

ASSESSMENT OF COUNTRY PROGRESS IN CSO ENABLING ENVIRONMENT IN TANZANIA

Report by

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List of Abbreviations

BPAEDC	Busan Partnership Agreement for Effective Development Cooperation
BRELA	Business Registration and Licensing Agency
CIVICUS	World Alliance for Citizen Participation
CSOs	Civil Society Organisations
CWCD	Centre for Women and Children Development
CSO-EE	Civil Society Enabling Environment
EU	European Union
FGDs	Focus Group Discussions
FGM	female-genital mutilation
FHI	Family Health International
ForDIA	Concern for Development Initiatives in Africa
GBV	Gender Based Violence
GoT	Government of Tanzania
HCT	High Court of Tanzania
LGAs	Local Government Authorities
LGBTI	lesbian, gay, bisexual, transgender, and intersex
LHRC	Legal and Human Rights Centre
M&E	Monitoring and Evaluation
MKUKUTA	National Strategy for Growth and Reduction of Poverty
NEC	National Electoral Commission
NGOs	Non-government Organisations
OBRS	Online Business Registration System
OECD	Organisation for Economic Cooperation and Development
OGP	Open Government Partnership
O& OD	Opportunities and Obstacles to Development
RoA	Reality of Aid Africa
SHIVYAWATA	Tanzania Federation of Disabled People's Organizations
TAYOA	Tanzania Youth Alliance
TCRF	Tanzania Child Rights Forum
TECMN	Tanzania Ending Child Marriage Network
TYC	Tanzania Youth Coalition
TYVA	Tanzania Youth Vision Association
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund
URT	United Republic of Tanzania
USAID	United States Agency for International Development
USD	United States Dollars
VAC	Violence Against Children
YUNA	Youth of the United Nations Association

1. INTRODUCTION

1.1 Background

Tanzania is signatory to Millennium Development Goals (MDGs) and since the signing, economic growth and eradication of poverty has been at the heart of the national development agenda and the focus of national development policies. Among the key development policies include the Tanzania Development Vision 2025 and the National Strategy for Growth and Reduction of Poverty (NSGRP II), famously known as MKUKUTA II. Implementation and achievement of country development targets and hence realization of MDGs is a big challenge to most governments in developing countries, hence a call for partnership between the government, donors, private sector and CSOs -in the planning, designing, financing, implementation, and in monitoring and evaluation of country development programs. Tanzania participated in international forums on aid effectiveness and is committed itself to implementing the global partnership agreement on effective development cooperation, also known as the Busan Partnership Agreement.

The Busan Partnership Agreement: In December 2011 representatives from developing countries, developed countries, and bilateral and multilateral institutions endorsed the Busan Partnership Agreement for Effective Development Cooperation (BPAEDC)¹. The agreement, which was made at the 4th High Level Forum on Aid Effectiveness was held in Korea, and it builds on the 2008 Accra Agenda for Action (AAA) that aimed at improving the effectiveness of the global aid system by building stronger and more effective partnerships to enable donor recipients (developing countries) to eradicate poverty, promote peace and prosperity, and realize their development goals.² The Busan Partnership Agreement emphasizes on the need to refocus on aid effectiveness and look into the broader concept of development effectiveness. It promotes the use of country –based approach to effective development cooperation where partnerships for development are led by developing countries and tailored to country specific context and needs. The Agreement also calls for development of country –focused monitoring frameworks and integration of the same into country development priorities and policies in order to achieve effective development outcomes. In essence, the BPAEDC consists of 36 “Partnership Commitments “grouped under four overarching principles of country ownership, inclusive development partnerships, transparency and mutual accountability, and a focus on results. These principles are embedded in continuous efforts to improve the delivery of aid, marked by the five High Level Fora on Aid Effectiveness held in Rome (2003), Paris (2005), Accra (2008), Bussan (2011) and Mexico (2014).³

The adoption of the Busan Partnership for Effective Development Cooperation took the Civil Society Organisations (CSOs) agenda to a new level. Apart from recognizing the vital role of CSOs as important development partners, BPAEDC provides actions to be taken by donors, governments and other

¹ The Forum was held in Busan, Korea from November 29 to December 1, 2011 and it brought together Heads of State, Ministers and representatives of developing and developed countries, heads of multilateral and bilateral institutions, representatives of different types of public, civil society, private, parliamentary, local and regional organizations.

² Making Development Co-Operation More Effective: 2014 Progress Report, OECD, UNDP 2014 p. 95

³ OECD website

development partners to create enabling environment for CSOs to play their role in enabling citizens to claim their rights, in shaping development policies and partnerships, and in overseeing their implementation.⁴ Section 22 of the Busan Partnership Document states very clearly commitments made by parties to:

- (a) ... enable CSOs to exercise their roles as independent development actors, with a particular focus on an enabling environment, consistent with agreed international rights, that maximises the contributions of CSOs to development; and*
- (b) Encourage CSOs to implement practices that strengthen their accountability and their contribution to development effectiveness, guided by the Istanbul Principles and the International Framework for CSO Development Effectiveness.⁵*

Apparently, the eight Istanbul principles for CSO development effectiveness emphasize the need to-respect and promote human rights and social justice; embody gender equality and equity while promoting women and girls' rights; focus on people's empowerment, democratic ownership and participation; promote Environmental Sustainability; Practice transparency and accountability; pursue equitable partnerships and solidarity; create and share knowledge and commit to mutual learning; and commit to realizing positive sustainable change.

The current report is an assessment of the progress made by Tanzania in implementing the Busan Commitments on creating enabling environment for Civil Society Organisations. Specifically, the assessment analyses the extent to which the rights and freedoms affecting CSOs are protected in the Constitution of the United Republic of Tanzania (URT), and in the basic laws and regulations; how the rights and freedoms affecting CSOs are implemented in practice; the CSOs advocacy capacity; and the role played by the Government of Tanzania (GoT) in establishing facilitative institutions for inclusive decision making policy processes; and the Donor-CSOs relationships. This assessment is part of the broader CSOs Enabling Environment study conducted by Reality of Aid (RoA) Africa Network in selected countries of Africa, Tanzania included.

1.2 Objectives of CSOs Enabling Environment Study

The RoA Africa Network - CSO Enabling Environment Study in Tanzania was intended to contribute to the Global Partnership for Effective Development Cooperation (GPEDC) assessment of progress on Indicator 2; initiate dialogue with CSOs around the enabling environment agenda in order to identify opportunities and challenges in creating enabling environment for CSOs at the national level; and work with country level CSO networks to ensure that the CSO-EE agenda becomes part of multi-stakeholder dialogue at country level, and to create channels for input into the process in the UNDP/OECD team for consolidation of the analysis of progress attained in indicator 2 so far.

⁴ The Busan Partnership document p.6

⁵ Ibid. p.7

Specifically, the study aimed at:

- a. Assessing the structural, legal, policy and institutional framework for CSOs operations in Tanzania focusing on Child Rights and Youth organisations;
- b. Analysing the existing policies and institutional framework for inclusive policy processes consistent with the current monitoring framework for Indicator 2; and
- c. Providing recommendations on specific actions that the multi-stakeholders can take to ensure that they fully utilize the opportunities that Busan outcome presents to promote enabling environment for CSOs, including Children rights and Youth organizations.

1.3 The Position and Role of CSOs in Tanzania

Civil Society Organisations can be defined differently depending on purpose, scope, role and the environment in which they operate. This implies that defining CSOs is challenging as it is a continuum from individual citizen activities to those of the group, community, national and even international civil society activities. Thus for one to understand the concept of Civil Society Organisations it is better to look into their main characteristics which include, among others, the following:

- i. Voluntarily created to serve common good;
- ii. Formed outside government structures and therefore independent from government;
- iii. non -profit sharing –where all generated profits or resources are not shared amongst members but rather re-invested in fulfilling organization’s mission;
- iv. Have some forms of leadership and organization structures;
- v. Are Nonpartisan; and
- vi. Have shared values and exercise democratic practices such as tolerance, inclusion, non-violence, and commitment to fulfilling organization’s mission.⁶

Examples of CSOs include; faith-based associations, labour unions, farmers associations, NGOs, local community groups, professional organizations, business forums, philanthropic foundations and research organizations etc. Branches of government (such as government authorities and parliament), individual businesses, political parties and for-profit media are therefore excluded from the list.

The history of Civil Society Organisations in Tanzania goes back to pre-colonial era where traditional societies such as burial groups, conflict management groups, and cultural groups existed. Most of these associations were organized to provide local support and/or mutual aid to members. Despite the many efforts by the colonialists to dismantle the groups, some of them existed and even transformed into civil society movements that resisted the German colonial intrusion and later the British colonial rule in the country.⁷ Since then, Tanzania has observed the formation and evolution of CSOs that are created in response to specific demands and changes in the country political and economic context. Example, trade unions, cooperatives and professional societies such as the African Association, Tanganyika Federation of Labour and others were created during the colonial era (between late 19th Century and 1961) in order to combat colonial brutality and exploitation. Further, the emergence of many service provisioning and

⁶ Civil Society Index (CSI) Project 2011, CIVICUS and ForDIA, pp 18-21

⁷ Civil Society in Tanzania, Toni Haapanen, Kepa, 2007 pp.4-6

advocacy CSOs from the mid-1980s is associated with economic hardships and the International Monetary Fund (IMF) and the World Bank's initiated Structural Adjustment Programmes (SAPs) which compelled GoT to reduce control of the state over public affairs, including business and provision of some services, among other things. Thus the gap created by withdrawal of Government in providing some services was filled in by the CSOs and the private sector.

Since the early 1990's, Tanzania observed the emergence of many locally initiated lobby organizations propelled by introduction of liberal political pluralism that opened political space for multi-party democracy and civic-led contestations and struggles for more democratic movements. As a result, the government of Tanzania has for some time provided more space for civil society work and publicly acknowledged the government's incapacity to provide for diverse needs and demands, as well as support the development of its growing population adequately. This recognition is also reflected in some key policies and documents such as the National Social Security Policy, the Tanzania National Development Vision 2025 and the National Strategy for Growth and Reduction of Poverty (NSGRP II) that provide framework for multi-stakeholder participation and contribution in socio-economic development including CSOs. For instance, the National Social Security Policy clearly states that *"the government shall declare an enabling environment for other institutions such as NGOs, charity organisations, families and mutual assistance groups to supplement government efforts in the provision of services"*⁸.

The civil society is becoming increasingly popular, marked by a sharp increase in number of CSOs in the country. In 2014 alone, sum of 1,116 civil society organizations were registered, making a total of 20,605 registered organizations by the end of the year 2014⁹. This number has obviously increased in the past two years. These CSOs are so diverse ranging from local to international civil society organizations. The former act at national, regional, district and community-levels. In Tanzania, CSOs play an important role in national policy development processes, as well as in social and economic development of the people and the country. Their roles include, but not limited to:

- Complementing the work of the government to provide basic social and economic services –in this case they mobilise funds (internally and externally) to help people access services such as health, education, water etc.
- Augmenting and influencing positive change (in policy, development, lobbying and advocacy for a particular cause);
- Working to ensure that voices of marginalized communities and poor people -including the poorest women, youth and most vulnerable children are heard by the government and other development actors and their views are factored into in the policy decisions;
- Providing technical expertise and offering alternative and/or innovative solutions to local problems including material and financial support;
- Mobilising and supporting economic associations (such as production, consumers, savings and credits;

⁸ URT, The National Social Security Policy, 2003

⁹ USAID's CSO Sustainability Index 2014, p. 171

- Promoting accountability and transparency of the public sector through monitoring and increased support to governance and democratic processes. They are also watchdogs of the state against abuse of power;
- Providing educational and informational support – through knowledge generation and dissemination; and
- Improving recreation facilities and preserving traditional cultures of the people of Tanzania.

However, the central focus of this study was the civil society organizations involved in child rights and youth programs. Thus this report mainly contains findings of CSOs enabling study based on research conducted to selected child rights and youth organizations operating in Tanzania.

2. STUDY APPROACH AND METHODOLOGY

2.1 General Approach and Design

The approach and methodology employed in the undertaking of the CSO- EE study in Tanzania included online desk research; in-depth interviews with officials from selected child rights and youth CSOs –both local and international; and focus group discussions (FGDs) with members of relevant CSOs. Since there are many organizations that are involved in child rights and youth programmes operating in Tanzania, a careful selection was necessary to identify the ‘right’ CSOs for inclusion in the study.

2.2 Selection of CSOs, Key Informants and FGD Participants

The selection of CSOs was done in consultation with ‘experienced’ CSOs practitioners and Government officials responsible for coordination of CSO activities at the district level. The selection criteria were such that a CSO must:

- Be a legally recognized or registered organization operating in Tanzania;
- Have an office and a well-established governance structure;
- Be involved in child rights or youth programs or both for a period of not less than two years;
- Be international or local CSO working at National, Regional or District Level; and also
- Be active and involved in advocacy work, service provisioning or any other community work related to child rights and youth.

Overall, 16 CSOs were selected; out of which 7 were youth organizations, another 7 were child rights organization and 2 were implementing both child rights and youth programmes. Participants in the in-depth interviews were purposively selected based on their official position, activities and role played in their respective organizations. Specifically, the participants included Executive Directors, Chairpersons, Executive Secretaries, Programme/Project Staff, Research Officers and distinguished members of the organizations. Thus in total, 16 interviews were conducted.

For FGDs, 4 discussion sessions were conducted -2 per each CSOs category (i.e. 2 child rights and 2 youth organization) and involving 8-10 participants. These were selected in consultation with leaders of relevant CSOs. The list of interviewees and FGD participants are provided in [Appendices 1](#) and [2](#) respectively.

2.3 Data Collection and Analysis

Generally, the CSO-EE study was qualitative in character. The Assessment Framework developed by RoA was used to elicit views and recommendations regarding the CSOs enabling environment in Tanzania. The framework contains a number of indicators focusing on three core areas, and within each area addressing the essential dimensions of the CSO enabling environment. The three areas and their respective dimensions are presented in Table 1 below: Detailed Framework for Assessing Progress on CSO Enabling Environment is attached in [Appendix 3](#)

Table 1: Summary: CSO-EE Assessment Framework

Core Areas	Dimensions
1. Universally accepted human rights and freedoms affecting CSOs particularly focusing on the right to freedom of association, freedom of assembly and freedom of expression	1.1 Recognition of rights and freedoms affecting CSOs
	1.2 The legal and regulatory environment, implementing rights and freedoms affecting CSOs, including Children rights and Youth organizations.
	1.3 Rights of specific groups, including Children rights and Youth CSOs
2. Policy Influencing	2.1 Spaces for dialogue and policy influencing
	2.2 Access to information
3. Donor – CSO relationships	

Source: RoA Framework for Assessing Progress on CSO-EE, 2016

In most cases, a face –to –face approach was applied in administering the tool to ensure clarity and minimize the degree of biasness. In a few occasions, the tool was self-administered through emails and telephones particularly in situations where the respondents had no time to attend to the interview session or were absent or distant from the consultant at the time this assessment was in conduct. All the information were analyzed using matrix analysis - summarizing outcomes of major themes discussed against the respondent category.

2.4 Study Procedures and Timeline of Activities

The implementation of the study entailed five major steps to include: (1) review of the relevant reports, academic and practitioner articles and publications, together with the relevant laws and regulations and other documents; (2) Stakeholder consultations to identify CSOs involved in Child Rights and Youth organization; (3) Review and pre-testing of CSO-EE evaluation framework as a tool for data collection; (4) Conduct Interviews and Focus Group Discussions with the Selected Organizations; and (5) Data analysis and report writing. The evaluation was conducted for 31 days. All activities were completed between July and August, 2016. Evaluation itinerary is attached with this document in [Appendix 4](#).

2.5 Barriers and Limitations in Data Collection

The consultant encountered a number of challenges that in one way or another affected the smooth conduct of the CSO-EE study, as indicated below:

- i. Some CSOs simply refused to take part in interviews for such reasons as- “the evaluation tool is too long and requires lots of time to complete it”, “they needed for additional proof of permit to

do research from relevant authorities in Tanzania” etcetera. This being the case, other organizations had to be sought to replace them.

- ii. Missing appointments which compelled the consultant to reschedule interviews and/or do multiple visits in one organization; and
- iii. Budget limitations - primary data were mainly gathered from CSOs based in Dar es Salaam. Only five (5) CSOs came from outside the city which would affect representativeness of the sample. These organizations were reached through telephone. The consultant couldn't manage more telephone interviews due to high cost of communication.

Despite these challenges the data collection exercise was completed successfully.

3. KEY FINDINGS

3.1. Recognition of Universally accepted Human Rights and Freedoms affecting CSOs

Tanzania has signed and ratified or accepted many UN and Regional Human Rights Instruments affecting civil society organizations. Some of the relevant instruments include: Universal Declaration of Human Rights, 1948; International Covenant on Civil and Political Rights, 1966; and the African Charter on Human and People's Rights, 1981 and its protocols. Of special relevance to the work of child rights and youth organizations in Tanzania are Convention on the Rights of the Child of 1989 and its Optional Protocols on the Involvement of Children in Armed Conflicts of 2000 and on the Sale of Children, Child Prostitution, and Child Pornography of 2000; the African Charter on the Rights and Welfare of the Child of 1990; Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime of 2000; and African Youth Charter of 2006, which underlines to, among other issues, the rights, duties and freedoms of youth as well as their involvement and effective participation in decision making and development of the continent.

Other International and regional human rights instruments that Tanzania signed and ratified or acceded, and in one way or another they affect the work of CSOs include: International Covenant on Economic, Social and Cultural Rights of 1966; United Nation's Convention Against Transnational Organized Crime of 2003; Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1957; the International Labour Organization's Fundamental Conventions²; Convention Against Discrimination in Education of 1960; Convention Relating to the Status of Refugees of 1950; Convention on the Prevention and Punishment of the Crime of Genocide of 1948; Rome Statute of the International Criminal Court of 1998;; and Protocol to the African Charter on Human and People's Rights on the Establishment of an African Court on Human and People's Rights of 1998.¹⁰ The fact that Tanzania signed and ratified or accepted these instruments means that the country has made binding international commitments to adhere to the standards laid down in these universal human rights documents.

3.2. Protection and Implementation of Rights and Freedoms affecting CSOs in Tanzania

¹⁰ URT, National Human Rights Action Plan 2013-2017, Ministry Of Constitutional And Legal Affairs, December 2013 p.2

Generally, the Constitution of the United Republic of Tanzania (1977) provides for all basic human rights and freedoms - including the right to freedom of association, freedom to assemble peacefully and freedom of expression and opinion. In fact, the URT Constitution recognizes human rights as a basic principle. Its preamble states very clearly that Tanzania is a society founded on the principles of freedom and justice and assures that all human rights are preserved and protected.¹¹

3.2.1 Protection and Implementation of the Right to Freedom of Association

Article 20 (1) of the URT Constitution 1977, guarantees every person the freedom “...to freely and peaceably assemble, associate and cooperate with other persons, express views publicly, and more specially to form or join associations or organizations furthering his beliefs or interests or any other interests”¹². Guarantee to right to freedom of association is significantly important for child rights and youth organizations because it enables them to deliver programs and live up to core values. The freedom of association is also provided in the Proposed Draft Constitution of Tanzania (the New Constitution) developed in September 2014, which signifies country commitment to protect this is the basic right.

Participants in this study testified that the legal and regulatory framework governing the formation, registration and operation of CSOs is generally favorable despite some notable challenges as explained Sections 3.2.1.1, 3.2.1.2 and 3.2.1.3 of this report:

3.2.1.1 CSO Formation and Registration

In Tanzania, the laws provide a wider opportunity for citizens to organize themselves, establish and register civil society organizations. Currently, child rights and youth organizations can be registered under the Non-Governmental Organizations (NGO) Act No. 24 of 2002, Societies Act Cap 337 of 2002, Trustees Incorporation Act (1956, amended in 2002), Companies Act of 2002, National Sports Council of Tanzania Act (1976), Copyright and Neighboring Rights Act (1999), or Society Act No. 6 (1995), which governs CSOs in Zanzibar. The institutional arrangement for CSOs registration is such that all NGOs are registered under the Ministry of Health Community Development Gender Elderly and Children (MHCDGEC), while trusts must be registered with the Registration, Insolvency, and Trusteeship Agency (RITA). The Ministry of Home Affairs oversees the registration of voluntary associations, while the registration of companies is the responsibility of Business Registration and Licensing Agency (BRELA). In Zanzibar, all CSOs are registered under the Ministry of State President’s Office, Constitution, and Good Governance.¹³

This system of CSOs Registration is appreciated by the majorities of child rights and youth organizations involved in this study because it provides flexibility as one member of Tanzania Child Right Forum (TFCR) for example noted “*The legal framework for registration in Tanzania is highly accommodating and responsive to changing dynamics in CSOs Environment. It gives CSOs the freedom to decide how they want to register their organization, run their business and even accommodate those who may decide to change their mandate*”. Generally, the number of registered CSOs in Tanzania is growing- about 44 % of these

¹¹ URT Constitution 1977, p. 13

¹² Act No. 15 of 1984

¹³ USAID’s CSOs sustainability Index 2014, p.171

organizations are registered as NGOs; out of which 75% of these NGOs in Tanzania are registered under the NGOs Act. About 13% of NGOs are registered under the Societies Acts and approximately 6 % under the Companies Act.¹⁴ However, it is not clear as to what percentage of the registered organisations were engaged in child rights and youth programs.

The registration process for child rights and youth CSOs is similar as other civil society organizations. The registration requirements are dependent on the type of CSOs (i.e. Local or International etc.) and the governing law. Each act has its own procedures and requirements for registration. However, the most common requirements include: (a) Copy of government Constitution; (b) Minutes containing full names and signatures of founder members; (c) Personal particulars of office bearers; (d) Address and physical location of the head office (e) Application fee in Tanzanian shillings or US Dollars; and (f) Any other particulars as may be required by the Registrar. The amount of fee depends on the law under which an organization wishes to register and whether the organization is a local or international CSO. For instance, the application fee under the NGO Act is USD 267 for International NGOs, while the fee is Tanzanian shillings, 41,500 (USD 19) for CSO operating at the district level, 56,500 (USD 26) at the regional level and 66,500 (USD 30) at national level.¹⁵ Generally, these amounts were considered affordable by majorities of child rights and youth CSOs involved in this study.

The time spent in processing the application varies from one registration agency to another and if the applying organization has correctly submitted all the required documents. At times, the registration process is subjected to delays which have cost implications on the part of child rights and youth organizations. Approximately, it takes up to three months for a CSO to complete the registration process at the national level. Concerns were raised over the length of time as well the amount of resources spent on registration process.

The NGO Act 2002 also introduces penal code for organization operating without obtaining a certificate of registration. Accordingly, any NGO committing this offence is subject to a fine not exceeding Tshs. 500,000 (approximately USD 227) or to imprisonment for up to one year, or both. This was considered a 'too big punishment' for the type of offence especially on the part of small child rights and youth CSOs given their limited funding sources.

The CSO registration laws in Tanzania empower the agency or minister under which a CSO is registered to deny registration to any CSO if s/he 'finds' that its activities are considered not to be in the public interest or contrary to law; if the application has false or misleading information; or if the National Council of NGOs (a government agency) recommends that it should be denied. However, there is a room for CSOs to appeal registration decision. Observably, there are no known reports of any child rights or youth organization being denied registration.

Role Played by Government in Enabling Environment for CSOs Registration

¹⁴ Presentation by Asna Mshana on Registering CSOs in Tanzania: Legislation and procedures, Kepa, June 2016.

¹⁵ *ibid.*

Several measures were taken to decentralize and ease the registration process for CSOs. For example, the NGO Act 2002 provides for two main categories of registration: 1) Registration at local level, 2) Registration at international level. The former is further categorized into three levels namely: (i) District level (ii) Regional level (iii) National level. This arrangement is reported to have made it easier for child rights and youth CSOs in the rural areas to register. According to a USAID report, the dissemination of information about CSOs registration was devolved to the local government authorities in 2014 which made it easier for CSOs to access information about the registration process. Nevertheless, the Online Business Name Registrations System (OBRS) which was introduced by BRELA in July 2016 is reported to ease the application process, payment procedures¹⁶ and accessibility to registration certificates. The system allows individuals and organizations wherever they are in the country to register business names using a computer, mobile phone or any computerized device connected to the internet. Observably, OBRS has helped to reduce the registration cost on the part of CSOs. Initially, members of child rights and youth organizations had to travel all the way to BRELA's offices in Dar es Salaam to register their organizations. The system is also reported to have reduced the number of days spent in processing registration from a maximum of 4 days (if all submissions are correct) to 8 hours.¹⁷

Despite these efforts, a number of limitations were observed. The registration of CSOs is still centralized and time consuming. These factors make it challenging for rural CSOs to register because of their distance from Dar el Salaam. There is still limited access to information about registration processes and procedures. As a result, majority of rural child rights and youth CSOs still do not know the available options for them to register, where to do the registration and how. Moreover, accessibility to online registration system is limited due to slow internet connection. This affects the time spent and the cost of processing the online application. Accessibility to online registration system requires computers and/or smart phones which is/are a big challenge to small and rural child rights and youth CSOs. Bureaucracies and extra costs associated with the registration process have been reported as the main cause for delays in registration leading to many CSOs beginning operations for more than a year before being officially registered.

Thus, the following were suggestions given by participants for improving the registration and operation of child rights and youth CSOs in Tanzania:

- Strengthen the online registration system
- Implement a joint awareness campaign on CSO registration processes and operating procedures. This should be a joint effort involving the relevant government agencies, donors, private businesses, companies and CSOs-both child rights and youth organizations;
- Conduct participatory monitoring on regular basis to ensure that CSOs and government comply with the laws;
- Develop simplified versions of the laws governing CSO registration in a language that is understood by all stakeholders and share copies widely. Currently, the laws belong to lawyers and not the people; and

¹⁶ The system allows Payment to be done through M-PESA or TIGO-Pesa

¹⁷ www.brela.go.tz/index.php/business/about

- The need to increase avenues for stakeholder dialogue and advocacy around the CSO registration laws;

3.2.1.2. CSO Operations-Free from Interference

The assessment of enabling environment for CSOs operations in Tanzania indicates that most child rights and youth organisations operate freely provided that they comply with requirements of the laws and procedures, and that they operate within their mandate and pre defined geographical boundaries. This implies that the law does not allow any CSOs to operate beyond pre-defined boundaries and organization’s mandate. CSOs operating beyond their registered areas may be suspended or have their certificates of registration cancelled. The authority to dissolve any CSO resides with the agency or minister under which a CSO is registered. In 2016, the government deregistered over 5,000 civil society organizations- including child rights and youth organisations such as Feed the Children,¹⁸ Care for the Child (CFC), Huruma Child Ministry Centre, Grassroots Initiative for Youth and Elderly Development Organization (GIYEDO) and Tanzania Youth Muslim Association (TAYMA),¹⁹ to mention just a few. Information on exact number of deregistered CSO that are entirely child rights and/or youth organizations is not available. The government cited non compliance with the law for withdrawal of registration.

The operational procedures and requirements for child rights and youth organisations are dependent on the law under which an organization registers and whether the organization intends to operate on a national, regional, or district level. Generally, all CSOs –both local and international are required to pay fees annually and where applicable, they are to pay the necessary taxes such as VAT. Currently, all CSOs complying with the NGO Act are subject to incur annual fees of USD 60 for International CSOs and 50,000 (USD 23) Tanzania shillings for local NGOs. In addition, CSOs are required to prepare a report of activities including audited financial reports that shall be shared with relevant government authorities and other stakeholders. The law also compels CSOs registered under other laws to acquire a certificate of Compliance from the Registrar of NGO, once they decide to comply with NGO Act. Within this context, a number of independent child rights organizations such HakiElimu²⁰ still publish reports that are critical to the government. Compliance in paying the annual fees is a big challenge to rural and small child rights and youth CSOs such as Watoto Care Centre and Concern for Youth Employment -Mkuranga (CYEM) due to lack of adequate resources.

Recently, there are reported incidents of authorities interfering in the work of CSOs working with children and youth. Example, during the 2015 general elections, the Tanzania Police Force detained some members of the Legal and Human Rights Centre(LHRC)²¹ involved in monitoring the general elections,

¹⁸ <http://allafrica.com/stories/201608220729.html>

¹⁹ Report by Tanzania National NGO Coordination Unit, Ministry of Community Development:, March 2016: http://www.tnnc.go.tz/documents/TANGAZO_LA_KUFUTA_USAJILI_WA_NGOs.pdf

²⁰ HakiElimu is an independent CSOs advocating for the right to education for children and youth of Tanzania

²¹ LHRC runs a Gender and Children Unit that provides legal education and legal aid services to women and children, among other issues

and even had their computers and other working tools confiscated. The police termed ‘interfering the work of the National Electoral Commission’ as a reason for the action. In July 2016, the government decided to shut down a programme run by a CSO called Jhpiego - that provided water –based lubricants and health education to members of some youth organizations involved in gay sex. This decision is reported to have affected implementation of a programme that the government had already approved and even signed a Memorandum of Understanding (MoU). In 2015, the government authorized the importation of water-based lubricants, which are listed as an essential HIV prevention tool in Tanzania’s Third National Multi-Sectoral Strategic Framework on HIV and Aids.²²

3.2.1.3 Access to Resources

In Tanzania, the legal framework does not present significant obstacles for child rights and youth CSOs to access resources. Indeed, all CSOs are entitled to engage in fund raising activities to the fullest extent and means permitted by the laws of the country as well as the rules and financial regulations of the organizations. Just like other CSOs, child rights and youth organizations have a wide variety of income sources, but the most common sources are mainly: membership fees; income from assets or investments; voluntary contributions by members or other volunteers; pro- bono work; private donations from individuals or corporations; project funding from international or local donor organizations or foundations; core funding from multilateral or bilateral donor agencies; and contract to deliver goods or services including call for tenders and consultancy services. Despite all these sources, in practice, over 90% of child rights and youth organizations in Tanzania rely heavily on funding from foreign philanthropic foundations and donor agencies such as OAK Foundation, Comic Relief, UNICEF, USAID, European Union, SIDA-Sweden and Irish Aid.

Financial support from the government and the private sector is limited, although their appreciation for the work of CSOs continues to grow. With the exception of activities related to the general elections and youth development, there is little evidence that CSOs in Tanzania receive funding from the Government to conduct advocacy and awareness rising on issues related to youth and children. Although Local Government Authorities (LGAs) are required to allocate 10% of own sources to support women and youth organizations, there is lack of commitment on the part of LGAs to do so. Most of them allocate very little or no funds for that purpose and mechanisms to hold LGAs accountable are nonexistent. Accessibility to information about LGA allocations to Youth Development Fund is limited which makes it difficult for youth organisations to access and benefit from the fund that is meant for them. Of all studied CSOs, only CWCD reported to have received support from local government in the forms of transport, technical expertise and office space to facilitate implementation of their activities.

Access to donor funding is a big challenge to most CSOs because foreign donors usually present specific requirements when supporting CSOs - in terms of professional skills, capacity to deliver programs and financial management. Apparently, CSOs cannot accept donor funding for projects that are intended to promote the rights and welfare of excluded groups such as sex workers and LGBTI²³ because the laws in

²² Report by Human Rights Watch, May 2016

²³ Lesbian, Gay, Bisexual, Transgender, And Intersex

Tanzania criminalise sex work and consensual sexual conduct between adult males. Inability to write good project proposals and inadequate fund raising skills prevent small and rural CSOs such as Tanzania Youth Coalition (TYC), Mkombozi and others from accessing donor funding. Incentives to mobilize resources locally are lacking. Out of all 16 CSOs involved in this study, only YUNA Tanzania indicated that they received support from local private companies such as Bhakhresa Group of Companies, Coca-Cola and PEPSI to facilitate celebration of the International Youth Day in 2015. This raises concerns about sustainability of most organizations especially now that donor aid to developing countries is shrinking. However, the government is currently advocating for self reliance in resources –an act which encourages everyone including child rights and youth CSOs to invest in mobilization of resources internally. The Foundation for Civil Society also provides capacity building funds to support some child rights and youth organizations.

As far as access to human resources is concerned, a few child rights and youth organizations such as Restless Development have access to volunteers –both local and international. However, the laws in Tanzania discourage recruitment of people from foreign countries. Application and processing of work permit and residence permit is subject to bureaucracy and long time to complete. Approximately, the process takes 2-3 months and involves a number of government agencies which are diversely located. Thus, there is a need to provide adequate information on the process and possibly, establish on-stop centre to easy access to work permits and/or residence permits for volunteers.

In Financial Year 2016/17 the government of Tanzania introduced new taxes on financial services including 10% tax on Mobile Money Transactions, 18% bank fees and commissions in the form of value-added tax and 10% excise duty for sending and withdrawing money through mobile phone money transfer. This decision is likely to affect small and rural child rights and youth CSOs because most of them rely on mobile money services to access financial services. The 10% tax on sending costs and 10% on withdrawal charges can be costly, and therefore can affect the ability to access funds. Currently, mobile phones and mobile money services are widely used by rural CSOs to send and receive money to and from other CSOs and some donors²⁴

3.2.2 Protection and Implementation of Freedom to Peacefully Assemble

As noted earlier on, Tanzania has ratified all key international and regional instruments protecting the right to organize and assemble peacefully.²⁵ The freedom of assembly is also provided in the URT Constitution²⁶. This constitutional guarantee has enabled a number of child rights and youth CSOs to organize and hold public meetings, peaceful demonstrations, festivals and other activities aimed at educating communities or information authorities about matters of concern to children and youth. TYVA, the Children’s Dignity Forum, Salama Foundation and Restless Development for instance, confirmed that

²⁴ Tanzania Budget FY 2016/17

²⁵ These treaties include ICCPR 1966, UDHR 1948 and ACHPR 1981. African Charter on Human and Peoples’ Rights of 1981 International Covenant in Civil and Political Rights

²⁶ (Article 20 (1) Tanzania Constitution

they organized and conducted a number of such meetings without facing any challenges from the authorities.

Despite the guarantee, there are regulatory and political limitations which can prevent CSOs together with child rights and youth organizations from fully enjoying this right. All assemblies in Tanzania require police approval or permit. The Police Force and Auxiliary Service Act 2002 (*“Police Act”*) empowers the police force to use their discretion to limit freedom of assembly under specific conditions. Section 43 (3 and 4) of the Act states that a police officer who receives such a notification/ a letter of intent to assemble can deny a public assembly, if he/she believes the assembly is likely to: (i) cause a breach of the peace; (ii) prejudice the public safety; (iii) prejudice the maintenance of public order; (iv) be used for any unlawful purpose; and (v) if the requirements of notification above are not met. The Police Act also empowers the Minister responsible for matters relating to the Police Force to be the final authority and overrides these rules and declares that the rules do not apply to particular assemblies. In short, these provisions render the right to assemble in the hands of the police in charge of the area and the Minister responsible for Police, who may act based on their knowledge and understanding of the law as well as their potential political bias.

The laws in Tanzania also provide loopholes to the President of the United Republic of Tanzania to interfere and/or ban any processes as he deems fit. In fact, the 1977 constitution grants the President absolute authority over all matters concerning the people of Tanzania. Technically, this implies that the president and all those who act on his behalf can also limit the right of child rights and youth CSOs to assemble.

Recently, however, concerns have been raised by some child rights and youth organizations that the freedom of assembly is being extremely restricted and interfered in Tanzania. The government and the police are often seen to be arbitrarily limiting the exercise of this freedom without any clear reasoning. Reportedly, in March 2015, police banned a demonstration they had already approved that would have criticized the government for lacking commitment to end violence against albinos.²⁷ The chances of violating the right to assembly by government authorities and the police have even increased now more than ever. In July 2016, the President of the United Republic of Tanzania Hon. Joseph Pombe Magufuli issued a statement to ban all political demonstrations organized by opposition political parties. The statement raises suspicions about the government’s commitment to protect the right to assemble peacefully. Following the presidential ban, the police prohibited all open gatherings and internal meetings organized by political parties with the aim of criticizing the current government for being authoritarian. Police cited the possibility of violence in banning the political demonstrations and meetings. Although the ban does not involve CSOs, the statement is intimidating and there is a big room for misinterpretation.

3.2.3 Protection and Implementation of Freedom of Expression

Tanzania adopted the Universal declaration of Human Rights, 1948. Article 19 of the UDHR declares that: *“Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions*

²⁷ Freedom House Report for Tanzania 2016

without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers". The freedom of opinion and expression is as well constitutionally protected in Tanzania. Article 18 (1) of the URT constitution, 1977 reaffirms that "...every person has the right to freedom of opinion and expression, and to seek, receive and impart or disseminate information and ideas through any media regardless of national boundaries, and also has the right of freedom from interference with his communications". Further, the Constitution provides for the right to be informed at all times of various important events of life and activities of the people and also issues of importance to the society"²⁸. Protection of freedom of expression is of vital importance to child rights and youth CSOs because it enables them to better engage in policy dialogue and enhance government accountability. Sections 3.2.3.1 and 3.2.3.2 present the findings of this study regarding the implementation of freedom of expression and the right to access information in Tanzania.

3.2.3.1 CSO Expression of Views and Advocacy

The CSO-EE Study finds that child rights and youth CSOs had favorable opportunity to engage in policy advocacy and expressing their views. Most CSOs advocated for legal and regulatory reforms as well as effective implementation of policies affecting youths and children at the national and local levels. For example, Child Rights Organisations such as Save the Children, Centre for Women and Children Development (CWCD), Agape Aids Control Programme and Msichana Initiative advocated for outlaw of sections 13 and 17 of the Law of Marriage Act, 1971 which allow a girl child to be married under the age of 18 years with her parents' consent. The latter, filed a petition (No. 5 of 2016) at the High Court of Tanzania (HCT) which resulted into the Court declaring sections 13 and 17 of the Act, 1971 as unconstitutional (July 2016).²⁹ These organisations continue to advocate for review of the provisions of the Law of Marriage Act 1971 following an appeal from the Attorney General against the High Court decision. On the other hand, Youth CSOs such as YUNA Tanzania, TYC, Salama Foundation and TYVA have also advocated for increased youth involvement and participation in policy process and decision making. In particular, the organizations called for recognition and legal protection youth councils established under the National Youth Development Policy 2007. Additionally, the CSOs joined other youth organisations in advocating for creation of enabling environment for youth employment.

Child rights and youth organisations regularly form advocacy –oriented coalitions. For instance, through Tanzania Ending Child Marriage Network (TECMN)³⁰, child rights CSOs have been able to advocate for review of controversial laws and enactment of a minimum age of 18 years old for all males and females to marry. TECMN, which was launched in October 2012, also worked to increase awareness of the harmful impact of the child marriage at community, national and international levels as well as strengthen learning and coordination between organizations working to end child marriage in Tanzania. Another coalition is the Anti FGM coalition which brings together 13 likeminded organisations that advocate for abolition of female-genital mutilation (FGM) and other traditional practices affecting women and girls. Shinyanga

²⁸ Article 18 (a) and (c)

²⁹ The Citizen, <http://allafrica.com/stories/201608030694.html>

³⁰ TECMN is a coalition of 35 CSO's working together to end child marriage in Tanzania

Alliance for Children was also formed in 2013 by 13 CSOs working for and with children to advocate for protection of the rights and wellbeing of children in Shinyanga Region.

In 2015, a number of youth forum were created to advocate for election of political leaders who can empower youth and provide solutions to the country's most pressing challenges of poverty, disease, and unemployment. A Youth Election Manifesto was also prepared, published and widely disseminated in order to inform candidates about youth agenda. Reportedly, the document was a joint effort by all youth CSOs in Tanzania. The Youth CSOs are also free to express their views on other issues that are critical to the government such as the National Budget. In May 2016, ten youth organizations including TYVA, YUNA Tanzania and TYC formed Budget Advocacy Group to analyse the 2016/17 national budget from the youth perspective. The delegation even went to the Parliament in Dodoma to air their views and try to influence the parliament to take their inputs into consideration. Youth organisations such as Youth Partnership Countrywide (YPC), TAYOA and Restless Development, also engage with Policy Forum (PF) – a platform that is purposely created to increase informed CSO participation in decision making and in influencing the policy process in Tanzania.³¹

Despite a supportive advocacy environment, there are political decisions and practices that limit CSOs from exercising freedom of expression. Example, in 2015 some youth organisations were denied an opportunity to participate in provision of voters education for fear that they would try to influence voters' opinion. Accordingly, all CSOs were compelled to apply for and be granted approval from the National Electoral Commission (NEC) in order to be able to provide voter education. CSOs that did not receive NEC approval were not permitted to engage in the exercise. International CSOs were restricted to give out any statements regarding the elections, unless they received special permit from the authorities.

Moreover, a Save the Children's Early Marriage Advocacy Program was also interrupted by authorities as one official for instance noted: *"A decision to outlaw the Marriage Act of 1971 in July 2016 was highly celebrated...Even the minister responsible for child welfare made a public statement in support of the HCT ruling. But the government's decision to file a notice of appeal against the High Court decision ruined everything because we had already started to develop advocacy materials..."*

Recently, Tanzania observed banning of some news papers without adequate reasoning. In August 2016, the government suspended a weekly Newspaper, *Mseto* for three years, accusing the newspaper of running stories with the intention of inciting hatred against President John Magufuli.³² Restriction of freedom of press affects the ability for child rights and youth CSOs to access information that can be used for advocacy purposes.³³

3.2.3.2. CSO Access to Information

The government of Tanzania (GoT) has taken several measures to facilitate the right to information in the country. Example, in September 2011, GoT joined the Open Government Partnership (OGP) Initiative –

³¹ Policy Forum is a network of over 70 registered NGOs founded in 2003. Membership also includes child and youth organisations.

³² , <http://allafrica.com/stories/201608120163.html>

³³ Tanzania Human rights Report, 2015, p. 62

which is intended to make the government business more open to citizens. The overall objectives of the initiative are to build trust, fight corruption and improve government responsiveness and the delivery of public services.

Under the OGP framework, the government of Tanzania is committed to, among other things, improve various government websites to enable citizens to access information freely and timely (E-government); increase citizens' participation in decision making processes and policy formulation; and also establish platform to provide feedback on government services.³⁴ Generally, the adoption of the E-government and the advancement in information and communication technology (ICT) are said to have enabled a wider availability of information to the civil society, child rights and youth CSOs also included. GoT commitment to enhance access to information is also expressed in national development policies and strategies such as the National Strategy for Growth and Reduction of Poverty (2015-) and the Tanzania National Human Rights Action Plan 2013-2017.³⁵

Despite these efforts, the right to information is not fully exercised as guaranteed in the constitution and other policies in Tanzania. Up until now, the bill of law safeguarding the right to access information has yet to be passed. Efforts to enact the law have not been successful since 2006. This makes it difficult for CSOs to access some important information. The government only provides some information, but certain information such as contractual documents is hard to be found. According to Open Budget Index 2015, the government of Tanzania provides very little information about the conditions associated with foreign aid, thus making it difficult to track the government's spending, revenue collection and borrowing during the year and holding it accountable for this.³⁶

Currently, Tanzania publishes a lot of official information and/or documents in government websites and social media but these are not accessible to majority of CSOs found in rural Tanzania. In addition, the online information is not regularly updated, thus making it challenging for child rights and youth organizations to access up -to-date information. At times, information provided by NBS contradicts with data from other government departments. This raises doubts regarding the accuracy of information provided. Furthermore, there are concerns over the length of time spent before one gets access to official information that is not published in the online sources.

Observably, there are still long and cumbersome procedures in accessing information, although there are recorded improvements in the current government under Hon. Joseph Pombe Magufuli. TYVA for example testified: *"Since 2015, we have been following up to access data on beneficiaries of the Youth Development Fund from three municipal authorities of Temeke, Ilala and Kinondoni in Dar es Salaam. We did follow all administrative procedures and fulfilled all requirements to access information such as seeking permit from Municipal Directors, but until now we have not managed to get the needed information from some municipal authorities. Example, the Head of Department for Community Development from Ilala*

³⁴ the Tanzania OGP Action Plan of 2012/2013 <http://www.opengovpartnership.org/country/tanzania>

³⁵ United Republic of Tanzania National Human Rights Action Plan 2013-2017 Ministry Of Constitutional And Legal Affairs December 2013

³⁶ 2015 Open Budget Index For Tanzania: <http://www.internationalbudget.org/wp-content/uploads/Obs2015-Cs-Tanzania-English.Pdf>

Municipality kept on referring our team back to the Municipal Director for claims of lacking authority to issue the requested information". Apparently, easy access to information is determined by the nature of relationship between CSOs and the government authorities and also the "sensitivity" of the information. CSOs that have contradictory relations with certain authorities experience the most difficult situation in accessing official documents than those that appear to have good relationship and/or work closely with the government.

By and large, the right to seek, use and disseminate information in Tanzania is also impeded by other laws such as the Statistics Act, 2015 which criminalizes the publication of "*false or misleading*" statistics and introduces a penalty of a minimum of 10m/- Tshs and/or a minimum of three years jail term in prison for publication of statistics that "*may result in distortion of facts*". Article 18 of the Act empowers the Director General of NBS to be the sole authority to commence an official statistical collection or vary or discontinue any official statistical collection. The law also disallows any person or agency, including child rights and youth CSOs to commence an official statistical collection and/or publication of the same except with the approval of the Director General.³⁷ Clearly, this unfairly denies child rights and youth CSOs as well as other agencies the freedom to seek, use and disseminate information. Additionally, such provisions create loopholes for misuse of the law by the government authorities especially in a situation where the published information is not in favour of the government. Recently, the Ministry responsible for Child Welfare is reported to have refused to accept statistics on Violence against Children (2016) and directed those who prepared the report to go and make some changes.

Other laws that limits the freedom to access and dissemination of information in Tanzania include the Cyber Crimes Act, 2015 which criminalizes the sharing of "*false or misleading*" information online and empowers police officers to confiscate information tools and detain suspects on defamation claims; and the National Security Act, 1970 which empowers the government to control the dissemination of information for the purpose of protecting "*national security*".³⁸ Apparently, these laws are said to be limiting the production, sharing and use of information for advocacy purposes on the part of child rights and youth CSOs.

3.2.4 Protection of the Rights of Specific Groups

Participants in in-depth interviews and focus group discussions observed that there is no evidence of mistreatment, harassment, arbitrary arrest or extrajudicial killing involving leaders or members of CSOs - defending the rights of specific groups such as children, women, youth, the disabled and others. The legal environment for protection of the rights of specific groups in Tanzania is generally conducive of course, although there are some challenges. As noted earlier, the government of Tanzania has signed and ratified or accepted a number of international and regional human rights instrument protecting the rights of all people of Tanzania together with specific groups. Some of the relevant instruments include: International Convention on Elimination of All Forms of Racial Discrimination 1965; Convention on the Elimination of All Forms of Discrimination Against Women of 1979 and its Optional Protocol of 1999; Convention on the

³⁷ Article 18 (1) and (2) of Statistics Act, 2015

³⁸ Tanzania Human Rights Report, 2015 p. 58; Amnesty International Report, 2016 p. 358

Rights of Persons with Disabilities of 2008 and its Optional Protocol of 2008; Convention on the Rights of the Child of 1989 and its Optional Protocols on the Involvement of Children in Armed Conflicts of 2000 and on the Sale of Children, Child Prostitution, and Child Pornography of 2000; African Charter on the Rights and Welfare of the Child of 1990; and African Youth Charter of 2006.³⁹

Several measures were taken to domesticate the international instruments and facilitate their implementation—including development of specific policies and laws to protect the rights of these groups. For example, the Women and Gender Development Policy (2000), the Child Development Policy (2008) and youth Development Policy (2007) were developed to provide framework for protection of the rights and welfare of women, children, and youth respectively. In addition, the Sexual Offences (Special Provisions) Act was enacted in 1998 to reduce incidences of gender based violence and protect women’s dignity and security. Other actions taken included: development of a National Plan of Action for the Prevention and Eradication of Violence against Women and Children (2001-2015) and formation of Multi-Sectoral Committee to End Violence against Women, Children and Persons with Albinism in 2011.⁴⁰

A multitude of CSOs were established and/or registered all over the country to provide human rights education, legal aid services and advocate for protection of the rights of specific group. Among the prominent CSOS and the groups they represent in brackets include SHIVYAWATA (people with disabilities), Tanzania Gender Networking Programme (women, girl children and other gender groups), TAWLA (women and other groups), HelpAge (the elderly); National Anti-Female Genital Network Mutilation Network (girls and women), Women’s Legal Aid Centre (women and children).

While these efforts are appreciated, however, there are some practical challenges that prevent full enjoyment of all basic human rights by specific groups. The lack of knowledge and/or information about human rights and actions to be taken in case of any violation continue to prevent children and youth from accessing their rights. Disparities in income and education status also prevent poor and uneducated children, youth, women and other vulnerable groups from demanding their rights. Further, the presence of conflicting laws – example, some provisions of the Marriage Act of 1971 promote early marriages and thereby preventing girl children from exercising their right to education. Another challenge is negligence of the existing laws by government authorities and some community members. These challenges have negative implications on CSOs effectiveness in contributing to policy reforms and advocacy on issues related to child rights and youth. Thus, there is a need to address some of these challenges.

3.3.CSOs Environment for Policy Influencing

One of the fundamental aspects of effective partnership for development is participation of stakeholders in developing shared goals and policy objectives. Essentially, participation of all stakeholders in the policy process is important in enabling ownership and sustainability of development initiatives. Other important aspects include trust and respect for diversity.⁴¹ This section assesses the degree to which the government

³⁹ United Republic of Tanzania National Human Rights Action Plan 2013-2017, Ministry of Constitutional and Legal Affairs December 2013 p. 2

⁴⁰ Ibid. p. 36

⁴¹ The Busan Agreement Document p

of Tanzania provides opportunities for child rights and youth organizations to engage in and influence the policy process - from policy formulation through implementation, and monitoring and evaluation of the policy outcomes. In addition, the section identifies accountability mechanisms for ensuring CSOs inputs are taken into consideration in the policy process, and presents capacity gaps as well as recommendations for addressing stakeholder capacity gaps.

3.3.1. Spaces for Dialogue and Influencing Policy

Existence of inclusive and accessible processes for policy engagement

Generally, there are no policy barriers for CSOs participation in policy dialogue and influence in Tanzania. As indicated earlier, key policies such as the Tanzania Development Vision 2025 and the National Strategy for Growth and Reduction of Poverty (NSGRP II) emphasize the need to involve the civil society in planning and policy making processes at all levels. The space for CSO participation and influence in policy process is also provided in other policies, programme documents and guidelines. Example, the Tanzania Child Development Policy, 2008 clearly recognizes the importance of CSOs and defines their responsibilities in promoting child rights and welfare. Section 65 of the policy document requires the Local Governments to involve effectively the public including CSOs in policy implementation at the District, Ward, Village and family levels⁴². Also, the policy provides for involvement of Civil Society Organizations in Child Protection Teams and Most Vulnerable Children Committees (MVCCs) established at National, Regional and District levels.

The National Youth Development Policy, 2007 on the other hand, affirms that *“regular reviews of youth development policy will be done in a participatory approach through consultation with youth themselves and other stakeholders involved in youth issues”*⁴³. Also, the policy emphasizes on the establishment of youth councils and youth development committees that are inclusive and open to all youth organizations. Recently, the Youth Council of Tanzania Act, 2015 has been enacted which marks government recognition of the youth councils. According to the Act, youth council are established at different levels to advise the government on matters related to youth development and provide platform for implementation of youth issues at the district, regional, national and international levels, among other issues.

In practice, quite a number of formal and informal processes have been established to facilitate CSO participation and influence in the policy processes. At the national level, some child rights and youth CSOs were invited to participate in government –led and/or donor -led forums such as sector review meetings, peer reviews, annual consultative meetings and Development Partners-Working Group on Social Protection⁴⁴. Moreover, child rights organizations such as UNICEF Tanzania, Pact. Inc. and FHI 360 have engaged with the government through the National Most Vulnerable Children Monitoring and Evaluation (NMCME) Technical Working Group. Starting February 2016, YUNA Tanzania and Global Youth Coalition

⁴² The National Child Development Policy, 2008 p.28

⁴³ National Youth Development Policy, 2007 p.24

⁴⁴ UNICEF Tanzania is a member of Development Partners-Working Group on Social Protection and works closely with other child rights organisations such as Save the Children, Plan International, Children’s Dignity Forum and others

on HIV /AIDS have been engaging with government and other stakeholders through the Tanzania National Coordinating Mechanism (TNCM) on HIV/AIDS, Maralia, and TB.

A number of CSO -led forums including Policy Forum, Tanzania Child Rights Forum, Tanzania Ending Child Marriage Network (TECMN)⁴⁵ and Tanzania Youth in Agribusiness Forum (TYIAF) have been established to influence policy reforms, strengthen stakeholder collaboration and facilitate learning. Recently, a CSO platform on Agenda 2030 and Agenda 2063 was founded to enable CSOs including child rights and youth organizations in Tanzania to come together, self-organize and self-coordinate to ensure their meaningful participation and contribution towards the implementation, follow-up and monitoring of Agenda 2030 and Agenda 2063 in the country.⁴⁶

At the local level, child rights CSOs such as CWCD, Mkombozi, Watoto Care Centre and Agape have participated in specific forums such District and Ward Child Protection Teams and the Most Vulnerable Children Committees (MVCCs) operating at the District, Ward and Village levels. The District Child Protection Teams are inclusive of CSOs⁴⁷ which provide a good opportunity for child rights organizations to engagement with and influence government policies on child protection and/or prevention of violence against children. However, these committees are non-existing in some districts which limit avenues for CSOs engagement and influence in policy process. Youth Councils and Children’s Councils have been established at the national and local levels to enhance consultations and participation of children and youth organizations in policy making and implementation. However, efforts to facilitate their operation have stalled. Most of these councils are not functional and therefore inaccessible to children and youth organizations.

Additionally, CSOs are largely involved at a later stage of policy implementation. Only few CSOS are engaged during the initiation stages of policy development such as information gathering and analysis. Moreover, their participation in the government –led forums to discuss and review draft policies is not open to all CSOs⁴⁸. The government invites only a limited number of CSOs, and especially those that have established good rapport and relations and/or work closely with the authorities. In most case, donor agencies and international child rights and youth CSOs have much bigger space and influence in policy processes at the national level than local CSOs probably due to their technical and financial power.

3.3.2 CSOs Involvement in design, implementation and monitoring of National Development Plans

The government of Tanzania has undertaken several measures to increase CSOs participation in planning process. The framework for CSO engagement with the government is provided in Budget Guidelines for Local Government Authorities (LGAS) provided by the Ministry responsible for Planning and Finance on annual basis. In addition, Operational Manuals for Effective Engagement with Ministries, Independent

⁴⁵ TECMN is coordinated by Children’s Dignity Forum while Tanzania Youth in Agribusiness is organized under the umbrella of

⁴⁶ Open and voluntary platform founded in April 2015 <http://una.or.tz/httpsgoo-glformsmmyypfklfaikbax2/>

⁴⁷ The teams consist of statutory members (social welfare, police, health, education, magistrates, prosecutors and other justice actors. Non statutory members consist of CSOs and faith based organizations.

⁴⁸ The United Republic Of Tanzania EU Country Roadmap For Engagement with Civil Society 2014 – 2017 P. 13

Departments, and Executive Agencies (MDAs) and Non-State Actors were developed and published. Implementation of these guidelines is underway.⁴⁹ Both the Child Development Policy and National Youth Development policies are regularly reviewed in order to create conducive environment for child rights and youth organization to participate in planning process and decision making.

CSOs are increasingly being recognized as important player in development, and the government regularly consults and engages CSOs in the planning process. At the national level, the government involves national level child rights and youth CSOs or networks in policy and regulatory reviews, and in developing Action plans. Example, in 2015, the Children’s Dignity Forum (CDF) worked closely with the government during the formulation of the second National Five Year Development Plan (2016/17-2020/21). Again, CDF was consulted and involved in developing Multi Sector National Plan of Action to Prevent and Respond to Violence Against Children 2013-2016 and Gender Based violence. However, these collaboration and communications between CSOs and the government at all levels are not institutionalized and there are no clear rules for when, how, and for which issues the government must consult or engage with CSOs.

At the local level, some child rights and youth CSOs take part in the O& OD process - planning approach which is used in formulating District Development Plans (DDPs). For instance, in 2015, representatives from Mkombozi participated in O&OD process and managed to influence the village government in Bagamoyo to accept a project that intended to provide support to most vulnerable children infected and affected by HIV/AIDS. Likewise, CWCD’s participation in O&OD process in 2015 influenced LGAs in Arusha City, Moshi DC and Karatu DC to allocate funds to facilitate provision of free health services to most vulnerable children in the districts. O&OD is an inclusive multi-sectoral planning approach that aims at achieving bottom -up planning with community stakeholders making key decisions about their development in a participatory manner.⁵⁰ It enables the stakeholders -right from the village level through ward and district levels to formulate their plans using targets set in the Tanzania Development Vision 2015. In fact, the O&OD mechanism implements the Regional Administration Act No. 19 of 1997 and the Miscellaneous Amendment Act No. 6 of 1999 that emphasize on the process of devolving power to the people. Despite the efforts, there is a need to enhance CSOs participation in the planning processes. A recent study by Next Generation Youth Voices shows that only 27% of youth have participated in policy making and planning processes partly because of lack of awareness on their rights and responsibilities in policy process. According to the study, only 4% of young people in Tanzania are aware of policies and development plans that are related to them⁵¹

3.3.3. Accountability mechanism to ensure CSO inputs are taken into consideration

Generally, inputs from child rights and youth CSOs are considered and taken into account in the policy outcomes and development plans in Tanzania, although this is not always the case. The Children’s Dignity Forum for example confirmed that they were consulted during the formulation of the second National Five Year Development Plan (FYDP), 2016/17-2020/21 and their views regarding GBV and VACA were included in the plan. Likewise, TYVA and Tanzania Youth Coalition said that they were once invited by the

⁴⁹ CSOs Sustainability Index, 2014

⁵⁰ Presentation By PMO-RALG, 2012

⁵¹ Interview with Oscar Kimaro, Restless Development

Ministry responsible for Youth Development to participate in the review of the National Youth Development Policy, 2008 and they saw their inputs in the final documents. The views of CSOs were also taken on board during the preparation of country progress reports such as Status of Child Rights Report ⁵² MKUKUTA Annual Implementation reports and Annual Open Government Partnership Report for Tanzania where reports also include CSOs perspectives.

Sometimes, “*special*” committees or task force are created to oversee the whole process and make sure that inputs from CSOs are included in the final output, but the majorities of these committees are not inclusive of all key stakeholders, as one participant in FGDs for instance puts it, “*most committees are formed on ad hoc basis and largely dominated by government officials. Besides, these committees are not legally recognized...members in these committees are not given any terms of reference and therefore do not feel that they have legal obligation to include CSO inputs in the final policy document.*” Consequently, inputs from CSOs are not adequately captured in the end. There is lack of appreciation of CSOs inputs and feedback on part of the government which lowers CSOs motivation to participate and contribute in the policy and planning processes. Little capture of CSO inputs in the national development policies and plans is partly caused by lack of proper mechanism for CSOs coordination, little knowledge about the roles of CSOs and very low technical (i.e. the ability to conduct evidence-based research and offer real time alternative solutions to the problems) and financial capacity of small and rural CSOs.

However, the following recommendations were given for strengthening formal working relationships between child rights and youth CSOs and other stakeholders at different levels:

- i. Advocate for more inclusive government –led and donor –led policy and processes. Participation in these forum should be open to all CSOs
- ii. Closely engage with government and donor organizations to identify entry points and opportunities for policy influence
- iii. Provide education and regularly share important information and reports on the work of CSOs with government authorities, donors and other development partners
- iv. Create mechanism to identify and monitor CSOs income all over the country and account for their contribution in national development

3.3.4 Capacity Gaps of Stakeholders-Institutional and Personnel

According to EU Country Roadmap for Engagement with Civil Society (2014-2017), the CSO sector in Tanzania is relatively young.⁵³ Most CSOs are still in a nascent stage whilst others are growing in size and in capacity. The assessment of CSOs capacity gaps indicates that there is a big gap between the national level and local level child rights and youth organizations. The gap is even bigger between international and “*local*” CSOs. Apparently, the international child rights and youth CSOs have more technical personnel and financial capacities as compared to *local* CSOs, which make it possible for them to deliver projects and sustain their programs. Just a few national CSOs can sustain their programs beyond three years.

⁵² Tanzania Child Rights Forum worked hand in hand with the government to produce the 2012 report

⁵³ ⁵³ Road Map p.17

Despite these differences, there is, however, a consensus that most child rights and youth CSOs have lower technical capacity in the following aspects:

Coordination Capacity: Most CSOs do not have adequate skills in organizing, managing members' expectations, maintaining communication, creating linkages and coordinating the work of member organizations to meet agenda 2030 on sustainable development goals.

Capacity to Mobilise Resources and Fundraise: Resource mobilization and fundraising skills are lacking as a result most child rights and youth CSO have inadequate resources –both financial and personnel to facilitate effective implementation of their activities.

Capacity to Monitor, Evaluate and Report on activities and achievements: Report by Save the Children shows that most CSO do not keep track of their activities and very rarely report on them except for donors. The capacity to develop SMART indicators is lacking which makes it hard to measure the contribution of their work to achieving national development goals. The capacity to manage data is also weak. Currently, nobody knows what others are doing and value their inputs except for a few child rights and youth organizations.

Capacity in CSO sustainability: Most CSOs lack skills to develop sustainable ideas. They tend to focus on short term activities and outcomes without looking at what is likely to stir long term positive changes in the lives of their target groups.

Capacity for Policy analysis and advocacy: Very few CSOs have the skills needed to undertake comprehensive policy analysis and ability to promote government buy-in and support in policies options and project –promote mainstreaming of the project into government system.

Capacity in ICT: The majority of local CSOs lack skills and financial means to access and use modern information and communication technology such as computers and internet.

Capacity to ensure inclusive participation in projects: Most CSO, government and donors have capacity gaps in ensuring effective participation of all stakeholders in projects-i.e. from project identification, design and management. Local stakeholders are mainly involved at a later stage of project implementation.

Capacity for Better Allocation of Resources: The government and donor agencies lack skills on how to allocate resources fairly and address the real problems facing local communities. Apparently, 1/3 of donor funds go back to donors through salaries, overhead costs and other expenses. The government's investment and support in CSOs activities is very minimal.

3.3.5 Initiatives to address capacity Needs of Stakeholders

In Tanzania, quite some initiatives have tried to enhance the capacity of stakeholders for effective engagement in policy dialogue. Trainings on different thematic areas were organized at national and local levels with the support of Foundation for Civil Society and International Organizations such as the Danish Institute: MS-TCDC and CVM/PA. In addition, CSO exhibitions were conducted at Bunge in Dodoma and

Zanzibar House of Representatives in order to facilitate networking and enhance effective platform for the mutual collaboration between policy and decision makers and the CSOs.⁵⁴ . The Policy Forum has been the main facilitator for CSOs to discuss policy issues and share information. However, CSO participation in these events was limited. Only a few selected child rights and youth CSOs had an opportunity to participate in capacity building events and policy fora.

In most cases, Initiatives to address capacity gaps are focused on strengthening capacities of specific stakeholder groups, but a comprehensive and collaborated initiative i.e. that looks into capacity needs of all stakeholders is lacking. The government investment in stakeholder capacity building is almost non-existent, although there are improvements lately. Example, the Ministry responsible for Youth Development has made some efforts to train youth organizations on project management, Ethics and youth entrepreneurship. Most of the initiatives are donor supported processes and therefore not sustainable in the long run. Apparently, Local stakeholders including the commercial companies, NGOs, LGAs and private businesses do not seem to be motivated from the inside to support capacity building initiatives and enable effective stakeholder participation in policy dialogue.

3.3.6 Suggestions to Address the Existing Capacity Gaps

Generally, participants in focus group discussions and interviews had the following suggestions for addressing capacity gaps of different stakeholder groups: (1) the need to conduct comprehensive capacity needs assessment of stakeholders and establish a Joint Government-CSOs-Donor capacity building Initiative; (2) the need to advocate for and influence the GoT and private sector to support the work of CSOs. Both financial and non-financial support is needed; (3) the government needs to legally establish and enforce mechanisms for CSOs participation in policy and decision making. Such forums should be open to all child rights and youth CSO regardless of their size, relationship with authorities and financial capacity. Currently, only few CSOs are invited to attend government sponsored policy forums; (4) Donors and government need to facilitate CSO's access to modern ICT and establish effective information sharing and monitoring system that goes down to village level; and finally (5) the need to establish an inclusive organ of any form (e.g. a committee) to regularly review and report on progress against each commitment made in relation to enabling environment.

3.4. Donor – CSO Relationships

As we have seen before, Child Rights and Youth Organisations - both local and international are financed by the wide array of donors –ranging from multilateral organisations such as the European Union, and UN agencies to bilateral organizations such as USAID, UKAID, DFID, SIDA-Sweden and Irish Aid. The support to child rights and youth CSOs also comes from philanthropic foundations and charitable organisations including the OAK Foundation, Comic Relief, Fur Die Frihet (FNF), Sonke Gender Justice, and the Foundation for Civil Society to mention just a few. Three types of CSOs funding mechanisms exist – including direct funding to local CSOs to support strategic plans or specific projects; funding of CSOs

⁵⁴ Exhibition are annual events facilitated by FCS

through international or high level domestic CSOs; and funding of CSOs activities through private companies.

This section presents findings of this study regarding the effectiveness of donor funding mechanisms in the Tanzania. Specifically, the section looks at -the responsiveness of donor funding mechanisms to CSO programmatic areas; reliability and transparency of the funding mechanisms; existing initiatives to support diversification of resources as well as the donor-CSOs engagement process. Finally, the section presents a synthesis of recommendations given by respondents on improving donor- CSO relationship for effective development.

3.4.1 Responsiveness of Funding Mechanism to CSO's Programmatic Priorities

Despite some major challenges, the majority of child rights and youth CSOs consider donor funding as being responsive to programmatic priorities of their organizations as well as the national development priorities of Tanzania. Most CSOs have their own vision, mission statements and some form of strategic plan which are aligned with national development objectives expressed in the Tanzania Development Vision 2025, the National Strategy for Growth and Reduction of Poverty (NSGRP II) and other specific policies such as the National Youth Development Policy, 2007 and Child Development Policy, 1996. In most cases, the 'strategic plan' is used by CSOs as a tool to mobilize and secure donor funding. However, accessibility to funding is determined by CSO's ability to develop good project proposals, capacity to negotiate and demonstrated ability to deliver good results. To obtain funds, Individual CSOs have to identify and approach potential donors, and/ or respond to call for proposals announced by donors.

The International child rights and youth CSOs such as Save the Children, Plan International, Oxfam Tanzania, Care International, FHI 360, Restless Development and others stand a better chance of winning call for proposals because they have the capacity to develop high quality proposals, have high level of influence and possess good negotiation skills. As a result, these CSOs have become the major beneficiaries of foreign donor funding as well as dominant players in the field of Child Rights and Youth Programmes. A few local CSOs such as the Children's Dignity Forum (CDF), Tanzania Child Rights Forum (TCRF), and Tanzania Youth Coalition (TYC) have developed some good negotiation skills and therefore managed to attract donor funding to support their plans. However, it is not uncommon to find that beneficiary CSOs are requested by donors to include some new ideas or adjust their plans.

Small organizations and most especially the rural CSOs suffer severe budgetary constraints, partly because donor agencies prefer "more sophisticated" CSOs located in Dar es Salaam and other urban areas. Thus some rural CSOs such as Mkombozi -Youth and Child Rights Organization were pushed to accept projects which were not part of their original plans just to access funds from donors. This is noted by one member of the organization: "*Originally, we were not involved in health issues, but due to financial challenges we had no choice, but to honor our donor request and accommodate a new Maralia Project funded by IPS*".

Another important observation worth noting is the tendency for donor agencies, in the recent years, to push for and finance similar project, and every often shift from one area of focus to another in order to cope with changes in the global development agenda. This trend leaves projects that address the real needs of the poor children and youth of Tanzania underfunded or completely unattended.

3.4.2 Reliability, Simplicity and Transparency of Funding Mechanisms

The assessment of the CSOs enabling environment also noted that there is no coherent mechanism for donor funding in Tanzania. Each donor has his/her own funding approach and programmatic priorities, accompanied by different set of conditions and timeframes which make donor funding a complex process. Simplicity in accessing donor funding is dependent on donor typology and/or policies. Reportedly, funding from multilateral and bilateral organizations are more restrictive as compared to philanthropic foundations because the former are more 'political' and accompanied with certain conditions that may not be met by the majority of child rights and youth CSOs. One member of Tanzania Child Rights Forum for example, noted...*"donors who are attached to their governments or allied with own country policies such as USAID and UKAID are the most difficult to deal with. One needs to clearly understand their country policies and strategies, strictly follow established procedures and meet certain standards to access the grants ...conditions which cannot be easily met by local CSOs"*.

Information on funding opportunities is open and mostly shared through call for proposals which are announced by donor agencies using a variety of methods including -donor websites, emails, social media, newspapers, and other media outlets. However, accessibility to this information is limited. The majorities of child rights and youth organizations, most especially the rural CSOs do not have access to newspapers and internet services, because they cannot afford high cost of internet service and/or lack the enabling facilities such as computers.

Most donors prefer the short term projects as opposed to core funding. Due to this, the majorities of medium and small CSOs are functioning sub-optimally and do not have sufficient consistent support to be able to realistically pursue their long term plans. Donor funding is provided as per terms of contract signed between the recipient CSOs and donor agencies. But, the former have minimal influence in setting up the terms of the contract. In the recent, there is a tendency for multilateral and bilateral organizations to fund CSOs through private companies and international CSOs, but information on how much of the total grant is retained and spent on grant administration is difficult to find. Hence, there is a general feeling that more resources are spent on overhead costs than actual implementation of the projects.

3.4.3 Donor Initiatives to facilitate diversification of CSOs income sources

There is a variety of donor initiatives to facilitate diversification of income sources among child rights and youth CSOs. These included, among others, training of CSOs staff on resource mobilization and CSO sustainability mechanisms; facilitating organizational capacity assessment; provision of technical advice and support to strengthen capacity of CSO staff in financial mobilization; sharing of information on other potential donors; and linking or connecting recipient CSOs with other funding bodies. However, donor commitments and investments in these initiatives are minimal. Thus this increases CSOs dependency on foreign donors.

Among the CSOs that benefited from donor initiatives to support diversification of income sources include Tanzania Youth Vision Association (TYVA) which received training in financial resources mobilization in 2014 funded by Fur Die Freiheit (FNF) - a German donor organization which is currently financing TYVA's

Youth Employment Project. Another CSO is TCRF which was supported by OAK Foundation of UK to set up a system for online donation as well as training of staff on how to manage the process.

3.4.4 Donor Engagement with CSOs

The strategy for donor engagement with child rights and youth CSOs in Tanzania is neither clear nor well coordinated. Each donor uses their own approach and methodologies - based on institutional policies and thematic area (s) of focus. Currently, there are different modalities of engagement - including regular communication through Skype calls, emails and telephone; training and capacity building; meetings with project implementing partners and information sharing events. Other methods of engagement include mentoring sessions; staff exchange programmes; quarterly, bi annual and annual reports; field visits; thematic working groups and task force; M& E reports and annual stakeholders meetings. While these methods are appreciated, they seem to provide little opportunity for CSOs to effectively engage and influence the process. For example, donors have the power to prescribe thematic areas of training and the reporting system.

There is a close relationship and collaboration between donors and the international child rights and youth CSO, partly because they are the main beneficiaries of donor funding. Local CSOs are continuously excluded from the important committees and decision-making bodies such as the Development Partners' Group. This raises questions about donors' commitment to fulfill the Busan agreement with regards to inclusion of CSOs in the development process.

3.4.5 Suggestions on improving Donor interaction and dialogue with CSOs

Generally, the respondents had the following recommendations on improving donor-CSOs relationship in Tanzania:

Donors:

- Strengthen donor coordination to avoid duplication of efforts and concentration of funds in one geographic area or similar development intervention. For example, establishing a Joint Donor Forum.
- Improve mechanisms for sharing information such as call for proposals to enable merging of activities and minimizing administrative charges.
- Promote fair financing of CSOs activities -to reach out and strengthen the less "sophisticated" CSOs located in rural areas.
- Regular meetings or Donor Round Table with Partner organization –to discuss and learn from CSOs on what they are doing.

Child Rights and Youth CSOs

- Build connections with donors and ensure that recipients CSOs speak the same language as donors
- Strengthen Internal Accountability mechanisms and regularly reporting back on their activities
- Have educational sessions with donors to increase donor awareness of CSOs work.
- Strengthen CSOs engagement with the business community or the private sector to help overcome some of the challenges faced by child rights and youth organisations.
- Engage with the government through evidence based research to ensure government buy- in, support and investment in CSO activities. Government’s intervention is also needed in setting up conditions for allocating resources -to minimize donor concentration in one development intervention.
- Need to form inclusive working groups and task force to enhance donor understanding of local problems.

4. CONCLUSIONS AND RECOMMENDATIONS

4.1 Conclusion

This section concludes the findings of the study on enabling environment for child rights an youth CSOs in Tanzania. Core areas of assessment included 3 key broad components i.e. (1) the protection and/or recognition of human rights freedoms affecting CSOs (2) Policy Influence and (3) Donor – CSO relationships. In the light of the preceding, the following conclusions can be drawn:

The assessment generally finds that the environment for child rights and youth CSOs in Tanzania is generally favourable in many respects. The basic rights and freedoms affecting CSOs -such as the right to freedom of association, freedom of expression as well as the right to organize and assemble peacefully are legally recognized and protected by the laws of Tanzania. The government also acknowledges the work of Child rights and Youth CSOs and to some extent established mechanisms (both policy and institutional) to facilitate availability and easy access to public information as well as CSOs involvement and participation in policy processes, planning and decision making. The donors, on the hand, provide funding that is responsive to programmatic areas of child rights and youth CSO and engage or consult with them through many various ways including project implementing partners and stakeholders meetings, donor-led information sharing events, thematic working groups and task force, staff exchange programs and M&E activities, to mention just few. These practices are in line with the Busan Model for development effective as well as Istanbul principles for CSO development effectiveness. The former emphasizes the inclusion and involvement of CSOS and other stakeholders and in development process while the later insists on the need to ensure ownership of development initiative and respect to human rights and social justice, among other things. Despite these developments, there is a pertinent room for improvement in some areas that are critical for effective development partnerships. Recommendations for improving CSO environment in Tanzania are presented in the section that follows.

4.2 Recommendations

Based on findings presented the following are the priority challenges and corresponding recommendations that the government of Tanzania, donor agencies, child rights and youth CSOs should consider taking on board:

3.2. Protection and Implementation of Rights and Freedoms affecting CSOs in Tanzania

3.2.1 Protection and Implementation of the Right to Freedom of Association	
Priority Challenges	Recommendations
<p>CSO Formation and Registration:</p> <ul style="list-style-type: none"> • The registration process is still centralized, bureaucratic and subjected to delays which have cost implications on the part of child rights and youth CSOs • Child rights and youth CSO have limited access to information about registration laws and procedures • Accessibility to online registration system is limited 	<ul style="list-style-type: none"> • Government, Donors and CSOs facilitate avenues for stakeholders dialogue around the CSO registration laws; • Government Registration agencies and CSOs conduct awareness activities to enable relevant CSOs to be more aware and informed about laws related to CSO registration and procedures involved. • Registration authorities, donors and CSOs develop simplified versions of governing laws in a language that is understood by all stakeholders and share copies widely. • Registration agencies need to strengthen the online registration system and devise ways to promote uptake and increased use of the technology in remote areas
<p>CSO Operation: Free from interference:</p> <ul style="list-style-type: none"> • Government authorities interfering and/or interrupting/ banning the work of children rights and youth CSOs. • Compliance with CSO operating laws and guidelines such as annual fees is a big challenge to small and rural child rights and youth CSOs 	<ul style="list-style-type: none"> • CSOs advocate for enhanced implementation of existing policy and legal frameworks designed to promote freedom of association. Donor support is also needed in this area. • The government and civil society organisations need to conduct participatory monitoring on regular basis to ensure that CSOs and government comply with the laws. A strong accountability mechanism is also needed.

Access to Resources	
<ul style="list-style-type: none"> • There is too much reliance on funding from foreign sources which do not guarantee sustainability • Government (both central government and LGAs) and private sector investment and support to the work of CSOs is very minimal • Some tax laws affects CSOs' ability to access and use banking and mobile financial services • Local CSOs have inadequate fund raising skills and are unable to write good project proposals 	<ul style="list-style-type: none"> • Conduct mind-set-based campaigns on CSO financing. This should be collaborative work between CSOs, donors and relevant government authorities. • Review financial policies to enable CSOs to access resources from the government. • Advocate for greater number of local private companies and government to invest in CSOs activities. • CSOs advocate for and influence review of all disenabling tax policies and laws through collaborating with other stakeholders including donors, human rights activists and politicians etc. • GoT donors and high level CSOs support and/or facilitate capacity building of small child rights and youth CSOs in fund raising skills and project write up.
3.2.2 Protection and Implementation of Freedom to Peacefully Assemble	
Priority Challenges	Recommendations
<ul style="list-style-type: none"> • <i>Various laws and regulations such as The Police Force and Auxiliary Service Act 2002 and administrative barriers still hinder child rights and youth CSOs from fully exercising the right to freedom of peaceful assembly.</i> 	<ul style="list-style-type: none"> • Child rights and youth CSOs in collaboration with private sector, donors enhance policy advocacy to address gaps in existing policies and laws that hinder CSO's total enjoyment of the rights to assemble peacefully. Also, there is a need to promote effective implementation of the constructive aspects of existing policy and legal frameworks for enhanced CSO enjoyment of this right • The government needs to review all disenabling laws and policies affecting child rights and youth organisations including <i>The Police Force and Auxiliary Service Act 2002</i>
3.2.3 Protection and Implementation of Freedom of Expression	
Priority Challenges	Recommendations

<p>CSO Expression of Views and Advocacy</p> <ul style="list-style-type: none"> • Some provisions of the National Security Act, 1970; the Civil Services Act, 1989; the Public Leadership Code of Ethics, 1995; and the Tanzania Communication Regulatory Authority Act, 2003. Cyber Crimes Act, 2015 and the Statistics Act of 2015 impede the right of CSOs to express their views. • Government authorities restricting freedom of press and denying CSOs permission to express their views on issues critical to government such as elections 	<ul style="list-style-type: none"> • The government in collaboration with other development actors review all disabling laws and policies • Child right CSOs in collaboration with human rights activists , donors and other stakeholders advocate for government compliance with the Busan Agreement, international human rights instruments and the URT Constitution
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<p>CSO Access to Information</p> <ul style="list-style-type: none"> • The bill of law safeguarding the right to access information is still lacking. • Access to important information is limited, and associated with long and cumbersome procedures • Information provided in government online sources is not widely accessible, irregularly updated and contradict with other sources 	<ul style="list-style-type: none"> • The government and the parliament to fast track enactment of the right to information law. The CSOs need to enhance advocacy around this to put pressure to GoT and parliament to pass the law • High level CSOs and donors strengthen the capacity of small and rural CSOs and other civic groups to demand information from government authorities • Improve mechanisms for making official information more readily available, easily accessible and understandable
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3.2.4 Protection of the Rights of Specific Groups

Priority Challenges	Recommendations
<ul style="list-style-type: none"> • There are laws (such as the Marriage Act of 1971) and political decisions that affect the CSOs advocacy work • Existence of deeply ingrained social cultural barriers that hinder effectiveness of child rights and youth CSOs from defending the rights of specific groups such as children, women, the disabled etc 	<ul style="list-style-type: none"> • CSOs continue to engage with government to review disabling provision of the Marriage Act of 1971 and other regulations • Conduct community sensitization and awareness campaigns on the negative consequences of traditional practices and customary laws that continue to discriminate against women in their access to land

3.3 CSOs Environment for Policy Influencing

3.3.1. Space for Dialogue and Influencing Policy

Priority Challenges	Recommendations

<ul style="list-style-type: none"> • Youth Council of Tanzania Act, 2015 not operational and thus limit youth involvement and participation in policy processes at national and local levels • CSOs involvement and participation in important government –led and donor-led decision making forums such as Development Partners Group is limited. International CSOs are more involved than local CSOs 	<ul style="list-style-type: none"> • CSOs need to advocate for government commitment and support to youth councils. The donors can offer financial support • CSO advocate for more inclusive government –led and donor –led policy and decision making processes. Participation in forum such as Joint Sector Review (JSR) Steering Committees and Development Partners Group should be open to all CSOs
3.3.2 CSOs Involvement in design, implementation and monitoring of National Development Plans	
<ul style="list-style-type: none"> • There are no clear rules and institutionalised mechanism to facilitate collaboration and communication between CSOs and government authorities 	<ul style="list-style-type: none"> • The government in consultation with CSOs and donors work to institutionalise mechanisms collaboration and communication with stakeholders, and clarify rules as to when, how, and for which issues the government must consult or engage with CSOs.
3.3.3. Accountability mechanism to ensure CSO inputs are taken into consideration	
<ul style="list-style-type: none"> • Little capture of CSO inputs in the national development policies • There is lack of appreciation of CSOs inputs and feedback on part of the government which lowers CSOs motivation to participate and contribute in the policy and planning processes. 	<ul style="list-style-type: none"> • CSOs need to strengthen their coordination mechanisms and closely engage with government and donor organizations to identify entry points and opportunities for policy influence. • Strengthen CSOs capacity to engage with the government through evidence based research to ensure government buy- in, support and investment in CSO activities. • They should also provide education and regularly share important information and reports on the work of CSOs with government authorities, donors and other development partners • The government needs to create mechanism to identify and monitor CSOs income all over the country and account for their contribution in national development
3.3.4 Stakeholders' Capacity for Effective Engagement in Development Partnerships	
Priority Challenges	Recommendations

<ul style="list-style-type: none"> • CSOs, donors and government authorities have varied capacity gaps in a number of areas which affect Coordination, capacity to mobilise, allocate resources and fundraise, monitor and evaluate programs, policy analysis, ICT as well as capacity to ensure inclusive participation of stakeholders in development processes. • There is lack of comprehensive and collaborated capacity building initiative that looks into capacity needs of all stakeholders • Local stakeholders including the government, commercial companies, NGOs, LGAs and private businesses lack inner motivation to support capacity building initiatives and enable effective stakeholder participation in policy dialogue. 	<ul style="list-style-type: none"> • There is a need for joint initiative between donors, GoT, private sector and CSOs to conduct comprehensive capacity needs assessment of stakeholders and establish a Joint capacity building Initiative; • Donors and GoT need to facilitate CSO's access to modern ICT and establish effective information sharing and monitoring system that goes down to village level; and • Government and other stakeholders need to establish an inclusive organ of any form (e.g. a committee) to regularly review and report on progress against each commitment made in relation to enabling environment. • The need for CSOs to advocate for and influence the GoT and private sector to support the capacity building initiative CSOs. Both financial and non-financial support is needed
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3.4 Donor -CSO relationships

Priority Challenges	Recommendations
3.4.1 Responsiveness of Funding Mechanism to CSO's Programmatic Priorities	
Priority Challenges	Recommendations
<ul style="list-style-type: none"> • Donor agencies push for and finance similar project and very often shift from one area of focus to another thus projects that address the real needs of the poor children and youth are underfunded or completely unattended. • Most donors prefer “more sophisticated” or high level CSOs located in Dar es Salaam and other urban areas. 	<ul style="list-style-type: none"> • Government’s intervention is needed in setting up conditions for allocating resources -to minimize donor concentration in one geographic area or similar development interventions. • CSOs advocate for sustainable equitable sharing of resources between local and international CSOs as well as rural and urban CSO-to reach out and strengthen the less “sophisticated” CSOs located in rural areas. • Have educational sessions with donors to increase donor awareness of CSOs work

3.4.2 Reliability, Simplicity and Transparency of Funding Mechanisms	
Priority Challenges	Recommendations
<ul style="list-style-type: none"> • The current donor funding mechanisms are incoherent, un-coordinated and mainly support short term projects • Access to Information on funding opportunities is limited • Donor agencies present tough conditions and/or requirements for CSOs to access funds 	<ul style="list-style-type: none"> • Donors work in collaboration with CSOs to ensure coordinated/harmonized approach to financing of CSOs in Tanzania to avoid duplication of efforts and concentration of funds in one geographic area or similar development intervention. • Improve mechanisms for sharing information such as call for proposals to enable merging of activities and minimizing administrative charges. • Strengthen Internal Accountability mechanisms and regularly reporting back on their activities
3.4.3 Donor Initiatives to facilitate diversification of CSOs income sources	
Priority Challenge(s)	Recommendation(s)
<ul style="list-style-type: none"> • Donor commitments and investments in Initiatives to facilitate diversification of CSOs income sources are minimal. 	<ul style="list-style-type: none"> • CSOs Strengthen their engagement with the government, donors and business community or the private sector to help overcome financial challenges facing child rights and youth organisations
3.4.4 Donor Engagement with CSOs	
Priority Challenge(s)	Recommendation(s)
<ul style="list-style-type: none"> • The strategy for donor engagement with child rights and youth CSOs in Tanzania is neither clear nor well coordinated. • Little opportunity for CSOs to setting up the terms of the grant contract and effectively engage and influence grant management processes. • Local CSOs are continuously excluded from the important Donor committees and decision-making bodies such as the Development Partners' Group. 	<ul style="list-style-type: none"> • CSOs advocacy initiatives should also focus on changing the attitudes and practices of the donor agencies in engaging with local CSOs • CSOs build negotiation capacities and ensure that recipients CSOs speak the same language as donors • Need to form inclusive working groups and task force to enhance collaboration and donor understanding of local problems

References

URT, Constitution of the United Republic of Tanzania, 1977

URT, National Child Development Policy, 2008

URT, National Youth Development Policy, 2007

URT, Non-Governmental Organizations Act, 2002-No. 24 Of 2002

URT, Cybercrimes Act, 2015

URT, Statistics Act, 2015

USAID, CSO Sustainability Index for Sub-Saharan Africa, 2014

Amnesty International Report on the State of World's Human Rights, 2015/16

https://www.amnestyusa.org/sites/default/files/annual_report_book_15_16_english-2.pdf

Open Budget Survey 2015: Tanzania

<http://www.internationalbudget.org/wp-content/uploads/OBS2015-CS-Tanzania-English.pdf>

Tanzania Human Rights Report 2015, Tanzania Mainland, Legal and Human Rights Centre (LHRC), 2016

URT, National Human Rights Action Plan 2013-2017 Ministry of Constitutional and Legal Affairs December 2013

The High Level Fora on Aid Effectiveness: A history, OECD Website at:

<http://www.oecd.org/dac/effectiveness/thehighlevelforaonaideffectivenessahistory.htm>

Civil Society Index (CSI) Project 2011, CIVICUS and ForDIA, pp 18-21

Civil Society in Tanzania, Toni Haapanen, Kepa, 2007 pp.4-6

Report by Human Rights Watch, May 2016: <https://www.hrw.org/news/2016/05/09/tanzania-updated-upr-submission>

The United Republic Of Tanzania EU Country Roadmap for Engagement with Civil Society 2014 – 2017

Appendix 3: Framework for Assessing Progress on CSO Enabling Environment

The RoA Africa focuses on three core areas, and within each area addresses essential dimensions of the CSO enabling environment:

Area One: Universally accepted human rights and freedoms affecting CSOs

- **Dimension One:** Recognition of rights and freedoms affecting CSOs.
- **Dimension Two:** The legal and regulatory environment, implementing rights and freedoms affecting CSOs, including Children rights and Youth organizations.
- **Dimension Three:** Rights of specific groups, including Children rights and Youth CSOs

Area Two: Policy Influencing

- **Dimension One:** Spaces for dialogue and policy influencing
- **Dimension Two:** Access to information

Area Three: Donor – CSO relationships

1. Area One: Universally accepted human rights and freedoms affecting CSOs

The Busan Partnership affirms CSOs as independent development actors in their own right. It substantially links an enabling environment for CSOs to governments fulfilling their obligations to international human rights.

Dimension One: Recognition of rights and freedoms affecting CSOs

Dimension one asks whether a state recognizes at the national level three universally recognized human rights and freedoms affecting CSOs. As a reflection of this recognition, the questions therefore examine whether a state recognizes these rights and freedoms in the constitution and in the basic laws, and whether there are significant violations of these rights.

1. Is the right to **freedom of association** protected in the constitution and basic laws of your country?
2. Is the right to **freedom to peacefully assembly** protected in the constitution and basic laws of your country?
3. Is the right to **freedom of expression** protected in the constitution and basic laws of your country?
4. **Are there significant and/or severe restrictions** on the exercise of one or more of these rights through government intimidation, intrusion, harassment or threats? (Please Note: Dimension Two below will address particular restrictions governing the exercise of these rights based on the implementation of CSO laws and regulations.)

Dimension Two: The legal and regulatory environment, implementing rights and freedoms affecting CSOs

Dimension Two explores the legal and regulatory environment governing CSOs' exercise of the human rights and freedoms addressed in Dimension One.

1. Entry: CSO formation and registration

1. Is there an **enabling law on CSO registration, and in practice** are CSOs able to easily register?

- Definition: “Enabling law” includes voluntary registration allowed for any legal purpose; requiring a small number of founders and/or small amount of assets; based on reasonable, transparent, objective criteria; and providing avenues for appeal.
2. Are the **processes/regulations for formation and registration enabling** for civil society organizations?
 3. Discuss **how the existing legal and institutional frameworks can be strengthened** to promote multi-stakeholder approach to development effectiveness
 4. Present on **government play its role of creating an enabling environment for engagement with CSOs** in the development effectiveness agenda.

Definition: “Enabling processes/regulations” includes easy access for all irrespective of location, simple procedure without undue administrative burdens; nominal or affordable fees; timely decision; registration in perpetuity.

2. CSO Operations: Free from interference

- 1. Can CSOs, at the time of and after registration, freely choose where, with whom and with what mandate to work?
 2. Are CSOs free to operate, in law and in practice, without excessive administrative burdens and/or government interference (harassment)?
 3. Is there interference in CSO operations on the part of the state and other actors for political or arbitrary reasons? Is there legal recourse against such harassment?

Definitions: “CSO Operations” – The capacities to govern, implement and assess activities on the part of the CSO, consistent with its mandate and the roles of CSOs as actors in support of public goods.

“Excessive” – Interferes with CSO’s capacity to act independently in carrying out its mandate.

3. CSO expression of views and advocacy

1. Are there legal or political barriers that hinder a CSO’s ability to openly express its opinions, particularly on matters critical to government policies? (Barriers may also include CSO self-censorship of views.)
2. Are there legal or political barriers that hinder a CSO’s ability to engage in public policy activity and/or advocacy?

4. Access to resources

1. Are there legal, policy or political barriers to access – i.e. to seek, secure and use - resources, including foreign resources, for CSOs?
2. Are there legal or policy incentives to promote local resource mobilization and financial sustainability among CSOs?

5. Rights to assemble peacefully

1. Are there legal or political barriers to the right to peaceful assembly?
2. Can groups gather openly and criticize the government through peaceful protests or other forms of demonstrations?
3. Are there restrictions to assemble and make claims on government, including government use of harassment, arbitrary arrest or use of excessive force?

Dimension Three: Rights of specific groups

This dimension focuses on evidence of discrimination in the application of laws, regulations and policies for particular groups that may advocate for policy change or represent marginalized and vulnerable populations. Important factors also include fair administration of the laws and regulations, equal access to due process and the ability to seek redress.

1. Are there CSOs representing particular groups that receive less favorable treatment under the legal and regulatory environment (Dimension Two) due to their specific mandate or activities? (Examples of such groups might include trade unions, women's rights organizations, human rights organizations, organizations of indigenous peoples, Children rights and Youth organizations etc.).
2. Are there recent examples of leaders and/or members of vulnerable organizations facing discrimination, harassment, arbitrary arrest or extra-judicial killing?

Area Two: Policy influencing

The ability of CSOs to engage with governments on policy concerns through dialogue and advocacy is an essential area for consideration of CSO enabling conditions. The degree to which there are institutionalized spaces for policy dialogue and fair and inclusive processes for government/CSO consultations are critical ingredients of democratic ownership of public policy. Considerations of an enabling environment must not only take account of opportunities/processes for engagement, but also the resulting impacts on public policy.

Dimension One: Spaces for dialogue and influencing policy

1. Does government establish inclusive and accessible processes for policy engagement at all levels (local, regional, national)? Are marginalized groups included (including Children rights and Youth organizations)? Are such processes available for all kinds of policies?
2. Are there inclusive institutionalized opportunities for all CSOs to participate in policy- and decision-making processes?
3. Are CSOs involved in design, implementation and monitoring of national development plans and policies?
4. Is CSO input taken into account in the policy outcomes? Are there fully accessible accountability mechanisms for feedback and policy assessment, ensuring that governments consider CSO input?
5. Are there initiatives to address capacity needs of all stakeholders to fully and effectively participate in policy dialogue? (In particular, governments and CSOs.)
6. Present how CSOs can establish formal working relations and ensure active participation with key partner organizations, donors, and government and development agencies at different levels?

7. Present capacity gaps both institutional and personnel, if any among the stakeholders
8. Suggest ways through which the capacity problems can be addressed.

Definitions: “Established processes” for policy engagement includes periodic consultation mechanisms, episodic government/civil society dialogue processes, and processes for government/community engagement.

“Institutionalized opportunities” includes permanent structured mechanisms for policy dialogue, which meet regularly and have a defined mandate to inform the development, implementation and assessment of government policies.

Dimension Two: Access to information

Governments must put into practice principles and laws governing full transparency and accountability for government priorities, strategies, plans and actions.

1. Do CSOs, including Children rights and Youth organizations, have a right to access to relevant government information, by law and in practice?
2. Is the process of obtaining relevant government information simple, timely, transparent and based on established procedures?

Area Three: Donor – CSO relationships

In many countries, donor policies and financing requirements affect CSOs’ roles as effective, independent development actors. Donors should establish transparent and consistent policies that define the place and roles of CSOs in donor strategic frameworks and plans, including country-level program implementation plans. Financing modalities should enable CSOs to implement their own mandates and priorities and be relevant to a diversity of CSOs, respecting their different roles, capacities, constituencies and approaches.

1. Are CSO funding mechanisms responsive to the programmatic priorities of CSOs?
2. Are CSO funding mechanisms reliable, transparent, easy to understand, and disbursed impartially?
3. Are there initiatives by donors for facilitating diversification of CSOs’ income sources?
4. Are donors creating inclusive processes for CSO policy engagement on donor strategies at all levels (headquarters, within partner countries)?
5. Discuss how many donors engage with CSOs illustrating at what level they engage and what issues they engage in with these CSOs?
 - a. Discuss how frequently do they engage?
 - b. Analyze the framework of engagement.
6. Suggest ways that the donors can facilitate dialogue and frequent interaction among themselves and well as CSOs on the issues around enabling environment agenda.