

# Tanzanian Child Welfare Policy Since British Colonial Rule: From Probation to Social Welfare

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# Background

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- To date, Tanzania has gone through eight decades of child welfare policy making.
- The colonizers were intent on using social welfare to balance imperial interests of conquest and benevolence, while postcolonial and post-independence governments sought to promote well-being and economic growth.
- This document focuses on child welfare policing from the colonial, post-colonial and from 80's to the current epoch.
- It notes that children continue to experience high levels of violence, exploitation, and discrimination (Ng'ondi, 2015; Guga, et al. 2009); sexual violence, psychological and physical violence (URT, 2011)



# Aims of the Study

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- Document the clear process of child welfare policy making.
- Create a basis for appropriate child social welfare policing and effective implementation.
- Provide a reference document to academicians to scholars of social work, child social welfare policy and other social actors.
- Stimulate further studies on children social welfare policy.

# Rationale and Approach

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- To our knowledge, this will be the first review of the evolution of child welfare policies in Tanzania.
- There is, therefore, a dearth of literature that documents the evolution of child welfare policy from the colonial era
  - Eckert (2004), and Mchomvu and colleagues (2002) reviewed the evolution of Social Security Systems
  - Mnzava (2012) documents the extent to which different social-cultural and economic contexts influence child protection and child social protection
  - Mabeyo (2014) looks at the development of social work education and practice in Tanzania.

# Research Method

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- This document is written based upon desk review of various literatures including government documents, books and journals.



# Results

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- The first colonizers of the then Tanganyika were Germans. However, little remains of their era on child welfare.
- A series of indigenous rebellions throughout the territory against the rule, as well as adjustments made long-term economic and social planning by the Germans unsustainable (Beck, 1977).
- The British, on the other hand, left a more enduring legacy.
- They established governance structures and introduced the common law, built schools, and shaped overall social service delivery.

# British Colonial Policy-making (1919-1960)

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- The main social welfare policy of this era-and one which set off the practice of social work in Tanganyika territory, is the **Probation of Offenders Ordinance of 1947**. (Laws of Tanzania, 2020).
- Social welfare provisioning was undergirded by a commitment to maintaining racial and class divisions between Europeans, Asians, and Africans.
- During this period, the social and health indicators for Africans were comparatively worse than those of Europeans, Arabs, and Asians. (Eckert, 2004).



## **The Child Affiliation Ordinance of 1949 (CAP. 278)**

- An important piece of colonial legislation that directly related to children (amended in 1964).
- It sought to specifically provide for the maintenance of children born out of wedlock (Mnzava, 2012)
- It was fraught with inadequacies and contravened most international human rights standards.

## **The Destitute Persons Act of 1923**

- It was promulgated to control people in poverty and those who were considered idlers in society.
- The act did not distinguish child destitution from adult destitution.
- To the colonizer, African children matured fast hence were treated as adults.



## **The Memorandum on Infant Welfare Policy of 1925**

- A response to high rates of infant mortality among native children.
- Traditional native practices were perceived to be “unfavourable to the healthy growth of babies and the cause of most preventable illness, ill health and premature deaths” (Masebo, 2010, p. 1).

## **The Children and Young Persons Ordinance of 1937**

- Governed the treatment of juveniles in conflict with the law.
- The law had a dual responsibility: (a) the treatment of children in conflict with the law (i.e., those below the age of 12); and (b) young persons (ages 12-16).

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## **Tanganyika African Association (TAA)**

- In 1929, social welfare association for Africans, was established.
- TAA later became the Tanganyika African Union, turning social welfare demands into a political movement for independence (Illife, 1968).



# Independence and Nation-building (1961-1980)

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## **The Children's Home Act No.4 of 1968**

- Provided for the establishment and management of children's homes in the country.
- Commissioner for Social Welfare is responsible for regulating and licensing of children's homes. (SOS Children's Villages, 2011).

## **The Education for Self-Reliance Policy of 1968**

- It sought to ensure that education mirrored the ethos of building an egalitarian, cooperative, and self-reliant society.

## **The National Education Act of 1978**

- Made primary education compulsory.
- The policies was praised for expanding enrolment of school-age children and increasing literacy.

## **Law of Marriage Act No. 5 of 1971**

- The law defines and regulates marriage and sanctions marriage of girls as early as 14 and 15 years old, while boys can marry at the age of 18.
- The law has been challenged in the highest court in the country.
- It is deemed to discriminate against female children . (HRW, 2014)



# The 1980s to the Present

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## Sexual Offences (Special Provisions) Act of 1998

In 1983 there was the very first 3 cases of HIV and the epidemic spread so fast that it led to the establishment of National HIV/AIDS Policy in 2001

- In response to the HIV/AIDS crisis, the **National Costed Plan of Action I (NCPA) (2007 to 2010)**
- It was designed as a planning tool to be used by all district councils, but was only to be used as a “reference tool” (URT, 2007, p.1)

## **NCPA II (2013-2017)**

NCPA II sought to improve on the challenges identified in NCPA I, such as:

- high costs of identifying children who were vulnerable,
- low dissemination and a failure to reach children in remote areas of the country
- Reduce economic vulnerability
- Empower families to provide essential needs to children;
- improve access to family-based care and support, food, nutrition, shelter, and psychosocial support;
- and provide child protection (URT, 2012).



## **Anti-Trafficking in Persons Act of 2008**

- Tanzania is a source, transit point, and destination country for men, women, and children subjected to forced labor and sex trafficking. (U.S. Department of State, 2018)

## **Education and Training Policy 2014**

- Sought to address challenges such as poor educational outcomes and inequalities based on gender, income, and access to education
- address the contention over the medium of instruction at all levels of education.

## **Law of the Child Act of 2009**

- The Act integrates and repeals all other laws related to the child.
- It accommodates fundamental rights of children as provided by international and regional human rights instruments (Ng'ondi, 2015).

# Conclusion and Way Forward

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Social workers in Tanzania have a crucial responsibility to understand the child welfare policy history, environment and how that impacts their practice.

- Social workers must ensure that they occupy and are represented in policy-making circles
- Social work education in Tanzania must emphasize on understanding of the history of child welfare and the colonial influence in policy making as well as indigenous and culturally relevant social work practice (Gray et al., 2013; Gray et al., 2008; Midgley, 1981; Rankopo et al., 2011).
- Endeavors should be made to develop and unpack the history of child welfare policy in Tanzania so as to know where we came from and where we are going.



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