

**Judicial Attitude Towards Customs and Practices that are Discriminative Against
Women but Being Sanctioned by the Society**

By

Alphonse M.A. Urrio

Moshi University College of Co-operative and Business Studies (MUCCoBS)

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Abstract

The research problem presented in this work is based on the fact that despite of the longtime national, regional and international efforts, women continue to decry discrimination on account of their sex. Amendments of laws and customary rules of several societies and communities together with a number of sensitization programs have rarely been fruitful. This work has sought to reveal some of the potential hindrances to the efforts to liberate women from their long history of discrimination. The main hypothesis guiding the research is that despite the existence of laws that forbid discriminations of any form, the judiciary, which is charged with the duty to interpret the laws, has either been conservative, reluctant or tied to the existing customary laws thus failing to lead the way in the overall efforts to "liberate" women. This paper specifically seeks to identify the attitude of the courts towards customs and practices that discriminate women. The failures and achievements of this important arm of the state are to be identified.

Courts of law are enjoined to apply the laws of the land as they are. They are, furthermore, expected to interpret and apply the laws while taking into consideration the prevailing social, economic and political conditions. But in any case, the constitutionality of laws, practices, social-economic and political conditions have to be given precedence. Findings from this research, despite its limitations, may act as an eye opener on the part of the society, the executive and legislature in particular, in the wake to either reducing or rather eliminating any forms of oppression and/or discrimination on the basis of sex.