

**A REPORT ON EVALUATION OF COMMUNITY JUSTICE FACILITATION
PROJECT**

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CONTENTS

ACKNOWLEDGEMENT	iv
LIST OF ACRONYMS AND ABBREVIATIONS	v
EXECUTIVE SUMMARY	vii
CHAPTER ONE	1
1.0 Introduction and Background	1
1.1 Background to this Consultancy	1
1.2 Background to the Child Justice Facilitation Project.....	2
1.3 UNICEF’s Mandate in Tanzania and the CJF Project	2
1.4 CJF Project: Purpose, Context, Timing and Justification for Evaluation	3
1.5 Objectives, Scope and Expected Outcomes of the Evaluation	5
1.5.1 Objectives of the Evaluation.....	5
1.5.2 Scope of the Evaluation.....	5
1.5.3 Expected Outcomes of the Evaluation.....	6
CHAPTER TWO	8
2.0 Methodology	8
2.1 Study Coverage	8
2.1.1 Methodology.....	8
2.1.2 Literature review.....	8
2.1.3 Primary data Collection	8
2.2 Constraints to the Evaluation Process	9
CHAPTER THREE	10
3.0 Findings of the Evaluation	10
3.1 Relevance.....	10
3.1.1 Relevancy of the programme to national strategies and priorities.....	10
3.1.2 The relevance of the CJF programme to the Needs and Requirements of Vulnerable Children and their families	12
3.1.3 Existence of Synergies, Collaboration and Partnership with other national actors at all levels	14
3.2 Effectiveness in Implementation.....	16
3.2.1 Effectiveness of the Programme in implementing its Activities	16
3.2.2 Achievements of the Program.....	21
3.2.3 Constraints and Limitations Facing the CIFs.....	22
CHAPTER FOUR	26

4.0	Lessons Learned.....	26
4.1	Enhancing Linkages with National, Districts and Ward Based Programme.....	26
4.2	Partnership and Collaboration	26
4.3	Providing Sufficient Ground Support to CJFs	27
4.4	Data Management.....	27
4.5	Focusing on District Specific Issues.....	27
	CHAPTER FIVE	28
5.0	Human Rights and Gender Mainstreaming, Impact and Sustainability in the Four Districts.....	28
5.1	Human Rights and Gender Mainstreaming	28
5.1.1	How the Programme design and Implementation addressed issues of human rights and gender	28
5.1.2	Extent to which the Programme generated Human Rights and Gender awareness in the Community	29
5.1.3	Constraints and Limitations.....	29
5.2	Impact of the Programme	30
5.2.1	How the Programme changed the Lives of the Children and their Families.....	30
5.2.2	Possibilities for Scaling up the CJF Programme at National level	31
5.3	Sustainability.....	32
5.3.1	Measures taken to address Sustainability of the Programme including Ownership at National and Community levels	32
5.3.2	Constraints and Limitations.....	33
	CHAPTER SIX	35
6.0	Emerging Issues	35
6.1	Low levels of Understanding coupled with strong traditions and cultural practices.....	35
6.2	Multi- purpose Education and Awareness Campaigns.....	36
6.3	Poverty as an underlying factor.....	37
	CHAPTER SEVEN.....	38
7.0	Conclusions and Recommendations	38
7.1	Relevance.....	38
7.2	Effectiveness.....	40
7.3	Efficiency.....	42
7.4	Gender Issues.....	43
7.5	Sustainability.....	44
7.6	Impact.....	45

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LIST OF ACRONYMS AND ABBREVIATIONS

ACDO	- Assistant Community Development Officer
ACRWC	- African Charter on the Rights and Welfare of the Child
AIDS	- Acquired Immune Deficiency Syndrome
CBOs	- Community Based Organizations
CDO	- Community Development Officer
CHRAGG	- Commission for Human Rights and Good Governance
CIDA	- Canadian International Development Agency
CJF	- Community Justice Facilitation
CP	- Country Program
CPP	- Child Protection and Participation Program
CRC	- Convention on the Rights of the Child
DANIDA	- Danish International Development Agency
DMS	- Data Management System
DSWO	- District Social Welfare Officer
FBOs	- Faith Based Organizations
HIV	- Human Immunology Virus
KRA	- Key Result Area
LAC	- Legal Aid Committee
LEAT	- Lawyers Environmental Team
LGAS	- Local Government Authority Systems
LHRC	- Legal and Human Right Centre
LSRP	- Legal Sector Reform Programme
M & E	- Monitoring and Evaluation
MVCC	- Most Vulnerable Children Committee
MVC	- Most Vulnerable Children
MTP	- Medium Team Plans
MTS	- Medium Term Strategy
NGOs	- Non-Governmental Organizations
NOLA	- National Organization for Legal Assistance
NPA	- National Plan of Action
NSGRP	- National Strategy for Growth and Poverty Reduction
PLHA	- People Living with HIV/AIDS
PRA	- Participatory Rural Appraisal
PSRP	- Public Sector Reform Program
TAHEA	- Tanzania Home Economics Association
TANLAP	- Tanzania Network of Legal Aid Providers
TAWLA	- Tanzania Women Lawyers Association

- TLS - Tanganyika Law Society
- TORs - Teams of References
- UNEG - United Nations Evaluation Group
- UNICEF - United Nations Children Fund
- VEO - Village Executive Officer
- WEO - Ward Executive Officer
- WLAC - Woman's Legal Aid Centre

Executive Summary

This is an evaluation report of the Community Justice Facilitation Programme (CJF). The CJF has been financially supported by UNICEF and implemented by the government of Tanzania through the Ministry of Health and Social Welfare (the Department of Social Welfare).

The programme started in (2002). The spirit behind the CJF programme was to enhance access to justice by the poor and the most vulnerable, particularly the children. The gist of the programme aimed at strengthening institutions dealing with access to justice as well as enhancing the capacity of rights holders to claim their rights through access to the legal and administrative structures. The CJF programme also aimed at changing people's attitudes and behaviour regarding abusive practices against vulnerable members of the community, particularly women and children.

This evaluation study had the following primary objects, namely, i) to evaluate and establish the extent to which the CJF Programme has increased community awareness of human rights of children and women; ii) to determine the extent to which the CJF Programme has been able to facilitate provision of prompt frontline responses to children's and women's rights violations; iii) to assess the extent to which CJF Programme has increased the quality of child rights protective environment and vigilance against deficits or violations at community level; iv) to evaluate and establish the extent, if at all, to which the CJF Programme has facilitated the provision of counselling and advice to victims of abuse, domestic violence and property grabbing; v) to assess the extent to which the programme has created a child friendly community that affords children and young people a safe environment needed to grow, develop and enjoy being themselves.

The evaluation of the CJF Programme started in September 2009 and was completed in October 2009. It was guided by six UNICEF evaluation criteria of relevance, effectiveness, efficiency, sustainability, impact and gender mainstreaming in so far as these six criteria relate to programme planning, management, implementation, monitoring and evaluation. The results of the evaluation are to be used by key actors dealing with child protection in Tanzania, particularly institutions (government and non government) providing services related to improving access to the legal system by children and other vulnerable groups.

The methodology used included key informant interviews, focus group discussions, observations and in depth discussions with community members. All study tools were pre-tested and regular contacts were held with UNICEF officials to discuss the design and implementation of the entire evaluation process. The evaluation process was highly participatory in that it engaged all the key actors, government, private sector, civil society and community members. Men, women, boys and girls also participated in the evaluation in almost equal numbers. Field visits were made to Magu, Makete, Mtwara and Temeke districts to interview a number of stakeholders, particularly the beneficiaries of the programmes. Qualitative analysis methodologies were used to analyze the findings.

There were two main limitations of the evaluation. The first was the fact that evaluators could not meet with the children in Dar es Salaam primarily because of the late approval of ethical clearance by the authorizing institution. Secondly, the study was to include Geita and Kigoma districts but these two districts were subsequently excluded from the study when it was discovered that the CJF programme was at a preparatory stage and had not become operational.

A number of issues were identified during this study. They include issues of ownership, the limited capacity of duty bearers and rights holders, challenges to sustainability, harmonization and coordination of the CJF programme, as well as its financing. These issues are discussed in detail in this report. Below are the conclusions of the evaluation which include the achievements, areas of weaknesses, challenges and opportunities.

Relevance

The Community Justice Facilitation Programme is highly relevant and much needed by the communities where it has been introduced. Increasing access to justice is one of the national targets aimed at improving governance and the legal system generally. Thus the programme compliments existing national efforts. It must be noted that the CJF programme is also unique in that it aims at reaching vulnerable children. No other legal aid programme exists in Tanzania that specifically targets children for legal support. The capacity of key actors has been built and this is one of the main achievements of the programme.

Effectiveness

A number of activities were effectively implemented. These include the training of CJFs and other duty bearers, ensuring gender parity, use of available structures (in some of the districts), and the fact that the programme was community based.

The programme however lacked an elaborate and comprehensive strategy and clear conceptual clarity. There was no logical framework with specific strategies and indicators designed to reach vulnerable groups particularly children. Legal aid/advice to women and children could have been better implemented.

Implementation of activities in the field was impeded by a number of things. Although there was commitment on the part of CJFs, they lacked basic working tools such as stationery and office space. Indeed, some of them could not work full time because they had to take time off to work for a livelihood. And although they were provided with bicycles to help them move around, there was no budget for maintaining these bicycles. Consequently, many of these bicycles were off the road.

The number of CJFs was small compared to the high demand for their services. In light of this shortage only some of the villages were effectively reached while others were not reached at all. In some of the villages, there was resistance to the CJP programme by the village leadership primarily because these leaders had not been present during the training process. Hence, implementation of the programme in such villages was greatly hampered as little cooperation was received from local leadership and in some few cases community members.

Many community members are still unaware of their rights in general and this has been one of the weakest aspects of the programme. Awareness-raising of the communities was not sufficiently carried out and therefore most people in the districts still do not know their rights. This programme cannot be implemented in a social context where knowledge of rights is so limited. Due to this weakness the response to child rights abuses or abuse of women's rights remains extremely limited.

Many cases were handled to the best of the CJFs' ability, and others were referred to other institutions where necessary. However, little follow up action on these cases was made, including finding out how the cases ended. In fact, it was difficult to determine how most of the cases were conclusively decided. The reporting of such cases was not regular and in some cases reports were not made.

Efficiency

A substantial amount of resources were used to facilitate the

implementation of this programme. Financial resources were specifically used for the training of CJFs and other duty bearers. Resources were also expended on developing of training materials, the purchase of bicycles. However, there was no clear budget strategy for the implementation of some of the activities. There was no monitoring and evaluation of the programme except by our team. It appears that no resources were allocated for monitoring and evaluation and, as noted above, the CJFs did not have working tools and facilities. Although there were other resources at district level, these were not fully deployed and utilized. There was therefore a lack of synergies, collaboration and cost effectiveness.

Gender

Gender was not adequately mainstreamed in the CJF programme. Efforts were made to ensure that there was gender parity in the numbers of CJFs but this was the only noted effort. No other measures were taken to ensure that women, men, girls and boys had specific strategies that targeted them as beneficiaries. The female CJFs in the programme could have benefited from some empowerment activities to increase their active participation in programme management. Awareness-raising could have included gender issues.

Sustainability

Sustainability of the programme was found to be generally weak because of lack of ownership by key stakeholders, lack of integration and mainstreaming into other national processes, including increasing the capacity of NGOs at district level to engage actively in following up on the work of CJFs. Ownership was also missing because there was no clear strategy that ensured that the results of the programme would be sustained. An opportunity to mainstream the CJF programme into national processes existed especially at the district level, but lack of coordination, harmonization and synergies meant that this opportunity was missed. Integration of the CJF concept into ongoing national processes should have been a must for the programme to be sustained. The Legal Sector Reform Programme has a component on increasing access to justice and the CJF programme could have been made a sub-component of that programme. The opportunity to do this still exists. Likewise, the opportunity to work with other NGOs addressing similar issue such as the LHRC, WLAC, TAWLA and others which have been dealing with advocacy issues regarding rights of children and women. This programme seems to have attracted popularity among different actors and thus needs to be continued.

Impact

The programme has achieved some key outputs but has had no impact on the lives of community members especially women and children. This does not mean that the programme was not relevant; indeed, its implementation has contributed to the strengthening of justice for children in Tanzania as it is a unique community based programme.

The implementation of this phase should be seen as the building of a foundation, but more needs to be done in order to build up the CJF programme to achieve greater and significant changes in the lives of individual children and community members. In this phase, there has been increased knowledge on rights issues by duty bearers and more particularly among CJFs, increased participation of children in issues concerning their lives (many have been reinstated in schools), increased parental responsibility and community awareness regarding the ability of children and young people in addressing legal issues. Application of this knowledge has to some extent happened with some limitations.

A list of recommendations based on key findings follows. This list includes the recommendations drawn from the consultative workshop held on 25th November 2009 to discuss the findings of this evaluation report.

Recommendations

- 1 Design and develop a clear conceptual framework of the CJF concept and thereafter develop a comprehensive strategy with all the key stakeholders.
- 2 Undertake a baseline study to determine the actual needs and gaps.
- 3 Ensure that in all training sessions, VEOs and WEOs are involved. This will increase levels of interest and commitment on the part of village and ward level governments.
- 4 Increase numbers of CJFs and, where possible, increase the numbers at village levels. As well, ensure that a limited amount of the resources at district level or village level are used to purchase stationery.
- 5 Building capacity of key stakeholders to implement the CJF programme is a necessary ingredient for the success of the programme.
- 6 More effort must be made to reach children in need of legal assistance.
- 7 Essential to increase community knowledge on human rights and legal

issues to enable them to benefit from the programme.

- 8 Mainstream gender in programme design, implementation and reporting so that rights of boys and girls are adequately addressed.
- 9 Increase budgeting for some of the key activities including regular monitoring, evaluation and the establishment of an effective system of handover briefing to new key officials at district and lower levels.
- 10 Ensure harmonization and creation of synergies between programmes at district level.
- 11 Document good practices before up-scaling and ensure the CJF training manuals are updated to capture most recent events such as the enactment of the Law of the Child Act 2009.

CHAPTER ONE

1.0 Introduction and Background

1.1 Background to this Consultancy

In June, 2009 the United Nations Children's Fund (UNICEF) Tanzania country office (the Client) awarded to Prof. Bart Rwezaura (Lead Consultant) Dr. Paul Kihwelo and Ms. Kokuteta Mutembei (Co-Consultants) a contract for consultancy services to conduct an evaluation of the Community Justice Facilitation Program including the following, namely:

- (a) Consult national and district level key institutions and government Ministries and Department.
- (b) Review relevant documents including current programme component assessments to fully understand the situation in the districts of focus; including an exploration of the existing research which has been undertaken at community level.
- (c) Review of the developed tools and guidance materials constituting the CJF package.
- (d) Develop an evaluation outline, methodologies, sampling options and participating target group at each level, and related ethical guidelines for interviews with children and young people including the development of study tools and/or questionnaires.
- (e) Conduct research at all three levels namely, from District level support, Ward level Support and Village level Support. The work will examine where support is given and the nature and quality of such support.
- (f) Process and analyze data and information collected from the field research.
- (g) Share the findings and recommendations with stakeholders and compile a final report of publishable quality which meets the standard of UNICEF's Evaluation criteria of relevancy, efficiency, effectiveness, impact and sustainability.

1.2 Background to the Child Justice Facilitation Project

The Community Justice Facilitation Project was initiated by UNICEF in Tanzania in the year 2002-2006 country program as a twin strategy to the MVC Care and Support component. The Department of Social Welfare in collaboration with various implementing partners have conducted National Identification process to 84 Districts Councils (62.4%) and identified a total of 733,438 MVC (Males- 52%, Female 48%) in 1,337 Wards and 5803 Villages/ *Mitaa* in Tanzania.

CJF is being implemented currently under the Child Justice component of the Child Protection and Participation Program (CPP).

The CJF Project has now been continued within the current Country Programme (2007-2010) having covered 47 districts to date. It aims at building the capacity of communities, especially with young people participating, on basic legal skills and literacy, in order that they are able to participate in the protection of their own rights and those of their peers, including the rights of the most vulnerable children and their caretakers and the community at large. The Project focuses on protection against child abuse.

The principal strategy of CJF Project aimed to enhance protection for orphaned and vulnerable children through knowledge, information and support related to inheritance rights and the right to protection from abuse and exploitation, and to create space for children to participate in the protection of their own rights.

1.3 UNICEF's Mandate in Tanzania and the CJF Project

UNICEF is the agency of the United Nations mandated to advocate for the protection of children's rights, to help meet their basic needs and to expand their opportunities to reach their full potential. Guided by the Convention on the Rights of the Child (CRC), UNICEF strives to mainstream children's rights as global standards of behaviour towards children. UNICEF's role is to mobilize political will and material resources to help countries ensure a "first call for children". UNICEF is committed to ensuring special protection for the most disadvantaged and hard to reach children.

It is upon the above mandate and role that UNICEF has since 2002 been supporting the Department of Social Welfare in the Ministry of Health and Social Welfare and a number of Local Government Authorities

(LGAs) to implement a Child Protection and Participation programme (CPP). One component of the CPP Programme (2002-2006) focused on increasing children's access to their rights at community level, and was entitled the Community Justice Facilitation (CJF) Programme.

1.4 CJF Project: Purpose, Context, Timing and Justification for Evaluation

The main purpose of the CJF Project is to enable the trained community justice facilitators who are composed of young people to act as foci for social issues related to most vulnerable children, and to provide a link between the village/*mtaa*, ward and the district social welfare officers, judicial and quasi-judicial bodies, and other service providers. In this way, a broad safety net of social welfare interventions would prevent further marginalization of the already vulnerable children.

The CJF project has been developed and applied in 17 districts of Magu, Kisarawe, Karagwe, Musoma Rural, Bagamoyo, Makete, Ngara, Kibondo, Mwanza city, Iringa Municipality, Songea, Masasi, Mtwara Urban, Temeke, Bunda, Singida Rural and Urban. The CJF Project also informed the drafting of the National Plan of Action for Most Vulnerable Children. Other donor agencies such as Global Fund and PEPFAR have also provided funds to facilitate similar initiatives.

The CJF project has been extended to other seven learning Districts of Hai, Mtwara Rural, Siha, Magu, Makete, Bagamoyo and Temeke in which UNICEF's work is now focused. However, it is important to note that these districts are at different stages of implementation of the project. The project entails a lot of activities ranging from the development of Community Justice Facilitation Training and Monitoring Tools, Facilitators Guidelines and the provision of support for training activities at the national, district, village and ward levels.

The process of implementation of the CJF Project first seeks to build consensus with district and local leaders through advocacy meetings, facilitated by the national facilitation team members. The process addresses the need to engage both public authorities and the civil society to agree and advocate for the strategy to be part of the district development agenda. This process is important for sustainability as it seeks a political agreement with the district level leadership to accept the CJF programme to become part of the district development programme and to be implemented by them subject to the availability of resources.

The district facilitation teams undertake training in their constituencies with the support of UNICEF. Such training involves the target groups that are selected at the ward level, for predominantly rural based districts, and at *mitaa* level for urban based districts. Two young people, respectively from each *mtaa* or ward, were selected to serve as Community Justice Facilitators.

The Community Justice Facilitators work hand in hand with the village MVC Committee, on one hand, and on the other hand, with village governments, school committees, the Ward Executive Officer, Ward Tribunals, Police stations NGOs/FBOs, youth centres, where they exist, and other social groups to identify the protection and referral needs of the most vulnerable children and their caretakers, and other community members who are exposed to vulnerabilities. It is upon identification of the needs that CJF, working as a front-line resource for access to justice would then seek to respond in the most appropriate way.

The CJF have another responsibility of filling in the mandatory reporting tools, which are then collected by the Ward Executive Officer who pulls together the information that forms the report to the District Social Welfare Officer or designate. These reports are subsequently fed into the operationalized Data Management System (DMS) by the Department of Social Welfare. It is these reports that ultimately provide analysis of the coverage and nature of the services provided by the CJFs. It is imperative to point out at this juncture that the current evaluation did not make any thorough examination of the extent to which the DMS has actually covered data coming from the CJF work owing to the fact that the evaluation team did not access the DMS.

On the basis of the above and in order to identify the lessons learned from this project and potential strategies for scaling up of the CJF Project or its specific components, to national or strategic level, it was thought critical and prudent to undertake this external evaluation to establish the impact on children's and their family's or caregiver's lives, and the effectiveness of the programme in terms of costs, time and labour demands, and how these elements may be enhanced.

The evaluation also will assist to identify how CJF Programme could meaningfully contribute to the broader national development goals as stipulated in National Strategy for Growth and Reduction of Poverty

(MKUKUTA) especially as they relate to enhancing access to justice for the poor and the marginalized.

The evaluation will examine the CJF potential to prevent factors that expose children and families to vulnerabilities, and creating broader protective environment for children and women. The evaluation will also reveal whether and how the CJF Programme or its components could be integrated into the government sector plans.

The evaluation will assist in providing evidence-based alternative view for policy advocacy purposes, of different ways and means of enhancing access that will expand on the view that has traditionally linked limiting factors or access to inadequate facilities and professionals. It will provide the necessary impetus for the national level advocacy and government to buy in and ultimately benefit the processes towards the implementation of the new Law of the Child Act, 2009.

1.5 Objectives, Scope and Expected Outcomes of the Evaluation

1.5.1 Objectives of the Evaluation

The current evaluation of the CJF Project seeks to achieve a number of related objectives namely;

1. To evaluate and establish the extent to which the CJF Project has increased community awareness of human rights of children and women.
2. Establish the extent to which the CJF Project has managed to facilitate provision of prompt frontline responses to children's and women's rights violations.
3. To assess the extent to which the CJF Project has increased the quality of child rights protective environment and vigilance against deficits or violations at community level.
4. To evaluate and establish the extent, if at all, to which the CJF Project has facilitated the provision of counselling and advice for victims of abuse, domestic violence and property grabbing.
5. To assess the extent to which the CJF Project has created a child friendly community that affords children and young people the safe environment needed to grow, develop and enjoy being themselves.

1.5.2 Scope of the Evaluation

The design of the evaluation focused on both qualitative and quantitative analysis of the Project since the beginning of the 2007-2010 Country Programme. The evaluation assessed the extent to which the Project objectives as outlined above have or have not been achieved. It also examined any positive or negative outcomes whether intended or unintended.

It is pertinent to note also that although initially plans were to cover two additional districts namely Kigoma Urban and Geita which also implement CJF under the support of GFATM (not UNICEF) this was not done after the consultants became aware that these districts were still at preparatory stage of CJF program. The initial aim of covering these two districts that are not funded by UNICEF was to assess the similarity or otherwise in the approach to service delivery of the Community Facilitation Programme.

The evaluation sought to assess the impact of the Project activities to the communities in particular as far as the intended objectives are concerned. The assessment of the impact was disaggregated by gender, age, status, social group and in-school and out of school context. In addition to that the evaluation assessed the efficacy, in terms of cost and the impact of the modes of delivery of the developed materials and their relevancy or usefulness at different levels of the community.

Lastly the evaluation was to offer recommendations as to the feasibility for scaling up the CJF Project or its components to be incorporated into the national, sector or sub-sector level. The study sought to answer several questions which were designed according to UNICEF Evaluation criteria of relevancy, efficiency, effectiveness, impact and sustainability. The numbers of questions were determined according to the methodology agreed and were dependent upon achievability and budgetary considerations.

1.5.3 Expected Outcomes of the Evaluation

The evaluation of the CJF Project was conducted with the involvement of stakeholders in the process and these were the Department of Social Welfare of the Ministry of Health and Social Welfare, the Ministry of Community Development Gender and Children, the Ministry of Constitutional Affairs and Justice, Programme Coordination Office-Legal Sector Reform Programme, Legal Sector Working Group, the National Organization for Legal Assistance, Pact Tanzania, the Tanganyika Law

Society, the Women's Legal Aid Centre, the Legal and Human Rights Centre and UNICEF. Basing on the above mentioned five objects of the evaluation, it was expected assess the extent to which the primary objectives of the CJF programme had been achieved. Where shortcomings were identified, the evaluation team was expected to come up with recommendations that would ultimately serve to provide the basis for intervention in order to improve the structure and working of the CJF programme.

The Legal Sector Reform Program was of particular focus in this study simply because the reform seeks to ensure access and timely justice for all, including children. However, the CJF is very unique in the sense that it is the only programme that focuses on access to justice for children using primarily the youths from within the communities.

The evaluation team was therefore keen to see the extent to which the CJF could be integrated or otherwise within the LSRP or comparable national strategies and programmes so as to forge alliances or linkages and synergies.

CHAPTER TWO

2.0 Methodology

This evaluation was carried out in Dar es Salaam (Temeke), Mtwara (Rural), Iringa (Makete), and Mwanza (Magu). These areas were selected in collaboration with UNICEF on the basis that these were areas where most activities have been implemented and hence there was the possibility of measuring results of the CJF programme. In addition to other factors that were considered such as poverty and HIV and AIDS prevalence, traditional and cultural practices this was taken to be a fair representation of the samples of districts where CJF project has been implemented by UNICEF in Tanzania.

Primary data Collection

2.1 Study Coverage

2.1.1 Methodology

2.1.2 Literature review

The team reviewed various documentation related to the project, including project documentation, the country strategy, national action plans for vulnerable children, legislation, policies, and documentation on access to justice and any other documentation that was of relevance to this project, in particular, the training manuals for CJF project. The literature established the strengths and weaknesses of the project, its alignment to national priorities and programmes and its efficiency.

2.1.3 Primary data Collection

Fieldwork was carried out by the research team in the districts of Magu, Makete, Mtwara and Temeke. Within these districts the fieldwork involved work at district, ward, and village levels for Magu, Makete, Mtwara and Mtaa level for Temeke. The stakeholders selected for interview was determined in collaboration with the national CJF, depending on availability, geographical distance and other factors. The evaluation team covered two wards in each of the districts.

National Level

The research team conducted key informant interviews with national stakeholders dealing with access to justice, human rights and gender issues, particularly WLAC and the Legal and Human Rights Centre; NOLA, the Ministry and Departments dealing with children's issues and access

to justice (particularly the Ministry of Constitutional Affairs and Justice (Legal Sector Reform Programme), the Ministry of Community Development, Gender and Children, the Judiciary, the Ministry of Labour, Employment and Youths, selected donor representatives and other donors supporting access to justice projects. The purpose of the interviews was to get an insight of their perceptions regarding human rights and law in Tanzania as well as their understanding and assessment of the work of CJF in Tanzania.

District Level

In each of the evaluation districts, a key informant interview with the district leadership (community development officer, social welfare officer, education officer, primary court magistrates, and staff dealing with legal sector) was carried out.

Ward/Village/Community Level

Two wards and two villages (in each of the wards) of the four districts were visited and interviews undertaken with village governments, children, parents and other community members. Within each village focus group discussions were conducted with the following categories of: (a) women (b) men and (c) children (boys and girls of various ages)

2.2 Constraints to the Evaluation Process

There were three main limitations to the evaluation process.

- One of the major constraints was the lack of data on the CJF project in the districts. In all districts visited, there were no proper records of what the project had been achieving since the beginning. Most of the data that was found was very current but even in such cases, it had gaps. Due to absence of data, some of the information from the districts had to be substantiated and validated by additional interviews of key stakeholders such as the village leaders and district staff.
- The other main limitation was the inability of the evaluators to meet some of the stakeholders in the field. Although arrangements for field visits were made early and evaluators expected to find all the stakeholders in the field, events within the districts led to unavailability of some of the stakeholders. It is however important to note that in all cases, the stakeholders were quickly replaced by those that were available and had information. Follow up through

phone calls was also made where the missing stakeholder had critical information.

- The third limitation was the failure to visit two of the initially identified districts. This, however, was not the decision of the evaluators alone. It was after discussions with the Ministry of Health and Social Welfare, Department of Social Welfare that the evaluators, in collaboration with the desk officer responsible for the CJF project and with additional guidance from UNICEF, that it was decided to drop the two districts. The primary reason was the fact that the two districts had not begun to implement the CJF programme. These were also the districts that were funded by Global Fund and thus UNICEF had not provided support for CJF activities. This decision was made during the inception stage and thus there was no major change in the evaluation plan.
- The Fourth limitation was the failure or inability to meet with children due to delays in securing ethical clearance from the National Institute for Medical Research (NIMR). Despite the above limitation however, the evaluation team gathered sufficient qualitative information to arrive at valid conclusions.

CHAPTER THREE

3.0 Findings of the Evaluation

3.1 Relevance

3.1.1 Relevancy of the Programme to National Strategies and Priorities

All the three districts and the Temeke Municipality have been implementing poverty reduction programmes many of which are in line with the goal of the CJF programme. It needs to be stressed, however, that our finding during the field interviews was that even where the primary courts exist people were neither willing nor comfortable to approach the courts or to report any matter to the police. Indeed, at times they did not wish to report even to the VEOs and WEOs. This point was stressed in the interview with the Principal Magistrate at Magu and the Village Executive Officers at Ihushi and Sesi villages. Similarly the DSWO, Mr Philbert Kawemama, pointed out that:

"The CJF programme has paved the way for an alternative approach to addressing community justice issues and legal rights of boys and girls; an approach that was quite different from the mainstream systems of asserting legal rights which have proved to be cumbersome and very bureaucratic. Going through the ordinary VEOs, WEOs and Police was and still is perceived by many to be very cumbersome, bureaucratic and at times involves c

Mr. Reuben Amos Muganyizi, the Primary Court Magistrate at Magu also stressed that:

"People are not comfortable going to court or the police owing to their technical and bureaucratic nature. Hence, an alternative approach such as the CJF is more in line with the thinking of the local community."

Consequently, even in those wards where primary courts exist, the services of the CJF are still very much in demand.

The CJF program is also relevant to national strategies particularly as CJF facilitators are part and parcel of the MVCC which plays a pivotal role in other programme such as HIV Committee and Social Welfare and

Education Committee just to mention a few. It is also important to stress that the CJF programme takes on board WEOs and VEOs who play a central role in the implementation of any national program in their respective areas of jurisdictions.

The implementation of this programme was therefore in line with the priorities of all the respective district and municipal councils. In the specific case of Mtwara, the CJF programme is based within the legal department in which are also included other related programmes designed at enhancing good governance, supporting the development of by-laws, promoting access and quality of social services and promoting the distribution of national guidelines on child protection.

3.1.2 The relevance of the CJF programme to the Needs and Requirements of Vulnerable Children and their families

The communities in all the three districts and the Municipality of Temeke are clearly in great need of the CJF programme. The high poverty and illiteracy levels, the negative cultural practices and marginalization of women and girls provide ideal conditions for intervention to promote human rights.

This was quite conspicuous, for example, in relation to the right to education for most vulnerable children in the Magu district. Thus in the priority list for Magu district, MVC needs in terms of school uniforms was 24.2%, followed by food 22.8%; while legal services in the priority list account for 0.2% and psycho-social support in the priority list accounts for 0.2% only. Indeed, it looked as though the CJF spent most of the time assisting in education related matters either independently or in collaboration with the most vulnerable children committees (MVCCs) of which the CJFs are members. This position was confirmed during interviews with Youth Networks, NGOs and CJF facilitators. Mr Victor Sadala, the Chairman of Magu Youth Development Network and Nyalikungu Village Facilitator noted that:

“We normally spend most of the time following up with MVCC and schools to ensure that pupils and children who drop out of school owing to lack of funds are taken back to school”.

And when Pastor Peter Sanga Ezekiel, Project Co-ordinator of NGO/ELCT/TUNAJALI was asked to comment on what he considered to be the common breaches of children rights in the Makete district, his

response was that:

"There are many kinds of violations of children rights. The more common ones include property grabbing. Children who have lost their parents soon find that their forest plots have been sold by their paternal uncles who then disappear and leave them without any support. Property grabbing was never a problem until about 15 years ago when most people began to grow pine forests. There was no problem of land shortage then. Even myself I was a victim of such abuse because my land was grabbed when I was small following the death of my father".

The Mobile Legal Aid Team (MLAC) of the LHRC has also noted in respect of the Makete district that:

"Astonishingly, about 90% of the cases the MLAC team received at Makete are the land related cases. The major economic backbone of the Makete people is agriculture and tree plantations. Land is customarily owned and there are no clear boundaries and more often land conflict erupts when the owner of the land passes away. In such cases the land problem starts at the family level including that of the intruder who claims the ownership of the land. Since land is the economic backbone, the welfare of family including the children is seriously affected when there are the land disputes. The challenge of the Land Court as the court of first instance regardless of the pecuniary jurisdiction, only depends on the mercies of the ward tribunals. There is no District Land and Housing Tribunal for Makete District. Anyone aggrieved by the decision of the Ward Tribunal will inevitably be forced to appeal at the Njombe District Land and Housing Tribunal which is very far. Due to the geographical landscape and problem of transport in Makete, it takes someone three days to enter appearance in Njombe and it is very expensive and this leads some of them to abandon their cases at the ward level regardless of the way the decision goes".

All the above observations indicate that the work of the CJF is relevant to the needs of the vulnerable children and their families in all the evaluated districts and the Makete district in particular.

Already, all the evaluated districts have established structures to address vulnerability at all levels, ranging from vulnerability to HIV and AIDS, to disasters and to poverty. However, since the levels of awareness are

low and literacy rates generally low, it has been difficult to ensure that rights of vulnerable groups are fully protected. The work of the CJFs therefore is the kind of work, though not yet valued or acknowledged by a community as critical, is necessary and contains great potential to enhance human rights protection at the community level.

3.1.3 Existence of Synergies, Collaboration and Partnership with other national actors at all levels

One of the weakest aspects of the CJF programme is its lack of collaboration and partnership with agencies performing comparable work in the same district. Overall, there was little linkage with other programmes in the district. For example, unlike Magu where there was a strong link between the work of CJFs and that of MVCCs, the CJFs in Mtwara did not necessarily work with MVCCs. The children assisted by the CJFs therefore, were not necessarily those identified by the village government as vulnerable children or children who needed legal assistance. Likewise, most of the MVCC members did not know the work of the CJFs and could therefore not make referrals to CJFs. The Out of School Children (i.e. *Vijana Nje ya Shule*) programme implemented at Mtwara Municipal Council, was not linked with by the CJF.¹ Opportunities to link up with these programmes in a way that would have benefited young girls and boys existed but were not utilized.

Had there been collaboration and partnership between the NGOs and the CJF programme, such NGOs would have been willing to team up with CJF operatives so as to pull their resources together for maximum impact and improved service delivery. Examples of these have been cited above including Pastor Peter Sanga's TUNAJALI of the Makete district.

In the case of Mtwara we found six NGOs that were trained on legal issues and in collaboration with other district officials that trained the ward level CJFs. Training of NGOs has been received with generous appreciation. For example, an NGO leader (SAKAJU official) noted that with this training, they are able to execute their work on legal issues more effectively; adding that:

¹ The object of this programme was to assist young people out of school to be trained in income generation programmes.

'...there are few capacity building opportunities for NGOs in Mtwara, but we are grateful to have a member of the community who works as a CJF and a community mobiliser for good governance...one of the CJFs is now a member of this organization and he is highly engaged in awareness building activities for local leaders on good governance'

Such collaboration, however, was only at the initial stage of implementation. The NGOs were not involved in monitoring and following up. Moreover, there was no mechanism to ensure that the CJFs get the assistance and guidance from the NGOs. Collaboration with such institutions could have ensured sustainability (the fact that the issues would have most likely been addressed by a wider group thus achieving greater reach and a bigger impact). As noted by Ms Dihimba, an official of FAWOPA, one of the NGOs in Mtwara that;

'After the training we felt left out. We were not informed of what was happening with the project. We felt that our engagement was too minimal...we have capacity to do a lot more in the villages because we have staff working everyday with villagers. This opportunity was never explored in this project...'

There is still a good chance, however, to strengthen such partnerships particularly with national NGOs working on legal rights for children such as TAWLA, WLAC, NOLA and LHRC. If this were to happen it would enhance the capacity of both the existing NGOs in the districts and the CJF programme. Collaboration of such kind ensures sustainability. It also enables community development issues to be addressed by wider groups that have greater reach and a bigger impact. As we have noted, the recent intervention by the LHRC through its Mobile Legal Aid Clinic provides yet another timely opportunity for collaboration and partnership.

It should be noted that there existed to a certain degree, synergy and collaboration with district level programmes. Thus in an the interview with Mr Peter Nganyange, the Makete District Co-operative Officer (who is also a District facilitator for CJF), he revealed that he had been able to undertake small scale monitoring of CJFs without funding from UNICEF while he was doing his official work in the villages as District Co-operative officer.

Nonetheless, the lack of strong synergy between CJF and other district and ward level programmes appears to have originated from the initial

design of the programme which did not highlight exactly how the CJF programme would ensure linkages and the engagement of various stakeholders in the management, implementation and monitoring of its activities.

3.2 Effectiveness in Implementation

3.2.1 Effectiveness of the Programme in implementing its Activities

The main objective of this program was to facilitate the rights of women and children since these are the most vulnerable members given their social, economic and political status in the community. The concept of community justice facilitation therefore was based on the premise that vulnerable groups, particularly children, fall victims of abuse in a number of ways. The programme, therefore, meant to reach children in need of protection and to enhance access to justice by those children through increasing awareness, increasing access to institutions dealing with delivery of justice, and by ensuring that the concept of access to justice is understood by communities.

Two aspects relate to the effectiveness of the programme. The first concerns the programme design and implementation and the second relates to the response of the communities.

Programme Design

There seemed to be no baseline study from which communities, including local government and NGOs participated to provide inputs regarding the measures needed to address children's rights. Thus although the concept was good, there was little ownership and therefore even acceptance of the programme by the community. Likewise, the implementers, i.e. CJFs, local government, community members and civil society, did not understand the specific targets and indicators of achievements for the programme. This was, for example, highlighted by the District Legal Officer in Mtwara, who observed that the CJF program outline did not clearly indicate the targets. Consequently, no uniformity or coherence was observed when it came to reporting by the CJFs.

Our interviews yielded varying feedback from communities. On awareness-raising, there are groups, particularly the youth networks, district officials and village leaders who conceded that their understanding of legal issues had increased as a result of this programme. Some of these respondents were participants in the initial

training for CJFs.

But there was also mixed feedback from the women, men and children (boys and girls), some of the village executive officers, Ward Tribunal members and some of the influential people. Some members reported that they had not been educated about their rights. For example, some of the ward tribunal members stated that the only time they had heard about the CJFs was when they introduced themselves through village meetings but they were never seen again in some of the villages. Such was the response from many of the village leaders in all the districts studied. It must be noted though that the village leaders were neither sufficiently consulted nor involved in the work of the CJFs.

There were others who felt that the CJF had not assisted them much. Thus, in a focus group interview at Keko Magurumbasi within the Temeke Municipality, one woman stated that they did not really need *mwezesaji haki jamii* i.e. CJF. What they required was *kutuwezesha sisi wenyewe* (i.e. we need to be facilitated with financial resources so that we can better look after our families.)

This view was echoed by Mr. Issa Ahmad Ndambwi, the MVCC Secretary at Keko Magurumbasi who noted that:

"MVC is more preferred than CJF because it deals with material support. In contrast, CJF deals with provision legal services; but people seem to be in greater need of food than their legal rights."

In the Magu District many community members who were interviewed seemed to mix up the CJF programme with the MVCC programme. On some occasions even key government officials confessed they did not know of the existence of CJFs, adding that they had just heard of it from the evaluators. For example, the Primary Court Magistrate at Magu Urban court stated that he had never heard the CJF programme. Likewise, the Primary Court Magistrate of Nanyamba in Mtwara district admitted that he had never received any referral case from the CJFs. He commented that the use of primary courts was very low though there was a large number of women and children who suffer from infringement of their rights. He noted that the programme could have been an opportunity to promote access to courts by these groups, but this was not sufficiently done.

Some of the CJFs in Mtwara claimed to have difficulties getting the co-operation of village officials and therefore found it difficult to undertake counselling or sensitization meetings and thus to link the institutions responsible for legal enforcement.

Concerning the provision of legal advice to children and women, to some extent this was done, although with some limitations. All the districts studied face many human rights challenges. These include early marriages, lack of access to education, traditional and religious practices that inhibit progress for children, child neglect, lack of child maintenance by men, land and property grabbing from widows and orphans, property ownership rights, child physical and sexual abuse and other human rights violations. These violations and other challenges were not adequately addressed by the CJFs. Basically, they did not provide legal advice to community members that were faced with these infringements.

But other respondents were more positive about the work of the CJF. Thus Mrs Benadetha Kasubi, the District Health and Educational Officer and CJF Facilitator at Magu, commented that:

"CJFs have assisted a lot poor families, in particular, children whose parents cannot afford to pay school fees and who were forced out of the class..."

Some of the stakeholders noted that there was increased awareness on rights issues generally. For example, the police officer at Nanyamba in Mtwara District mentioned that they receive fewer cases at the police station because people are now more aware of their rights and responsibilities than previously.

The CJFs were very successful, in working with teachers to promote school attendance. Due to the CJF's intervention, many of children who would have dropped out of school continued with their education. In the case of Mtwara District some of the CJFs were able to ensure the return of over 200 children to schools and this was seen as a great achievement by some of the community members.

It should be stressed nonetheless that the CJFs did not really address the

root cause of school dropouts and so the factors leading to high cases of school dropouts are likely to remain.

In most of the villages visited in the Magu district, particularly, the villages of Ihushi and Sessi, it was remarkable that there were a number of achievements in terms of increasing levels of awareness on rights and duties of citizens. However, some of the NGO leaders felt that CJFs could have done a lot more if they had been facilitated and provided with stationery as well as an allowance. This point was stressed by various respondents including the DSWO, VEOs, WEOs and Youth Networks.

Training activities were carried out, and the number of beneficiaries planned to be reached was reached. The beneficiaries of the training explained that the content was useful but was too detailed and comprehensive for a group of people that have not been previously exposed to legal subjects. A more progressive training plan would have been more appropriate for such a group. Judging from the content of the training, we feel that the content was sufficiently simplified and therefore easy for the ward level CJFs to understand. But notwithstanding this the training programme was an-11 day intensive course which was not practical for the ward level CJFs.

Only a few referrals were made by the CJFs to relevant institutions such as the police, courts, ward tribunals and village leaders where the action of village leaders was required. Mr. John Mitusela, the Principal Primary Court Magistrate at Magu, confirmed the above position during field research.

Similar observation was made by the Primary Court Magistrate at Iwawa in the Makete Township who clearly stated with a touch of regret that he had neither heard of CJF nor received any case that was referred to him by a CJF. But he was not alone in expressing such ignorance because a number of NGOs leaders interviewed were also not aware of the work of the CJF. This included Mr Yasalina Sanga, Field Officer, TAHEA (Tanzania Home Economics Association) who commented that he had heard of the CJF programme but did not know what it did despite having worked in Makete for the previous four years. Notwithstanding the apparent lack of awareness of CJF work, the evaluation team understands that Makete is one of the districts most supported and great effort was made to get the CSOs involved.

Indeed the CJF programme provided an opportunity to promote access to the courts by these groups but this opportunity was not fully exploited.

Response of the Community to the CJF Programme

The work of the CJFs was met with some resistance by community members. In some of the villages, community members had little trust in the work of CJFs and this was due to a number of reasons. These include the age of CJFs, their gender status. There is generally little respect for women in Mtwara traditional communities. In some cases, the CJFs did not seem to fully understand their work or their role. Cases were cited where a young CJF girl was married to a man old enough to be her father. This was referred to as a bad role model. Some of the CJFs could not write very well. There were also CJFs who did not have enough time to provide these services because they had their own private matters to attend to.

Another related aspect concerns the attitude of the communities. There is high illiteracy rates among women and men coupled with limited understanding of rights issues within the communities in the districts studied. This situation made it difficult for CJFs to introduce the concept of rights and what it entails. The CJF programme could have been effectively implemented in an environment where such cultural and social barriers to rights, including the structures, perceptions and beliefs that uphold them, had been satisfactorily addressed.

3.2.2 Achievements of the Program

There were a number of achievements arising from the implementation of the CJF programme in all the districts. For example, in Mtwara, 20 CJFs have been trained at the district level and 85 CJFs at ward level. In Makete District, there are 35 CJFs in place. It took up to 2006 to complete the CJF training programme in the Makete District. Thereafter some additional training programmes had to be conducted in 2008 to fill in the places that had been vacated by a number of CJFs for various reasons. Training was on legal aspects, legal processes and role of CJFs following the training modules.

Concerning the cases attended to, the bulk of the cases related to taking children back to school and in such cases there was little legal advice being provided either to the children or their parents. However, where the CJFs provided legal advice and counselling, their work made a tremendous difference to their lives particularly when they intervened at school level to ensure that access to education was not restricted by cultural practices, attitudes or economic status. In one case, the CJF in Mtwara restrained one parent from marrying off her six year old daughter through counselling and advice. The daughter was sent back to school. In the Magu District CJFs were, on several occasions, able to exert pressure on reluctant parents to pay fees for their children.

Another example of CJF intervention relates to the CJF of Lupila ward in Makete District, Ms Ephata Sanga, who saved a school girl from an FGM cutting which had been planned by her grandmother. The girl had been told by her grandmother that she would be taken to a local herbalist for treatment. This school girl did not know the nature of the treatment and more so because she did not feel ill. When she mentioned this to the CJF at Lupila, the CJF realized that the girl was due for FGM cutting. Ms Sanga went to the girl's grandmother and advised her to abandon the planned operation. The grandmother agreed and the little girl was saved the imminent FGM cutting.

The table below provides a breakdown of cases handled by CJFs in Mtwara District, being the CJF achievements in the respective wards:

Ward	Number of cases dealt with	Referrals	Problems/Issues
Kitere	42	149 returned to school	Now focusing on advocacy in sanitation issues; poor working relationship with local government; lack of working facilities
Njengwa	24	Not recorded	Limited understanding by community about work of CJFs and their rights; lack of working tools
Mtiniko	34	41 students returned to school	Same as above
Mahurunga	No records	No statistical records	Reports indicate that referrals were made to barazas, health centers for children with malnutrition, police
Ndumbwe	11	No statistical records	Lack of cooperation from VEOs, lack of working tools, lack of awareness on part of community on work of CJF

Namtumbuka	12	5 students returned to school	Not stated
Chawi	13	No records	Not stated
Nanguruwe	15	No records	Lack of trust of CJFs, limited awareness of rights, lack of sufficient capacity of CJFs to carry out their work, lack of trust by VEOs
Kitala	No records	No records	Same as above
Ziwani	46	2	Not stated
Mayanga	43	15 children returned to school	Not stated
Nitekele	No records	No records	No work has been done in this ward despite follow up by WEO
Naumbu	3	87 children returned to school	CJF got married thus not working
Mnima	No records	No records	Not stated
Ndumbwe	8	No records	Not stated
Mahungura	No records	28 children returned to school	Not stated
Madimba	9	No records	Numerous disputes are land related
Kataya	No records	No records	Not stated
Nanyamba	8	1	Not stated
Dihimba	20	No records	Not stated

3.2.3 Constraints and Limitations facing the CJFs

Lack of working tools

The major constraint that faced the facilitators was lack of working tools, office space and stationeries. Thus when asked about constraints they faced, all the CJFs confirmed, almost unanimously, the lack of working tools and facilities. The only support that the CJFs got during the term of the program was training and bicycles. The CJFs could have used the offices of ward executive officers, but were not availed with this opportunity. Some of them provided the services from their homes, which many claimed was an uncomfortable experience.

Insufficient or limited time to work on community issues

A similar finding was made following a recent study by the Mobile Legal Team of the Legal and Human Rights Centre which noted that, although the concept of CJF is based on a volunteering spirit, for many of the young people working in this project at ward level, volunteering full time

was a difficult task. Most of them depend on agriculture or other economic activities for their livelihood and therefore, they had to divide time between their economic roles and community justice facilitation.

Some of the CJFs had full time income generation activities which gave them limited opportunity to engage in community justice facilitation. For most of the facilitators the greatest challenge was that they had to give a lot of their time to do unpaid community work. With limited ownership and commitment on the part of leadership, parents and communities, the work of the CJFs became even more difficult.

Limited number of CJFs to cover wide geographical areas

Another constraint was the limited number of CJFs in each ward compounded by the sheer size of the wards that were assigned to them. For example, in the Temeke Municipality, the CJFs were only effectively serving the *Mitaa* in which they lived instead of the whole ward to which they were assigned. Service to other *mitaa* was highly limited. There are 24 wards and 156 *mitaa* in Temeke Municipality. This means on average one CJF serves between 6,000 to 25,000 families which is an impossible task for them.

In the case of Makete district the limited number of CJFs in each ward was such that the two CJFs were in effect serving the village in which they were residing. Their service to other villages was highly limited. According to Peter Nganyange, a district community development officer, some villages are located as far as 80 to 90 kilometers from the district office of Makete. Many are 50 km apart. With some, like Kigulu village, one has to travel to Mbeya to reach it. In the case of Kijombo village one has to go as far as Lake Malawi to get there. And the ward of Matamba is 90 km from Makete township.

When the question of distance between villages in one ward and the related problems of accessibility was raised with the District CJF, he noted that in the years before 2005 Makete district experienced a serious problem in that there would be two CJFs serving several villages sometimes about 15 km apart. It was very difficult to receive reports from community members of any events in their villages. In order to deal with this problem UNICEF was asked to create another layer of village CJFs. When UNICEF rejected this proposal, it was then decided

that the MVCC in those villages would be recruited informally as CJFs to assist. These are now helping to fill in the gap and are acting as CJF albeit informally.

Comparable problems of limited numbers of CJFs and their lack of access to the entire ward were also encountered in Mtwara. For instance, in the Nanyamba ward, out of seven villages, the CJFs were only able to reach three villages. This information was confirmed by the WEO who admitted that the CJFs were only introduced to three villages. In these three villages, they only attended one introduction meeting in which they also raised awareness. But little work was done because there was limited commitment on the part of CJFs to return to those villages.

Community response to the programme

Another constraint related to the general response of the community. Because of the predominantly patriarchal practices and values, the female facilitators faced many obstacles. In the Makonde community of Mtwara district, females are not viewed as qualified to stand in front of men to say anything important. They are regarded as minors with the result that female facilitators were not as free or comfortable to move around the community because they feared they would be ignored. Age was also an issue as older people did not attach much value to the work of young people. In general, the community's response was slow; the women having lived in a community that has oppressed their freedom for a long time were also not as cooperative.

Lack of consistent monitoring

There was little monitoring and follow up of programme activities in all districts. For example, at the time of the evaluation, in Magu and Makete districts, monitoring and evaluation of the programme had not been done. There are two main reasons for lack of monitoring and evaluation. The first is that although we understand funding for evaluation was allocated by UNICEF to District governments these funds were apparently not utilized for this purpose. The second reason is the lack of a clear plan of how monitoring could have been done more effectively at less cost. After training, the facilitators did not agree on monitoring and evaluation plans and therefore, it was up to the ward CJFs to report in any way or format they wanted. Reporting structures were not clear from the beginning and the roles of various actors in terms of reporting was also not clarified.

The research team was not availed with the report forms or specific data on CJF work. CJF facilitators themselves confessed that none of the district officers or district level facilitators had gone back regularly to assess their progress.

More generally, there were no resources for monitoring and this was also a challenge given the vastness of the districts studied including geographical limitations such as those mentioned in respect of Makete. Likewise, because there were no linkages with the work of NGOs, the opportunity to engage NGOs in monitoring was not fully utilized. There were NGOs in many of the wards in which this programme was implemented which could have been engaged. In fact some of these NGOs participated in the first training for district CJFs and therefore there was room for partnership and collaboration with minimal or no cost implications if this had been included in the programme plan. NGOs in Mtwara were willing to provide monitoring support but they were not mobilized or supported to do this by the district coordinator. Other WEOs who were recruited after the training of the CJF did not have a full appreciation of the CJF programme and its objects.

In sum, there is a window of opportunity for CJF programme to forge linkages with other NGOs working in the same area and hence use this linkage for monitoring and evaluation purposes.

3.3 Efficiency and Cost Effectiveness

General use of resources was centred on increasing capacity of CJFs to effectively implement their work. These resources were utilized well and CJFs have a good understanding of their role as community justice facilitators, though more intensive and ongoing training has to be done to build the CJF's capacity to mobilize communities, provide better services and increase awareness. On the other hand, as noted above, there were no resources for some of the basic things that the CJFs needed in order to perform their work better. For example, they needed stationery, office equipment and office space which they did not get. It should be pointed out that the evaluation team did not have

access to any information regarding budget and financial details in respect all except Mtwara district. Thus the specific data provided below relate only to Mtwara district.

**EXPENDITURE FOR THE CJFs ACTIVITIES IN MTWARA FOR THE PERIOD
APRIL-JUNE-2009**

ACTIVITIES	AMOUNT
Training on Children’s rights, conducted to 20 facilitators, from Mtwara District.	5,940,000.00
Training on Children’s rights, conducted to 25 facilitators, from 5 Wards.	3,965,000.00
Training on Children’s rights, conducted to 30 facilitators, from 6 Wards.	3,705,000.00
Training on Children’s rights, conducted to 30 facilitators, from 6 Wards.	7,460,000.00
Monitoring and Evaluation conducted to all 18 Wards	5,680,000.00
TOTAL 26,750,000.00	

The issue of allowances of CJFs or any other form of incentive in order to maximize the benefits of the investment need to be looked into. Currently the bicycles are a motivation, but the young people need to earn an income in order to sustain their livelihoods. Balancing this social and survival requirement with the community role is proving difficult for many of them.

During the initial phase of the programme, little training was done on reporting and monitoring progress. In the case of Mtwara this was done during 2009 and there are efforts to harmonize reporting. This work is critical to the work of CJFs as it is one way of ensuring that there is regular feedback on the work of CJFs and where assistance is required, it can be promptly provided. As noted in respect of the Mtwara district a significant budget which has been allocated for the period 2009-10 is meant to strengthen reporting and monitoring. However, in doing so, the role of district facilitation teams must be re-evaluated and where possible extend to a monitoring and mentoring role. Currently, when the district team trains the ward level CJFs, their work is mostly done. This is not seen as a good use of resources, as they could have a more encompassing role that includes monitoring and mentoring.

EXPENDITURE FOR THE ON GOING CJFs ACTIVITIES IN MTWARA FOR PERIOD JULY 2009-MARCH 2010

ACTIVITIES	AMOUNT
Training of District facilitation team and DMETs CJF Monitoring tools-July-Sept,2009	11,672,000.00
Training of Wards data collection team on monitoring tools for CJF-July-Sept-2009	11,695,000.00
To conduct quarterly date entry collection, analysis from the wards-Oct-December-2009	9,288,000.00
Dissemination of National guideline on CJF to District leadership and Stakeholders-Oct-Dec-2009	5,677,000.00
Dissemination of National guideline to District facilitation team-Jan-March-2010	2,427,000.00
Monitoring and Evaluation-Jan-March-2010	4,320,000.00
	TOTAL 45,079,000.00

One opportunity that was not fully utilized was the linking of this programme with the MVC programme and other youth related programmes at the district level. The MVC programme has resources for training, monitoring and progress meetings. The Community Development Officer at Mtwara felt that had these linkages been strong from the beginning, there would have been a lot of room for synergy and collaboration. In the first place, she thought that CJFs should have been chosen from the list of MVC members in order to enhance the link between the work of CJF and that of MVCC. In this way, more vulnerable children could have accessed the services of the CJFs. Currently CJFs do not work in any way with the MVCC. The village government, which is responsible for overseeing the work of MVCC, is also responsible for mobilizing communities and mobilizing resources for the work of MVCCs, in this way the work of the CJFs could have been a lot easier and cost effective.

CHAPTER FOUR

4.0 LESSONS LEARNED

4.1 Enhancing linkages with national, districts and ward based programmes

The CJF programme was implemented in an environment where there were a number of opportunities to link up with other programmes at national and district levels. Linkages would have ensured that the programme was mainstreamed into ongoing national processes and perhaps for sustainability reasons would have been taken over by the government. Likewise, even at district level, there were no measures to ensure that the programme would eventually be linked with other district based programmes. This omission led to a number of weaknesses and challenges in the implementation process, particularly the challenge related to the availability of resources for monitoring and follow up. There was also weak visibility of the programme and the challenge of sustainability. No doubt all respondents felt that it was a very important programme. However, few had a clear idea of what it was all about and how results would be sustained. The respondents responsible for managing the legal sector reform programme felt that there was a huge opportunity for the programme to be linked to ongoing legal sector reform efforts so that in future, some of the activities could be up-scaled.

4.2 Partnership and Collaboration

In all districts, the programme was managed at local government level. This was a good initiative because it strengthened partnership between UNICEF and the districts. It also provided an entry point for mainstreaming in planning and budgeting. For example in Mtwara, some of the activities were funded through local government funding. However, as noted above, teaming up and collaboration with local NGOs was limited. In some of the places although local NGOs were involved at the beginning of the programme these were later dropped. At ward and village levels, some of the CJFs did not work with village level structures for most vulnerable children, nor with the village and ward governments. For example, the fact that most of the primary courts were not engaged in the process from the beginning affected the

programme, as the CJFs will not have influenced greater access to courts and justice by communities. The fact that there were no strategies to ensure ongoing collaboration and partnership with actors addressing similar issues is considered to be a lost opportunity.

4.3 Providing sufficient ground support to CJFs

The work of the CJFs was appreciated by many in the local communities. But it is also true that many of the community members did not understand what they CJFs were doing, thus did not have the opportunity to use their services. A more systematic way of following up the work of CJFs and providing them with ground support should have been designed. This means that CJFs should have been reporting more regularly about their work to the village/ward leadership as well as community. Likewise, there should have been a mechanism to facilitate dialogue between the ward level CJF and the district level CJF. Although the original idea of the programme was precisely to maintain such communication, this did not happen. The evaluation team however, noted that there were some districts in which initial attempts were made to encourage periodic consultations at the district level- but the practice seems to have not been maintained. The evaluation team noted further that this is being reconsidered in the upcoming support. The CJFs at district level did not sufficiently support the work of CJFs at ward level. Providing bicycles was just one way of ensuring that CJFs could move around with less difficulty, but even that intervention did not facilitate easy access to CJFs nor regular engagement with communities.

4.4 Data Management

The weakest part of this programme was the management of data. However, even the CJFs were not adequately trained on documentation from the beginning of the programme. It is only at the midterm and more so towards the end of the programme that the CJF got training on data gathering and documentation. This shortcoming highly affected the implementation of the program. Because there was no data, it was hard for district officials and facilitators to follow up at ward and village levels to provide support or where necessary to influence community members to use the services of CJFs. It was also difficult to measure impact in terms of reach.

4.5 Focusing on district specific issues

As we gathered from each of the districts, there are district specific challenges affecting women and children. These are the challenges that the CJFs could have focused on in order to have more impact and to influence community response. Perhaps this happened because the content of the training manual was not specifically tailored to the needs and challenges of the district. In future, it might be more effective if the content of the manual is also to a certain extent made to focus on the problems that are specific to a given district so that the programme is relevant and owned by community member.

CHAPTER FIVE

5.0 Human Rights and Gender Mainstreaming, Impact and Sustainability in the Four Districts

5.1 *Human Rights and Gender Mainstreaming*

5.1.1 How the Programme design and Implementation addressed issues of human rights and gender

The spirit of the programme was to promote human rights, particularly the rights of children and to build capacity of the relevant communities to respond to child abuse and other violations of human rights. In light of this, the objective of the program was human rights based. Needless to say, this approach is in accordance with UNICEF goals of empowering communities to respond to the human rights needs of children. It is also an objective that is in line with the government of Tanzania development goals, which are to enhance access to justice by the most vulnerable groups. Similarly, the design of the programme aimed at reaching the most critical groups in terms of administration of justice, thus beneficiaries have included magistrates, police, community members, community leaders (particularly at ward level), NGOs and community groups.

However, the programme was not strongly mainstreamed with gender. Having female and male CJFs was not enough to ensure that gender equity and equality was being achieved in the programme. It was important to ensure that both boys and girls CJFs were equally empowered to effectively participate in this programme. Evidence shows that girl CJFs in the four districts were weaker, had less self-confidence and were not fully accepted by the community. Findings also show that girls were faced with numerous social challenges, including getting married at a young age to older men, having children at an early age, undergoing traditional and cultural practices which, on the face of it, confirmed their socially unequal position in society. All these needed to be dealt with in the programme design in order to ensure that equality in the number (boys and girls) matched equal participation and effectiveness.

There were no strategies aimed at addressing the specific human rights needs of women and girls and given the context of the four districts, this was a significant omission. Unfortunately, there were also no gender

specific indicators (although generally there were no indicators to guide programme implementation). The lack of specific gender indicators might have contributed to the lack of specific strategies to reach women and girls who happened to be the most marginalised and abused in these communities. Future programmes would need to ensure that the gender aspects are critically and thoroughly assessed and that measures are taken to develop gender sensitive strategies and indicators.

5.1.2 Extent to which the Programme generated Human Rights and Gender awareness in the Community

To a limited extent human rights issues were addressed albeit not effectively. At the time of evaluation, a large number of community members did not understand the work of CJFs and had not been exposed to awareness-raising on human rights and gender issues. This is an element that must be strongly integrated in future programmes. There were also no strategies nor targets of ensuring that the work of CJFs generated sufficient awareness on rights issues and gender equality. In fact the CJFs understood their role to be based mostly around advice rather than building capacity of communities to understand human rights and gender issues. It is not surprising therefore that some CJFs were mistaken for MVCCs. Thus in a focus group interview at the ward of Keko Magurumbasi in Temeke District, respondents thought that MVC and CJF were one and the same people and both were concerned with materially supporting vulnerable children and widows. When we asked questions seeking to find out what kind of services were being provided to the community by the CJFs, the responses we got suggested that the respondents thought the CJFs were also MVCs.

5.1.3 Constraints and Limitations

In our view the CJFs were not properly trained concerning how to reach the children and women in the community and as a result they did not make deliberate effort to provide legal assistance to women and children. It was important for the CJFs to fully understand the cultural context including gender hierarchy and how these promote or undermine the achievement of human rights and gender equality. In sum, the CJF programme did not sufficiently prepare the CJFs to deal with gender equality issues in the communities they served.

5.2 Impact of the Programme

5.2.1 How the Programme changed the Lives of the Children and their Families

It is too soon to measure impact of the programme in the four districts that were evaluated. In particular, in Mtwara District, most of the training for CJFs was done in 2009. In other three districts CJF training began as early as 2002/03. In any case, what appear to have been achieved are mainly output and outcome results which include the following:

- There has been an increase of girls and boys being sent back to school after special intervention from the CJFs and the WEOs at large. The role of CJFs cannot be underestimated here as they moved from school to school to reach out to children who were dropping out and advising parents to play their role of educating their children.
- Some members of the community (particularly those that participated in the district and ward CJF training) have increased their levels of awareness on human rights issues and the law. Although the CJFs have not been able to apply this knowledge extensively, there is confidence among them that this knowledge will enable them reach out to more vulnerable people who need legal advice. It must be emphasized here that the majority of the community members still do not understand their rights and that awareness raising to communities is one of the activities that was not effectively done.
- There has been an increase of transparency among law enforcement institutions as people have become more aware of their roles and their rights in accessing law enforcement institutions. This fact came out very strongly in almost all the four districts evaluated. This also accounts for the high demand of CJF services. As noted above, in the case of Makete, the demand is so high that CJF services have been extended, albeit informally, to the village level using MVCC members located in those villages. Moreover, the position of *Mama Mkubwa** is also a local initiative to extend the work of CJF to meet the existing demand²

² Groups of MVC children are asked to name a lady they trust and to whom they would run to seek help in case of emergence. Each child names one person in the

5.2.2 Possibilities for Scaling up the CJF Programme at National level

The spirit behind the programme is relevant and highly needed in all the four districts studied. This fact makes it a needed intervention for many parts of the country. However, a programme such as this should be effectively implemented before it is scaled up.

The following aspects need to be documented during the phase of implementation:

- the specific challenges related to design, implementation and monitoring;
- human rights issues and how they have been addressed;
- the role of law enforcement institutions and how referrals have worked out;
- the motivation for CJFs and leaders at various levels,
- levels of commitment of various stakeholders;
- partnership and collaboration and other factors that have an implication on the success of the programme.
- It is also important to ensure that there are targets and indicators to measure the extent of success or failure and this may require the undertaking of a baseline study that will guide the formulation of programme objectives, strategies and indicators.

The scaling up of the programme should by no means be done at village levels. Feedback from communities demonstrate that there is limited reach by CJFs at ward level and youth groups have questioned why there cannot be CJFs at village level in order to ensure access and use of their services by the majority of the community members.

In addition, the MVCC are established in every village and therefore, already, there is a structure in every village that could either absorb this role as the Makete study has shown, or work closely with CJFs at to implement these activities.

A plan that outlines how these services can be scaled up to village level

village to be his or her Mama Mkubwa and the person who gets the majority vote is named Mama Mkubwa for that village.

should be drawn up, discussed with all the key stakeholders and then rolled out to the villages. It is important to underline the role of the Social Welfare and Community Development Officers when this is done. The mobilization of communities requires the knowledge and experience of these frontline officers.

It is also advised that scaling up of such programme should be as much as possible aligned to existing efforts aimed at addressing vulnerability, equality and access to justice. There is already a number of interventions aimed at reducing vulnerability and increasing gender equity and equality. A close look at these should be taken to determine the extent to which the CJF programme can be aligned with them. And where this is possible, at least effort should be made to create synergy and collaboration with these programmes in order to maximize impact and cost effectiveness.

5.3 Sustainability

5.3.1 Measures taken to address Sustainability of the Programme including Ownership at National and Community levels

Training of CJF is a sustainability measure that may ensure the continuous role of CJFs. However, training alone does not guarantee that CJFs will continue to provide those services. Already, we are witnessing the mobility of CJFs (for various reasons) and while in some districts such as Magu they re-train but in others there is no retraining.

Motivation for CJFs is another issue that should be given adequate attention. Although bicycles have provided some motivation, the CJFs do not have the resources to maintain these bikes. If motivation is in the form of allowances, then the village governments should be encouraged to mobilise communities to contribute. Such self-help efforts however require that the work of CJFs be highly appreciated first in order to gain the necessary recognition from community.

Currently, the district office at Mtwara has integrated the work of CJFs in the legal unit plan of work. Its activities include collecting data on work done by CJFs, training CJFs on national guidelines for child protection, training CJFs on child abuse, violence, exploitation and inheritance. The integration of these activities in the plans may be a significant entry point in committing the council to budget for activities of CJFs and this is noted as a good practice. This is not the case with the other three

districts of Magu, Makete and Temeke. However, there should also be budgeting for facilities (such as basic stationery) and ensuring that each CJF has an office based at the ward level.

Some District Councils such as Magu and Mtwara have programs known as Out of School Youth (i.e. *Vijana Nje ya Shule*). There is also a programme to enhance capacities of MVCC; these two programmes offer the opportunity for integrating issues of community justice facilitation and to provide the opportunity for partnership and collaboration with various structures and initiatives at ward levels. However, efforts to achieve such integration and to strengthen synergy between programmes need to be specifically made.

5.3.2 Constraints and Limitations

The major constraint is in the area of partnership and synergy as well as a motivation package for CJFs that is supported and maintained by communities.

Another constraint that emerged in the study of Makete District was the fact that although in the initial training of CJFs a number of WEOs and VEOs had been trained together with CJFs, in later years a number of WEOs and VEOs had left either on transfer or for other reasons. Consequently, there were new WEOs and VEOs who knew nothing about the work of CJFs. Today in Makete there a total of 9 out of 16 wards with new WEOs who have no clue as to the CJF programme. But this is not all. There are also the New Councillors who came into office after the last elections. These have also not undergone any awareness training. There are also new recruits at district level and others who may have been transferred from districts where the CJF programme does not exist. These are also unaware of what the CJF programme does or is supposed to do. Not only that, there are also many cases of CJFs leaving their wards and moving on to other districts to work, such as Mbeya, Makambako and elsewhere. Note that many of these were young Form Four leavers and would have been looking for work. In the case of girl CJFs, these get married and move on to other parts of Tanzania.

This state of affairs creates a problem of sustainability as well. There is a need for regular training for the new officers at ward and district level to maintain a large number of CJFs supporters at all levels. According to the District CJF, training of new arrivals must be at least once every two years to capture this new group and replenish the CJFs stock. We agreed that whereas these are all natural processes which generate new people

in the wards and villages what is important is to anticipate these natural processes and address the knowledge gaps that they generate.

As an interim measure it would be best if handover packages for new staff could be prepared so that every new officer is given full briefing at the time of assuming duties to ensure such awareness is maintained. The handover packages and briefing of new staff could be set up at the district, ward and village levels.

Although initially UNICEF did not plan to undertake a regular training programme that would have captured the new district and ward level officers, we now believe that in view of the enactment of the Law of the Child Act 2009 it will be necessary for UNICEF to provide a new programme of training that best conforms with the new law.

CHAPTER SIX

6.0 Emerging Issues

The following are the key issues that emerged during the Evaluation in all the Four Districts.

6.1 Low levels of Understanding coupled with strong traditions and cultural practices

In all the four districts, the implementation of this programme was constrained by the low levels of understanding caused mainly by low literacy rates particularly among women and cultural practices which were mainly patriarchal. In the case of Magu and Makete districts the implementation of this programme was also constrained by low levels of understanding of the work of the CJF by ordinary people and in some cases even members of the judiciary as well as the police.

One thing that is clear is that before a programme such as this is implemented, people levels of awareness of the structural, social and economic issues needs to be raised. The community needs to have some understanding of the problems and to have some grasp of the causes of the problem before they can fully benefit from such intervention. The programme had no budget for awareness-raising and this contributed to the limited utilization of the services of CJFs. Most of the women declared that they did not know their basic rights, including right to own property; they did not know the law enforcement structures. Also they did not know their matrimonial and other rights. Without this knowledge, access to justice will continue to be limited.

6.2 Multi- purpose Education and Awareness Campaigns

If people are empowered (educated on various issues) including how to raise their levels of income and promote savings, a large number of people would move out of poverty. There are several issues, apart from general rights issues that affect the communities. These include high levels of illiteracy which expose them to risks of using hazardous chemicals in cultivation of cash crops such as cashew nuts. Children as well as adults are exposed to these chemicals and many do not know how to read users' instructions.

Likewise, there is very limited knowledge about reproductive health rights and access to health information by young people particularly about critical issues regarding sex and sexuality. Women do not know birth control methods, girls and boys do not know how to use condoms and have not been exposed to sufficient information about HIV and AIDS and other venereal diseases, the danger of early pregnancy and dangers associated with early sex.

In Makete District we came across a case in which a brother of the deceased was urged by his mother to move in with his late brother's widow. According to our informant the mother was angry that the widow had been having affairs with men outside the clan and this was considered to be an insult to the men of her late husband's clan. Although the whole family knew the elder brother had died of HIV/AIDS complications, they did not openly protest to the proposed match. A few years later the younger brother also died. Widow inheritance has been the contributory cause of the spread of HIV/AIDS in many parts of Africa, Tanzania included.

Another limiting factor is the limited participation of women in political life. Like other parts of Tanzania few women are motivated to participate in local elections due to the general attitude by male members of the society towards women. Education and awareness campaigns to empower women to participate in politics and in decision making structures at village level may have an impact on the status of girls and women in that community. Linked to this is decision making at household level; women have less power to make decisions at household level, though they are the main producers.

6.3 Poverty as an underlying factor

Poverty has been observed as one of the prohibitive factors in the implementation of the CJF programme. This was apparent in all the four districts where the CJF is not as popular as MVC programme. The reason is that MVC deals with material as well as financial support while the CJF deals primarily with legal support to those in need, particularly women and children. Poverty as a limiting factor also emerged in all the four districts in certain indirect ways.

CHAPTER SEVEN

7.0 Conclusions and Recommendations

7.1 Relevance

The need for a CJF programme exists as there is an obvious knowledge gap about rights and particularly the rights of children as well as limited access to enforcement institutions. The current popular model of legal aid (offered mostly by NGOs) does not specifically provide for the rights of children. Hence, if no special efforts are made to reach children, the chances are that children will be denied access to justice. The CJF model is unique in that it is community based, thus empowering communities to continuously address their own problems, increase their knowledge and capacity in dealing with rights issues and build their capacity to protect and promote the rights of community members.

The CJF model is also child and youth friendly and given the rights situation of children and young people in Tanzania as well as the enactment of the Law of the Child Act³, it provides an opportunity for them to fully and effectively participate in matters concerning their rights. In that sense the CJF programme contributes to the principles enshrined in Art 12 of the CRC by increasing the capacity of children to participate in protecting their own rights. That said, there is need to particularly target children and women in all districts in terms of provision of legal assistance. The evaluation findings show that these groups are still marginalized but have limited access to knowledge regarding their rights.

A start has been made in building the capacity of various actors in terms of creating awareness as to the rights women and children. These actors include the police, judiciary, community members, children and government at both central and local levels. This will become the main strength and uniqueness of the CJF programme.

Moreover the CJF model is being implemented in an environment that is already implementing reforms in the legal sector and social sectors. This includes the recently enacted Law of the Child Act 2009⁴. It therefore

³ Law of the Child Act, No. 21 of 2009

⁴ Law of the Child Act, No. 21 of 2009

contains the potential to feed into government effort to strengthen access to justice and ensure that the poor and most vulnerable are not marginalized by the legal system.

However, one of the weaknesses in the programme is the fact that it was implemented without sufficient consultation with key ministries such as the Ministry of Justice and Constitutional Affairs and the Ministry of Community Developments Gender and Children. Consultation during the design as well as the implementation stages would have promoted ownership and sustainability. It would also have facilitated the propagation and mainstreaming of child friendly models in the legal system. Feedback from some of the key Ministries mentioned above reveals very limited understanding of the CJF concept and its objectives. Hence, although ideally the concept is relevant and contributes to greater access to justice and legal knowledge, it lacks ownership.

Recommendations:

- Since there has been little effort to push the concept of community justice facilitation into the mainstream of the legal system, there is need to urgently call a stakeholders meeting to discuss the concept and agree on how it can be mainstreamed and effectively implemented. Key stakeholders should include NGOs providing legal aid, those working on children's and human rights, government (central level ministries) and local government. The legal sector reform programme constitutes a timely opportunity to introduce this programme and to engage development partners in implementing activities aimed at achieving the CJF's main goal.
- Building the capacity of key stakeholders to implement the CJF programme is a necessary ingredient towards the success of the programme. NGOs at district level must have a good understanding of the CJF concept and where possible be enabled to build the capacity of local communities as well as be able to monitor programmes. The findings of this study reveal limited capacity of district based NGOs to address rights issues. However, if their capacity is built, there is potential for them to engage the community to actively participate in programme implementation.
- More effort must be made to reach children in need of legal assistance. In all the districts, children were not adequately reached

by the programme. Opportunities to use various methods to engage children must be exploited and since there is an increasing push for improved school attendance and retention, the schools provide an opportunity and an arena for interventions on behalf of children.

- The training manual should be revised to contain some of the relevant and most current developments in the law including aspects of the newly enacted Law of the Child Act 2009 as well as specific legal and social issues requiring legal attention in the districts. .

7.2 Effectiveness

With regard to effectiveness, there were strengths in the area of training, particularly in relation to the capacity of young people to address rights issues. There was gender parity in the number of CJFs but the female CJFs were not as active as the male CJFs. In all the districts, the programme was based in the community but monitored, where this was done, by the district level local government.

There were no specific strategies designed to reach vulnerable groups and to address their needs and because of this gap, a logical framework of analysis, with outputs, outcomes and indicators was also missing. It was not clear if a baseline study had been done to identify the legal issues facing communities.

In the field, the CJFs lacked a number of important things including facilities to use in the field, ranging from stationery to office space and allowance. Some CJFs did not have a clear understanding of their roles. Although they were provided with bicycles, they did not have the money to maintain them. Moreover, the number of CJFs was limited. CJFs could not reach all villages because of the vast distance from one village to the next. Logistically, it was too ambitious to expect two CJFs to cover all villages in one district. A greater number and more realistically, village based CJFs, should have been placed to support the ward level CJFs. Opportunities to do this exist if the MVCC is trained on legal issues in addition to all other training they receive.

While in some of the districts there was commitment and the willingness by the local government leaders to support the implementation of the programme, in some of the districts, there was little cooperation provided to the CJFs, particularly by the WEOs and VEOs who could have provided that support. The study findings show that some of the VEOs

were not included in the initial training and hence their lack of interest and commitment. It is also possible that some had other reasons for not offering cooperation including personality problems. It is critical to note, however, that a community based programme such as this cannot succeed without sufficient involvement and engagement of the village governments.

Knowledge on rights issues was raised for some of the critical groups, particularly those that were specifically targeted for training. It is important to note that this is an important step and the Department of Social Welfare and UNICEF must be commended for this effort as it was greatly needed. Many of the CJFs in the field confirmed that the demand for such a training existed and continues to exist. However, many pointed out that with no background in legal issues, the training was too short and that there is need to increase the duration as well as the number of training sessions for CJFs. Knowledge on the part of the community on the other hand is greatly needed. In Mtwara, there seemed to be little understanding of basic rights for children and women, indicating a need to strengthen rights awareness for communities. It is also important to note that rights awareness may need to be complemented by other activities such as adult literacy as many of the care takers in rural areas are not literate.

Recommendations:

- Design and develop a clear conceptual framework of the CJF concept and thereafter develop a comprehensive strategy with all the key stakeholders. In order to effectively address the legal and social issues facing communities, it is important to undertake a baseline study to determine the actual needs and gaps. The strategy should ensure reach to most vulnerable groups, and explore ways of engaging various community groups in different ways (example, children through school based interventions); men and women through edu-entertainment; youths through youth networks etc. The strategy should have clear output and outcome indicators. The programme should also include clear reporting, monitoring and evaluation mechanisms, which should stress on coherence, consistency and should be submitted regularly. Monitoring should be done regularly and a budget for this activity should be set aside.

- Ensure that in all training sessions, VEOs and WEOs are involved. This will not only increase levels of interest and commitment on the part of village and ward level governments. If well utilized, these leaders can provide office space and other basic equipments to the CJFs.
- Increase numbers of CJFs and where possible increase the numbers to village levels. Increasing numbers should be accompanied by sufficient training sessions for all the selected CJFs (emphasis that selection of CJFs must be transparent). CJFs should somehow be facilitated to work more efficiently by either ensuring that a limited amount of the resources at district level or village level are used to purchase stationery.
- The need to increase knowledge on legal issues is very urgent and should be underscored. The accomplishment of the objectives will depend on the response and ability of the community to address rights issues in general. Increasing knowledge should be accompanied by other interventions aimed at strengthening the overall capacity to address human rights.

7.3 Efficiency

In general, there was limited data reflecting the cost effectiveness of the programme. A significant amount of the resources was used to develop training materials, reference materials and training. There was also a substantial amount of resources that was used to purchase bicycles. This however does not adequately provide sufficient evidence of efficient use of resources. For example, in some of the districts, the CJFs had not received the materials that they were to use.

As is the case with many programmes for young people, children and women at district level, there is little coordination and this leads to the inability to use the available resources at district level to maximize impact. For example, in Mtwara, there were programmes on MVCC, youth employment/training, women empowerment and CJFs. All these worked separately and while there existed opportunities to strengthen synergies, these opportunities were not explored.

In general, reporting, monitoring, evaluation and record keeping was a weakness in the overall management of the programme, particularly at district level. There are no records that are regularly updated to ensure

that progress is monitored and evaluated. This is basically because there was no budget for monitoring and evaluation. Reporting formats have been recently provided to CJFs and thus regular reporting is expected to improve.

In some of the districts, a midterm evaluation was done at some point in June 2009 but the weaknesses that were addressed in the discussion forums have not been addressed. The work of the CJFs will greatly depend on its being mainstreamed into district and village level plans in order to ensure that a minimum budget is allocated for their activities.

Recommendations:

- Increase budget for some of the key activities of CJF including regular monitoring and evaluation.
- Ensure harmonization and creation of synergies between programmes at district level. Promote mainstreaming in district and village level plans. This will increase the possibilities of funding for some of the activities. DSW and UNICEF should strategize to ensure there is such mainstreaming.

7.4 Gender Issues

As is common in most parts of Tanzania, human rights and gender issues are interconnected. It is mainly the women and girl children who are at higher risk of being abused and who are likely to have limited access to assets, access to legal structures, limited knowledge of their rights and likely to miss out on the benefits of such programmes if there are no strategies to address their specific needs. In all the districts, the context is highly patriarchal. Surprisingly, even in Mtwara where matrilineal communities constitute the majority, one still finds that patriarchal relations dominate the communities' social and political life. There are two things that indicate limited achievements in terms of gender mainstreaming. One is the limited capacity of some of the female CJFs to actively participate in programme implementation and the second is the limited reach of women and children who needed most of the help both in terms of the knowledge disseminated and in terms of provision of legal assistance.

Awareness- raising was insufficiently done and even where it was done, there was no focus on specific issues affecting women and children and therefore, feedback from FDGs among women and men reflect little

understanding of their basic rights. It is vital to point out that women and girl children must be a specific target in awareness- raising activities.

Recommendations:

- The CJF programme must ensure that gender is effectively mainstreamed in all activities of the programme. Gender must be mainstreamed at the design stage of the programme, ensuring that there are strategies to reach men, women, girls and boys; at implementation stage, where interventions will be targeted at specific groups in order to ensure that all actors are adequately reached by the programme.

7.5 Sustainability

Sustainability of the programme is highly questionable given the weaknesses in ownership, lack of mainstreaming and limited understanding of the concept by some of the key stakeholders. Sustainability needs to be strengthened and it should be pointed out that training of CJFs alone will not ensure that activities will continue to thrive.

The CJF model has not been integrated into the local government system and therefore operates outside a *recognized space* as opposed to MVCCs which have been well integrated into the village government. Although the concept is based on community participation and aimed at increasing the capacity of the community members to address rights issues, it must be backed up by efforts to integrate the concept into the mainstream legal system reforms and local government structures. Moreover, there is need to mainstream CJF in district development plans and ensure that what is integrated in the plan is actually translated into actions.

On a more positive note, and basing on our interview with the office of the DSW, there is clear evidence of determination to continue with the programme and to expand its reach to all the remaining districts. The CJF program is considered an indispensable part of the MVC programme. Indeed, our more recent discussion with the DSW has revealed that the Global Fund has given a grant to enable the expansion of the CJF program to other districts. If this momentum is maintained and if the CJF program is included in the MTEF all this will go to increase the chances for its sustainability in future years.

7.6 Impact

This study was not able to measure the impact of the programme. Some of the activities were implemented during the year and therefore only outputs and outcomes could be measured.

It is our considered view, however, that the programme is a positive intervention and likely to result into protection of human rights if effectively and efficiently implemented. It is also our view that given the short time the programme has been running it would be too early to expect it to have a significant impact on communities. So far there have not been negative impacts of the programme and in districts where the response has been slow; the cause of this has been the response of the community, lack of sufficient resources, and other limitations that can be addressed to improve overall programming and management of CJF programme.

In sum, the current state of this programme should be viewed as a foundation setting stage where efforts have been made to address the various hindrances to the achievement of human rights, including structural, social, political and gender related obstacles. The effort is one of its kind in Tanzania given that there have not been other programmes that are community based and aimed at increasing access to justice by children in particular.

By all means this programme should be considered a model for ensuring that children have increased realization of their rights. This is more so now that children rights have been specifically included in the new of the Child Act 2009. The Law of the Child Act seeks to implement the United Nations Convention on the Law of the Child (CRC)⁵ The CIF programme and its related efforts must be seen as building blocks, and this initial phase was indeed a building block. Future phases should concentrate on strengthening documentation and reporting, ownership, efficiency in use of resources, partnership and collaboration and use of media and other public accountability tools.

⁵ The Law of the Child Act 2009 contains provisions for the improvement of the means under which children's rights are protected. It also aims at harmonizing various laws with international conventions and agreements on the rights of the child and the National policy on children. It also seeks to provide a comprehensive law that protects children from any kind of discrimination and humiliation. See the Objects and Reasons. Bill Supplement No. 13 to the Gazette of the United Republic of Tanzania No. 28 Vol. 90 dated 10th July, 2009 at p. 75