

SUBSIDIARY LEGISLATION

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THE TANZANIA COMMISSION FOR AIDS ACT,
(CAP. 379)

REGULATIONS

(Made under section 21)

THE TANZANIA COMMISSION FOR AIDS REGULATIONS, 2016

ARRANGEMENT OF REGULATIONS

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SCHEDULE
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- (c) provide technical assistance to incorporate gender and human rights issues in all sector plans, budget and monitoring and evaluation systems, and coordinate implementation of gender and human rights responsive interventions;
- (d) advocate for elimination of gender based violence, violence against children and provision of appropriate services for gender based violence, violence against children survivors;
- (e) work closely with all stakeholders to build a comprehensive and coordinated programme for adolescent boys and girls in and out of schools within the overall HIV and reproductive health including life skills program and integrate child protection; and
- (f) advocate for increased financial resources for prevention of Gender based violence/Violence Against Children and for provision of equitable HIV services to orphans and Gender based violence survivors.

Mapping of stakeholders

4.-(1) There shall be mapping of all stakeholders working on HIV and AIDS response nationally.

(2) Subject to sub regulation (1), the Commission shall enhance the reporting system to capture data on HIV related gender and human rights issues through National Monitoring and Evaluation Plan.

(3) Council Directors at local governments shall be responsible to ensure that all the HIV key players integrate gender and human rights matters in their activities.

Promotion of Positive Living of PLHIV

5. In order to promote positive living of People living with HIV (PLHIV), the Commission shall-

- (a) liaise with the Ministry responsible for Health and Social Welfare to provide counseling to PLHIV;

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- (b) advocate to the community on the availability of HIV related gender and human rights sensitive services;
- (c) sensitize and advocate on social cultural behavior and practices contributing to HIV; and
- (d) ensure that all data collected is sex disaggregated.

Monitoring
and evaluation
of HIV
activities

6. In monitoring and evaluation of ongoing HIV activities, the Commission shall-

- (a) develop and review multi-sector monitoring and evaluation plan to guide implementation of monitoring and evaluation activities of HIV and AIDS in the country;
- (b) disseminate National monitoring and evaluation plan to all HIV implementers and stakeholders;
- (c) evaluate the impact of the HIV prevention and control program in comparison with National targets elaborated in the National HIV and AIDS Strategies and Plans;
- (d) undertake data quality audit on sample basis using data quality audit guidelines;
- (e) establish and facilitate Regional monitoring and evaluation Technical Working Committee to collaborate with National monitoring and evaluation technical working group;
- (f) every two years undertake multilevel National Monitoring and Evaluation System Assessment;
- (g) empower HIV programme implementers on the use of Tanzania Output Monitoring System on HIV and AIDS (TOMSHA) and ensure maximum reporting compliance on quarterly basis.

Management
of the AIDS
Committee

7.-(1) The AIDS Committees established under Section 13 of the Act shall be managed and directed by the Head of the institution of the-

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- (a) Ministries, Departments and Agencies (MDAs);
- (a) Regional Secretariat;
- (b) Local Government Authorities (LGAs);
- (c) informal sectors;
- (d) private sectors;
- (e) Civil Society Organizations; and
- (f) any other relevant sector,

and the Head of the institution shall nominate one senior officer to be the focal person of the AIDS Committee.

Stakeholders
quarterly
report

8. Stakeholders implementing HIV and AIDS interventions shall submit on quarterly basis their reports to the Commission using existing reporting system.

Advocate on
counselling,
testing and
treatment

9. In collaboration with relevant stakeholders, the Commission shall-

- (a) advocate on the importance of early HIV counseling and testing, as well as the impact of delaying in knowing one's HIV status among the member's of the community;
- (b) promote knowledge of HIV treatment and adherence;
- (c) promote the elimination of mother to child transmission of HIV by providing proper counseling to pregnant women who tested HIV positive.

Sector review

10.-(1) The Commission shall conduct biennial HIV sector review, Regional annual review meeting, field Monitoring visits and supportive supervision in order to identify obstacles to the implementation of HIV and AIDS activities.

(2) Field monitoring visits and supportive supervision under sub regulation (1) may be conducted at least twice a year.

(3) Policy issues and recommendations of the sectoral review shall be used for guiding implementation and review of the National Multi-Sectoral Strategic Framework (NMSF).

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- Commission to collaborate with stakeholders
11. In collaboration with the Ministry responsible for health and other relevant stakeholders, the Commission shall:
- (a) advise on the ways of improving access to prevention, care and treatment of HIV related services;
 - (b) promote positive health dignity and prevention;
 - (c) promote health facility and community linkage;
 - (d) promote eradication of stigma and discrimination; and
 - (e) promote post-test clubs at all levels.
- HIV and AIDS Information dissemination
12. For the purposes of establishing, facilitating and maintaining multi-Sectoral HIV and AIDS information management system, the Commission shall offer guidance to stakeholders on HIV related data management and strategic information flow to ensure that quality information are timely available for use.
- Undertaking of survey for HIV and AIDS
- 13.-(1) The Commission, in collaboration with other stakeholders shall take lead to ensure that all major survey for HIV and AIDS are undertaken as per agreed calendar for effective monitoring of the trends of HIV epidemic.
- (2) On undertaking surveillance under sub-regulation (1), the Commission shall take into consideration various groups in the community that are more vulnerable to HIV and AIDS.
- Resource mobilization
14. The Commission shall be responsible for-
- (a) resource mobilization for the HIV and AIDS National response in Tanzania Mainland; and
 - (b) developing resource mobilization strategy from different sources locally and internationally.
- National budget guidelines
15. Subject to regulation 14, the Commission shall-
- (a) ensure that all Government Ministries, Departments, Regional and Local Governments Authorities are setting aside funds for the implementation of the

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- HIV and AIDS activities in their recurrent budgets through the National budget guideline; and
- (b) mobilize resources from various sources outside and inside the country by designing different modalities in order for development partner to contribute to the national response.
- Disbursement of funds 16.-(1) Disbursement of funds that arose from sources which are prescribed under regulation 15 shall be made in accordance with AIDS Trust Fund guidelines.
- Formulation of policy guidelines 17. In formulating policy guidelines for the response of HIV and AIDS epidemic and management of its consequences, the Commission shall-
- (a) formulate National HIV and AIDS guidelines and review in collaboration with other stakeholders;
- (b) oversee the implementation of the policy guidelines;
- (c) ensure all actors align with the National Policy; and
- (d) develop and review strategic frameworks in collaboration with HIV/AIDS stakeholders.
- Information on HIV and AIDS 18. In disseminating and sharing of information on HIV and AIDS epidemic, the Commission in collaboration with other HIV stakeholders shall coordinate the availability of Information, Education and Communication Materials to promote HIV and AIDS information;
- Research 19. The Commission shall promote research, information sharing and documentation on HIV and AIDS by developing and coordinating research agenda for National response.
- Proceedings of the Commission 20. Subject to Section 8 of the Act, the Schedule to these Regulations shall have effect as to the tenure of office, proceedings and other matters that relate to the meetings of the Commission.
- Appointment of 21.-(1) The post of Executive Director of the Commission

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Executive
Director

shall be advertised for three consecutive days in three leading English and Kiswahili newspapers that have wide circulation in Mainland Tanzania.

(2) The advertisement shall stipulate the requisite nationality, qualifications and experience necessary for the posts and shall include a requirement that the applicant has:

- (a) knowledge, experience and a considerable degree of involvement in matters relating to public health, global health sector, governance, HIV and AIDS or social affairs;
- (b) the highest reputation known for his high morality, integrity, impartiality, and competence in matters of public health, HIV and AIDS and good governance;
- (c) must have qualities of leadership, resilience, a sense of urgency, and strong interpersonal and commitment to confronting HIV/AIDS issues;
- (d) excellent writing and communication skills in both English and Kiswahili;
- (e) ability to balance rights and to make fair and sound decisions expeditiously, and to articulate them in writing or orally;
- (f) capacity to handle emotionally difficult and challenging situations with tact and diplomacy; and
- (g) ability to work effectively as a team member, as well as alone.

Application for
the position of
Executive
Director

22.-(1) An application, together with three letters of recommendation, shall be forwarded by registered post, fax or e-mail or submitted in person to the Office of the Chairman.

(2) The deadline for submission of applications shall be twenty-one days from the date of first publication of the advertisement.

Short-listing of
candidates

23.-(1) The Commission shall appoint an ad-hoc Appointment Committee for the purpose of drawing up a short list of candidates

(2) The Appointment Committee shall meet two days after the deadline for submission of applications and it shall submit the short-list of candidates to the Commission within five working days from the date it sits to consider the applications.

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Conduct of
interview

24.-(1) The short-listed candidates shall be invited for interviews, which shall be conducted by the Appointment Committee.

(2) The Appointments Committee may co-opt any person it considers appropriate to assist it in conducting the interviews.

(3) The interviews shall seek to elicit appropriate details on, and clarification of, key contents in the candidates' *curriculum vitae* and to reconcile written and oral information the candidates have supplied.

Final selection
process

25.-(1) The Appointment Committee shall submit the names of the successful candidates to the Commission for consideration and approval.

(2) The Commission shall, upon approval of the selected candidates, submit to the President the names of not less than two recommended candidates to be appointed as Executive Director.

AIDS Trust
Fund

26.-(1) Subject to Section 12D of the Act, money deposited in the Fund shall be used according to the priorities prescribed in the National Multi-Sectoral Strategic Framework or as shall be determined by the Board of Trustees.

Budget of the
Board

27.-(1) The Board shall develop-

- (a) a budget for the AIDS Trust Fund indicating the projection of funds to be collected annually; and
- (b) financial and other information, which will enable the Board of Trustees or ensure that full and transparent reports are made available to the Minister.

(2) For the purpose of budgeting, the Executive Director shall provide to the Board of Trustees-

- (a) estimates of all revenue to be raised during the financial year to which the budget relates;
- (b) estimates of total current expenditure for that financial year; and
- (c) estimate of return on investment interest and debt

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servicing charges and any repayment on loans.

(3) The Executive Director shall monitor the Bank Accounts of the AIDS Trust Fund by maintaining cash book of each and preparing Bank Reconciliation Statement for each account on monthly Basis.

(4) The Bank Reconciliation Statements shall form part of the reports to be submitted to the Board of Trustees.

Duties of the Board

28.- (1) The Board of Trustee on each year shall prepare for audit the accounts of AIDS Trust Fund.

(2) The account to be prepared by the Board of Trustees shall include-

- (a) balance sheet showing assets and liabilities of which were funded through AIDS Trust Fund;
- (b) income statement of the AIDS Trust Fund;
- (c) cash flow statement of all AIDS Trust Fund;
- (d) statement of investment fund held by AIDS Trust Fund at the end of each year and accruing returns;
- (e) statement of outstanding commitment for the projects approved for funding.
- (f) summary statement of store and other assets for the AIDS Trust Fund;
- (g) trustees annual report; and
- (h) such other statements as the Minister may require.

Approval by the Board

29. The Fund shall not make any expenditure or payment without obtaining prior approval of the Board of Trustees.

Monitoring of the Fund

30.- (1) Accounting officers shall-

- (a) provide quarterly report of the implementation of the funded projects; and
- (b) adhere to the directions given in the ATF guideline.

Offences and penalties

31. Any person who contravenes any of the provisions of these Regulations commits an offence and on conviction shall be liable to penalties prescribed under the provisions of the Act.

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SCHEDULE

(Made under regulation 20)

PROVISIONS RELATING TO THE COMMISSION

- Tenure and removal of Commissioners
- 1.-(1) The Commissioners appointed under section 6(1) of the Act shall hold office for a period of three years and shall be eligible for re-appointment for one more term.
- (2) Notwithstanding sub-paragraph (1) of this paragraph, a member may resign at anytime by giving notice in writing to the appointing authority and from the date specified in the notice or, if no date is so specified in the notice from the date of the receipt of the notice by the appointing authority; he shall cease to be a member.
- (3) A person who is a member by virtue of his holding some other office shall cease to be a member upon ceasing to hold the office by virtue of which he is a member.
- Meeting and procedure of Commission
- 2.-(1) An ordinary meeting of the Commission, shall be convened by the Chairman and the notice specifying the place, date and time of the meeting shall be sent to each member at his usual place of business or residence not less than fourteen days before the date of such meeting.
- (2) The quorum of the Commission shall be not less than half of the total members of the Commission.
- (3) The Commission shall ordinarily meet four times in a year, but the Chairman may convene an extraordinary meeting when the needs to do so arise.
- (4) The chairman of the Commission may invite any person who is not a member to participate in the deliberations of the Commission but that person shall not be entitled to vote.
- Power of Chairman and Vice-Chairman
3. -(1) The Chairman shall preside at all meetings of the Commission.
- (2) Where at any meeting of the Commission the Chairman is absent the Vice-Chairman shall preside.
- (3) In the absence of both the Chairman and Vice-Chairman at any meeting of the Commission, the members presents may, from amongst their number elect a temporary Chairman who shall preside at that meeting.
- (4) The Chairman, Vice-Chairman or temporary Chairman presiding at any meeting of the Board shall have a right to vote and in the event of an equality of votes, shall have a casting vote in addition to his deliberative vote.
- Decision by circulation of papers
- 4.-(1) Notwithstanding paragraph 3, where the Chairman so directs a decision may be made by the Commission without a meeting by circulation of the relevant papers among all the members and the expression in writing of their views.
- (2) Any member shall be entitled to require that any such decision be

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differed and such that matter be considered at a meeting of the Commission.

Voting 5.-(1) All decisions of the Commission, whether arrived at a meeting or by means of the circulation of papers, shall be by a majority of votes of the members present and voting, or by a majority of members expressing their views on the circulated papers, as the case may be.

(2) Subject to sub-paragraph (1), no proceedings of the Commission shall be invalid by reason only of a vacancy among the members.

(3) The Secretary of the Commission shall not have the right to vote during the meetings of the Commission.

Termination of appointment 6. Where any member of the Commission absents himself from three consecutive meetings of the Commission without reasonable excuse, the Commission shall advise the appointing authority of the fact and the appointing authority may terminate the appointment of such a member and appoint a new member in his place.

Cessation of membership 7. Where any member of the Commission ceases to be a member by-

- (a) resignation;
- (b) death;
- (c) inability to perform his functions by reason of his absence from the United Republic;
- (d) reason of infirmity of body or mind; or
- (e) termination of appointment by the appointing authority,

the appointing authority may appoint another member in his place and the member so appointed shall, subject to this Schedule, hold office for the remaining of the term of his predecessor.

Minutes of meetings 8.-(1) The Secretary of the Commission shall record the minutes of the meeting of the Commission and cause the minutes to be entered in books kept for that purpose.

(2) Minutes of the meeting shall be confirmed by the Commission at the next meeting and shall be signed by the Chairman and the Secretary at the meeting.

Attendance of members of the secretariat 9. The Commission may require any member of the secretariat to attend and give information before it concerning any matter which it is required to consider in exercise of its functions and may require the production of any official documents relating to any such matter by any person attending before it.

Correspondence 10. All correspondence for the Commission shall be addressed to the Chairman.

Validity of proceedings 11. No act or proceeding of the Board shall be invalid by reason of the number of members not being complete at the time of such act or proceedings or of any defect in the appointment of any member or the fact that any member was at the time disqualified or disentitled to act as such.

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Commission to regulate proceedings 12. Subject to the provisions of this Schedule the Commission may regulate its own proceedings.

Dar es Salaam,
16th March, 2016

KASSIM M. MAJALIWA,
Prime Minister