

Disrupting Harm

Evidence from 13 countries on the context, threats, and children's perspectives of online child sexual exploitation and abuse.

Detailed Analysis of Access to Justice and Legal Remedies in Tanzania
Interviews with Justice Actors

Last updated 15/6/21

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This report is a summary of preliminary data collected for this research project. The perspectives contained herein represent the individuals interviewed and surveyed. Support from the Fund to End Violence Against Children does not constitute endorsement.

Introduction

Disrupting Harm: evidence to understand online child sexual exploitation and abuse (OCSEA), is a unique and collaborative research partnership between ECPAT International, INTERPOL, and UNICEF Office of Research – Innocenti. Leveraging their specific expertise, each partner sheds light on separate but interconnected areas: context, threats and children’s perspectives on online child sexual exploitation.

- Context by ECPAT International through portraying laws & policies in action;
- Threat by INTERPOL through the collection of crime and other data;
- Children’s voices by UNICEF Office of Research - Innocenti through surveys with children and their caregivers.

The countries of focus in Southern and Eastern Africa region are: Ethiopia, Kenya, Mozambique, Namibia, South Africa, Tanzania, and Uganda. The countries of focus in the Southeast Asian region are: Cambodia, Indonesia, Malaysia, Philippines, Thailand, and Vietnam.

Research took place between 2019 and 2021. Up to nine separate research activities were undertaken in each country by the three project partners. Preliminary analysis for each activity was first conducted before the results across all the nine activities were consolidated into each national country report. These can be found here.

In Tanzania, the data was collected through 10 semi-structured interviews involving 10 respondents. All 10 were conducted remotely - 7 via the online platform Zoom and 3 via phone. The remote interviews were necessitated by the COVID19 movement restrictions prevailing at the time, which minimised opportunities for face to face meetings. The interview sample included 1 lawyer, 2 government social support officers, 3 police officers (2 representing the police gender and children desk and 1 representing the cyber crime department), and 3 representatives from civil society organisations (2 representing national non-governmental organisations and 1 representing a community-based organisation). Efforts to interview representatives from the judiciary, as well as the prosecutor's office, were unsuccessful. Most (8 out of the 10 respondents) were based in Dar es Salaam and only 2 were implementing programmes outside of Dar es Salaam, namely in Mwanza and Dodoma. This was mostly because respondents with experience on OCSEA were hard to find and it was logistically easier for the local ECPAT member to identify respondents in Dar es Salaam, where the organisation is based. Getting respondents to agree to participate in the interviews required face to face meetings and follow up to explain the sample criteria.

ID Number	Organisation	Position
RA4-J-TZ-01-A	Ministry of Constitutional and Legal Affairs	Government Legal Aid Lawyer
RA4-J-TZ-02-A	Police Gender and Children Desk, Tanzania Police Force	Assistant Inspector of Police
RA4-J-TZ-03-A	SIKIKI	Social Worker
RA4-J-TZ-04-A	Police Gender and Children Desk, Tanzania Police Force	Assistant Inspector of Police
RA4-J-TZ-05-A	TOCOSODE (CSO)	Communication Officer
RA4-J-TZ-06-A	Linda community (CBO)	Operations Manager
RA4-J-TZ-07-A	Ilala Municipal	Social Support Officer
RA4-J-TZ-08-A	Cyber Crime Department, Tanzania Police Force	Assistant Inspector of Police (DSM)
RA4-J-TZ-11-A	One Stop Centre, Muhimbili National Hospital	Medical Doctor
RA4-J-TZ-12-A	Kigamboni Municipal	Social Support Officer

Access to the Justice System

Services provided to victims of OCSEA during the criminal justice process

According to the criminal justice actors interviewed, there are different services offered to child victims of sexual abuse and exploitation, whether online or offline. Rescue and shelter were mentioned as available, but not to all victims of sexual abuse and exploitation. It was pointed out by a social support officer (RA4-J-TZ-12-A, Kigamboni Municipal, Social Support Officer) that the government does not have enough shelters and thus collaborates with civil society organisations to offer this to child victims that require it.

“We collaborate with NGOs in different ways to provide services to children who are victims [of sexual exploitation and abuse]. The government does not have enough homes so if a child needs to be removed from one place and needs to be given a place to stay, NGOs help us give [these children] a place to stay” (RA4-J-TZ-12-A, Social Support Officer, Kigamboni Municipal).

Despite the government collaboration with civil society organisations, two respondents (RA4-J-TZ-01-A, RA4-J-TZ-08-A) noted that not all child victims are successfully placed in safe environments during the criminal justice process.

“There are very few safe houses for children who are awaiting trial or waiting for judgments to be passed, so it’s hard for them to find a [safe] place to stay during the course of the trial as they await justice” (RA4-J-TZ-01-A, Government Legal Aid Lawyer, Ministry of Constitutional and Legal Affairs).

A respondent from the cybercrime unit (RA4-J-TZ-08-A, Assistant Inspector of Police (DSM), Cyber Crime Department, Tanzania Police Force) indicated that rescue and placement in safe places is not ‘standard procedure’ even when the need for it is clear, for example, in instances where the perpetrator is a family member.

“During the trial, if the offender is a family member, you need to separate the children from the family. In this case, you have to take the child away from where she has been living. And you need a safe place where you can keep the children for that particular moment until the procedure in the court is finalised, it’s very important to do that. However, this service is not standard- not all children are placed in temporary shelters- but it is very important to do that.” (RA4-J-TZ-08-A, Assistant Inspector of Police (DSM), Cyber Crime Department, Tanzania Police Force).

Due to this lack of placement of child victims in temporary shelters, a social support officer indicated that children sexually abused by family members encounter psychological turmoil when they must continue to live in the same home as the perpetrator. This may sometimes affect the willingness of the child to testify, thus affecting the outcome of the case.

“Some children are abused by family members, for example, a stepbrother. [The child] lives with this person under the same roof so when they return home, the child is scared. He/she still lives with the brother at home and now they go to court, they have to go with the brother as well because the father says he can’t chase the brother from his house because they are all his children although they are stepsisters and stepbrothers. So, this causes further psychological turmoil for the child who has been

abused because the perpetrator is a close relative and thus the child may fail to testify and give evidence” (RA4-J-TZ-07-A, Social Support Officer, Ilala Municipal).

This social support officer also noted that parents in some circumstances (where the case involves someone else living in the same neighbourhood) are forced to move because of the safety of their child. She indicated that this happens because the law does not offer enough protection for children.

“Sometimes the laws that protect children also have certain limitations and the child may not get adequate protection, so the child may live in fear. A parent may be required to move while the case is still ongoing and this may pose a challenge for the child, making the environment harder” (RA4-J-TZ-07-A, Social Support Officer, Ilala Municipal).

Based on the feedback from this respondent, there appears to be a gap in providing safety for OCSEA victims during the criminal justice process against their perpetrators. The Anti-Trafficking in Persons Act provides that victims of trafficking, including child victims of child sexual abuse material-related offences, are entitled to receive temporary safe housing and other protection measures.¹ The Act provides that a police officer who comes across a victim of trafficking must assist him or her to a place of safety if the victim expresses any safety concerns.² The Act makes it the obligation of the social support officers to provide professional rehabilitation and a dwelling place for victims.³ The lack of placement in a temporary shelter therefore points to a serious gap in the access to justice for OCSEA victims, who can easily be intimidated by perpetrators who have easy access to the child. In addition, the Anti-Trafficking in Persons Act only offers protection for victims of trafficking, but there are victims of OCSEA who are not victims of trafficking. To ensure the protection of these victims as well, there is a need to enact a law that extends protection to all child victims of crime including OCSEA victims who are not victims of child trafficking.

Counselling is another service that was mentioned by at least half the respondents as available to child victims of sexual abuse and exploitation. Within the legal framework, the Anti-Trafficking in Persons Act provides that a police officer who comes across a victim of trafficking, including child victims of child sexual abuse material-related offences under the Act, must ensure that the victim receives medical and psychological treatment.⁴ Under this Act, the Commissioner of Social support must ensure the provision of counselling services to the victims.⁵

The respondents noted that counselling is provided by the police at the police gender and children desks in collaboration with social support officers, and that children temporarily placed with civil society organisations in shelters also get counselling from these agencies. This is in line with the Act

¹ Government of the United Republic of Tanzania. (2008). [The Anti-Trafficking in Persons Act No. 6 of 2008](#), Section 18.

² Government of the United Republic of Tanzania. (2008). [The Anti-Trafficking in Persons Act No. 6 of 2008](#), Section 11(2)(b).

³ Government of the United Republic of Tanzania. (2008). [The Anti-Trafficking in Persons Act No. 6 of 2008](#), Section 17(2).

⁴ Government of the United Republic of Tanzania. (2008). [The Anti-Trafficking in Persons Act No. 6 of 2008](#), Section 11(2)(a).

⁵ Government of the United Republic of Tanzania. (2008). [The Anti-Trafficking in Persons Act No. 6 of 2008](#), Section 17(3).

as both police and social support officers are active in ensuring that counselling is available to OCSEA victims.

“We [police gender and children desk] give the victims of child sexual abuse and exploitation counselling because when a child goes through this abuse, they may want to commit suicide, or some may lose their sense of self-worth” (RA4-J-TZ-02-A, Assistant Inspector of Police, Police Gender and Children Desk, Tanzania Police Force).

“We [police gender and children desk] also work with social support officers to provide the child with counselling and to talk with the parents on how to help the child [heal from] and not think about [the abuse]” (RA4-J-TZ-04-A, Assistant Inspector of Police, Police Gender and Children Desk, Tanzania Police Force).

“As social support officers, when we get a child who has been sexually abused, we provide them with psychosocial support as well as support for them to attend court hearings and to go to the police to make sure that the child can explain him/herself properly” (RA4-J-TZ-12-A, Social Support Officer, Kigamboni Municipal).

“Social support officers provide counselling services. Besides, when we take these children to temporary homes or safehouses, some social workers also provide counselling.” (RA4-J-TZ-12-A, Social Support Officer, Kigamboni Municipal).

However, two respondents noted that police gender and children desks are not found in all locations (RA4-J-TZ-03-A, RA4-J-TZ-01-A).

“I think the police gender and children desks are only found at district level” (RA4-J-TZ-03-A, Social Worker, SIKIKA).

Concerning the availability of social support officers, a report by the government from 2015 indicated that government officers at ward and village levels rely on volunteers as there are fewer government officers at these levels.⁶ The Ministry of Constitutional and Legal Affairs, in its child justice strategy 2013-2017, indicated that most child victims do not have access to a Social Support Officer to assist them during court proceedings.⁷ The strategy also indicated that there are weak linkages between the justice system and the child protection system and other support services, which results in children not being referred to existing services that could assist them to recover.⁸ From the respondents, it was not clear who then offers counselling at the village and ward levels where there is an absence of formal government structures to provide this service.

Medical care was noted as available by at least half the respondents. One respondent indicated that medical care is available for free for victims of sexual exploitation, including OCSEA. She also noted

⁶ Tanzania Ministry of Community Development, Gender and Children; UNICEF and Global Affairs Canada. (2015). [Building a holistic child protection system, step by step, in the United Republic of Tanzania](#). page 14.

⁷ Ministry of Constitutional and Legal Affairs. (2012). [Child Justice -A five-year strategy for progressive reform 2013-2017](#). page 72

⁸ *Ibid.*

that in government hospitals child victims under 5 years of age receive free medical services but for older victims, free medical services are available only if they have the Police Form Number 3 (PF3) provided after reporting the case. The respondent noted that, even so, only the initial treatment to the victim is offered for free. Any follow up visits and related expenses must be covered by the families.

“The government provides free health services [in government hospitals] to all children under the age of 5. But for those above 5, what happens is if a child has been abused and it is reported, they must be given a Police Form Number 3, we call it a PF3. Once he/she gets a PF3 they can show it at the hospital and the government will cover the initial expenses. But the follow-up costs will be covered by the parent” (RA4-J-TZ-02-A, Assistant Inspector of Police, Police Gender and Children Desk, Tanzania Police Force).

From the information gathered from the interviews, it is clear that medical care is available to victims who have access to government hospitals, but only for the initial visit after the abuse.

Concerning legal aid, only one respondent mentioned that their agency, which is a civil society organisation, supports victims to access this service as part of the services offered to child victims of sexual exploitation and abuse.

“Most times we refer children to get legal aid from organisations that work on legal issues and, wherever possible, we help them as well. So we mainly do it through referrals” (RA4-J-TZ-03-A, Social Worker, SIKIKA).

The respondents from the police gender and children desk (RA4-J-TZ-02-A & RA4-J-TZ-04-A) and also the two social support officers interviewed (RA4-J-TZ-07-A & RA4-J-TZ-12-A) did not mention legal aid as a service that is offered to child victims of online sexual exploitation and abuse. This implies that legal aid for child victims of OCSEA is not a standard service provided by either the police gender and children desk or social support officers.

A representative from the Ministry of Constitutional and Legal Affairs indicated that legal aid is available through the ministry if it is requested by a magistrate or judge.

“The Legal Aid Act has stipulated that when a person [the victim] goes to court – after being abused and having gone through all the initial justice processes including going to the police who have completed their investigations – once they have gone to court, and the judge or magistrate feels that there is a need for the person to get legal aid, a request for legal aid will be sent to the Ministry” (RA4-J-TZ-01-A, Government Legal Aid Lawyer, Ministry of Constitutional and Legal Affairs).

The Disrupting Harm research team did not have the opportunity to interview a magistrate or a prosecutor to know if judges or magistrates request for legal aid for child victims of sexual abuse and exploitation.

Under the Law of the Child (Juvenile Court Procedures) Rules 2016, a child is entitled to be provided with legal representation free of charge, where he or she cannot afford one.⁹ The representative from the Ministry of legal affairs confirmed that when the ministry gets a referral of case of a child victim of any crime, including OCSEA, they refer this child victim to the legal aid centre nearest to them.

“If I get such a case, for instance, (...) we have centres countrywide that provide legal aid to whoever is in need including children so I now link this child to the closest legal aid centre so they can get legal aid and legal representation in court for the duration of the case. The Ministry’s role is to connect them to legal aid centres that are close to them” (RA4-J-TZ-01-A, Government Legal Aid Lawyer, Ministry of Constitutional and Legal Affairs).

The representative from the Ministry of Constitutional and Legal Affairs indicated that the service is not always easily accessible to all victims, especially when a victim is in a location without a legal aid provider nearby. If they are poor, access becomes an issue as they cannot afford to travel to the legal aid centre.

“The Ministry tries to link them (child victims) to a centre that is near the court where the case is being heard. At times you may find that there is no lawyer or legal aid service provider who is close to the area. So the difficulty depends on where the victim is and where the [legal aid service] centre is. Sometimes the victim will tell us that the centre is too far away and they cannot afford to go there because of their financial constraints or some other barrier” (RA4-J-TZ-01-A, Government Legal Aid Lawyer, Ministry of Constitutional and Legal Affairs).

From the interviews, it is clear that although services for victims exist, they may not be accessible to all children, especially at village and ward levels where police gender and children desks and social support officers, as well as lawyers, are not readily available. Victims at the district and higher levels seem to have a better chance of receiving services.

How OCSEA cases come to the attention of criminal justice actors

According to a respondent from the police gender and children desk (RA4-J-TZ-02-A), cases regarding children who are victims of sexual abuse and exploitation (both offline and online) are mostly reported to the police gender and children desk by close relatives who live with the child. Besides close relatives, other individuals that report cases include the child victims themselves, teachers and doctors.

“Mostly, close relatives who live with the child are the ones who report these cases because sexual abuse is often committed by people who are close to the child. (...) Sometimes children themselves report cases (...) We also have cases reported by teachers, if a child tells their teacher (...) Doctors also bring us abuse cases.” (RA4-J-TZ-02-A, Assistant Inspector of Police, Police Gender and Children Desk, Tanzania Police Force).

The other respondent representing the police gender and children's desk also confirmed that most cases are reported to them by parents. She noted that children also report, but only on very rare occasions. She indicated others that report as social support officers, teachers and staff from non-

⁹ Government of the United Republic of Tanzania. (2016). [Law of the Child \(Juvenile Court Procedures\) Rules 2016](#), Rule 14(2)

government organisations (RA4-J-TZ-02-A, Assistant Inspector of Police, Police Gender and Children Desk, Tanzania Police Force).

“In some rare cases, children report the abuse themselves. Oftentimes, parents are the ones who report or social support officers who may have been informed by concerned neighbours. Teachers also come to report. Social workers from non-governmental organisations also come to report” (RA4-J-TZ-04-A, Assistant Inspector of Police, Police Gender and Children Desk, Tanzania Police Force).

Under the Tanzanian Education Act, as amended by the Law of the Child Act, all teachers, craftsmen and trainers in Mainland Tanzania are under the general obligation to report concerns or evidence of child abuse committed by any person to the appropriate social support officer.¹⁰ The respondents from the police gender and children desk both confirmed that teachers report abuse cases as per the provision of the Education Act.

Besides reporting to police gender and child desks, one respondent also noted that where there is no such desk, cases are also reported to local government authorities.

“Most times cases like these are first reported to the local government. Once local government officials receive such a case, they can handle it in one of two ways. One is to take it to the social support officers at the municipal level and the other is to bring it to organisations, CSOs like Sikika” (RA4-J-TZ-03-A, Social Worker, SIKIKA).

A respondent from the President’s Office, Regional Administration & Local Government noted that at the village level, where the police gender and children desks may not be available, there are child protection committees composed of community members who are trained to either report cases to 116, or community caseworkers. Community caseworkers are community volunteers at the village level, who are trained to receive cases of child abuse, then make referrals to social support officers who then conduct the social investigation and facilitate reporting to police and assistance to victims.

“Right now, there are committees who have trained community members and when a child has been abused, there are those who call 116 but there are those that go to community volunteers that we call CCWs – Community Case Workers – that are at the village level. These CCWs have already been trained that whenever they receive abuse cases, they report them to the social workers. (..) The social worker then goes to do the social investigation and to refer the child to the hospital and going to the police to fill in a PF3 (Police Form number 3)” (RA1-TZ-01-A, Coordinator, Child Protection - President’s Office, Regional Administration & Local Government)

Both of the respondents from the gender and children desk indicated that, although offline sexual abuse cases are reported, cases of OCSEA are not reported as such. However, the online component of the offence may be established during investigations.

¹⁰ Government of the United Republic of Tanzania. (2009). [The Education Act \(as amended by the Law of the Child Act No. 21 of 2009\)](#), Section 59A.

“I cannot say that anyone comes to our police station to specifically report that they have been abused online. Instead, they simply report that they have been abused but when you trace the source of the abuse, you may find that it started on social media sites like Facebook, WhatsApp and over the phone” (RA4-J-TZ-04-A, Assistant Inspector of Police, Police Gender and Children Desk, Tanzania Police Force).

“In some cases, a parent may bring us a case of a child who has been raped and when we do our investigation, we learn that the source is actually online” (RA4-J-TZ-02-A, Assistant Inspector of Police, Police Gender and Children Desk, Tanzania Police Force).

The respondent from the President’s Office, Regional Administration & Local Government, also confirmed that child protection structures at the lower levels have also not received complaints related to OCSEA.

“The Women & Child Protection Committees at regional, council, ward and village level (...) meet at least once every quarter but most cases that are reported in these forums are on issues like a father has sodomised his child, a mother has beaten or burned her child, but it is not exactly online child abuse” (RA1-TZ-01-A, Coordinator, Child Protection - President’s Office, Regional Administration & Local Government).

An explanation provided by respondents (3 policymakers and at least 2 criminal justice actors) for this limited reporting of OCSEA is the lack of understanding and awareness of acts that constitute online offences as contained in the law. One of the policymakers interviewed described this challenge as follows:

“When it comes to online child abuse, awareness is still low compared to other types of abuse. People have a better awareness of other types of abuse, that’s why they are reporting; they use radio, they use WhatsApp to report. But online abuse is not yet well understood (...) People are not aware that certain acts are online sexual abuse and are still not able to identify [these acts]. Sometimes people think it is a normal part of life while in fact, it is abuse. (..) So not everyone has this awareness because if everyone had this awareness, then there would be a lot of reporting of such incidences of abuse [OCSEA]” (RA1-TZ-01-A, Coordinator, Child Protection - President’s Office, Regional Administration & Local Government).

From the interviews, it is clear that Tanzania has established a system to support the reporting of abuse cases but that, although OCSEA is happening, it is not yet being reported. To strengthen reporting of OCSEA cases, there is a need to create public awareness on OCSEA. There is also a need to build the capacity of the law enforcement officers and the child protection committees on the different forms of OCSEA so that they can correctly identify OCSEA even when reported as offline abuse.

A police officer indicated that even though it is the police that conduct the investigations, the charge sheet is filled in by the state attorney’s office.

“Once I am done [with investigations], I send the file to the state attorney because the police do not prepare charges against offenders, we only recommend that this person has been subject to several

crimes but it is the state attorney who will prepare the charges. Thereafter, the case can be taken to court” (RA4-J-TZ-02-A, Assistant Inspector of Police, Police Gender and Children Desk, Tanzania Police Force).

State attorneys should, therefore, be included in capacity building on OCSEA as this could ensure that OCSEA perpetrators are correctly charged.

Another challenge on reporting that applies not only to OCSEA but more generally to child sexual abuse and exploitation is the stigma associated with sexual abuse. Two respondents (RA4-J-TZ-11-A, RA4-J-TZ-12-A) indicated that stigma deters parents from reporting these cases. One of the respondents indicated that child victims therefore do not always get the support they need from their parents to report these cases (RA4-J-TZ-11-A, Medical Doctor, One Stop Centre, Muhimbili National Hospital) .

“Most parents feel ashamed to admit that their child has been sexually exploited. They don’t want to expose [themselves or their child]. That is the biggest challenge” (RA4-J-TZ-12-A, Social Support Officer, Kigamboni Municipal).

“The main challenge that I see, and this is just not for online but in general, is that when it comes to sexual abuse, parents have a lot of difficulties reporting. They fear that if people know about this, how will they take it or how will they treat my child. – (...) The adolescent victim needs a lot of support from these parents and if they don't get that support, then it's hard for even them to initiate [the case]” (RA4-J-TZ-11-A, Medical Doctor, One Stop Centre, Muhimbili National Hospital).

Besides the fear of reporting due to stigma, at least three respondents (RA4-J-TZ-07-A, RA4-J-TZ-11-A, RA4-J-TZ-12-A) indicated that sometimes sexual abuse cases are settled out of court instead of being reported to the criminal justice system. One respondent noted that some parents do this for financial gain as they feel this will not be provided in the formal system (RA4-J-TZ-04-A, Assistant Inspector of Police, Police Gender and Children Desk, Tanzania Police Force).

“In some cases, parents who know that their child has been abused hide it and try to negotiate with the perpetrator without resorting to the authorities because they feel that even if they report the case and the perpetrator is imprisoned, they don’t [financially] benefit in any way. So that is also a challenge. (RA4-J-TZ-04-A, Assistant Inspector of Police, Police Gender and Children Desk, Tanzania Police Force).

The two other respondents (RA4-J-TZ-07-A, RA4-J-TZ-09-A) indicated that settling out of court happens in sexual abuse cases where the perpetrator is someone close to the victim’s family. This was noted by one respondent as more likely in abuse cases where the victim is an older girl as the community does not perceive the abuse as very damaging (RA4-J-TZ-07-A, Social Welfare Officer, Ilala Municipal).

“A lot of people would prefer that [settling out of court] if it's a relative. They will say, we just cannot break our relationship like this. So they look for elders, sit down, slaughter a goat or cow and then say everything is fine let's forget about this. That happens” (RA4-J-TZ-11-A, Medical Doctor, One Stop Centre, Muhimbili National Hospital).

“If it is an older girl who has been sexually abused by a neighbour, most people think it is okay since she is a bit older and that there is no need to report because the neighbours may not take it too well or understand. So, they end up settling the matter as neighbours so that they can live in harmony with their community. That is also a challenge for the children” (RA4-J-TZ-07-A, Social Support Officer, Ilala Municipal).

Though the Law of the Child Act stipulates that all members of the community have a duty to report infringement of child's rights to the local government authority of that area,¹¹ reporting of child abuse cases is not done in all cases. Reporting, especially by close family members, might improve if there is more awareness of the long-lasting impact child sexual abuse and exploitation, both offline and online, has on the child victims.

A challenge also noted by a social support officer is that reporting at the police stations is not always child-friendly as the police officers wear uniform. The social support officer recommended for child-friendly means of reporting.

“A child victim has to be taken to the police and once they get there, all these police are dressed in uniform and the child becomes intimidated. So, there should be friendly means of reporting these cases” (RA4-J-TZ-07-A, Social Support Officer, Ilala Municipal).

Another respondent also noted that where there are no one-stop centres, reporting is challenging for child victims due to the back and forth experienced as they seek services from the different criminal justice actors, which makes the process hard for them. Therefore, she recommended for more one-stop centres to be established.

“When a victim is abused, if they are injured, they have to go to a hospital but once they get there, they are told they need to have a PF3 (Police Form number 3) so they have to first return to the police [before they can get treatment]. So that back & forth experience by victims is a challenge in reporting abuse incidences. So in my opinion, if we could start One Stop Centres in almost every district or region, people can go there and get their PF3s, they will be able to receive counselling because there will be social support officers [at the one-stop centre]. They will be able to get medical services and there will also be lawyers so they will be able to get legal advice. So, all of these services being together will reduce the challenges” (RA4-J-TZ-01-A, Government Legal Aid Lawyer, Ministry of Constitutional and Legal Affairs).

One respondent noted that a challenge relating to reporting OCSEA cases is that sometimes police officers, including those at the police gender and children desk, do not take OCSEA cases seriously.

¹¹ Government of the United Republic of Tanzania. (2009). [The Law of the Child Act No. 21 of 2009](#), Section 95(1).

“In one case, I think the hardest thing I learnt at the police is that even at the Gender and Children Desk, police do not take this abuse [online abuse] seriously so the child does not get justice. So experiencing OCSEA is a terrible thing but when a police officer takes your case and what you’ve experienced lightly and acts as though it can be easily solved, is a very hard thing, not only for parents but also for children” (RA4-J-TZ-06-A, Operations Manager, Linda community (CBO)).

There is, therefore, a need to create awareness also among criminal justice actors on OCSEA and the serious impact it has on child victims.

Participation in the Justice Process

Description of how children participate in the criminal justice process

It was explained by the respondents that the first contact of victims of OCSEA with the criminal justice system is during the interview with the child for purposes of recording a statement. According to one respondent, the police at the gender and children desk ensure the privacy of the child by interviewing in a private place (RA4-J-TZ-02-A, Assistant Inspector of Police, Police Gender and Children Desk, Tanzania Police Force). This contributes towards preserving the dignity of the child but also the child's identity and privacy, in accordance with the Anti-Trafficking in Persons Act, which provides for the protection and safety of private life and identity of the victims of trafficking, including children trafficked for child sexual abuse material.¹²

“So once a case like this [case of sexual abuse] is reported at the Gender and Children Desk, we ensure confidentiality. So, we take the child to a private place and we interview him/her there because it is important to build a good rapport with the child so he/she can explain what happened properly” (RA4-J-TZ-02-A, Assistant Inspector of Police, Police Gender and Children Desk, Tanzania Police Force).

The other representative from the police gender and children desk indicated that police officers from this unit are trained on how to handle children.

“Officers working at the Gender and Children Desk have been trained and are continuously trained from time to time on how to work with children. They attend various training sessions prepared by NGOs or the government. So, there isn't a single officer who works at the Gender and Children Desk that hasn't been trained on how to serve and work with children” (RA4-J-TZ-04-A, Assistant Inspector of Police, Police Gender and Children Desk, Tanzania Police Force).

Despite the respondent from the gender and children's desk explaining that officers are trained, another respondent indicated that even at the police gender and children desks, police officers are harsh and lack understanding of online cases specifically. He noted that children, and especially victims of OCSEA, are subjected to secondary victimisation due to a lack of understanding on the part of the officers.

“When we report a case of a child who has been abused online, the challenge they face especially at the police station is secondary victimisation. I think police officers do not have adequate training on how to interview these children and instead what happens is as they interview the child, they traumatise them all over again. The police are very harsh, they blame the children as if they understood exactly what was happening. I think that is the biggest challenge they face. (...) Yes, it is at these Gender and Children Desks” (RA4-J-TZ-06-A, Operations Manager, Linda community (CBO)).

Besides the police recording statements of the child victim, a social support officer also indicated that, in her capacity, when a case of sexual abuse case is reported to her she also records a statement of the child victim which she submits to the police for further investigation.

¹² Government of the United Republic of Tanzania. (2008). [The Anti-Trafficking in Persons Act No. 6 of 2008](#), Section 9(1).

“I also take personal statements from the child who has been sexually abused and I write this down and take it to the police. The police are the ones who now take the case forward for further investigation” (RA4-J-TZ-07-A, Social Support Officer, Ilala Municipal).

This shows that, even at the stage of reporting and interview with criminal justice professionals, victims are potentially subjected to secondary revictimisation as they have to narrate their traumatic experiences multiple times, a practice that is not in alignment with the child-friendly principle of reducing interviews to a minimum.

Concerning which courts deal with cases of child victims of abuse seeking justice against perpetrators (including OCSEA victims), it emerged that a case can be heard in either a juvenile court or a regular court. One respondent explained that those child victims whose cases are within the juvenile court system (or whose cases are handled in courts where the officers have been trained) experience a more child-friendly justice process compared to those whose cases are in regular courts. This, she explained, is because the justice actors in the juvenile courts are trained and therefore follow the necessary procedures set under the law (RA4-J-TZ-12-A, Social Support Officer, Kigamboni Municipal).

“Those [victims of sexual exploitation and abuse] who are at the juvenile court have no problem, the people there work very well [with children]. Those who have been trained also work well [with children]. The problem is with the hearings that are held in normal courts that don’t follow procedures for handling children. The hearings that are held in juvenile courts have no problem” (RA4-J-TZ-12-A, Social Support Officer, Kigamboni Municipal).

A respondent from the Ministry of Constitutional and Legal Affairs explained that juvenile courts are not in every region, so cases of child victims sometimes have to be heard in regular courts. The respondent noted that regular courts also try to meet the conditions for hearing children’s cases as provided in the Law of the Child Act (RA4-J-TZ-01-A, Government Legal Aid Lawyer, Ministry of Constitutional and Legal Affairs).

“Tanzania does not have juvenile courts in every region. There are very few court stations that have juvenile courts. Although even the court stations that do not have juvenile courts try their best to meet the conditions required for hearings of children’s cases, it would be even better if we had juvenile courts in every district or every region, I think it would reduce the challenges faced by child victims” (RA4-J-TZ-01-A, Government Legal Aid Lawyer, Ministry of Constitutional and Legal Affairs).

The information provided by the two respondents (RA4-J-TZ-01-A, RA4-J-TZ-12-A), concerning cases involving child victims being heard in regular courts is consistent with the finding provided in the child justice strategy- 2013-2017 of the Ministry of Constitutional and Legal Affairs. The strategy states that ‘while cases involving child victims, where the perpetrator is a child, will be heard in the juvenile court, the majority of crimes against children are committed by adults and therefore will be held in regular

courts'.¹³ The child justice strategy does however state that 'steps need to be taken to ensure that both juvenile courts and other courts operate in a child-friendly manner.'¹⁴

According to the respondent from the Ministry of Constitutional and Legal Affairs, there are some specific conditions that courts are supposed to meet when handling a case involving a child:

"For juvenile courts, we know that all court hearings should be held in camera, as they require the utmost confidentiality. And even then, the environment needs to be friendly. The police for instance are not supposed to have their guns. So juvenile courts try to create an environment that dispels fear so that children can feel comfortable and can explain themselves" (RA4-J-TZ-01-A, Government Legal Aid Lawyer, Ministry of Constitutional and Legal Affairs).

A social support officer noted that although the regular courts handle cases involving children as victims, they are not child-friendly due to their set up and the approach of the court officials.

"The challenge is the structure [of regular courts] and the way questions are asked. A magistrate may ask the child a difficult question. The environment is not child-friendly. (...) Children also have a hard time when they are in testifying in court often because they see so many new people. And the structure of the courts itself creates fear in children, those are the big problems" (RA4-J-TZ-12-A, Social Support Officer, Kigamboni Municipal).

Based on the interviews, victims of OCSEA appear to be interviewed for victim statements several times by different professionals when a case has been reported. OCSEA cases can be heard in either regular courts or, when the perpetrator is a minor, in juvenile courts. Where children's cases are processed in juvenile courts, the interviewed justice professionals were of the opinion that cases are relatively well-handled. Nevertheless, most cases of OCSEA are committed by adults and would therefore go through a regular court, which do not always have the same level of training and child-friendly procedures as the juvenile courts. To ensure that all victims of OCSEA experience a child-friendly justice process, which includes reducing interviews to a minimum, ensuring that interviews and hearings are conducted in a child-friendly manner and environment, and protecting the privacy of the child, there is a need to regularly train magistrates in both the regular courts and the juvenile courts on child-friendly measures provided in the law as well as on OCSEA.

Description of what criminal justice professionals see as the hardest part for children taking part in criminal cases against their abusers

Two respondents (RA4-J-TZ-04-A, RA4-J-TZ-06-A) pointed out that one unique difficulty that makes it hard for child victims of OCSEA seeking justice is that reported cases do not always progress beyond the police station level. Various reasons for this were provided by the respondents.

¹³ Ministry of Constitutional and Legal Affairs. (2012). [Child Justice -A five-year strategy for progressive reform 2013-2017](#), page 70.

¹⁴ Ministry of Constitutional and Legal Affairs. (2012). [Child Justice -A five-year strategy for progressive reform 2013-2017](#), page 70.

Firstly, a respondent from a community-based organisation implementing a program on OCSEA indicated that most of the OCSEA cases they have reported to the police have not proceeded beyond the police station because the perpetrator could not be found.

“Most cases of OCSEA end at the police station because it is hard to find the perpetrator. You may find that a child met their perpetrator on Messenger and they communicated and the child was groomed online. Then we later get information that the child has been found at the bus stand or a Guest House. When we talk to the child trying to determine who and where the perpetrator is, it is hard to find out so we report the case to the police station and we leave it to them. We’ve tried baiting these perpetrators a few times but it has still been hard” (RA4-J-TZ-06-A, Operations Manager, Linda community (CBO)).

Secondly, a respondent from the police gender and children desk noted that sometimes OCSEA victims who have met their perpetrators online have used other people’s phones, which makes it difficult to get the evidence of their interaction.

“Sometimes a child may have met [his/her perpetrator] on Facebook or Twitter or any other site but you may find that when they did so, they were not using their own device, they may have used somebody else’s device which makes it hard to trace [the interaction] from how it started to how it ended” (RA4-J-TZ-04-A, Assistant Inspector of Police, Police Gender and Children Desk, Tanzania Police Force).

Thirdly, a respondent from the cybercrime unit indicated that OCSEA victims whose perpetrators are relatives do not provide information on the case, either because they do not understand what happened to them or because of fear of incriminating the relative.

“Sometimes the offender may be the victim’s parent or some of the family members. So if the case comes to law enforcement the child may feel, that maybe she should not cooperate with you because you are a stranger and she cannot take the family member to the court. So there’s the problem of false information from children because maybe they don’t understand, and sometimes because of fear and the circumstances around the case.” (RA4-J-TZ-08-A, Assistant Inspector of Police (DSM), Cyber Crime Department, Tanzania Police Force).

Coming face to face with the perpetrator was indicated by at least three respondents (RA4-J-TZ-02-A, RA4-J-TZ-03-A, RA4-J-TZ-12-A) as one of the hardest experiences of a child victim of sexual abuse going through the criminal justice system. In this regard, one respondent noted that it is not always possible to shield the child from seeing the perpetrator in normal courts, while another noted how this may influence the child’s testimony.

“When children attend court hearings, they will most likely see the perpetrator and most of the times as soon as they see their perpetrator, they get scared which means you have to calm them down. Oftentimes the social support officer helps to protect the child from seeing the perpetrator, but in a normal court the child cannot avoid seeing the perpetrator face-to-face because [the perpetrator] will inevitably sit in front and face the child” (RA4-J-TZ-12-A, Social Support Officer, Kigamboni Municipal).

“Even the sitting arrangement in the courtroom; when you take the child to [regular] court and they directly face their perpetrator, there may be eye signals or gestures [from the perpetrator] which may cause the child to change. So we should ensure by any means that when a child attends court hearings, they do not meet the perpetrator until a verdict is reached. That is one challenge that I can speak on” (RA4-J-TZ-03-A, Social Worker, SIKIKA).

Having to tell their story over and over again to different justice actors, is another issue that was indicated by a respondent as traumatic to a child.

“A lot of child victims try to explain what happened step by step which does re-traumatise them a lot because they have to talk about it (...) not once, but several times with different people and some don't have the right experience in interviewing the child in a comfortable way that will not re-traumatise them” (RA4-J-TZ-11-A, Medical Doctor, One Stop Centre, Muhimbili National Hospital).

At least four respondents (RA4-J-TZ-02-A, RA4-J-TZ-05-A, RA4-J-TZ-07-A, RA4-J-TZ-012-A) also noted that cases of child sexual abuse take a long time within the justice system before being concluded. This was indicated by one respondent as causing children to lose trust in the criminal justice actors as well as interest in the case (RA4-J-TZ-12-A, Social Support Officer, Kigamboni Municipal). Another respondent also noted that children forget the details of their cases when there is a delay (RA4-J-TZ-02-A, Assistant Inspector of Police, Police Gender and Children Desk, Tanzania Police Force). Reasons given for delays include a long investigation process, a backlog of cases and few juvenile courts.

“For Tanzania, cases are not supposed to go beyond a year - 6 months - but you find that cases go beyond this time. Prosecutors don't bring evidence on time and investigations take too long. (...) In cases that take a long time, children often lose interest, they stop trusting anyone and at the end of the day they deny everything because they no longer want to explain themselves, which destroys the evidence and the case. So when a child loses interest, their case is lost” (RA4-TZ-12-A, Social Support Officer, Kigamboni Municipal).

“Many cases take a long time in the justice system once they get to court, a child may have forgotten many details. (...) That's a challenge. And the challenge is the juvenile courts. In Dar es Salaam, for example, there is a court called Kisutu which is the court where hearings for juvenile cases are held. There are so many cases and only one court therefore this makes it difficult and it causes cases to take a long time [in the justice system]”. (RA4-J-TZ-02-A, Assistant Inspector of Police, Police Gender and Children Desk, Tanzania Police Force).

“And sometimes the cases take a long time –and the child may forget some details and exactly what they said in the initial interviews, which is a problem” (RA4-J-TZ-05-A, Communication Officer, TOCOSODE (CSO)).

“The process of gathering evidence can sometimes take a long time. So, this is still not child-friendly and eventually, you may find that the case does not proceed very well” (RA4-J-TZ-07-A, Social Support Officer, Ilala Municipal).

Nevertheless, one of the respondents also indicated that, in her opinion, cases concerning children are generally prioritised and finalised as quickly as possible compared to cases involving adults.

“Honestly, cases involving children are given the highest priority so that they are closed in a very short time because the law itself states that they should be given a priority – there are guidelines available. So handling children’s issues is different from handling adult issues. so the law requires that these cases are handled quickly and that justice is served” (RA4-J-TZ-01-A, Government Legal Aid Lawyer, Ministry of Constitutional and Legal Affairs).

Corruption was also indicated by two respondents (RA4-J-TZ-06-A, RA4-J-TZ-11-A) as a hindrance to children obtaining justice against their perpetrators, as the child's family or the prosecutor is bribed which results in the case being compromised.

“There is also a challenge of corruption, which to a large extent is a barrier to children getting justice. What [the perpetrator’s] family members do – and this is particularly for offline child sexual abuse cases – is they communicate with the family of the child who has been sexually abused and they later pay a small amount, a bribe. Or the prosecutor may be paid off and the child fails to get justice” (RA4-J-TZ-06-A, Operations Manager, Linda community (CBO)).

“When you go to the police, there's a lot, a lot of people having difficulties. Parents say, that - for three years I have been following up this case and nothing has been done. (...) Sometimes they talk about the system, they [police] want to be bribed for the case to move. If that person [the perpetrator] has money, they bribe so it becomes a bit difficult for anything to happen. So when parents hear these hassles or they think about it, they'd rather not report” (RA4-J-TZ-11-A, Medical Doctor, One Stop Centre, Muhimbili National Hospital).

With regard to OCSEA, the respondents spoke about issues like the difficulty to gather evidence and of cases not proceeding beyond the police station, making accessing justice for OCSEA victims very difficult. Moreover, the respondents mentioned several difficulties in relation to cases of offline child sexual abuse and exploitation, such as the delay in cases, having to face the perpetrator in court, corruption, and the repetitive process of relaying the abuse incident over and over again. However, such difficulties are relevant to OCSEA victims as well, as these are general issues that apply to all children's cases that are within the criminal justice system, no matter the kind of abuse involved. It is therefore important for the government to resolve these systemic issues to improve access to justice for all children that come in contact with the law, including victims of OCSEA.

Description of what is done by different criminal justice professionals (police, judges, prosecutors, lawyers, or other relevant staff) to make the process easier for children

The actions by criminal justice actors that were noted as making the process easier were those that aligned their actions with the child-friendly measures outlined in the Law of the Child Act (juvenile court procedure rules).

At the police station, the actions mentioned by respondents as making the criminal justice process easier for child victims (generally, not just in OCSEA cases) include: using child-friendly interview

techniques (mentioned by two respondents RA4-J-TZ-03-A, RA4-J-TZ-04-A), dressing in non-formal clothes¹⁵ (mentioned by three respondents RA4-J-TZ-03-A, RA4-J-TZ-04-A, RA4-J-TZ-07-A), and having a familiar person present during the interview process (mentioned by one respondent RA4-J-TZ-04-A).

“Police at the gender and children desk use friendly language. So when they notice that the child is becoming uncomfortable they let the child go for a while and they give the person who accompanied the child room to speak to the child once again. But also, most times the police at the Gender and Children Desk who interact with children do not wear police uniforms so that makes the child view them as normal civilians but if they were to wear their uniform, it would instill more fear in the child. So I think that is something I have noticed being done” (RA4-J-TZ-03-A, Social Worker, SIKIKA).

“They [child victims of child sexual abuse] do not meet with anyone who is in uniform, they just meet with people [dressed as civilians]. Besides, they are escorted by their parents/guardians and everyone present in that room is friendly and the child sees that they are normal which helps to reduce the fear” (RA4-J-TZ-04-A, Assistant Inspector of Police, Police Gender and Children Desk, Tanzania Police Force).

One respondent cautioned that the experiences she shared were specific to Dar es Salaam. She indicated that standards for the police gender and children desks are not the same across the different regions and that those in Dar es Salaam are better than in other areas. She explained that not all stakeholders are trained and nor do they have as much experience in working with child sexual exploitation issues as the police in Dar es Salaam. She also noted that the stakeholders in Dar es Salaam have more support from civil society organisations.

“There are still a lot [of actors] that do not have the knowledge nor do they have adequate skills. As I said, I’ve shared the experience in Dar es Salaam where at least people have started to work [on these issues] and as you know, most NGOs are in Dar es Salaam. But when you go to other regions and more remote areas there is still a challenge and sometimes these incidents are not even reported to police stations” (RA4-J-TZ-04-A, Assistant Inspector of Police, Police Gender and Children Desk, Tanzania Police Force).

Most of the criminal justice actors interviewed (8 out of 10) were from Dar es Salaam. Only two respondents were from other locations; one respondent (who works with a community-based organisation) was from Mwanza and the other one from Dodoma (respondent RA4-J-TZ-01-A, Government Legal Aid Lawyer, Ministry of Constitutional and Legal Affairs).

During court hearings, the steps taken by the court to make the process easier for child victims of sexual abuse include: protecting the child from seeing the perpetrator (mentioned by two respondents RA4-J-TZ-04-A, RA4-J-TZ-07-A); ensuring parents/guardians accompany their children to court¹⁶ (mentioned by one respondent RA4-J-TZ-07-A); having the social support officer present in

¹⁵ Government of the United Republic of Tanzania. (2016). [Law of the Child \(Juvenile Court Procedures\) Rules 2016](#), Rule 7(5).

¹⁶ Government of the United Republic of Tanzania. (2009). [The Law of the Child Act No. 21 of 2009](#), Section 99(1)(b)-(e).

court with the child¹⁷ (mentioned by one respondent RA4-J-TZ-07-A); having prosecutors prepare the child for court hearings (mentioned by one respondent RA4-J-TZ-04-A); having a child-friendly seating arrangement in court (mentioned by one respondent RA4-J-TZ-07-A); having the magistrate and other court officials dress informally (mentioned by one respondent RA4-J-TZ-07-A); and conducting the hearings in camera¹⁸ (mentioned by two respondents RA4-J-TZ-07-A, RA4-J-TZ-08-A).

“I’ve attended the juvenile court in Kisumu as a probation officer, so I witnessed that the police do not wear their uniform, the judge is also dressed casually; the social worker is also dressed casually. So, they sit around a table as they would at home, face to face. It is friendly and the child is comfortable to express themselves. I’ve seen this being done. In the case that I witnessed; the perpetrator did not attend so that the child would not be afraid. The court is closed. There are only a few people present, not everyone can attend the hearings” (RA4-J-TZ-07-A, Social Support Officer, Ilala Municipal).

“Sometimes we place the perpetrator behind a window so the child cannot see him/her directly which helps the child feel less scared” (RA4-J-TZ-04-A, Assistant Inspector of Police, Police Gender and Children Desk, Tanzania Police Force).

“Whenever there is a case involving a child, public prosecutors are the ones who prepare the child and explain to them what will happen, where they’ll go and they encourage the child to tell them if they are tired. So there is someone who guides the child during the case” (RA4-J-TZ-04-A, Assistant Inspector of Police, Police Gender and Children Desk, Tanzania Police Force).

“I feel the standards are there. If the court finds out the case is very sensitive and it may affect the future of the children, usually, they prepare special session that will not involve other individuals who are not directly concerned. So it’s the separation making, making it exclusive to unwanted individuals. That is always done, but also hiding some of the information to media, because sometimes journalists would go there and report the matter, so information is also not disclosed to protect the interests of the children” (RA4-J-TZ-07-A, Social Support Officer, Ilala Municipal).

“When there’s a court proceeding, social support officers also go there to ensure that the children are protected and to make sure that the children are not afraid of what is going on. (..) they are always there ensuring that the child is protected” (RA4-J-TZ-07-A, Social Support Officer, Ilala Municipal).

Although it was indicated by a social support officer that parents are permitted to attend court with their children, she also indicated that sometimes transport to bring the children to court is a challenge for poor parents.

“The child is usually brought by their parents. If they [the child] live with the uncles, they would always show up for the court proceedings, but it may be difficult to get transport to take the child there [to court]” (RA4-J-TZ-07-A, Social Support Officer, Ilala Municipal).

¹⁷ Government of the United Republic of Tanzania. (2009). [The Law of the Child Act No. 21 of 2009](#), Section 97(1); Section 99(1)(b)-(e).

¹⁸ Government of the United Republic of Tanzania. (2009). [The Law of the Child Act No. 21 of 2009](#), Section 97(1);

In addressing this challenge of transport, three respondents (RA4-J-TZ-02-A, RA4-J-TZ-03-A, RA4-J-TZ-07-A) noted that transport for the child victim is sometimes covered by either the court (as reimbursement for transport on the day the child attends court as a witness), by the government social support department, or by civil society organisations involved in the case. Even though the Anti Trafficking in Person Act provides for a fund that called the ‘Anti-Trafficking Fund’ that can support victims of trafficking with the basic material needs,¹⁹ no respondent indicated any support for court attendance from this fund for victims.

One respondent (RA4-J-TZ-02-A) noted that transport costs are reimbursed by the court while two respondents (RA4-J-TZ-07-A, RA4-J-TZ-03-A) indicated that the social support department sometimes also provides transport for victims whose parents cannot afford it.

On the transport reimbursement facilitated by the court, one respondent explained that *“the government has put in place a system for compensating witnesses for things like their transport costs on the days they attend hearings to testify.”* The respondent went on to explain that *“this reimbursement is specifically given to witnesses so ‘if the [victims] parents want to follow the case proceedings closely and listen to other witnesses’ testimonies, the government does not compensate them for the extra expenses. They are only compensated when they have received a summons to appear in court”* (RA4-J-TZ-02-A, Assistant Inspector of Police, Police Gender and Children Desk, Tanzania Police Force).

Concerning transport provided by social support, it was noted that this happens by either picking the child from a shelter for example and transporting them to court (RA4-J-TZ-03-A) or by giving the parents of the child victim money to take the child to court. (RA4-J-TZ-07-A) .

“If they were brought [to the shelter] by a municipal social support officer, the [social support officer] will come to get the child at the shelter with their own transport and one of our staff will accompany them” (RA4-J-TZ-03-A, Social Worker, SIKIKA).

“In the social support unit, the social support officers provide money from the government petty cash for transport costs for children whose parents are unable to afford the costs of going to court. So, they give money to those families who are unable to afford to attend court” (RA4-J-TZ-07-A, Social Support Officer, Ilala Municipal).

Even though a social support officer (RA4-J-TZ-07-A) also explained that social support officers accompany the child victims to court for the court hearings, the Ministry of Constitutional and Legal Affairs, in its child justice strategy 2013-2017, indicated that most child victims do not have access to a social support officer to assist them during court proceedings.²⁰ This is because, at ward and village

¹⁹ Government of the United Republic of Tanzania. (2008). [The Anti-Trafficking in Persons Act No. 6 of 2008](#), Section 27 (a)

²⁰ Ministry of Constitutional and Legal Affairs. (2012). [Child Justice -A five-year strategy for progressive reform 2013-2017](#), page 72.

levels, government officers (including social support officers) rely on volunteers as there are fewer government officers at those levels.²¹

Moreover, whilst the Law of the Child (Juvenile Court Procedures) Rules 2016 allows a child victim to be assisted by a *guardian ad litem*,²² none of the respondents indicated whether or not the court indeed appoints such a guardian, especially where the social support officers are not available. In July 2019, the Ministry of Health, Community Development, Gender, Elderly and Children developed a guide for the guardian ad litem scheme. The guide states that ‘Guardian Ad Litem are going to be volunteers’.²³ From the interviews, it was not clear if this scheme is already being implemented in support of child victims of sexual abuse and exploitation, especially in the absence of the social support officers or legal aid lawyers.

Description of what is done by different criminal justice professionals (police, judges, prosecutors, lawyers, or other relevant staff) to make the process harder for children

Even though criminal justice actors indicated that child-friendly standards, as outlined in the Law of the Child Act, as well as the Law of the Child (Juvenile Court Procedures) Rules of 2016, are followed, it emerged from the interviews that this does not happen in all circumstances. One social worker explained that training of criminal justice actors is crucial as those who have been trained follow the procedures laid down in the law but those who are not, do not. She indicated that most criminal justice actors in juvenile courts are trained and this makes a difference in the way children are treated in those courts compared to normal courts.

“If the police understand, they make [the process] easier but if the police or judge have not been trained, they don’t bother because not everyone understands how children’s cases should be handled. Those who are at the juvenile court have no problem, they work very well [with children]. Those who have been trained also work well [with children]” (RA4-J-TZ-12-A, Social Support Officer, Kigamboni Municipal).

Three respondents (RA4-J-TZ-05-A, RA4-J-TZ-11-A, RA4-J-TZ-12-A) indicated that cases involving children as victims are not always held in closed court as provided in the law,²⁴ and therefore anyone, including the media, can attend court proceedings.

“There was one case that was held in open court. You know, when you take the child to open court and he/she has to take the stand and testify with a lot of people present, judges dressed in their robes and the accused is also present, the child will be filled with fear and you will find that the child’s testimony will not be the same as how he/she spoke when you first interviewed them because there weren’t so

²¹ Tanzania Ministry of Community Development, Gender and Children; UNICEF and Global Affairs Canada. (2015). [Building a holistic child protection system, step by step, in the United Republic of Tanzania](#), page 14.

²² Government of the United Republic of Tanzania. (2016). [Law of the Child \(Juvenile Court Procedures\) Rules 2016](#), Rule 15(4)

²³ Ministry of Health, Community Development, Gender, Elderly and Children (2019) A guide for the guardian ad litem scheme page 2

²⁴ Government of the United Republic of Tanzania. (2009). [The Law of the Child Act No. 21 of 2009](#), Section 97(1); Section 99(1)(b)-(e).

many people present. (...)and besides [cases of sexual abuse] also carry an element of shame” (RA4-J-TZ-05-A, Communication Officer, TOCOSODE (CSO)).

“Most of the courts here are open so with these kinds of cases [child sexual abuse and exploitation] the media can go there, the media that cover abuse or work on-court issues. They are welcomed to be there” (RA4-J-TZ-11-A, Medical Doctor, One Stop Centre, Muhimbili National Hospital).

At least two respondents (RA4-J-TZ-07-A, RA4-J-TZ-12-A) also noted that police officers and courts officials do not always dress informally as is required under the law.²⁵

“Often you find that children are afraid of police uniforms and sometimes judges put on their court robes. So this environment makes it hard for children because very few police have been trained on how to handle children’s cases. Many attend court hearings wearing their uniform” (RA4-J-TZ-12-A, Social Support Officer, Kigamboni Municipal).

A social support officer noted that in her capacity, she never explains and has never seen anyone explain to the child step by step what to expect in the justice system.

“We don’t really do that [explain to the child what to expect in the criminal justice system]. We are just by the child’s side but we don’t really tell him/her what will happen or narrate the whole process. I have never seen this be done. So the child is brought on the day of the trial but actually explaining the process step by step for the child to understand, I have not seen that yet” (RA4-J-TZ-07-A, Social Support Officer, Ilala Municipal).

The issuing of bail to perpetrators of child sexual abuse was noted by five respondents (RA4-J-TZ-03-A, RA4-J-TZ-04-A, RA4-J-TZ-05-A, RA4-J-TZ-07-A, RA4-J-TZ-12-A) as an action taken by the court that makes it harder for child victims of abuse to access justice, as perpetrators on bail use the opportunity to weaken the case by either intimidating the child or interfering with witnesses.

“When perpetrators of child sexual abuse are caught, most of them are released on bail since these offences are bailable. So they are free and just attend court hearings” (RA4-J-TZ-03-A, Social Worker, SIKIKA).

“It reaches a point as the case is still proceeding, the perpetrator may be out on bail and he/she can go speak with those involved and bribe them for their silence. So when we come to look for the witnesses, we cannot find them and the case is ruined” (RA4-J-TZ-04-A, Assistant Inspector of Police, Police Gender and Children Desk, Tanzania Police Force).

“Perpetrators of child sexual abuse should not be granted bail as this provides them with loopholes to win these cases either through bribing or intimidation” (RA4-J-TZ-07-A, Social Support Officer, Ilala Municipal).

²⁵ Government of the United Republic of Tanzania. (2009). [The Law of the Child Act No. 21 of 2009](#), Section 97(1); Section 99(1)(b)-(e).

From the interviews, it emerged that the application of the child-friendly standards provided under the law is not standard procedure in all courts. This shows a lack of awareness on the part of all criminal justice actors of what is required of them, which is also bound to affect child victims of OCSEA as their cases will be handled by these justice actors. Many respondents were of the view that continuous training of criminal justice actors on child-friendly measures is important as a means to support children, including victims of OCSEA, access justice.

Compensation

Though the Anti-Trafficking in Persons Act and Cybercrimes Act entitle child victims of OCSEA to receive compensation from offenders,^{26,27} none of the respondents were aware of a case in which a victim of OCSEA had received compensation. Whilst it was not clear from the interviews as to the reasons for this, a possible explanation is that cases of OCSEA are not common as yet.

However, regarding other forms of child sexual abuse, 50% of the respondents confirmed having knowledge of a case where a court, during sentencing, had ordered a perpetrator to compensate the child victim.

“There was a rape case of a child and the judge sentenced the perpetrator to 30 years in prison as well as paying a compensation of 2 million shillings [approximately 860 US dollars]” (RA4-J-TZ-02-A, Assistant Inspector of Police, Police Gender and Children Desk, Tanzania Police Force).

The remaining 50% of the respondents were not aware of any case where compensation was given.

“In my experience, that has never happened. What I’ve observed most times is that once they prove that the perpetrator is guilty, he/she is sentenced to prison but the child isn’t given any kind of compensation, not even education. So that’s an area I find has a gap” (RA4-J-TZ-04-A, Assistant Inspector of Police, Police Gender and Children Desk, Tanzania Police Force).

“Honestly, I have never encountered compensation. Like I said, if a person is accused and imprisoned, that is the end of it. That’s why I said even if these perpetrators are imprisoned, the children should be compensated. Because they are sent to jail but the child does not get anything” (RA4-J-TZ-07-A, Social Support Officer, Ilala Municipal).

Out of the 10 respondents interviewed, only two (RA4-J-TZ-01-A and RA4-J-TZ-03-A) indicated compensation as a common practice, while another two (RA4-J-TZ-02-A, RA4-J-TZ-12-A) noted that although compensation does happen, it is rare.

“Based on my experience, some perpetrators are told to pay compensation but these are very few” (RA4-J-TZ-12-A, Social Support Officer, Kigamboni Municipal).

Based on the interviews, it is evident that, although in some instances courts do give orders for perpetrators to compensate child victims of sexual abuse and exploitation, this practice is still far from standard. Unless compensation becomes standard practice, this might negatively impact victims of OCSEA as there will be no guarantee that victims will receive compensation.

In terms of how victims of OCSEA are supported to seek compensation, none of the respondents indicated clearly whose mandate and responsibility it is to make an application to the court for this. Even though there was confirmation that compensation is received in some instances, respondents did not provide information on who applied for it. The researchers did not have the opportunity to

²⁶ Government of the United Republic of Tanzania. (2008). [The Anti-Trafficking in Persons Act No. 6 of 2008](#), Section 15.

²⁷ Government of the United Republic of Tanzania. (2015). [The Cybercrimes Act No. 14 of 2015](#), Section 13(3); Section 48(2).

interview either a magistrate or a prosecutor²⁸ and hence there is no clear information on how victims are supported in seeking compensation against their perpetrators and by whom.

There was no information provided by the respondents on the experiences of justice actors when seeking compensation from the court on behalf of child victims of sexual exploitation. What was shared by the respondents were the experiences of the professionals after the compensation order has been granted.

In terms of follow up for payment to the child after the compensation order is given, at least two respondents (RA4-J-TZ-02-A, RA4-J-TZ-03-A) mentioned that this is the responsibility of the social support officers.

“If the judge rules on both imprisonment and compensation, the social support officer’s basic mandate is the welfare of the child according to the Law of the Child Act. This means that the social support officer is the one who has to follow up and ensure that the child is compensated [receives the compensation] as per the judge’s ruling” (RA4-J-TZ-02-A, Assistant Inspector of Police, Police Gender and Children Desk, Tanzania Police Force).

Though the two respondents mentioned that social support officers are supposed to do the follow up, at least four respondents (RA4-J-TZ-01-A, RA4-J-TZ-02-A, RA4-J-TZ-03-A and RA4-J-TZ-12-A) indicated that perpetrators do not always pay up the amount of compensation to the child as per the court order (as discussed further in the section below).

One respondent stated that *“following-up is the hard part (..) Most times, the perpetrator will serve the prison sentence but it is rare for them to pay the compensation. Most of them don’t finish paying it and that’s the end of it”* (RA4-J-TZ-03-A, Social Worker, SIKIKA).

The interviews therefore indicate that the follow up for payment from the perpetrator to the victim after a compensation order is granted by the court is weak. Therefore, there is a need to strengthen this support to child victims of sexual exploitation, including OCSEA, can receive actual payments once the court orders the compensation.

From the four respondents that confirmed having participated in a child sexual abuse and exploitation case where compensation was ordered by the court, only one respondent (RA4-J-TZ-01-A) was aware of expenses covered in the compensation order. The respondent indicated that *“the costs for all the movements in general are calculated by the court at the very end and then the accused is supposed to compensate the victim”* (RA4-J-TZ-01-A, Government Legal Aid Lawyer, Ministry of Constitutional and Legal Affairs).

The same respondent provided an example of how the court, in a particular case she witnessed, had arrived at the amount to be paid by the perpetrator as compensation to the victim.

“There was a child who had been raped by a neighbour. So the case was brought to Kisutu and at the end of the day, the perpetrator paid all the costs incurred by the victim. We told [the victim] to submit all receipts including tickets for buses, taxis, medical fees incurred. So in the end, the young man paid all the costs when the case was closed” (RA4-J-TZ-01-A, Government Legal Aid Lawyer, Ministry of Constitutional and Legal Affairs).

²⁸ Though consistent requests were made to the judiciary and to the office of the Director of Public Prosecutions, the confirmation and nomination to interview a magistrate and prosecutor were not processed within the data collection period and data collection was thus concluded without the interviews of these two important justice actors.

From the example provided by the respondent, the court in the particular case did not go beyond ordering the actual expenses incurred by the respondent. There is no indication that the court ordered compensation for the emotional and psychological damages caused by the crime.

Since the researchers did not interview a magistrate and a prosecutor, it was not possible to ascertain if there are cases where the compensation order includes emotional and psychological damages related to the crime.

One respondent emphasised the importance for compensating victims of OCSEA, especially due to the psychological and long term impact of the crime on the victims:

“Compensation of our children is also very important because, yeah, we cannot substitute the effect of child exploitation with money, but I think something should be done. Because you go through this kind of challenge [abuse], it’s a very disturbing situation and the effect of child sexual exploitation material is almost permanent because online content cannot be removed permanently. So, these children are going to be affected even in the future. I think we need to look for a way we can compensate the victims. It’s something that should be done” (RA4-J-TZ-08-A, Assistant Inspector of Police (DSM), Cyber Crime Department, Tanzania Police Force).

Both the Anti-Trafficking in Persons Act and Cybercrimes Act entitle child victims of OCSEA to receive compensation from offenders,^{29,30} but the two statutes do not guide on what costs or considerations need to be made when making a compensation order against the perpetrator. Therefore, it appears to be left to the discretion of the court to decide what factors to consider when deciding the amount to be paid as compensation. To ensure victims are compensated fairly, there is need to provide guidance for justice actors on what factors to take into consideration when seeking compensation for victims of OCSEA.

Barriers to seeking compensation

Respondents did not indicate any barriers in getting the court to order compensation. However, one reason for this might be that no prosecutors, who potentially play a critical role in seeking compensation, participated in the interviews.

Four respondents noted that there were barriers in regard to the execution of the compensation order once it has been granted. Two respondents indicated that poverty is a barrier that makes the convicted perpetrators unable to pay the compensation ordered against them by the court.

“There are times when a person is told to pay compensation based on the costs incurred [by the victim] from the start of the case to its finish. Some say they do not have the amount that they are told to pay or they cannot pay the compensation in full and instead they pay in instalments. So there are people who pay in instalments and there are others who genuinely cannot pay because they genuinely do not have any money. So, it depends” (RA4-J-TZ-01-A, Government Legal Aid Lawyer, Ministry of Constitutional and Legal Affairs).

²⁹ Government of the United Republic of Tanzania. (2008). [The Anti-Trafficking in Persons Act No. 6 of 2008](#), Section 15.

³⁰ Government of the United Republic of Tanzania. (2015). [The Cybercrimes Act No. 14 of 2015](#), Section 13(3); Section 48(2).

“Another thing is that some people [perpetrators] can’t even afford to pay the compensation” (RA4-J-TZ-12-A, Social Support Officer, Kigamboni Municipal).

Another barrier in obtaining the compensation ordered by the court was pointed by a respondent as the lack of interest by some parents in following up on this payment.

“The accused may be told to pay compensation but some parents feel that their children have already been hurt and don’t see the point in following up the compensation. [Sometimes] parents or relatives deny the child’s right because they feel that compensation does nothing for the child” (RA4-J-TZ-12-A, Social Support Officer, Kigamboni Municipal).

Another respondent indicated that it is difficult to execute compensation orders against perpetrators who receive long prison sentences.

“If a judge sentences a perpetrator to 30 years in prison and also rules that compensation be paid to the victim, the person who has to pay this compensation is the perpetrator who is given terms for how long the compensation should be paid. This means they are required to pay this compensation in full in that time-span so some cannot afford to pay this compensation since they’ve been sentenced to 30 years and are also required to pay 2 million [shillings]” (RA4-J-TZ-02-A, Assistant Inspector of Police, Police Gender and Children Desk, Tanzania Police Force).

As stated earlier, there is need to develop mechanisms that strengthen follow up support to ensure that child victims of sexual exploitation, including OCSEA, can receive actual payments once the court orders for compensation.

Successes

Possibility to highlight one or more cases where (some) things were done well and where the child got proper access to justice

From the interviews with criminal justice professionals, it emerged that OCSEA is not an offence that is commonly reported to criminal justice actors. Respondents noted that, even when OCSEA has happened, the contact abuse is what is prosecuted (meaning that the online component of the offence is disregarded). OCSEA offences with no offline component, and hence no contact abuse, appear not to be prosecuted at all. As a result, none or few cases of OCSEA have been prosecuted as such within the criminal justice system. Due to this, none of the respondents could provide any success story of an OCSEA case that has led to a conviction or where an OCSEA victim has received compensation from the perpetrator.

Challenges / Changes Needed

Main challenges described by the criminal justice professionals

One of the main challenges pointed out by the respondents (8 out of 10) was the lack of training and awareness for criminal justice actors, not only on issues of OCSEA but also on the child-friendly procedures that should be implemented when working with children. They noted that this lack of training contributed to the various provisions of the law not being followed. In response, many respondents recommended for training to be regularly undertaken for justice actors on child-friendly approaches when working with children.

“I recommend that actors like the Gender and Children Desk police officers, lawyers or judges that attend these cases get frequent training – at least every year – on how to handle these cases as well as to create a conducive environment in courts where these hearings are held” (RA4-J-TZ-05-A, Communication Officer, TOCOSODE (CSO)).

“Training on how to handle children’s cases should be provided to service providers such as the police, prosecutors, magistrates & judges because not everyone has this knowledge. At the moment they try to make the environment child-friendly but even then, not everyone has specialized in how to handle children’s cases. So if the environment was child friendly it would help the child be more comfortable” (RA4-J-TZ-01-A, Government Legal Aid Lawyer, Ministry of Constitutional and Legal Affairs).

Another challenge pointed out by at least two respondents is that OCSEA is still a new issue for most of the law enforcement agencies and criminal justice actors.

“OCSEA is still a very new issue for most of us. Even when you tell the police about online child exploitation and abuse, it will take a long time for them to understand” (RA4-J-TZ-03-A, Social Worker, SIKIKA).

As a result, capacity building on OCSEA was recommended for all justice actors to enable them to categorise OCSEA cases correctly.

“If possible, capacity building should be done for judges, police, magistrates and other actors so that once you report a case of online child exploitation and abuse it is easy for them to understand what category the case falls under.” (RA4-J-TZ-03-A, Social Worker, SIKIKA).

For the police, one respondent recommended an increased budget to increase their capacity to conduct investigations.

“The third and final thing is to increase the capacity of both the civil society [organisations] and of the police department. In the civil society, there is a need to increase their capacity to work on cases, especially cases of online child sexual exploitation. Likewise, for the police department, increase their funding and technological capacity for them to conduct investigations and collect evidence. I think the government can allocate funds to the police department and civil society to address online child sexual exploitatio” (RA4-J-TZ-06-A, Operations Manager, Linda community (CBO)).

Low awareness of OCSEA was also noted as leading to the distribution of child sexual abuse material by members of the public who are not aware that what they are doing is a crime. It was also noted that child victims of OCSEA are unaware when OCSEA happens to them.

“The awareness [of the public of OCSEA] is very, very low. When it comes to the public, you may find even parents sharing child exploitation material without knowing” (RA4-J-TZ-08-A, Assistant Inspector of Police (DSM), Cyber Crime Department, Tanzania Police Force).

“Most children who fall victim to OCSEA are not even aware of what they are doing. So my advice to the government is that this should be taught in schools so that [children know] that ‘if a person approaches you in such a manner, they do not have good intentions” (RA4-J-TZ-03-A, Social Worker, SIKIKA).

At least three respondents recommended for awareness creation sessions for both children and the general public.

“One main thing would be first to continue or increase awareness of sexual abuse online and the government can do this maybe from in school, include that as part of the education right now” (RA4-J-TZ-11-A, Medical Doctor, One Stop Centre, Muhimbili National Hospital).

“We need to raise the level of awareness on OCSEA” (RA4-J-TZ-08-A, Assistant Inspector of Police (DSM), Cyber Crime Department, Tanzania Police Force).

Main changes suggested to make it easier/better for children to participate in criminal cases against their abusers

Due to the length of time that cases take, and the risk of children forgetting the details of the story, as well as the issue of secondary victimisation, one respondent suggested for the introduction of audio recordings in court.

“I wish the court would accept audio recordings of the child on the day that they first report because the longer the case stays, the easier it is for the child to forget what they went through as children easily forget” (RA4-J-TZ-04-A, Assistant Inspector of Police, Police Gender and Children Desk, Tanzania Police Force).

Another respondent proposed for the introduction of a sex offenders registry, indicating that this was proposed by the Sexual Offenders Act.

“The commission proposed that we need to have a database where we keep a list of child sexual offenders – the perpetrators. This was proposed in a committee that looked into the Sexual Offenses Act, SOSPA, that amended Penal Code in 1998” (RA4-J-TZ-06-A, Operations Manager, Linda community (CBO)).

At least three respondents proposed for bail to be denied to perpetrators of child sexual abuse as, according to the respondents, perpetrators bribe witnesses and even the law enforcement officers thus compromising the access to justice for the child.

“If it is possible, think there shouldn’t be bail for cases of child exploitation especially when it comes to sexual abuse. Once an alleged perpetrator is caught, they should remain locked up until a verdict is reached. I think this would make it easier but releasing a perpetrator on bail as the case is ongoing is challenging” (RA4-J-TZ-03-A, Social Worker, SIKIKA).

“Perpetrators of OCSEA should not be granted bail as this provides them with loopholes to win these cases either through bribing or intimidation” (RA4-J-TZ-05-A, Communication Officer, TOCOSODE (CSO)).

One respondent recommended for the laws to be amended to make child sexual abuse and exploitation cases non-bailable.

“Perpetrators should not be granted bail so that they remain in custody so as not to lose evidence. Otherwise the very next day, the perpetrator is out in the streets and the child sees them. So, to make it easier, they should remain locked up. There shouldn’t be bail for perpetrators the same way we don’t grant bail to offenders accused of money laundering. The laws need to be improved so that these offences are not bailable” (RA4-J-TZ-07-A, Social Support Officer, Ilala Municipal).