in many parts of Africa.

Children's rights and welfare in Tanzania:

The center for Children's Rights (KULEANA) met recently to discuss the current incidents of violation of children's rights which are occurring in many regions in Tanzania the most outstanding being those in Mbeya and Arusha. In Mbeya region a 13-

year-old child was killed and skinned¹. The culprits were later caught trying to sell the skin to potential customers. In Arusha a young girl had her private parts burnt by her employer.

In Dar-es-Salaam and other rural areas in Tanzania an increasing number of children as young as five are being put to the streets to beg for money, engage in illegal activities and child prostitution.²

The World Summit for Children and it's Aftermath

As a result of a rapid expansion in knowledge about the condition of children in developing countries a global summit for children was held in 1990 at the United Nations in New York. This was a major summit attended by representatives of almost every nation. Its aim was to consider a broad range of advances that have been made possible by in knowledge and technology, by reduction in costs and by the increasing communications capacity in the developing world. The result was a range of new social goals and an agreement - now signed by 159 countries.

Briefly, these new goals include a one-third reduction in under-five mortality rates, the halving of child malnutrition, the achievement of 90% immunization coverage, the control of major childhood diseases, the eradication of polio, the halving of maternal mortality rates, a primary-school education for at least 80% of children, the provision of safe water and sanitation for all communities, and the making available of family

¹ Human skin has become a marketable commodity in some parts of the country. This has led to killings of people for their skins. The most venerable/most at risk are children.

planning information and services to all who need them. Missing is the goal to ensure human and legal rights to children. Without extending human rights to children none of the above goals can be effectively implemented.

The General Assembly of the United Nations adopted the Convention on the Rights of the Child on November 20, 1989.

Tragedy of child soldiers stalks Africa:

International children's charities say that there are 300,000 children fighting in 36 wars worldwide and Africa has the highest number with 120,000 child combatants.

The most affected countries include Algeria, Angola, Burundi, Congo-Brazzaville, The Democratic Republic of the Congo, Liberia, Rwanda, Sierra Leone, Sudan and Uganda. The potential for civil wars and conflicts in other African countries is very high due mainly to political instability and economic decline. Entire societies and countries are exploding and those who suffer more are women and children. The youth population feels the full impact of civil wars and conflicts that are engulfing the African continent.

The systematic abuse of children by adults also turns them into perpetrators of some of the worst atrocities, sometimes under the influence of drugs.

A report on Africa's child soldiers-released at the Maputo meeting by the Coalition Against the Use of Child Soldiers-says apart from the obvious dangers of getting maimed or killed, children of-ten faced the added risks of being used as cannon fodder.

"When they are not actively engaged in combat, they can often be seen manning checkpoints; adult soldiers can normally be seen standing

² There is a growing belief that it is safer to have sex with children so as to avoid contacting sexually

a further 15 metres (yards) behind the barrier so that if bullets are flying, it is the children who are the first victims," the report said.

The systematic abuse of children by adults also turns them into perpetrators of some of the worst atrocities, sometimes under the influence of drugs. The report chronicles a chilling tale from Algeria of how a group of boys under 15 decapitated a 15-year-old girl and played "catch" with the head.

GIRLS ABUSED MOST

While boys are treated like adult combatants, girls like Amelia bear the added degradation of being sex slaves to rebel leaders.

An Overview of the African Situation:

Exactly one hundred years after the colonial powers divided up the continent at the Congress of Berlin, Africa finds itself in a state of permanent crisis. Twenty-nine of the world's 36 poorest nations are to be found south of the Sahara and 24 of them are now appealing for emergency aid to ward off famine.

The crisis goes deeper than present drought. Africa is the continent with the lowest incomes, the lowest economic growth rates, and the lowest levels of life expectancy and literacy. It is also the continent with the highest rates of population growth, the least political stability, and the most severe environmental problems.

As a reflection of these ills, Africa also has the highest rates of child deaths. The year 1985 nearly 5 million African children have died and another 5 million have been disabled by malnutrition and disease. On the issue of human rights

transmitted diseases including HIV/AIDS.

The optimism which followed independence for so many African nations began to evaporate in the 1970s when exports prospered, they had taken out loans to invest in development. But then fuel prices rose and the prices paid for Africa's raw materials fell. New loans had to be taken out-but this time to import food and fuel and to service past debts. Today, fuel imports coast 40% of Ghana's export earnings, debt repayments claim a third of the revenues of Burkina-Faso, and food imports cost Nigeria more than \$2 billion a year. In Tanzania.....

To earn the necessary foreign exchange, most agricultural investment goes to cash crops for export. But devoting the best land to export crops has meant growing food on more and more marginal lands. The result is environmental deterioration, greater vulnerability of the poor and pastoralists, and increasing dependence on imported food. Today, Africa barely grows half its own food and has to import over 20 million tones of grain annually.

The advent of the free market economy has also led to serious repercussions on Africa's socio-economic development.

Inevitably, it is the minds and bodies of Africa's children which are most at risk. And just as drought may become self-perpetuating by denuding the land of soil for tomorrow's agriculture, so the damage done to today's children can permanently erode the capacity of tomorrow's parents. In Africa's hour of need, a revolution in child protection is therefore more necessary than ever before.

Protection in Poverty

The front line in the long war on poverty and underdevelopment is and remains the struggle for economic justice and growth. And the fundamental issues of women's rights, land reform, disarmament, income distribution, job creation, fairer aid and trade policies, and a more equitable international order remain fundamental determinants of children's survival, health and well-being. But while that struggle is being waged, an extraordinary opportunity has now arisen to strengthen the 'second front'. Most parents in poor communities could now be given the knowledge and the support to enable them to protect their children from the worst effects of that poverty in their most vulnerable, vital years of growth. And in so doing, a long-awaited blow could be struck against developments 'enemy within'-the self-perpetuating cycle of ill-health, poor growth, and lowered potential by which the poverty of one generation casts its shadow on the next.

Ironically, this potential for significantly improving the 'state of the world's children' arises at a time when the economic position of many of the world's poorest families is becoming steadily worse.

Large areas of the developing world are suffering from the backlash of the world's longest economic recession since the 1930s. Rising protectionism, falling imports, and higher interest rates in the industrialized nations have eroded the third world's earnings and deepened its debts. The result is a fall in real incomes for the majority of nations in Latin America (where average per capita incomes fell in 17 out of 19 countries during 1983 and GNP in the region as a whole dropped by over 5%) and in Africa (where drought now adds to the burden of a recession which has reduced already low average incomes by 2.4% a year in 1981 and 1982).

This year, UNICEF has published a specially commissioned study of the recession-from the point of view of the children of the world's poorest communities. The study points out that the poorer a family is the higher the percentage of its income spent on necessities-food, water, fuel, and health care. Any fall in that income therefore means a fall in the capability to sustain life itself. And in such circumstances, it is the developing minds and bodies of young children which are most at risk.

To compound the hardship of falling incomes, the social services have often been the first to suffer from cut-backs in government spending which recession, debts, or international monetary policy may enforce. And it is again the poorest who are most dependent on the social services.

The conclusion of the study was therefore that the main impact of recession, in the developing countries, is being borne by those least able to sustain it-simply because they have neither the political muscle to prevent it nor the economic fat to absorb it.

Safety net

Very few hard facts are known about the effect of all this on the children of the developing world-and that in itself is evidence of how little they are taken into account when calculating recession's cost. But from small gleanings, we do know that average height-for-age has declined among the children of northern Zambia, that low birth-weights (an indicator of malnutrition even before the child is born) are on the increase in certain parts of Brazil, that the number of children being treated for severe malnutrition has trebled in Costa Rica over the last

three years (despite a continued commitment to health and social services), and that nutritional 'wasting' has increased among the children of Sri Lanka during the 1980s.

A world which has pretensions towards civilization cannot long allow the severest economic blow to be borne by its poorest women and children. And it is not an immutable law that the poor must always suffer most when hard times become harder. Several times this century, we have seen examples of what governments can do-when the will is there-to protect the most vulnerable members of human society from the most serious consequences of economic hardship.

Out of the economic collapse of the 1930s, for example, arose the 'New Deal' in the United States and the strengthening of the welfare systems in many European countries. Again in the 1940s, war brought destruction and shortages which could have pushed many more Europeans into destitution. But because governments made optimum use of available resources, and made it a wartime priority to ensure a basic level of food and health care for their populations, starvation and destitution was kept to a minimum. In the United Kingdom, for example, the overall level of health and nutrition among the nation's children was maintained at a higher level in the scarcity years of 1940-1945 than in the immediate pre-war or post-war periods when resources were more abundant.

The African continent is dominated by poverty, famine, civil war and violent coups. Human rights violations are rarely in the headlines,

unless of the proportions of Amin's slaughter in Uganda, or the brutality of apartheid.

Africa has been, and is still, a continent wracked by the systematic violation of human rights. The struggle against colonial rule, from the 1940s to the mid-1960s, was a struggle for the human rights of the oppressed and exploited. But in the late 1960s and 1970s, Amnesty faced a human rights emergency: the murder by governments of thousands of prisoners, principally in Uganda, but also in Angola, Central Africa, Equatorial Guinea, Ethiopia and Guinea.

The 1979 slaughter of dozens of school children in Emperor Jean-Bedel Bokassa's Central African Republic triggered an international outcry and fuelled the campaign for a special human rights charter for Africa. When Bokassa was tried and sentenced to death. Amnesty (which opposes the death penalty) appealed against his execution: he is now serving a life sentence.

Health

About 200,000 children under five die every year from preventable diseases in combination with malnutrition. Pneumonia kills about 38,000 children each year. Diarrhoea accounts for 8 per cent of all out patient diagnoses; and although children suffer two episodes of diarrhoea each year, diarrheal disease is no longer the primary killer of young children because of the successful promotion and widespread use of oral rehydration therapy.

Malaria is the reason for nearly a third of all hospital attendance. Responsible for 15 per cent of child deaths, malaria is now Tanzania's leading killer of children under five. The rapidly-spreading HIV/AIDS epidemic is increasing the morbidity and mortality rates as well as the cost of care.

Poverty is driving children into labour- on plantations, mines and in domestic work -and there are increasing numbers of children on the street, including sex workers. Many of these leave to escape domestic violence or because of the breaking up of family structures.

The sheer numbers of children orphaned by the death of one or both parents from AIDS constitutes a significant and rapidly escalating problem in Tanzanian society. The National AIDS Control Programme (NACP) estimates that by end 1995 there were over 200,000 orphans in the country. Projections indicate that there will be a million orphans, one for each AIDS case, by the turn of the century.

These categories of children have been added to groups of the disabled as children with special needs requiring assistance.

The Government of Tanzania- UNICEF country programme 1997-2001 is based on the principles of the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Because the CRC defines children as being under 18 years of age, the county programme has expanded the traditional focus of attention from under-fives to boys and girls under eighteen years of age. Further, the scope of the programme has been broadened to embrace the protection and participation rights of children and women as enshrined in CRC and CEDAW, beyond the previous, narrower, programme focus on survival and development.

As noted earlier, Tanzania's political commitment to children and women has been strong. Major benchmarks of this include the ratification of CEDAW and CRC, holding of National Summits for children and establishment of Ministries responsible for children and women's affairs in Mainland and Zanzibar.

But resource shortages, lack of awareness and capacity and conflicting norms of traditional, civil and religious laws hinder

children and women in realizing and enjoying their survival, development, protection and participation rights as enshrined in the CRC and CEDAW.

SURVIVAL RIGHTS

Survival rights include the right to the highest attainable level and quality of health and health care, with special emphasis on primary and preventive health care, health education, nutrition, safe water and sanitation. The State is obliged to work towards the abolition of traditional practices harmful to health, encourage international cooperation and ensure that no child is deprived of access to effective health services.

In Tanzania, the non-realization of survival rights is seen in high infant, child and maternal morbidity and mortality rates, malnutrition, and high prevalence of infectious and communicable diseases aggravated by HIV/AIDS. The quality of health services is poor and children over 5 years of age must now pay for the use of health services. Harmful traditional practices including female genital mutilation are prevalent in many parts of the country and jeopardize girls' health. Access to safe water is limited to about 70 per cent of the population, too low to ensure good health.

The programming implications are to support the Government's and civil society's efforts to reduce morbidity and mortality through effective health, nutrition, water and sanitation interventions.

Development includes physical, emotional, social and cognitive development. Proper development can follow when there is a combination of adequate nutrition, intellectual stimulation, free primary education, and care and support for emotional development, including rest, play and recreation, and harmonious social relationships.

Nutrition status is a key determining factor for child development, school performance and maternal health. In Tanzania, food intake is insufficient, hampering development. Major nutritional issues are non-exclusive breast feeding, inadequate feeding frequency, shortages of energy-rich foods and hunger among school children. The school enrolment rate is declining while dropout rates increase, especially among girls, for whom opportunities for rest and play are few compared to boys.

The programming implications are to support nutrition interventions, basic education, especially for girls and women, and to advocate for adequate rest and recreation, the reduction of women's workload, and greater roles for men and boys in child care and meeting family needs. Women's access to development resources including land, credit and management skills are essential to their development.

These embrace the right to protection from abuse, neglect, exploitation, torture and the effects of armed conflict. They include the right to legal protection, the establishment of appropriate institutions and the creation of an environment which is conducive to the protection of children's and women's rights.

Cases of violence against children including defilement of very young girls, cruel punishment and corporal punishment in schools are being reported with increasing frequency. Girls need adequate protection from harmful practices such as female genital mutilation practiced often on girls as young as four years. There have been instances of girls refusing to undergo the ritual and schools have provided some protection. Political and development campaigns have made the practice more symbolic and benign in some areas, but total elimination is required.

Violence against women takes various forms including domestic abuse such as wife battering, rape and violent acts against children and the elderly. Removal of a woman's belongings and the taking away of children by relatives when the husband dies are common occurrences. But it is also common for women not to report such incidences of violence against them because of social pressures, lack of confidence and ignorance of their rights.

Violence against children and women is rooted in unequal power relationships, social alienation as well as beliefs that need to be addressed at a deeper psychosocial level.

Since legislation alone cannot prevent such behaviors, viable alternative behaviors need to be identified and advocated.

The numbers of children in extremely difficult circumstances is on the increase. These include orphans and unaccompanied children, child labourers, street children, commercial sex workers and the disabled. Many of these children are exploited and denied access to basic education, good nutrition and health services.

While existing and planned legislation address many of these problems, enforcement is difficult because of cultural norms, lack of awareness and capacity in the community and among law enforcement authorities. There is also lack of community participation in monitoring and reporting violations.

The programming implications are to support the enactment and enforcement of laws protecting children and women, advocacy and support for strengthening of relevant government and non-governmental institutions, social mobilization to create an appropriate supportive environment and the promotion of appropriate non-violent behaviors.

Programmes in poverty alleviation should also help to reduce the incidence of children and women in especially difficult circumstances.

PARTICIPATION RIGHTS

These rights imply that children and women are entitled to a voice in making decisions that affect their lives and well-being. Children have the right to exercise freedom of thought, conscience and religion, subject to appropriate parental guidance, depending on the age.

Children have the right to meet with other children, form associations and have access to and share, information.

Participation in society begins when an infant enters the world and begins to discover the extent to which she or he is able to influence events. As children extend their influence on their families and later on the institutions they attend and on other members of their communities, the degree of participation grows. In this context, the term "participation" refers to the process of sharing decisions which affect children's and women's lives and the life of the community in which they live.

The degree to which children should have a say in the affairs of the family, the school, the neighborhood and the community is a subject of strongly divergent opinion. In Tanzanian society, children value and respect their elders to the extent that they may not question their wisdom and authority, even if these have negative effects on their welfare. As a result, children, especially girls, attain adulthood often lacking self esteem, confidence and the requisite skills to overcome these shortcomings. In addition, such limitations can lead to children, and women, facing difficulties in participating fully in a democratic system which depends on participation. Experience in

involving children and women in family, neighborhood and community affairs is essential to sustained democratization.

Children need to be involved in meaningful activities alongside adults. Such involvement instills confidence and respect between children and adults, and provides learning experiences which improve survival and reinforce human development. Women's rights to participate in decision-making and the management of the development process need urgent promotion and implementation.

An understanding of democratic participation and the confidence and skills needed to participate meaningfully must be acquired gradually with practice by all citizens from childhood.

The programming implications include research, advocacy and the development and dissemination of models of participation of the full vision and wisdom of children and women in the total human development endeavour.

The world presented a hostile face to many millions of children in 1993. While 15 million died in the clutches of poverty, malnutrition and disease, military commanders and warlords shocked the world community by targeting children and women. Girls were raped by soldiers, young boys were recruited into armies and snipers shot at children in the belief that the most atrocious violations of human rights would terrorize civilian populations into submission. This is an age in which the nature of armed conflicts almost guarantees that many more children than soldiers will die.

As ethnic violence and civil strife escalated in several regions, antagonists sowed anti-personnel mines by the thousands, without thought for the safety of future generations and the day when peace might return Land mines have been used for decades to slow the advance of armies, but years after leaders have negotiated their

difference, these hidden horrors continue to explode under children's feet. Accidental detonation almost daily of mines and booby traps by refugee families returning to their fields in the western provinces of Cambodia mocked the United Nations supervised elections in that country in May.

Concerned with the protection, as well as the survival and development of children, UNICEF took its defence of children's rights to the World Conference on Human Rights in Vienna in June.

This first major international human rights meeting in 25 years was a milestone for children and women. It endorsed the UNICEF mid-decade goal of universal ratification of the Convention on the Rights of the Child, as well as its founding principle that economic, social and cultural rights are inseparable from civil and political rights. The Conference also embraced the rights of women and the struggle for gender equality which, for UNICEF, begins with the girl child.

The Convention is at the cutting edge of human rights and UNICEF efforts to guarantee child survival and development. Healthy, educated girls and boys, raised in tolerance and respect for the differences and rights of others, are critical to a more peaceful and productive world. Nine tenths of the world's children already live in countries that have ratified the Convention, which looks likely to become the first human rights legal code ever to be adopted by every member of our family of nations. By the end of the year, 154 countries had ratified the Convention, 92 of which had also included its provisions in their national plans of action (NPAS).

The international community's growing acceptance that children's needs are in fact 'rights' has extended UNICEF'S leverage to break the chain of sickness, malnutrition and illiteracy at the hub of the poverty cycle.

The possibilities that flow from that ethic are exciting. We have a range of old and new technologies that have saved an estimated 20 million young lives over the past decade and improved the quality of life for an additional 100 million children. Near universal acceptance of the Convention and the proposition that the young should have first call on national resources.

The right to good nutrition

Under the 1979 Convention on the Elimination of All Form of Discrimination against Women, for example. State parties must ensure that women receive full and equal access to health care, including adequate nutrition during pregnancy and lactation. And the 1990 World Summit for Children, with Plan of Action that recognized the devastating effects of malnutrition on women and their children, set specific nutritional goals for children and women, including access to adequate food during pregnancy and lactation; the promotion, protection and support of breastfeeding and complementary feeding practices; growth monitoring with appropriate follow-up actions; and nutritional surveillance.

But the right to nutrition receives its fullest and most ringing expression in the 1989 Convention on the Rights of Child, whose 191 ratification's as of late 1997 make it the most universally embraced human rights instrument in history.

Under the Convention, which commits States parties to realize the full spectrum of children's political, civil, social, economic and cultural rights, virtually every government in the world recognizes the right of all children to the highest attainable standard of health, to facilities for the treatment of illness and for the rehabilitation of

health-specifically including the right to good nutrition and its three vital components; food, health and care.

Under the Convention's pre-eminent guiding principle, good child nutrition is a right because it is in the "best interests of the child"

Article 24 of the Convention specifies that States parties must take "appropriate measures" to reduce infant and child mortality, and to combat disease and malnutrition through the use of readily available technology and through the provision of adequate, nutritious foods and safe drinking water.

The world is obligated to ease child malnutrition on the basis of international law, scientific knowledge, practical experience and basic morality.

The ravages caused by malnutrition on individuals, families and societies are preventable. The measures needed to reduce and end it are becoming increasingly well understood. And the gain for humanity from doing so-in greater creativity, energy, productivity, well-being and happiness-are immeasurable.

Many studies on children and youth have portrayed them as vulnerable human beings in need of adult protection. Children and youth are often perceived as standing in opposition to adulthood, and as 'people in the process of becoming rather than being' (James, 1993). This is also a predominant view in international law on children's rights. The need to establish global standards of child protection led to a universalization of childhood and youth. Several international agreements define a child as such up to the age 18 (UN Geneva Convention; UN Convention of the Rights of the Child; The African Charter of Rights of the Child). Here, children and youth appear as pre-social and passive recipients of experience. They are portrayed as

dependent, immature and incapable of assuming responsibilities, and thus, needing to be confined to the protection of home and school. This is a predominant concept among middle class people especially in Europe and North America, which has been 'universalised' in such a way that children who do not follow this path are considered to be at risk. By embodying the image of the vulnerable child and the potential victim, these writings have failed to look at notions of childhood and youth as social constructions. Also important is to focus on young people not simply as proto-adults or future beings, but rather, and essentially, as beings-in-the-present and as social actors with an active presence of their own. (Fine & Sandstrom, 1988; Boyden, 1990; James, 1993; Dawes & Donald, 1994; Reynolds, 1996; Boyden & Gibbs 1997). Therefore, notions of childhood and youth cannot be understood in universal terms. They vary cross-culturally, and are attached to culture, class, gender and other variables.

In Africa, very few children and youth can afford the luxury of being taken care of by their parents or by the state until they reach the age of 18. Many are exposed to work and social responsibilities at a very early age. They participate actively in productive activities, household chores and care of younger children. Children and youth learn by participating in, rather than being protected from social and economic processes. In Africa young people are often portrayed as strong, as survivors and as actively growing on their own (Gibbs 1994; Reynolds, 1996; Honwana, 1998). In these societies, children and youth are often synonymous of wealth because of the contribution they can make to the productive work of the family. Children presented to them. In fact, war and political violence has and youth are also valued as a source of for the future. In some contexts the boundaries between adulthood and childhood become very ambiguous, as youngsters actively

create and recreate their roles according to the situations favoured the displacement of roles between adults and children. Many children and youths were active soldiers in many conflict areas in the continent. Child soldiers in Mozambique, Angola, Sierra Leone, Uganda, Liberia, (Furley, 1995; Abdulah, 1997; Richards, 1997; Honwana, 1998, 1997) as well as the Soweto uprisings of 1976 in South Africa (Straker, 1992; Dawes, 1995) are some examples.

More recent writings on young people have also been concerned with their role in shaping social, political and economic processes. Attention is devoted to case studies dealing with the production of a 'youth culture' by adolescents themselves. Stress is often placed on the capacity for rebellion, resistance and counter-hegemony of youngsters, whose subculture is often seen as liminal. It could be argued that, while youth in the West, as a general category from which emanates a potential counter-hegemonic force and a 'politics from below', have moved to an important extent into the 'above' or into the centre of mainstream cultural, economic and agenda, in Africa that is not the situation. By contrast, the youth of postcolonial Africa, at least as diverse and heterogeneous in term of networks and social composition (ethnicity, class, gender and age) as their western counterparts, are generally much more marginalised and have a much more unpromising political and economic role to play. In recent years, a number of scholars have argued about the political role of youth in Africa along these lines (Cruise O'Brien, 1996; Bayart, Mbembe & Toulabor, 1992; Mbembe, 1985, 1988). More generally, an increasing number of children and youth seem to be excluded from education, healthcare, salaried jobs and even access to the status of adult, given the financial incapacity of many youngsters in contemporary Africa to construct a house, formally marry and raise children or reach higher

education. However, and despite these exclusions, many young people in Africa are simultaneously engaged in social, political, cultural and economic activities and have demonstrated tremendous creativity in making a living for themselves in a climate of conflict and social instability. It is precisely this creativity within adverse conditions that we would like to capture.

In recent decades Africa has been a strife-torn continent characterized by conflict and political violence. Many children and youth have been drawn into these wars as soldiers, spies, bodyguards, cooks and the like. Many soldiers belong to organized military units, wear uniforms and receive explicit training. Other children and youths participate in relatively unstructured but politically motivated acts of violence. The problem defies gender boundaries, as girls are often forced into military activity (in Ethiopia girls comprised 25% of the opposition forces in the war that ended in 1991; in Sierra Leone girls soldiers were also a common feature in rebel movements). Sexual victimisation is also part of soldiering for girls, many of whom are forced to become 'soldiers' wives' (Wessells, 1997). In this theme group we would like to discuss the context of children and youth's involvement into political conflict, as well as their experiences of war and violence. Case studies on of child soldiers; young political activists; young victims of landmines; war orphans; girl's abuse by the military, refugee and displaced children and youth will be interesting topics for discussion. An important issue that follows from here is the reintegration and social reconciliation in the aftermath of conflict, in this connection attention should be given to both top-down processes involving local knowledge (Honwana, 1997, 1998; Dawes & Cairns, 1998) and NGO (local and international) relieve and support strategies. Some of the questions to be asked in this theme are:

What drove many children youth into political violence? How and why were they recruited? Why did they stay? What was their role in these conflicts? To what extent can they be held responsible for their action? What kinds of wounds (physical, mental and emotional) did the war create on them? How do 'traumatised' children and youth make sense out of their lives in the post-war period? What healing strategies are used to cure them? What future is there for them?

The Union Constitution should be amended to guarantee children's rights, a lecturer at the University of Dar es Salaam Faculty of Law, Mr Robert Makaramba, has advised in Dar es Salaam. He observed that there was an urgent need for the Government to review the existing law and enact a specific Child Act to ensure the protection of child rights in Tanzania.

Mr Makaramba made the remarks when presenting a Paper on Gaps in the Law and Policy for the Implementation of the Treaty-Based Rights of Women and Children in Tanzania.

He was presenting a paper at a two-day workshop at the New Africa Hotel in the city. He argued that the provision of child rights in Tanzania was being affected by various factors such as the weak enforcement of the existing law concerning child rights and the lack of community awareness on basic rights of the child.

The poor provision of basic needs, high level of poverty, bad traditions and customary rules and practices were also contributing factors, he said ; Despite the fact that the government had rectified the Convention of the Rights of the Child, it has yet to review existing laws concerning child rights to conform to the convention , he said; Mr Makaramba said much as the Ministry concerned to co-ordinate child development has been created and child policy has been adopted, many children were still not accorded proper protection and acts of

child oppression, abuse and exploitation are on the increase in the country.

He said there are many gaps in the law and policy in the implementation of the convention on the rights of the child in Tanzania including the diverse definition of child.

The existence of various definition of a child in existing laws concerning the child rights in Tanzania is one of the legal shortcomings in the protection of child rights in the country. "The child definition provides different interpretations of a child, consequently a person may be considered a child in one context and not a child in another," he said. Mr Makaramba said there must be an omnibus definition of child to cover all legislation scheme and context. The Law also failed to curb the problem of illegal abortions in the inherent right to life of every child and the obligation of the state to ensure the survival and development of the child as provided in the Article 6 of the Convention on the Rights of Child.

Despite the very strict law in Tanzania illegal abortions were done everyday in the country under very unhealthy situations and by very unqualified people; he asserted.

According to Tanzania's Child Development policy, children need to be protected before and after birth particularly against abortion and other life-depriving things, the lecture said; Mr Makaramba further said the status of illegitimate children was unclear and that the domestic law favoured child born in the wedlock, discriminating those out of the wedlock.

The workshop has been organized by L'Etwall International in collaboration with the Women Legal Aid Centre (WLAC). It is sponsored by the United Nations Development Programme (UNDP).

WHO ARE THE "CHILDREN OF THE STREETS"?

Knowing who the "children of the streets" are in terms of age, gender, place of origin, social and economic characteristics in the first, most important step in designing policies which might have a positive impact on these children. Knowing about their historical backgrounds and the social-economic characteristics of their families is crucial in that it assists us in understanding why these children are living in streets. "Children of the streets" are distinctly different from "children on the streets" or children living in poor slum residential areas of Dar es Salaam.

One main characteristic of the "children of the street" is that they live alone in streets, without proper or reliable shelter; they have lost contact with their parents and, as such, they do not enjoy parental protection, love and care. All two hundred children involved in our study were of the street in these ways. The fact that these children are totally alone means that they are fully responsible for their own lives. They plan different survival strategies on their own. They develop themselves materially, culturally, and morally. Also as a majority of these children (80%) migrated to Dar es Salaam when they were between eight and ten years old, they became uprooted from the traditional roots of cultural socialization and hence are completely divorces from their families' ways of life. Only thirty-six children (18%) stated that they knew their home language and could still communicate fluently. In general, these children are only "homeless" or "roofless," but they are also culturally "rootless." This characteristic not only describes their state or situation but distinguishes them from other children of the urban poor who also flood the streets of Dar es Salaam but who return home to their families at the end of the day. The fact that these children are unique in these respects demands that they require special attention which is necessarily different from that given to "children on the street."

The Plight of Child labourers:

Ten days after the International Labour Organisation adopted a Convention banning the worst forms of child labour (June 17th 1999), an incident typifying the torture experienced by child labourers took place in Arusha.

A ten-year old girl labourers was in June 1999 admitted to the Mount Meru Hospital, Arusha in critical condition after her employer severely burnt her on the but-tocks for failing to cleanse kitchen ware to the satisfaction of the employer. Narrating the ordeal, little Paulina Anthony said her employer, Joyce Baraka, 27, beat her on the head using a piece of wood before using glowing splinters to burn her on both buttocks. So excruciating was the experience that the child fainted.

The burns will leave life long scars unless she gets plastic surgery treatment, medics said, adding that psychological trauma was enormous.

Paulina's case is not an isolated incident but is a reflection of the growing state of violence and abuse of child labourers. A random survey carries out in Dar-es-Salaam by the presenter in June this year of 15 households in Sinza in Dar-es-Salaam indicates that the average age of housegirls is 15. They receive an average "salarly" of around Tshs.10,000 - 20,000/= and work for over 12 hours a day. They are constant victims of sexual abuse and rape and have no recourse to legal assistance.

Going by the 1999 Human Development Report that has been commissioned by the UN Development Programme, Tanzania has nothing to show off.

Since its first report in 1990, the UNDP develops and constructs several composite indices annually to measure different aspects and average achievements in basic human development.

According to this year's report, officially launched yesterday, Tanzania's Human Development Index has maintained a progressive decline from 150th position in 1998 to 156th position.

It is among 16 countries that have experienced reversals in human development since 1990 due to the HIV/AIDS pandemic and economic stagnation.

According to the 1999 HDI report, Tanzania's ranking maintained a steady decline since 1993 from 138th position to 156th position this year.

The country's best ranking was achieved in 1992 when it was positioned at 126th on the ladder of human development indices.

The report also states that the country's population percentage that has access to safe water has dropped from an average of 39 to 38 per cent between the 1980s and now.

APPENDIX 2: CASE REPORTS, KISUTU MAGISTRATE COURT, DAR-ES-SALAAM.

For the last 10 years we have been witnessing a significant increase in the number of cases pertaining to the defilement of young girls and boys, child molestation and rape. In order to highlight this aspect a review of recorded cases in the Kisutu Resident Magistrate's court and other courts was undertaken. In this review a few elected cases related to sexuality acts or offenses involving teenagers were reviewed. There are many such cases and the ones reported here are examples of the general scenario.

Reports:

1. Criminal case 283'91 - Kisutu:

The case is about 19 years old Tatu d/o Abdul. She is accused of deserting her 9 months baby. The accused admitted that she had no means of supporting her child. The court released her on a 12 months probation and her child was put under the care of a relative with the assistance of the Department of Social Welfare.

2. Criminal case 1122/91 - Kisutu:

An adult named Ernest Kiango was accused of abducting a young girl under 16 years and living with her without the consent and knowledge of her parents. Because of this action, the child had to stop her schooling. The accused pleaded guilty and was sentenced to two years in prison or a fine of Tshs. 15,000/= . He was further required to pay a fine of Tshs. 20,000/= as compensation of education expenses to the girls parents. He paid the fine.

3. Criminal case 1156/91 - Kisutu:

This was a case in which one adult by the name of George Andrea was accused of raping and sodomizing a young boy of Mnazi mmoja Primary School in Dar-Es-Salaam. At the time of rape, the boy was sweeping the school compound. The accused was a watchman. He pleaded guilty and was imprisoned for three years.

4. Criminal case 74/92 - Kisutu:

In this case an adult male, one Martin Boniface was charged of defiling a child of 10 years (name withheld). The act was reported to have taken place at Drive Inn Cinema at night. However, the accused was released due to the absence in the court of the police who arrested the accused and the complainant together.

5. Criminal case 74/92 - Kisutu:

One adult man named Erasto Theobald was accused of making love regularly to a young girl Hulka Hamis. Because of this behaviour the child did not attend school classes regularly. The accused was acquitted for lack of collaborative evidence.

6. High Court Criminal Appeal No.95 of 1989; Athuman Mumba Vs the United Republic - High Court Dar-Es-Salaam:

This was an appeal against convictions. The appellant Athuman Ally mamba was before the District court of Ilala at Kisutu charged with three counts of defilement and four counts of unnatural offence. The charges arose from alleged sexual abuses by the appellant on four girls, all pupils of Mtendeni Primary School in Dar-Es-Salaam. The girls were aged 12, 13, 13 and 14 years at the time when the offenses were committed. The trail Resident Magistrate acquitted the accused on one count of sodomy and one of defilement and convicted him of the rest. The judgement of the appeal judge -Justice Lugakingira, J. - was to sentence the accused to go to prison for 7 years for defilement and 6 years for sodomy.

Other reported cases of defilement, child molestation, ape and abuse include:

7. One resident of a village called Mpandangindo in Songea rural district, A. Magagula (53) was in 1992 brought before Judge Elias Kazimoto to answer charges of having carnal knowledge of his daughter aged 17 years. It was alleged that the accused had carnal knowledge of his daughter after threatening to kill her should she refuse.
8. A 56 year old Dar-Es-Salaam resident, Daniel Faida was jailed for 8 years by the Kisutu Resident Magistrate for having carnal knowledge of a six-year old girl.

Appendix 3: The 1990 ILO Convention.

The ILO Convention passed on June 17 this years, outlaws child slavery, sexual exploitation and hazardous work, including forced recruitment of children for use in armed conflict.

It defines worst forms of child labour as "all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage, serfdom and forced or compulsory labour, forced or compulsory recruitment of children for use in armed conflicts; use of a child for prostitution, production of pornography or pornographic performances; use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs; and, work which is likely to harm the health safety or morals of children".

174 states including Tanzania unanimously adopted the convention.