



TANZANIA

National Overview 2017
by MISA Tanzania

Tanzania is repeatedly held up as an example of a functioning democracy with President John Magufuli being described as the symbol of good leadership. He is constantly lauded for reducing excessive government spending, working on improvements in service delivery and his strong focus on the country's economic growth - qualities that tick all the boxes when judging the merits of good leadership on the African continent.

For these reasons minimal attention is being paid to the alleged clampdown on media freedom, the shrinking of the freedom of expression space and the crackdown on human rights defenders and opposition members.

The 2017 World Press Freedom Index compiled by Reporters Without Borders ranked Tanzania 83 out of 180 countries – a climb down from a ranking of 71 in 2016. This outlook is supported by CIVICUS, a global alliance of civil society organisations, which has placed Tanzania on a list of countries to monitor along with Cambodia, Cameroon, Honduras and Poland. During an audience with the United Nations High Commissioner for Human Rights, CIVICUS warned that restrictions on civic space are “often a bellwether for further violations of human rights and allow states to act with impunity.”

This concern may be warranted when judging the actions of the current administration during the course of 2017 which was marked by newspaper suspensions, punitive fines for the broad-

casting sector, harassment of, and threats and assaults against journalists, missing journalists and arbitrary arrests of political opponents and human rights defenders.

The autonomy of the state broadcaster continues being compromised through political and commercial interference. Unprofessional media conduct has led to a gap between outcomes of news reporting and those at the centre of it. The inadequate, and in some cases lack of sustainable media initiatives, has resulted in some media houses struggling, and payment of salaries to media staff being delayed.



The Media Services

Act grants authorities sweeping powers “to prevent or put obstacles to the publication of any content that endangers national security or public safety”, thereby replacing self-regulation of the media with government regulation.

With all this happening in Tanzania, critics are uncertain whether the country, from a media freedom perspective, is moving in the right direction.

On a positive note, 2017 saw over 110 journalists in Mwanza, Mara, Geita, Simiyu, Manyara, Arusha, Kilimanjaro and Kigoma being steered through the array of new media laws in a bid to deepen their understanding of the media legal regime. The media training was aimed at providing them with protection against legal battles they are facing.

A number of journalists enrolled in universities and colleges to meet the professional requirements of the law, as stipulated in the Media Services Act of 2016 and the Media Services Regulations of 2017, requiring, at the very minimum, a diploma to qualify for registration as a practicing journalist.

Fostering free, independent and pluralistic media in print, broadcast and online is essential if media development has to have a meaning. It is in this respect that MISA Tanzania will enhance freedom of expression, and thus contribute to peace, sustainability, poverty eradication and human rights in Tanzania.

FREEDOM OF EXPRESSION

Freedom of expression, which is guaranteed in the Tanzanian Constitution, has been undermined by the enactment of the Media Services Act (MSA) 2016, the National Security Act (2016), the Statistics Act (2015), and the Cybercrimes Act (2015), all of which severely curtail media freedoms and access to information.

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the media with government regulation.

Critics argue that this array of restrictive legislation is coupled with President Magufuli’s outspoken stance against any form of negative criticism, whether it is from citizens or from the media.

The president used the podium during the swearing in of the Minister of Information, Dr Harrison Mwakyembe, to issue a warning to the media fraternity: “I would like to tell media owners - be careful, watch it. If you think you have that kind of freedom, [it is] not to that extent.” According to a Reuters report he ordered Mwakyembe “to clamp down on media organizations that publish or broadcast material deemed to incite unrest, saying his government would not allow a few individuals to destabilize east Africa’s second-biggest economy (...).”

The Tanzania Human Rights Defenders Coalition (THRDC) recorded nationwide violations against 46 human rights defenders ranging from arrests to malicious prosecutions, forced disappearances, threats, intimidation, torture and decriminalisation of expression.

Artist Ibrahim Musa alias Roma Mkatoiki and 3 fellow artists Moni, Bello and Emma were kidnapped from a recording studio in Dar es Salaam and went missing for two days before they were found at Oyster Bay Police Station. The results of the investigation into their torture and abduction have never been released and neither has the police issued a statement on the progress of the investigation.

Hip-hop artist Emanuel Elibariki alias Nay wa Mitego was arrested by the police in the Morogoro region for allegedly releasing a song that insults the president. Ney wa Mitego’s song questioned freedom of expression in Tanzania. He

was later released on the order of President Magufuli who allowed the song to be played in the media.

PRINT MEDIA

There was an onslaught against the media throughout 2017 in the form of warnings and suspensions, most of which fell under the 2016 Media Services Act.

During June 2017, the Minister of Information, Sports and Culture, Dr Harrison Mwakymbe imposed a 24 months ban on *Mawio's* print edition and articles posted online that linked two former presidents (Benjamin Mkapa and Jakaya Kikwete) to reports related to an investigation into allegations of misconduct in the mining sector.

Publishers of *Mawio* were accused of contravening a presidential directive that was being issued at the same time that the newspaper was published and distributed. The minister's statement cited Section 55 of the Media Services Act, which allows the minister to "prohibit or otherwise sanction the publication of any content that jeopardizes national security or public safety."

In September Director of Information Services, Dr Hassan Abbas announced the 2 years suspension of a weekly tabloid, *MwanaHalisi*, under Section 50 of the Media Services Act, which allows authorities to shut down media organisations that publish 'seditious publications'. The ban was based on an article which authorities considered an insult to the president. Abbas further stated the newspaper had been warned many times for its content which authorities deemed "seditious".

Just ten days after suspending *MwanaHalisi*, another popular weekly tabloid *Raia Mwema* including its online ver-

sion, suffered the same fate and was banned for 90 days for publishing an article supposedly insulting the president. The government, according to the statement issued, insisted that the paper was entitled to fair comment; however the analysis had contained many unfounded quotes implicating the president.

Four weeks later, a daily tabloid *Tanzania Daima* suffered a similar fate. A 90 days ban was issued for publishing a story that misquoted the Minister of Health and allegedly misled the public. Both the offline and online versions were suspended.

During the period under review, publications were pushed to re-register in order to comply with the requirements of the Media Services Act. By 31 December 2017 a total of 168 publications including newspapers, journals and magazines had been registered.

BROADCASTING

On 2 January 2018, the Tanzania Communications Regulatory Authority (TCRA) fined five television stations each between Tshs 7.5 million (USD 3375) and Tshs 15 million (USD 6750) for "offensive and unethical" broadcasting. The five TV stations, - namely *Azam Two TV*, *Independent Television (ITV)*, *Channel 10*, *Star TV* and *East African TV (EATV)* - aired a press statement issued by the Legal Human Rights Centre (LHRC) on 30 November. In its statement the LHRC alleged that human rights violations took place during the ward councillors' by-elections on 26 November 2017.

Throughout the year *Clouds FM* was on the receiving end of most warnings and fines by authorities.

In July 2017, the presenter of the '*Najua*

Wajua allegedly used vulgar and offensive language during ‘family time’, i.e. daytime, while knowing that it was contrary to the Broadcasting Services (Contents) Regulations, 2005. As a result the radio management was fined Tshs 5million (USD 2250) for the mishap.

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Several months later, during its renowned afternoon programme *XXL*, a presenter recorded and aired an audio recording of an off the record conversation with the mother of a prominent model, Hamisa Mobbeto and himself without the mother’s consent. The radio station was fined Tshs 2 million (USD 900)

In the same month during its *Jahazi* programme on the *Mastori ya Tow*’ segment, a *Clouds FM* presenter, Ephraim Kibonde, discussed personal (sexual) relationships between prominent artist, Diamond Platnumz and well-known model, Hamisa Mobbeto. The manner in which this was discussed violated the Content Act of 2005 which stipulates

that every licensee shall ensure that the programme and its presentation uphold national values. Subsequently, the TCRA ordered the radio station to pay Tshs 5 million (USD 2250).

The TCRA ordered Clouds Media Group to pay a total fine of Tshs 12 million (USD 5400) for contravening broadcast regulations.

2017 also saw the drafting of new broadcast regulations. By the end of the year there were about 26 licensed TV stations and 123 licensed radio stations.

ACCESS TO INFORMATION

Access to quality and timely information by everyone, and most importantly to the rural population, is crucial in facilitating informed dialogue, monitoring and evaluation of development issues at the local level and to enhance governance and accountability for improved delivery of services and implementation of projects.

Society’s access and right to information on government budgets and accounts, particularly at local level, is often considered a necessary condition for good governance. Without basic information on public revenues and expenditures people cannot hold their elected leaders and executive officers to account.

Studies on access to information conducted in 2017 showed that there was an improvement in service delivery and access to information in some of the public offices, especially in the local government as opposed to central government. However, it was found that the culture of secrecy is still embedded in public officials, especially in the central government.

Different studies conducted by the Media Institute of Southern Africa (MISA) Tanzania Chapter in partnership with the Collaboration on International ICT Policy for East and Southern Africa (CI-PESA) found widespread laxity among officials in handling and processing information requests, poor customer care services, lack of knowledge of the Access to Information Act and reluctance of government officials to share public information, among others. These access to information surveys, which used journalists as researchers, assessed the responsiveness of local government authorities (LGAs) and central government offices in Tanzania to citizens' information requests.

Although government enacted the Access to Information Act 2016, the minister responsible is yet to prepare regulations for effective operationalisation of the law.

JOURNALIST SAFETY

The year 2017 was a very trying one for journalist safety in Tanzania.

According to Anna Pinoni, the wife of journalist Azory Gwanda, her husband was picked up by 4 people in a white Landcruiser on the morning of 21 November. He has not been seen since. The abduction of the Mwananchi Communication Limited Correspondent Azory Gwanda was the hallmark of press freedom violations in 2017. Whether Gwanda was abducted for work related or personal issues is unknown. No official report has been issued by the authorities on whether there are any investigations to find him or his abductors.

In February 2017, two journalists in Arusha were arraigned at USA River Police Station. Bahati Chume, a freelancer based in Kilimanjaro and Dorine Alois

who is a reporter at *Sunrise Radio* in Arusha were arrested while following up a story in the Arumeru district for allegedly failing to introduce themselves to the authorities. District authorities denied their involvement in the ordering of the arrest.



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In March 2017, the Regional Commissioner for Dar es Salaam, Paul Makonda, accompanied by police officers, allegedly raided the Clouds Media Group (CMG) studios forcing staff on duty to

air a video whose content would undermine the reputation of a popular local pastor. Staff refused to air the videos for which they were allegedly threatened to be arrested without due process of law.

In April *ITV* reporter Kassim Sonyo was beaten and injured by a club owner after reporting on an incident where children were injured following a Disco Toto rampage in Handeni District on the eve of Eid ul Fitr. The club owner is said to be a former Permanent Secretary in one of the ministries of the Tanzania government. During the interview with MISA Tanzania investigators, Sonyo said he had decided not to take the matter further and press charges, but did not disclose his reasons for making this choice.

During the same month, *Mwananchi* correspondent in Handeni District, Rajab Athumani got into trouble with authorities after breaking a story of people who died after they ate poisonous mushrooms. The authorities never wanted the story to get out because it would have revealed that there is hunger in the area, especially after president Magufuli had instructed all regional and district commissioners to make sure that hunger was a story of the past in their areas. Athumani was questioned by the police, had his work equipment including his mobile phone taken for several days and was instructed to delete any information concerning that story under supervision of the police.

Masked men, suspected to be policemen armed with pistols, disrupted a press conference in Dar es Salaam in April, held by leaders of a faction of the Civic United Front (CUF) supporting the party secretary general, Maalim Seif Shariff Hamad. Journalists at the press conference were also assaulted.

In a rather inexplicable incident two

months later, 23 people, including 10 journalists, were arrested in Arusha. The journalists were covering a gathering where the Tanzania Association of Managers and Owners of non-Governmental Schools and Colleges were presenting a donation of Tshs 18 million (USD 8100) to Lucky Vincent School. The donation was a gift to the bereaved families of the children who had died in a road accident. The arrested persons were later released with the explanation that they were wrongly arrested following the order of the Regional Commissioner for Arusha, Mrisho Gambo.

FREEDOM OF EXPRESSION ONLINE

Freedom of expression online was one of the major areas of controversy in 2017.

Since the Cybercrimes Act became operational over two years ago, Section 16 of the Act which prohibits publication of false information, has been used as the main agent of arrests for online users. The Act prohibits citizens or agencies from obtaining computer data protected against unauthorised access without permission. It empowers police or law enforcement officers to storm the premises of a news agency and confiscate a computer system or device and computer data if law enforcement officials believe that such information can be used as evidence to prove that an offence has been committed. The police are equally given the right to search devices such as cell phones, laptops or computers if they believe these gadgets contain information that can be used as evidence to prove a crime has been committed.

According to the CIVICUS Alliance report on the state of civil society: "On 15th November 2017, the Kisutu Resident Magistrate's Court in Dar Es Salaam sentenced Bob Chacha Wangwe

to 1,5 years in prison or a fine of five million Tsh (2,215 USD) on charges of “publication of false information” under the 2015 Cybercrimes Act. The charges stemmed from comments on Facebook regarding the procedural issues during the 2015 elections in Zanzibar. Chacha Wangwe is the Director of the Law Department of the Tanzania Students’ Networking Programme.”

Analysts have pointed out that the provision of Section 16 violates international freedom of expression standards. They further state that it makes the work of journalist covering current developments unreasonably dangerous; for example when breaking news, facts are often difficult to verify. Moreover it is often debatable what the truth is of a particular matter and the state should trust citizens to be capable of reaching their own conclusions.

Over 20 cybercrime cases were recorded in 2017. With over 20 million smartphone users in the country, most of which are ignorant to the contents of the Cybercrimes Act, the number of victims of this law keeps on increasing.

The year 2017 saw proposed new online content regulations which impose heavy fines and jail terms on bloggers and online platforms for public debate and whistleblowing, including the hugely popular Jamii Forums, and whose adoption would therefore be devastating.

The Electronic and Postal Communications (Online Content) Regulations, 2018, were adopted in September 2017, restrict online freedom. According to the regulations, social media users and online content producers are held liable for materials deemed “indecent, obscene, hate speech, extreme violence or material that will offend or incite others, cause annoyance, threaten

harm or evil, encourage or incite crime, or lead to public disorder”. Those found guilty face a fine of 5 million Tanzanian shillings (USD2, 300), a minimum of 12 months in jail, or both.

The Electronic and Postal Communications (Online Content) Regulations, 2017, passed in September, curtailed online freedom. The regulations shall apply to online content including:- (a) application services licensees; (b) bloggers; (c) internet cafes; (d) online content hosts; (e) online forums; (f) online radio or television; (g) social media; (h) subscribers and users of online content; and (i) any other related online content.

Online content providers are prohibited to publish, amongst others, indecent or obscene content, hate speech, and content defined broadly as that which “causes annoyance, threatens harm or evil, encourages or incites crime, or leads to public disorder”, and “content that may threaten national security or public health and safety”. Those convicted under the Act are liable to a fine of a minimum of Tshs 5 million (USD2250) or a minimum of 12 months imprisonment, or both.

Towards the end of 2016, police raided the offices of the website Jamii Forums and arrested the co-founder Maxence Melo under the Cybercrimes Act and the Electronic and Postal Communications Act. He was charged for refusing to disclose personal information of contributors to his social media platform who allegedly disclosed sensitive information and for “managing a domain not registered in Tanzania”. His refusal to comply with police requests has come at a price, with his case continuously being rescheduled. At the time of compiling this report, the case had not yet been resolved. Jamii Forums is one of the most popular online whistleblow-

ing and discussion platforms in Tanzania where members reveal details about suspected corrupt officials or participate in political dialogues.



Since the Cybercrimes Act became operational over two years ago, Section 16 of the Act which prohibits publication of false information, has been used as the main agent of arrests for online users.

On 30 January 2017 the TCRA directed *AYO TV*, *Global TV*, and *Michuzi TV* to cease online broadcasting as the authority was still in the process of preparing regulations for digital television. Regulations were set to be established in 2018.

According to Section 13(1) of the Electronic and Postal Communications Act (Cap 306), Tanzania's laws require online content providers to obtain a licence from the TCRA. The stations requested permission to continue providing their services while waiting for the regulations to be put into place.

LOOKING FORWARD TO 2018

A new media legal framework is an important move forward and a big step in the harmonisation of the Tanzanian regulatory framework. It offers a good basis for long awaited reforms in the media sector and other related sectors. Tanzania has recently witnessed the enactment of new laws related to the practices of journalism in Tanzania. These laws, among others, include the Access to Information Act, 2016; the Statistics Act, 2015; the Cybercrime Act, 2015; and the Media Services Act, 2016.

These laws have brought many challenges such as hefty registration fees, threats of deregistration of media outlets, and ownership and co-funding complications in the media sector. These challenges illustrate that a lot needs to be done in terms of training, awareness raising and mental (and sometimes physical) support to victims of freedom of expression violations. The public can only get relevant information when the media is free to operate.

TANZANIA MEDIA FREEDOM VIOLATIONS AND VICTORIES



15 February 2017 CENSORED

The Tanzania Communications Regulatory Authority (TCRA) ordered three online television stations, *Michuzi TV*, *AYO TV* and *Global TV*, to stop online broadcasting as the authority was still preparing regulations for digital television.



April 2017 THREATENED

Rajab Athumani, correspondent for Mwananchi and *The Citizen* in Handeni District was harassed and threatened by public officials for reporting on villagers who died after eating poisonous mushrooms.



March 2017 DETAINED

Chibura Makorongo, a journalist human rights defender based in Shinyanga was charged with the offence of assaulting a civilian causing bodily harm contrary to section 241 of the Penal Code [CAP 16].



April 2017 VIOLATION OF PUBLIC FREEDOM OF EXPRESSION

Hip-hop Artist Ibrahim Musa alias Roma Mkatoliki and three other artists were abducted and tortured and found two days later. Roma is known for his critical lyrics commenting on politics and social issues.



23 March 2017 ASSAULTED

Former Minister of Information Nape Nnauye was allegedly attacked by state officials displaying a gun in their attempt to prevent him from addressing a press conference. The minister had just been fired and, according to him, intended to thank the media fraternity for having worked with him and share the reasons that might have led to his demise.



May 2017 VIOLATION OF PUBLIC FREEDOM OF EXPRESSION

Hip-hop artist Emanuel Elibariki alias Nay waMitego was arrested by the police in Morogoro region for allegedly releasing a song insulting the President.



April 2017 ASSAULTED

TV Journalist Kassim Sonyo was physically attacked by a club owner, for a story he aired about young people being hospitalised after a stampede at the nightclub.



June 2017 CENSORED

Government banned *Mawio* newspaper for 24 months on charges of inciting violence and threatening national security.



12 July 2017 VIOLATION OF PUBLIC FREEDOM OF EXPRESSION

Two human rights defenders, namely Bibiana Mushi and Nic-





odemus Ngelela Luhende, were arrested in Kishapu District following the order of the District Commissioner for Kishapu.



7 September 2017
VIOLATION OF PUBLIC FREEDOM OF EXPRESSION



Prominent Member of Parliament and considered a somewhat controversial lawyer Honourable Tundu Antipas Lissu was shot by unknown assailants and severely injured.



19 September 2017
CENSORED



Government suspended publication and distribution of probably the most controversial weekly tabloid in the country, *MwanaHalisi* for a 24-month period.



29 September 2017
CENSORED



Popular weekly tabloid *Raia Mweema* including its online version was suspended for 90 days for publishing an article allegedly tarnishing the image of the president.



24 October 2017
CENSORED



Daily tabloid *Tanzania Daima* was also issued with a 90-day suspension issued for publishing a false story 'aimed at misleading the public'. Both offline and online versions were suspended.



October 2017
VIOLATION OF PUBLIC FREEDOM OF EXPRESSION



Human rights activist and lawyer Onesmo Ole Ngurumwa was summoned and interrogated twice by Immigration Officers from Kinondoni about his nationality.



November 2017
VIOLATION OF PUBLIC FREEDOM OF EXPRESSION



Human rights defender and social media activist Bob Chacha Wangwe was charged and convicted under Section 16 of the Cybercrimes Act, sentenced to one and a half years in prison and given the option of paying a fine.



22 November 2017
DETAINED



Tanzania Communications Regulatory Authority (TCRA) ordered the radio station, Clouds FM, to pay a fine of Tshs 12 million (USD 5400) for contravening broadcast content regulations.



5 December 2017
KILLED OR MISSING



Azory Gwanda, a Mwananchi Communication Ltd Correspondent was reported missing. His whereabouts are still unknown.



30 December 2017
DETAINED



The Tanzania Communications Regulatory Authority (TCRA) fined Star Media for charging customers for local channels which are supposed to be accessible at no cost. The service provider was fined Tshs 100 million (USD 45000) for this violation.