

Round-ups of street children reveal need for police training and legal reform

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The number of Tanzanian children who live on the streets has increased dramatically in recent years, while concurrently, the services available to these children (e.g. family-based care, employment opportunities, community support systems) has consistently diminished. In fact, since 2001, the response of the Arusha City Council to the street child issue has been to order police round-ups of street children as "vagrants".

Arusha's most widely reported street child round-up happened in September 2001 - an undisclosed number of children were taken into police custody on charges of uzururaji (loitering) and locked in a remand facility for over a month before they were released back to the streets. Since then, District authorities have ordered round-ups of Arusha's street children on March 17, 2004 (18 children arrested and taken to court), in May 2005 (20 children arrested and some held for weeks in a remand facility), and on August 26, 2005 (15 children arrested and detained overnight in an adult facility).

Social workers from the Mkombozi Centre for Street Children who interviewed street children subjected to the round-ups indicate that police round-ups in Arusha follow a troubling pattern: street children are arrested for "loitering" under the antiquated 1944 Townships (Removal of Undesirable Persons) Ordinance; they are detained in police lock-up alongside adult criminals; they are subjected to abuse at the hands of police officials; they are handled without understanding or appropriate services in adult courts; and, they are returned to the streets without any link to community services.

In fact, the Arusha Caucus for Children's Rights recently completed an extensive legal study* which reveals an alarming number of violations of domestic and international humanitarian law during each stage of the child round-up process, from arrest, detention, court processing to remand facility. The study shows that more than 40 specific human rights - guaranteed under legislation such as the United Republic of Tanzania Constitution, the Penal Code, Criminal Procedure Act, the United Nations Convention on the Rights of Child, the International Covenant on Civil and Political Rights and the African Charter on the Rights and Welfare of the Child - are denied to Arusha's street children during round-up. It also shows that street child round-ups violate underlying legal principles of restorative justice, non-discrimination, proportionality, dignity of the person, equality, effectiveness, legality and rule of law.

The Arusha Caucus for Children's Rights is working to improve juvenile justice services in Tanzania and to have repressive legislation repealed. The facts are that Tanzania's legislation relating to children is out-dated or non-existent, and that there are no juvenile courts in Arusha or Moshi (children are currently tried in adult courts without legal representation). It is also true that Tanzanian police officers are ill equipped to work within a child rights context - there is no police training in the treatment of children once officers graduate from college and there are no officers who specialise in child protection.

In this social context, police round-ups of street children actually reinforce stereotypical perceptions of street children as "criminals" and "delinquents" by failing to distinguish between children in conflict with the law (i.e. suspected offenders) and children in contact with the law (i.e. street children and other vulnerable children in need of care and protection). In turn, police round-ups of street children mask the continued failure of Tanzanian Government and civil society to address vulnerable social groups and establish an appropriate juvenile justice system.

Indeed, it is common sense that police round-ups of street children can no longer be tolerated as a judicial response to an urgent social issue in a country whose population is 50% children, 30% of whom are currently at risk of migrating to the streets. The time is at hand to begin the extensive police training, legal reform, awareness raising and advocacy that are essential to achieving true juvenile justice for Tanzania's children.

*Download in PDF format (358KB): <http://www.mkombozi.org/pdf/200510roundups.pdf>

