Global Journal of Arts Humanity and Social Sciences
ISSN: 2583-2034

Global Journal of Arts Humanity and Social Sciences
ISSN: 2583-2034
Abbreviated key title: Glob.J.Arts.Humanit.Soc.Sci
Frequency: Monthly
Published By GSAR Publishers
Journal Homepage Link: https://gsarpublishers.com/journal-gjahss-home/

Volume - 6 | Issue - 11 | November 2026 | Total pages 1232-1239 | DOI: 10.5281/zenodo.24169060

CHILDREN IN CONFLICT WITH THE LAW IN TANZANIA: AN EXAMINATION OF THE EFFECTIVENESS OF LEGAL AND INSTITUTIONAL SAFEGUARDS AGAINST IMPRISONMENT

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Article History
Received: 02- 11- 2026
Accepted: 08- 11- 2026
Published: 12- 11- 2026

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Abstract

The protection of children in conflict with the law requires a justice system that recognizes their age, developmental status, vulnerability and capacity for rehabilitation. Although imprisonment is generally associated with punishment, its application to children raises particular concerns relating to liberty, dignity, development, education, family relationships and reintegration. Tanzania has established a comprehensive legal framework governing children in conflict with the law, including specialized juvenile courts, child-sensitive procedures, diversion, bail, social welfare assessment and alternative forms of disposition. Most importantly, section 120(1) of the Law of the Child Act provides that a child shall not be sentenced to imprisonment. This article examines the effectiveness of the legal and institutional safeguards established in Tanzania to protect children against imprisonment. The study adopts a doctrinal methodology based on the Constitution of the United Republic of Tanzania, legislation, subsidiary legislation, judicial decisions, policy and regulatory materials, international and regional instruments, and relevant scholarly literature. The article finds that Tanzania has a strong formal legal framework that substantially limits the use of imprisonment against children. The Law of the Child Act and the Law of the Child (Juvenile Court Procedure) Rules establish safeguards concerning age determination, bail, remand, legal assistance, social enquiry, diversion and alternative dispositions. Judicial decisions have also demonstrated the willingness of courts to correct unlawful custodial outcomes involving children. Nevertheless, the effectiveness of these safeguards is affected by implementation challenges, including inadequate awareness of child-specific legal requirements, difficulties in age determination, limited social welfare capacity, insufficient availability of non-custodial and rehabilitation facilities, inadequate separation of children from adults in custodial settings, and inconsistent access to legal assistance. The article argues that the principal challenge is therefore not the complete absence of legal protection but the effective implementation and coordination of existing safeguards. It recommends strengthened child justice training, improved institutional coordination, expansion of diversion and non-custodial measures, enhanced legal aid and social welfare services, improved child-specific custodial standards and stronger monitoring of compliance with the statutory prohibition against child imprisonment.

Keywords: Children in conflict with the law, child imprisonment, juvenile justice, diversion, legal safeguards, Tanzania, child rights.

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INTRODUCTION

Children in conflict with the law occupy a distinctive position within the criminal justice system. Their age and developmental status require legal responses that differ from those applicable to adults. A child who comes into contact with the criminal justice system is not merely an offender subject to punishment; the child remains a rights-holder entitled to protection, rehabilitation, development and treatment consistent with his or her dignity. The criminal justice system must therefore reconcile accountability for unlawful conduct with the special protection required by childhood.

The use of imprisonment against children presents particularly serious legal and social concerns. Deprivation of liberty may interrupt education, separate children from parents and caregivers, expose them to harmful institutional environments and contribute to stigma and difficulties in reintegration. International child justice standards accordingly emphasise that deprivation of liberty should be exceptional and used only as a measure of last resort and for the shortest appropriate period.

Tanzania has developed a specialised legal framework for children in conflict with the law. The Law of the Child Act, Cap. 13 R.E. 2023 establishes rights and safeguards for children and provides a specialised regime for children alleged to have committed criminal offences.[3] The Act is complemented by the Law of the Child (Juvenile Court Procedure) Rules, 2016, which establish child-sensitive procedures governing juvenile court proceedings, age determination, legal assistance, bail, remand, social enquiry reports and sentencing.[4]

A particularly important statutory safeguard is contained in section 120 (1) of the Law of the Child Act, which provides that, notwithstanding any other written law, a child shall not be sentenced to imprisonment.[5] The provision represents a significant departure from the ordinary criminal justice model because it establishes a direct statutory prohibition against imposing imprisonment as a sentence on a child.

The legal framework also provides alternatives to imprisonment. Diversion, probation, community-based measures, approved-school orders and other child-specific dispositions are intended to promote rehabilitation while avoiding unnecessary deprivation of liberty. The Child Protection Laws (Miscellaneous Amendments) Act, 2024 further strengthened the legal framework by introducing and clarifying provisions relating to diversion and other aspects of child protection.[6]

Despite these protections, the existence of legislation does not necessarily guarantee effective protection in practice. The effectiveness of child justice depends upon the manner in which police officers identify and treat children, the ability of courts to determine age and apply child-specific procedures, the availability of social welfare assessments, access to legal assistance, the availability of appropriate non-custodial institutions and the capacity of custodial institutions to comply with child-specific standards.

Judicial decisions illustrate the importance of these safeguards. In Revelian Wilfred v Republic, the High Court considered the case of a person who was 17 years old at the relevant time and found that the Juvenile Court lacked jurisdiction to impose a custodial sentence of 30 years.[7] The decision demonstrates the significance of age determination and the jurisdictional consequences of treating a child as an adult for sentencing purposes.

Similarly, Tanzanian appellate jurisprudence has addressed the distinction between lawful detention and ordinary imprisonment. In Sopeter Nyanza and Another v Republic, the Court of Appeal considered the legal character of detention and the applicable treatment of persons in custody.[8] Such jurisprudence demonstrates that child protection within the criminal justice system requires careful attention to the legal basis, purpose and nature of deprivation of liberty.

The central argument of this article is that Tanzania has established a relatively strong legal framework for preventing child imprisonment, but the practical effectiveness of that framework depends upon institutional implementation. The article therefore examines the principal legal safeguards, the institutional mechanisms supporting them and the challenges that may undermine their application.

METHODOLOGY

This study adopts a doctrinal methodology. The primary materials include the Constitution of the United Republic of Tanzania, statutes governing children in conflict with the law, criminal responsibility, sentencing, legal aid, probation, community service and correctional administration, relevant subsidiary legislation, judicial decisions and other legal materials applicable to child justice in Tanzania. Particular attention is given to the Law of the Child Act, Cap. 13 R.E. 2023, the Law of the Child (Juvenile Court Procedure) Rules, 2016, the Penal Code, Cap. 16 R.E. 2023, the Minimum Sentences Act, Cap. 90 R.E. 2023, the Legal Aid Act, Cap. 21, the Probation of Offenders Act, Cap. 247 R.E. 2023, the Community Service Act, Cap. 291 and the Prisons Act, Cap. 58 R.E. 2023. The materials were selected based on their relevance to the legal protection of children from imprisonment and the regulation of custodial and non-custodial responses to children in conflict with the law. Judicial decisions were examined to determine how Tanzanian courts have interpreted and applied

[3] *Law of the Child Act, Cap. 13 R.E. 2023.*
[4] *Law of the Child (Juvenile Court Procedure) Rules, 2016, G.N. No. 182. The Rules establish procedures applicable to juvenile court proceedings.*
[5] *Law of the Child Act, Cap. 13 R.E. 2023, section 120(1).*
[6] *Child Protection Laws (Miscellaneous Amendments) Act, 2024, Act No. 10 of 2024.*
[7] *Criminal Appeal No. 88 of 2023, [2023] TZHC 23032.*
[8] *Criminal Appeal No. 289 of 2018, [2022] TZCA 281.*

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child-specific safeguards, particularly in relation to age, jurisdiction, custody and sentencing. International and regional instruments concerning juvenile justice and children's rights were also considered to provide the broader normative context within which Tanzanian child justice legislation operates. Secondary materials, including scholarly literature on juvenile justice, child rights, rehabilitation, diversion, imprisonment and access to justice, were reviewed based on the principle of relevance. The study confines its analysis to the legal and institutional framework governing the protection of children against imprisonment in Tanzania.

THE CONCEPT OF CHILDREN IN CONFLICT WITH THE LAW

The expression "child in conflict with the law" refers broadly to a person below the age of eighteen who is alleged, accused or found to have committed an offence. The concept is preferable to terminology that defines a child primarily through criminality because it recognizes that the child remains a rights-holder notwithstanding involvement in alleged unlawful conduct.

Under section 4 of the Law of the Child Act, a child is a person below the age of eighteen years.[9] This definition is fundamental to the operation of the juvenile justice framework because the application of child-specific safeguards depends upon establishing whether the accused person falls within the statutory definition of a child.

Childhood is associated with continuing psychological, emotional and social development. Consequently, criminal justice responses that may be appropriate for adults may be inappropriate for children. The juvenile justice system should therefore emphasise rehabilitation, education, family support and reintegration rather than punitive incarceration.

The developmental characteristics of children also explain the importance of determining age at the earliest possible stage. Where the age of an accused person is uncertain, treating the person as an adult may expose a child to procedures, institutions and punishments that the law specifically seeks to prevent.

The concept also incorporates the principle that deprivation of liberty should be exceptional. Children should ordinarily be dealt with through measures that maintain their connection with family, education and community where public safety and the interests of justice permit.

INTERNATIONAL AND REGIONAL STANDARDS ON CHILD IMPRISONMENT

International child rights law establishes important standards concerning the treatment of children in conflict with the law. The Convention on the Rights of the Child requires States Parties to recognize the child's right to treatment consistent with the promotion of the child's sense of dignity and worth. It further provides that the arrest, detention or imprisonment of a child shall be used only as a measure of last resort and for the shortest appropriate period.[10]

The United Nations Rules for the Protection of Juveniles Deprived of their Liberty similarly emphasize that deprivation of liberty should be limited and that children deprived of liberty must be treated in a manner consistent with their dignity and developmental needs.[11]

At the African regional level, the African Charter on the Rights and Welfare of the Child requires special treatment of children accused of criminal offences and recognises the need for measures that promote their rehabilitation and reintegration.[12]

These international and regional standards establish two connected principles. First, imprisonment of children should not be treated as an ordinary sentencing option. Second, where deprivation of liberty is unavoidable, the child must receive treatment appropriate to age and developmental needs.

The Tanzanian framework reflects these principles through the statutory prohibition against sentencing children to imprisonment, restrictions on remand, diversion and alternative measures. The principal issue is therefore the extent to which these legal safeguards are consistently implemented.

THE TANZANIAN LEGAL FRAMEWORK PROTECTING CHILDREN AGAINST IMPRISONMENT

Constitutional Protection

The Constitution of the United Republic of Tanzania, 1977 provides the general constitutional foundation for protecting children within the justice system. Articles 12 and 13 establish equality and equal protection of the law, while Article 14 recognizes the right to life and Article 15 protects personal freedom. Article 16 protects privacy and personal security, while Article 30 recognises that rights and freedoms may be subject only to lawful limitations.[13]

These constitutional provisions are relevant to children in conflict with the law because imprisonment represents a significant interference with personal liberty. Any deprivation of liberty must therefore have a lawful basis and must be exercised consistently with constitutional requirements.

The Constitution also establishes the judiciary as an institution responsible for adjudicating disputes and administering justice.[14]

[9] *Law of the Child Act, Cap. 13 R.E. 2023, section 4.*

[10] *Convention on the Rights of the Child, 1989, Article 37.*

[11] *United Nations Rules for the Protection of Juveniles Deprived of their Liberty, 1990.*

[12] *African Charter on the Rights and Welfare of the Child, 1990, Article 17.*

[13] *Constitution of the United Republic of Tanzania, 1977as amended timely, Articles 12–18 and 30.*

[14] *Constitution of the United Republic of Tanzania, 1977, as amended timelyArticles 107A and 107B.*

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Constitutional protection consequently provides the broader legal foundation upon which specialized child justice legislation operates.

Law of the Child Act

The Law of the Child Act constitutes the central statutory framework governing children in conflict with the law. The Act recognises children as a special category requiring protection and establishes specific safeguards throughout criminal justice proceedings.

Section 5 establishes the principle of non-discrimination, while section 7 recognizes the child's right to grow up with parents or guardians. Section 8 protects the child's rights relating to education, liberty, play and leisure. Section 13 provides protection against torture and other degrading treatment.[15]

These provisions are relevant to imprisonment because incarceration may affect several dimensions of child development simultaneously. A child deprived of liberty may lose access to education, family relationships, recreation and normal social development.

Juvenile Courts and Child-Sensitive Proceedings

The Law of the Child Act provides for Juvenile Courts and specialized procedures. Sections 97–100 establish the framework for juvenile court proceedings, while the Juvenile Court Procedure Rules provide detailed procedures for handling cases involving children.

Rule 8 requires proceedings to be informal and child-friendly, while Rule 12 provides for age determination. Rule 14 recognises legal and other appropriate assistance.[16] These safeguards are important in ensuring that a child understands the proceedings and is able to participate effectively.

The Rules also regulate bail and remand. Rule 29 provides that deprivation of liberty pending trial should be used only in exceptional circumstances, as a measure of last resort and for the shortest possible period. Rule 31 requires remand orders to be reviewed every fourteen days[17]

The framework therefore distinguishes between imprisonment as a sentence and deprivation of liberty pending trial. Although section 120(1) prohibits sentencing a child to imprisonment, the law does not completely eliminate every form of temporary custody. Instead, remand is subject to strict safeguards and must remain exceptional.

Prohibition of Sentencing Children to Imprisonment

The most direct protection is section 120(1) of the Law of the Child Act, which provides:

"Notwithstanding any provisions of any written law, a child shall not be sentenced to imprisonment."

This provision is significant because it operates notwithstanding other written laws. It therefore establishes a specialized child justice rule that must be considered when applying general criminal sentencing provisions.

Section 120(2) provides alternative forms of punishment available in dealing with children. Section 121 further provides for an approved-school order.[18] The statutory structure demonstrates that the legislative objective is not to eliminate accountability but to replace ordinary imprisonment with measures capable of promoting rehabilitation and reintegration.

Diversion

Diversion provides another important mechanism for avoiding unnecessary contact with formal criminal proceedings. Section 101A of the Law of the Child Act provides a statutory basis for diversion. The 2024 child protection amendments further recognised diversion as referring a child outside the judicial system at any time before or during court proceedings.[19]

Diversion is important because formal criminal proceedings can themselves have harmful consequences for children. Where an appropriate case can be resolved through diversion, the child may avoid unnecessary exposure to court proceedings, custodial measures and the stigma associated with criminal justice involvement.

The effectiveness of diversion, however, depends upon awareness and consistent use by police, prosecutors, social welfare officers and courts.

INSTITUTIONAL SAFEGUARDS AGAINST CHILD IMPRISONMENT

Judiciary

The judiciary occupies a central position in protecting children from unlawful or unnecessary imprisonment. Courts determine age, jurisdiction, bail, remand and appropriate disposition. They are also responsible for ensuring that child-specific statutory safeguards are applied before a custodial outcome is considered.

The Juvenile Court Procedure Rules require social enquiry before sentencing and require the court to consider information concerning the child's background, family circumstances, education, health and prospects for rehabilitation.[20] This approach shifts sentencing away from purely punitive considerations and toward individualised child justice.

Police

The police are normally the first formal institution to interact with a child suspected of committing an offence. Police decisions concerning identification of age, arrest, custody, bail and referral can therefore determine whether a child enters the formal criminal justice system.

[15] *Law of the Child Act, Cap. 13 R.E. 2023, sections 5, 7, 8 and 13.*
[16] *Law of the Child (Juvenile Court Procedure) Rules, 2016, Rules 8, 12 and 14.*
[17] *Ibid., Rules 29 and 31.*
[18] *Law of the Child Act, Cap. 13 R.E. 2023, sections 120–121.*
[19] *Child Protection Laws (Miscellaneous Amendments) Act, 2024*
[20] *Law of the Child (Juvenile Court Procedure) Rules, 2016, Rules 46–47.*

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Early identification of children is particularly important. Where age is uncertain, appropriate procedures should be followed to establish whether the person is legally a child. Police practice should also facilitate diversion and avoid unnecessary detention.

Social Welfare Services

Social welfare officers perform an important role in assessing the circumstances of children involved in criminal proceedings. Social enquiry reports provide courts with information about the child's family, education, health, previous conduct and prospects of rehabilitation.[21]

The effectiveness of this mechanism depends upon the availability of adequately trained social welfare officers and their ability to prepare reports within the time required by law.

Legal Aid

Access to legal assistance is an important safeguard against unlawful or unnecessary deprivation of liberty. Children may lack the knowledge, financial resources and capacity required to defend themselves effectively.

The Legal Aid Act establishes a framework for the provision of legal assistance, while the Juvenile Court Procedure Rules recognise the child's right to legal and other appropriate assistance.[22] Early legal assistance is particularly important at arrest, remand, age determination and sentencing stages.

Prisons Service

Although section 120(1) prohibits sentencing a child to imprisonment, children may still come into contact with custodial institutions in circumstances involving remand or other lawful forms of detention. The Prisons Service therefore has an obligation to ensure that children are identified and treated in accordance with child-specific requirements.

Rule 29(9) of the Juvenile Court Procedure Rules requires children on remand to be separated from adults and provided with appropriate care.[23] The practical availability of suitable child-specific accommodation is consequently an important component of effective legal protection.

JUDICIAL APPROACH TO CHILD IMPRISONMENT

Tanzanian courts have played an important role in clarifying the legal consequences of child status.

In Revelian Wilfred v Republic, the accused was 17 years old at the relevant time. The Juvenile Court imposed a sentence of 30 years' imprisonment. The High Court found that the Juvenile Court did not have jurisdiction to impose such imprisonment on a child.[24]

The case demonstrates that age is not merely a factual consideration but a jurisdictional and sentencing issue capable of determining the legality of the court's decision.

In Frank Kanani v Republic, the appellant was 16 years old at the material time. The case demonstrates the importance of applying child-specific legal protections where an accused person was below eighteen when the relevant conduct occurred.[25]

The Court of Appeal has also considered the distinction between detention and imprisonment. In Sopeter Nyanza and Another v Republic, the Court addressed the legal character of detention and the consequences attached to custodial status.[26] The distinction is important in child justice because not every deprivation of liberty should automatically be characterised as a sentence of imprisonment. The legal basis and purpose of custody must be carefully examined.

The jurisprudence therefore reinforces the principle that child status must be established and respected throughout criminal proceedings. Courts cannot apply ordinary adult sentencing approaches without considering the specialised legal regime applicable to children.

NON-CUSTODIAL MEASURES AND REHABILITATION

The prohibition against child imprisonment is supported by a broader framework of non-custodial measures.

Probation provides an important alternative through which children may remain within the community while receiving supervision and support. The Probation of Offenders Act and the Probation of Offenders Rules provide the legal framework for probationary measures.

Community service also provides a non-custodial mechanism capable of avoiding unnecessary imprisonment. The Community Service Act establishes a framework for community-based sentences where legally appropriate.

Diversion is particularly significant because it may prevent a child from entering formal criminal proceedings altogether. The combined operation of diversion, probation, community measures, approved-school orders and other child-sensitive dispositions reflects a rehabilitative philosophy.

The existence of alternatives, however, does not by itself guarantee their effectiveness. Their practical application requires adequate institutional capacity, trained personnel, social welfare support and suitable facilities.

IMPLEMENTATION CHALLENGES

Limited Awareness of Child-Specific Legal Requirements

[21] *Ibid., Rules 46–47*

[22] *Legal Aid Act, Cap. 21; Law of the Child (Juvenile Court Procedure) Rules, 2016, Rule 14.*

[23] *Law of the Child (Juvenile Court Procedure) Rules, 2016, Rule 29(9).*

[24] *Criminal Appeal No. 88 of 2023, [2023] TZHC 23032.*

[25] *Criminal Appeal No. 425 of 2018, [2019] TZCA 501.*

[26] *Criminal Appeal No. 289 of 2018, [2022] TZCA 281.*

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A significant challenge is inadequate awareness or inconsistent understanding of child-specific legal safeguards among persons who interact with children in the justice system. Effective implementation requires police officers, prosecutors, magistrates, advocates, social welfare officers and prison personnel to understand the practical implications of section 120(1), diversion, bail and remand safeguards.

Age Determination

Age determination remains fundamental to the application of child justice safeguards. Uncertainty concerning age may result in a person being processed under adult procedures when child-specific protections should apply.

The existence of Rule 12 on age determination demonstrates that the law anticipates such difficulties. The challenge is ensuring that the procedure is consistently applied at the earliest stage of criminal justice contact.

Custodial Conditions and Separation from Adults

The effectiveness of the prohibition against child imprisonment cannot be considered separately from the conditions under which children may lawfully be detained. Where children are held in custodial environments, adequate separation from adults, education, recreation, counselling and rehabilitation become important safeguards.

Inadequate child-specific accommodation may expose children to environments inconsistent with the objectives of juvenile justice. The legal requirement for separation from adults therefore requires corresponding institutional capacity.

Limited Social Welfare Capacity

Social welfare officers play a critical role in age assessment, social enquiry, family assessment and reintegration. Where personnel are insufficient or unable to prepare reports promptly, judicial decisions concerning bail, remand and disposition may be affected. Strengthening social welfare services is therefore not merely an administrative matter. It is a necessary component of implementing child justice legislation.

Access to Legal Assistance

The formal recognition of legal assistance does not automatically ensure effective representation. Financial limitations, limited availability of legal aid providers and delays in accessing assistance may affect the ability of children to challenge unlawful detention or obtain appropriate alternative measures.

Early access to legal assistance is particularly important in cases involving disputed age, remand and potential custodial consequences.

Limited Availability of Rehabilitation Facilities

The effectiveness of alternative measures depends upon the availability of appropriate institutions and programmes. Where approved schools, probation services, educational programmes or community-based rehabilitation services are insufficient, decision-makers may face practical limitations when selecting appropriate alternatives.

The expansion of rehabilitation capacity is therefore necessary to give practical meaning to the legislative preference for alternatives to imprisonment.

Institutional Coordination

Child justice involves multiple institutions, including the police, prosecution authorities, courts, social welfare departments, legal aid providers and prisons. Each institution has a distinct role, but effective protection requires coordination across the entire justice process.

Weak coordination may result in delays, duplication, incomplete information or inappropriate custodial outcomes. A child-centred justice system therefore requires an integrated institutional approach.

DISCUSSION

The analysis demonstrates that Tanzania's legal framework provides substantial protection against child imprisonment. The strongest protection is the express statutory prohibition in section 120(1) of the Law of the Child Act. This provision is supported by procedural safeguards governing age determination, bail, remand, legal assistance and social enquiry.

The legal framework also reflects a rehabilitative approach. Rather than treating imprisonment as the normal consequence of criminal responsibility, the law provides diversion and alternative measures intended to support the child's development and reintegration.

The framework is also consistent with international child justice principles. The requirement that detention be used only as a last resort is reflected in the Juvenile Court Procedure Rules.[27] Similarly, the emphasis on rehabilitation, family circumstances and reintegration reflects the broader international understanding that juvenile justice should take account of the child's developmental needs.

However, the analysis also reveals an important distinction between legal protection and effective protection. A prohibition against imprisonment is meaningful only where police, courts, social welfare institutions and custodial authorities have the capacity to implement it.

The practical presence of children within custodial institutions should therefore be examined carefully. Their presence does not automatically establish unlawful imprisonment because custody may arise in circumstances legally distinguishable from a sentence of imprisonment. The relevant question is whether the child's custody has a lawful basis, whether the child has been properly classified and whether the applicable procedural safeguards have been observed.

The central regulatory challenge is consequently implementation. Tanzania does not necessarily require an entirely new legal framework. Greater effectiveness may be achieved through stronger enforcement of existing provisions, institutional

[27] *Law of the Child (Juvenile Court Procedure) Rules, 2016, Rule 29.*

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coordination, adequate resources, timely legal assistance, effective diversion and improved child-specific rehabilitation services.

RECOMMENDATIONS

First, the Government should strengthen implementation of existing child justice legislation through regular practical training for police officers, judicial officers, prosecutors, social welfare officers and prison personnel. Training should specifically address age determination, diversion, bail, remand, section 120(1) and child-sensitive procedures.

Second, the Government should increase resources allocated to social welfare, probation, diversion, education and rehabilitation services. Adequate resources are necessary to make non-custodial alternatives practically available.

Third, the Judiciary should strictly apply section 120(1) of the Law of the Child Act and ensure that the age and legal status of an accused person are established before custodial or sentencing decisions are made. Courts should give appropriate consideration to diversion, probation, community measures and other alternatives.

Fourth, the police should establish stronger procedures for identifying children at the earliest stage of arrest. Where age is uncertain, appropriate age-determination procedures should be initiated, while child-specific safeguards should apply pending determination where circumstances reasonably indicate that the person may be a child.

Fifth, social welfare departments should increase the availability of qualified officers and ensure timely preparation of social enquiry and assessment reports. Reintegration should include family assessment, education, counselling and post-release follow-up.

Sixth, the Prisons Service should ensure strict separation of children from adult inmates where lawful detention occurs. Child custody should provide access to education, recreation, counselling, health care and rehabilitation consistent with the child's age and developmental needs.

Seventh, legal aid providers should strengthen early intervention in cases involving children. Legal assistance should be available from the earliest stage of arrest and should cover age determination, bail, remand, diversion and sentencing.

Finally, the Government should establish a coordinated child justice monitoring mechanism capable of collecting information concerning children arrested, diverted, remanded, placed under alternative measures and released. Such monitoring would assist in identifying implementation failures and assessing compliance with the statutory prohibition against child imprisonment.

CONCLUSION

Tanzania has developed a substantial legal framework for protecting children in conflict with the law from imprisonment. The Constitution provides the general foundation for liberty, dignity and equality, while the Law of the Child Act establishes a specialised child justice framework. The prohibition contained in section 120(1), which expressly prevents a child from being sentenced to imprisonment, represents the strongest statutory safeguard.

The Law of the Child (Juvenile Court Procedure) Rules further strengthen protection through age determination, child-sensitive proceedings, legal assistance, bail, exceptional use of remand, periodic review, social enquiry and alternative dispositions. Diversion, probation and community-based measures further support the principle that imprisonment should not be the normal response to children's offending.

Judicial decisions demonstrate that Tanzanian courts can intervene where child-specific safeguards have not been properly applied. Cases such as Revelian Wilfred v Republic[28] demonstrate the legal importance of age and the limits of juvenile court sentencing jurisdiction.

Nevertheless, effective protection requires more than statutory prohibition. Challenges involving age determination, institutional capacity, social welfare services, legal assistance, rehabilitation facilities and separation from adults can weaken the practical realisation of children's rights.

The article therefore concludes that the principal weakness lies less in the absence of legal safeguards than in their implementation. Tanzania should prioritise effective enforcement of existing child justice provisions, strengthen institutional coordination and expand non-custodial and rehabilitative capacity. A child justice system that consistently applies these measures will be better positioned to protect children from unnecessary deprivation of liberty while promoting accountability, rehabilitation and reintegration.

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