



# TANZANIA

National Overview 2005  
by MISA Tanzania

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Freelance journalist for the Times of Swaziland and former  
Editor-in-Chief of the Swazi Observer



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## Panorâmica Nacional

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To understand the current state of the Tanzanian media it is important to know the context in which the mass media has been operating since independence in 1961 and single-party rule to the multiparty politics of today.

Tanzania is still suffering from the hangover of state control of the media, practiced from 1965 until 1992 when the country adopted multiparty rule. Under the multiparty system there has been a dramatic increase in the number of privately owned newspapers competing with government media. The number of daily newspapers has increased to 13, comprising seven Kiswahili tabloids and six English publications, two of which are tabloids and four broadsheets. In 2003, there were only four Kiswahili daily tabloids and three English dailies. In addition, there are now five English and 20 Kiswahili weekly newspapers.

This upsurge occurred in the run up to the 2005 general elections with the arrival of many newspapers concentrating on sensational political news. Critics are of the view that this media explosion has not corresponded with the development of professional journalism, as hundreds of formerly unemployed youths have entered the profession without formal training.

The enormous growth of media outlets has also affected the broadcast media. Currently there are 35 radio stations and 17 television stations registered with the Tanzania Communications Regulatory Authority (TCRA). By comparison, there was only one Tanzanian television station in 1995, while 12 were registered in 2001. In 1993 there were only two radio stations, with seven being registered in 2001. It is worth noting that most of the television and radio stations broadcast programming of an entertaining or religious nature.

There is consensus that the liberalisation of the media has not gone hand-in-hand with establishing institutional, legal and extra-legal regulatory mechanisms to guarantee press freedom. The process of reforming these mechanisms has begun, but it is yet to be completed.

## Factors shaping the media

As noted earlier, political pluralism has provided an impetus for the boom in privately run mass media, but this does not mean that the state is not tightly controlling the independent media. Since the government has absolute power to register and de-register print and electronic media, the state can also determine the operation of the media.

In October 2003 the government approved a policy on information and broadcasting, but this policy still contradicts the existing draconian media laws. Although the government has promised to enact a single media law, the Freedom of Information Act, which will repeal and amend outdated laws, the political commitment is lacking as no timeframe has been set for the implementation of the aforementioned policy. The new government raised media practitioner's hopes by establishing the Ministry of Sports, Information and Broadcasting, but more work is needed to implement the policy on information and broadcasting.

Socially and culturally, Tanzania's media sector is dominated by foreign media monopolies through television and the internet. In this way, alien socio-cultural values impact upon African culture and traditions. An indicator of this dominance is that foreign programming constitutes almost 80 per cent of the daily television broadcasts.

In terms of the economic environment, the private sector lacks sufficient resources and this provides the state with a loophole to subjugate private media to the extent of undermining professional and editorial independency. In this way, the private media often becomes a government mouthpiece, thus restraining freedom of information.

The weak economic base of media owners has also led to alliances between the state, private media owners and business tycoons at the expense of press freedom. In order to survive, advertising needs and political interests have overwhelmed media owners.

The media has been hard-hit by taxation and high import duties on printing materials. The government has yet to respond to the frequent demands put forward by printers and publishers to reduce taxes.

It must also be noted that due to the economic constraints, and communication and transport snags, the media is largely urban-based, denying over 80 per cent of the population, based in rural areas, access to the free and immediate flow of information. The majority of the population relies on the sole state-owned radio station, Radio Tanzania Dar-es-Salaam (RTD). Newspaper circulation figures are also low, compared to other African countries, as a result of these factors coupled with a dwindling literacy level in most rural areas.

## Frameworks for media regulation

Institutional frameworks for regulating the media have not proved conducive as demonstrated by the inability of the government to allocate more funds to improve the profession of journalism. The fact that functions and policies of different government institutions overlap is also a problem. For instance, while the Minister of Education and Culture is not directly responsible for regulating the information and broadcasting sector, in October 2005 the minister issued a directive to ban a civil society organisation, HakiElimu, from undertaking and publishing any further research about the Tanzanian education system. In this instance, it was not clear which law to ban freedom of expression was applied.

There are also problems with the legal and policy frameworks for regulating the media, due to the state's failure to repeal and amend draconian laws in the national statutes. The executive arm of the state still uses its excessive powers vested in several of these laws to suppress press freedom either covertly or openly through summoning publishers or journalists. It should be noted that if the information and broadcast policy is translated into a single law, Tanzania would have the most conducive regulatory mechanism for the media sector in sub-Saharan Africa.

At an institutional level, there are several centres of government authority, which can infringe upon media freedom. Some of these are the powers of district commissioners, regional commissioners and the minister responsible for information to ban journalists from executing their duties.

Media researchers have compiled 15 pieces of legislation, which contradict the existing policy, hence affecting press freedom. They include the National Security Act of 1970, the Newspapers Act of 1996, the Tanzania Communications Regulatory Authority Act, the Tanzania Broadcasting Services ACT of 1993, amended in 2003, and the Films and Stage Plays Act No. 4, 1976.

Other pieces are the Regional Administration Act of 1997, which empowers ward executive officers, district commissioners and regional commissioners to detain a person, including journalists, and the Penal Code of 1975, which has led to the jailing of journalists. Contempt of the Court, under section 114 (d) of the Penal Code, the Prisons Ordinance, the Police Ordinance and the law on Tanzania People's Defence Forces (TPDF) all ban journalists from covering activities of these institutions and their staff without official permission.

Other repressive laws include the excessive constitutional powers of the President, which among

other things, can censor the flow of public information; the Ethics Commission Act for political leaders; and the Zanzibar media laws.

Due to the repressive nature of these laws journalists have been mistreated, humiliated, beaten and jailed without the proper dispensation of justice. The cases in point are the beating of two journalists by prison warders on September 10 2005 and the banning of Zanzibari journalist Jabir Idrisa on June 9 2005.

The Newspapers Act, which stipulates on defamation and libel without setting clear parameters to the court to institute fines and amounts of compensation, is also affecting media freedom because the highest level of compensation has now jumped up to 10 billion Shillings (about US\$10 million).

## State of the media in Zanzibar

While the Tanzanian media in general operates within a repressive legal regime, Zanzibar, which is part of the United Republic of Tanzania, is the worst affected. The Zanzibari government, which has the power to legislate laws independent of the union, has yet to respond to calls by media stakeholders to institute new legal and regulatory frameworks for the media. In Zanzibar, all media laws, including the law on the powers of presidential decrees, are yet to be repealed or amended. Unlike on the mainland, the arbitrary arrest of journalists in Zanzibar is a common occurrence.

The government media in Zanzibar is tightly controlled by the state through presidential decrees and draconian laws, which give the minister responsible for information the power to deregister a newspaper without question.

Unlike on the mainland, where there is a very competitive media market, state media dominates in Zanzibar. On the archipelago, there is just one private FM radio station, Zenj FM, which is owned by the Minister for Information, Sports and Culture of the union government, Mohamed Seif Khatibu.

The state-owned media include Television Zanzibar, Sauti ya Tanzania Zanzibar and the *Zanzibar Leo* newspaper. Since *Dira* was banned in 2004, the private print media has been non-existent.

## Conclusion

Despite the boom in media outlets, press freedom is still in danger because of the failure to translate the information and broadcasting policy into a single media law. Action is needed to put in place the necessary regulatory mechanisms for the Tanzanian media. The incomplete process of media law reform must be concluded within a specific timeframe. In Zanzibar, the media law reform process must begin with stakeholders discussing the framework for a new media policy

**A**ntes de tomar conhecimento do estado actual dos mídias na Tanzânia, é importante saber o percurso que a mídia massiva percorreu a partir do período mono partidário até ao estado actual de política multipartidária.

De facto, a Tanzânia ainda sofre dos efeitos colaterais do controlo do estado sob os mídias praticado entre 1965 e 1992, altura em que o país adoptou uma governação multipartidária.

Durante o sistema político multipartidário, houve um aumento enorme de estabelecimentos dos mídias privados em competição com os mídias estatais.

O número de jornais diários aumentou para 11, mais uma dúzia de publicações semanárias e quinzenais.

Um exemplo claro do surgimento dos jornais ocorreu durante as vésperas das eleições gerais de 2005, altura em que surgiram muitos jornais concentrados em notícias políticas sensacionais.

Contudo, muitas pessoas são de opinião que o surgimento dos mídias massivos não correspondeu com o desenvolvimento do jornalismo profissional, porque centenas de jovens desempregados aderiram a esta profissão sem habilitações formais.

O crescimento enorme do número dos estabelecimentos dos mídias também afectou os mídias de rádio e televisão. Estima-se que a Autoridade Reguladora de Comunicações da Tanzânia (ARCT) registou mais de 40 estações de TV e Rádio recentemente. Contudo, é importante tomar nota que a maioria dos mídias electrónicos privados registados são estações de rádio FM e canais de TV vocacionados em divertimento e programas religiosos.

Existe também um consenso geral que a liberalização do sector dos mídias não progrediu em paralelo com a introdução de um mecanismo institucional, legal e extra legal para garantir a liberdade de imprensa. O processo de mudança de mecanismos reguladores já teve início, mas ainda não concluiu.

## **Ambiente político, social e económico que estrutura os mídias.**

Conforme observado anteriormente o pluralismo político incentivou o crescimento enorme dos mídias massivos privados, mas isto não significa que o estado não controla de forma rigorosa a imprensa privada. Considerando que o governo possui o poder absoluto para registar ou cancelar o registo dos mídias escrito e electrónico, o estado tem uma grande oportunidade de determinar o funcionamento dos mídias. Em Outubro de 2003, o governo aprovou a política de Informação e Rádio difusão e Televisão, mas esta política ainda contradiz as leis de imprensa cruéis actuais.

Apesar do governo ter prometido aprovar uma lei de imprensa singular, depende da Liberdade da Lei de Informação revogar e emendar as leis cruéis, falta o compromisso político porque não foi estipulado nenhum espaço de tempo para implementação da política de informação, radiodifusão e televisão.

O novo governo tentou dar esperança aos profissionais e proprietários dos mídias através da criação do Ministério dos Desportos, Informação e Radiodifusão e Televisão, mas apela-se por mais trabalhos para implementar a política.

Na frente social e cultural, o sector de imprensa da Tanzânia está sendo afectado pelo domínio da cobertura dos mídias internacionais gerido por monopólios estrangeiros. Existe um protesto contra a penetração de valores sócio culturais estrangeiros.

Os valores culturais africanos há muito apreciados estão sendo arruinados por valores estrangeiros que estão a penetrar através dos mídias de rádio difusão e televisão, especialmente através dos canais de televisão e da Internet. O acesso à pornografia através da Internet e canais de Televisão é uma prática diária. Um indicador do domínio da radiodifusão estrangeira orientada é a grelha de programas da televisão, que constitui quase 80 por cento dos programas diários.

Relativamente ao ambiente económico para o funcionamento dos mídias, o sector privado é fraco e enfrenta falta de recursos, o que criou lacunas e resultou na submissão dos mídias privados ao estado até ao ponto de colocar em perigo a independência profissional e editorial. As vezes as pessoas se perguntam porquê que até a imprensa privada se tornou num porta-voz para restrição da liberdade de informação.

A base económica fraca dos proprietários dos mídias também levou a criação de alianças dentre o estado, os proprietários dos mídias privados e alguns empresários gigantes as custas da liberdade de imprensa. Para garantir a sobrevivência dos seus negócios nos mídias, os proprietários dos mídias foram submergidos pela procura da publicidade e pelo interesse político.

O sistema de taxas também foi desfavorável aos mídias conforme demonstrado por inúmeras propinas e taxas de importação elevadas sob os materiais de impressão. O governo ainda tem que dar resposta as solicitações constantes das empresas gráficas e editoras para redução destes custos.

Importa referir que devido ao constrangimento económico, tal como a falta de comunicação e transporte, quase todos órgãos dos mídias estão sedeados nas áreas urbanas, negando o grosso da população rural (mais de 80 por cento) da população da Tanzânia o acesso ao fluxo livre de informação na altura certa. Na sua maioria contam somente com a estação de rádio Tanzânia Dar-es-Salaam, pertencente ao governo.

A circulação de jornais é de baixo nível em comparação com outros estados africanos, devido aos factores acima expostos agravada pelo baixo nível de alfabetização na maior parte das áreas rurais.

## **Estrutura Institucional, Legal e Política para o Regulamento dos mídias**

A estrutura institucional para o regulamento dos mídias não é conducente conforme demonstrado pela incapacidade do governo de atribuir mais financiamentos para melhoria do jornalismo. Existe também o problema de sobreposição de funções e políticas entre as instituições do governo. Por exemplo, enquanto que o Ministro da Educação e Cultura não é directamente responsável pelo regulamento do Sector de Informação e Radiodifusão e Televisão, em Outubro de 2005, o Ministro emitiu uma orientação para proibir a Haki Elimu, uma organização da sociedade civil de realizar e publicar qualquer outra pesquisa ou publicar qualquer artigo sobre o sistema de educação da Tanzânia, sem qualquer esclarecimento sobre que lei o Ministro aplicou para proibição da liberdade de expressão.

Relativamente a estrutura legal e política para o regulamento dos mídias, continua a ser problemático, devido a não revogação e emenda das leis cruéis nos estatutos nacionais.

O braço executivo do estado continua a utilizar os seus poderes excessivos estipulados em várias leis cruéis para suprimir a liberdade de imprensa e de forma discreta ou aberta envia intimações à emissoras ou jornais.

É de realçar que se a política de Informação e Radiodifusão for traduzida em uma única lei, a

Tanzânia terá o mecanismo regulador mais conducente na material a nível da Africa Sub Sahariana.

A nível constitucional, a Tanzânia possui vários centros de poderes e autoridade, incluindo os Comissários Distritais e Regionais e o Ministro de tutela que podem prejudicar a liberdade dos mídias e impedir os jornalistas de executarem as suas funções.

Os pesquisadores da imprensa compilaram 15 pedaços de legislação que contradizem a política actual, afectando desde modo a liberdade de imprensa. Tais como a Lei de Segurança Nacional de 1970, a Lei dos Jornais de 1996, a Lei da Autoridade Reguladora das Comunicações da Tanzânia, a Lei dos Serviços de Radiodifusão e Televisão da Tanzânia de 1993, conforme emendado em 2003 e a Lei de Exibição de Filmes e Peças Nr. 4, 1976.

O outro componente é a Lei de Administração Regional de 1997, que capacita os agentes executivos, os comandantes do distritos e os comandantes regionais para deterem indivíduos, incluindo jornalistas e um Código Penal detestável de 1975, que causou o aprisionamento de alguns jornalistas.

Os demais componentes incluem: A Contumácia do Tribunal, sob o artigo 114 (d) do Código Penal, o Regulamento das Prisões, o Regulamento da Polícia e a lei sobre as forças de defesa do povo da Tanzânia (TPDF) que proíbe os jornalistas de cobrirem as actividades destas instituições e os seus funcionários sem permissão.

As demais leis repressivas incluem os poderes constitucionais excessivos do Presidente, que dentre outras questões, podem censurar o fluxo da informação pública, tais como a Lei da Comissão de Éticas para os líderes políticos e a lei dos mídias em Zanzibar.

Dada a natureza repressiva destas leis, os jornalistas as vezes são mal tratados, humilhados, espancados e presos sem o cumprimento do procedimento adequado de justiça.

Alguns casos pontuais incluem o espancamento de dois jornalistas por agentes do Ministério das Prisões no dia 10 Setembro 2005 e a proibição do funcionamento do jornalista Jabir Idrisa em Zanzibar a partir de 09 Junho 2005.

A Lei dos Jornais, dentre outras questões, prevê a difamação e calúnia, sem estabelecer parâmetros claros ao tribunal para instituir multas e montantes de indemnização, também afecta a liberdade dos mídias porque o montante actual mais elevado de indemnização subiu para 10 bn/ -, equivalente a US\$10 milhões

## **Conclusão**

Geralmente, observou-se que apesar do aumento enorme do número de estabelecimentos dos mídias, a liberdade de imprensa ainda continua em perigo devido a falta da transformação da política de informação, radiodifusão e televisão em uma única legislação. Esta decisão é necessária para implementação dos mecanismos reguladores conducentes para o sector da imprensa da Tanzânia. O processo incompleto da reforma das leis dos mídias deve ser concluído com a criação de um calendário de implementação entre os intervenientes.



**· ALERT**

**Date: December 03, 2005**

**Persons/Institutions: Tanzania Daima, Amani,**

**Violation: Censored**

The government of the United Republic of Tanzania has suspended the opposition-aligned Kiswahili newspaper “Tanzania Daima” for three days for publishing a picture deemed offensive to President Benjamin Mkapa.

The government claims the photograph and its caption were misleading and intended to belittle, defame and create public disaffection against the president and his government.

A government statement released by the Prime Minister’s Office on 2 December 2005 said the penalty was imposed under section 25 (1) of the Newspaper Act No. 3 of 1976. It said the penalty would serve as a lesson to other media institutions.

In addition, the weekly entertainment newspaper, “Amani”, has been suspended for 28 days on the grounds of ethical violations. The suspensions of both publications came into effect on December 3, 2005.

Tanzania’s Newspapers Act, 1976 regulates the operation of newspapers in the country. The Act has a number of cumbersome and restrictive provisions that seriously impinge upon media freedom. In fact, the Act retains most of the oppressive aspects of the Newspapers Ordinance legislated during the colonial days to subjugate the colonised people. The Act gives the Minister of Information wide discretionary powers to ban or close down newspapers. The minister may prohibit publication of any newspaper “in the public interest” or “in the interest of peace and good order”.

Furthermore, the Newspapers Act also provides for the offence of sedition. The Act defines an act, speech or publication as seditious if it aims to bring lawful authority into hatred or contempt, or excites disaffection against the same, or promotes feelings of ill-will and hostility between different categories of the population. Anyone printing or publishing a newspaper which contravenes these provisions is liable to a fine or a prison sentence of up to three years, or both.

**· ALERT (including updates)**

**Date: September 10, 2005**

**Persons/Institutions: Mpoki Bukuku, Christopher Kidanka, innocent civilians**

**Violation: Beaten**

On September 10 2005, Mpoki Bukuku, chief photographer for the “Sunday Citizen” newspaper, and Christopher Kidanka, information officer for the Legal and Human Rights Centre (LHC), were brutally beaten by a group of prison guards in Ukonga, in the Tanzanian capital Dar es Salaam. The prison guards also brutalised innocent civilians and severely injured some of them.

Bukuku and other journalists were at the scene to cover the eviction of ten families from houses formerly owned by Air Tanzania Corporation (ATC) near Ukonga Remand Prison. The families have occupied the houses for over 20 years and are currently involved in a legal battle with the Prisons Department over ownership of the homes. According to media reports, the case was brought to court on September 6 and adjourned to a later date. Journalists and photographers were ordered not to cover the event, but defied the order.

\* **September 12, 2005:** Home Affairs Minister Omar Ramadhan Mapuri declares the warders’ conduct “lawful”.

\* **September 13, 2005:** Dar es salaam Regional Commissioner Yusuf Makamba has labelled the incident illegal and a serious violation of human rights. He announced that he had ordered the immediate arrest of all those involved and would likely institute charges against them.

\* **September 16, 2005:** The Tanzania police force has formed a six-person committee to inves-

tigate the beating of a Bukuku, Kidanka and civilians by Ukonga prison guards in Dar es salaam on September 10, 2005.

\* **September 20, 2005:** Home Affairs Minister Omar Ramadhani Mapuri has offered a public apology and retracted a September 16, 2005, statement in which he declared lawful the conduct of prison warders and prisoners accused of violating the human rights of a journalist and civilians.

The minister, while retracting his earlier statement, argued that it had been misinterpreted by the media as approval of the conduct of prison wardens and prisoners who had severely beaten and injured a number of civilians and a journalist during the 10 September eviction of former tenants of the Air Tanzania Corporation (ATC).

· **ALERT**

**Date: September 08, 2005**

**Persons/Institutions: HakiElimu**

**Violation: Other**

Tanzania's Ministry of Education and Culture has banned a non-governmental organisation (NGO), HakiElimu, from undertaking and publishing studies regarding Tanzania's education system. The ban became effective on September 8, 2005.

According to a circular dated September 8, and sent to all government departments, HakiElimu's executive director has been accused of "disparaging the image of our education system and the teaching profession of our country through his media promotion of self-created caricatures masquerading as teachers and pupils and has repeatedly failed to conform with directives given to him by the Ministry of Education and Culture both in writing and verbally."

· **ALERT**

**Date: June 10, 2005**

**Persons/Institutions: Jabir Idrissa**

**Violation: Censored**

Authorities on the semi-autonomous Tanzanian island of Zanzibar have banned political columnist Jabir Idrissa from writing, saying he was working without permission. Idrissa believes he was banned for criticizing the Zanzibar government.

The Zanzibar-based Idrissa is a well-known political columnist for the weekly, Swahili language newspaper Rai. The newspaper is based on the Tanzanian mainland, but sells on Zanzibar. Idrissa said he had been writing the column for about a year and that it had criticized the Zanzibar government for human rights abuses and bad governance.

In a statement on June 09, 2005, Zanzibar's information ministry said that Idrissa had been working illegally as a journalist on Zanzibar and that he was being barred from practicing journalism until he complied with the island's regulations. Director of Information Ali Mwinyikai said that a 1988 Zanzibar law obliged all journalists working on the island to obtain press accreditation from his ministry, but that Idrissa had not done so. This accreditation must be renewed annually, he said.

· **ALERT**

**Date: May 14, 2005**

**Persons/Institutions: Tanzania Daima newspaper, Tanzam Printers and Stationers**

**Violation: Legislation**

The executive director of St. Mary's Schools, Reverend Gertrude Lwakatare, has demanded an apology, retraction and compensation of one billion Tanzania shillings (approx. US\$884,000) from M/s. Free Media Limited, publishers of the newspaper "Tanzania Daima", and Tanzam

Printers and Stationers for publishing an alleged defamatory story about her. According to a demand notice dated May 14, 2005, sent to the parties via Henry Mkumbi and Company Advocates, the newspaper published the alleged defamatory story in its May 13 edition (issue 163) under the headline, “Rev. Lwakatare in Trouble”.