**TANZANIA (Country Case Study)**

**[Tanzania] Focal Point:**

**A. Background:** TOWARDS THE REALISATION OF SDG 16+ IN TANZANIA: A CASE STUDY FOCUSING ON ACCESS TO JUSTICE AND INCLUSION

1. **Which UNCT members have collaborated on this case study?**
   - UNICEF
   - UNHCR
   - UNDP
   - UNFPA
   - TGNP Mtandao

2. **Which national partners (governmental and non-governmental) were involved in developing this case study and how?**
   - Ministry of Finance and Planning
   - National Bureau of Statistics
   - Ministry of Constitutional and Legal Affairs (MoCLA)
   - Tanzania Network of Legal Aid Providers (TANLAP);

3. **Does the case study illustrate one or several phases or levels?**
   - [ ] Adapting SDG 16
   - [ ] Implementing SDG 16
   - [x] Monitoring & Reporting on SDG 16
   - [x] National level
   - [ ] Regional level
   - [ ] Local level

**B. Case Study**

**OPTION 1 (pre-structured)**

4. **Country context for the achievement of SDG 16**

   In the United Republic of Tanzania (URT), several critical factors and actions by the government have contributed to the achievements of SDG 16 including the government’s commitment to the realization of the targets through adoption and implementation of relevant policies, laws, supplementary processes and institutionalization of procedures like birth registration and expansion of legal aid services that are calculated to leave no one behind. Other factors include the adoption of a coordinated and multi-stakeholders approach through working with institutions, development partners and civil society, and the establishment of a specific unit to provide adequate oversight and reporting on SDGs. The Government has also taken a strong stance in addressing corruption and is addressing its consequences in Tanzania. Notwithstanding the above positives, progress towards achieving the targets of SDG 16+ remain challenged by unequal access to justice, inadequate infrastructure, uneven national coverage, cultural and institutional biases against women and children as well as insufficient protection of rights for the poor. Additional obstacles to access to justice include cost, limited availability of legal aid services, limited knowledge and awareness of the law and human rights by the public and law enforcers. In Zanzibar, the rule of law is threatened by lack of clear and consistent judicial decision-making at the lower levels of court and by capacity and procedural gaps in the Kadhis1 Court, the court of first instance which is striving to merge the traditional applications of justice with new legal powers, such as contempt of court.

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1 The Kadhis Court1 is the main avenue by which a majority of Zanzibaris seek and access justice, as a local and expeditious court that blends traditional Islamic law, informal and alternative dispute resolution methods and the application of Zanzibar’s governmental laws.
In 2016, the Judiciary designated 130 primary courts as Juvenile Courts which expanded access to justice for children from one functional juvenile court on Tanzania mainland. The designation of new Juvenile Courts reduces pre-trial periods, enhances the concept of best interests of the child, and is poised to minimize violations of children’s rights. The enactment of the Legal Aid Act (2017) and Legal Aid Regulations (2018) has significantly improved access to justice for all including women, children, and other disadvantaged groups under the principle of Leaving No One Behind.

The Legal Aid Act and Regulation have also helped to increase oversight and effective coordination of legal aid services by reinforcing collaboration between Government, (Ministry of Constitutional and Legal Affairs- MoCLA), development partners and Legal Aid Providers (LAPs), (represented by Tanzania Network of Legal Aid Providers-TANLAP). In this regard, the URT has developed and adopted a Code of Conduct which informs, and guides LAPs on the ethical considerations of legal aid service provision, and development and operationalization of a web-based registration and performance monitoring system for LAPs. The government has also developed guidelines and roll out plans for legal aid services in places of detention by concluding MoUs with Tanzania Police Force (TPF) and Tanzania Prison Services as well as finalizing the appointment and capacity building of assistant registrars’ country-wide whose responsibility included registration of LAPs in every district.

Furthermore, the adoption of commemoration of the annual Legal Aid Week since 2017, has facilitated the provision of different types of to approximately 50,000 vulnerable and indigent persons living in rural areas who would otherwise have had no access to legal services and information. MoCLA has also introduced a revised curriculum for paralegals and has embarked on retraining all paralegals countrywide, so that they are able to provide the much-needed legal aid at the community level.

Major strides have also been made in legal identity (SDG 16.7) through specific interventions to increase birth registration by putting in place a ‘one-step one-visit’ simplified birth registration system for children under five. This has been rolled out to 11 out of 26 regions, raising overall certification rate from less than 10 per cent in 2012 to more than 80 percent in 2018, with mainland Tanzania’s certification rate for children under five rising from 12.9 per cent (in 2012) to 34.5 per cent (in 2018). While a birth certificate in and of itself does not guarantee access to services, its absence can put realization of various rights at risk as Government has linked availability of birth certificates to education loans, registering for national identity cards, applying for passports, sitting for Form IV exams and school enrolment (in select areas). Consequently, besides having proof of identity and age, children with birth certificates are better placed to access services.

In terms of inclusion, non-discrimination (16.b) and equal protection of the law, the URT has deployed social welfare officers (SWOs) to support the case management of children with acute protection concerns in the three refugee camps in Kibondo. The SWOs (nine in total) under the current scheme are embedded within the case management operations of the International Rescue Committee (IRC) and Plan International, and provide in-camp case management as well as support access to children in conflict with the law, victims of gender-based violence. (The deployment of the nine is based on the experience of deploying over 100 SWOs during the Burundi influx; however, lessons learned during the influx with what was then three to six month deployments suggested that short term deployments were not in the best interest of
children, and that longer term deployments should be arranged in order to provide more continuity with case management and follow-up with children.) This has further strengthened linkages between the refugee response and national systems and ensured refugee utilization of national protection systems.

Additionally, to further strengthen access to legal services by survivors of SGBV, Tanzania Police Force has created and continues to maintain 430 Gender and children Desks in select districts including in three refugee camps. Moreover, judicial officers, state attorneys, advocates, public prosecutors and social welfare officers have incrementally been equipped with relevant skills to respond to and fast track SGBV cases. To further enhance legal access, Help Age International has since 2018, made available a 24-hour transportation service for elderly persons, children and survivors of SGBV. This has resulted in timely referrals to emergency health services and increased access to the gender Desks as weaknesses are now more willing to approach the police because of assured transport.

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<th>6. Results so far and Way Forward</th>
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| **Way Forward:** With over 4,500 paralegals, nation-wide access to justice for the rural population in difficult to reach areas has been enhanced and according to MoCLA, the priority action for 2019 is equipping these community members and ‘front line sources of information’ with how to give advice on civil and criminal cases including those involving children. In this regard, MoCLA has also introduced a revised curriculum for paralegals and has embarked on retraining all paralegals countrywide, so that they are able to provide the much-needed legal aid and advice at the community level.

There is a need for the URT to continue roll out of legal aid services,” one-step one-visit” services, gender and children desks and Juvenile Courts country-wide as well as to embark on an extensive revision of discriminatory laws including the Marriage Act and others.

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| Government ownership, leadership, domestication and localisation of SDG 16+ by mainstreaming the Agenda into National Development Plans, the adoption of localised indicators and an implementation roadmap worked to ensure that there is a system in place to measure, monitor progress and ensure that government adopts enabling policies and legislation. Limited knowledge and appreciation of SDGs and SDG 16+ were addressed by awareness raising for Permanent Secretaries that was conducted by the Ministry of Finance and Planning as well as through the establishment of thematic SDG data working groups also by the MoFP.

The process of SDGs localization that brought together more than 300 participants from the government, civil society and nongovernment organisations, the private sector and development partners to discuss SDG data roadmap development issues in Tanzania, should be continuous and ongoing.

Lack of a common understanding by government officials and partners was addressed by the establishment of SDG implementation and coordination desk within the Ministry of Finance and planning where information about the Agenda and how it is being implemented can be found.