

COUNTRY SITUATION

TANZANIA



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GENERAL SITUATION

Geographical situation

- Mainland Tanzania is found in East Africa south of the Equator and [bordering](#) Uganda and Kenya in the north, Mozambique, Malawi, and Zambia in the South and South West and Burundi and Rwanda in the west. The islands of Zanzibar and Pemba which also form part of the United Republic of Tanzania are found in the Indian ocean.
- The official capital of Tanzania, located in the mainland, is called '[Dodoma](#)'.
- Tanzania is highly impacted by climate change with [more than 70% of all natural disasters](#) in the country attributed to climate change related issues. Climate change has [also affected](#) agricultural production, marine and coastal zones, public health, infrastructure among others. The impact of climate change is also seen in the '[El Nino Phenomenon](#)' which is a climatic phenomenon that has led to heavy rain and flooding in Northern parts of Tanzania. [Over 125,670 people](#) were affected by heavy rain and flooding in Tanzania by May 2024.

Political situation & governance

- The United Republic of Tanzania (Tanzania) achieved [independence](#) from British rule in 1961, Dec. 9th and, in 1964, April 26th, Tanganyika and Zanzibar merged to form the nation as it is known today.
- The Government of the United Republic of Tanzania is led by the Constitution of the United Republic of [Tanzania](#). It constitutes of 31 regions with 26 located in mainland Tanzania and 5 in Zanzibar.
- The United Republic of Tanzania Constitution undertook several amendments, the 1964 (union with Zanzibar), 1977 (introduced the one single political party) and 1984.
- Zanzibar is a semi-autonomous region within the United Republic of Tanzania and has adopted a constitution a bit later in 1964 (26th April 1964), 1979 (first post-revolution constitution for Zanzibar) and amended in 1985.
- At the national level, the United Republic has a unicameral National Assembly of directly elected, ex-officio, nominated and indirectly elected members for a term of five years subject to dissolution by the president before this term.
- In Transparency International's [2023 Corruption Perceptions Index](#), Tanzania scored 40/100 with a slight improvement from 2022 and was ranked at 87 out of 180 countries.
- Similarly, in the [World Justice Project's Rule of Law Index of 2022](#), Tanzania scored 46/100 and was ranked 98 out of 140 countries.
- The legal system of Tanzania is based on the [English Common Law System](#), traditional customary law as well as [Islamic and Customary Law](#).

Population

- According to the [2022 Population and Housing Census](#), Tanzania has a population of over 61 million people with about 96.9% of the total population living in Tanzania mainland and 3.1% living in Zanzibar.
- Tanzania has a young population, with [children under the age of 15](#) forming 40% of the population and with [children overall](#) (under the age of 18) constituting 49% of the population.
- The proportion of children under five whose births have been registered with a civil authority has significantly increased from 26% in 2015/16 to 68% in 2022 ([UNICEF](#), COAR, 2023, page 1).
- In 2022, the [under 5 mortality rate](#) in Tanzania was at 43 deaths per 1,000 live births which is a decrease from 147 deaths per 1,000 live births in 1999.
- The percentage of adolescents who have a child or were pregnant has not changed significantly from 26% in 2004-2005 to its current estimate of 22% in 2022 ([UNICEF](#), COAR, 2023, page 2).
- An overall 10.4% of the children in Tanzania are considered [orphans](#) (5.2% with a dead father and living mother, 1.8% with a dead mother and a living father and 3.4% with both parents' dead).



- There is a [high prevalence of HIV/AIDS](#) in the country with around 1.7 million people living with the disease.
- Tanzania has a large [refugee and asylum seeker population](#) with 225,252 thousand refugees and 27,778 asylum seekers as of June 2021 with Children constituting 55% of the refugee and asylum seeker population.

Economic & social situation

- In terms of [child poverty](#), 19% of children in Tanzania live in households below the national monetary poverty line. However, Tanzania is witnessing [progress in overall poverty reduction](#) albeit at a slow rate with the poverty incidence rate dropping from 43.5% 2022 to 43% in 2023 and with a projection of a decrease to 41.7% in 2026.
- According to the [2021/22 Human Development Index](#), Tanzania was ranked 160th out of 190 countries with a 0.549 Human Development Index Value.

Children's rights

- **Violence Against Children (VAC):** the [2022 Tanzania Human Rights Report](#) revealed that a total of 70,997 cases of VAC were reported at police stations with an average of 14,199 each year, 1,183 cases each month and 39 cases each day.
- **Child marriage:** About two percent (1.5%) of the population got married at a younger age (10 - 14 years) ([2019 UNICEF Country Office Report](#)).

CHILDREN DEPRIVED OF PARENTAL CARE AND ALTERNATIVE CARE OPTIONS

Applicable laws and policies & competent authorities

- The general legal framework that governs elements of child protection aimed at prevention of deprivation of parental care and alternative care in Tanzania is the [Law of the Child Act 2019](#) in Tanzania Mainland and the [Children's Act of 2011](#) in Zanzibar.
- Other relevant legislations are as follows:
 - [Foster Care Placement Regulations](#);
 - [Law of the Child \(Retention Homes\) Rules 2012](#) and
 - [Children's Homes \(Regulation\) Act](#), dealing more specifically with residential care.
- In addition to the above, the [Law of the Child \(Fit Persons\) Regulations 2019](#), Child Protection Regulations 2014 (Mainland Tanzania), Child Protection Regulations 2017 (Zanzibar), the [Law of the Child \(Juvenile Court Procedure\) Rules, 2014](#) and [The Law of Marriage Act, 1971](#) are significant to the protection of children deprived of parental care as well as regulation of alternative care.
- The following are the main national guidelines and policy documents touching upon alternative care matters:
 - [Child Survival, Protection and Development Policy](#) – provides policy guidance on the fulfilment of children's rights in Tanzania;
 - [National Guidelines for provision of Psychosocial Care and Support Services](#) (PSS) 2020 – designed to guide provision of standardised quality services to help individuals and families cope and overcome life adversities in the country.
 - [National Guidelines on Children's Reintegration with Families](#) 2019 - aims to provide for a guidance on the reintegration of children who had previously deprived of parental or familial care;
 - [National Guidelines for Improving Quality of Care, Support, and Protection for Most Vulnerable Children in Tanzania](#) 2009 – developed to provide uniform guidelines to all service providers in the provision of quality services to the most vulnerable children including orphans ;
 - National Guidelines for the Provision and Management of Foster Care and Adoption Services 2006 – provides guidelines regarding both foster care and adoption and provides information on procedures to be followed by prospective foster or adoptive parents ;



- National Guidelines for the Establishment and Management of Children’s Homes 2006 – provides guidelines regarding the establishment and regulation of children’s homes and provide guidance to social workers and others working in children’s homes
- In Tanzania, the main organs regulating the child protection system are:
 - [Ministry of Health, Community Development, Gender, Elderly and Children \(MoHCDGEC\)](#) in Mainland Tanzania ;
 - [Ministry of Community Development, Gender, Elderly and Children \(previously Ministry of Labour, Empowerment, Elders, Women and Children \(MoLEEWC\)](#) in Zanzibar – aimed at strengthening social protection system and the provision of quality social welfare services ;
- Additionally, departments of Social Welfare have been established at national, regional and local level.

Family support & prevention of unnecessary family separation

- The [Productive Social Safety Net Programme \(PSSNP\)](#) was established under the **Tanzania Social Action Fund (TASAF)** in mainland Tanzania in 2000 and is aimed at addressing poverty and improving income security and in turn allowing families to effectively care for their family. Up to March 2018, the total number of direct beneficiaries of this programme was 5,222,309, of whom 38.7 per cent were children of school age (6 to 18 years), and 17.8 per cent were children between 0 and 5 years. ([CRC/C/TZA/6, 2022, page 25, para. 110](#))
- **Ministry of Community Development, Gender, Elderly and Children (previously Ministry of Labour, Empowerment, Elders, Women and Children (MoLEEWC)) in Zanzibar** has a special budget to support poor families with direct monthly payment to each poor family and/or families that had triplets for a period of two years ([CRC/C/TZA/6, 2022, page 25, para. 110](#))
- In 2015, the **National Parenting Task Force** was established by the state to coordinate actions and an intervention on family care programmes and harmonised training materials on parenting education. ([CRC/C/TZA/6, 2022, page 25, para. 110](#))
- In addition to the above, a National Parenting Agenda was launched in 2019 in order to develop a positive environment for children by promoting responsible parenting and family care. ([CRC/C/TZA/6, 2022, page 25, para. 110](#)). Since 2022, the MoHCDGEC, with the support of UNICEF, has worked on the development of a [National Parenting Framework](#) (Agenda).

Gatekeeping mechanism & family reintegration

- According to the African Union Continental study on ‘[Children without Parental Care in Africa](#)’ of 2023 (p. 63), Tanzania is working in collaboration with civil society to implement gatekeeping .
- In the legislation, there are various procedures that have been put in place in order to ensure the use of separation of the child from their family as a last resort. Firstly, all possible methods of assisting the child need to be tried without success. If the significant harm from which the child is suffering or is likely to suffer requires removal from the place or the danger is so severe as to require immediate removal, then an application for a care or supervision order may be made by the social welfare officer. A care order or supervision order may be issued by the **court** upon the application of a social welfare officer, the child, a police officer, parent, guardian or relative or any person with parental responsibility. In the case of a Care Order, the Social Welfare Officer will then take custody of the child and determine the most suitable place for the child ([The Law of the Child Act 2019](#), art. 24 (2)).
- **Reintegration:** Explicitly provided for and regulated under the [National Guidelines on Children's Reintegration with Families](#) of 2019. According to the sixth periodic report to CRC in 2022, 130 children were reunified with their families from 2013 to 2018 in Zanzibar ([CRC/C/TZA/6, 2022, page 26, para. 114](#)).



ALTERNATIVE CARE OPTIONS

Competent authorities: The Court and Social Welfare Officer .

Main raison: extreme poverty, HIV/AIDS, abandonment, poor parenting skills, disability, neglect, exploitation and abuse ([CRC/C/TZA/6, 2022](#), page 26, para. 110). Other factors are also domestic and family violence ([National Guidelines on Children's Reintegration with Families](#), 2019, page 13).

Statistics: No updated statistics found on the overall number of children in alternative care in Tanzania .

Kinship care

Legal framework/policy when formal: [Law of the Child Act 2019](#)- Article 18 (3) (d); Child Protection Regulations – Article 62 (2) (a). Additionally, there is a broad definition of family under both the [Children's Act of 2011](#) (Zanzibar), art. 2; [Law of the Child Act 2019](#) (Tanzania mainland), art. 3 which includes relatives which could provide for a conducive framework in the provision of kinship care.

Type: [informal kinship care](#) or informal community care is indicated to be increasingly practiced in Tanzania. In Zanzibar in particular, according to [Save the Children's Case Study 2014](#), kinship care is rooted in Islamic teachings and inherent in the culture.

Available support: there does not seem to be information regarding the monitoring or support mechanism available for children living in kinship care.

Statistics: No data available.

Foster care

Legal framework/policy: [Foster Care Placement Regulations](#) (Tanzania mainland); [Law of the Child Act 2019](#) (Tanzania mainland), parts IV and VI; [Children's Act of 2011](#) (Zanzibar), part VII; Foster Care Regulations 2017 (Zanzibar).

Types:

Tanzania (mainland): not clearly indicated in the legislation .

Zanzibar: Emergency, Temporary and Permanent ([Children's Act of 2011](#), Article 74 (2)).

Eligibility criteria for children:

In **Tanzania** Mainland, foster care measure can be applied to children who are in one of the following situation: ([Law of the Child Act 2019](#), Article 32, 53):

- Under a care order or interim care order ;
- Committed to an approved residential home or institution ;
- Placed in an approved residential home or an situation ;
- Requires temporary custody under a foster care placement ;
- Recommended by a social welfare officer to be kept in an approved residential home ;
- Consent of the parent, parents or guardian unless dispensed by the Commissioner on the basis of indicated conditions ;
- Undergone a social investigation.

Zanzibar – Not clearly indicated in the legislation.



Requirements for carers/ foster parents:

In **Zanzibar**, foster carers must be declared as fit and proper person, willing and able to undertake and exercise parental rights and responsibilities, properly assessed by welfare officer. They must have not been convicted of an offence related to child abuse or other serious criminal offences, approved by the Director of Social Welfare, ([Children's Act of 2011](#), - Article 72 and 73).

In **Tanzania** (mainland), foster carers must be over 21 years old, registered and who have been determined to be suitable to foster the child by a social welfare officer and in accordance with a social investigation report. Also, carers have to be willing and capable to undertake the care of children and be of high moral character and proven moral integrity ([Law of the Child Act 2019](#) Article 52 (1)), Article 32).

Monitoring & complaint mechanism: In **Tanzania** (mainland), a social welfare officer will visit the foster family within two weeks after date of placement, then every two months or within one month after date of placement and then every two months for a child under 2 years or above two years respectively. In case of report of child abuse, there will be an immediate visit by social welfare officer. Additionally, there will be a visit by the social welfare officer within a week upon receipt of information from child, foster parent or any other person in this regard ([Foster Care Placement Regulations](#), art.16). In **Zanzibar**, monitoring and complaint mechanisms regarding foster care are not provided in [Children's Act of 2011](#) but Article 74 (2) (f) of the Act indicates that the Minister may make regulations to prescribe monitoring rules.

Support and follow-up: In **Tanzania** (mainland), foster care plan is developed in consultation with the foster child (where he/she can express their views), foster parent and biological parents (where possible and not contrary to the best interests of the child) (Article 17 (4) - [Foster Care Placement Regulations](#)). In **Zanzibar**, support and follow up mechanisms regarding foster care are not provided in [Children's Act of 2011](#). The law does not provide for minimum standards of care. However, as confirmed by the ISS/IRC local contact, traditional mechanisms are applied. Either close relatives or grandparents take the role of parenting for purposes of (raising children, education or healthcare) or if both parents of the child are dead, then any remaining relatives take care of the child/children. The law does not provide for minimum standards of care.

Statistics: Based on the information shared by the ISS/IRC local contacts, there are no data.

Kafalah

Legal framework/policy: [Children's Act of 2011](#) (Zanzibar), art. 75. Kafalah has origins in Islamic law (sharia). Therefore it is applied both in mainland and islands of Zanzibar.

Effects of Kafalah on the child's relationship with birth and kafalah guardians: Where a child is as a last resort separated from his or her parents, guardians or care-givers, the parental responsibility for that child is transferred to the person in charge of the approved residential establishment or foster parent with whom the child is placed. This does not mean that parental rights have been transferred, (s 32(2)). It means that the child's well-being and development must be promoted by the duty bearer (ISS/IRC local contact).

- Maintaining of legal bond between child and family of origin,
- Parental responsibility of kafalah guardians
- No conferring of surname of kafalah guardian on the child,
- No exclusion or prohibition of marital relation between the child and members of the family permissible in Islam,
- No impact on property rights of the child,
- Child's right to know family of origin



Eligibility criteria for children: no data available.

Requirements for carers: making of an application to the Kadhi's court ([Children's Act of 2011](#) Article 75 (1))

Monitoring & complaint mechanism: any party including the child if of sufficient age and maturity have a right to express an opinion or revoke the guardianship under Kafalah ([Children's Act of 2011](#) Article 75 (2) (b)))

Support and follow-up: no information found.

Statistics: Based on the information shared by the ISS/IRC local contacts, there are no data.

Residential Care

Legal framework/policy, including deinstitutionalisation: [Law of the Child Act 2019](#) (Tanzania mainland), Part XI (Article 133 – 151); [Children's Act of 2011](#) (Zanzibar), Part XII (Article 123 – 133); [Law of the Child \(Retention Homes\) Rules 2012](#); [Children's Homes \(Regulation\) Act](#) .

Types: According to the African Union Continental study on '[Children without Parental Care in Africa](#)' of 2023 (p.74), care facilities are either entirely government-run, or licensed and monitored by the government but operated by private, faith-based or nongovernmental organisations.

The Law of the Child Act 2019 distinguishes among 4 major types of ,approved residential homes' and ,institution' are ([Law of the Child Act 2019, art. 133\(8\)](#)):

- Children's Home ;
- Retention Home ;
- Approved school ;
- Crisis Centre Care facilities, any other establishment designated as such by the Commissioner for Social Welfare.

Monitoring & complaint mechanism: All residential homes are required by law to have a license, which is issued by the Social Welfare Commissioner ([art. 133\(1\)](#)). Also, the Social Welfare Commissioner has a duty to monitor and supervise approved residential homes or institutions ([art. 134\(1\)](#)). Every approved residential home and institution is required to establish a committee of not less than 4 fit persons to oversee the running and general administration of the children's welfare and development. Finally, the licence of the residential care place could be cancelled or suspended by the Social Welfare Commissioner if it fails to maintain the required standard ([arts. 134, 137 & 140](#)).

Support and follow-up: The Social Welfare Commissioner can give order and directions to an approved residential home or institution as may be necessary for promotion of the development of a child. It can also direct inspection to be carried out by the social welfare officer at any time to ensure that the approved residential home or institution is being maintained at the required standard ([arts. 135 & 136](#))

Statistics: There were 156 registered homes and 205 unregistered homes housing 13,420 children as of 2018. ([CRC/C/TZA/6,2022](#), page 26, para. 111).

Leaving care

Legislation/policy: [Foster Care Placement Regulations](#), art. 14 (3) and (4); [Law of the Child Act 2019](#), art. 137 (5); [National Guidelines on Children's Reintegration with Families](#), 2019.



Preparation to transition out of care: it could be terminated either due to attainment of the age of 18 by the child or other reasons. If the termination is due to aging out, the social welfare officer will work with the foster parent to provide foster child with counselling to prepare the child for termination of the care and independent living. On the other hand, if the termination of the foster care is due to other reasons, counselling provided in advance of termination to prepare child for transfer. The Law of the Child Act has provisions for preparation to transition out of a residential care facility.

Aftercare support:

- **Foster Care:** If it is terminated due to aging out, the Social Welfare Officer supports the child to find accommodation and employment or further education or vocational training placement.
- **Residential Care** – If it is terminated due to the child returning to his family, the social welfare officer, the patron of the home and the manager will maintain regular contact with the child to ensure that the child's best interest is maintained. However, if the child cannot return to his parents or go to foster parents, the child is then encouraged and assisted by the social welfare officer, the patron and the manager to become independent and self-reliant.

Focus on specific groups of children

Children with Albinism: in its Concluding Observation of 2017, the ACERWC noted that children with albinism who have faced neglect or abuse from their family are provided shelter in government centres. However, the ACERWC's investigative mission revealed that these centres do not provide for proper education and health care. The ACERWC called for the improvement of the living conditions in these centres ([ACERWC, Concluding Observation on PR of Tanzania, 2017, page 8, para. 24](#)).

Children with Disabilities: according to a [2021 Situational Analysis by UNICEF](#), 2.3% of children and young people aged 5-24 in Tanzania (mainland) and 1.8% of children and young people aged 5-24 in Zanzibar have a disability. According to a [2017 study on the drivers of violence against children in Tanzania](#), children with disabilities are vulnerable to high levels of violence including neglect, isolation, and even killings at birth.

Comments of the ISS/IRC

Progress

ISS/IRC commends the country for the efforts made in better complying with international standards. In 2019, the Law of the Child Act applicable to Tanzania (mainland) was revised to provide for further protection for children including the regulation of foster care, adoption, and general child protection. Also, independent monitoring and review of and inspection mechanisms of both family-based care and children's home were established by the legal frameworks at both the Tanzania and Zanzibar. ([CRC/C/TZA/6,2022](#), page 26, para. 112).

ISS/IRC welcomes the information that the state is making progress in supporting and hence preventing family separation through different measures, including social protection measures such as the Productive Social Safety Net Programme in Tanzania and setting aside of a special budget for monthly allowance in Zanzibar. ([CRC/C/TZA/6,2022](#), page 26, para. 110).

In the context of the deinstitutionalisation process, it is worth noting that the state has taken administrative and legal measures to support family-based care and reduce institutionalisation including development of Fit Person Guideline and training manual for Fit Persons. Following the training of 430 Fit Persons in 2019, a total of 662 children placed in the fit person's scheme ([CRC/C/TZA/6,2022](#), page 26, para. 114).



Finally, the rate of birth registration has shown a large improvement with the proportion of children under five who have undergone birth registration increasing from 26% in 2015/6 to 68% in 2022 which could be expected to aid in the improvement of the identification and protection of children to prevent deprivation of parental care and provision of alternative care. ([UNICEF, COAR, 2023, page 1](#)).

Remaining challenges to be addressed

Inadequate Supervision of Children's Homes: According to the latest CRC Committee's Concluding Observations (2015), there is an inadequate inspection and supervision of children's homes as well as considerable number of cases of child abuse reported. Also, children's placement in institutions is not sufficiently reviewed despite the existing legislation to this effect. ([CRC/C/TZA/CO/3-5, 2015, page 11, para. 48](#)).

Limited updated data/information: There is a lack of updated data/information on the current state of children deprived of family care and children in alternative care in the country. This creates difficulty in protecting and providing the necessary and most adequate services to vulnerable children and their families as well as for the designing of programmes or other measures to support these children.

ADOPTION

Accession to/Ratification of the 1993 Hague Convention: Not yet ratified.

National laws/policies: [Law of the Child Act 2019](#) (LCA) (Tanzania mainland, Part VI – Sections 52-76) and the [Children's Act of 2011](#) (Zanzibar, Part VII – Sections 76-96) both rule domestic adoption. Additional provisions are contained in the [Adoption of Children Regulations](#) of 2012 and in the following [Adoption of Children Act](#) of 2019 .

NOTA BENE

Intercountry adoption is only permitted in Tanzania mainland and only under exceptional circumstances ([Law of the Child Act 2019](#), art. 74. See below). On the other hand, in Zanzibar, as indicated under [Article 94](#) of the 2011 Children's Act of Zanzibar "no foreigner shall adopt a child in Zanzibar".

CENTRAL AUTHORITY/ COMPETENT AUTHORITY

[Ministry of Health, Community Development, Gender, Elderly and Children \(MoHCDGEC\)](#)

Tanzania

P.O Box: 743, Dodoma

Phone: +255-26-2323267/5; +255222342000/5

Email: ps@afya.go.tz

Website: <https://www.moh.go.tz/en/about>

Ministry of Community Development, Gender, Elderly and Children (previously Ministry of Labour, Empowerment, Elders, Women and Children (MoLEEWC)

Zanzibar

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Website: <https://jamiismz.go.tz/>

Sources: <https://www.moh.go.tz/en/about>; <https://www.developmentaid.org/donors/view/132678/moh> ; <https://jamiismz.go.tz/>.



TYPES OF ADOPTION

Tanzania mainland: Adoption in Tanzania mainland is **full adoption**.

Zanzibar: Adoption in Zanzibar is similarly full adoption and has the effect of terminating the rights, obligations and liabilities of the birth parents. However, the provisions regarding adoption are not applicable to persons subscribing to Islamic faith. Rather, persons of Islamic faith can make an application for Kafalah instead which does not have an effect of terminating the legal bond between the child and birth family (for more information, see the 'Alternative Care' section).

Sources: [Law of the Child Act 2019](#), art. 64; [Children's Act of 2011](#), arts 76, 85; [Adoption of Children Regulations](#) 2012.

SUBSIDIARITY PRINCIPLE

In Tanzania, domestic adoption is prioritised over intercountry adoption as can be seen under both the Tanzanian mainland legislation and Zanzibar legislation. The legislation in **mainland Tanzania** reflects the prioritisation of domestic adoption by allowing adoption by foreigners if it is not possible to place the child in a foster or adoptive family or be cared for in a suitable manner for the child's best interests in Tanzania. In Zanzibar, this is reflected by the prohibition of adoption of a child by foreigners as a whole.

Sources: [Law of the Child Act 2019](#), art. 74; [Adoption of Children Regulations](#) 2012; [US Department of State](#).

CHILD ADOPTABILITY

Adoptable children are those for whom a Certificate of Abandonment has been issued.

In addition, children can be adopted after they have continuously been in the care of applicant for at least **six consecutive months** immediately preceding application.

And, if the child is at least 14 years old, consent of the child to the adoption needs to be obtained.

Sources: [Law of the Child Act 2019](#), art. 77; [Children's Act of 2011](#), art. XX; [Adoption of Children Regulations](#) 2012; [US Department of State](#).

PROSPECTIVE ADOPTIVE PARENTS (PAPs)

Age limits

PAPs must be 25 years of age and at least 21 years older than the child in case of adoption in general. If PAPs are above 50 years of age, the court needs to determine suitability of adoption taking into account age of the child. If the child is below 10 years old, adoption is not considered to be in the best interest of the child, unless otherwise proved by Social Welfare Officer.

In case of intra-family adoptions, PAPs must be above 25 years of age.

Status

Married heterosexual couples, single woman (citizen of Tanzania), single male (only in respect of his son or court satisfied that special circumstances warrant the order). An application cannot be made by more than one person unless the applicants are husband and wife or mother and father of the child.

Residence

In Zanzibar, a non-resident can only apply for the adoption of a child when having the nationality of Zanzibar or the Tanzanian nationality.



In Tanzania mainland, foreign PAPs must be residents of Tanzania for at least **three (3) consecutive years**. The residency requirement may be waived in cases where the High Court of Tanzania determines an adoption by non-Tanzanians to be “in the best interests of the child”. This shall not apply if the applicant is a Tanzanian citizen resident abroad.

The Tanzanian Office of Social Welfare considers a person to be resident if that person holds a Resident Permit (Class A, B or C), a Dependent's Pass, or an Exemption Permit, and lives in Tanzania.

Other criteria indicated in the law

Cohabitation: The child must have continuously been in the care of the applicant for at least **six (6) consecutive months** immediately preceding the date of the submission of the application.

For foreign PAPs but Tanzanian resident, child must have continuously been in the foster care of the applicant for at least **three (3) months** preceding date of submission of application.

Minimum Income: PAPS are required to have sufficient funds to be able to take care of their adoptive child.

Sources: [Law of the Child Act 2019, art. 54-56, 74](#); [Children's Act of 2011, art. 77](#); [Adoption of Children Regulations 2012](#); [US Department of States](#).

CONSENTS

Consent of the child

If the child is at least 14 years old, consent must be obtained unless it is impossible for the child to express an opinion. Wishes of the child are considered if the child is capable of forming an opinion. The child then has until the expiry of a sixty day grace period to withdraw their consent before the adoption order is made.

Consent of biological parents

The written consent of parent or guardian of the child or other person that has any rights or obligations in respect of the child under an agreement or court order is required. The biological parents then have until the expiry of a sixty day grace period to withdraw their consent before the adoption order is made.

Where a married person is the sole applicant for an adoption, the court will also require the consent of the other spouse.

Withdrawal of consent

Consent may be dispensed if:

- the parent, guardian or relative has neglected or persistently ill treated the child ;
- a person cannot be found or is incapable of giving consent;
- it is unreasonably withheld.

Sources: [Law of the Child Act 2019](#), art. 57-59; [Adoption of Children Regulations 2012](#), art 13 (3).

INTRAFAMILY ADOPTION

Under Tanzanian legislation, intrafamily adoption are known as “**Open adoption**”, meaning an adoption of a child by a relative. In case of intra-family adoptions, PAPs must be above 25 years of age.

The procedure for these adoptions typically includes a home study assessment, followed by legal consent from biological parents (if applicable) and lastly court approval, in most cases a family court is the more competent court to deal with cases of adoption.



Application must be filed to the Resident Magistrate Court or District Court. In both cases the Court of law issues an adoption order that warrants the applicant to exercise parentage on the adopted child.

Source: [Law of the Child Act 2019, art. 54; ISS/IRC local contact.](#)

PROCEDURE

Domestic Adoption:

In Tanzania mainland and Zanzibar, domestic adoption follows a similar procedure:

1. **Preliminary foster care period:** Before PAPs can apply to adopt a child, they must first apply to the Department of Social Welfare to foster the child for a period of no less than six months. After the foster care period has been successfully completed, an adoption petition can be lodged. Hence, PAPs must first apply to the Department of Social Welfare to foster the child for a period of no less than three months. After the foster care period has been successfully completed, an adoption petition can be lodged. The prospective carer fills an adoption form for a child for foster care and submits it to the district social welfare office.
2. **Home Study phase:** After the application has been received, a home study follows that includes an assessment of the prospective carers ability to take care of the child. The home study will usually consist of at least 4 interviews with the family including at least one visit to the family's home, by the district social welfare officer aimed at looking at the prospective parents' mental, physical, and emotional health as well as financial stability.
3. The DSW will then submit a report of the home assessment to the commissioner for social welfare for approval. All documents sent to by district social welfare officer to Commissioner for Social Welfare for approval.
4. After applicants are approved as PAPs, the District Social Welfare officer will work to identify children eligible for adoption. The District Social welfare officer works with Police Department to confirm the existence of any living relatives. If family members are located, they need to formally consent in writing to the adoption of the child. In the event of no living relatives, the DSW writes a certificate of abandonment, and the child is placed with the foster family.
5. Upon identification of a child, the child is placed with the PAPs for a foster care period of not less than 6 months with a regular visit from the Social Welfare Officer.
6. PAPs should notify the Social Welfare Commissioner of his/her intention to apply for an adoption order at least 3 months before the date of the order.
7. PAPs should then make an application for adoption.

Inter-country adoption (in Tanzania mainland only - Article 74):

The PAPs to initiate an inter-country adoption procedure, a preliminary foster care period of at least 3 months under the supervision of a social welfare officer is required. The PAP making this application needs to have stayed in Tanzania for

2. does not have a criminal record, and that the country of origin respects and recognizes the adoption order.
3. The Social Welfare Officer is required to undertake background investigation and submit a social investigation report to assist the court in considering the application in cases of application for adoption by a foreigner.
4. Additionally, the social welfare officer could be required by the court to represent the best interest of the child and/ or to prepare a social investigation report to assist the court to determine whether the adoption order is in the best interest of the child.



Sources: [Law of the Child Act 2019, art. 56 - 74](#); [Children's Act of 2011, art. 77](#); [Adoption of Children Regulations 2012, US Department of States](#); [Adoption in Tanzania | Tanzania Adoption Society \(wordpress.com\)](#); ISS/IRC local contact.

MATCHING

No information available.

PROBATIONARY PERIOD

The Court may make an adoption placement order giving custody for a period **not exceeding 2 years by way of probation** attaching terms including provision for maintenance, education and supervision to the order.

Additionally, the Social Welfare Officer is required to undertake a monitoring visit to the home of the adoptive parents three months upon issuance of the adoptive order if the adoptive parents reside in Tanzania.

Sources: [Children's Act of 2011, Art 81 \(Zanzibar\)](#); [Law of the Child Act 2019, art 60 \(Tanzania\)](#).

ADOPTION DECISION

The **adoption order** is issued by the High Court upon being satisfied that an adoption is in the best interests of the child and upon the expiry of a sixty day grace period for the child or parents to withdraw their consent. The adoption order should include: date and place of birth of the child; name, gender and surname of the child before and after adoption; name, surname, address, place of birth, original residence, citizenship and occupation of the adoptive parent; and date of the adoption order.

An application to amend the adoption order might be made by the adoptive parent or adopted child for the correction of any error in the particulars which may include the insertion of the country of the adopted child's birth or specification of the precise date of the adopted child's birth.

An appeal may also be allowed by the court against the adoption order.

Sources: [Law of the Child Act 2019](#), arts. 55 - 72; [Children's Act of 2011](#), art. 81 ; [Adoption of Children Regulations](#), 2012; [US Department of States](#).

REGISTRATION

Adoption order of the court shall contain a direction to the Registrar-General to make an entry in the **register of Adopted Children**, which contains all particulars of the adoption.

The information to be registered by the Registrar-General includes

- the precise date of child's birth and if not proved – probable date of birth
- name or surname the child is to bear after adoption if it differs from original name or surname, and
- country of birth which is to be omitted if not proved

Information of the child in Register of Births should also be marked by the Registrar-General (upon direction of the court) with the words 'Adopted'.

If a child that had previously been adopted is being readopted, a court order should prescribe the term 're-adopted' to be entered into the register of Adopted Children.

Sources: [Law of the Child Act 2019](#), art. 70; [Children's Act of 2011](#); [Adoption of Children Regulations 2012](#).

ADOPTION EFFECTS



Rights

Right to inherit from adoptive parents with or without a will, no right to inherit from biological parents, permanent deprivation of parental rights for birth parents

Name

Name or surname could differ from original name or surname – needs to be specified in the Register of Adopted Children

Nationality

No information found in the law.

Sources: [Law of the Child Act 2019](#); [Children's Act of 2011](#); [Adoption of Children Regulations](#) 2012.

POST-ADOPTION FOLLOW-UP

The Commissioner of Social Welfare requires adopting parents to make a notification in writing when the adopted child is sent out of the country permanently after an adoption thirty days before departure. Failure to do so may result in liability to fine of not less than 10 million shillings and not more than 50 million shillings or to imprisonment for a term of not less than 6 months and not more than 2 years or both.

Sources: Law of the Child Act 2019, art. 73.3; [US Department of State](#).

ADOPTION BREAKDOWN

In case of an adoption breakdown or failure, the Tanzanian legislation provides for what it deems 're-Adoption' in which the child is put up for adoption and adopted once more.

Sources: [Law of the Child Act 2019, art 70 \(5\)](#); [Adoption of Children Regulations](#) 2012.

ADOPTION ACCREDITED BODIES (AABs)

The law does not contain obligation for PAPs to adopt via an accredited adoption body. There is no official list of adoption accredited bodies.

The Commissioner of Social Welfare is responsible for authorisation of local and foreign registered NGOs and the renewal or cancellation of their licences.

To file the adoption case with the High Court, PAPs need to hire a local attorney.

Sources: [Law of the Child Act 2019](#); [Children's Act of 2011](#)

SANCTIONS

Failure to register a Children's Homes constitutes an offence and results in a fine exceeding two thousand shillings. Similarly, operation of a residential home or institution without a licence as well as operation of such an institution in contravention of the rules or obstruction of a social welfare officer's conduct of inspection is an offence and shall result in a liability to a conviction to a fine of not less than two million shillings and not more than ten million shillings or to imprisonment for a term of not exceeding one year or to both and in case of continuing offence to a further fine of not less than one hundred thousand shillings for each day on which the offence continues.

Receiving of or giving of money is also punishable to a fine not exceeding five million shillings or imprisonment for a term not exceeding two years or both Failure to notify the Commissioner of Social Welfare in writing when



the adopted child is sent out of the country permanently after an adoption thirty days before departure – liable to fine of not less than 10 million shillings and not more than 50 million shillings or to imprisonment for a term of not less than 6 months and not more than 2 years or both.

Sources: [Law of the Child Act 2019](#), arts. 140 – 141, 146; [Children's Act of 2011](#), arts. 72, 73.

COSTS

Neither the courts nor the Office of Social Welfare charge for adoption services. In fact, no person is allowed to receive or agreed to receive or make any payment or reward for the adoption order except as the court may order.

According to the US Department of State, attorney fees may range from U.S. \$500 – \$2,000. Civil documents, such as birth certificates, can range from U.S. \$10 – \$30 for each document and passports are TSH 150,000 (roughly \$70)

Sources: [Law of the Child Act 2019](#), art. 59(1), 72; [Children's Act of 2011](#); [US Department of State](#).

CUSTOMARY ADOPTION

Conditions for this type of adoptions are as follows:

- PAPs must be residing in Tanzania
- One PAP must be above twenty-five years of age or at least twenty-one years older than the child.
- A non-citizen must have been a Tanzanian resident for three consecutive years
- Where an application is by one spouse, the other spouse must consent to the adoption
- Where the PAPs is a relative of the child, he has to be above twenty-five years of age.

For Tanzania – as for most African cultures – a child belongs to every part of the family. Therefore if something happens to the parents, a meeting is undertaken to decided who the child/children should be go. In most cases, it is not automatic, the person or family that takes that responsibility has to be able to take care of the child. This meeting is a decision by the bigger family. In such cases, no documentations are needed.

Sources: [Law of the Child Act 2019](#), arts 6(1) & (2), 7(2), 9(4) and 29(5); ISS/IRC local contact.

STATISTICS

Overall, only a few intercountry adoptions have been concluded in the last five years.

	2019	2020	2021	2022	2023	2024
Canada	5	0	0	0	n/a	n/a
Finland	0	0	0	0	0	0
France	0	0	0	0	0	0
Germany	0	0	0	0	n/a	n/a
Italy	0	n/a	n/a	n/a	n/a	n/a
Spain	0	0	0	0	n/a	n/a
Switzerland	0	1	0	0	n/a	n/a
USA	1	2	3	0	5	n/a

There are no data available on the number of domestic adoptions.



Comments of the ISS/IRC

Progress

The ISS/IRC welcomes the progress made by Tanzania to improve the protection of the rights of adoptable children, with the new Law on adoption (LCA) revised in 2019. The 2019 LCA highlights adoption care by showing need for ongoing support mechanism like counselling services and follow up visits after reintegration into family life. As part of the revisions in legislation, clear and hefty punishment has been provided for the receiving or giving of money as part of the adoption procedure. The new amendment has also made ramifications of failure of notification of departure of the adopted child from the country much clearer.

Remaining challenges to be addressed:

Tanzania has still not ratified the HCCH 1993 Adoption Convention, and ISS/IRC urges the country to initiate the ratification process. It is worth recalling that ratifying the HCCH 1993 Adoption Convention does not imply “a commitment by a Contracting State to a particular level of involvement in intercountry adoption in the sense of an obligation to supply or receive a minimum number of children through intercountry adoption” (HCCH [Guide of Good Practice](#), n. 1, page 101, para. 448). The ratification would also help the country to improve international co-operation against illicit adoption practices.

It is regrettable that the 2019 LCA omits some key stages of the adoption procedure such as matching, screening and monitoring the adoption process, revocation of adoption, the follow-up reports and role of accredited adoption bodies. The existing laws do not clearly nor adequately specify the conditions for the determination of the adoptability of a child besides the requirement of consent. Besides, specific comprehensive regulations that are only for preparation of both adoptable children and PAPs and aftercare support have not been developed yet, as confirmed by the ISS/IRC local contact.

In general, conditions under which adoption procedures can be undertaken are not very clear, and seem to have an approach more centered on the interest of the PAPs than on the best interests of the child to be adopted.

To this date, overall Tanzania does not seem to have the safeguards to comply with international standards regarding intercountry adoptions and HCCH 1993 Adoption Convention, such as ensuring free and informed consent, definition of the adoptability of children, matching process, control of fees, control of AABs, etc. This makes the country vulnerable to risks involved in private adoptions.

Finally, there seems to be customary adoption in the country, but there is no information about the extent of these adoptions and what protections are offered to children, which requires further research

LEGISLATION

International instruments

	Signature (S) / Ratification (R) / Accession (A) / In Force (F)
United Nations Convention on the Rights of the Child (1989)	01 June 1990 (S)



	10 June 1991 (R)
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000)	24 April 2003 (A)
Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption (1993)	-
Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children (1996)	-
United Nations Convention on the Rights of Persons with Disabilities (2006)	30 March 2007 (S) 10 November 2009 (R)
Apostille Convention (1961)	-

Regional instruments

	Signature (S) / Ratification (R) / Accession (A) / In Force (F)
African Charter on the Rights and Welfare of the Child (1990)	23 October 1998 (S) 16 March 2003 (R)

Domestic legislation/regulation

	Language
Law of the Child Act for Mainland Tanzania - revised in 2019	In English
Adoption of Children Act , 2019	In English
Law of the Child (Fit Persons) Regulations 2019	In English
Children's Act of 2011 - Zanzibar	In English
Law of the Child (Juvenile Court Procedure) Rules, 2014	In English
The Law of Marriage Act	In English
Child Protection Regulations 2014 (Mainland Tanzania)	In English
Child Protection Regulations 2017 (Zanzibar)	N/A
Law of the Child (Retention Homes) Rules 2012	In English
Children's Homes (Regulation) Act	In English
Foster Care Placement Regulations 2012 - amended in 2019	In English
Foster Care Placement Regulation 2017 - Zanzibar	N/A
National Guidelines on the Responsibilities of Social Welfare Officers	In English
National Guidelines for Improving Quality of Care, Support, and Protection for Most Vulnerable Children in Tanzania 2009	In English
National Guidelines on Children's Reintegration with Families , 2019	In English
Training Manual for Fit Persons (2019)	In English
National Guidelines for the Provision and Management of Foster Care and Adoption Services	In English
National Guidelines for Improving Quality of Care, Support and Protection for the Most Vulnerable Children in Tanzania 2009	N/A
National Plan of Action to End Violence Against Women and Children in Tanzania	In English



PARTICULARLY RELEVANT SOURCES OF INFORMATION

Periodic review by the CRC Committee

- Sixth Periodic Report submitted to the CRC :Tanzania, [CRC/C/TZA/6](#), submitted in October 2022
- Concluding Observations of the CRC: Tanzania,, [CRC/C/TZA/CO/3-5](#) , March 3, 2015.

African Charter on the Rights and Welfare of the Child

- [Concluding Observations and Recommendations of the ACERWC.](#), Tanzania, July 2017.
- [Consolidated 2nd, 3rd and 4th Reports to the ACERWC](#) : Tanzania, October 2015.

Other organisations

- [UNICEF United Republic of Tanzania](#) – general information about the child protection system in Tanzania.
- [SOS Children's Villages Tanzania](#) – information about children deprived of parental care.
- [Transform Alliance Africa](#) – information about children deprived of parental care.
- [NBS | National Bureau of Statistics Tanzania - Home](#) – national statistics information.
- [US Department of State](#) – information about the adoption process.

