



## RESOLUTION ON TANZANIA

Recently, Tanzania has seen a worrying deterioration in respect for the rights to freedom of expression and freedom of information, and other human rights. While President Magufuli has been praised for fighting corruption and improving public service delivery in Tanzania since taking office in 2015, he has become increasingly intolerant of dissent and criticism of the government, leading to a crackdown that has reduced the space for civil society and the free press.

In April 2018, the Electronic and Postal Communications (Online Content) Regulations 2017 were signed into law. The regulations target online platforms such as blogs, podcasts and others streaming live content, for example via *YouTube* channels. Purportedly, the measures (which include mandatory registration and content removal) aim to allow the government to monitor platforms for hate speech, obscene content and threats to national security and public order. However, it is feared that the government will use its increased oversight and surveillance powers to stifle dissent. In addition to excessive licensing fees, the law also foresees prison sentences and fines for infractions.<sup>1</sup>

The measure is merely the latest in a series of reforms that have increasingly restricted the rights to freedom of expression and freedom of information, among other things. For instance, the Media Services Act 2016 abolished self-regulation of the media by creating a statutory, government-controlled media council that oversees all publishers and has the right to ban newspapers and prohibit non-accredited journalists from publishing. It also introduced tough criminal penalties for offences such as defamation, sedition and false statements.<sup>2</sup> The Cybercrimes Act 2015, among other things, authorises the authorities to arrest any citizen publishing 'false, deceptive, misleading or inaccurate' information and allows for the prosecution of persons who criticise the government on private networks or social media.

The Statistics Act 2015 and the Access to Information Act 2016 likewise have served to introduce measures that unduly and over broadly restrict the rights to freedom of expression and access to information. In addition to the chilling effect these laws have on the exercise of rights, they have also been used to persecute media stations and publishing houses, including by imposing at least eight (sometimes temporary) bans.<sup>3</sup> On 21 June 2018, the East African Court of Justice, First Instance Division, ruled to annul the order that had banned the local newspaper *Mseto* based on the now-defunct Newspapers Act 1976. Many provisions of this Act are included in the new legislative framework described above. The Court noted that 'by issuing orders whimsically and which were merely his "opinions" and by failing to recognise the right to freedom of expression and press freedom

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<sup>1</sup> AllAfrica, 'Tanzania : Free Press, Freedom of Expression and an Open Internet Are Now in Tanzania's Past', 13 April 2018, <https://allafrica.com/stories/201804130337.html>; The Observer/VOA, 'Tanzania moves to regulate online content', 24 April 2018, <https://observer.ug/news/headlines/57542-tanzania-moves-to-regulate-online-content.html>.

<sup>2</sup> International Press Institute, 'New media bill threatens press freedom in Tanzania', 4 November 2016, <https://ipi.media/new-media-bill-threatens-press-freedom-in-tanzania/>.

<sup>3</sup> FIDH, 'Tanzania: Freedom of Expression in Peril', 31 July 2017, <https://www.fidh.org/en/region/Africa/tanzania/freedom-of-expression-in-peril>.

as a basic human right which should be protected, recognized and promoted in accordance with the provisions of the African Charter, the Minister [for Information, Culture and Sports] acted unlawfully'.<sup>4</sup>

These legal changes take place against a backdrop of increasing attacks on journalists. For instance, on 21 November 2017 investigative newspaper journalist Azory Gwanda was disappeared by unidentified persons – his whereabouts remain unknown and it is unclear whether an adequate investigation is being undertaken.<sup>5</sup> In another example, on 7 September 2017 there was an assassination attempt on outspoken government critic, Tundu Lissu, who was attacked by unidentified assailants near his home. He had previously been arrested six times in 2017 for openly criticising the government.<sup>6</sup>

In March 2015, President Magufuli – nicknamed 'the Bulldozer' – was elected as part of a reform drive. He immediately contributed to the creation of a threatening climate for journalists by issuing a grim warning, saying 'I would like to tell media owners – be careful, watch it. If you think you have that kind of freedom, not to that extent'.<sup>7</sup>

#### **The Assembly of Delegates of PEN International calls on the authorities of Tanzania:**

- To diligently and adequately investigate and prosecute all instances of violence against journalists and media workers;
- To reform the legislative framework with a view to removing provisions that enable the government to stifle dissent and criticism of the authorities; and,
- To publicly recognise and support the importance of the rights to freedom of expression and freedom of information in line with their Constitutional and international obligations, and to put in place the necessary conditions for the operation of the media without undue restrictions.

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<sup>4</sup> East African Court of Justice, 'Press Release: Court Orders Tanzania Minister to Annul the Order Banning Publication of the Local Newspaper 'Mseto' and Allow the Newspaper Resume Publication', 21 June 2018, <http://eacj.org/?p=3683>; ARTICLE19, 'Tanzania: EA Court ruling upholds media freedom in reversing newspaper ban', 26 June 2018, <https://www.article19.org/resources/tanzania-ea-court-ruling-upholds-media-freedom-in-reversing-newspaper-ban/>.

<sup>5</sup> Die Welt, 'Missing journalist caps off tough year for press freedom in Tanzania', 8 December 2017, <https://www.dw.com/en/missing-journalist-caps-off-tough-year-for-press-freedom-in-tanzania/a-41716335>; MISA, 'MISA Tanzania calls on authorities to find missing journalist Azory Gwanda', 11 December 2017, <http://misa.org/tag/azory-gwanda/>.

<sup>6</sup> CIVICUS, 'Tanzania: worrying signs for freedom of expression and association', 12 September 2017, <https://www.civicus.org/index.php/media-resources/media-releases/2938-tanzania-worrying-signs-for-freedom-of-expression-and-association>.

<sup>7</sup> Reuters, 'Tanzania's president warns journalists that press freedom has limits', 24 March 2017, <https://www.reuters.com/article/us-tanzania-media-idUSKBN16V25S>.

