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3 March 2014

Re: Pre-Sessional Review of Tanzania

Dear Members of the Committee on the Rights of the Child,

We write in advance of your upcoming pre-sessional review of the Tanzanian government's compliance with the Convention on the Rights of the Child. Informed by Human Rights Watch's recent investigations, including first-hand research with children, this submission contains up-to-date findings on Tanzania's treatment of children that appear to violate the following Convention articles, among others: articles 6, 19, 24, 27, 28, 31, 32, 34 and 36. We also found government policies and practices inconsistent with the committee's General Comments No. 15 and 16. This submission highlights concrete steps that the Tanzanian government should be asked to take to address these serious problems.

Human Rights Watch has extensively documented child rights violations relating to child labor and to sexual exploitation and abuse in Tanzania. In particular, we have conducted field investigations on child rights violations in the context of small-scale gold mining in northwestern and southern Tanzania (Geita, Kahama, and Chunya districts), and on police abuse and other rights violations against girls who are victims of commercial sexual exploitation (Dar es Salaam, Tanga, Arusha and Mwanza).

Hazardous child labor

Articles 6, 24, 27, 31, 32

The International Labor Organization (ILO) identifies mining as one of the most hazardous sectors and occupations because of the high rates of death, injury and disease. In Tanzania, children as young as eight years old risk their lives working in small-scale gold mining. Small-scale gold mining is a form of mining that requires little technology, is labor-intensive, and sometimes belongs to the informal sector. In Tanzania, child labor occurs in licensed as well as unlicensed small mines.

Children dig and drill in deep, unstable pits. Sometimes, these pits collapse, causing injury and death. Human Rights Watch documented several such

cases, including the case of a 13-year-old boy who was seriously injured when a pit collapsed on him. Children who work in deep pits may also be exposed to harmful and sometimes deadly gases that are being released during the mining process, including gas from pumps. Adolescent boys working underground explained that their shifts last up to 24 hours.

Children transport bags of gold ore of up to 60 kilograms, far exceeding their physical abilities. They then crush the ore into powder with stones or tools, and sometimes suffer injuries when using these tools.

Human Rights Watch found that these mining activities, in addition to injuries from accidents, cause children to suffer from fatigue, headaches, muscular pain, blistering, and swelling. Long-term problems include respiratory diseases and musculoskeletal problems from carrying heavy sacks.

Children also use mercury to recover the gold, leaving them exposed to the risk of mercury poisoning. The crushed gold ore is mixed with mercury and the amalgam is heated so that the mercury can evaporate, leaving the gold behind. Mercury is poisonous and exposure is particularly harmful to fetuses and small children. It attacks the central nervous system and can cause irreversible developmental and neurological problems. The most serious health hazard comes from exposure to mercury vapor. Child laborers often handle the mercury with their bare hands and breathe the mercury fumes when burning it off. Nineteen children interviewed by Human Rights Watch stated that they had used mercury on the mine sites. The youngest, who was 12 years old, complained about dizziness and pain in his head every day.

Even children who are not working with mercury are at risk of exposure. They inhale mercury vapor or ingest mercury-contaminated dust when family members process gold at home or when taken with their parents to the processing sites. Mercury also contaminates the surrounding environment and accumulates in fish, and reaches children through fish consumption. Studies have found unsafe levels of mercury in fish adjacent to gold mining sites in Tanzania, and have shown that people who work or live in Tanzanian mining areas sometimes have mercury levels that exceed international safety standards.

Child labor in small-scale mining occurs despite strong laws and policy initiatives. Tanzania's Law of the Child Act and Employment and Labor Regulations Act prohibit hazardous child labor under the age of 18, and mining regulations specify that mining work is prohibited for anyone under 18. The Tanzanian government has also launched an ambitious National Action Plan in 2009 on Elimination of Child Labor. Yet, the plan remains unimplemented, and labor inspectors virtually never inspect small-scale mines for child labor.

The Occupational Health Safety Act and the mining regulations oblige miners to take a number of precautions to prevent mercury exposure. But when mining inspectors visit mines, their priorities often lie in collecting revenue, and not in checking on child labor or mercury exposure. And despite Tanzania having signed the new Minamata Convention on Mercury, the Tanzanian healthcare system is ill-equipped to prevent, treat and diagnose mercury intoxication.

Right to education

Article 28

Children who work in mining miss out on important educational opportunities and experiences. Mining has caused children to skip classes or drop out of school entirely. Child labor in mining also affects school attendance and performance. Some children in Geita, Kahama and Chunya districts said they attended school but worked in the mines after school or over the weekend. Combining school and mining affects children's education as it limits their time to study and rest.

The Tanzanian government has failed to adequately address some of the underlying socio-economic causes of child labor. Many children working in the mining industry are orphans who lack financial and other support from their guardians or extended families. Their lack of basic care and shelter leaves them more at risk of exploitation and abuse. Many of these children work in mining because they or their relatives are in desperate need of money to survive. Rather than reaching out to these vulnerable children, some primary schools request financial contributions in violation of domestic and international law, prompting students whose parents are unable to pay these expenses to either seek additional income or to drop out of school. Furthermore, secondary schools officially charge fees that many families are unable to pay. The cost of attending secondary school is therefore a contributing factor to child labor; many children start to work in mines after ending primary school. Under Tanzanian law, primary education is free and compulsory, and Tanzania is required to protect children from work that interferes with their education.

Sexual exploitation and violence

Articles 24, 34

Sexual exploitation and sexual violence, including commercial sexual exploitation of girls, are common in Tanzania. Human Rights Watch has documented sexual violence, harassment, and sexual exploitation of girls, including in mining areas. Girls on and around mining sites, particularly those working in small restaurants preparing food for the miners, are sometimes sexually harassed, pressured into having sex, and commercially sexually exploited. A 15-year-old girl described the practice of men approaching girls on the site for sex: "A lot of men approach me...always showing me money. ... Sex work is very common. ... [T]hey [girls] sacrifice themselves in the forest. They create a hut and stay."

Girls who work are at risk of sexual violence. A 2013 baseline survey by Plan International suggests that 19 percent of the working children surveyed were sexually abused. Sexual exploitation and abuse also puts girls at heightened risk of infection with HIV or other sexually transmitted diseases.

Police abuse

Articles 19, 34, 37

Human Rights Watch has documented several cases in which the police sexually, physically and emotionally abused girls who were victims of commercial sexual exploitation, rather than protect them. Due to police abuse and exploitation, girls engaged in sex work are often afraid to report violence and other crimes, including by the police. Girls who are commercially sexually exploited should not be prosecuted or penalized for being part of illegal sex work, but should be provided all assistance necessary. Police who abuse these children should be prosecuted.

Child rights and business

General Comment 16

Human Rights Watch has documented that gold traders in Tanzania do not undertake due diligence to ensure that they are not benefiting directly or indirectly from child labor. International companies buying and refining the gold from Tanzania may also be indirectly supporting unlawful child labor. Small traders purchase gold directly at the legal and illegal mines or in mining towns, and sell it to larger traders. Several traders confirmed that they were also buying gold from children. Businesses have a responsibility to identify, prevent, mitigate and account for the impact of their activities on human rights and address abuses connected to their operations.

Recommendations

The Committee on the Rights of the Child should urge the Tanzanian government, including the Ministry of Labor and Employment, the Ministry of Health and Social Welfare, the Ministry of Energy and Minerals, and the Ministry of Community Development, Gender and Children, to:

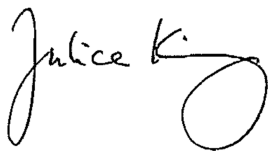
- Support vulnerable children including orphans in mining areas by:
 - Implementing the National Costed Action Plan on the Most Vulnerable Children and ensuring it reaches vulnerable children in mining areas;
 - Ensuring that the Tanzania Social Action Fund, which provides conditional cash transfers to vulnerable populations and is currently being rolled out, reaches vulnerable children in mining areas.

- Improve access to education in mining areas by:
 - Instructing district officers to investigate and eliminate illegal primary school fees;
 - Increasing access to secondary education by allowing children to retake the Primary School Leaving Examination;
 - Increasing opportunities for vocational training.

- Ensure that labor and mining officials regularly inspect licensed and unlicensed mines, withdraw children from mining work, and impose penalties on those who employ child labor. Monitor the situation to ensure that government measures do not lead to retribution.
- Ensure that labor officers, social welfare officers, and social workers identify and protect girls who work in mining from sexual abuse.
- Address the threat of mercury by:
 - Urging an immediate end to mercury use by anyone under age 18 as part of broader efforts to raise awareness and to promote mercury-free alternatives;
 - Developing a health response to address mercury exposure and poisoning in artisanal mining communities, with a focus on child health.
- Strengthen and intensify efforts to formalize the artisanal and small-scale gold mining sector, as one strategy to reduce child labor; this should be done without engaging in a mass clampdown on unlicensed mining activity.
- Take all necessary steps to end police abuse against sex workers and ensure that anyone who uses, offers, obtains, procures or provides a child for the purposes of commercial sexual exploitation is prosecuted, including when the perpetrator is a police officer or other state agent.
- Ensure that children who are commercially sexually exploited or engaged in sex work are not prosecuted or penalized.

Thank you for your attention to our concerns, and with best wishes for a productive pre-session.

Sincerely,

A handwritten signature in black ink that reads "Juliane K." followed by a stylized flourish.

Juliane Kippenberg
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