

1. **Press release on the forced evictions of Burundian refugees by Tanzanian authorities (<https://www.achpr.org/pressrelease/detail?id=556>)**

The Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants in Africa (the Special Rapporteur) of the African Commission on Human and Peoples' Rights, **Honorable Commissioner Maya Sahli-Fadel**, would like to express concern about the situation of Burundian refugees in the United Republic of Tanzania, in violation of fundamental rights such as access to asylum and the principle of non-refoulement.

In the previous months the Special Rapporteur has received numerous reports of intimidation of Burundian refugees to force them to leave the country. Other reports include threats of expulsion by the Tanzanian government, the closure and destruction of markets in the camps, restrictions on their business activities, access to services and freedom of movement. There are also reported cases of enforced disappearances in some refugee camps that are extremely worrying and constitute attacks on the integrity of persons and compromise the security of the camps and their surroundings.

The Special Rapporteur would like to recall that the right to asylum, as enshrined in the AU Convention Governing Specific Aspects of Refugee Problems in Africa (the AU Refugees Convention) requires States Parties to undertake to do everything in their power, within the framework of their respective legislations, to receive refugees, and to ensure the settlement of those among them who, for serious reasons, are unable or unwilling to return to their country of origin or the country of which they are nationals (Art 2(1)). The granting of asylum to refugees constitutes a peaceful and humanitarian act and cannot be considered by any State as an act of an unfriendly nature (Art 2(2)). Thus, no refugee may be subjected by a State Party to measures such as refusal of admission at the border, refoulement or expulsion which would force him or her to return to or remain in a territory where his or her life, physical integrity or freedom would be threatened (Art 2(3)).

Furthermore, the provisions of Article 2(4) of the Refugee Convention which provides that where a State Party experiences difficulties in continuing to grant asylum to refugees, that State may appeal to other States Parties, both directly and through the African Union; and other States, in a spirit of African solidarity and international cooperation, shall take appropriate measures to alleviate the burden on the State granting asylum which may represent an alternative to expulsions and other discriminatory acts against refugees.

The Special Rapporteur denounces the increasing pressure on Burundian refugees by the Tanzanian authorities to provoke forced departures and/or expulsions.

The Special Rapporteur calls upon the Tanzanian authorities to put an end to any intimidation aimed at achieving this goal.

The Special Rapporteur further calls upon the Government to cooperate fully with the Office of the United Nations High Commissioner for Refugees with regard to the care of Burundian refugees as well as their voluntary return in accordance with the provisions of articles 5 (1) which stipulates that the essentially voluntary nature of repatriation must be respected in all cases and no refugee may be repatriated against his or her will and 8 of the AU Refugee Convention and to comply with the letter and spirit of the African Charter on Human and Peoples' Rights.

Banjul 15 December 2020

2. Press Statement of the African Commission on Human and Peoples' Rights on the human rights situation in Tanzania

The African Commission on Human and Peoples' Rights (the Commission), through the Country Rapporteur for the United Republic of Tanzania, Commissioner Solomon Ayele Dersso, the Special Rapporteur on Freedom of Expression and Access to Information, Commissioner Jamesina King, and the Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals in Africa, Commissioner Rémy Ngoy Lumbu, is following the situation in the United Republic of Tanzania relating to recent developments affecting various areas of human and peoples' rights in the context of the COVID-19 pandemic and in the lead-up to the 2020 national elections.

The Commission is concerned by the amendment of the Basic Rights and Duties (Enforcement) Act (Cap. 3 of the Revised Laws of Tanzania) in June 2020, which restricts the filing of cases before Tanzanian courts in the interest of the public. This goes against the progressive constitutional right of every person to take legal action to ensure the protection of the Constitution and the laws of the land.

The African Commission's Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa of 2000, stipulate that States must ensure that any individual, group of individuals or nongovernmental organization is entitled to bring a human right claim before a judicial body for determination, because such claims are matters of public concern. The removal of public interest litigation represents a major regression, that reverses the implementation by Tanzania of an important means of protecting constitutional democracy and a key avenue for securing the rights of vulnerable groups lacking the capacity and financial resources to bring their own cases before the courts.

The Commission also wishes to express its concern about reports reaching it, highlighting undue limitations on civil society, journalists and the media, including the prolonged detention in remand of accused journalists. In this respect, the Commission is particularly concerned about the reported revocation in June 2020 of the operating license of Tanzania Daima newspaper, the suspension of Kwanza Online TV in July 2020 for 11 months for reporting on the country's COVID-19 situation and the prohibition of local languages from being used in broadcasting media.

The Commission reiterates that the right to information that forms part of Article 9 of the African Charter on Human and Peoples' Rights (African Charter) is critical in the effort to contain the COVID-19 pandemic as underscored in ACHPR Resolution 449. The Commission further confirms the right of groups to use of their language, and that limitations may only be placed on expressions of hate speech and incitement to violence, but not on the language of communication.

The Commission is also concerned by reports of threats to and intimidation of opposition politicians, including in the context of the electoral process. The Commission in this regard reaffirms the right of every citizen under Article 13 of the African Charter on Human and Peoples' Rights (African Charter), to participate freely in the government of his or her country, either directly or through freely chosen representatives. As pointed out in its Statement on Elections in Africa during the COVID-19 Pandemic of 22 July 2020, people should have full guarantees to be able to express their sovereign will by participating freely in the electoral process. The existence of an even playing field that allows all parties and candidates to campaign for and seek the vote of the electorate is also critical for free and fair elections that are in accordance with Articles 13 and 20 of the African Charter.

In this regard, the Commission:

1. Urges the Government of Tanzania to reverse both the amendment of the Basic Rights and Duties (Enforcement) Act (Cap. 3 of the Revised Laws of Tanzania) in line with the African Commission's Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa, and the law that imposes a blanket ban on the use of local languages for broadcasting media;
2. Calls on the Government of Tanzania to allow democratically elected leaders in opposition parties to fulfil their democratic functions free from undue restrictions and to ensure that all the necessary safeguards are in place for conducting the elections, both in protecting the health and safety of voters, officials and observers, and in ensuring that the elections are conducted in a free environment in which the electorate can express its will freely and all candidates are guaranteed an even playing field to freely campaign for and seek the vote of

the electorate;

3. Requests the Government of Tanzania to ensure that regulatory measures and actions of State agents are in accord with the right to freedom of expression and access to information under Article 9 of the African Charter as elaborated in the Declaration of Principles on Freedom of Expression and Access to Information in Africa; and
4. Calls on the Government of Tanzania to ensure that the right to a fair trial within a reasonable time and before an impartial tribunal, as required by Article 7 (d) of the African Charter is duly complied with.
5. The Commission remains actively seized of the human rights situation in Tanzania leading up to the national elections on 28 October 2020.

**Commissioner Solomon Ayele Dersso,
Chairperson of the Commission and Country Rapporteur for the United Republic of
Tanzania**

**Commissioner Jamesina King,
Special Rapporteur on Freedom of Expression and Access to Information**

**Commissioner Rémy Ngoy Lumbu,
Vice-Chairperson of the Commission and Special Rapporteur on Human Rights
Defenders and Focal Point on Reprisals in Africa**

20 October 2020

3. Press Statement of the African Commission on Human and Peoples' Rights on the deteriorating human rights situation in Tanzania

The African Commission on Human and Peoples' Rights (the Commission) is deeply concerned about recent developments affecting various areas of human rights in Tanzania, notably freedom of expression and the media, freedom of association, particularly the free operation of civil society organizations (CSOs) and opposition party members, and the right to non-discrimination, equality and education of pregnant girls and teen mothers.

The Commission wishes to express its concern about the limitations placed on freedom of assembly and association, and the unprecedented number of journalists and opposition politicians jailed for their activities, including the seven (7) incidents of arrest of opposition leaders in 2019, for meeting without prior authorisation. The

Commission is also concerned about the 2019 amendments to the Political Parties Act, to give the Registrar of Political Parties wide-ranging powers to deregister parties, demand information from political parties and suspend party members.

The Commission is further concerned about threats to freedom of expression and the media, including laws which unduly limit expression online and impact negatively on the right to information, including the Media Services Act 2016, Cyber Crimes Act 2015 and the Online Content Regulations 2018. The Commission is also concerned by the banning of five newspapers as well as online television stations for critical content, and the fact that some offences in these laws are not bailable.

The Commission expresses further concern about the restrictions on the operations of CSOs including through the amendment of laws governing the operations of CSOs and threats directed against human rights defenders, among others, involving the reported disappearances and death under questionable circumstances of human rights activists, journalists and political opposition. The Commission is in particular alarmed by the lack of independent investigation into these reported disappearances and deaths for establishing the facts and bringing the perpetrators to justice, to prevent the emergence of a culture of impunity.

The Commission wishes to further express its concern that since 2017 pregnant girls and teen mothers are not allowed to attend school, despite calls by the Commission and the African Committee of Experts on the Rights and Welfare of the Child that this undermines the right to education and the right to equality of girls. The Commission reiterates its position that this practice is discriminatory, and that the alternative education system being put in place further entrenches the discrimination of the girls and teen mothers.

In the light of the foregoing, the Commission therefore strongly urges the Government of Tanzania to:

1. Ensure that there are no undue limitations on public freedoms, particularly freedoms of expression and media as well as freedom of assembly, and revise the laws unduly restricting these rights, to bring them in line with the African Charter;
2. Repeal restrictive legislation that limit the ability of associations to function without fear of reprisals, persecution and interference with their governance structures;
3. Take all the necessary measures to ensure that all human rights activists operate in an environment without fear of any acts of violence, threats, reprisals, discrimination, pressure and any arbitrary acts by State or non-State actors as a

result of their human rights activities;

4. Investigate all instances of forced disappearances and killings, and bring the perpetrators to account, and provide reparations to the victims and their families; and
5. Take all appropriate measures to ensure the reinstatement of pregnant girls and teen mothers in their usual schools for them to pursue their education on an equal basis with their male peers.

Commissioner Solomon Ayele Dersso, Chairperson of the African Commission and Commissioner Rapporteur for the United Republic of Tanzania

Commissioner Lawrence Mute, Special Rapporteur on Freedom of Expression and Access to Information

4. Press Release on the growing trend of stringent regulation of the internet in East African States (<https://www.achpr.org/pressrelease/detail?id=41>)

The African Commission on Human and Peoples' Rights (the Commission), acting through the Special Rapporteur on Freedom of Expression and Access to Information in Africa (the Special Rapporteur) **Commissioner Lawrence Mute**, and the Country Rapporteur responsible for monitoring the human rights situation in Kenya and Tanzania **Commissioner Solomon Dersso**, wishes to express concern on the growing trend of States in East Africa adopting stringent regulation measures on the Internet and Internet platforms.

The Commission is in particular concerned about the adoption of the Electronic and Postal Communications (Online Content) Regulations 2018 in Tanzania which introduced licensing requirements for bloggers who are now required to pay up to 2,100,000 Tanzanian Shillings (around USD 930) for the licences. In Uganda, the Commission is concerned by the coming into force of the Excise Duty (Amendment) Bill 2018 on 01 July 2018, which requires users of 'over the top' services such as social media platforms to pay UGX 200 (USD 0.05), per user, per day of access. Finally, the Commission is concerned by the directive issued by the Kenya Film and Classification Board (KFCB) on 14 May 2018, requiring licences for anyone posting videos for public exhibition or distribution online on their social media accounts.

These regulations may negatively impact the ability of users to gain affordable access to the Internet, which goes against States' commitment to protect the right of every individual to receive information, as well as the right to express and disseminate one's opinion within the law which is provided under Article 9 of the African Charter on Human and Peoples' Rights.

The Commission wishes to respectfully remind States of the **Resolution on the Right to Freedom of Information and Expression on the Internet in Africa** (ACHPR/Res. 362(LIX) 2016) which recognises the importance of the Internet in advancing human and peoples' rights in Africa, particularly the right to freedom of information and expression. Further, the 2018 Joint Declaration on Media Independence and Diversity in the Digital Age stresses the positive obligation of States to create a general enabling environment of promoting universal access to the Internet.

The Commission urges Tanzania, Uganda and Kenya to ensure that regulations do not undermine their commitment to ensure freedom of expression and access to information on the Internet and social media platforms.

Banjul, 12 July 2018