



Court of Appeal delivers landmark decision against DPP powers

- DPP had powers under the Criminal Procedure Act (CPA) to issue certificate in any case to deny bail
- Court holds that this gives DPP too much power on persons liberty
- Holds provision too broadly drafted with no reasonable and fair procedure
- Court holds that such certificate to bail denies the suspect the right to be heard and the right to liberty, hence boldly declares such powers unconstitutional and null and void
- Judgment lays down the duty of the Court in a constitutional case alluding to five principles governing constitutional interpretation
- Court holds that right to a fair hearing entails equality between the contestants in the proceedings, DPP merely being one of the parties
- Court had services of two learned amici curiae, both asserting DPPs powers as being unconstitutional
- Judgment showcases independence of the Tanzanian Judiciary in criminal matters from the executive and legislature

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Court of Appeal surprise decision: Rules DPPs certificate in economic crimes valid

- Bench of 3 rules that section 36(2) of the Economic and Organised Crime Control Act is still applicable
- Ruling comes despite full bench holding that section 148(4) of CPA, which is 'akin' to section 36(2), is unconstitutional
- Court holds that parties were given a right to be heard on bail in this case
- Court refuses to apply full bench constitutional decision to this Appeal on procedural grounds
- Holds that once DPP validly files certificate, trial Court barred from granting bail

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Death penalty here to stay, says Minister

The Deputy Minister for State, President's Office, Constitution, Legal Affairs, Public Service and Good Governance, Mr Khamis Juma Mwalim made the stance when reacting to queries from concerned lawmakers.

The Death penalty has not been executed in Zanzibar since obtaining its independence in 1964, according to accounts by a section of legislators. And, the backbenchers wondered why the government should keep the apparently unenforceable capital punishment and urged it to re-examine the penalty and its execution. The Deputy Minister said the Criminal Procedure Act No 7 of 2004 makes provision for the death penalty and the fact that no death penalty has been authorised for many years doesn't imply that the time has come for it to be outlawed.

Around the World

Brazil top Court rules pregnant woman will no longer serve pre-trial detention in jail

Brazil's Supreme Federal Court ruled that defendants who are pregnant women, mothers with young children or people with disabilities, who are accused of non-violent crimes, will not be detained in jail before their trials, but will be under house arrest. According to Human Rights Watch the decision came in the wake of public outcry regarding a pregnant woman who was arrested for marijuana possession and gave birth in jail while awaiting her trial. HRW says that up to 15,000 women could be released.

After shooting, students make emotional return to Florida school

Miami, United States Students and teachers returned to a Florida school for the first time since 17 people were shot dead there, consoling each other even as they called for swift action to address gun violence. The school held a voluntary "orientation", with teachers and staff due back - a prospect described as "daunting" and "scary," but which is also a step for survivors to move forward after the attack.

French man who kept porn on work computer loses privacy appeal

A man who kept a stash of pornography on his work computer has failed to convince judges his right to a private life was infringed when his employer opened the personal files containing the material without his knowledge. Mr X was fired by the French national rail operator SNCF in 2008 after his boss discovered the pornographic files and a series of forged certificates. He asked the European Court of human rights to rule on his case after he was unsuccessful in the French Courts.

"The presence of a law (theory) is one thing and the execution of it (practice) is another thing," he argued, adding that the existence of the legal death penalty was sending a message to the public not to commit any offence of that nature. Mr Mwalim said the implementation of the death penalty was a crosscutting issue, touching different authorities.

He explained that the penalty cannot be executed until the President authorises the sentence. "Death penalty is a legal sentence and the government still doesn't see the need to change it even if it hasn't been enforced for a long period," Mr Mwalim said.

Government keen on resolving land disputes, PM says

The government is set to end land disputes pitting villages that encroached reserved forests and authorities after a countrywide exercise to demarcate and place beacons at boundaries of national forests completed in December, last year.

According to the Prime Minister Kassim Majaliwa, the conflicts existed before the exercise, but they continued in some areas even after the accomplishment of evaluation and marking of the forest lands. The problem was fueled after some villages were found to be within the reserved forests, he said.

The Premier stated that since the exercise was completed in December 30, last year, it was now the duty of the ministry to go back to dispute-hit areas and collaborate with district councils to find solutions. "We will do evaluations on determining villages that were found in reserved forests ... and thereafter, we will determine the needs of the government and the village on using particular pieces of land. After these procedures, all land disputes would end, so there is no reason for continuing with arguments," he remarked. Mr Majaliwa explained that principally, there were three types of reserved forest ownerships: Government, councils and village authorities. The government had given directives on all those types of forests in response to the disputes.

"All government forests are preserved according to the law and the maps are available showing the boundaries," he said, adding that the ministry was just directed to put beacons in all areas surrounding the forests.

President orders probe of Judges spending holidays abroad

President John Magufuli said he has been puzzled to learn that most judges, who have submitted travel permit requests to him, wanted to spend holidays with their families outside the country at their own costs.

Speaking at the summit of the Law Week in Dar es Salaam, the President directed the Chief Justice, Prof Ibrahim Juma, to investigate the matter, saying he asked himself how they manage to stay in South Africa, UK and other countries for 28-30 days while he knows what they are being paid.

He added that other Court servants spend their holidays in their respective villages, but not some judges adding, "I'm making a follow-up to know who are paying them."

Judiciary Saves TZS 60B, case speed satisfactory

The Judiciary disposed of old cases by 100 and 91 per cent at Primary Court, District and Resident Magistrate's Courts, respectively, and the Attorney General (AG) saved over TZS 60B after successfully defending the government in different cases last year.

Around the World

South Africa president, newly elected by parliament, vows to tackle corruption

Cyril Ramaphosa was elected as South Africa's president in a parliamentary vote after former president Jacob Zuma resigned, ending his nine year presidency, in the face of a pending no-confidence vote. He pledged to tackle endemic corruption in the government that was so widespread in Zuma's administration that it was often clear when business partners or friends influenced government decisions in their personal interest.

Netherlands senate approves automatic organ donor registration

The Dutch senate narrowly approved legislation revising organ donor registration to make automatic registration for organ donor status the default. Under the bill, people would have to opt-out if they wish. The Netherlands would join eight other European nations with similar policies. All adults not currently enrolled as a donor in the Netherlands would receive two letters from the government informing them of their impending status change and how to decline enrolment if they so choose. If they do not reply after the second letter, they would be added to the donor registry. Thereafter, a person can change their status at any time.

Ireland Cabinet agrees to draft legislation on abortion referendum

The Irish Cabinet agreed to draft legislation on a referendum aimed at repealing the Eighth Amendment in the Ireland Constitution on abortion. The amendment grants equal right to life to pregnant women and their unborn child. The referendum will propose deletion of this provision. A new provision is also proposed to be added, which will grant authority to regulate abortion law.

This was revealed during celebrations to mark Law Day officiated by President John Magufuli at national level in Dar es Salaam. Speaking at the occasion, the Chief Justice (CJ), Prof Ibrahim Juma, disclosed that out of 19,490 cases that were pending before Primary Courts by December 2017, only 14 of them with the life time of six months, are pending and are considered as old cases. However, he said, primary Courts registered an average of 195,119 cases each year, which is 74 per cent of all 264,322 cases, which are opened by all Courts in Tanzania.

"This shows that most citizens both in rural and urban areas pursue justice through these primary Courts," the CJ said. At the districts and resident magistrate's Court level, he said, a total number of 2,334 cases had exceeded the age of 12 months, a period which is considered as too old a period to remain in the Court's registry. According to him, this is nine per cent of the cases that remained undetermined, out of 25,658.

"These achievements, he said, were based on various strategies that were used to overcome the piling up of cases, which include skills training, implementation of annual plans for each region and district, availability of daily and monthly case statistics, and progressive mobilisation programmes. "I take this opportunity to thank all the magistrates and other servants for their efforts of disposing of the cases timely and diligently."

The challenges we experienced in the past in this area have been drastically reduced. We will continue with measures to adjust minor shortcomings," the head of the Judiciary said. The CJ, however, pointed out that determination of cases at the High Court and Court of Appeal was still a big challenge. He said that statistics showed that a total of 16,487 cases were filed at the High Court last year, while 16,703 cases were pending.

Prof Juma said a total of 33,190 cases were pending as of January 2017, 28,307 for 2012; 30,182 for 2013, 35,050 for 2014, 31,521 for 2015 and 36,562 for 2016. The increase, he said, exceeded the normal average a judge was required to handle effectively. He pointed out that while there was an increase of filed cases, statistics showed that the number of judges of the High Court had been decreasing.

The number of judges (in brackets each year) are 2012 (64), 2013 (59), 2014 (71), 2015 (84), 2016 (75) and 2017 (62). The statistics further showed that the average of cases a judge was handling for six consecutive years also increased, as could be noted (the number of cases in brackets): 2012 (442), 2013 (512), 2014 (494), 2015 (375), 2016 (487) and 2017 (535).

"The increase is above the average of 220 cases of various types brought before each judge for determination every year, thus taking almost 2.5 years to complete the cases without any further increase of cases that can be brought to the person," he said. He told the President that if the situation were not controlled, the challenge relating to case pile-ups would continue, and tarnish the image of the Judiciary and the country as a whole. The CJ gave an example of 15 tax cases worth 26,818,153.85 US dollars, which remained undetermined.

At the Court of Appeal level, the CJ said, the number of justices had remained 15, which was not enough. While the number of justices had remained the same for the past six years, the number of appeals had been consistently increasing. He explained that in 2012, 2,466 cases were filed; 2,629 (2013), 2,916 (2014), 3,244 (2015) 3,975 (2016) and 4,439 (2017). Speaking at the same occasion, Deputy Attorney General told the President that his office successfully defended the government between July and December last year, saving 45,414,036,087/06 and 9,647,670.48 US dollars.

Around the World

European Commission releases draft Brexit agreement

The European Commission released a draft agreement for the UK's withdrawal from the EU. An accompanying press release credits the Commission's transparency policy for the draft's publication and highlights its main points. These include: the length of the transitional period, the status of goods already entered into the common market and the rights of citizens. One of the most contentious issues still unresolved concerns the border between Northern Ireland, which is part of the UK, and the Republic of Ireland, which remains in the EU.

Afghan boy launches UK legal challenge against refugee policy

A 16-year-old Afghan boy is challenging the government's refusal to allow him to seek sanctuary in the UK in a case that could give hope to thousands of other child asylum seekers across Europe. The boy, known as ZS, was living in the Calais refugee camp when the French authorities cleared it in October 2016 and he applied unsuccessfully to be brought to the UK under section 67 of the immigration act, known as the Dubs amendment. It is the first time an lone child asylum seeker has issued a challenge of this kind against the home secretary.

Belgium Court rules against Facebook in privacy case

The Belgian Court of First Instance ruled against Facebook, stating that the company is in violation of Belgium's privacy laws by placing tracking codes, commonly referred to as "cookies," on third-party websites. The Court found in favor of the Commission for the Protection of Privacy (CPP), Belgium's privacy watchdog, which issued a statement outlining the decision and the requirements that have been imposed on Facebook.

He pointed out that in delivering justice, all stakeholders were required to cooperate with the Judiciary in performing its functions to ensure speedy determination of cases. On their part, he said, the office of the AG would continue to support the Judiciary and defend the government in Courts diligently. The deputy AG reminded the Judiciary of its constitutional duties of delivering justice to the people, emphasizing that in accordance with its constitution, it was the authority with the final decision in dispensation of justice in the United Republic of Tanzania.

New traffic laws in final stages as government seeks to curb accidents

The government is in the final stages of coming-up with new road traffic regulations, a vote which legally combines a number of hefty penalties purported to curb road accidents in the country.

Police lawyer, Assistant Superintendent of Police (ASP) Deus Sokoni told Members of Parliament (MPs) that the document which has been presented for cabinet decision, will respond to five basic sources of road crashes.

"The new law avails international standards recommended by the World Health Organisation (WHO) and Road Safety experts from within and outside the country," he said during a consultation meeting with MPs supporting road safety.

The new proposed law which is expected to repeal the outdated Road Traffic Act of 1973 has approved WHO recommendations of alcohol content for drivers. While the existing law suggest 0.08 per cent, WHO proposes 0.05.

In addition, ASP Sokoni said the new law criminalises use of drugs including marijuana and related substances. It also introduces use of standard helmets for passenger and motorcycle riders as well as making it a compulsory requirement to all passengers to fasten their seatbelts. "We received a number of suggestions from both stakeholders including Taboa, Dacoboia and Tatoa.

Police resolved that the penalty for not fastening seat belt or using helmet will be paid by the passenger," he said. "We want our laws to respond to decades-long standing concerns, meeting the current demands and more importantly, curb road accidents," he noted.

New AG promises diligence

Dr Adelartus Kilangi, was appointed by President John Magufuli, as the new Attorney General of Tanzania. "It is an honour to be trusted and let me assure that I will deliver to the highest level, to ensure that the legal sector is improved by dealing with challenges that arise," he said.

Dr. Kilangi until his appointment was the Director of St. Augustine University of Tanzania, Arusha Centre, where he was also a senior lecturer in international law, legal theory, and mineral and petroleum law. Prior to this he served as the Director of the Centre for Mineral and Petroleum Law and before that as the Dean of the School of Law, at St. Augustine University of Tanzania in Mwanza.

Around the World

Germany High Court allows cities to restrict diesel vehicles

Germany's Federal Administrative Court in Leipzig ruled that cities have the right to restrict the use of some diesel vehicles based on emissions. The ruling comes from decisions in two separate cases where Environmental Action Germany (DUH) originally brought suit in Stuttgart and Düsseldorf, accusing cities of failing to address issues of air pollution. DUH called for these cities to implement measures to ensure that the cities meet the nitrogen dioxide emissions standards established by the EU that limit emissions of nitrogen dioxide to 40 micrograms per cubic meter averaged per year.

Brazil supreme Court upholds changes to laws protecting Amazon rainforest

Brazil's Supreme Federal Tribunal (STF) upheld the 2012 changes to the Brazilian Forest Code that reduced protection for rainforests in Brazil. The 2012 changes included granting amnesty to some small property owners who broke the laws designed at protecting against deforestation before 2008. The STF held that the amnesty for past infractions did not violate the Brazilian constitution. The approved changes to the Forest Code in 2012 have been seen as giving incentive to future lawbreakers. The ruling is perceived as a blow to environmentalists, as Brazil has an overwhelming majority of the Amazon rainforest in its territory. In recent years Brazil has undergone rapid deforestation. According to the Brazilian government, between 2015 and 2016 the deforestation rate increased 29 percent. There is renewed fear among environmentalists that additional amnesty will be granted for illegal deforestation.

He previously taught law at Ruaha University College in Tanzania, Tumbaini University – Dar es salaam College in Tanzania, and the Open University of Tanzania. He has also served as a member of the African Union Commission on International Law, and was later elected president of the same. Dr. Kilangi has worked with several civil society and diplomatic entities, including serving as: Country Program Manager for the Southern African AIDS Trust in Tanzania; Program Officer for DANIDA in Tanzania; Legal Advisor to the Danish Embassy in Tanzania; Program Officer to the Environmental, Human Rights Care and Gender Organization in Tanzania; and Legal Advisor with the Resource Mobilization Unit of the University of Dar es salaam in Tanzania. He is also senior legal advisor to the African Minerals Development Centre; and serves also in the Board of Eastern Africa Constitutional Development Centre (Kituo cha Katiba).

Appointed alongside Dr Kilangi as Deputy Attorney General is former Tanzania Insurance Regulatory Authority Legal Director, Paul Ngwembe.

Dar mulls imposing VAT on foreign bidders in mineral auctions

The government considers imposing Value Added Tax (VAT) for foreign bidders participating in mineral auctions in the country. Stanslaus Nyongo, Deputy Minister of Minerals told parliamentarians that the government is carefully examining the best practices of the arrangement before rolling it out

Responding to a supplementary question from Special Seats MP (CCM), Ms Ester Mahawe, Mr Nyongo said, “Ideally foreigners are not required to pay VAT. We want to introduce the new arrangement to bring fairness but foreigners will then be refunded at the airport.”

This is the practice used in several other mineral-rich countries, he asserted. The lawmaker was concerned that local mineral bidders had been subjected to paying VAT, however, some had been conniving with foreigners to skip the government arm.

“This has in turn caused unfair competition and the government losing its entitled revenues,” she said. In addition, she charged that Tanzanite miners at Mirerani are struggling to address trespassers among miners, “how is the government helping to address this crisis?” she questioned.

The government also stated that works on the one stop centre for Tanzanite minerals at Naisinayi Economic Processing Zone in Mirerani was going to ensure the Tanzanite Mineral-rich region benefits from its endowed resources.

Initially, Tanzanite auctions were held in Arusha, a neighbouring region, denying Manyara Region its deserving share. Mr Nyongo reaffirmed the government commitment to set up a centre of excellence in Mirerani that will be used, among other things, for mineral auction.

Plan afoot for African Court’s legal aid scheme to take off

The African Court on Human and People’s Rights (AfCHPR) will this year operationalise its legal aid programme intended to train registered counsel.

This will involve, among others, introducing a code of conduct for the counsels and setting up a Compliance Monitoring Mechanism for the enforcement of its judgments.

“Improved judicial activity requires constant awareness of fast changing legal thinking,” said Mr Justice Sylvain Ore, the president of the Arusha-based judicial organ of the African Union.

Around the World

First online courtroom hearings to pave way for digital justice

The first online courtroom hearings for claimants, in which they and their lawyers will participate via video link, are to begin this spring. Letters are being sent to people due to attend tax appeal tribunals, asking if they would prefer to conduct their cases over secure camera and audio connections. The new system will allow claimants to attend a hearing while at home or work, rather than having to give up a day to travel to Court.

Couriers carrying blood for NHS win full employment rights

Couriers carrying emergency blood supplies for the NHS have won full employment rights in a first for the gig economy. The Doctors Laboratory (TDL), a company that provides pathology services, had argued that all its cyclists, motorcyclists and van drivers were self-employed contractors with no employment rights beyond basic health and safety and anti-discrimination rules. The company was typical of the delivery industry, where the vast majority of drivers and riders for companies such as Deliveroo, Uber, Hermes and DPD are classed as self-employed contractors.

China Set to Make Xi Era Permanent With Sweeping Legal Overhaul

In a two-week session starting soon, China’s rubber-stamp parliament is expected to enact sweeping legislative changes that would allow Xi to rule indefinitely and give him greater control over the levers of money and power. The agenda includes repealing presidential term limits, creating a powerful new agency to police officials and possibly approving the biggest regulatory overhaul of the USD 43T finance-and-insurance sector in 15 years.

Operationalisation of the programme was to go along with setting up the Legal Aid Fund to support litigants from across the continent seeking services of the Court.

However, none of the AU member states has so far contributed money for the fund. Tanzania once promised to raise USD 100,000 (TZS 220M) for the fund but has never remitted the money.

Mr Justice Ore said that with the year 2018 dedicated by the AU to fight corruption, the Court will restate its commitment in fighting the vice in a bid to make the African continent free of graft.

"It is key to stress the critical link between corruption and human rights. The former constitutes a serious and massive violation of the latter, especially in economic and social rights," he said in a statement.

This year, according to him, the Court will harness efforts towards synergy in the African human rights system as well as strengthening judicial efficiency.

Establishment of the Court dates back to 1998 when nearly all of the AU (then known as the Organisation of African Unity) appended their signatures for its creation.

However, only 30 countries have ratified the protocol to set up the institution out of the 55 AU member states, with only eight having signed the declaration that allowed individuals and NGOs to access the Court directly.

Tanzania ratified the protocol for the creation of the judicial organ on February 10, 2006 and signed the declaration accepting the competence of the Court to receive cases from individuals and NGOs on March 10, 2010.

The protocol came into force in January 2004 and the first judges were elected in 2006.

Retirement age for specialist medics up for debate by MPs

A bill seeking to extend the retirement age for university professors, senior lecturers and specialist medical doctors in the public service from 60 to 65 years went through Second Reading in the National Assembly. Miscellaneous Amendments Bill Number 5 of 2017, which was first tabled in the House on November 16 last year, is meant to amend the Public Services Act by introducing a section providing for a new retirement age for the targeted public servants. Tabling the bill, the Attorney General said it introduces a section in the Public Services Act stipulating the retirement age. "The Public Services Act does not mention the retirement age as the same is stated in laws governing social security schemes," he said. The retirement age as per those schemes, until now applicable to all public servants in the country, is 55 by choice and 60 mandatory.

The AG said the proposed new section will clearly give this as the retirement age for all public servants the only exceptions being university professors, senior lecturers and specialist medical doctors who could elect to retire at the age of 60 but must do so at 65 years of age. He explained that the extension of the retirement age is aimed at addressing the shortage of professors and senior lecturers in public universities and medical specialists in public hospitals. The proposed changes follow the fact that the nation still badly needs the services of professors, senior lecturers and specialist medical doctors when they are supposed to retire as required by law. If passed into law, the change is expected to reduce the cost the government keeps incurring in rehiring the experts upon retirement on contract which has been forcing the government to spend more money than seeking and hiring replacements than if contracts of those retiring were extended or renewed.

Around the World

Virginia senate approves medical marijuana

Virginia's Senate approved legislation allowing doctors to prescribe oils containing mostly non-psychoactive cannabis extracts, making Virginia part of the majority of states to approve medical marijuana. The bill was approved unanimously in both the state house and senate. Under the legislation, Virginia's doctors will determine which patients may use medical marijuana, as long as they have "any diagnosed condition or disease determined by the practitioner to benefit from such use."

Germany Court rules Facebook personal data usage illegal

A German consumer group said that the Berlin Regional Court ruled that Facebook's use of personal data was illegal because it did not adequately secure the informed consent of its users. The Federation of German Consumers Organisation (VZBV), which brought the suit, stated that Facebook's default settings and some of its terms of service were in breach of consumer law by denying consumers of a "meaningful choice." The Federal Data Protection Act permits personal information to be recorded and used by a company only with explicit agreement from the individual.

Taiwan Ruling Inspires Gay-Rights Hope in China

News of a victory for same-sex marriage in Taiwan has some in China peering wistfully at the democratic island across a narrow strip of sea. A day after Taiwan's top Court paved a path for gay marriage in two years, the hashtag #TaiwanGayMarriage-Legalization had attracted some 11 million views on China's Weibo social-media platform, with users posting rainbow flags, hearts and congratulations. For some it was also an occasion to ask: Why was the decision possible in Taiwan, but not China?

No tax on social security benefits under new law

Tabling the bill, which seeks the establishment of The Public Service Social Security Fund Act, 2017, Minister of State in the Prime Minister's Office (Policy, Parliament, Labour, Employment, Youth and the Disabled) Jenista Mhagama said contributions and benefits payable under the scheme would not attract income tax.

The proposed piece of legislation is meant to see the Public Service Retirement Benefit Act repealed and replaced by The Public Service Social Security Scheme. Under the proposed arrangement, all the five social security funds now in place in the country will be merged with civil servants served by a single fund and those in the private sector by the National Social Security Fund (NSSF).

The five social security funds are currently regulated by the Social Security Regulatory Authority (SSRA). These are NSSF, PPF Pension Fund, Public Service Pension Fund (PSPF), Local Authorities Pension Fund (LAPF), and Government Employees Provident Fund (GEPF).

The Minister said that experts and various stakeholders alike have for years recommended that the funds be merged into at most only two, one for the public sector and the other for private sector.

"They argue that the running of the five social security funds calls for needlessly high costs. Cutting the number to two will reduce the funds' operational cost from the current 19 percent to 9 percent, which is recommended by SSRA," she said, noting the new scenario would see the social security schemes come up with new benefits including one relating to unemployment.

The Minister gave the benefits proposed as retirement pension benefit, survivors' benefit, invalidity benefit, maternity benefit, unemployment benefit, sickness benefit, death grants and funeral grants. She said members would also be allowed to use part of the benefits they would be entitled to as collateral for housing mortgages. Mhagama further explained that the social security funds would henceforth be paying all beneficiaries their due promptly, regardless of whether an employer had delayed or defaulted on the remittance of contributions.

"Retirees must get all their benefits on time even if employers have not remitted all the contributions. It will be upon the social security schemes to follow up the matter with employers," she noted.

Peter Serukamba, Chairman of the Parliamentary Standing Committee on Gender, Health and Community Development, said the government's merger idea was commendable "as the five social security funds' operational costs have reached a staggering TZS 235.8B - a year".

Government in no hurry to introduce plastic bags ban

The government is still 'marking time' on its planned decision to ban the use of plastic bags. A high-ranking official in the Vice President's Office unit responsible for environmental matters said that there is no rush to implement the ban until all options have been explored before its endorsement.

The official confirmed that Tanzania is still eager to follow the footsteps of Kenya and Rwanda both of whom imposed bans on the use of plastic bags last year. But he added: "The intention is still there but we must ensure that we safeguard the interests of Tanzanians, particularly those employed in sectors that will be affected once the ban comes into effect."

Around the World

UK Court rules former prostitutes should not have to reveal past charges

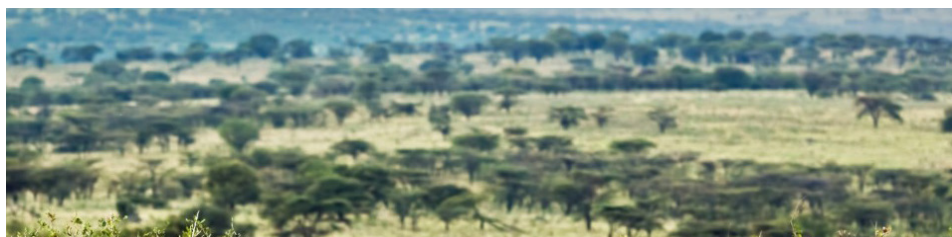
The UK High Court ruled that those convicted of prostitution do not have to reveal that conviction. The plaintiffs were three women who were "groomed, trafficked, and prostituted" as teenagers and were later convicted of "loitering or soliciting in a street or public place for the purpose of prostitution" multiple times as adults. Although all three of the women stopped participating in sex work, they found it difficult to find employment because of their criminal records. The Court held "the disclosures required ... were not based on any rational assessment of risk and so failed the test of being necessary in a democratic society," because in this case, the plaintiffs provided a very low, if any, risk to society. The Court said a better test was needed to balance public interest with the rights to individuals to be employed and criticized the "blanket approach."

Petition in Supreme Court to raise the minimum age of marriage to curb population growth

A Public Interest Litigation was filed in the Supreme Court demanding that the legal age for marriage should be increased from 21 to 25 years for men and from 18 to 21 years for women, in order to curb the growing population in India. The petition was filed by Advocate Ashwani Kumar Upadhyay stating that "Fertility depends on the age of marriage. Therefore, the minimum age of marriage should be raised. At present, the minimum age for marriage is 21 years for men and 18 years for women as fixed by law. It should be 25 years and 21 years respectively. This law should be firmly implemented and people should also be made aware of this through publicity."

He was speaking on the sidelines of the just concluded EAC-Sweden Exhibition on Climate Change. Since introducing the plan in parliament two years ago, the government has been quoted as saying it won't back down on its decision to ban the use of plastic bags. On a number of occasions, it has advised owners of plastic bag manufacturing factories to take steps towards decreasing production and start investing in the production of alternative bags and plastic waste recycling facilities.

Last year, the Tanzania Plastic Manufacturers Association (PMAT) suggested that instead of imposing a blanket ban on the use of plastic bags, the government could introduce measures to control the use of such bags. PMAT chairman Joseph Wasonga said the association had submitted a number of recommendations to the government along with a request for it to allow plastic bags production to continue with strong environmental protection controls, including recycling after use. According to Wasonga, one option would be to control the advent of imported plastic bags which account for 70 percent of the local market. He said these hugely contributed to environmental pollution because they were substandard. According to the PMAT chairman, more than 6,000 Tanzanians risk losing their jobs if the ban on plastic bags comes into effect.



Twelve parasitic national parks worry Bunge team

The Parliamentary Committee on Land, Natural Resources and Tourism has questioned the justification of running 12 national parks which are increasingly becoming a burden to the Tanzania National Parks Authority (TANAPA).

In its statement to the National Assembly, the Committee says while there are 16 national parks in the country, only four are making profit and the remaining 12 are 'parasites.' The revelations come at a time when hunting tourism, for instance, has steadily been declining in the past five years.

The "12 parks suffer poor infrastructure and receive inadequate adverts and promotion," said Ms Kemilembe Lwota, Deputy Chairperson of the Committee. The Committee could not reveal names of the underperforming parks but added that the team had also identified poaching and land disputes to be taking a huge toll on the national parks. "Members were amused with the level at which the national parks authority is engaging locals in ensuring border challenges are solved amicably," she said. Ms Lwota told parliamentarians that the tourism sector is crucial for the country's economic development.

Central bank to adopt new monetary policy

The Bank of Tanzania (BoT) will this year adopt a price-based monetary policy as it seeks to protect banks against negative effects of economic volatilities. Currently, the BoT makes use of the quantity-based monetary policy which was adopted in 1995.

"As indicated in our monetary statement of June last year, BoT intends to adopt this framework as part of the modernisation of our policies," the BoT director of economic research and policy, Mr Johnson Nyella said.

Around the World

Mexico Congress approves bill regulating cryptocurrency and crowdfunding

Mexico's Lower House of Congress approved a bill that would place regulations on crowdfunding and cryptocurrency firms. The bill previously passed the senate and still needs to be signed by the President. The bill is meant to "promote financial stability and prevent money laundering." The law is currently in general form, with the expectation that regulators will begin drafting "secondary laws" which will provide more details to the industries. The law will permit "sharing of user information by financial institutions through public application programming interfaces." The bill would allow the Bank of Mexico to give consent to Financial Technology Institutions in order to operate with cryptocurrencies. This would give the Bank of Mexico the authority to decide which cryptocurrencies will be allowed to be listed in exchanges. The exchanges will have one year to comply.

European Commission releases draft Brexit agreement

The European Commission released a draft agreement for the UK's withdrawal from the EU. An accompanying press release credits the Commission's transparency policy for the draft's publication and highlights its main points. These include: the length of the transitional period, the status of goods already entered into the common market and the rights of citizens. One of the most contentious issues still unresolved concerns the border between Northern Ireland, which is part of the UK, and the Republic of Ireland, which remains in the EU. Avoiding a hard border between the two entities on the island of Ireland is the main goal, but the current agreement contains only the fall-back, third-choice option advanced by the parties.

He said with the price-based monetary policy, the interest rates charged by banks will not be affected even when there is an economic volatility. This is unlike the current system whereby any economic hiccup results into negative effects on interest rates.

He said Tanzania is late in adopting the framework due to a number of challenges like unreliable data including high frequency GDP data, which now comes out on quarterly basis.

Other factors, which caused the delay in adoption of the policy include, low level of statistics availability and economic projections rates. He, however, noted that the government has now equipped its statistics institutions to the level that they now issue reliable data. They are now able to project its future plans and decision.

"It is in view of this that the country will now adopt the policy as a way of harmonising its price-based monetary framework with other EAC countries," he said.

He said the environment is now suitable for the framework following the adoption of the Interbank Cash Market Interest Rate (IBCMR).

"Through this framework, we will have a policy rate, which will be guided by a monetary policy committee that will decide the policy rate," he said.

He said the IBCMR will either mop out or inject cash to either reduce or increase liquidity.

Civil society in new offensive against laws that 'suppress' democratic

Three local, non-profit civil rights bodies have launched a joint drive to challenge a number of laws that, in their words, "give the executive branch of the state excessive powers to suppress freedom of expression and democracy." Representatives of the Legal and Human Rights Centre (LHRC), Tanganyika Law Society (TLS), and Tanzania Human Rights Defenders Coalition (THRDC) jointly told a media conference that they have already filed two High Court petitions and will file eight more in the next two months, bringing the number of constitutional cases to ten. Among the laws that the activists want the High Court to review and declare unconstitutional are those covering national elections, functions of the Tanzania Police Force, and political parties. The first two cases have been opened by ordinary voters Bob Chacha Wangwe and Allan Mbujo with full legal representative support from all three organisations.

LHRC acting director Anna Henga asserted that the people's rights to assembly, expression and speech are constitutional rights which should not be violated by anyone. Makongoro Mahanga, a member of the opposition CHADEMA party who described himself as an ordinary voter, said the joint initiative by the three organisations was in response to various recent actions that "violate the national constitution." "We are tired of the ongoing actions that shun constitutional rights, for example the regular banning of political public rallies and peaceful demonstrations, and suppressing of freedom of expression, which is why we are look forward to hear what the Courts have to say about all this," Mahanga said. He said although CHADEMA as a party has opened its own cases against the same constitutional violations in various Courts, they are a burden for its lawyers to handle alone, thus fellow lawyers from the three activist organisations have come to a decision to lend helping hands. Last week, a total of 105 civil society organisations in the country signed a joint statement protesting against "unprecedented" violations of human and democratic rights in the country.

The statement warned of "multiple cases (of rights violations)" involving "attacks, torture and forced disappearances of rights activists, journalists, political leaders and even ordinary citizens".

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