

**OPENING REMARKS BY JUDGE-IN-CHARGE, HIGH
COURT OF TANZANIA- SONGEA ZONE AT THE OFFICIAL
OPENING OF THE TRAINING WORKSHOP ON CAPACITY
BUILDING TO JUVENILE JUSTICE FRONTLINE
WORKERS
HELD AT OPEN UNIVERSITY OF TANZANIA PREMISES,
SONGEA BRANCH FROM 10TH – 14 FEBRUARY, 2020.**

The Representative of the Principal of the Institute of Judicial,
Administration (IJA) at Lushoto,
Distinguished Workshop Facilitators and Trainers,
Distinguished Participants,
Invited Guests,
Ladies and Gentlemen,
Good Morning.

Let me start by thanking God almighty for giving us this day and let us be thankful for his favors. I also take this opportunity to wish all of you a happy and prosperous New Year, 2020. May God almighty impart on all of you his wisdom, humbleness and guidance in discharging your duties throughout this year.

Distinguished participants, Ruvuma region is located in the southern highlands zone of our country. The area is famously known for its gigantic agricultural activities and for being food crops producer area. The region is also located in a tourist corridor; there is a beautiful Lake Nyasa with an amazing view and great fish species and Selous game reserve. I invite and encourage you to visit these amazing sites before you return to your respective stations.

Distinguished participants, it gives me a great pleasure and honor to officiate this important TRAINING WORKSHOP ON "CAPACITY BUILDING TO JUVENILE JUSTICE FRONTLINE WORKERS". Indeed, the title speaks for itself because I am aware that some of you are Resident Magistrates who have jurisdiction in District Courts which vide GN NO. 367 of 2017 which amended GN No. 314 Of 2016 were vested with jurisdiction to preside over juvenile cases in the primary courts which have been designated as juvenile courts. Your court is the court of first instance which is at the grass root level where juvenile cases are filed at the first instance. However, this training is necessary to all Resident Magistrates regardless of their current posts because they are all eligible to be posted to the District Courts.

I had an opportunity to peruse through the Program; please, I urge you to utilize well the time that has been allotted for this workshop by interactive learning so that you can further develop necessary skills for adjudication of cases involving children. It is my sincere belief that, the skills which will be imparted to you through this workshop will be a catalyst for further protection of human rights, particularly juvenile justice in Ruvuma region and Tanzania as a whole. Please, you should take this advantage to learn, digest and retain the knowledge and skills which will enable you to do better in juvenile justice administration in your daily activities.

Dear participants, I believe you are aware that, Tanzania in its efforts to safeguard the rights of the child has ratified various International and Regional Instruments such as the United Nations Convention on the Rights of the Child (UNCRC) and the African Charter on the Rights and Welfare of the Child (ACRWC). You are also aware that, at a national level our country has enacted the Law of the Child Act, Act No. 21 of 2009.

This law of the child Act embodies a crucial principle which recognizes the best interest of a child as a paramount in

determining child's welfare. This is provided under Section 4 (2) of the Law of the Child Act. The law specifically provides that *"the best interest of a child shall be the primary consideration in all actions concerning a child whether undertaken by public or private social welfare institutions, courts or administrative bodies"*.

The Law of the Child Act (2009) defines a child under its section 4 (1) to mean a person below the age of eighteen years. The law is geared to protect and maintain the welfare of a child in Tanzania. The law also provides legal institutional framework for a child who is in conflict with law in order to protect his/her rights when prosecuted before a Juvenile Court.

Dear participants, as I indicated earlier there are several initiatives taken by our Government to strengthen child protection. Basing on the Law of the Child Act, 2009, GN No. 367 of 2017 which amended GN No. 314 of 2016 which provides for jurisdiction of Juvenile Courts was published. The amendments grants Juvenile Court jurisdiction to a Resident Magistrate having jurisdiction in the District Court to handle juvenile cases in the premises of the Primary Courts designated as a Juvenile Court in the District.

The Hon. Chief Justice of Tanzania through the Government Notice No. 158 of 2019 designated a total of 236 Juvenile Courts country wide so as to afford access to justice to the juvenile. I believe in this workshop you will learn about these laws and know where and how the children cases are required to be prosecuted and adjudicated. You can also read the case of **Furaha Johnson V. R**, Criminal Appeal No. 452 of 2015, CAT at Arusha, (unreported) which emphasized on the need of trying children cases in the juvenile courts in lieu of the ordinary courts.

However, there are challenges which are eminent in the legal regime, cultural traditions as well as in adjudication of juvenile cases processes. Allow me to mention a few of them: Child marriages; under S. 13 of the Law of Marriage Act 1971, Cap 29, R.E 2002 a girl can legally marry at the age of 15 years. Under this provision a girl can marry at the age of 14 with leave of the court. Also under s. 17, a marriage can be contracted by the father of the bride and the groom without girl's consent. However, these provisions have now been declared by the court to be unconstitutional [see the case of the **Attorney General vs. Rebeca Gyumi**, Civil Appeal No. 204 of 2017, Court of Appeal of Tanzania (unreported)].

It is undeniable fact that the culture, traditions, customs and stereo types poses a challenge into realizing child's rights. Members of the society need to change the attitude towards a girl child's rights. The society under the camouflage of culture and traditions has embraced child marriages and other harmful practices which ultimately deny a child right to education and other rights.

Moreover, it is a common knowledge to all of us that, the offences of rape and unnatural offence against children are still rampant in our country in spite of having in place strict laws which attract long mandatory imprisonment sentences. This underscores the need to extend training programs on human rights, emphatically child's rights to the public as a whole through stake holders, different media, etc. The members of the public should understand that, having sexual intercourse with a child is rape even if it is consensual. I therefore use this opportunity to urge the members of the society to refrain from these practices.

As I indicated earlier, in the land mark case of the **Attorney General vs. Rebeca Gyumi**, (supra) the Court of Appeal of Tanzania upheld the High Court decision which

declared sections 13 and 17 of the Law of Marriage Act unconstitutional for setting different minimum age for marriage for boys and girls aiming at child protection in respect of fundamental constitutional rights. It is my expectation that, after the said judicial decision the Law of Marriage Act will be amended to remove the provisions which are infringing the child's rights.

Dear participants, the workshops like the one I am officiating now have been held in other zones of our country and have achieved positive outcome. I had an opportunity of communicating with some participants of the former workshops. Their response is that the training is very educative and useful in the discharge of their duties of administration of justice in the juvenile courts. I expect that you will also find this training valuable.

I want to thank the Chief Justice of Tanzania and the Principal Judge for their unwavering support to the activities of the **Institute of Judicial Administration (IJA)** at Lushoto. I commend all the efforts undertaken by the Institute under the leadership of its Principal, Hon. Justice Dr. Paul Faustin Kihwelo, and his team. I hope that this is the beginning of many more workshops to be held in Ruvuma. We also expect that, as we

have a magistrate who is among the trainers attended a Training of Trainers Course organized and conducted by the Institute it will be easy for us to have self-tailored workshops in our zone to address challenges which our magistrates and other judicial staffs are facing in facilitation of administration of justice.

Similarly, I thank the UNICEF for their untiring technical and financial support of the programs. I also thank the resource persons for their expertise and devotion to impart their knowledge and skills to other judicial officers. In the same vein I commend all of the participants for your willingness to attend and participate in this workshop. With these few remarks, I now declare this workshop officially opened and I wish you a successful workshop.

Thank you for listening patiently and God bless you.