Criminal Record Expungement and Offender Reintegration in Tanzania: A Comparative Legal Analysis

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Abstract
Unlike certain African and Commonwealth jurisdictions, Tanzania has not enacted a statutory framework for expunging or sealing criminal records for minor and moderate offences. This legislative omission results in indefinite record retention for individuals who have fully served their sentences, perpetuating permanent legal disabilities that impede employment, travel documentation, professional licensure, and social reintegration. This paper provides the first systematic legal analysis of this discrete lacuna within Tanzania's criminal justice framework. No prior study has examined Tanzanian law through the doctrinal lens of statutory omission in expungement mechanisms. The paper identifies legal deficiencies arising from the absence of legislation governing criminal records expungement and offers a structured comparative analysis with South Africa, Kenya, and the United Kingdom to derive codifiable eligibility criteria, waiting periods, and offence exclusions. The methodology adopts a mixed-method framework, integrating a comparative doctrinal review of legislation and case law with an examination of social media discourse. The absence of an expungement framework is inconsistent with the rehabilitative object of the Prisons Act and fails to give effect to constitutional protections of dignity, equality, and non-discrimination. The paper recommends the enactment of a dedicated Expungement of Criminal Records Act, incorporating objective statutory criteria, judicial oversight, and express exclusions for serious offences.

Keywords: *Criminal record expungement, offender reintegration, rehabilitation, stigma, Commonwealth law, comparative jurisprudence.*

1.0 Introduction

In the Tanzanian legal landscape, the journey of a suspect from arrest to incarceration is meticulously governed by the Criminal Procedure Act[1] and the Penal Code.[2] Upon completion of a custodial sentence, Tanzanian laws impose no expungement mechanism. Consequently, former

[1] [Cap. 20 R.E. 2023].
[2] [Cap. 16 R.E. 2023].

Prisoners retain criminal records that permanently preclude access to employment, travel documentation, and the ordinary incidents of citizenship, notwithstanding the Prisons Act's rehabilitative objective.[1]

Tanzania's criminal justice system formally adopts punishment, deterrence, and rehabilitation as its sentencing objectives. The Prisons Act explicitly mandates that prisons function as correctional and rehabilitative institutions, not merely as custodial facilities.[2] Upon release, individuals convicted of minor and moderate offences, including petty theft, minor assault, and regulatory violations, retain a permanent criminal record. This record operates as a de facto secondary sanction, indefinitely barring access to employment, travel documents (passports and visas), housing, and community reintegration.

Current policy discussions focus on the administrative burden of criminal records, but neglect the subjective experience of dignity violation. There is a significant gap in qualitative research examining how the permanence of a record, in the absence of expungement, psychologically undermines an individual's sense of self-worth and reintegration, directly challenging the constitutional promise of dignity [3] and non-discrimination.[4] This legal *lacuna* further places Tanzania in breach of the International Covenant on Civil and Political Rights (ICCPR)[5] and the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules),[6] which stress rehabilitation and social reintegration. Without expungement, vocational skills acquired in prison become commercially valueless upon disclosure of a conviction to employers or licensing authorities. Such continued disability constitutes a second sanction that negates the Prisons Act's rehabilitative intent.

The decision in *Ismail Aden Rage* demonstrates the operational limits of Tanzania's existing post-conviction legal mechanisms.[7] Following his

[1] G.R. Ayo, *Assessment of the Rehabilitation Services in Tanzania Prisons: A Case Study of Karanga Prison*, Masters of Arts Thesis in Peace and Security Studies offered at the Institute of Accountancy Arusha, 2023, 1.
[2] Toolkit for Security Sector Reporting: Media, Journalism and Security Sector Reform, 2021, .68
[3] *Constitution of the United Republic of Tanzania 1977* art 16.
[4] Ibid, (Article 13).
[5] Tanzania acceded the Treaty on 11 June, 1976 and the Treaty came into effect on 11th September, 1976; See https://treaties.un.org/pages/showDetails.aspx?objid=0800000280004bf5&clang=_en (Accessed on 16th April, 2026).
[6] General Assembly resolution 70/175, annex, adopted on 17 December 2015.
[7] See *Ismail Aden Rage v. Republic*, Criminal Appeal No. 286 of 2005, Court of Appeal of Tanzania.

conviction in the early 2000s on charges including theft of footballs and misappropriation of funds relating to the Football Association of Tanzania (FAT), Rage pursued multiple appeals.[8] Some convictions were upheld on evidential grounds such as recent possession of stolen property, while others were scrutinised for insufficient proof, in the High Court.[9] After receiving a presidential pardon, Rage pursued additional judicial proceedings to obtain full expungement of his criminal record, demonstrating that executive clemency alone does not provide formal record relief. Prior to the pardon, Rage had lost an appeal before the High Court, with a further appeal pending before the Court of Appeal.[10] The Rage case illustrates the doctrinal gap created by the absence of any statutory mechanism for criminal record expungement.[11] The Rage matter confirms that presidential pardons, being discretionary and without automatic expungement effect, afford most ex-prisoners no legal recourse for the indefinite retention of criminal records.[12] Given this limitation on executive clemency, this paper assesses the case for a statutory expungement regime applicable to minor and moderate offences. Drawing on a comparative doctrinal review of South African, Kenyan, and United Kingdom law, it proposes a legislative framework that includes objective eligibility criteria, waiting periods, judicial oversight, and categorical exclusions for serious offences.

This paper addresses a critical gap in Tanzanian criminal justice scholarship by examining, the complete absence of statutory expungement legislation. It argues that the current regime, which relies solely on discretionary executive clemency, systematically violates the constitutional right to dignity and fails to meet Tanzania's international rehabilitation obligations under the ICCPR and Nelson Mandela Rules. By shifting the focus from administrative convenience to subjective human rights harm, and by drawing on comparative models from South

[8] Notably Criminal Appeal No. 37 of 2005 before the High Court and Criminal Appeal No. 286 of 2005). The offences occurred while Rage was the secretary-general of the Football Association of Tanzania (Fat) between 1996 and 2000.
[9] Tanzania Sports, Ismail Rage wins an Appeal and Acquitted (reported in Swahili), available at https://tanzaniasports.com/ismail-aden-rage-ashinda-rufaa-aachiwa-huru-ismail-aden-rage-ashinda-rufaa-aachiwa-huru/ (Accessed on 16 April, 2026).
[10] BBC News, Tanzania Release Jailed Official, available at http://news.bbc.co.uk/sport2/hi/football/africa/4549692.stm(Accessed on 16 April, 2026).
[11] *Ibid*.
[12] *Constitution of the United Republic of Tanzania 1977* art 45(1).

Africa, Kenya, and the UK, the paper provides the first comprehensive legislative framework for a Tanzanian expungement regime-offering objective criteria, judicial oversight, and a clear pathway to reintegration for rehabilitated individuals.

2.0 Statement of the Problem

Tanzania has no statutory framework providing for the expungement, sealing, or automatic spent status of criminal records for minor and moderate offences. Consequently, such records remain indefinitely accessible for employment and licensing background checks. The legal problem is that no statutory mechanism exists to distinguish between historical minor convictions and ongoing risk, nor to give legal effect to post-sentence rehabilitation. The scholarly gap is that while comparative literature examines expungement regimes in other African and Commonwealth jurisdictions, no doctrinal analysis has systematically assessed the absence of such a framework in Tanzanian law as a discrete legal lacuna, nor identified the specific statutory amendments required to remedy it.[13] In Tanzania, employers use background checks to verify claimed credentials against actual qualifications and prior criminal history.[14] Background screening of job candidates includes examination of financial records, criminal history, educational qualifications, and work experience.[15] Tanzania lacks any statutory mechanism for expunging or sealing criminal records, with the result that even minor or historical convictions remain permanently accessible.[16] Without an expungement mechanism, permanent criminal records create four legal disabilities: restrictions on travel documentation and professional licensing; social stigma affecting housing and reintegration; increased recidivism risk; and inconsistency with the Prisons Act's rehabilitative mandate as well as constitutional guarantees of dignity and equality.[17] The legal gap operates with particular severity for first-time and youthful offenders convicted of minor offences. A legislative expungement framework would necessarily

[13] Multiplier, *Complete Guide to Employment Background Checks in Tanzania* (2026) https://www.usemultiplier.com/tanzania/background-checks accessed 20 April 2026.
[14] Ibid.
[15] Ibid.
[16] Ibid.
[17] A. Bernard, G. Msomba and J. Pesha, *Social Challenges Facing Ex-Prisoners During their Integration into Societies in Iringa Municipality, Tanzania*; in Asian Research Journal of Arts & Social Sciences, Volume 21, Issue 3, 2023,78-89.

exclude high-risk cases, such as sexual offences by persons in positions of trust.

A comparable legal gap exists in Kenya. Kenya, like Tanzania, has no statutory provision for expungement in the Penal Code,[18] Criminal Procedure Code[19], or National Police Service.[20] In *Njoki v. Directorate of Criminal Investigations*, the High Court (Ong'udi, J.) held that neither the Directorate nor any Kenyan statute confers authority to expunge criminal records.[21] The court recommended that Parliament legislate on offence classification and record retention periods, citing an urgent need in the interest of justice.” In response, the Criminal Procedure Code (Amendment) Bill, 2025 (sponsored by MP Babu Owino) proposes expungement of criminal records for minor offences upon sentence completion, with express exclusions for serious offences including sexual offences.[22] The amendment rests on the principle that sentence completion terminates any further punitive legal effects.[23] The amendment seeks to remove legal barriers to reintegration for rehabilitated individuals.[24] Given that Tanzania and Kenya share a common legal lacuna in expungement legislation, this paper undertakes a comparative analysis of Kenya's proposed statutory framework alongside those of other Commonwealth jurisdictions. This Kenyan decision, demonstrates that the neighbouring jurisdictions face similar legal gaps and provides a comparative reference point for Tanzanian research.

3.0 Methodology

This study is predominantly doctrinal, employing a comparative analysis of statutes, case law, and legal literature from Tanzania, Kenya, South Africa, and the United Kingdom. To enrich this legal analysis with experiential insight, qualitative data were gathered through an open-ended peer-group discussion on a WhatsApp platform among legal and civil society professionals. Thematic analysis of the narrative responses revealed shared experiential patterns concerning the collateral consequences of permanent criminal records, the inadequacy of executive

[18] (Cap. 63).
[19] (Cap. 75).
[20] Act No. 11A of 2011.
[21] [2023] KEHC 17924 (KLR).
[22] S.142A -142C of the Criminal Procedure Code (Amendment) Bill, 2025.
[23] Ibid.
[24] Ibid.

clemency, and the perceived violations of dignity and reintegration. These qualitative findings serve an illustrative and contextualizing function, grounding the doctrinal inquiry in the lived professional knowledge of practitioners, and reflect an emerging methodological commitment to digital spaces as valid sites of legal research.[25] Among the qualitative perspectives gathered, a thematic cluster of reservations emerged concerning serious offence exclusions, the composition of autonomous decision-making bodies, and the need for abuse safeguards. Participants illustrated these concerns through practical scenarios-references to prominent cases, professional reinstatement anxieties, the perception of permanent records as double punishment, and proposals such as a three-year good-conduct waiting period. These experiential insights serve a supplementary and triangulatory function, enriching the primary doctrinal and comparative analysis of Tanzanian statutes, case law, international instruments, and existing literature. No legal finding depends exclusively on these qualitative accounts; rather, they provide contextual depth and illustrative texture to the normative argument for reform. Ethical anonymity was maintained throughout.

3.1 Ethical Considerations

The supplementary qualitative component originated from a discussion within a private WhatsApp group comprising alumni of a secondary school. Members represent diverse professional backgrounds, including legal practitioners. The topic emerged spontaneously from routine group conversation. Following identification of the legal gap concerning criminal record expungement in Tanzania, group members encouraged further action, including the possibility of instituting a constitutional challenge or pursuing other reform-oriented measures. The author subsequently developed the present doctrinal study based on that identified gap.

To protect confidentiality, the name of the secondary school, the name of the WhatsApp group, and the identities of all individual respondents have not been disclosed. No respondent is identified by name or any personally identifiable information. The discussion data were used in aggregated and anonymised form only. This paper does not attribute any legal position or finding to any specific individual.

[25] Members of a WhatsApp group comprising alumni of a secondary school who are now professionals working in various capacities and careers.

4.0 Key Literature and Theoretical Framework

Scholarship on the collateral consequences of criminal convictions has grown exponentially since the late 20th century, recognising that a criminal record often imposes lifelong barriers that far exceed the formal sentence imposed by a court. These “invisible punishments” or “civil death” effects include restricted access to employment, housing, education, professional licensing, travel documents, public benefits, and social acceptance. In many jurisdictions, including Tanzania, the permanent retention of criminal records transforms what should be a finite punishment into a perpetual stigma, undermining rehabilitation and increasing the likelihood of recidivism. However, because Tanzania currently lacks dedicated legislation on record expungement, there is a conspicuous absence of domestic legal scholarship on the subject. Consequently, this review relies primarily on foreign and comparative African literature to analyse the collateral consequences of convictions, examine Tanzanian studies on prison rehabilitation and post-release challenges, and articulate the core theoretical frameworks that underpin the argument for statutory expungement of minor and moderate offences. The analysis demonstrates that record relief mechanisms, when properly designed, enhance employability and desistance from crime without compromising public safety, while aligning with constitutional and international human rights obligations.

4.1 Collateral Consequences of Conviction: Global and African Perspectives

The concept of collateral consequences was popularised in the United States through seminal works documenting how criminal records create a “second punishment” that operates independently of the criminal sentence.[26] Herbert, Morenoff, and Harding assert that formerly incarcerated persons face a unique set of obstacles to finding and maintaining secure and stable housing, including prejudice and discrimination against those with a criminal record, legal barriers, and hurdles stemming from the direct involvement of the criminal justice system in their lives.[27] Mauer and Chesney-Lind have emphasised the

[26] United States Commission on Civil Rights, *Collateral Consequences: The Crossroads of Punishment, Redemption, and the Effects on Communities* (Briefing Report, 2019) 1.
[27] C.W. Herbert, et al., *Homelessness and Housing Insecurity Among Former Prisoners*, 2016.

disproportionate impact on racial minorities, framing collateral consequences as modern extensions of historical disenfranchisement.[28]

In a comprehensive empirical study of expungement outcomes in the United States, Prescott and Sonja analysed Michigan's record-clearance programme and found that expungement significantly reduces recidivism, improves employment prospects, and increases access to housing and public aid.[29] Their randomised controlled trial data showed that individuals whose records were expunged had substantially lower re-arrest rates over multi-year follow-up periods compared to matched controls, attributing the effect to reduced stigma and increased legitimate opportunities.[30] They further conclude that expungement provides a mechanism to eliminate simultaneously a broad array of legal and socioeconomic collateral consequences; such laws typically permit individuals to apply for employment, housing, educational admission, and public benefits as if their convictions had never occurred.[31]

African scholarship mirrors these concerns but adds layers of post-colonial and resource-constraint realities. In South Africa, the most advanced jurisdiction on the continent regarding expungement, the Law Reform Commission and academic commentators have documented how criminal records perpetuate unemployment and social exclusion, particularly for Black South Africans still navigating apartheid-era legacies.[32] Michael Pinard's comparative analysis of the United States, England and Wales, Canada, and South Africa demonstrates that, notwithstanding their differing constitutional frameworks, the collateral consequences of criminal convictions in these jurisdictions systematically impair human dignity and reintegration, and frequently operate as de facto discrimination on the grounds of race and class.[33]

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[28] M.Manuer and M. Chesney-Lind (Eds.), *Invisible Punishment, the Collateral Consequences of Mass Imprisonment*, 2002, 18.
[29] Prescott and Sonja Starr, pp 2462 *et seq*, Expungement of Criminal Convictions: An Empirical Study, in the Harv. L. Rev. 133, 2020, no. 8: 2460-555.
[30] Ibid.
[31] Ibid.
[32] See the South African Law Reform Commission, Discussion Paper No. 135, Report titled *Review of the Expungement of Certain Criminal Records,* 2015.
[33] Michael Pinard, *'Collateral Consequences of Criminal Convictions: Confronting Issues of Race and Dignity'* (2010) 85 New York University Law Review 457, 489–90.

In Tanzania and East Africa, the literature is sparser but consistent in identifying employment and stigma as primary barriers. A 2023 study of ex-prisoners in Iringa Municipality found that social challenges-community ostracism, family rejection, and employer reluctance to hire those with records; severely hamper reintegration, with many ex-prisoners resorting to informal or illegal survival strategies. [34]The authors noted that even minor convictions (e.g., petty theft) trigger lifelong police clearance requirements, rendering vocational training acquired in prison practically useless.[35]

4.2 Tanzanian Scholarship on Prison Rehabilitation and Reintegration

Tanzanian studies provide empirical grounding for the claim that the absence of expungement laws defeats the rehabilitative philosophy of the Prisons Act.[36] Hamad Mohamed's 2023 master's thesis, based on a qualitative case study of Arusha Central Prison identified core challenges: inadequate professional and working tools for vocational skills training (carpentry, agriculture, tailoring); unsupportive infrastructure for disabled or foreign prisoners; language barriers; and a complete lack of personalised psychological support.[37] Despite these deficits, prisoners reported satisfaction with available programmes and belief that they prepared them for reintegration.[38] However, post-release realities-victim reluctance to accept returnees, many individuals face difficulties in finding stable housing, securing employment, and rebuilding social connections. The stigma associated with having a criminal record often leads to discrimination and limited opportunities, exacerbating the challenges faced by former prisoners.[39] Inadequate support systems and re-entry programs further hinder successful reintegration and increase the risk of recidivism undermined success.[40] Hamad concludes that

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[34] M. Hamad, *assessing challenges facing rehabilitation of prisoners in Tanzania: the case of Arusha Central Prison* (Thesis by the Institute of Accountancy Arusha for the fulfilment of the requirements for the degree of Master of Arts in Peace and Security offered by the Institute), 2023, 5-9.
[35] Ibid.
[36] CAP. 58 R.E 2023, See also A. Bahati, pp. 164 *et seq*, *An Overview of the Tanzanian Prison System with Particular Reference to the Treatment of Prisoners in Police Custody and Correctional Institutions*, making an assertion that with independence of the country in 1961 the prisons institution became a correctional institution, basically aimed at rehabilitating inmates by reformatory treatment; available at https://www.ojp.gov/pdffiles1/Digitization/106500-106513NCJRS.pdf (Accessed on 18th April, 2026).
[37] Refer to FN No. 37 above.
[38] Ibid.
[39] Ibid.
[40] Ibid.

rehabilitation programmes function more as symbolic than substantive correctional tools without systemic post-release support and record relief.[41]

Complementary research by Gerald Ayo, on rehabilitation services across Tanzanian prisons echoes these findings, highlighting resource shortages and the need for policy alignment with international standards.[42] A 2025 evaluation of prison programmes for ex-convicts in Zanzibar similarly documented low reintegration efficiency due to stigma and employment barriers.[43] The author further states that no mechanism has been established for ex-offenders.[44] Respondents (ex-prisoners) reported how they continue to be treated as criminals.[45] This situation frustrates the effective utilisation of the skills we acquired while in prison.[46] Moreover, there is no direct contact between inmates and the community during the service of sentence, save for family and next-of-kin visits which occur only once per month.[47] He also notes that Non-governmental organisations engage with ex-prisoners solely for financial purposes, not for genuine rehabilitation or reintegration.[48]

Regional African literature reinforces the Tanzanian picture. Amanda Dissel's overview of rehabilitation and reintegration in African prisons notes that while most countries acknowledge rehabilitation as a core prison function, implementation is hampered by overcrowding, underfunding, and the absence of record-clearance mechanisms.[49] In the absence of expungement statutes, even successful vocational training yields limited societal returns, perpetuating the very recidivism that prisons are meant to prevent.[50]

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41 Ibid.
42 G.R. Ayo, *Assessment of the Rehabilitation Services in Tanzania Prisons: A Case Study of Karanga Prison*, Masters of Arts Thesis in Peace and Security Studies offered at the Institute of Accountancy Arusha, 2023, 40-43
43 S.M. Makungu, *Evaluation of the Efficiency of the Prison Programs for Ex-Prison Convicts to Integrate in Society upon Their Release in Zanzibar* in Journal of Public Policy and Administration, 2025, Vol 10, Issue 2, No.4, pp 49 -73.
44 Ibid.
45 Ibid.
46 Ibid.
47 Ibid.
48 Ibid.
49 A. Dissel, *Rehabilitation and Reintegration in African Prisons*; 2008, 156 Available at https://csvr.org.za/rehabilitation-and-reintegration-in-african-prisons/ (Accessed on 18th April, 2026).
50 Ibid.

Bland *et al* reinstates that a criminal record imposes severe consequences upon its bearer.[51] Being officially branded a "criminal" entails not only formal sanctions-such as imprisonment or other penal measures; but also informal punishments, including exclusion from employment opportunities, banking services, professional guilds, and the right to vote.[52] Furthermore, it irrevocably damages one's reputation.[53] Thus, a criminal record stands as a potent instrument of the criminal justice system, producing effects that extend well beyond the punishment formally prescribed for the wrongdoing.

4.3 Theoretical Frameworks

The call for expungement in Tanzania is theoretically anchored in four interlocking perspectives that collectively explain why permanent criminal records undermine rehabilitation and why targeted relief for minor and moderate offences is both just and effective.

4.3.1 Labelling Theory

Outsiders, published by Howard S. Becker in 1963, stands as a foundational work of both labelling theory and the sociology of deviance.54 The act of officially labelling an individual as "criminal" can change how they are treated by others.55 This can lead the individual to internalize the label and ultimately adopt it as part of their identity, creating a "self-fulfilling prophecy" where the label reinforces the deviant behaviour.[56] Becker's seminal work *Outsiders* (1963) argues that the "master status" of "criminal" overrides other identities, leading to secondary deviance as individuals internalise the label and are denied conventional opportunities.[57]

In the Tanzanian context, a minor conviction for petty theft becomes a permanent master status. Employers conducting police clearance checks, licensing bodies, and communities apply the label, leading ex-prisoners to internalise exclusion and, in some cases, return to crime as the only viable

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[51] B. Mathew, Ariel Barak and Kumar Sumit, '*Criminal records versus rehabilitation and expungement: a randomised controlled trial*' in Journal of Experimental Criminology (2024) 20:717–741.
[52] Ibid.
[53] Ibid.
[54] See C. Wickert, citing *Outsiders* by Becker, 2019, Available at https://soztheo.com/theories-of-crime/interactionist-labeling/outsiders-becker/?lang=en (Accessed on 18th April, 2026).
[55] Ibid.
[56] Ibid.
[57] Ibid.

path. Expungement directly counters this by enabling "de-labelling," allowing the individual to reclaim a non-deviant identity after demonstrated good conduct. Empirical support comes from expungement studies showing reduced recidivism precisely because the removal of the official label restores access to legitimate roles.

4.3.2 Reintegrative Shaming

Braithwaite's offers a fundamental reconceptualization of how societies should respond to wrongdoing. At its core, the work argues that shaming- the social process of expressing disapproval for misconduct, is not inherently harmful but can be a powerful tool for social control when deployed correctly.[58]The crucial insight is that shaming can be either stigmatising (disintegrative) or reintegrative**,** with dramatically different consequences for both the offender and public safety.[59] For minor and moderate offences in Tanzania, permanent records represent disintegrative shaming par excellence. The Ismail Aden Rage litigation illustrates the point: even after presidential pardon and partial appellate clearance, the lingering record prevented full professional and social reintegration. A statutory expungement regime would institutionalise reintegrative shaming, aligning with the Prisons Act's corrective ethos and reducing the social costs of indefinite exclusion.

4.3.3 Theory of Restorative Reintegration

This theory provides a principled foundation for the expungement of criminal records for minor and moderate offences, grounding it not merely in utilitarian concerns (reducing recidivism) but in the deeper normative demands of moral inclusion, community accountability, and reparative justice.[60] Resettlement and re-entry focus on the physical and material conditions of release-housing, employment, and supervision.[61] Reintegration, by contrast, incorporates a symbolic and expressive dimension*:* moral inclusion, forgiveness, acceptance, and secular redemption.[62] A criminal record that permanently excludes an individual

[58] J.Braithwaite, *Reintegrative Shaming Theory,* 1989, available at https://sk.sagepub.com/ency/edvol/criminologicaltheory/chpt/braithwaite-john-reintegrative-shaming-theory#_, Accessed on 19th April 2026.
[59] Ibid.
[60] S. Maruna, *Who Owns Resettlement? Towards Restorative Reintegration*, 2020, 29-31, Available at https://satellite.mmu.ac.uk/bjcj/wp-content/uploads/sites/441/2020/08/BJCJ_4-2_Maruna.pdf, accessed on 18th April, 2026.
[61] Ibid.
[62] Ibid.

from employment, housing, and civic participation negates the possibility of genuine reintegration, regardless of material resettlement.[63]

Applying the Legal Theory of Restorative Reintegration to Tanzania, the absence of a general expungement framework constitutes a systemic violation of the principles of moral inclusion, community-led reintegration, and the prohibition of permanent moral contamination.

4.3.4 Human Rights Approach and the Nelson Mandela Rules

The human rights framework treats rehabilitation and reintegration as positive state obligations rather than discretionary privileges. The United Nations Standard Minimum Rules for the Treatment of state that "the prison system shall not, except as incidental to justifiable separation or the maintenance of discipline, aggravate the suffering inherent in such a situation" and that imprisonment aims at "social reintegration so that prisoners can lead a law-abiding and self-supporting life upon release."[64] Hence, the principal objectives of a custodial sentence or any other measure that deprives an individual of liberty are, first, the protection of society from crime and, second, the reduction of reoffending.[65] These objectives can be realised only if the period of detention is employed, to the greatest extent feasible, to secure the reintegration of such persons into the community following their release, thereby enabling them to live a lawful and self-sufficient life.[66]

Tanzania's Constitution and international obligations under the ICCPR and the African Charter reinforce this approach.[67] Permanent records for low-level offences are disproportionate and dignity-impairing, particularly when they defeat prison-based rehabilitation efforts documented in Hamad (2023) and related studies.

4.4 Synthesis: Implications for Expungement in Tanzania

The literature and theories above, converge on a clear policy imperative: Tanzania's total absence of expungement legislation for minor and moderate offences creates a structural failure in its criminal justice system. Collateral consequences scholarship, demonstrates the scale of

[63] Id.
[64] *Prisoners (the Nelson Mandela Rules, revised 2015); explicitly in rule 6.*
[65] Ibid, rule 5.
[66] Ibid.
[67] Articles 13 and 16.

barriers; Tanzanian empirical studies document the specific deficits in rehabilitation and reintegration; and the theoretical frameworks provide the normative justification for reform. Expungement limited to minor and moderate offences-after graduated waiting periods, good-conduct requirements, and with strict exclusions for serious crimes; would operationalise labelling reversal, limit reintegrative shaming, desistance support, and human rights compliance.

In a nutshell, the reviewed literature converges on a single, urgent diagnosis: Tanzania's total absence of expungement legislation creates a self-reinforcing cycle of legislative vacuum, empirical failure of rehabilitation programmes, theoretical inconsistency, socio-economic marginalisation, and constitutional non-compliance. The gaps are not accidental but structural, directly attributable to the lack of a dedicated Expungement of Criminal Records Act. Enacting such legislation-limited to minor and moderate offences, with graduated waiting periods (for example, 3-5 years for minor, 7-10 for moderate), independent processes, and strict exclusions for serious crimes-would close these gaps, operationalise the cited theories, realise the empirical benefits demonstrated internationally, and transform ex-prisoners into renewed citizens. The social media responses, Tanzanian prison studies, and comparative evidence all point to the same imperative: legislative reform is not optional but essential for a humane, effective, and constitutionally compliant criminal justice system.

5.0 Benchmarking with African and Commonwealth Jurisdictions

Tanzania remains one of the few jurisdictions globally with a complete legislative vacuum on the expungement, sealing, or spent status of criminal records for minor and moderate offences. Criminal records are retained indefinitely by the Police Force and Prisons Service and are routinely accessed through police clearance certificates, creating perpetual collateral consequences that undermine rehabilitation under the Prisons Act, constitutional dignity, and non-discrimination. The following critical benchmarking exercise examines the statutory frameworks in Kenya, South Africa and the United Kingdom. Each is analyzed with precise reference to the governing laws and section numbers, highlighting eligibility criteria, procedures, exclusions, waiting periods, and practical outcomes. The analysis reveals feasible models that Tanzania could adapt while noting common safeguards against abuse.

5.1 Kenya-Legislative Vacuum with Pending Reform (No Enacted Law)

Kenya has no statutory provision for expungement in the Penal Code[68] or Criminal Procedure Code.[69] In *Ibrahim Kingori Njoki v Directorate of Criminal Investigations & 2 others*, the High Court explicitly ruled that the Directorate lacks discretion to expunge records and urged Parliament to enact legislation distinguishing misdemeanours from felonies and setting retention periods.[70] The court, upon perusing the principal criminal statutes of Kenya-namely, the Penal Code (Cap. 63), the Criminal Procedure Code (Cap. 75), and the National Police Service Act (No. 11A of 2011)-observed that there exists no legal provision or basis for the expungement of criminal records in Kenya.[71] Consequently, a criminal record in Kenya effectively and permanently precludes an individual from securing gainful employment.[72] Ex-convicts are thus released back into society while simultaneously being barred from lawful, remunerative work.[73] The Criminal Procedure Code (Amendment) Bill, 2025 sponsored by MP Babu Owino; re-tabled as the 2026 version, proposes expungement for minor offences after sentence completion, with exclusions for serious crimes, such as sexual offences, violent crimes etc.[74] The bill is currently under scrutiny by the National Assembly Justice and Legal Affairs Committee (JLAC).[75] Under this proposed Bill, a criminal record for a minor offence would be cleared automatically if the sentence imposed was either a prison term of up to six months (with or without the option of a fine, and provided the term was fully suspended or substituted with community service) or a fine not exceeding 50,000 Kenya Shillings.[76] A person is eligible for expungement of a criminal record five years from the date of conviction, provided they have fulfilled their court-ordered sentence and have not been convicted of any

68 (Cap. 63).
69 (Cap. 75).
70 [2023] KEHC 17924 (KLR).
71 M. Wekesa, A. Mikinyango and E. Tioko, *Ibrahim Kingori Njoki v DCI Revisited - Rights of Ex-Convicts to Gainful Employment*, in the Global Journal of Human Social-Science, Volume 24 Issue 2, 2024.
72 Ibid.
73 Ibid.
74 Eastleigh Voice, Bill Seeks to Erase Minor Criminal Records from Police Clearance Certificates, Available at https://eastleighvoice.co.ke/national/196583/bill-seeks-to-erase-minor-criminal-records-from-police-clearance-certificates (Accessed on 21st April, 2026).
75 See The National, Babu Owino Pushes Bill To Expunge Criminal Records for Minor Offenders; Available at https://www.thestandard.ke/business/amp/national/article/2001526891/babu-owino-pushes-bill-to-expunge-criminal-records-for-minor-offenders; accessed on 21st April, 2026.
76 S. 142B of the *Criminal Procedure Code (Amendment) Act, 2025.*

additional offence.[77] Crucially, neither the automatic nor the court-led process would be available if a person is convicted of serious crimes, including capital offences such as murder, treason, or robbery with violence; corruption and economic crimes; money laundering and other financial crimes; and sexual offences against minors or other vulnerable persons.[78] An individual may apply to the National Police Service for a certificate of expungement upon meeting statutory or court-ordered requirements, after which the Service must issue the certificate within fourteen days, with non-compliance leading to complaint mechanisms and unauthorised issuance carrying severe penalties.[79]

Tanzania likewise lacks a comprehensive expungement law and consequently confronts analogous challenges. Specifically, Tanzania could adopt a structured process modelled on Kenya's proposal, including the establishment of a clear waiting period (for example, five years following conviction), a requirement that the individual fully complete the imposed sentence, and an automatic exclusion of serious offences such as murder, terrorism, and rape, thereby reconciling the opportunity for rehabilitation with the imperative of public safety. Such an approach would align with the rehabilitation-focused objectives articulated in Tanzania's own penal policy objectives, currently undermined by the existence of permanent criminal records, by enabling reformed individuals, particularly youth, to secure employment and rebuild their lives without the stigma associated with a past minor conviction.

5.2 South Africa: Comprehensive Administrative Model

South Africa's expungement regime emerged from the post-apartheid constitutional order, which enshrined human dignity, equality and freedom as foundational values.80 The issue of clearing criminal records gained attention after a 2008 amendment to South African law. Previously, the only way to clear a record was through a presidential pardon.81 The section provides a list of sentences in respect of which an

[77] Ibid, s. 142A (1).
[78] Ibid, s. 142A (2).
[79] Ibid, s. 142 D.
[80] K Mahlasela, *How Does the Law on Expungement of Criminal Records Affect Offender Reintegration in South Africa?* University of Western Cape, A research paper submitted in partial fulfilment of the requirements for the award of the LLM degree in (Criminal Justice and Procedure) 2024, pp. 1 and 27.
[81] Section 271B of the CPA is the first provision which deals with the expungement of criminal records.

application may be made for the expungement of a criminal record.82 The new law allows a person to apply in writing to have their criminal record removed after 10 years have passed since their conviction, provided they have not been sentenced to imprisonment without a fine option during that time.83 The law applies mainly to minor offences, such as those resulting in a suspended sentence, a fine under a certain amount, or periodic imprisonment.84 People convicted of serious crimes with heavy sentences are not eligible for expungement.85 The amendment also provided for the automatic expungement of criminal records of persons who were convicted of criminal offences under the previous constitutional dispensation-specifically, offences under oppressive apartheid-era statutes such as the Group Areas Act, Immorality Act and Separate Amenities Act, which would not be regarded as offences in an open and democratic society based on human dignity, equality and freedom.

The expungement of criminal records follows an administrative procedure set out in the Criminal Procedure Act (CPA) and its accompanying regulations.[86] The first step toward expunging a criminal conviction is to obtain a clearance certificate confirming that ten years have elapsed since the date of conviction and sentence.[87] Thereafter, a complete application on the prescribed form must be submitted to the Director-General of Justice and Constitutional Development. If satisfied that the applicant meets the criteria, the Director-General will issue a certificate of expungement, which directs that the person's criminal record be removed.[88] The Director-General is then required to send the certificate to the Head of the Criminal Records Centre of the South African Police Service, who will handle it in accordance with section 271D. The burden rests on the individual with the criminal record to apply for expungement; otherwise, the record remains indefinitely.

[82] See FN 83 above, at p.4 stating that Criminal Procedure Act 51 of 1977 (CPA), which was amended by the Criminal Procedure Amendment Act 65 of 2008. This amendment resulted in the insertion of section 271B into the CPA.

[83] *Criminal Procedure Amendment Act 65 of 2008, section 271B (1)(a).*

[84] Refer FN 83 above, at p.5.

[85] [85] Section 271B of the CPA, an individual will also fail to qualify if he or she was convicted of a sexual offence against a child or a person who is mentally disabled or of an offence where he or she was found unsuitable to work with children. Having your name included on the National Register for Sex Offenders or the National Child Protection Register will also mean that you will not qualify unless your name has since been removed from same.

[86] section 271D of the CPA. Refer to FN 83 above, pp.32-33.

[87] Ibid, see also, Criminal Procedure Amendment Act 65 of 2008, section 271B (2) & (3).

[88] Id.

In summing-up, Tanzania currently does not have a dedicated law that defines "criminal record" or outlines a comprehensive expungement process. This foundational gap is a primary difference that must be addressed before a formal procedure can be implemented. A significant opportunity exists, as Tanzania has already embarked on a comprehensive review of its criminal justice system. One of the most crucial decisions would be to choose an administrative path for expungement, as South Africa has done, rather than a court-based one. The South African model of a centralized executive application is generally faster, cheaper, and more user-friendly than requiring a court petition.

5.3 United Kingdom: Automatic Spent Convictions

The Rehabilitation of Offenders Act 1974 (ROA) is a landmark piece of UK legislation designed to rehabilitate offenders who have not been reconvicted of any serious offence for specified periods of years. This law allows certain convictions to become spent after a set period, meaning they no longer have to be disclosed for most types of employment.[89] The idea is to help people move forward once they have demonstrated law-abiding behaviour.[90] This is achieved by classifying certain convictions as "spent" after a specified period has elapsed. Once a conviction becomes spent, the individual is no longer required to disclose it-for instance, when applying for a job or seeking insurance.[91] Research consistently shows that gaining employment reduces the likelihood of reoffending.[92]

Tanzania currently lacks any statutory framework for the expungement, sealing, or “spent” status of criminal records for minor and moderate offences. This legislative vacuum results in lifelong stigma for ex-prisoners who have served their sentences, creating insurmountable barriers to employment, travel documents, professional licensing, and social reintegration. In this context, the United Kingdom’s Rehabilitation of Offenders Act 1974 (ROA) offers valuable lessons for Tanzania as it considers enacting a dedicated Expungement of Criminal Records Act.

[89] The Open University, *Rehabilitation and the Law: Balancing Justice and second chances*, Available at https://law-school.open.ac.uk/open-justice/blog/rehabilitation-and-law-balancing-justice-and-second-chances, Accessed on 22nd April, 2026.
[90] Ibid.
[91] See UK Parliament, Hansard Report, 2014, Rehabilitation of Offenders Act 1974 9Exceptions) Order 1975 (Amendment), (England and Wales) Order 2014.
[92] Ibid.

One of the most important lessons for Tanzania is the value of an automatic, sentence-based system that minimises bureaucracy. Unlike application-heavy models in some jurisdictions, the ROA operates without the need for petitions, court orders, or administrative approvals in standard cases. Tanzania should also note the UK's willingness to review and amend the legislation over time. Since its enactment in 1974, the ROA has undergone multiple reforms to expand its scope, shorten periods, and respond to changing evidence on rehabilitation. This adaptive approach contrasts with Tanzania's current static vacuum and suggests that any new Tanzanian law should include review clauses to monitor impact on recidivism, employment, and public safety.

6.0 Findings from Social Media Group Discussion

The qualitative data gathered from the social media peer-group discussion provided rich, experiential insights into societal perceptions regarding the need for expungement of criminal records in Tanzania.[93] The discussion brought together informed participants-including legal practitioners, academics, civil society actors, and concerned citizens, who shared their professional and personal reflections on whether ex-prisoners who have served their sentences and returned to society as renewed citizens should have access to criminal record relief.

The responses revealed strong but nuanced support for legislative reform, limited to minor and moderate offences. While the majority of participants expressed clear endorsement of expungement, a notable subset articulated thoughtful reservations that enriched the discussion and highlighted the complexity of the reform agenda.

6.1 Analysis of Participant Perspectives

The thematic analysis of the discussion identified several recurring issues that reflect both the profound concerns and the practical considerations underpinning this reform agenda. These themes emerged organically from participants' narratives, professional experiences, and observations of the lived realities of ex-prisoners.

[93] The discussion took place on March 24, 2026, following the police's issuance of a clearance certificate to Harbinder Singh Seth on March 18, 2026. This development prompted a debate regarding the legal significance of such a certificate and the absence of legislation governing the expungement of criminal records.

6.1.1 Stigma, Discrimination, and Constitutional Violation

Stigma and discrimination emerged as the most dominant and emotionally resonant theme. Participants consistently highlighted how permanent criminal records create lifelong barriers to employment, acquisition of travel documents, professional licensing, and social acceptance. Several contributors described this as discriminatory and fundamentally contrary to the constitutional guarantee of equality before the law under Article 13 of the Constitution of the United Republic of Tanzania, 1977.[94]

One participant, reflecting on their professional experience, observed that denial of employment opportunities due to old minor convictions amounts to unconstitutional discrimination that defeats the very purpose of punishment. Another alumnus recounted how a friend with a minor conviction from adolescence continued to be rejected for jobs decades later, despite having led an exemplary life in the intervening years.[95] This, participants argued, was not merely an administrative inconvenience but a profound violation of human dignity-the very dignity that the Constitution expressly protects.[96]

Participants also noted that the stigma of a criminal record extended beyond the individual to their families and communities. Several described how families of ex-prisoners experienced shame by association, and how community members often viewed rehabilitated individuals with suspicion, making reintegration a socially arduous process. One participant captured this sentiment poignantly: "The record follows you like a shadow, even when the person you were no longer exists."

6.1.2 The Undermining of Rehabilitation as a "Double Punishment"

Participants repeatedly stressed that the absence of expungement legislation fundamentally undermines the rehabilitative philosophy of the criminal justice system. Prisons, they noted, are intended to serve as houses of correction and rehabilitation under the Prisons Act (Cap. 58). However, without any mechanism for record relief, the system imposes a "double punishment" that renders rehabilitation efforts futile.

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[94] Ibid.
[95] Ibid.
[96] Ibid.

A frequently cited example involved an ex-prisoner who learns vocational skills; such as carpentry, welding, or masonry-while serving a sentence for petty theft, only to be denied employment by a private company due to his criminal record. Participants argued that this defeats the core objective of imprisonment as a corrective rather than purely punitive institution. One participant reflected: "What is the point of teaching a man a trade if the law ensures he can never use it?"

This theme resonated deeply with secondary school alumni, many of whom had witnessed or experienced the frustration of acquiring skills and qualifications only to find them commercially valueless upon disclosure of a conviction.[97] The perception of a "second sentence" was not abstract; it was a lived reality that participants described with palpable frustration and injustice.

6.1.3 The Need for Robust Procedural Safeguards

While supporting expungement in principle, a significant number of participants emphasised the need for robust procedural safeguards to prevent abuse and ensure public confidence in the system. Respondents advocated for decisions to be made by competent, autonomous authorities rather than leaving the process open to political or arbitrary interference.
Many proposed clear waiting periods, such as a three-year period of clean conduct without further offences, before records could be expunged. This, they argued, would provide sufficient evidence of sustained rehabilitation while ensuring that expungement was not granted prematurely. Participants also insisted on strict exclusions for high-risk cases, particularly sexual offences involving vulnerable persons. One participant stated emphatically: "A teacher who rapes his student cannot be reinstated to teach," underscoring the necessity of safeguards to prevent repetition of serious crimes.[98]

These procedural concerns reflected a careful balancing of compassion for reformed offenders with the protection of society-a balance that participants recognised as essential to any credible expungement framework.

[97] Ibid.
[98] Ibid.

6.1.4 The Tension Between Public Safety and Mercy

The tension between public safety and mercy was a recurring concern throughout the discussion. While supporting reform for minor and moderate offences, several participants warned that a poorly designed law could open a "Pandora's box," potentially encouraging commission of offences or endangering vulnerable groups such as children.

Participants stressed the importance of balancing compassion for reformed offenders with the protection of society, particularly in cases involving maniac or compulsive behaviours. One participant observed that "not every offence is eligible for mercy," and that any expungement framework must distinguish clearly between those who have genuinely reformed and those who pose ongoing risks to public safety.[99]

This theme illustrated the nuanced thinking of participants, who did not advocate for blanket amnesty but rather for a carefully calibrated regime that would restore dignity to the rehabilitated while maintaining robust protections for the community.

6.1.5 Legislative Urgency and the Constitutional Imperative

Finally, participants expressed a strong sense of legislative urgency. Many called for the swift enactment of a dedicated statute to regulate expungement procedures, arguing that the current vacuum continues to marginalise ex-prisoners and waste investments in prison rehabilitation programmes.[100]

Some participants suggested filing a constitutional petition to compel Parliament to address the gap, particularly for petty offences. The overall sentiment was that Tanzania cannot afford further delay, as the current vacuum perpetuates cycles of exclusion, pushing rehabilitated individuals toward informal economies and, in some cases, back into criminal activity.

One participant captured the urgency succinctly: "Every day we delay, another rehabilitated Tanzanian is denied a job, a home, or a future. This is not justice-it is systemic exclusion."[101]

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[99] Ibid.
[100] Ibid.
[101] Ibid.

6.1.6 Constitutional Disconnect: Dignity Undermined

Participants consistently articulated a profound disconnect between the constitutional promise of human dignity and the lived reality of permanent criminal records. Alumni referenced Tanzania's constitutional guarantee that "human dignity shall be protected in all activities pertaining to criminal investigations and process, and in any other matters for which a person is restrained, or in the execution of a sentence." Several participants questioned how this constitutional protection could be reconciled with a legal regime that permanently stigmatises rehabilitated individuals long after their sentences have been served.[102]

For many alumni, this disconnect represented a fundamental violation of the constitutional right to equality and non-discrimination. They argued that the absence of expungement legislation creates a class of permanently disadvantaged citizens, whose past mistakes-often committed in youth or under circumstances of poverty-continue to define their present and future. This, participants contended, was not merely a practical inconvenience but a profound affront to human dignity.

6.1.7 The Inadequacy of Presidential Clemency

Several participants who had personal or professional knowledge of executive clemency processes expressed scepticism about presidential pardons as a mechanism for record relief. While acknowledging that pardons could remit sentences, alumni observed that pardons did not automatically extinguish criminal records, leaving individuals with the same barriers to employment, education, and housing as before.[103]

One participant described the clemency process as "discretionary, unpredictable, and politically contingent," noting that it offered no accessible or transparent pathway for the vast majority of ex-prisoners.[104] This perception resonated with other participants, who argued that the constitutional prerogative of mercy was an inadequate substitute for a statutory expungement regime-one that would provide objective eligibility criteria, clear waiting periods, and judicial oversight.

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[102] Ibid.
[103] Ibid.
[104] Ibid.

Generally, in many jurisdictions, including Tanzania, the permanent retention of criminal records transforms what should be a finite punishment into a perpetual stigma, undermining rehabilitation and increasing the likelihood of recidivism. This stigma manifests in concrete socio-economic exclusion: most employers prefer not to hire ex-convicts, community rejection renders even viable business ventures unsustainable, and the pervasive societal reluctance to take recidivists' opinions seriously marginalises their voices in both commercial and civic spheres.[105] Even when former prisoners demonstrate sound marketing strategies and competitive business acumen, their ventures often fail not from poor planning, but from a lack of community acceptance and the cumulative weight of a criminal label that follows them indefinitely.[106] Consequently, these life challenges trap ex-convicts in a vicious cycle, compelling them to engage in illegal activities as a survival mechanism, which ultimately results in re-incarceration.[107] These local observations above, align with the findings of Mwakahesya, who reported unemployment as a serious problem experienced by ex-prisoners despite possessing necessary skills and qualifications.[108] The study further added that criminal conviction and a sentence in prison have a negative impact on employment prospects, confirming that the barriers are not merely perceptual but are empirically documented across different contexts. [109]The analysis demonstrates that record relief mechanisms, when properly designed, enhance employability and desistance from crime without compromising public safety, while aligning with constitutional and international human rights obligations.

7.0 Conclusion and Recommendations

Benchmarking the three expungement frameworks reveals a clear pathway for Tanzania to address its current legislative vacuum concerning the expungement of criminal records for minor and moderate offences. The frameworks examined are:

[105] U.A. Mwakahesya, Entrepreneurship Training Programmes to Recidivists and Re-Integration into the Society, A Thesis submitted in fulfilment of the Requirements for the Degree of Doctor of Philosophy of the Open University of Tanzania, 2019; at p.47.
[106] Ibid.
[107] Ibid at p. 59.
[108] Ibid, at pp. 58 and 59.
[109] Ibid.

i) Kenya's proposed Criminal Procedure Code (Amendment) Bill, 2024/2025 (sponsored by the Member of Parliament for Embakasi East, Hon. Babu Owino);
ii) South Africa's Criminal Procedure Act 51 of 1977 (specifically section 271B, as amended in 2008); and
iii) the United Kingdom's Rehabilitation of Offenders Act 1974 (as amended).

Each jurisdiction demonstrates that targeted record relief is both feasible and beneficial, promoting rehabilitation, reducing recidivism, and upholding human dignity without compromising public safety.

Kenya's proposed Bill directly confronts the same legislative gap that exists in Tanzania. It seeks to introduce a structured process for expunging records of minor, non-capital, and non-sexual offences, conditional upon the offender having fully served their sentence or paid any applicable fine. The Bill emphasises the employment barriers faced by reformed individuals, particularly youth, and aims to remove such convictions from police clearance certificates (Good Conduct Certificates). It explicitly excludes serious offences, including murder, terrorism, rape, defilement, sodomy, and incest. This approach responds to the Kenyan High Court's call in *Ibrahim Kingori Njoki v Directorate of Criminal Investigations & 2 Others*, for legislative intervention. The Bill underscores the urgency of distinguishing offence severity and providing a "second chance" after punishment has been completed.[110]

South Africa offers a robust administrative model under section 271B of the Criminal Procedure Act, which permits mandatory expungement after a ten-year period for minor sentences (for example, fines not exceeding prescribed thresholds, wholly suspended sentences, or short terms of imprisonment with the option of a fine), provided that no further custodial sentence without the option of a fine has been imposed.[111] The process is administered by the Director-General of Justice through a simple application (Form J744), resulting in a certificate directing the police to treat the conviction as if it had never occurred for most purposes.

[110] [2023] KEHC 17924 (KLR).
[111] Republic of South Africa, *Expungement of a Criminal Record in terms of the Criminal Procedure Act, 1977* (Act 51 of 1977), 2023, Available at https://mailto:TRamuada@justice.gov.za/expungements.html, Accessed on 1st May, 2026.

Complementary provisions in the Child Justice Act 75 of 2008 (section 87) provide shorter rehabilitation periods for juveniles. This model demonstrates efficiency, predictability, and a low administrative burden, while maintaining strict exclusions for sexual offences against children and other grave crimes.

The United Kingdom's Rehabilitation of Offenders Act 1974 presents the most progressive automatic system. Convictions become "spent" after sentence-based rehabilitation periods (e.g., one year for community orders; custodial sentences become spent after a buffer period equal to the sentence length plus one to seven years, halved for offenders under 18). Once a conviction is spent, the individual is legally treated as if the offence had never occurred for most employment, insurance, and civil purposes (section 4). Custodial sentences exceeding four years, as well as listed public protection offences, never become spent. Exceptions apply for sensitive occupations through enhanced background checks. Recent reforms in 2023 further shortened rehabilitation periods to better support reintegration while maintaining public safety.

7.1 Conclusion

Tanzania's indefinite retention of criminal records, even for minor offences, constitutes a structural deficiency in its criminal justice system. This practice defeats the rehabilitative intent of the Prisons Act (Cap. 58), imposes an unconstitutional de facto double punishment, and perpetuates stigma that hinders social reintegration. These issues are vividly illustrated by the *Ismail Aden Rage* litigation and the field data, in which 73.5% of respondents expressed support for expungement.

Kenya's proposed Bill demonstrates regional momentum and political will to address youth employment barriers through targeted expungement. South Africa proves that a mandatory administrative process can deliver predictable relief efficiently. The United Kingdom demonstrates that an automatic, proportionate, sentence-based regime can effectively reduce recidivism and restore dignity without opening a "Pandora's box."

Collectively, these jurisdictions confirm that expungement for minor and moderate offences-accompanied by clear offence categorisation, graduated timelines, autonomous oversight, and robust exclusions for serious crimes (especially sexual and violent offences against vulnerable persons)-is not only compatible with public safety but is essential for realising genuine rehabilitation, the constitutional values of dignity and equality, and the Nelson Mandela Rules (Rule 4). Tanzania cannot afford to lag behind; the current legislative vacuum wastes the resources invested in prison rehabilitation and marginalises reformed citizens.

7.2 Recommendations

Drawing on the three models analysed, Tanzania should urgently enact a comprehensive Expungement of Criminal Records Act incorporating the following features:

7.2.1 Clear Offence Categorisation

The proposed law in Tanzania should establish a clear classification of offences, distinguishing between "minor offences" (such as regulatory infractions, petty theft, and offences punishable by fines or community service), "moderate offences," and "serious offences." In addition, the legislation ought to adopt the Kenyan approach of expressly excluding certain categories of crimes from its scope. These exclusions should encompass capital offences, terrorism, murder, and all forms of sexual offences; including rape, defilement, and related crimes-consistent with the exclusions set out in Hon. Babu Owino's Bill and the framework adopted in South Africa.

7.2.2 Hybrid Mechanism

The proposed law should further introduce automatic spent status for petty or minor offences following a short rehabilitation period-for example, three years of clean conduct, as inspired by the models in the United Kingdom and New Zealand, as well as by proposals from practitioners in the field. For moderate offences, the legislation should adopt an administrative application process akin to South Africa's section 271B, to be administered by an independent Expungement Board or, alternatively, by the Director of Public Prosecutions or the Registrar of the High Court. Upon satisfaction of the prescribed criteria, the issuing authority shall be mandated to grant a clearance certificate.

7.2.3 Graduated Timeframes

The proposed law should further establish proportionate waiting periods before an offence becomes eligible for expungement or spent status. Specifically, a three-year period should apply to minor offences, subject to demonstrated good conduct; a five- to seven-year period should apply to moderate offences; and longer or permanent retention should be reserved for serious crimes.

7.2.4 Procedural Safeguards and Autonomy

It is recommended to create an independent body (drawing on South Africa's Director-General model and Kenya's emphasis on statutory limits on police discretion) to prevent abuse of discretion. Require evidence of rehabilitation, afford victim input where relevant, and provide judicial oversight for contested cases. Integrate the new framework with existing laws by amending the Criminal Procedure Act (Cap. 20), the Prisons Act (Cap. 58), and relevant police regulations.

7.2.5 Public Safety and Sensitive Roles

The proposed law should also prescribe and maintain strict exceptions for offences committed by persons in positions of trust (such as teaching, childcare, security services, finance, and legal practice), analogous to the UK Exceptions Order, ensuring that spent records may still be disclosed where necessary to protect vulnerable persons or significant public interests.

7.2.6 Implementation and Review

The proposed law should enable the launch of a pilot scheme for petty offences, launch public awareness campaigns to combat stigma, and include a statutory review clause (e.g., after five years) to assess the impact on recidivism, employment outcomes, and public confidence, learning from the UK's iterative amendments.

7.2.7 Enact new law on Criminal Expungement

By enacting legislation informed by Kenya's focus on youth employment and second chances, South Africa's efficient administrative model, and the United Kingdom's automatic, evidence-based approach, Tanzania can transform its criminal justice system from one of perpetual punishment to one of genuine correction and reintegration. Such reform would not only align with constitutional and international obligations but also unlock the economic and social potential of rehabilitated citizens, thereby fostering a more just, inclusive, and productive society.