



**CPJ Submission to the United Nations Universal Periodic Review of the United Republic of  
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**Committee to Protect Journalists**

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## Brief description of CPJ

1. The Committee to Protect Journalists is an independent, nonprofit organization that promotes press freedom worldwide. We defend the right of journalists to report the news without fear of reprisal.
2. CPJ is made up of about 40 experts around the world, with headquarters in New York City. When press freedom violations occur, CPJ mobilizes a network of correspondents who report and take action on behalf of those targeted.
3. CPJ reports on violations in repressive countries, conflict zones, and established democracies alike. A board of prominent journalists from around the world helps guide CPJ's activities.
4. CPJ's work is based on its research, which provides a global snapshot of obstructions to a free press worldwide. CPJ's research staff document hundreds of attacks on the press each year.

## Executive Summary

5. In this submission CPJ summarizes [five years of research](#), showing a sharp deterioration in the press freedom environment in Tanzania as officials failed to investigate attacks on journalists; weaponized regressive laws to suspend or shut down numerous media outlets; arrested journalists in connection to critical reporting; denied access to the international press; and disrupted internet access during general elections in October 2020.
6. Tanzania has failed to implement recommendations it accepted during its last UPR; fallen short of its constitutional and international treaty obligations to guarantee freedom of expression; and continues to stand in defiance of regional and local court orders to annul repressive decisions and amend laws that are inimical to press freedom.
7. In conclusion, CPJ makes various recommendations to the government of Tanzania to reverse this downward trend and to guard against further repression of the press.

## Legal framework

8. Article 18 of [Tanzania's constitution](#) enshrines the freedoms of opinion and expression as well as the right to access information
9. Tanzania is party to the [Treaty for the Establishment of the East African Community](#), the [African Charter on Human and Peoples' Rights](#), and the [International Covenant on Civil and Political Rights](#), which obligate the country to guarantee freedom of expression and the right to access information.

## Main submission

10. This submission largely draws from [research](#) conducted by CPJ on conditions for journalists in Tanzania.
11. Following the second cycle UPR of Tanzania (2016 –25<sup>th</sup> session), the country noted 10 recommendations on freedom of opinion and expression (Annex 1) and supported two others—to “investigate promptly all attacks against journalists and ensure justice and adequate redress for the victims” (Paragraph 134.95-Latvia) and to “address concerns related to claims of interference with freedom of expression” (Paragraph 134.96-Australia). CPJ raises concerns that Tanzania has not only failed to implement the recommendations it supported, but that all other recommendations pertaining to freedom of opinion and expression are even more relevant given the increasingly hostile press freedom environment.
12. **Tanzanian authorities have failed to investigate attacks on journalists, and security personnel have arbitrarily detained reporters.**
13. In March 2016, unknown assailants [abducted](#) Salma Said, a reporter with the German broadcaster Deutsche Welle. The assailants detained her for two days, during which they beat her and warned her about her reporting of elections in the semi-autonomous Zanzibar archipelago.
14. Tanzanian authorities have failed to credibly investigate the November 21, 2017, disappearance of freelance journalist [Azory Gwanda](#), who was last seen in the company of men believed to be security personnel. In a [July 2019 interview](#) Tanzania’s foreign minister, Palamagamba Kabudi, claimed that Gwanda had died, only to later [retract](#) his comments.
15. On August 8, 2018, police officers [assaulted and detained overnight](#) Sitta Tumma, a reporter and regional bureau chief with the opposition-aligned *Tanzania Daima* newspaper, while he was covering an opposition event. Police later accused Tumma of unlawful assembly and claimed they could not identify him as a journalist because he was not wearing the appropriate “uniform.”
16. [Erick Kabendera](#), a freelance journalist whose work was critical of the government, was arrested on July 29, 2019. Initially questioned on his citizenship status, Kabendera was detained for six months as authorities claimed to investigate him on baseless charges of committing economic crimes, including money laundering, a non-bailable offense under Tanzania’s [Criminal Procedure Act](#). Kabendera was [freed in February 2020](#) only after a plea bargain in which he agreed to pay fines of \$118,000.
17. **The Tanzanian government has enacted and entrenched problematic media laws, and weaponized them against media outlets and individual journalists in retaliation for**

**critical reporting, including coverage of corruption, politics, the economy, and the COVID-19 pandemic.**

18. **The Cybercrimes Act** of 2015 sets out [strict guidelines](#) for online activity, stipulates penalties of up to three years imprisonment for defamation and publication of “deceptive, misleading or inaccurate” information and provides police with broad, warrantless search and seizure powers, as [CPJ reported](#).
19. In December 2016, police raided the offices of the whistleblower platform and breaking news website Jamii Forums, and arrested its co-founder Maxence Melo, setting off years of judicial harassment in which Melo faced charges that included contravening the Cybercrimes Act by failing to disclose the identities of Jamii Forums users. In April 2020 and November 2020, Melo was convicted of two [separate charges](#) of obstructing police investigations, but was not handed a custodial sentence.
20. Authorities also cited the Cybercrimes Act in the [August 2019 arrest](#) of Watetezi TV editor Joseph Gandye, in connection to his reporting of alleged abuse of detainees in police custody.
21. **The Newspaper Act**, a now-repealed 1976 law, was used by officials in August 2016 to justify a three-year ban of the private newspaper *Mseto* for its reporting on alleged corruption in then President John Magufuli’s electoral campaign, according to [media reports](#) and [court documents](#). The then information minister, Nape Nnauye, cited a section of the law that allowed him to prohibit the publication of a newspaper in “interest of peace and good order,” according to [media reports](#).
22. **The Media Services Act of 2016**, the law that repealed the Newspaper Act, [criminalizes defamation](#) and false news publication, and gives the state power to license journalists.
23. Between June and September 2017, officials ordered the suspension of three critical publications—[Mawio](#) and [Mwanahalisi](#), which were banned for 24 months, as well as [Raia Mwema](#), which was ordered to cease publication for 90 days—in part citing alleged breaches to the Media Services Act in reporting on corruption and politics.
24. The bans against *Mwanahalisi* and *Mawio* were [quashed](#) by local courts in July and December 2018 respectively, according to a statement by their publisher reviewed by CPJ and [media reports](#). The Arusha-based East African Court of Justice directed Tanzania to annul the shutdown of *Mseto* in a [June 2018 ruling](#). However as of mid-March 2021 the newspapers had yet to resume printing or distribution and their publisher, opposition politician Saed Kubenea, told CPJ that officials had refused to grant new licenses as stipulated by the Media Services Act.
25. The Information Services Department, which licenses newspapers, also cited the Media Services Act in March 2019 when it [banned](#) the privately owned *The Citizen* newspaper from publishing for seven days—saying that the publication’s coverage of a U.S. senator’s criticism of Tanzania and fluctuations in the currency was misleading and

sedition.

26. Police arrested journalist [Sebastian Atilio](#) in September 2019, detained him for three days, and later charged him with publishing disseminating false news on WhatsApp and working without accreditation, as stipulated by the Media Services Act. The case against Atilio was dropped in March 2020, according to a *Watetezi TV* [report](#).
27. In June 2020, the Information Services Department said it was empowered by the Media Services Act to [indefinitely revoke](#) the publication license of *Tanzania Daima* newspaper for unspecified legal and ethical breaches. *Tanzania Daima* had been previously [banned for 90](#) days in 2017.
28. As of March 2021, Tanzania had yet to comply with a March 2019 [ruling](#) from the East African Court of Justice, which found the Media Services Act [inimical to press freedom](#) and directed the government to amend it in line with the good governance principles of the Treaty for the Establishment of the East African Community.
29. [The Electronic and Postal Communications \(Online Content\) Regulations \(2018\)](#)—the “2018 Online Content Regulations”—required bloggers and streaming websites to register at a cost of up to US\$900 and stipulated a prison term of up to 12 months for those found guilty of contravening the law. The regulations also prohibited publication of content on broad and vague terms and sought to strip users of anonymity online.
30. In July 2020, authorities revoked the 2018 Online Content Regulations. However, the repressive legacy of the 2018 Online Content Regulations remains while the newer [Electronic and Postal Communications \(Online Content\) Regulations \(2020\)](#) have maintained or made worse repressive provisions-- registration of bloggers at exorbitant cost and on penalty of prison time and stronger prohibitions on broad categories of content, including coverage of political demonstrations and disease outbreaks.
31. Jamii Forums [temporarily shut down](#) shortly after the 2018 Online Content Regulations went into force in June 2018, saying that compliance would compromise user anonymity; and in 2020 CPJ spoke to two bloggers who chose to permanently shut down their sites rather than comply with the regulations.
32. Between January and April 2020, at least seven journalists and bloggers were prosecuted for failing to register their blogs and YouTube channels, according to [research](#) by the Tanzania Human Rights Defenders Coalition (THRDC).
33. In August 2020, three people prosecuted for failing to register their blogs and YouTube channels under the 2018 Online Content Regulations [told CPJ](#) that the associated costs of registration were too prohibitive but the penalties were also daunting. One of the bloggers said it was cheaper to be imprisoned for a year if convicted, rather than pay a fine of five million Tanzanian shillings (\$2,150).
34. The Tanzania Communications Regulatory Authority (TCRA), a broadcasting and telecommunications regulator, frequently wielded the 2018 Online Content Regulations

to order critical media outlets offline.

35. In September 2019, the TCRA [banned](#) Kwanza Online TV, a private broadcaster, for six months. The regulator claimed Kwanza Online TV had misled the public by failing to identify a civil servant by both her first and last name, thereby breaching the 2018 Online Content Regulations. The regulator also fined two online stations—Ayo TV and Watetezi TV—for failing to publish user policies and guidelines.
36. In May 2020 the TCRA [ordered](#) *Mwananchi*, a privately owned newspaper, to stop publishing online for six months. The Authority alleged that the publication had breached the 2018 Online Content Regulations by publishing an old video of Tanzania’s President John Magufuli in a fish market, footage seen to imply that the president was acting imprudently amid the pandemic.
37. In July 2020 Kwanza Online TV was hit with [a second ban](#), this time for six months, on allegations that an [Instagram post](#), reproducing [a COVID-19 health alert](#) from the U.S. embassy in Tanzania, was unpatriotic and misleading, in breach of the 2018 Online Content Regulations.
38. Tanzania has also sought to restrict access and to control reporting on the country by the international press. The [Electronic and Postal Communications \(Radio and Television Broadcasting Content\) \(Amendment\) Regulations \(2020\)](#) introduced licensing requirements for local stations to run any third-party content and a vague stipulation that broadcasters must involve a government official in any dealings with foreigners. In media reports, government officials said these amendments were meant to [regulate](#) foreign content as per local standards and to track [partnerships](#) with foreign companies
39. The United States Agency for Global Media (USAGM), which oversees the broadcaster Voice of America (VOA), [told CPJ](#) that some of its Tanzania affiliates had “promptly ceased” carrying programs after the new broadcasting content regulations became public in August 2020, though all but one had resumed carrying content by October 2020.
40. In August 2020, the TCRA issued [warnings](#) against four radio stations for rebroadcasting a BBC interview of opposition presidential candidate Tundu Lissu, according to a [TCRA statement](#).
41. International journalists were [denied accreditation](#) to report on the elections from the mainland, while three foreign correspondents were briefly detained on October 29 while reporting in the island of Ugunja, in the Zanzibar archipelago, according to journalists who spoke to CPJ and [reports](#).
42. **During the 2020 elections, officials disrupted access to the internet.** They [blocked](#) social media sites and messaging applications, according to [media reports](#) and [traffic measurements](#) by the Open Observatory of Network Interference. CPJ has [documented](#)

that internet disruptions make it difficult and dangerous for journalists to do their jobs.

### **Recommendations**

43. The disappearance of Azory Gwanda and all other attacks on journalists should be urgently and credibly investigated. The Tanzanian government must hold those responsible to account in fair and transparent processes
44. Authorities must desist from arresting and prosecuting journalists in connection to their work; they must also discontinue all ongoing prosecutions of journalists, including bloggers and YouTubers, for their reporting or for failure to comply with registration requirements of the Online Content Regulations.
45. Tanzania should immediately suspend requirements for bloggers and those streaming content online to register with the TCRA and halt plans to license journalists under the Media Services Act.
46. Authorities should lift existing bans and suspensions on media outlets and restore their licenses, and annul fines imposed under problematic regulations.
47. The government must ensure that international journalists are granted access to cover matters of public interest in Tanzania, and guarantee that local media outlets can carry international content without intimidation.
48. Authorities must desist from disrupting internet access, particularly during times of political tension when the public is in most need of reliable and timely information.
49. Tanzania should comply with the ruling of the East African Court of Justice directing the amendment of the Media Services Act, to remove restrictive provisions and to bring the law into compliance with international standards and the good governance principles of the East African Community.
50. Authorities should amend laws—including but not limited to the Cybercrimes Act as well as online and broadcasting content regulations enacted under the Electronic and Postal Communications Act—to similarly rid them of provisions that are restrictive to press freedom.