LEGAL AND HUMAN RIGHTS CENTRE

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Tanzania's High Court Declares School Corporal Punishment Regulations Unconstitutional: A Landmark Victory for Children's Rights

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1. About the case

Tanzania has reached a significant milestone in the protection of children's rights following a landmark judgment by the High Court of Tanzania, which has declared key regulations permitting corporal punishment in schools unconstitutional and null and void.

In a judgment delivered on 3 November 2026 at the High Court's Main Registry in Dodoma, a panel of three judges declared **Regulations 2, 3 and 6** *of the Education (Corporal Punishment) Regulations, Government Notice No. 294 of 2002, unconstitutional and null and void for being inconsistent with the Constitution of the United Republic of Tanzania, 1977.*

The judgment was delivered by a panel comprising Hon. Justice A. Mruma, who led the panel, alongside Hon. Justice S. Hassan and Hon. Justice I. Musokwa. The decision concludes a major constitutional battle initiated by the Legal and Human Rights Centre (LHRC) through a petition filed on behalf of Samweli Maduhu Mangu against the Minister for Education and another respondent, in Constitutional Petition No. 32373 of 2025.

The ruling marks a turning point in Tanzania's approach to school discipline and the protection of learners against physical violence, reinforcing the constitutional principle that children's dignity and physical integrity must be respected within educational institutions.

2. A tragic incident that triggered a constitutional battle

a) The case traces its origins to the death of Mhoja Maduhu, a Form Two student at Mwasamba Secondary School in Busega District, Simiyu Region.

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b) In March 2025, Mhoja reportedly died following severe corporal punishment inflicted by a teacher after students allegedly failed to complete a Geography assignment.
c) According to media reports, the student sustained serious injuries after being struck with a stick including blows to the head. A post mortem examination reportedly established that the cause of death was internal bleeding in the skull resulting from blunt-force trauma.
d) The incident generated public concern and renewed scrutiny of the continued use of corporal punishment in Tanzanian schools, particularly where disciplinary measures exceed prescribed limits and result in serious injury or death.
e) Although the individual incident raised questions about the accountability of the teacher involved, LHRC recognised that addressing individual misconduct alone would not resolve the wider problem. The organisation therefore pursued a constitutional challenge against the legal provisions that authorised corporal punishment in schools.

3. LHRC takes the matter to court

Recognising the need for systemic legal reform *LHRC instituted Constitutional Petition No. 32373 of 2025 on behalf of Samweli Maduhu Mangu,* challenging *Regulations 2, 3 and 6 of the Education (Corporal Punishment) Regulations, Government Notice No. 294 of 2002.*

The petition questioned the constitutionality of provisions that permitted corporal punishment as a disciplinary measure in schools.

LHRC argued that the continued enforcement of these regulations was inconsistent with fundamental constitutional protections, particularly the right to human dignity and protection against torture and cruel, inhuman or degrading treatment.

The petition sought to establish that the use of physical punishment in schools must be assessed against the constitutional obligation to protect every child's dignity, bodily integrity and fundamental rights. The legal challenge consequently moved the debate beyond the conduct of individual teachers to the constitutionality of the broader legal framework governing school discipline in Tanzania.

4. Government's preliminary objection dismissed

The constitutional proceedings initially encountered a procedural challenge when the Government raised a preliminary objection, arguing that the petition was premature and that the petitioner should first have pursued judicial review

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proceedings. The matter was heard before the same three-judge panel at the High Court of Tanzania, Dodoma Main Registry.

On 1 June 2026, the **Court dismissed the Government's preliminary objection,** allowing the constitutional petition to proceed to substantive determination.

The decision was an important procedural breakthrough for LHRC because it enabled the Court to examine the constitutional questions raised in the petition rather than terminate the proceedings on preliminary grounds. It also demonstrated the importance of providing judicial space for examining the constitutionality of laws and regulations that affect fundamental human rights.

Another significant development in the proceedings came in May 2026, when the High Court granted the Women in Law and Development in Africa (WILDAF) permission to participate in the case as an interested party.

In a ruling delivered on 5 May 2026, the Court allowed WILDAF to join the proceedings, recognising the relevance of its contribution to the constitutional and human rights questions under consideration. WILDAF's participation was expected to bring additional perspectives, particularly concerning children's protection, human dignity and Tanzania's obligations under constitutional and international human rights standards.

In a statement issued on 7 May 2026, LHRC welcomed WILDAF's participation, describing the organisation as an important partner in advancing the protection of children's rights in Tanzania. The inclusion of WILDAF broadened the human rights perspectives represented in the proceedings and reinforced the significance of the case beyond the immediate parties.

It also highlighted the importance of collaboration among civil society organisations in advancing legal accountability and protecting vulnerable groups.

The High Court declares the regulations unconstitutional

The most significant development came on 3 November 2026, when the High Court delivered its final judgment on the constitutional petition.

In its decision, the Court *declared Regulations 2, 3 and 6 of the Education (Corporal Punishment) Regulations, Government Notice No. 294 of 2002,* null and void on the grounds that they were unconstitutional and inconsistent with *the Constitution of the United Republic of Tanzania, 1977.*

The Court specifically held that the regulations violated Articles 13(6)(e) and 12(2) of the Constitution.

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Article 13(6)(e) provides protection against torture and cruel, inhuman or degrading punishment or treatment, while Article 12(2) recognises the inherent dignity of every person and the obligation to respect and protect it.

By declaring the challenged provisions unconstitutional, the Court affirmed that the administration of school discipline must conform to constitutional guarantees of human dignity and protection against degrading treatment.

The decision represents a significant legal development because it removes the legal basis provided by the challenged regulations for administering corporal punishment in schools.

It also sends a clear message that educational institutions cannot rely on disciplinary traditions or administrative regulations to justify practices that violate constitutional rights.

5. A landmark victory for children's rights in Tanzania

The judgment is a significant achievement for children's rights advocates, civil society organisations and all stakeholders working towards safer and more inclusive learning environments.

a) For LHRC, the decision represents the culmination of a legal intervention aimed at addressing the structural and legal conditions that have permitted corporal punishment in schools.
b) It also demonstrates the role of public interest litigation in addressing systemic human rights concerns and seeking legal remedies that extend beyond individual cases.
c) The case has particular significance because it began with the tragic death of a student and developed into a constitutional challenge with implications for learners across the country.
d) It reinforces the principle that children are rights-holders whose dignity, physical integrity and protection must be guaranteed, including within schools and other institutions entrusted with their care.

The judgment further strengthens the argument that effective school discipline should be based on positive, non-violent and child-centred approaches rather than physical punishment.

6. What the judgment means for the education sector

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The declaration that Regulations 2, 3 and 6 are null and void has important implications for the Government, education authorities, school administrators, teachers and other stakeholders.

a) First, the challenged regulations can no longer serve as a lawful basis for administering corporal punishment in schools, in accordance with the Court's declaration.
b) Second, the Government and relevant education authorities need to ensure that school disciplinary policies and practices are aligned with the constitutional protections recognised in the judgment.
c) Third, teachers and school administrators need to adopt alternative disciplinary approaches that promote responsibility, positive behaviour, respect and accountability without subjecting learners to physical violence or degrading treatment.
d) The decision also highlights the need for public awareness and capacity-building among teachers, parents, school boards and education officials to ensure that children's rights are understood and respected.

Furthermore, the Government has an important responsibility to ensure that the judgment is implemented effectively and that appropriate non-violent disciplinary frameworks are strengthened throughout the education system.

7. LHRC calls for full implementation of the judgment

Following the landmark decision, LHRC expressed its expectation that the Government would fully implement the Court's judgment.The judgment provides an opportunity for Tanzania to strengthen its child protection framework and advance a school environment in which discipline is exercised without compromising learners' fundamental rights.

However, the effectiveness of the decision will ultimately depend on its implementation, including appropriate policy and regulatory reforms, awareness among education stakeholders and accountability for violations of children's rights.

6. A new chapter in protecting children from violence

The conclusion of this constitutional case marks a new chapter in Tanzania's efforts to protect children from violence in educational institutions.

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What began as a response to the tragic death of Mhoja Maduhu has developed into a landmark constitutional judgment with national implications.

The High Court's decision establishes an important precedent in the protection of human dignity and the prohibition of cruel, inhuman and degrading treatment in the context of school discipline.

It also demonstrates that the law must evolve to ensure that educational institutions remain safe spaces where children can learn, develop and exercise their rights without fear of physical violence.

For LHRC and other child rights advocates, the judgment is not simply a legal victory. It is an important step towards ensuring that no child loses their life, dignity or physical integrity in the name of discipline.

Issued by;

Legal and Human Rights Centre (LHRC)

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