
The constitution of the United Republic of Tanzania

The constitution of the United Republic of Tanzania in article 16 and article 18 have provide and ensure Right to privacy and personal security and Freedom of expression respectively, as stated below :- Article 16 of the constitution of the united republic of Tanzania “Every person is entitled to respect and protection of his person, the privacy of his own person, his family and of his matrimonial life, and respect and protection of his residence and private communications”.

Article 18 of the constitution of the united republic of Tanzania states “Every person (a)has a freedom of opinion and expression of his ideas (b)has out right to seek, receive and, or disseminate information regardless of national boundaries (c)has the freedom to communicate and a freedom with protection from interference from his communication (d)has a right to be informed at all times of various important events of life and activities of the people and also of issues of importance to the society”.

The following is the extent of which the Cybercrime Act of 2015 and Electronic Transaction Act of 2015 guarantee the provision of the above articles.

The Cybercrime Act guarantee the provision of article 16 and article 18 of the Constitution of United Republic of Tanzania to the extent that, The Cybercrime Act protect people’s privacy by prohibiting others from interfering the computer system without authority, it is an offense for those who contravene as per Section 4 of Cybercrime Act of 2015. It stated as “4.-(1) a person shall not intentionally and unlawfully access or cause a computer system to be accessed.

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine of not less than three million shillings or three times the value of the undue advantage received, whichever is greater or to imprisonment for a term of not less than one year or to both”.

Cybercrime Act protects the privacy of children and adult by prohibiting the publication of pornography as per Section 13 of Cybercrime Act of 2015. It states as “13.-(1) a person shall not-

(a) Publish child pornography, through a computer system; or (b) make available or facilitate the access of child pornography through a computer system.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction, to a fine of not less than fifty million shillings or three times the value of undue advantage received, whichever is greater, or to imprisonment for a term of not less than seven years or to both. (3) A person who is convicted for an offence under this section may, in addition to any other punishment, be adjudged to compensate a person injured by the offence”.

Cybercrime Act allows people to express their views but not to give false information who ever gives false information it is an offense as per Section 16 of Cybercrime Act of 2015. It states as “16.- Any person who publishes information or data presented in a picture, text, symbol or any other form in a computer system knowing that such information or data is false, deceptive,

misleading or inaccurate, and with intent to defame, threaten, abuse, insult, or otherwise deceive or mislead the public or counseling commission of an offence, commits an offence, and shall on conviction be liable to a fine of not less than five million shillings or to imprisonment for a term of not less than three years or to both”.

Cybercrime Act allows people to communicate but a person shall not initiate or send any electronic communication using a computer system to another person with intent to coerce, intimidate, harass or cause emotional distress as per section 23 of Cybercrime Act of 2015. It states as “23. (1) A person shall not initiate or send any electronic communication using a computer system to another person with intent to coerce, intimidate, harass or cause emotional distress. (2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine of not less than five million shillings or to imprisonment for a term of not less than three years or to both”.

The Electronic Transaction Act guarantee the provision of article 16 and article 18 of the constitution of united republic of Tanzania to the extent that, The electronic transaction act plays the role of recognizing the transactions that are done through electronically, thus people can express themselves, and the electronic transactions are acceptable as per section 4, 8 of the Electronic Transaction Act. It states as “4. A data message shall not be denied legal effect, validity or enforceability on the ground that it is in electronic format”.

International Covenant on Civil and Political Rights, under Article 16 and 18(c) of constitution further guarantees the freedom to communicate as Cybercrime Articles and Electronic Transaction prohibit the illegal use of cyber communication.