



**Communiqué on the National Forum on
Freedom of Expression and Media Laws in Tanzania**

27 June 2024

Dar es Salaam, Tanzania

1. The *National Forum on Freedom of Expression and Media Laws in Tanzania* was held on 27 June 2024, in Dar es Salaam, Tanzania. The Forum was co-hosted by the Tanzania Human Rights Defenders Coalition (THRDC) and the American Bar Association Rule of Law Initiative (ABA ROLI). It was held under the theme “*Assessing the Current Legal and Policy Framework Governing Freedom of Expression & Media Laws in Tanzania- Progress and Challenges*”
2. The Forum was organised with the aim of reviewing and addressing restrictive policies and laws impacting freedom of expression and media freedom in Tanzania. The Forum acknowledged the current government’s recent commitments, through Her Excellency President Samia Suluhu Hassan, and the Honourable Minister of Information, Communication, and Information Technology, to promote freedom of expression and greater press freedom and reforms. Recent positive reforms identified included the lifting of bans on four newspapers, reducing registration and annual fees for online television from one million to five hundred thousand Tanzanian shillings and the amendment of the Media Services Act of 2016 to reduce fines for media-related offences and remove certain criminal offences for defamatory statements. However, restrictive provisions including the Cybercrimes Act, the Media Services Act, the Electronic and Postal Communications (Online Content) Regulations, the Electronic and Postal Communication (Sim-Card Registration) Regulations of 2020, and the Statistics Act were identified as continuing to undermine media freedom.

3. Within this context, the Forum brought together stakeholders from media organisations, bloggers and citizen journalists, legal actors, and civil society, alongside policymakers and government counterparts, to review the current legal and policy environment for media in Tanzania. The Forum was also attended, and addresses given, by foreign delegations and development partners, including His Excellency the US Ambassador, Belgium Ambassador and the Deputy EU Delegation Representative. During his remarks, His Excellency the US Ambassador invited media actors and CSOs to apply for a funding opportunity at the US Embassy in Dar es Salaam for media actors and CSOs amounting to USD 250,000.
4. Welcome remarks were provided by the THRDC National Coordinator Adv. Onesmo Olungurumwa, in which he recognised the improvements in the operating environment for media outlets and rights to freedom of expression for journalists and human rights defenders over the past three years. However, he shared THRDC's analysis of the remaining restrictive legislation of concern, and 21 selected cases decided against journalists, media outlets and human rights defenders from 2014 to date, particularly under the Cybercrimes Act, the Media Services Act, and the Electronic and Postal Communications (Online Content) Regulations.
5. The Chief Government Spokesperson of Tanzania and Director of the Information Services Department Hon. Thobias Makoba delivered a keynote address on behalf of Honourable Nape Moses Nnauye, the Minister for Information, Communication, and Information Technology. He identified significant changes and growth in the communication sector, including the digital revolution. He said that registered mobile phone lines have increased from 62.3 million in April 2023 to 72.5 million in April 2024, an increase of 16.4%. Internet users have increased from 33.1 million in April 2023 to 36.8 million in April 2024, an increase of 11.2%. Additionally, the number of communication infrastructure service providers has reached 25 compared to 23 in April 2023, an increase of 8.7%.
6. In response to these developments, Hon. Thobias said from July 2023 to April 2024, the Information, Communication, and Information Technology sector had reduced the registration and licensing fees for online television from one million to five hundred thousand, conducted an assessment of the implementation of the 2016 National ICT

Policy and the 1997 National Telecommunication Policy, prepared a draft of the new 2024 National ICT Policy, and established the Personal Data Protection Commission, launched on April 3, 2024, by Hon. Dr. Samia Suluhu Hassan, President of the United Republic of Tanzania.

7. On the media sector in the country, he said that the government had continued to strengthen the sector, with the number of television broadcasting stations increasing from 65 in 2023 to 68 in April 2024, an increase of 4.6%. Cable Television stations have increased from 57 in April 2023 to 60 in April 2024, an increase of 5.3%. The number of radio broadcasting stations has increased from 215 in 2023 to 231 in April 2024, an increase of 7.4%. Newspapers have increased from 321 in April 2023 to 351 in April 2024, an increase of 9.3%. This has continued to create a conducive environment for the use of broadcasting technologies, especially online content, which has also contributed to increased employment for the youth.
8. He promised that the government has and will continue to ensure that media outlets in the country are free to receive and disseminate news about various events occurring in the society. He explained that because of the government's improved respect for media freedom, statistics from the World Press Freedom Index 2024, coordinated by Reporters Without Borders (RSF), show that Tanzania leads East Africa in respecting media freedom, ranking 97th internationally in 2024. The Ministry committed to continue to work closely, hand in hand, with the media, for freedom of speech to be accomplished. He expressed that no one has a monopoly on ideas and that the government was committed to a multiplicity of ideas.
9. Honourable Justice Robert Makaramba (rtd) provided a detailed breakdown of the current situation of media laws in Tanzania, best practices from other regions, and international human rights standards. He detailed legal challenges brought in Tanzania and at regional courts to challenge restrictive provisions, such as the Media Services Act, regarding the right to freedom of expression. However, he identified challenges in the implementation of judgments and international human rights law standards. He emphasised that any laws restricting freedom of expression must meet the three-tiered test of legality, necessity and proportionality, and be for a legitimate aim.

10. A panel was held with representatives from the media, parliament, the legal profession and civil society to reflect on this legal framework, looking at the past, the present, and future opportunities. The panellists and participants expressed their concerns that the media operating environment in Tanzania varies so dramatically at the whim of the government in charge. While the current government has eased restrictions, and committed to media reform, without actual legal reforms, there is concern the media will continue to face reprisals and restrictions. The panellists raised concerns about the aforementioned legislation, the need to apply for yearly licences, the cost of registering licences, and the risk of prosecution for offences, such as criminal defamation and publication of false information, resulting in self-censorship. They called for support for more professional training for journalists and engaging the ministry to amend the restrictive provisions.

11. A panel with representatives for online bloggers, online media, civil society and a cartoonist, was held on threats and opportunities for online media. The panellists shared their experiences of being targeted by repressive regulations and regulators, noting that the blogging environment was robust in 2015 but that, by 2018, most blogs had disappeared. The panellists reiterated that oppressive regulations remain the primary threat to journalists in Tanzania. They called for meaningful and proactive reforms so that dialogues lead to tangible outcomes. The panel generated a robust discussion with feedback and comments from the audience about ways forward.

12. In their discussions throughout the day, participants and panellists identified the following key issues and concerns:
 - a. There has been significant progress made on freedom of expression and media laws as reflected through the government's will, alluded by HE Samia Suluhu Hassan, through her 4R (Reconciliation, Resilience, Reform and Rebuild) philosophy and recent pronouncements on her willingness to promote media freedom. However, there have been no significant legal and policy reforms yet.
 - b. The current legal framework, and media offences, governing the media in Tanzania still result in excessive control and censorship and subject media outlets and actors to criminalisation.

- c. Journalists are being detained under Police custody for violation of laws such as the Cybercrimes Act and the Electronic and Postal Communications (Online Content) Regulations of 2020.
- d. There is a tendency of delay in granting bail for arrested journalists and human rights defenders, contrary to the Criminal Procedure Act which requires the release or arraignment of an accused person within 24 hours from the time of arrest. A recent example is the arrest of journalist Dina Maningo who was detained for 7 days without bail.
- e. The implementation of the cyber law in Tanzania violates constitutional rights and the current privacy and data protection law. The law allows Police officers to demand electronic devices' passwords and access all private data and information without order of the court.
- f. Laws governing digital media are oppressive, leading to restrictions in the digital space.
- g. The Tanzania Communications Regulatory Authority (TCRA) assumes powers of complainant, prosecution and adjudication.
- h. Annual Renewal of Journalism licences is costly, bureaucratic, and results in self-censorship.
- i. Journalists experience challenges with access to information.
- j. More than 80% of journalists have no job contracts and encounter economic hardships which implicate their integrity and their professionalism.
- k. There is inadequate engagement between media Institutions and stakeholders with the government and other arms of the state.
- l. Some media institutions keep a low profile and are not taking appropriate actions to protect victimised journalists because of threats from law enforcers and other authorities.
- m. There is inadequate investigative journalism due to fear of being victimised.
- n. Most discussions and public debates are not connected or linked to governance legal challenges.
- o. The current political will of the President and the Minister on freedom of expression and media rights should be reflected in the policy and legal framework governing freedom of expression and media rights.

- p. Most domestic and international court decisions relating to media freedom are not being implemented by the government of Tanzania. For instance, the decision of the East African Court of Justice in the case of Media Council of Tanzania, Tanzania Human Rights Defenders Coalition and Legal and Human Rights Centre vs the Attorney General of the United Republic of Tanzania, Reference No. 2 of 2017 decided in 2019.

13. To address these issues, participants came up with key recommendations:

- a. The government should consider financially supporting journalists' training.
- b. The government should create a more conducive environment for the media to freely report all issues including exposing malpractices of government officials, and expansion of democracy.
- c. The government should implement international court decisions and domesticate international instruments.
- d. All media laws should be reviewed, especially all the provisions highlighted during the National Forum.
- e. Election related media laws to be reviewed before upcoming local government elections.
- f. The Media Council of Tanzania, and other related institutions, should settle matters related to media offences instead of the courts of law.
- g. Laws and policies should be amended urgently so that the TCRA ceases to act as both prosecutor and judge in media-related matters.
- h. The annual renewal fee and registration requirement for media organisations should be abolished.

14. The government will continue:

- a. Reviewing restrictive legislations including the Cybercrimes Act, election broadcasting laws and the Media Services Act. This will be done in collaboration with media stakeholders such as civil society organisations, advocates and government institutions responsible for legal reforms.

- b. Creating a conducive environment for journalists and media institutions to operate efficiently, including improving laws, regulations, and guidelines to facilitate smooth and productive operations.
- c. Completing the updating of various policies, including the 2003 National Postal Policy, and the Information and Broadcasting Policy 2003, and formulating the new 2024 National ICT Policy.
- d. Reviewing the 2015 Cybercrimes Act to align it with current times and include issues of protecting children against online abuse and combating online terrorism.
- e. Construction of data storage centers in Dodoma and Zanzibar and establishing a National Communication Security Center.
- f. Continuing with the procedures to establish the Journalists Accreditation Board, the Independent Media Council, and the Journalists Training Fund
- g. Improving infrastructure to enable the implementation of the digital economy, enhancing cybersecurity, and improving access to information nationwide.
- h. Overseeing the Digital Revolution driven by ICT and also strengthen the information dissemination system so as to enhance the availability of communication services nationwide.
- i. Improving the cordial relationship between the media sector and the government to enable productive work for the benefit of the nation.
- j. Ensuring that media outlets in the country are free to receive and disseminate news about various events occurring in the society.

15. At the conclusion of the meeting, participants and stakeholders agreed to the following action points and resolutions:

- a. Media institutions and stakeholders resolved to effectively participate in the follow-up processes of reviewing and providing relevant recommendations to the government for amendment of media laws.
 - b. The Government Chief Spokesperson agreed with media institutions and CSOs to meet very soon to discuss challenges and find solutions and a way forward.
 - c. Journalists and CSOs resolved to work together to tackle intimidation, and arbitrary arrests and detention of journalists and the general citizenry, by speaking out, reporting such incidents, and calling for action from media institutions.
 - d. Media institutions and journalists agreed to strengthen interface dialogues with the government.
 - e. Media institutions and CSOs expressed their intention to apply for the available funds of USD 250,000 from the US Embassy, to improve programs and institutional support.
 - f. The media agreed to promote more governance-related debates and reporting.
 - g. Participants agreed to use the current political will expressed by Her Excellency Dr Samia Suluhu Hassan as reflected in her 4R philosophy and her recent pronouncements in favour of freedom of expression and free media to push and influence legal and policy reforms.
16. At the close of the meeting, the THRDC National Coordinator Adv. Onesmo Olengurumwa, paid tribute to the participants, panellists and honourable guests, including ambassadors and the government spokesperson, for their productive contributions, debates and participation in the forum, and the government's express commitment to support the call for urgent reforms for greater media freedom.

By Tanzania Human Rights Defenders Coalition (THRDC)

Done in Dar es Salaam, Tanzania,

27 June 2024.