



# LHRC's Analysis of the Written Law (Miscellaneous Amendments) Act, No. 1 of 2026



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## A. INTRODUCTION

Legal and Human Rights Centre (LHRC) has conducted analysis of the Written Laws (Miscellaneous Amendments) Act, No. 1 of 2026. This bill proposes amendments to approximately 21 different laws.

In its analysis, LHRC has focused primarily on amendments concerning the following laws: the Atomic Energy Act, Cap. 188; the Bank of Tanzania Act, Cap. 197; the Civil Aviation Act, Cap. 80; the Judiciary Administration Act, Cap. 237; the National Youth Council Act, Cap. 441; and the Prisons Act, Cap. 58.

In practice, the proposed amendments aim to strengthen the rule of law and to close legal loopholes that have existed for several years since the enactment of these laws. However, after conducting a thorough review of the bill, LHRC has identified a number of significant concerns and challenges that may undermine the achievement of the intended objectives. Instead of improving the legal framework, these amendments could increase the risk of human rights violations if passed by the Parliament of the United Republic of Tanzania.

This analysis takes into account international and regional human rights instruments, the Constitution of the United Republic of Tanzania, best practices in the implementation of gender-related issues, as well as legitimate public opinions on matters of good governance.

*In nutshell, LHRC commends progressive proposals on all laws as once passed will foster rule of law, good governance, human rights and protection of public interests.*

- a) Specifically, a positive proposal to amend the Drug Control and Enforcement Act which address areas which were not covered in terms of definition of drugs.<sup>1</sup>

Notably, the Bill proposes to amend the Prisons Act to introduce rehabilitation program for prisoners which includes educational and vocational training, spiritual services, resourceful physical works, graphic works, artistic works and psychological support services. This is a progressive proposal which aligns with Rule 106, 107 and 108 of the United Nations Standard Minimum Rules for the Treatment of Prisoners<sup>2</sup>, which provides the best standards of social relations and aftercare services for prisoners.

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<sup>1</sup> Section 47 of the Written Laws (Miscellaneous Amendment) Act, No. 1 of 2026.

<sup>2</sup> General Assembly resolution 70/175, annex, adopted on 17 December 2015.

## **B. KEY OBSERVATION AFTER SCRUTINY PER SPECIFIC LAW**

### **1. The Atomic Energy Act Cap. 188 and the Civil Aviation Act Cap. 80**

#### **1.1 Description & observation**

The amendment of both laws proposes to amend the composition and appointment of the Chairman and members and Director General respectively. The proposal's objective is to replace section 45 of the Civil Aviation Act which gives powers to the Minister to appoint the Director General of the Aviation Authority after being proposed by the Nomination Committee.

Despite the proposal to reduce number of from twelve (12) members to eight (8) members, still there is a substantial need for additional reforms to introduce a competitive process in appointments and recruitment of the members of the Board of the Atomic Energy Commission as well as removing the Minister for appointment of the Director General of the Aviation Authority reduces essence of competitive recruitment/appointment process.

#### **1.2 LHRC's Proposal**

- Introduce a competitive recruitment and appointment process for both Commission and Authority by establishing and retaining functions of the Nomination Committee without involvement of both Minister and the President. The process should be solely supervised by the Nomination Committee.

This is the best practice as also provided under *section 9 of the Executive Agencies Act* which provides for scrutiny by Nomination Committee for recruitment of Executive Secretary of Executive Agencies.

#### **1.3 Justification**

On 2 February 2026, Hon. Professor Kitila Mkumbo, Minister of State in the President's Office, Planning and Investment, delivered an official statement during the Second Meeting, Ninth Sitting of the Thirteenth Parliament. In his address, he reaffirmed the Government's commitment to strengthening good governance and improving the performance of public institutions. He emphasized that the recruitment of chief executives, chairpersons, and board members of public corporations should be conducted through transparent and competitive processes to enhance efficiency, accountability, and institutional effectiveness. This can be found at [\*Rais hatoteua wakuu wa mashirika ya umma, sasa kupatikana kwa ushindani/vigezo kuzingatiwa\*](#) published on Jambo Tv).<sup>3</sup>

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<sup>3</sup> <https://www.youtube.com/watch?v=FenGQ3XHi5s> [Accessed on 27<sup>th</sup> February 2026].

## **2. The Judiciary Administration Act, Cap. 237**

### **2.1 Description & Observation**

The proposal is to amend section 7 of the Act to widen the powers of the Chief Court Administrator to be the Chief Executive Officer of the Judicial Service Commission, also to amend section 13 to provide allowances and other entitlements of members of the Commission and to amend section 15 to widen the functions of the Secretary of the Commission.

Despite the amendments to those provisions, a substantial portion of the grievances and the broader concerns regarding judicial independence and good governance remain unaddressed. This portion includes the *inclusion of Regional and District Commissioners in Judicial Officers Ethics Committees*. These are issues that, in principle, could have been effectively dealt with through the same legislative amendment process.

### **2.2 LHRC's proposal**

- a) Insert a new amendment of section 50 of the Judicial Administration Act which, establishes the Regional Judicial Officers Ethics Committee to remove the Regional Commissioner and Regional Administrative Secretary from the Committee as Chairperson and Secretary, respectively.
- b) Insert a new amendment of section 51 of the Judicial Administration Act which, the District Judicial Officers Ethics Committee removed the District Commissioner and the District Administrative Secretary from the Committee as Chairperson and Secretary respectively.
- c) Withdraw part of the Bill to include a new proposal to address the issue of good governance and public outcry on Section 50 and 51 of the Judicial Administration Act.

### **2.3 Justification**

On 14 January 2026, the Chief Justice (CJ) of Tanzania, while addressing the Annual Conference of the Judges and Magistrates Association in Dodoma, spoke about the current structure of judicial staff disciplinary committees. He stated by proposing the exclusion of the organs of the Executive in Judicial Officers Ethics Committees including Regional Commissioners, District Commissioners, and District Administrative Secretaries.

He emphasized that, for a considerable period, the existing structure has created a conflict of interest, undermining judicial independence due to overlapping executive influence. He proposed the Committees to be chaired and led by judicial officers at their respective levels, thereby establishing a system of self-regulation. This approach is intended to strengthen confidence, independence, and accountability among magistrates and judges, enabling them to administer justice in accordance with the law without fear of interference from the Executive branch.

CJ's speech can be found at <https://www.youtube.com/watch?v=KHeCC-8trgw> (Titled: Jaji mkuu ahoji wakuu wa mkoa na wilaya kuwa mwenyekiti wa mahakama...Sheria ibadilishwe) published on MWANGA 1 TV YouTube page.

### **3. The Bank of Tanzania Act Cap. 197**

#### **3.1 Description & Observation**

The Bill proposes to amend section 69 to provide mandates to Bank of Tanzania to grant temporary advances to the Government in the event of an unforeseeable or unavoidable event which causes a temporary deficiency of revenue.

LHRC observed that the provision does not have safeguards underpinnings such as grant duration and procedure for repayment of such grant. Therefore, there is a need to address these gaps to ensure fiscal stability and strength of Bank of Tanzania.

#### **3.2 LHRC's proposal**

- a) Insert a new proposal to provide for specific duration for repayment of the grant.
- b) inserting new proposal to provide for specific duration for repayment of the loan. LHRC recommends the loan to be re-paid within 365 days after the situation has stabilized.
- c) Review government the current government spending model to limit possibilities of the spending to outpace income from taxes and other revenues.
- d) Insert new provision to give the Parliament to approve such grant before the Bank of Tanzania provides to the government. The purpose is to exercise oversight and maintain fiscal discipline and prevent possible shrinking of social services.

#### **3.3 Justification**

To mitigate fiscal risks by shrinking the Bank of Tanzania as it is a banker of other banks. These would prevent possible risk as happened in Venezuela ([\*Can be found through "Why did Venezuela's economy collapse"\*](#)).

### **4. The National Youth Council Act, Cap. 441**

#### **4.1 Description & Observation**

The Bill proposes to amend several provisions of the Youth Council Act to enhance effectiveness of the Council for implementation of youth issues from Ward, District, Regional to National levels. The emphasis was made on the proposal to add section 11A and 11B to establish the Election Supervisory Committee and appointment of Secretary of the Election Supervisory Committee.

LHRC observed that the proposal to establish of the Election Supervisory Committee and the Secretary by the Minister responsible with Youths Affairs creates limited chances for checks and balance, independence and possibilities of partisanship of the Council.

#### 4.2 LHRC's proposal

- To delete the current proposal and insert new proposals to enable the Independent Electoral Commission to supervise the electoral process for members of the Council. This could be done as provided in Article 74 (6) (e) of the Constitution of the United Republic of Tanzania, 1977<sup>4</sup> Section 10 (1) (k) of the Independent Electoral Commission Act No.2 of 2024<sup>5</sup>.

#### 4.3 Best practice

The Republic of Uganda the Election of Youth Councils are supervised by the Uganda Electoral Commission. This can be found under Section 7 of the National Youth Council Act Cap. 114 of Uganda. More information can be found through <https://www.ec.or.ug/guidelines-nomination-candidates-election-youth-councils-and-committees-2025>.

### 5. The Prisons Act, Cap. 58

The Bill proposes to amend several provisions of the Act which mainly focuses on improving efficiency of the Prison Service in the country including provision of integration and rehabilitation programs, also among other things the Bill proposes to delete the definition of the term “young prisoner” which in the Act currently is defined as a person between the apparent ages of sixteen and twenty-one (21) years.

On the other side, the Bill proposes to amend section 51(1)(a) by deleting the word “young prisoners” and replace it with the words “a child prisoner”. Literally, if this proposal is passed, section 51(1) will recognize child prisoner contrary to section 120 of the Law of the Child Act, [CAP. 13 R.E. 2023]<sup>6</sup> which prohibits custodial sentences to children. Moreover, Rule 31 (11) of the Juvenile Courts Rule<sup>7</sup> provides for “diversion” rather than imprisonment of a child who is in conflict with the law.

#### 5.1. LHRC's proposal

- a) Remove a new proposal of inserting child prisoner and retain the term “young prisoner” with the addition of raising the age to exclude offenders of immature age as per Law of Child Act.

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<sup>4</sup>“The responsibility of the Electoral Commission shall be....to perform any other functions in accordance with a law enacted by Parliament”.

<sup>5</sup> “Functions of the Commission...to perform any other functions as prescribed in the Constitution or any other written law.”

<sup>6</sup> Notwithstanding any provisions of any written law, a child shall not be sentenced to imprisonment.

<sup>7</sup> Law of the Child (Juvenile Court Procedure) Rules, 2016 (Government Notice 182 of 2016).

- b) Insert a new provision in the proposal to add section 3A to include gender consideration in the function of the Service.

## 5.2. Cases which the Court of Appeal of Tanzania declared illegal imprisonment sentences to child

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S/N	Case Source /	Court Citation &	Key Sentencing Principles	Factors Considered	Outcome	Significance for Juvenile Sentencing in Tanzania
1	Mohamed Hamis v R	Court of Appeal of Tanzania at Mtwara, Criminal Appeal No. 114 of 2013 (unreported)	Legality of sentence; proportionality; consideration of offender's personal circumstances	Age of the accused; first offender status; seriousness of the offence; statutory limits of punishment	Trial court sentence declared illegal; Court of Appeal substituted with corporal punishment	Emphasizes that sentencing must comply strictly with statutory provisions; court must balance age of the offender.
2	R v Asia Salum and Others	(1986) TLR 12	Principle of proportionality; best interests of the child; rehabilitation over retribution	Juvenile status; risk of moral contamination in prison;		

## C. CONCLUSION

The recommendations provided in this analysis are practical and provide best practices for a democratic society which intends to flourish rule of law and good governance, also to the great extents these recommendations offer inclusive consideration of vulnerable groups in the society.