



Contribution of Law Enforcement Institutions in Protecting Street Children's Rights in Dar Es Salaam, Tanzania

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Authors' contributions

This work was carried out in collaboration between both authors. Both authors read and approved the final manuscript.

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ABSTRACT

Tanzania is one of the countries which have ratified the UN Convention on the Rights of the Child which means they are committed to protecting the rights of all children. Moreover, over 50% of the population of Tanzania is aged 18 years and under, the need to invest in the development and protection of children becomes more important. There is an increasing number of street children in many cities in Tanzania. The reasons for causing street children are widely known. There are law enforcement institutions for protecting children. However, it is not widely known on the contribution of these institutions in protecting street children rights. The study determined the contribution of law enforcement institutions in protecting Street children's rights. Specific objectives of the research were to examine the roles of law enforcement institutions in protecting children's rights at various levels of the society and determine the community's attitude towards violation of children's rights. The study was conducted in Temeke and Ilala municipalities in Dar es Salaam city. A cross-sectional research design was adopted. A representative sample of 120 street children was used. Both primary and secondary data were collected. A questionnaire survey, focus group discussion,

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key informant interview and personal observation methods were used to collect the primary data. The Statistical Package for Social Science (SPSS) for Windows Version 12.0 was used for data analysis. Results of this study revealed that some of the street children's rights for protection were being violated by various law enforcement institutions. From the perspective of communities, many of them regarded the street children as criminals. The study concludes that many street children to get the rights for protection. From the findings, it is recommended that law enforcement institutions should not always use forces due to the notion that street children are criminals.

Keywords: *Street children; laws enforcement; violence; police; institutions.*

1. INTRODUCTION

1.1 Background Information

Tanzania, as in other African countries, has witnessed a tremendous increase in unsupervised children either living alone or working on urban streets. The rapid population growth has been associated with an increase in the number of children living alone on urban streets or spending most of their day on the roads in the quest for survival. There are an estimated 437,500 street children in Tanzania. The majority of these children have for various reasons either abandoned or have been abandoned by their families and have migrated to urban areas to earn a living. Many live on the street because of the violence and abuse they suffered at home. Many more face daily abuse on the streets from the police, sex tourists and even each other. This social problem is acute in big cities, like Dar es Salaam, Arusha, Tanga, Mbeya and Mwanza, where the rates of urban population growth have been exploding [1].

Approximately one-quarter of females and nearly 3 out of every 10 males aged between 13 and 24 years experience emotional violence by an adult before turning 18. Between 4% and 5% of females and males aged 13 to 24 years are being threatened with abandonment by an adult before turning 18 years of age [2]. Some of them are forced to grow up on their own, with limited or no support from adult caretakers. A study on child disciplinary practices at home, with data from 35 low- and middle-income countries, indicates that on average, three in four children between the ages of 2 and 14 are subjected to some kind of violent discipline, more often psychological than physical [3]. While almost three-fourths of children experience psychological aggression, about one-half experience physical punishment [4].

Urban street children are seen as a problem and have been the target of harassment by law enforcement organs such as police, judiciary and local governments. The official government attitude towards street children has been very negative as they are considered to be hooligans, vagabonds and prone to commit crimes. There are many cases of street children being beaten by police, detained and sometimes repatriated to their rural homes [5].

Law enforcement refers to any system by which some members of society act in an organised manner to promote adherence to the law by discovering and punishing persons who violate the rules and norms governing that society. Furthermore, law enforcement may be most concerned with the prevention and punishment of crimes; organisations exist to discourage a wide variety of non-criminal violations of rules and norms [6]. For this study, law enforcement Institutions considered a deliberate action taken by Police and Judiciary (court and prison) which violates children's rights, especially those living and working on Streets.

Tanzania has ratified most major international human rights instruments on children. These include; the UN Convention on the Rights of the Child (CRC) which is ratified in July 1991, the African Charter on the Rights and Welfare of Children (ACRWC) ratified in May 2003, and ILO Convention on child labour. The Government of Tanzania also has taken certain steps aimed at promoting child development. These steps include ratification of the UN Convention on the Rights of the Child, signing the OAU Charter on the Rights of Children, and Enactment the Law of the Child Act (2009) aimed at promoting and protecting the rights and interests of children including street children.

Despite the commitment made by the government to protect children rights, yet there

are various cases of the violation of children rights particularly street children. There is inadequate information available on the extent of violation of child rights. Kopoka [7], as well as Kibassa and Lugalla [8] cited by Luena [2], reported that street children in Tanzania experience severe difficulties, hardships and violence every day. They are always harassed physically and verbally abused by both adults and law enforcement institutions; they are victims of increasing abuse. Therefore, this study aimed to determine the contribution of law enforcement Institutions in protecting the children rights particularly street children.

There were many reasons for this study to be carried out. Current situation of Urban Street children was seen as a problem which further compounds the nature of the Urban Crisis. Little has been done in either solving or assisting these children; therefore the findings of this will contribute to the existing body of knowledge about the situation of rights of children particularly street children. The information that generated in this study was important for policy implications, laws amendments to the Children's welfare, the establishment of possible interventions to help Street children in Tanzania.

The Study is guided by The Law of the Child Act of 2009, the Law that recently enacted by the Parliament of the United Republic of Tanzania. It provides reform and consolidation of laws relating to children, to stipulate rights of the child and to promote, protect and maintain the welfare of a child with a view to giving effect to international and regional conventions on the rights of the child; to provide for affiliation, foster care, adoption and custody of the child; to further regulate employment and apprenticeship; to make provisions with respect to a child in conflict with law and to provide for related matters. The main objectives of this study were to examine how law enforcement institutions protect street children's rights and to determine community attitudes towards violation of children's rights.

1.2 Conceptual and Theoretical Framework

Fig. 1 presents the relationship among variables for studying the contribution of law enforcement institutions in protecting street children's rights. The framework is based on the Functionalist theory by Talcott [9]. According to this theory, a society was likened to a living organism in which

each part of the body contributes to the survival of the organism. Society comprises of institutions such as the family, religion, law enforcers, judicial and others of which human being is the central focus. Street children were the product of society. Street children are living organism who depended on other organs so that they can survive and their rights can be protected. If one or two organ fails to fulfil children's needs, this causes a continual increase in the number of street children.

The background variable involves age, Sex, family size and OVC category of which street child belongs, and this has a connection with the independent variable that includes Law enforcement institutions roles of the Police officer, judiciary (court) and local government activities and community attitudes on the attainment of street children's rights. If those roles are not fulfilled well affect the dependent Variable that affects the right to protection from torture and led to the increase the number of street children and the way they fight for survival.

This study was guided by the functionalist theory of sociology pioneered by Talcott Parsons [9]. According to this theory, a society was likened to a living organism in which each part of the body contributes to the survival of the organism. This theory conceptualises society as having networks of interrelated parts (organs) or systems working for the benefit of the whole society. Society comprises of institutions such as the family, religion, law enforcers, judicial and others of which human being is the central focus. Street children were the product of the society, implying that, reasons for the high rates of street children are to be found among and within the society itself. Street children are living organism who depended on other organs so that they can survive and their rights can be protected. If one or two organ fails to fulfil children's needs, this causes a continual increase in the number of street children.

2. MATERIALS AND METHODS

2.1 Study Area

The study was conducted in Dar es Salaam city, Tanzania. The city consists of three Municipalities namely, Ilala, Kinondoni and Temeke. According to the Population and Housing Census of 2012, the population of Dar es Salaam was projected to be 4 364 541 [10].

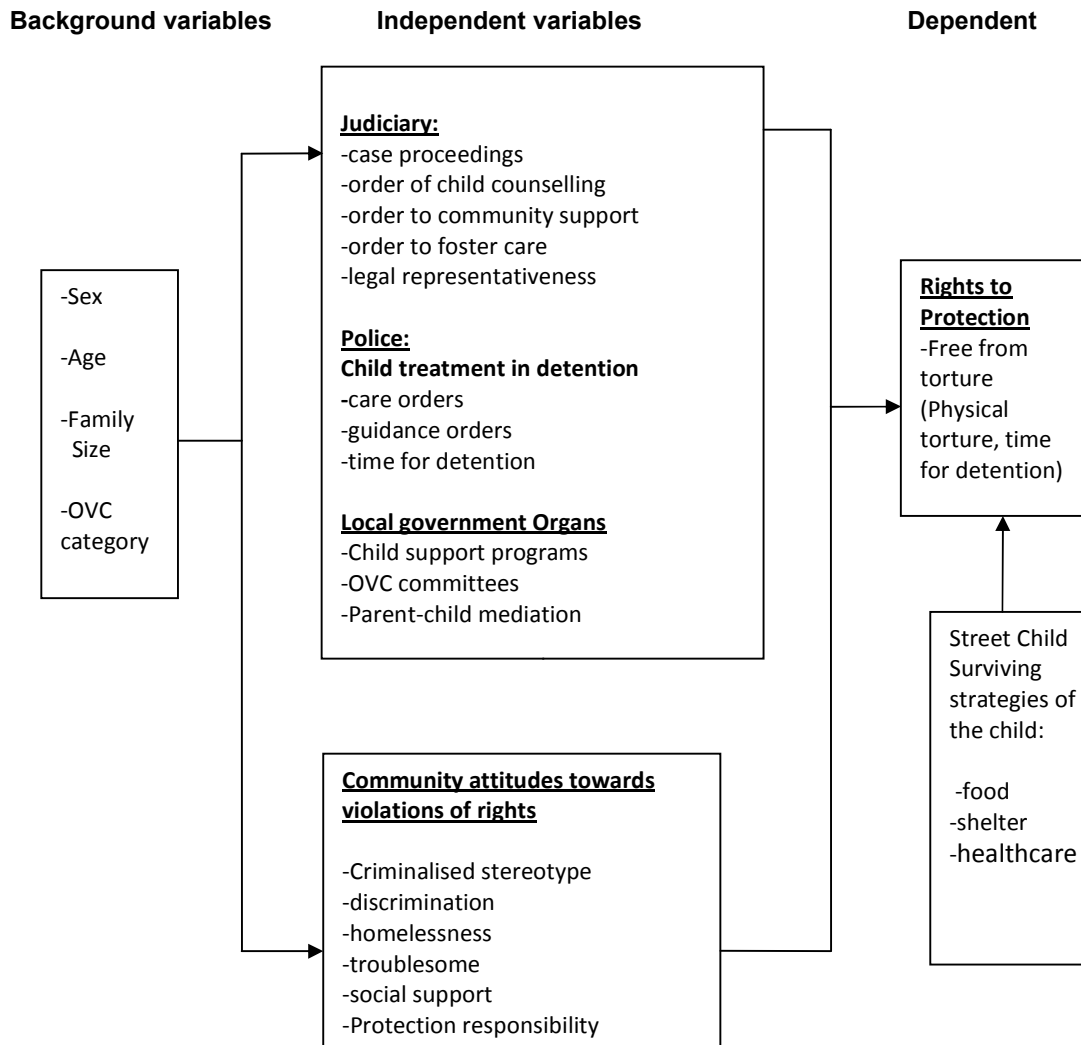


Fig. 1. Conceptual framework depicting the linkage between law enforcement organisations and community attitudes on the attainment of street children's rights

Ilala Municipal was 1 220 611 people. Temeke Municipality has the population size of 1 368 881 people, while Kinondoni Municipality has 1 775 049 people. Ilala and Temeke Municipalities were selected for the study. The major reason for selecting these Municipalities is, they have various activities that attract street children to engage in those activities and small trades.

2.2 Study Population

The population of the study includes 120 male and female street children of the age between 6 and 17 years. Street children are used to referring to children who work and/or sleep on the streets. A pilot study showed that it was difficult to find and interview children below six

years rather than those above that age. This is because most of the parents or guardians tried to be more close to their children below six years and protecting them rather than those above that age. Also, children below six years are too younger to be in streets, and most of are not involved in peer influence because of their age rather than those above that age. Hence, the parents or guardians wanted to protect their children away from higher risks of being affected by the hardships.

2.3 Research and Sampling Design

A cross-sectional research design was used in the study. This design allows the collection of data on a different group of respondents at one

point in time from a sample selected to represent the entire study area population. The selection of this design was based on the nature of the study objective and limited resources such as time and money.

2.4 Sampling Procedure and Sample Size

Ilala and Temeke Municipalities have been purposively selected for the study to represent Dar es Salaam city. In Ilala Municipality; Kariakoo market area, Mnazi mmoja, Fire and Jangwani was purposively selected. While Feri (kigamboni), Chang'ombe, Tandika sokoni, were purposively selected to represent Temeke Municipality. Thereafter, One hundred and twenty street children, a quarter of them should be that ever experienced prosecution was purposively chosen from the two municipalities with an equal contribution of thirty respondents. Through the snowball sampling technique, 10 street girls were voluntarily picked for an interview from Ilala municipality. Therefore, one hundred and twenty respondents constituted a sample size to be used by the study. The sample size of at least thirty respondents was reasonably large in social science research studies to ensure a normal distribution of the sample mean [11]. Magistrates, Police officers and Probation officers (Social workers), Community members and Street leaders were used as key informants.

2.5 Data Collection

Both qualitative and quantitative techniques of data collection were used. Qualitative data were collected through an interview schedule and FGD guided by a checklist of questions. Participants in the FGD have prosecuted street children from Remand home and Kisutu Juvenary court. Information such as case proceedings, care and support is given to street children, and types of punishment used to these children were obtained.

Quantitative data were collected using a questionnaire survey. A questionnaire formulated of closed and open-ended questions was used. Information about the accessibility of children's rights and law enforcement institution was obtained using a checklist. Data related to attitudes of the community on the violation against street children was collected by using a questionnaire survey. Secondary data were obtained from different documents that found in Kisutu Juvenary court and Temeke Municipal court. Information about prosecuted street

children was collected from Temeke Municipal court.

2.6 Data Analysis

Both quantitative and qualitative data analysis methods were used. For quantitative data collected through a questionnaire survey, descriptive statistics were employed. In the descriptive statistical analysis, frequencies, percentages, means, standard deviation and other measures of variation were employed. The entire process of quantitative data analysis, a computer software programme namely SPSS was used. Before, the analysis, the data collected through the questionnaire survey were cleaned, summarised and coded before entering into the SPSS computer software. For qualitative data analysis, a content analysis method was used for data collected through FGD and key informant interview data collection methods. The meaningful information was summarised and analysed for reporting.

2.7 Ethical Consideration

Ethical consideration gave priority in this study to meet research ethics. Ethical considerations which the researcher prioritised include the researcher's self-introduction to the street children, explanation in detail of the purpose of this study and its importance to street children before the beginning of the interviews. The researcher asked street children to participate voluntarily in the interview and assured them confidentiality of the information they provided. The researcher preserved the anonymity of street children during the interview (filling in the questionnaires) although some of them preferred to provide their names. The researcher permitted to conduct this study by authority of the Sokoine University of Agriculture as well as Municipals directors of both Ilala and Temeke municipalities.

3. RESULTS AND DISCUSSION

3.1 Roles of Law Enforcement Institutions in Protecting Street Children's Rights at the Various Levels

The roles of law enforcement institutions in protecting street children's rights have reported differently by the study depending on the different categories of law enforcers. According to this study, the law enforcers mean a Police, Magistrate, Social welfare officer especially those

who are working at the Court. This section aimed to find out the following roles about children rights which are excised by law enforcers.

3.1.1 Case proceedings pertaining to street children

Street children were interviewed to understand that if their cases listened to an open court (Table 1). The response was 93.3% of 105 children interviewed reported that cases proceedings about street children were not listened to an open Court, while only 6.7% of the street children's cases were being listened to the open court. So far this is opposite from other research done by UNICEF [12] which reported that cases involving children are commonly conducted in an open court, and children handcuffed when sent to court or prison. One of the judges in Kisutu Juvenary court reported that cases related to children were listened in a special room and not in an open court as reported by other researchers. Further, she explained that children criminal offence cases listened very early in the morning to let the children go back home/ school.

3.1.2 Courts give orders related to child counselling and community

On the point of, if the Court grants the order to child counselling when a child commits a crime, 64% of street children interviewed indicated that

they were receiving counselling, while 36% of the children did not receive any (Table 1). Results from Social welfare officers who worked with Kisutu Juvenary court agreed that there was an order related to child counselling; their main roles are to conduct interview in the court, to provide advice and psychosocial counselling and support to children, reunite the children with their families and withdraw them from any abuses the children receiving in the streets.

From the survey, it can be reported that there was no any foster care service for street children given by courts to responsible caregivers by 100% (Table 1). Currently, Tanzania does not have a foster care system, and efforts to establish an effective foster care program have been insufficient. Legal advocates for children have recommended that a foster care system is created and that the views of the child be considered when deciding on a foster care placement if the child can express an informed opinion. When placing a child under guardianship, legal advocates for children have recommended that the court appoint a guardian to represent the child in court, preferably a social welfare officer, as it would be best if the child would not have to come to the court. Government under the Ministry of Health and Social Welfare provides a license to nongovernmental organisations (NGOs) that deal with children to foster children.

Table 1. Questions pertaining to law enforcement organization

Statements	Response (%)	
	Yes	No
Are case proceedings pertaining to street children listened in open court? (n =105)	7 (6.67)	97(93.33)
Do courts give orders related to child counselling once street children commit crimes? (n=50)	32(64)	18(36)
Do courts give orders for responsible community members to provide Social and protection support to street children (n=46)	2(4.35)	44(95.65)
Is there any order of foster care for street children given by courts to responsible caregivers? (n=45)	0(0)	45(100)
Are street children left free from labour exploitation or any harassment when a child is in detention under police? (n=99)	72(72.72)	27(27.28)
Are there any special Orphans and vulnerable children (OVC) programs organised by the local government which support street children? (n=94)	1(1.06)	93(98.94)
Are there any OVC committees for supporting most vulnerable children such as street children in the district? (n=85)	1(1.17)	84(98.83)
Have you ever participated in any parent/relative-child mediation unit of the district? (n=107)	2(1.87)	105(98.13)

The number in parenthesis refers to percentage of respondents interviewed

3.1.3 Street children harassment in detention

From Table 1, the results show that 72.7% of the street children were free from harassment when a child had been in detention, while 27.3% of the street children indicated that they experienced some harassment when they were in detention. Other children reported kinds of harassments such as are abusive language, corporal punishment and cleaning police offices, all these denials the rights from torture. These results are opposing with a study done by Carabain [5]. The author reported that urban street children are seen as a problem and have been the target of harassment by law enforcement organs for example; police, judiciary and local governments. The official government attitude towards street children has been very negative as are considered to be hooligans, vagabonds and prone to commit crimes. There are many cases of street children being beaten by police, detained and sometimes repatriated to their rural homes.

Results from the key informants support that the role of police is to provide security in protecting a child and escorting a child up to the prison when the child is in the custody or remand home to make sure that the child is in the safe hand. These results were in line with those given by few street children who said that they were not beaten by police, when the police found them on the street they just be arrested and sent them to the police station.

3.1.4 Orphans and vulnerable children (OVC) programs organised by the local governments

Street children were asked to explain if there had been OVC programmes and committees organised by the local governments (Table 1).

The results show that 98.94% of the street children indicated that there was no any programme on OVC organised by local governments, while 1.1% of the children accepted that there were OVC programmes organised by the local governments for helping these children. The results, also, show that 98.8% of the children interviewed said there was no any OVC committee that supporting vulnerable children, while only 1.2% agreed that there were OVC committees. This is an enormous challenge to the government especially local governments that they failed to protect the vulnerable children.

3.1.5 Parent/relative-child mediation

Children were asked if there had been any parent/relative-child mediation has been made to solve their problems. About 98% of the children interviewed said there was no parent/relative-child mediation before they left home, while 1.9% of the street children indicated that the parent/relative-child mediation existed (Table 1). The results show that most of the children left their home because of the different reasons like poor living condition, lack of parental care and others were convinced by their fellow children that in Dar es Salaam, there is a good life and not family conflict.

3.2 Community Attitude towards Violation of Children's Rights

This section aimed to determine community attitudes towards violation of children's rights. Does the community perceive street children as criminals? the results (Table 2) were 58.2% of the children agreed with the statement, while 27.3% disagreed. However, 14.5% of people interviewed were undecided.

Table 2. A Likert Scale presenting questions pertaining to community attitude towards violation of children's rights (N=55)

Statement	Disagree	Undecided	Agree
Street children are all typically criminals	15(27.3)	8(14.5)	32(58.2)
Street children are to be excluded by the surrounding community	41(74.5)	2(3.7)	12(21.8)
Street children are not homelessness by origin	4(7.3)	1(1.8)	50(90.9)
Street children are of much disturbance to the community	4(7.5)	2(3.7)	49(88.8)
Holistic social support is needed for Street children	3(5.6)	0(0)	52(94.4)
The surrounding community does not take responsibility for protecting street children from crimes and abuses against them	2(3.6)	1(1.8)	52(94.6)

The number in parenthesis refers to percentage of respondents interviewed

On the statement of street children are to be excluded by the surrounding community; 74.5% of the respondents disagreed with the statement, while 21.8% agreed with the point, others (3.7%) were undecided (Table 2). The focus of the question was to discover if holistic social support is needed for Street children, 90.9% of the respondents agreed that holistic social support was required in order to rescue the life of these children, for instance, other children were very young at the age of ten and eleven years that they were supposed to be in schools, having parental love and care, while 7.3% disagreed on the matter and 1.8% undecided (Table 2).

Basing on the findings, 94.4% of the respondents agreed that holistic social support was needed to rescue the life of street children, while 5.6% disagreed with the point (Table 2). Collective social support is needed to reduce and/ or to combat the problem of street children. Other community members interviewed responded to the question of 'Street children are of much disturbance to the community; 88.8% agreed that street children are of much disturbance to the community, while 7.5% disagreed and 3.7% were undecided (Table 2). Results from this study show that majority of community members perceive street children as hooligans they should be forcefully removed from streets because some street children use drugs including cocaine, "mirungi", marijuana, and heroine and so as the means of refreshing themselves and also a means to overcome stresses of being in the street. FGD respondents stated that street children use those substances so that they can be courageous over abuses and other difficulties of life in the streets. Moreover, other street children are thieves that is a reason community members perceive them are of many disturbances.

On the question of the surrounding community does not take responsibility in protecting street children from crimes and abuses against them; the answer was 94.6% of the respondents agreed with the statement, while 3.6% disagreed and 1.8% were undecided (Table 2). These results came to agree with the research done by Shivji [13] which shows that about 40% of all human rights violation is committed by individuals and, therefore, demands against violation can also be legitimately made against individuals. It is true that the surrounding community does not take the responsibility in protecting children from crime and abuse because some of the members of the community are the one who abuses these children through

physical and sexual abuse. Results from the FGD show, one of a girl street child was complained about the way perpetrators abuse her, to quote a street girl of 16 years:

"My name is Asha (not her real name), and I am 16 years old. One day, I went with a man who took me to a restaurant. People came to this restaurant and promised us jobs. We were happy to be able to work and help support our families. But we had to work very long days. The man said, 'You did not get here to go to school, you came here to work!' I hardly got food; never got paid and so I decided to run away. I walked 850 kilometres to get to Dar es Salaam. I felt very bad when I was working on the streets because I had no place to sleep. A man took me into his house. This man was harassing me when I was staying in the house. He abused me; then he beat me because I became pregnant. He said he was not responsible for my pregnancy. I felt it was too much; I ran away. I went back to the streets. One night I met a lady. I told her about my problems, and she took me home. It was a brothel. There were many other girls brought in. Many were involved with sexual relationships with the men. At that time I was still pregnant. I am not sure if I got a disease because most men refused to wear a condom. I had sex with many men from Tanzania, but also with white men."

Asha is now at a recovery centre for girl prostitutes. Since sexual child abuse violates a child's rights, it was expected in this study that most of the street children who were sexually abused could report to the police what happened to them so that legal actions could be taken against the perpetrators. Contrary to the expectation, only a few street children reported events of sexual child abuse to the police, most of them do not like to do so because of fear of police and also feel shame.

The findings of this study give the impression that street children have been a severe problem in many countries, especially in the developing world. The fundamental rights of the child are frequently violated by the community, parents and guardians who have been left to bring up children and care for them and their interests without taking into account their economic status, education, traditions and customs and the environments in which they live. The children in

the streets have been receiving various abuses, which in humanity point of view is not supported in any communities. This shows that majority of the population has no knowledge regarding rights to protection of children, despite the children have rights to be protected against all forms of abuses, neglect and discrimination so that they may grow up with a healthier life and be an active member of societies. Further, some community members neglect the existence of street children as they regard them as criminals. However, law enforcement institutions; partly play their roles in protecting the children's rights.

4. CONCLUSION AND RECOMMENDATIONS

4.1 Conclusions

From, the findings, this study concludes that the roles of law enforcement institutions have played their roles positively. This came to agree with the results of the questions responded from street children and law enforcers and researcher's observation, the results from interviewed reported that cases proceedings pertaining to street children do not listen to an open Court. Experience from Kisutu Juvenary court shows that Case related to children were listened in a special room and not in an open court.

Basing on the findings, roles of law enforcer depicted as to hear and determine cases, to conduct an interview at the court and provide psychosocial counselling and support to the children, to escort a child to the police station, despite those roles still they are facing a lot of problems such poor infrastructure. There is only One Juvenary court in Tanzania, lack of cooperation between parents, some lawyers are contradicted and lack of resources. These entire factors have made to have some challenges in delivering the service.

The study concludes that the overall community attitudes towards street children have been positive. Findings further revealed that holistic social support is needed to rescue the life of these children. Also, the surrounding community does not take responsibility for protecting street children from crimes and abuses against them. Child rearing and parenting was a community issue where the emphasis was placed on child discipline, schooling and preparation for an adult role in the community that causes the continuity of the increased number of children in the street.

4.2 Recommendations

Based on the study findings, the following recommendations are made:

- i. Results of this study showed that there is a challenge of having proper infrastructure hence there is only one Juvenary court in Tanzania. Therefore the Government should increase the budget to build infrastructure such as Court, Cells, police station and offices to provide privacy when hearing Juvenary cases. Also, Police, magistrate and Prison police officer need special training on how to handle children / Juvenary delinquency. There is a need to have police officers specialised on children's issues who can work with Social Welfare Officers and others in protection and offending concerns.
- ii. Findings from the survey show that there is no foster care service for street children given by courts to responsible caregivers. Tanzania does not have a foster care system, and efforts to establish an effective foster care program have been insufficient. Legal advocates for children have recommended that a foster care system be created and that the views of the child be considered when deciding on a foster care placement, this will help a child to be placed under guardianship, and the court appoint a guardian to represent the child in court, preferably a social welfare officer, as it would be best if the child would not have to come to the court.
- iii. Despite the fact community attitude towards street children have seen positively still collective social support is needed to help these group of young children. Community in collaboration with local government authority should establish a committee that supports OVC groups by doing follow up. Research has demonstrated that no amount of intervention programming designed for street children can be successful unless the community is prepared to respect, protect and provide opportunities for street children.

COMPETING INTERESTS

Authors have declared that no competing interests exist.

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