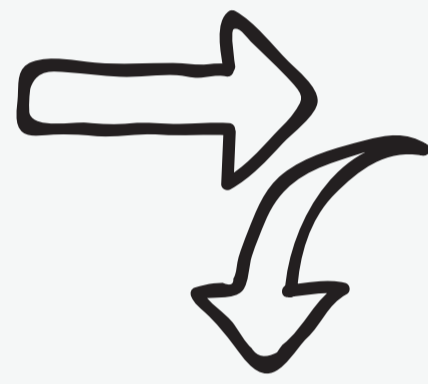




Challenging the criminalisation of begging

RM v Attorney General (2022)

In March 2019, the Ilala Municipal Council passed a by-law known as Sheria Ndogo za (Kudhibiti Omba omba) za Halmashauri ya Wilaya ya Ilala Tangazo la Serikali Na 529 La Mwaka 2019.



The by-law's provisions are far-reaching



The by-law provides for punishment of up to 12 months' imprisonment and/or fines up to Tsh 300,000 (US\$130).



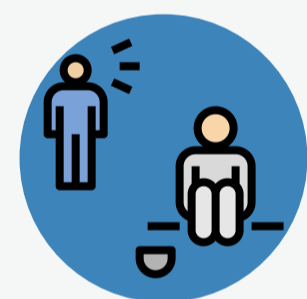
A 'beggar' is anyone with or without a disability who begs for food or money from persons on the street.



The Council can designate someone to report persons who beg.



It is an offence to beg as well as to give someone who begs food or money.



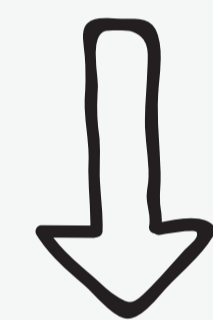
The Council, its agencies, and all persons are empowered to remove persons who beg in the municipality.



It is an offence not to report someone who begs to the Council.



The by-law provides for mechanisms to identify persons who beg and to document their personal information and photos.



The Petitioners are persons with disabilities who have been begging on the streets of Dar es Salaam for many years. They are chased away by militia (mgambo) under the order of the Ilala Municipal Council and Dar es Salaam city.

Arguments



The act of begging or giving assistance to someone who begs should not be criminalized.



The by-law violates the rights to equality, dignity, non-discrimination, liberty, life, and freedom of movement.



The Regulations vest wide powers in the Council and are so vague and unclear, resulting in abuse by the Council and its officials.



Govt identifies strategic plan to end problem of street children, beggars

By Correspondent Mary Kadoko

THE government has identified five strategic plans to end the problem of street children and beggars, one of which is to conduct an inspection of all trains, trucks and buses in the regions to Dar es Salaam.

Dr Dorothy Gwavima, Minister for Community Development, Gender, Women and Special Groups said this yesterday in Dar es Salaam when speaking with social welfare stakeholders.

She said the ministry will also engage the police force in detaining parents and those who allow children to leave home to search for jobs in cities.

"Engagement of the Tanzania Police force that will act as watch dog and enforce laws on child trafficking; this is one of the strategies which will help fight street children and children trafficking," she said.

The minister said that the force will work on the illegal chains of parents who transfer children from other regions to Dar es Salaam targeting them to work and gain profit on their behalf.

She said it is time parents possess a report book (RB) in times they are unaware of where their children are to avoid future inconveniences.

She said a parent who does not take effort to search for his/her child which includes having a police report book

(RB) on hand, the government will take action.

Dar es Salaam Regional Commissioner Amos Makala, who is also a member of a special task force created in March by the minister, said there is a reserved land prepared for the construction of vocational training institutions and agriculture projects so as to serve children who will be willing to venture in agriculture, needlework, saloon or music training.

Inspector Mdathiru Makora, one of

the members of the task force said the force will continue educating people on the Law of the Child Act so as to enable the public understand well all the rights vested to children.

"There are no children that belong to streets, it's the parents' irresponsibility in bringing up their children as well as other challenges that force them to end up in streets. So the task will focus on educating people on the law of the Child Act so as to enable the public to promote, protect and maintain welfare of a child," he said.

The 2017/2021 headcount findings conducted by railway children fighting for street children revealed that Dares Salaam city had 2984 children living and working in streets with 71 percent being male children.

While in areas of Mwanza, Arusha, Dodoma, Mbeya and Iringa in (2021) headcount findings for street children revealed that the cities had 5732 children living and working in streets 458 being girls and 1149 being boys.

