

AFRICAN MEDIA BAROMETER

A home-grown analysis of the
media landscape in Africa

TANZANIA 2019



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The African Media Barometer (AMB) is a perception index. The findings, interpretations and conclusions reported are those of panelists drawn from civil society and media organisations for the purposes of conducting the AMB, and do not necessarily reflect the views and opinions of *fesmedia* Africa, the Friedrich-Ebert-Stiftung (FES) or the Media Institute of Southern Africa (MISA).



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The African Media Barometer

The African Media Barometer (AMB) is an in-depth and comprehensive description and measurement system for national media environments on the African continent. Unlike other press surveys or media indices the AMB is a self-assessment exercise based on home-grown criteria derived from African Protocols and Declarations such as the Declaration of Principles on Freedom of Expression in Africa (2002) by the African Commission for Human and Peoples' Rights. The instrument was jointly developed by *fesmedia* Africa, the media project of the Friedrich-Ebert-Stiftung (FES) in Africa, and the Media Institute of Southern Africa (MISA) in 2004.

The AMB is an analytical exercise to measure the media situation in a given country which at the same time serves as a practical lobbying tool for media reform. Its results are presented to the public of the respective country to push for an improvement of the media situation using the AU-Declaration and other African standards as benchmarks. The recommendations of the AMB reports are then integrated into the work of the 20 country offices of the FES in sub-Saharan Africa and into the advocacy efforts of other local media organisations such as MISA.

Methodology and Scoring System

Every three to four years a panel of 10-12 experts, consisting of at least five media practitioners and five representatives from civil society, meets to assess the media situation in their own country. For 1½ days they discuss the national media environment according to 39 predetermined indicators. The discussion and scoring is moderated by an independent consultant who also edits the AMB report.

After the discussion of one indicator, panel members allocate their individual scores to that respective indicator in an anonymous vote according to the following scale:

- 1 Country does not meet indicator
- 2 Country meets only a few aspects of indicator
- 3 Country meets some aspects of indicator
- 4 Country meets most aspects of indicator
- 5 Country meets all aspects of the indicator

In 2009, 2013 and 2019 some indicators were replaced to align with changes in the media landscape. Consequently, in some instances, the comparison of indicators of previous reports is not applicable (n/a), as the indicator is new or has been amended considerably.

The sum of all individual indicator scores is divided by the number of panel members to determine the average score for each indicator. These average indicator scores are added up to form average sector scores.

Outcome

The final, qualitative report summarises the general content of the discussion and provides the average score for each indicator. Panellists are not quoted by name in the report, in order to protect them from possible repercussions. The reports can be used as a tool for possible political discussion on media reform.

In countries where English is not the official language, the report is published in a bilingual edition.

In facilitating the AMB, the FES and MISA only serve as a convener of the panel and as guarantor of the methodology. The content of the discussion and the report is owned by the panel of local experts and does not represent or reflect the view of FES or MISA.

By the end of 2019 the AMB had been successfully completed 121 times in 32 african countries, in some of them for the sixth time already.

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See above 32 AMB Countries (2005-2019)

Abbreviations

AMB:	African Media Barometer
BBC:	British Broadcasting Corporation
BRELA:	Business Registrations and Licensing Agency
CORI:	Coalition on the Right to Information
CSO:	Civil society organisation
DED:	District executive director
DIS:	Director of Information Services
EACJ:	East African Court of Justice
EACSOFF:	East African Civil Society Organisations' Forum
FOI:	Freedom of Information
ICT:	Information and Communication Technology
IFJ:	International Federation of Journalists
JOWUTA:	Journalists Workers' Union of Tanzania
LGBTQIA+:	Lesbian, gay, bisexual, transgender, queer, intersexed, agender, asexual and ally community
LHRC:	Legal and Human Rights Centre
MCT:	Media Council of Tanzania
MLDI:	Media Legal Defence Initiative
MISA:	Media Institute of Southern Africa
MUM:	Muslim University of Morogoro
NBS:	National Bureau of Statistics
NEC:	National Electoral Commission
NGO:	Non-government organization
OUT:	Open University of Tanzania
SAUT:	St. Augustine University of Tanzania
SIM:	Subscriber Identification Module
TADIO:	Tanzania Development Information Organization
TAMWA:	Tanzania Media Women Association
TASWA:	Tanzania Sports Writers Association
TBC:	Tanzania Broadcasting Corporation
TCRA:	Tanzania Communication Regulatory Authority
TEF:	Tanzania Editors' Forum
THRDC:	The Tanzanian Human Rights Defenders Coalition
TMF:	Tanzania Media Foundation
TRA:	Tanzania Revenue Authority
TZS:	Tanzanian Shilling
UDSM:	University of Dar es Salaam
UNESCO:	United Nations Educational, Scientific and Cultural Organisation
UTPC:	Union of Tanzania Press Clubs
US\$:	United States Dollar

African Media Barometer Tanzania 2019

Summary

In 2015, Tanzania held general elections that brought the incumbent President John Pombe Magufuli to power. He quickly gained widespread support for his anti-corruption drive that has seen many officials removed from office. The new administration has also vigorously taken measures to increase discipline in the public service. However, President Magufuli's approach to power, and more particularly to freedom of speech and press freedom, have become a significant cause for concern. He has severely tightened his grip on power and centralised decision-making to supposedly deliver a popular agenda: opposition political parties have been constrained, critics of government have been arrested as a result, and the fundamental right of freedom of expression has been negatively affected. These worrying trends are part of a broader shift in Tanzania over the past four years.

Although Tanzania has a constitution that provides for basic civil and political rights, including freedom of assembly and freedom of speech, these rights have suffered. In a span of three years since 2015, several media laws were passed, including the 2016 Media Services Act, which has severe gaps and weaknesses that limit freedom of expression. The Act gives the government broad authority over media content and the licensing of media outlets and journalists. The Act also prescribes harsh penalties, including prison terms, for the publication of defamatory, seditious, or other illegal content.

By the time of the panel discussion, a recent amendment of the National Statistics Act (2015) required that before any person or organisation released data publicly, it needed prior approval by the National Bureau of Statistics (NBS). This was amended in the second half of 2019 and it is therefore no longer illegal to publish statistical information without prior government authorisation, yet official statistics continue to require NBS approval. In March 2019, prior to the most recent amendment, the law was used to impose a seven-day ban on the privately-owned newspaper the *Citizen*, on accusations that it published reports that were false, misleading and seditious. The newspaper had published a story about the depreciation of the Tanzanian Shilling (TZS) against the United States Dollar (US\$).

In March 2018, the government issued the Electronic and Postal Communications (Online Content) Regulations, which require bloggers and owners of online discussion platforms and streaming services to pay over US\$900 per year in registration fees. The regulations were issued under Section 103 (1) of the Electronic and Postal Communications Act (2010). The regulations also grant sweeping powers of content removal to the Tanzania Communications Regulatory Authority, Tanzania's communications regulator. These powers contain no safeguards against abuse. For example, the fees imposed by the regulations led to a brief closure of *Jamii Forums*, a popular news site and social media platform, in 2018. The regulations also make

social media users liable for content that is ‘...indecent, obscene or that lead to public disorder,’ among other vague provisions.

Social media users also face the risk of prosecution under the 2015 Cybercrimes Act, which criminalises, among other issues, insulting the president online. The government has also threatened to prosecute its users for supposedly spreading homosexuality through social media – under current law, homosexuality is illegal in Tanzania. Groups and defenders advocating for the rights of Lesbian, Gay, Bisexual, Transgender and Allied (LGBTQIA+) individuals have also been equally persecuted. In 2018, the government announced the formation of a surveillance team dedicated to ‘hunting down’ gay people.

The right to assemble is also limited and a ban on political rallies and public protests has been in place since 2016, despite the constitution guaranteeing this right. All assemblies require police approval and political demonstrations are actively discouraged at times. The only exception to the ban are political rallies held by parliamentarians within their constituencies, which in turn profoundly benefits the ruling party Chama Cha Mapinduzi – taking into account its numerical advantages in terms of constituencies. Government has begun using old provisions of the Penal Code and the colonial-era Undesirable Persons Act which criminalise loitering, to mostly prevent young people from ‘sitting in groups’ or assembling.

While efforts have been made to promote access to information, the full realisation of this right continues to be a significant challenge. After years of media and human rights advocacy, Tanzania finally passed an Access to Information Act (2018). Despite many progressive clauses contained in the Act, accessing information has not become any easier.

Although Tanzania has a diverse media landscape with numerous print outlets, television (TV) and radio stations, and internet sites and blogs, the repressive legal and regulatory environment impacts on both the enjoyment and operations of these media platforms. In addition, other extra-legal issues hamper access to information sources. The cost of newspapers and data, for example, reduce the accessibility of newspapers and online content for poor rural and marginalised communities. The move to broadcasting digital migration now requires that households either switch to more modern TV sets or purchase decoders (set-top boxes).

Although broadcasting services (especially radio) are widely available, there is little content diversity in the media. Tanzania is a diverse society with more than 120 tribes and local languages, but this diversity is not reflected in the media as the law prohibits broadcasting in local languages. The state broadcaster – the Tanzanian Broadcasting Corporation – which ideally should serve all people, is tightly controlled and acts as the government or party mouthpiece, thus erasing critical voices.

Voices of women are often silenced in the media. According to GenderLinks, voices of men still dominate in the media in Tanzania.¹ Women working in the newsroom also face sexual harassment. A study by *Internews* on women’s role in media revealed rampant sexual harassment across media organisations.² Women

1 This was revealed by the Executive Director of GenderLinks, Colleen Lowe Morna, at the Gender and News Summit Reporting on Sustainable Development held in Tanzania in 2018.

2 Gender Equality and Social Inclusion Analysis Report. Conducted by FHI 360 in partnership with Internews.

are also increasingly presented in disparaging ways by senior government officials and the media.

The operating environment for the media and journalists has deteriorated drastically in recent years and at least four newspapers have been shut down since 2017. Restrictive regulations, use of hefty fines and arbitrary arrests are some of the issues facing journalists. In addition, journalist Azory Gwanda has been missing since November 2017. Prior to his abduction and disappearance, he had written several articles documenting the murders of several local officials and police officers. His disappearance has had a chilling effect on the media. Journalists and news media have been forced to practise self-censorship. The sense of fear is not only limited to the media alone but also to members of the public. People are wary of exchanging political views freely and this caution has also extended to online conversations.

Other challenges, such as the declining standards of reporting and general corruption, also face the media. Specifically, fairness and accuracy in reporting are declining due to several issues such as inadequate training, the pressure of deadlines and the departure of senior journalists. To compound this situation, Tanzanian journalists are generally not adequately paid. Most journalists do not have an employment contract and are therefore not entitled to most employment benefits. Without a union to take their grievances to, most journalists resort to corruption. Brown envelope journalism, a practice whereby monetary incentive is given to journalists to make them write a positive story or kill a negative story, is growing in the country.

Despite the sad state of affairs in the political landscape and media, there is hope. Although civil society is citing intensifying government pressure throughout the year in the form of threats, investigations, detentions and restrictive regulations, Tanzanian civil society organisations (CSOs) and non-governmental organisations (NGOs) remain vibrant. Civil society often comes together to lobby against media laws which have a negative impact on media freedoms. The Coalition on the Right to Information has managed to mobilise diverse CSOs to lead strategic litigations against restrictive media laws. The Tanzanian Human Rights Defenders Coalition and the East African Civil Society Organisations' Forum are also known to take up media law causes. A recent example is when, in early 2019, three Tanzanian NGOs filed an application for a judgment on the Media Services Act to the East African Court of Justice (EACJ). The EACJ ruled that multiple sections of the Media Services Act restrict media freedom and freedom of expression and called on the Tanzanian government to repeal the act.

Tanzania is heading towards general elections in 2020. Since its transition from a one-party state in the early 1990s to a multi-party system, Tanzania has held relatively peaceful elections. However, with the current increasing political polarisation, there is a lot at stake in these upcoming elections. Like in other elections around the world, there is increasing use of professional bots and trolls on social media to manipulate opinions and free speech. This online misinformation combined with political populism and regulative changes, contributes to endangering the standard of free and fair elections that Tanzania is recognised for in the East African region.

The panel discussion took place at the White Sands Hotel, Dar es Salaam, Tanzania in May 2019.



SECTOR 1:

Freedom of expression, including freedom of the media, is effectively protected and promoted

1.1 Freedom of expression, including freedom of the media, is guaranteed in the constitution and supported by other pieces of legislation

Like most modern states, Tanzania is governed through a constitution, which in principle, serves as the supreme law. In 2011, the country began a process of enacting a new constitution that would be 'more legitimate and nationally owned'. A draft contained sweeping changes to the social contract between the public and the national leadership: yet, it was vigorously fought down. The opposition and civic society complained that, amongst others, the Tanzanian Constitutional Assembly was unrepresentative and the draft they produced failed to include opposition inputs such as clauses limiting the powers of the president. In a development that stalled the constitutional revision process, the National Electoral Commission (NEC) of Tanzania pulled the plug on a planned referendum on the new constitution in 2015, officially citing delays in registering voters. AMB panellists stated that resuming the constitutional revision process does not appear to be a priority for the current government, which came to power through an election later in 2015.

The 1977 Constitution³ was, therefore, still in force during the 2019 assessment of the media landscape in Tanzania. This version of the constitution recognises a range of citizens' rights and duties, including the right to freedom of expression. Enshrined under several clauses dealing with 'the right to freedom of conscience,' Section 18 of the constitution states:

Every person (a) has freedom of opinion and expression of his ideas; (b) has a right to seek, receive and, or disseminate information regardless of national boundaries; (c) has the freedom to communicate and a freedom with protection from interference from his communication; and (d) has a right to be informed at all times of various important events of life and activities of the people and also of issues of importance to the society.

Noticeably, the constitution fails to expressly grant freedom of the media. Panellists noted that some laws from colonial times are still in place which are inherently repressive in nature. Such significant omission has been openly debated both in media and political circles. Thanks to advocacy from media rights organisations, the draft of the new constitution included specific clauses dealing with 'freedom to information and freedom of the press'. Section 31 of the draft charter states that:

(1) Every person has the right and freedom to (a) to seek, obtain, use and disseminate news and information; and (b) to set up the media and other means of news dissemination regardless of national boundaries.

(2) The media shall be free and will have (a) the right to access, use and disseminate news and information they receive; (b) the responsibility to (i) disseminate news and information to the public; and (ii) to respect and protect the dignity, respect, liberty and dignity of citizens against the news and information they consume, they prepare and disseminate.

(3) The Government and its institutions, civil society organisations and individuals will be responsible for providing information to the public about the activities and the implementation of their activities.

(4) The Parliament shall enact laws for the purpose of protecting: (a) the right and freedom of the press; and (b) news and information for the purpose of national security, peace, public moral conduct, justice, respect and liberties of other persons.

Despite its progressive outlook, panellists noted that the proposed recognition of freedom of the media was inconsequential if the new constitution remained shelved – as was the case during the holding of this AMB. Furthermore, they had a generally unsatisfactory appraisal of the levels to which the current constitution guaranteed freedom of expression and of the media:

Stating [freedom of expression] in the constitution is one thing, guaranteeing it is another thing. Guaranteeing means that steps are taken to ensure that citizens enjoy these rights. But that is not the case. Strictly speaking, there is no right that is guaranteed in the country. [On the contrary] laws that are supposed to enforce these rights are designed to undermine them.

The constitution itself sets limits to the enjoyment of rights and freedoms, noting in Section 30 that rights are only enjoyed if they do not infringe on the rights of others and the general interest. Quite significantly, it adds that the provisions of the constitution setting out fundamental human rights, freedoms and duties do not stop the state from enforcing existing legislation or enacting future ones that might take away citizen's rights and freedoms as enshrined in the constitution. Notably, the constitution outlines, citizens' rights and freedoms can be abnegated for the purposes of:

ensuring that the rights and freedoms of other people or of the interests of the public are not prejudiced by the wrongful exercise of the freedoms and rights of individuals;

ensuring the defence, public safety, public order, public morality, public health, rural and urban development planning, the exploitation and utilisation of minerals or the increase and development of property or any other interests for the purposes of enhancing the public benefit;

ensuring the execution of a judgment or order of a court given or made in any civil or criminal matter;

protecting the reputation, rights and freedoms of others or the privacy of persons involved in any court proceedings, prohibiting the disclosure of confidential information, or safeguarding the dignity, authority and independence of the courts;

imposing restrictions, supervising and controlling the formation, management and activities of private societies and organisations in the country; or

enabling any other thing to be done which promotes or preserves the national interest in general.

Unlike the generally agreed principle which considers the constitution as the supreme law, panellists pointed out that when it comes to rights and freedoms, the Tanzanian Constitution was incapacitated. They repeatedly cited Section 30 (5) of the constitution, which they said made it difficult to claim constitutional rights and freedoms as it gives judges the power to overrule the constitution where there is perceived conflict of interest. The section states that:

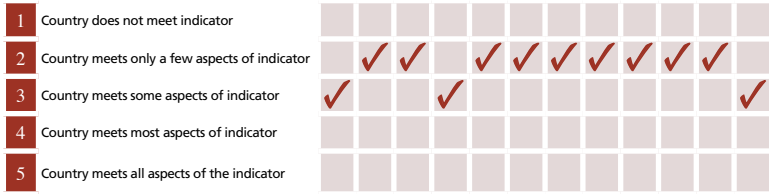
Where in any proceedings it is alleged that any law enacted or any action taken by the Government or any other authority abrogates or abridges any of the basic rights, freedoms and duties set out in Articles 12 to 29 of this Constitution, and the High Court is satisfied that the law or action concerned, to the extent that it conflicts with this Constitution, is void, or is inconsistent with this Constitution, then the High Court, if it deems fit, or if the circumstances or public interest so requires, instead of declaring that such law or action is void, shall have power to decide to afford the Government or other authority concerned an opportunity to rectify the defect found in the law or action concerned within such a period and in such manner as the High Court shall determine, and such law or action shall be deemed to be valid until such time the defect is rectified or the period determined by the High Court lapses, whichever is the earlier.

In addition to loopholes in the constitution, panellists noted that numerous pieces of legislation have been passed and are frequently enforced that infringe on constitutional provisions granting freedom of expression. The most notorious include the Cybercrimes Act and The Prisons Act. Some of these laws have emerged more recently and notably include the Media Services Act of 2016, which has reintroduced crimes of sedition and criminal defamation, including the defamation of dead persons. Panellists said the general trend has been the enactment of more repressive laws that stood in the way of the full exercise of freedom of expression and of the media. Citing the Media Services Act as an example, one panellist said, 'The Newspaper Act (1976), which was considered repressive, was replaced with an even more repressive Media Services Act. We asked for bread and got a snake instead.'

In summary, panel discussions revealed that even though the constitution recognises freedom of expression as a right, it fails to protect these rights, does not account for freedom of the media and has left room for other legislation that can infringe on these rights to flourish. A more progressive constitution, which grants freedom of the media, has been locked away and holds little promise of changing the landscape anytime soon.

Scores:

Individual scores:



Average score: 2.3
 Score of previous years: 2006: 2.8; 2008: 2.4; 2010: 2.7; 2012: 2.5; 2015: 2.7

1.2 The right to freedom of expression is practised and citizens, including journalists, are asserting their rights without fear

In 2017, Tanzania momentarily banned four newspapers, the most in a single year in the recent history of the country. This brought to five the number of publications banned within two years and exemplified an increasingly adverse and challenging environment for the practise of journalism and the operation of news outlets. This was followed by a warning and reminder on the part of the president that news reporting in Tanzania is supposed to be ethical. Henry Maina, Regional Director of Article 19 Eastern Africa, a media rights NGO, observed in October 2017 that, ‘The banning of newspapers is an attack on media freedom in the country and serves to undermine the media’s role as a watchdog in a democratic society. It is a great concern that Tanzania appears to be declining on its commitment to guarantee freedom of the media by resorting to imposing arbitrary bans on media organisations. Issuing bans such as this is also likely to result in self-censorship.’⁴

Panellists said the government has used both repressive laws and its sweeping powers to trample upon the exercise of freedom of expression. Among the most notorious tools in the hand of the authorities is a new law that bans the unauthorised use of official statistics. A 2018 amendment to the National Statistics Acts (2015) requires authorisation from the National Bureau of Statistics (NBS) before publishing official statistics; the government claimed that these reforms were needed to protect the factual integrity of statistics. The change has been widely condemned as counterproductive⁵ but has remained in force. In March 2019, among other reasons, the law was used to temporally ban the *Citizen* for publishing an unauthorised exchange rate between the TZS against the USD.⁶ Authorities held that the newspaper had been suspended for repeatedly spreading false and seditious information. However, a panellist said,

4 In <https://www.article19.org/resources/tanzania-ban-on-newspapers-raises-concerns-for-press-freedom/>.
 5 See: World Bank (2018). World Bank Statement on Amendments to Tanzania’s 2015 Statistics Ac. Available online at: <https://www.worldbank.org/en/news/statement/2018/10/02/world-bank-statement-on-amendments-to-tanzanias-2015-statistics-act>. Last accessed on 20 May 2019.
 6 See Daily Monitor (available online at <https://www.monitor.co.ug/News/National/Tanzania-bans-Citizen-newspaper/688334-5002850-r04jl4z/index.html>) and CPJ (available online at <https://cpj.org/2019/03/tanzania-citizen-7-day-publication-ban.php>) Both reports last accessed on 20 May 2019.

'The information was true. The real problem was that they did not verify with the NBS'.

According to panellists, attacks on freedom of expression and the press ranged from the arbitrary use of the law to direct physical assault. Between 2016 and 2017, the Legal and Human Rights Center (LHRC), an NGO, recorded 17 cases of harassment against journalists and human rights defenders and many more against other members of the public.⁷ Investigative journalist Azory Gwanda disappeared in November 2017, and at the time of this publication there is no information on whether he is still alive. Civil society organisations are criticising the lack of investigation into his case. According to panellists and Article 19 East Africa, Gwanda had been investigating a spate of murders targeting local officials and security personnel, some allegedly by 'mystery motorcycle attackers', when he was taken by unidentified men on the morning of the 21st November 2017.⁸

The government's perceived suspicion against free speech has bred fear. Panellists noted that journalists and news media organisations have been forced to practise self-censorship because the risk of reprisal had become high. One panellist described the current context as follows:

Journalists will tell you they are not free. Right now, if you want to succeed in journalism, you must sing praises or report only the things those in power want to hear. Investigative journalism is no longer on the agenda in Tanzania. Even event reporting has become risky. For example, authorities imposed a fine of 60 million TZS [US\$27,000] on five TV channels for airing a press conference by the Legal and Human Rights Centre.⁹

In 2019, a report titled the *Yearbook on Media Quality in Tanzania 2018: Synthesised Report on Overall Results* showed that there was a marked decline in political reporting in the Tanzanian media.¹⁰ Panellists added that most news reports were 'one-source stories as it has become increasingly difficult to corroborate or have sources on the record'. According to their submissions, even ministers and senior public officials have grown reluctant to speak to the press. Panellists stated that within this context, critical features, analyses, commentary and opinions have all but disappeared from newspapers. Where they still exist, 'the language has changed,' explained one panellist, 'you have to read three lines below to understand what is being said.'

Panellists said beyond the media and journalists, members of the public are unable to freely express their opinions. 'Pavement radio' is an expression that

7 FIDH and LHRC (2017). Tanzania: Freedom of Expression in Peril, Joint Situation Note. No 698a. Available online at: https://www.fidh.org/IMG/pdf/joint_position_note_tanzania_fidh_lhrc.pdf. Last accessed on 21 May 2019.

8 See Article 19 East Africa. Available online at <https://www.article19.org/resources/tanzania-concern-grows-missing-journalist-azory-gwanda/>. Last accessed on 20 May 2019.

9 Human Rights Watch (HRW) reported that at the press conference, LHRC discussed alleged abuses by the government during the 2017 presidential election. Fined news outlets were charged with airing 'seditious' content and contravening the Broadcasting Act. <https://www.hrw.org/world-report/2019/country-chapters/tanzania-and-zanzibar>. Last accessed on 20 May 2019.

10 Spurk, C & Katunzi, A. 2019. Yearbook on Media Quality in Tanzania 2018: Synthesised Report on Overall Results. Media Council on Tanzania and Spurk Media Consulting Ltd.

describes informal communication channels such as street chatter prevalent in African urban centres, has gone silent. 'In the past, people discussed politics openly outside newsstands or around bus stops. But these days, the subject has changed from politics to football or religion.' Some panellists said even social media conversations had become well-guarded, especially with new laws that hold the moderators of discussion forums responsible for member-generated content. Some said it had become commonplace to be kicked out of WhatsApp or Facebook groups for comments considered too sensitive, 'People have learned that there is freedom of expression but no freedom after expression. [The exercise of the right to] freedom of expression depends on what you are talking about and who you are talking about.'

Old provisions of the Penal Code against 'rogues and vagabonds', which criminalise loitering and idleness were recently unearthed and have been increasingly enforced. Panellists said similar trends have been observed with the use of the Undesirable Persons Act, an obscure law that survived the colonial repressive regime. In one example provided by a panellist with knowledge of the incident, students of a Tanzanian university were arrested and charged with loitering in 2018, after police found them discussing politics. Panellists said the authorities were using these archaic yet unabandoned laws to mostly prevent young people from 'sitting in groups' and potentially discussing political issues.

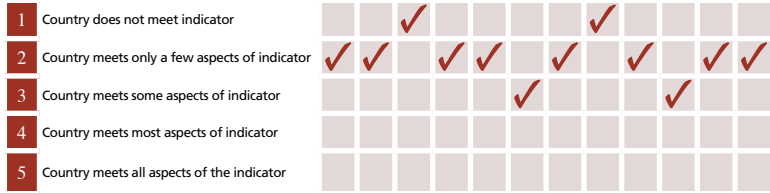
With the space for free expression closing, most Tanzanians are taking their views online. Even then, panellists said, citizens still feel the need to use pseudonyms. As fear spreads to online platforms, panellists said they suspected that both private citizens and authorities were increasingly using automated tools such as computer bots for engagement – on the one hand to remain anonymous and on the other hand, to phish user identities.

However, not everyone is afraid to say what they want in a countertrend that can be confusing to the outsider – which one panellist described as stemming from the 'prevailing culture of double standards'. A few news outlets, such as *Tanzanite* newspaper, have remained notoriously outspoken. 'Looking at what they are able to write and get away with, one might think there is freedom of expression in Tanzania,' said one panellist. Panellists claimed that these organs were operated and sustained by pro-government interests and represent no real threat to the regime.

In a nutshell, bad media laws combined with adverse political leadership have profoundly constrained the exercise of the right to freedom of expression in Tanzania both for journalists and members of the public. This has negatively affected not only the ability of journalists and other professionals such as researchers and human rights defenders to work, but also the quality of journalistic and other communication products. Under the prevailing conditions, panellists felt it was absurd to imagine the public, including journalists, as fully enjoying their rights to freedom of expression without fear.

Scores:

Individual scores:



Average score: **2.0**
 Score of previous years: 2006: 2.1; 2008: 2.8; 2010: 2; 2012: 3.3; 2015: 2.7

1.3 There are NO legal restrictions to freedom of expression or laws that interfere with the functioning of the media. (e.g. official secret, libel acts and legal requirements)

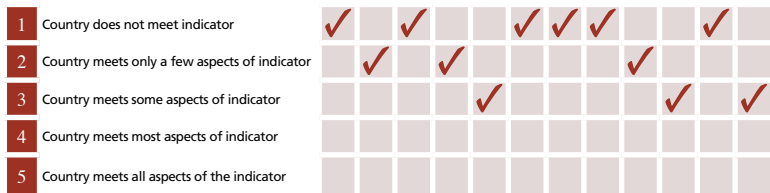
At the last count, Tanzania had about 24 pieces of legislation that can be invoked to trample upon the public’s right to freedom of expression and the media. Panellists cited the Prisons Act, the Cybercrimes Act, the National Security Act, the Protected Areas and Places Act, the Undesirable Persons Act and even the Media Services Act among the most severe and most frequently used.

The Protected Areas and Places Act, just as the Undesirable Persons Act, is quite an off-the-wall piece of legislation that is open to broad interpretation and is easily violable. The Act prohibits the public use of information obtained from physical locations classified as protected (at the discretion of the competent minister), notwithstanding that it serves any legitimate public and security interest. A panellist said the public was hardly made aware of the list of protected places and areas, yet defaulters run the risk of 20 years’ imprisonment if found guilty.

Panellists said as it might suit the occasion, the government tends to dig up long forgotten laws and pieces of legislation and apply them. ‘We no longer talk about these repressive laws because we don’t want to remind them of their existence.’

Scores:

Individual scores:



Average score: **1.8**
 Score of previous years: 2006: n/a; 2008: n/a; 2010: n/a; 2012: n/a; 2015: 1.8

1.4 Government honours regional and international instruments on freedom of expression and freedom of the media

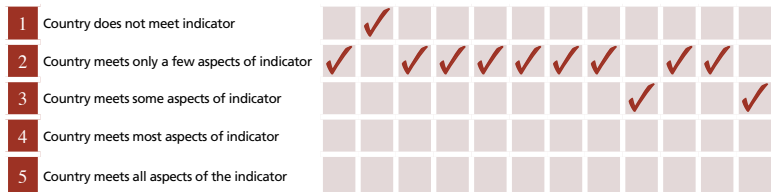
Tanzania is a dualist state – jargon used in international law to describe a country that separates its national laws from international treaties and other instruments. Consequently, international instruments signed and ratified by Tanzania do not automatically become law. Unless such instruments are ‘translated’ into national laws, they are not recognised as applicable laws within Tanzania. Panellists said that because of this arrangement, international instruments relating to freedom of expression that have been ratified by Tanzania are hardly respected in the country.

Panellists stated that when it suits the government, principles and clauses from international treaties are included in the national law ‘in tiny bits’. It was also the view of the panel that the authorities were more inclined to ignore international treaties altogether, which they then fail to honour. For example, Tanzania has not met its obligations to report regularly on the state of press freedom and guaranteed human rights, even though the country has ratified the African Charter and the United Nations Convention on the Rights of People with Disability, which require such reports from parties. To drive home the point, one panellist said, ‘Our commitment to international human rights standards, even in the judiciary, is so little that we do not tend to mention it.’

There have been some attempts to test Tanzania’s dualist status and general disregard for international instruments. In March 2019, the East African Court of Justice (EACJ). ruled that many provisions of the Media Services Act contravened freedom of expression and press freedom provisions of the treaty establishing the East African Community. The EACJ called on Tanzania to repeal those provisions, notably those dealing with sedition, criminal libel and publication of false information. Media rights organisations praised the ruling¹¹ as an essential step in addressing Tanzania’s declining freedom of expression and media freedom record. Tanzania has appealed the ruling and at the time of the AMB, the repressive provisions of the Media Services Act were still applicable.

Scores:

Individual scores:



Average score:

2.1

Score of previous years:

2006: n/a; 2008: n/a; 2010: 2.2; 2012: 3.3; 2015: 2.5

11 See for example CPJ. Available online at <https://cpj.org/2019/03/east-african-court-rules-that-tanzanias-media-serv.php>.

1.5 Print publications are not required to obtain permission to publish from state authorities

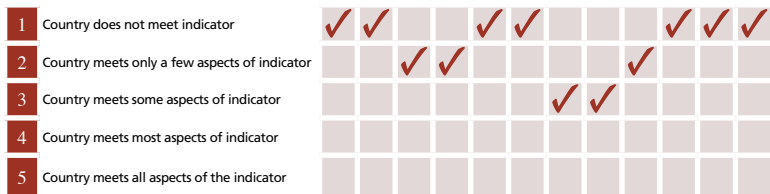
It is illegal in Tanzania to publish a newspaper and other forms of print media without first obtaining a licence from a government authority. The licensing requirement is extended to the sale, distribution, importation and production of print media throughout the country. The law empowers the Director of Information Services Department or its representative to reject applications that do not comply with licensing requirements and equally, to suspend or cancel licences ‘in the event of failure of a licensee to comply with the prescribed conditions of a license’.¹² Newspaper licensing conditions are spelt out in Sections 7 through to 16 of the Media Services Regulations (2017). It states that a licence shall be renewed annually, and applicants are required to pay both an initial and an annual licence renewal fee (Sections 12 & 13).

Panellists said the licensing system was designed to maintain government control over the print media, mainly through the arbitrary use of its powers to deny, suspend or withdraw licences. They felt that the yearly renewal requirement allowed the government to have a permanent noose around the neck of print media to keep them in check. ‘Once a newspaper is licensed, the government keeps an eye on that publication,’ said one panellist. ‘If after operating you look bad, it becomes hard to renew your licences.’

The authorities have suspended newspaper licences several times over the past years, according to panellists, news reports and NGO sources. Notable examples include *Mawia*, (banned for two years in 2017) and *Mseto* (banned for three years in 2016). In 2018, the EACJ overturned the decision by the authorities to suspend *Mseto’s* licence, saying that the ban was ‘arbitrary and whimsical’, according to a news article by the NGO Media Legal Defence Initiative.¹³ Panellists said the authorities have ignored the decision and several other court rulings which overturned licence bans.

Scores:

Individual scores:



Average score:

1.6

Score of previous years:

2006: n/a; 2008: n/a; 2010: 1; 2012: 1.5; 2015: 1.2

1.6 Confidential sources of information are protected

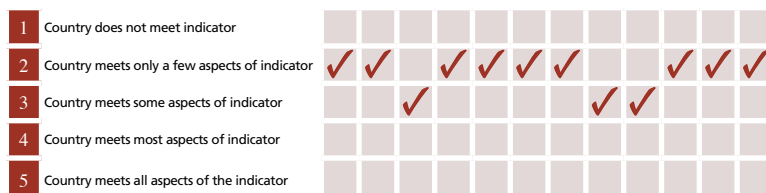
by law and/or the courts

Tanzania has no specific legal protection for journalistic sources. Related laws such as the Whistle Blower and Witness Act do not apply directly to the protection of confidential news sources. Nonetheless, panellists said the public generally understand that journalists are not required to reveal their confidential sources as a standard journalism practice. Therefore, with these generally accepted principles, journalists and news organisations often choose to protect their sources.

However, the lack of legal protection frequently exposes journalists to harassment. Panellists said it was habitual that journalists are tortured and pressured in other ways to reveal their sources. For example, the administrators of *Jamii Forums*, an online platform that allows citizens to 'dare talk freely', has frequently been under pressure to reveal the identities of anonymous members. According to panellists and media reports, in 2016 police arrested the site's administrators Maxence Melo Mubyazi and Micke Williams and charged them with obstructing justice for refusing to release information about members.¹⁴ The duo was charged under the Cybercrimes Act and if convicted, face fines of up to 3 million TZS (US\$1,300), a jail term of at least one year, or both. '*Jamii Forums* two co-founders have been back and forth in court as authorities push to gain information about members.'

Scores:

Individual scores:



Average score:

2.3

Score of previous years:

2006: 1.6; 2008: 2.3; 2010: 1.8; 2012: 1.3; 2015: 1.2

1.7 Public information is easily accessible, guaranteed by law, to the public

After years of media and human rights advocacy, Tanzania finally passed an Access to Information Act in 2016. Section 5 (1-3) of the Act states that:

Every person shall have the right of access to information which is under the control of information holders. The information holder shall, subject to the provisions of section 6 and any other written laws, make available to the public or, on request, to any person, information which is under

¹⁴ See for example the BBC story of the 16th December 2016. Available online at <https://www.bbc.com/news/world-africa-38341151>. Last accessed on 22 May 2019.

his control. Nothing in this Act shall limit or otherwise restrict any other legislative requirement for a public authority to disclose information.

The Act (Sections 7-9) upholds the principles of obligation to provide information, obligation to keep information and the obligation to publish certain information. Among other clauses, it requires state authorities to appoint information officers to 'deal with requests for information and render assistance to a person seeking such information'. The law further outlines procedures for accessing information in Sections 10 and 11, which include special considerations for non-literate and disabled members of the public.

Despite these progressive provisions, panellists said the Access to Information Act remained inadequate. For example, there are no repercussions to information holders who decide not to honour information requests. They made the comparison with India, where a similar law says an information officer who fails to honour an information request is held personally liable. The Tanzanian law also gives information officers, or persons acting as such, up to one month to respond to information requests, which is restrictive for people who might need information on tight deadlines such as journalists and lawyers. Furthermore, Section 18 restricts how information obtained from information holders can be used, prescribing a prison term of up to two years for anyone found guilty of distorting information obtained through a Freedom of Information (FOI) request.

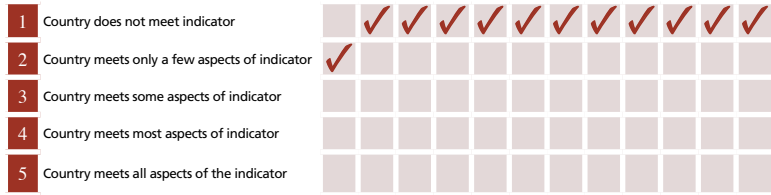
Since the passing of the Access to Information Act, panellists said access to information has ironically become more difficult for the public and cited two studies by the Media Institute of Southern Africa (MISA) and the Media Council of Tanzania, which show that the law has not improved public access to information. Panellists stated that with the requirement to appoint information officers, some public authorities – like local governments, who traditionally communicated with constituents – have scaled back on their use of public notice boards and other channels. There has also been a sharp decline in publicly available information on official websites and other portals that existed under an open government drive prior to 2016. Rather than promote, panellists felt the Access to Information Act had restricted access to information.

Many reasons account for this unflattering perception. The most significant appears to be confusion among information holders, such as municipalities, District Executive Directors (DEDs) and information officers on their different roles. One panellist explained the situation as follows, 'Sometimes, the information officer will tell you he is not the spokesperson of the DED. Even though the law empowers the information officer to provide information and help information seekers, some of them still tell you they need the approval of their superiors or the DED. At the same time, some districts have stopped providing information to the public using other channels that worked in the past, because they feel all information must now go out through the information officers.'

By and large, panellists felt the Access to Information Act had taken the country backward rather than forward. The public, they pointed out, was no longer able to receive information as promptly as they did in the past when districts had rolled

Scores:

Individual scores:



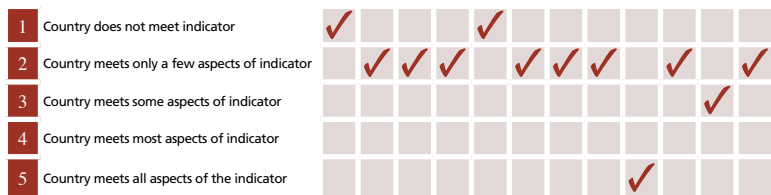
Average score: 1.1
 Score of previous years: 2006: n/a; 2008: n/a; 2010: 3; 2012: 4.8; 2015: 4.7

1.9 The state does not seek to block or filter internet content unless in accordance with laws that provide for restrictions that serve a legitimate interest and are necessary in a democratic society, and which are applied by independent courts

Panellists stated that given the authorities’ bad reputation with trying to check the free flow of information, it was highly likely that the government actively sought to block or filter internet content. Despite the lack of hard evidence, these views appear to have crystallised in the public consciousness mainly due to state policy. For example, a national drive to link mobile telephone Subscriber Identification Module (SIM) cards to owners’ personal identification documents has led to worries that the state was engaged in massive espionage on citizens. One panellist claimed that with the help of China, the national cybercrimes force had acquired the skills and capabilities of taking down websites and preventing the spread of targeted online content. During the 2015 elections, *Jamii Forums*, the online discussion forum and whistle-blowing platform, inexplicably went off-line for 24 hours, leading to public speculation that the site had been jammed by either Ukrainian or Russian operatives on behalf of the authorities. Despite such apparent signs of interference with online services and content, the direct involvement of the authorities appears more speculative than verifiable.

Scores:

Individual scores:



Average score: 2.2
 Score of previous years: 2006: n/a; 2008: n/a; 2010: 3.3; 2012: 4.5; 2015: 3.3

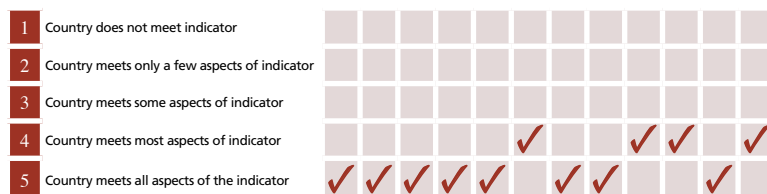
1.10 Civil society in general and media lobby groups actively advance the cause of media freedom

The civil society in Tanzania is considered generally well-organised and active. Often, it rallies around the media and media causes such as access to information and the decriminalisation of libel. The Coalition on the Right to Information (CORI) is known for mobilising like-minded organisations to lead strategic litigations and lobby against restrictive media laws. Other organisations that frequently take up the media's causes as part of their mission include the The Tanzanian Human Rights Defenders Coalition (THRDC) and East African Civil Society Organisations' Forum (EACSO). Panellists said that individual NGOs used different approaches and highlighted various issues, but quite often they engage in coordinated action.

Such work from NGOs outside the media space complements those of media organisations and lobbies. These too are considered vibrant and active in pressing for media rights. The most notable media organisations at work include the Tanzania Editors Forum, the Media Council of Tanzania (MCT), Tanzania Media Foundation (TMF), the Tanzania Development Information Organisation (TADIO), the THRDC, the Union of Tanzanian Press Clubs and the national chapter of the Media Institute of Southern Africa (MISA).

Scores:

Individual scores:



Average score:

4.2

Score of previous years:

2006: 2.8; 2008: 2.7; 2010: 3.2; 2012: 4.1; 2015: 4.1

1.11 Media legislation evolves from meaningful consultations among state institutions, citizens and interest groups

By and large, the law-making process in Tanzania is controlled by the central government and often lacks meaningful input from other political and social actors. According to panellists, where some consultation is held, views that do not align with the government's agenda are hardly retained. In extreme cases, the government uses groups and individuals outside the formal legislative process to push pro-government during consultation meetings – to the detriment of critical voices.

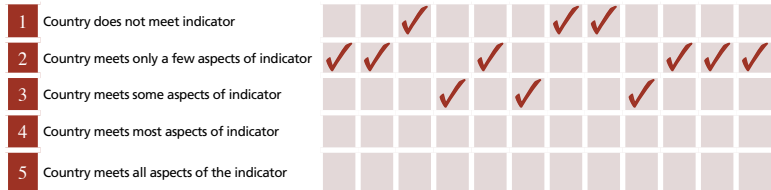
This law-making culture is reflected in the making of media laws. To limit debates (even within parliament) the authorities often use a tool known as ‘certificate of urgency’, which is used to speed up the passing of a law by limiting the level of scrutiny that a bill can be subjected to in parliament. In the past few years, two laws with direct consequences for the media have been passed using this mechanism. They are the Cybercrimes Act and the Statistics Act.

Panellists stated that sometimes consultations lead to even harsher media laws – media lobbies failed to stop the enactment of the Media Services Act and may have helped speed up its adoption. In a remarkable show of disregard for their concerns, the Media Services Act was signed into law the day following a meeting between media lobby groups and the authorities, during which the media lobbies raised objections against the law.

Public influence on the legislative process paid off in a few instances. The Access to Information Act, for example, was put off for one year due to public outcry. Panellists said media lobbies succeeded to remove a clause that made it illegal to publicly use information obtained through an FOI request. The provision was replaced with a less restrictive yet incriminating one, which made it illegal to distort information obtained through an FOI request.

Scores:

Individual scores:



Average score: **2.0**
 Score of previous years: 2006: n/a; 2008: n/a; 2010: 2.6; 2012: 3.8; 2015: 1.7

Overall Score for Sector 1: **2.2**



SECTOR 2:

The media landscape, including new media, is characterised by diversity, independence and sustainability

2.1 A wide range of sources of information (print, broadcasting, internet, mobile phones) is accessible and affordable to the public

Numerically, the media landscape in Tanzania is diverse and vibrant. In 2018, it was estimated that the Mainland had 156 radio stations, 48 TV channels and 216 newspapers, while Zanzibar had 25 radio stations and 12 TV channels.¹⁷ To the best of panellists' recollection, the newest newspaper, *Tanzanite*, hit the stands in 2015. Two broadcasting services, *EFM* and *eTV* also began broadcasting during the same year.

Panellists said traditional media outlets have enjoyed steady growth, particularly during the last decade. However, costs are rising, reducing accessibility for mostly poor rural members of the public. For example, changes in TV broadcasting technology now requires that households either switch to more modern TV sets or purchase decoders to capture free-to-air signals. At 1000 TZS (less than half a dollar), newspapers cost as much as a loaf of bread. In the view of panellists, when a choice must be made, most people would opt to buy the bread.

Digital technology has expanded the range of sources of information. Online multimedia content is easily the fastest growing source of news and the most accessible. In addition to digital natives, most newspapers, radio stations and TV channels are present online and use social media to reach more people. *M-Papers*, a digital newsstand, allows members of the public to subscribe to electronic versions of newspapers and magazines. A study on the media landscape concluded that 'the country was witnessing a paradigm shift in the internet space'.¹⁸

The report noted that:

For the last six years, internet penetration has increased from 17% in 2012 to 45% in 2017. By September 2018, some 22,995,109 Tanzanians had access to the internet, with the majority (19,006,223) accessing the internet via mobile wireless. This shift, though largely an urban phenomenon in the country, has a positive impact on public media consumption as citizens can access the media through various social networks and apps. Additionally, it provides opportunities for citizens to express their views on various discussions and the growth of online and citizen journalism. (Spurk & Katunzi, 2018)

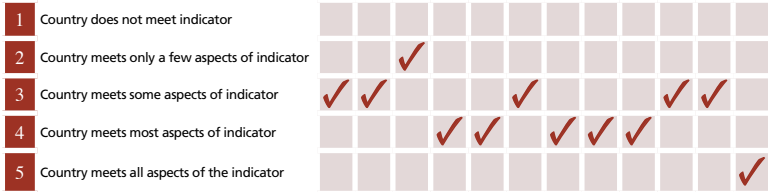
Accessing information via the internet is only limited by the cost of internet access. Even though users pay less than US\$1 for a gigabyte of data, panellists said the cost was still high for most citizens. In a nutshell, Tanzania has a wide range of news sources, but access to these sources is usually restricted by cost, technology and infrastructure.

¹⁷ Ibid.

¹⁸ Ibid.

Scores:

Individual scores:



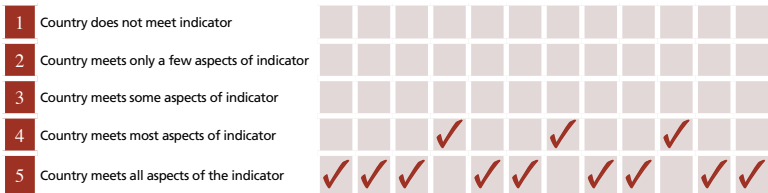
Average score: **3.5**
 Score of previous years: 2006: 2.9; 2008: 2.8; 2010: 3; 2012: 3.3; 2015: 3.6

2.2 The public access to domestic and international media sources is not restricted by state authorities

Access to domestic and international media sources is open and unrestricted in Tanzania. Panellists said there was a wide range of foreign newspapers in circulation and citizens can access foreign broadcasting services via satellite and cable.

Scores:

Individual scores:



Average score: **4.8**
 Score of previous years: 2006: 3.1; 2008: 4.1; 2010: 3.8; 2012: 4.3; 2015: 4.7

2.3 The editorial independence of print and online media published by a public authority is protected adequately against undue political interference

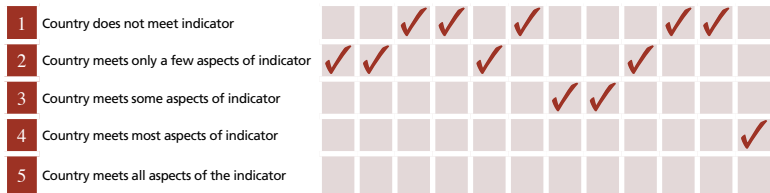
Tanzania has two state-owned newspapers, *Daily News* and *Habari Leo*. Both newspapers and their online versions are widely viewed as mouthpieces for the government in power and part of the state machinery. Consequently, they lack editorial independence.

Panellists described a culture of bias, self-censorship and ‘sunshine’ journalism in state-owned newspapers. Among other things, editors and journalists of the *Daily News* and *Habari Leo* systematically kill stories unfriendly to the government and silence critical and opposition voices. A 2018 content analysis of the *Daily News* showed that the paper did not publish a single story critical of the government during the entire year. One panellist said, ‘Once you accept a job at the *Daily News*, you know automatically that there are some stories you cannot touch.’

Though panellists agreed that state-owned newspapers lacked editorial independence, some were of the view that the lack of independence was not necessarily a problem. One panellist argued strongly that as part of the state machinery, state-owned newspapers ought to be viewed as tools in the hands of the authorities to promote government action.

Scores:

Individual scores:



Average score:

1.9

Score of previous years:

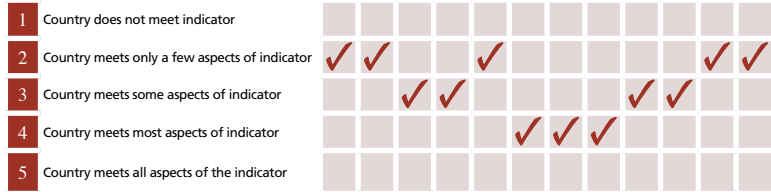
2006: 2.4; 2008: 1.8; 2010: 1.9; 2012: 2.3; 2015: 1.8

2.4 Transparency of news media ownership is guaranteed by law and enforced

Media ownership in Tanzania is easily verifiable as the authorities keep a public record of company owners and shareholders under the Companies Act. Citizens can access this record from the Business Registrations and Licensing Agency for a fee. However, panellists said the directory of business owners might not always reveal the actual owners of media outlets. ‘Individuals can form companies and companies form companies so that to know who is truly behind a news service, you still have to dig deeper,’ said one panellist. Another panellist added that it is possible that the true owners of media houses use other individuals and companies as fronts.

Scores:

Individual scores:



Average score:

2.8

Score of previous years:

2006: n/a; 2008: n/a; 2010: n/a; 2012: n/a; 2015: 3.8

2.5 Adequate legislation/regulation seeks to promote competition and prevent media concentration and monopolies

The Fair Competition Act (2003) is supposed to prevent concentrations and monopolies across multiple sectors, including the media. However, in practise, media concentration is strong in Tanzania. A 2018 study¹⁹ by the MCT and Reporters Without Borders showed that the Tanzanian media was controlled by a handful of interests.

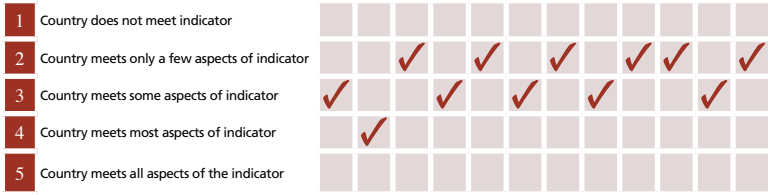
It noted that:

Some of the largest media groups belong to owners who control conglomerates with a range of interests in other business sectors. For example, the late Dr. Reginald Mengi, who founded the IPP Media Group, built his fortune in the bottling industry, in household and cosmetic products and in mining. He also had interests in the oil and gas, automobile and pharmaceutical industries. Another case is that of Said Salim Bakhresa, a self-made millionaire who launched Azam TV, a pay TV service for East Africa. His Bakhresa Group is today one of East Africa’s largest conglomerates, including ventures in food and beverages, packaging, ferry services and petroleum trading. There is a risk that media owners with diverse business interests may use their communication channels with the objective of promoting and facilitating their other companies – at the expense of socially relevant content.

Panelists asserted that part of the problem is the failure of the Media Services Act to address media concentration. Media lobbies have failed over the year to cause the authorities to change the law that allows single interests to own multiple types of news media. Consequently, the media industry is controlled by less than five individuals and corporate interests.

Scores:

Individual scores:



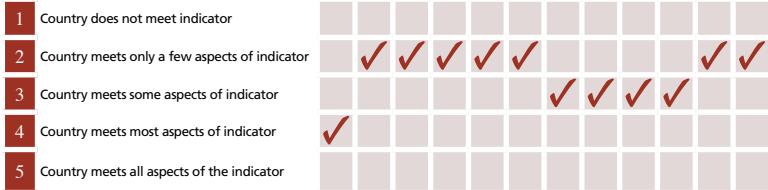
Average score: **2.6**
 Score of previous years: 2006: 1.6; 2008: 2.4; 2010: 1.7; 2012: 2.7; 2015: 2.8

2.6 Government promotes a diverse media landscape with economically sustainable and independent media outlets

Tanzania has a diverse media landscape with numerous outlets catering to different audience segments. However, panellists said, that this was not the result of government policy. On the contrary, an arsenal of legal regulatory tools has been used to stifle the emergence of economically sustainable and independent media. Licence fees for all media, for example, are high and prohibitive. Media inputs are not tax-exempt and even community radios have to pay high licence fees annually.

Scores:

Individual scores:



Average score: **2.5**
 Score of previous years: 2006: n/a; 2008: n/a; 2010: 1.8 ; 2012: 1.3; 2015: 2.8

2.7 All media fairly represent the voices of all gender

Despite progress over the years, the voices of men are still dominant in news coverage. Panellists said social and cultural practices that relegate women to the shadows of society are partly responsible for the scarcity of women's voices in the media. 'Few of them are willing to speak up, even when approached for interviews.'

The representation of women in the media also reflects a society that is strongly patriarchal. In general, men dominate the public space and control the narrative and agenda of public discourse and media coverage. When women's issues make it to the media, they are presented through the lens of men and tend to be sensational and depreciatory.

Panellists stated that the media also practises passive discrimination against women. During political campaigns, for example, male candidates tend to get more coverage than their female counterparts. 'There are a few powerful women willing to speak but who are not given the opportunity,' said one panellist.

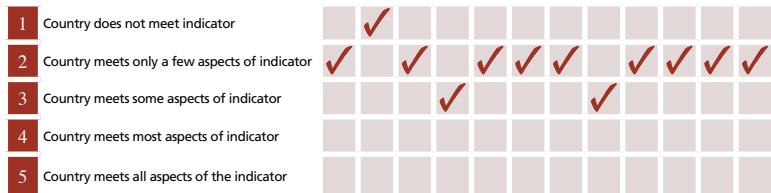
The media has failed to challenge stereotypes about women and instead participates in propagating them:

When the president banned pregnant teenage girls from school, the media ran with the story without questioning such a controversial policy. When they do report about women, they are portrayed as victims. The stories are derogatory and stereotypical.

A few media outlets have made deliberate policy changes to increase the voices of women. For example, local correspondents and producers of the British Broadcasting Corporation (BBC) are required to include female sources in their reporting and productions. Community radios have also made changes over the years to increase the voices of and the coverage of subjects that are of interest to women.

Scores:

Individual scores:



Average score:

2.1

Score of previous years:

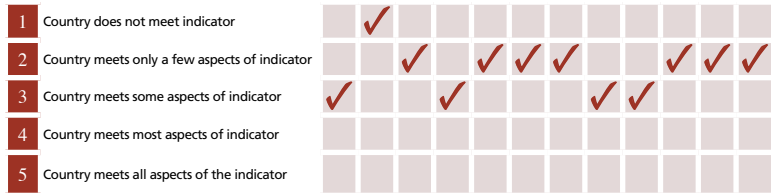
2006: n/a; 2008: n/a; 2010: 2.7; 2012: 3.4; 2015: 2.6

2.8 All media fairly represent the diversity of voices of society

Tanzania is a diverse society with more than 120 tribes and local languages. However, this diversity is not reflected in the media as the law prohibits broadcast in local languages. Restricting broadcasting languages to ‘proper English and Swahili’ is part of a government drive to consolidate national unity and prevent the dominance of a few ethnic groups over the others. Nevertheless, panellists criticised the approach as unjustifiable. ‘This denies the ordinary Tanzanian a voice in the media.’ ‘We are a diverse country but are still far from accepting diversity and pluralism.’ Panellists said language aside, there were problems with how different ethnic groups (particularly minorities) are represented in the media: the media generally reproduce stereotypes about Indian and Arab Tanzanians. In addition, very few programmes target people with disabilities. The use of sign language on TV is rare and there are no newspapers in braille.

Scores:

Individual scores:



Average score:

2.2

Score of previous years:

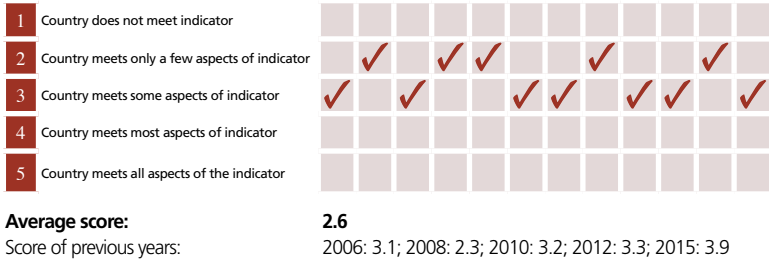
2006: n/a; 2008: n/a; 2010: 2.6 ; 2012: 2.8; 2015: 3

2.9 Media cover the full spectrum of economic, cultural, political, social, national and local perspectives including through investigative reports

Tanzania will hold general elections in 2020. During the AMB (about a year to the polls) panellists said very little was in the news about the elections. They stated that the low coverage of the approaching elections illustrated a steady decline in political reporting generally. Due to the chilling effect of an increasingly shrinking political space, journalists have turned their attention to subjects considered less sensitive such as human interest, culture and government action. Investigative journalism has also suffered, with fewer projects examined every year. Even then, media coverage is generally limited to urban centres. Few news organisations have correspondents in the far-flung parts of the country. Panellists stated that rural communities are only covered when a public figure, such as a minister, visits.

Scores:

Individual scores:

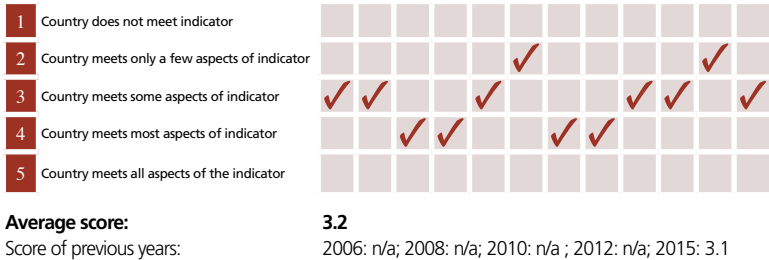


2.10 Private broadcasters deliver a minimum of quality public interest programmes

Private broadcasters are required by law to ‘promote public awareness in various issues of national interest’ and ‘to broadcast and publish news or issues on national importance as the government may direct.’²⁰ Panellists said private broadcasters try to adhere to these requirements but are also constrained by the need to reach broad audiences to produce public interest programmes. However, there appears to be differences between broadcasters and the government on what public interest means. For example, panellists stated that broadcasters were fined for reporting on allegations of irregularities during the 26 November 2017 ward by-elections.²¹

Scores:

Individual scores:



20 Media Services Act, Section 7.2.

21 The Tanzania Communications Regulatory Authority fined five television stations Tsh60 million (\$27,000) for “offensive and unethical” broadcasting. The stations aired a Legal Human Rights Centre (LHRC) evaluation of November 26, 2017 ward by-election, which the government found offensive, unethical and unlawful. Retrieved at <https://www.africanews.com/2018/01/03/tanzania-fines-tv-stations-for-airing-human-rights-report/>

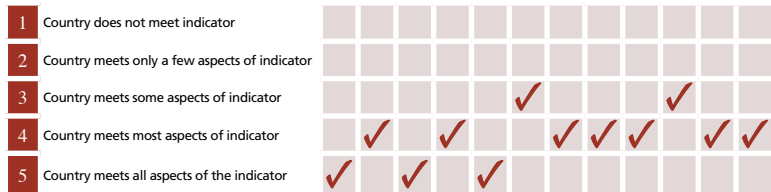
2.11 The country has a coherent and comprehensive ICT policy framework and/or the government promotes and implements measures, which meet the information needs of the public, including underserved communities

Tanzania is a leader in the deployment and use of Information and Communication Technologies (ICTs) in the East African region. Panellists said it was one of the first countries in the world to develop a mobile wallet technology and has an advanced telemedicine practice. Through universal access initiatives, the government funds connectivity projects, computer labs in schools and training for young people. Panellists stated that the government was devising ways to support technology ecosystems and young tech entrepreneurs with funding and special tax regimes for tech start-ups. The government’s support for ICTs has created impact across multiple sectors; notably banking, retail and e-commerce.

A new national ICT policy was published in 2016 with a mission to ‘transform Tanzania into an ICT-enabled, knowledge-based economy through the development, deployment and sustainable exploitation of ICT to benefit every citizen and business’.²² Panellists said the policy was progressive and demonstrated a political commitment to the creation of a knowledge-driven society.

Scores:

Individual scores:



Average score:

4.1

Score of previous years:

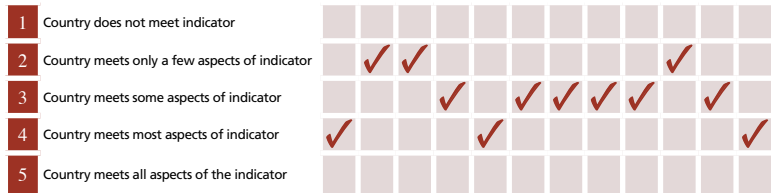
2006: n/a; 2008: n/a; 2010: 3.6 ; 2012: 3.3; 2015: 3.5

New businesses are created every day and they need advertising. The problem is, media houses are all running after the same advertisers. If they only expect to get advertising from the government and a handful of companies, then they may not be hustling enough. Community radios understand this and go to the informal sector. We need to know that things are hard and cease to be selective.

Competition from alternative platforms such as social media has also grown. Most individuals and small business have turned to online advertising. 'The challenge for the media is to adapt to these changes.'

Scores:

Individual scores:



Average score: **3.0**
 Score of previous years: 2006: 2.1; 2008: 1.9; 2010: 2; 2012: 2.5; 2015: 2.2

Overall Score for Sector 2: **2.7**



SECTOR 3:

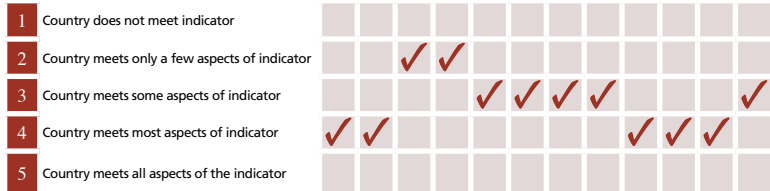
Broadcasting regulation is transparent and independent; the state broadcaster is transformed into a truly public broadcaster

3.1 Broadcasting legislation is passed and is implemented, and provides for a conducive environment for public, commercial and community broadcasting

Panellists said broadcasting legislation, notably the Electronic and Postal Communication Act and the Media Services Act, were restrictive. They cited harsh licensing conditions, which include the payment of annual renewal fees and a wide range of penalties, as hindrances to the growth of private and community broadcasting. Despite their non-profit statuses and community development vocation, community radios do not get any special treatment or exemption.

Scores:

Individual scores:



Average score:

3.3

Score of previous years:

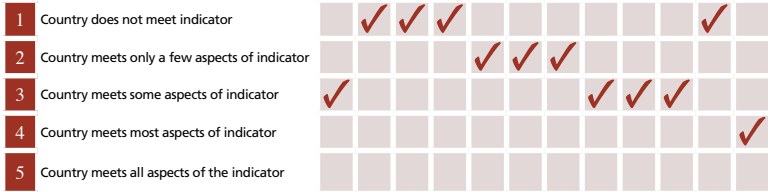
2006: 2.6; 2008: 2.8; 2010: 2.1; 2012: 3.8; 2015: 3.3

3.2 Broadcasting is regulated by an independent body adequately protected against interference by law, and whose board is appointed in an open and transparent manner involving civil society and is not dominated by any particular political party

Broadcasting is regulated by the TCRA. The authority, established through an act of parliament in 2003, describes itself as ‘a quasi-independent government body’. Its board is appointed by the president and the minister in charge of the sector, through a nomination process led by the permanent secretary of the competent ministry. The nomination committee includes two representatives of the private sector but has no final say on the composition of the board. Panellists said the TCRA is not independent, even though board members represent a broad range of expertise. It is accountable to the state and serves state interest.

Scores:

Individual scores:



Average score:

2.2

Score of previous years:

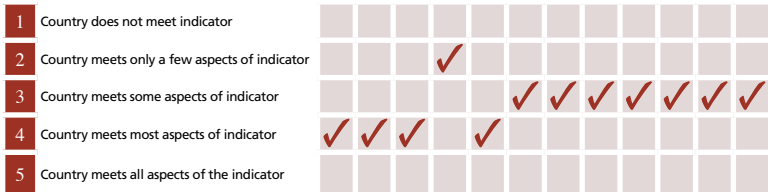
2006: n/a; 2008: n/a; 2010: 1.1; 2012: 3.1; 2015: 2.6

3.3 The body regulating broadcasting services and licensing, does so in the public interest and ensures fairness and a diversity of views broadly representing society at large

Beyond regulating broadcasting, the TCRA is responsible for issuing broadcast licences and allocating and managing radio spectra. The broadcast licensing process includes construction permits for ‘transmission sites, studios, multiplex head-ends, uplink earth stations and any broadcasting service infrastructure as may be determined by the Authority’ and the approval of broadcasting infrastructure (Section 7 (1-2)). Panellists said the TCRA ‘tries its best to issue licences’ even though the process is often long. The last licences were delivered in 2015.

Scores:

Individual scores:



Average score:

3.3

Score of previous years:

2006: 3; 2008: 2.8; 2010: 3.4; 2012: 3.5; 2015: 3.2

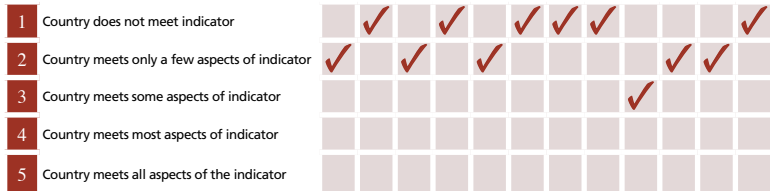
3.4 The state/public broadcaster is accountable to the public through an independent board which is representative of society at large and selected in an independent, open and transparent manner

The TBC was established in 2007 by an Order under the Public Corporation Act (2018). It is headed by a director-general and overseen by a board of directors. Both the director-general and the board chair are appointed by the president, while other board members are appointed by the minister, each for three-year terms. Board members lack security of tenure as the appointing authority can revoke their appointment prior to the completion of their term.

Panellists were of the view that given the procedures for appointment, the TBC board could not be considered independent. The current board was appointed in 2016.²⁴ Despite their unfavourable assessment of its independence, panellists were not familiar with most members of the current board and could, therefore, not tell if they represented society at large.

Scores:

Individual scores:



Average score:

1.6

Score of previous years:

2006: 1.5; 2008: 1.7; 2010: 1.9; 2012: 2.3; 2015: 2.1

3.5 The editorial independence of the state/public broadcaster from political influence is guaranteed by law and practised to ensure balanced and fair news and current affairs programmes

The Order creating the TBC states that it ‘shall encourage Tanzanian expression by offering a wide range of programmes’. In Section 7 (1-2), the TBC Order grants the broadcaster a public broadcasting duty and editorial independence. It states that:

Subject to provisions of the Tanzanian Communication Regulatory Authority Act, there shall be a Charter between the Tanzania Broadcasting Corporation and the Minister empowering Tanzania

Broadcasting Corporation to become a public service broadcaster with universal service obligation.

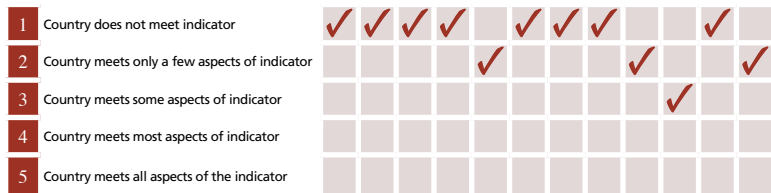
The Charter shall ensure that the Tanzania Broadcasting Corporation is pursuing its goals and exercising its powers, enjoys the freedom of expression, journalistic creativeness and programming free from interference from the government and other stakeholders.

Panellists were of the opinion that in practise, the TBC lacked editorial independence and was generally perceived as serving the interest of the government of the day. It is equally regarded as a mouthpiece serving the ruling party and often demonstrates uncensored prejudice towards the opposition and critical voices. One panellist said both executives and journalists are forced to 'toe the line' once they join the TBC and advocate for government policies, even though they had been critical journalists before being appointed to their current positions.

Panellists said past managers who have tried to reform the TBC to uphold its editorial independence and open up to diverse views have run into problems.

Scores:

Individual scores:



Average score:

1.4

Score of previous years:

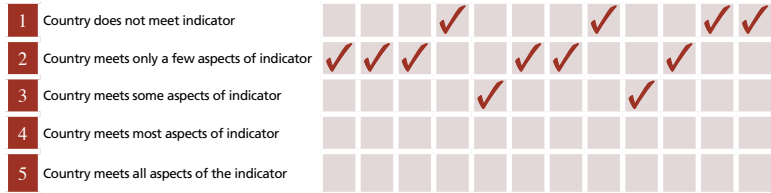
2006: n/a; 2008: n/a; 2010: n/a; 2012: n/a; 2015: 2.2

3.6 The state/public broadcaster is adequately funded in a manner that protects it from political interference through its budget and from commercial pressure

According to panellists, the TBC was not adequately funded and annual budgetary allocations from the ministry can only pay salaries and basic operations – to the detriment of business development and programming. To reach a wider audience, the corporation has been forced to enter agreements with community radios to air TBC programmes such as newscasts in rural areas. In the absence of TV licence charges, the corporation relies heavily on revenue from advertising. Panellists said it was unclear how much TBC made from advertising. However, they felt commercial pressure had less impact on TBC's operations than political interference.

Scores:

Individual scores:



Average score:

1.8

Score of previous years:

2006: n/a; 2008: n/a; 2010: 2.1; 2012: 2.5; 2015: 1.5

3.7 The state/public broadcaster offers diverse programming and formats that cater for all interests, including local content and quality public interest programmes

TBC offers a broad range of programmes that cover subjects from politics to fashion. Panellists said most of these programmes, however, are intended to promote government actions and portray the authorities positively – rather than serve all interests. It is common for programmes discussing sensitive political issues to suddenly go off the air.

A public campaign to discuss the constitutional draft, including live broadcasts of debates, suddenly went off the air after only a few minutes. It was replaced by a cookery show. And it is common that they [TBC] fill the airwaves with programmes that serve no real interest rather than have political programmes that present views that are different from the governments.

Some panellists claimed several critical voices (mostly opposition figures and human rights defenders) have been barred from appearing on TBC. The state broadcaster itself has been forced to pull the plug on popular programmes, mainly when they are unable to control what guests might say.

One panellist described how one popular slot on the news disappeared:

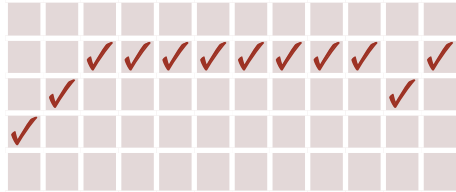
TBC used to have a commentary slot called *In Between the News*, where an expert or analyst would be invited to comment about some important news development. At one time, the president pardoned people who had squandered public money. An activist was called to comment on the decision. Before going on air, he was told, “Today you have to be positive and praise the government for doing something good”. But once on the air, he said it was wrong for a presidential pardon to be granted before any court trial to find the accused guilty or exonerate them. From that day, *In Between the News* was killed.

To fill the airwaves, TBC has a line-up of soap operas, music playlists and programmes on subjects such as ‘how to be a moral and proper citizen or a good housewife’.

Scores:

Individual scores:

- 1** Country does not meet indicator
- 2** Country meets only a few aspects of indicator
- 3** Country meets some aspects of indicator
- 4** Country meets most aspects of indicator
- 5** Country meets all aspects of the indicator



Average score:

2.4

Score of previous years:

2006: n/a; 2008: n/a; 2010: n/a; 2012: n/a; 2015: 2.6

Overall Score for Sector 3:

2.0



SECTOR 4:

The media practise high levels of professional standards

4.1 The standard of reporting follows the basic principles of accuracy and fairness

Discussions revealed deep divisions among panellists about the standard of reporting in the Tanzanian media in terms of fairness and accuracy.

Some panellists were of the view that news reports and analyses were generally not fair. Problems include poor representation of the views of sources and bias against certain political and social groups. By and large, news reports and analyses tend to follow the dominant state-led socio-political discourse, with little room for critical appraisals. The state media, notably, would not echo views that criticise the government or offer alternatives to officially stated positions. One panellist said the media was guilty of reproducing stereotypes, which often cause frustration among the ethnic and religious minority.

When it comes to cultural issues and ideologies there is a tendency for journalists to align with what everyone says. In reporting certain religions, journalists do not go [a] step further [to get at the truth] and would base their stories on commonly held assumptions.

Other panellists argued that the social and political context in which journalists worked was to blame for the perceived bias in news coverage. The state media, they pointed out, had as its mission to promote the official position and could not be expected to conduct itself otherwise. They said the dominance of the state media and other outlets that are sympathetic to the government and ruling party overshadowed a handful of independent news organisations promoting all views and voices.

Problems with fair reporting were described in close association with inaccuracy. Panellists said journalists often ran stories that did not reflect headlines and contain misspelt names and inaccurate information. One panellist said it was typical, for example, that journalists produce different accounts of the same event that are shaped not by facts, but by the political and ideological beliefs of the journalists.

Misquoting news sources, said the panellist, was quite common:

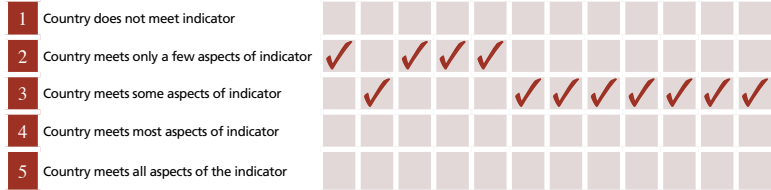
You could be interviewed by two journalists. One would produce an accurate account, but another will imagine something completely different and attribute it to you. Sometimes, facts and views are misinterpreted and given a completely different impression of what was intended.

Journalists blamed low standards on the pressure of deadlines and lack of robust quality control systems within newsrooms. Departures to other corporations and retrenchments over the years have reduced the number of experienced journalists still practising. One panellist explained that with fewer people in newsrooms, it was easy for errors to go unnoticed.

In the past, there were gatekeepers. Normally stories went through [the] news-editor, sub-editor, chief sub, proof-reader and content editor before they were printed. But today, these gatekeepers have been reduced. When you have three people, you find it a little bit hard.

Scores:

Individual scores:



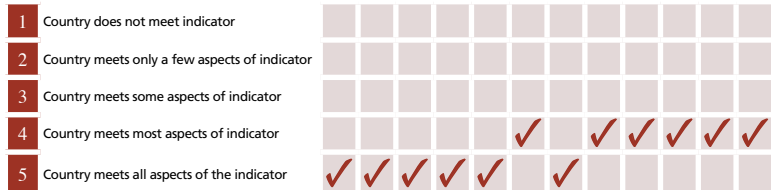
Average score: 2.7
 Score of previous years: 2006: 2.1; 2008: 2.3; 2010: 3.2; 2012: 3.3; 2015: 2.9

4.2 The media follow voluntary codes of professional standards, which are enforced by independent/ non-statutory bodies that deal with complaints from the public

The MCT, the main organ that enforces media codes of conduct, has a quasi-judicial mandate. It routinely receives complaints from the public and often resolves media-related disputes before they end up in court.

Scores:

Individual scores:



Average score: 4.5
 Score of previous years: 2006: 3.4; 2008: 2.9; 2010: 2.9; 2012: 3.8; 2015: 4.1

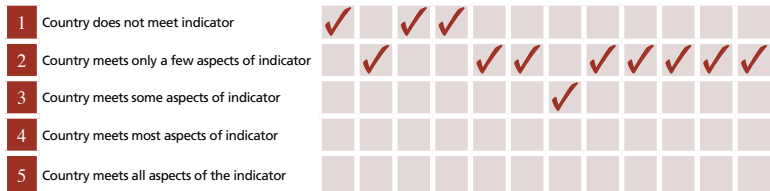
4.3 Salary levels and general working conditions, including safety, for journalists and other media practitioners, are adequate

Panellists estimated that about 80% of Tanzanian journalists do not have an employment contract, which means they earn low wages and are not entitled to most employment benefits. The situation is abysmal in the private media and worse in community radios, where a majority – with an exception of the selected few – have no fixed pay at all but simply meagre allowances. Over the last ten years, entry-level salaries have either remained the same or fallen, with some earning as low as 350,000 TZS (US\$150). Freelance journalists are among the least paid, earning on average 10,000 TZS (US\$4) per story, compared to foreign correspondents who earn about US\$350 for the same amount of work.

Panellists said the low entry-level salary reflected the young graduate salary rate across the economy, which averages 450,000 TZS (US\$200) per month. Experienced journalists earn a little more. Senior journalists, for example, earn about 1 million TZS (US\$434) per month, while editors earn 1,5 to 5 million TZS (US\$650–2,170) on average. Beyond salaries, working conditions are generally poor. A legal requirement for media owners to provide their employees with insurance and social security cover is frequently ignored. Unpaid journalists do not qualify for medical cover and journalists across the board are generally uninsured against professional risks. Panellists described incidences of physical assaults (including abductions) involving journalists, to demonstrate the lack of security and safety in the industry.

Scores:

Individual scores:



Average score:

1.8

Score of previous years:

2006: n/a; 2008: n/a; 2010: 2.5; 2012: 1.8; 2015: 2.2

4.5 Journalists and media houses have integrity and are not corrupt

Brown envelope journalism, a practice where journalists are given cash and other handouts in exchange for flattering reporting, is widespread in Tanzania. With poor pay and working conditions, panellists said journalists were vulnerable to corruption and routinely received favours from news sources and event organisers. The practice is rampant during elections when political leaders bribe journalists to cover their campaigns.

Panellists described more subtle forms of corrupt behaviour such as the acceptance of free transportation, hotel stays and other non-financial favours in exchange for news stories. The special interests of media owners also shape how the news is covered.

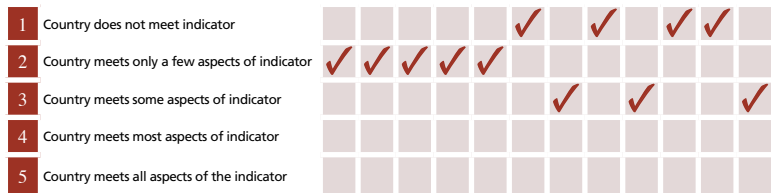
Panellists said certain businesses would never be covered negatively in some media because of the association they have with media owners:

It is hard to get journalists to cover a major scandal involving a big advertiser. There was a court case against a brewery company over bad products. Every time, the courtroom was filled with journalists, but not a single story was published or aired after that. The media will never report accidents involving certain transportation companies. The big advertisers have got their way to silence the media.

A few news organisations have policies that require journalists to declare gifts and other favours they receive from news sources. ‘But usually they just say, “Let this stay between us,”’ said one panellist.

Scores:

Individual scores:



Average score:

1.9

Score of previous years:

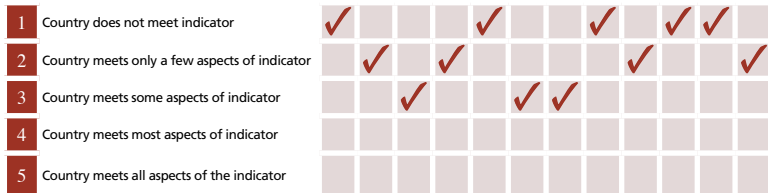
2006: n/a; 2008: n/a; 2010: 2; 2012: 1.5; 2015: 2.3

4.6 All journalists and editors do NOT practise self-censorship

According to panellists, the tone and style of commentary and news reporting have changed over the years as journalists become more aware of possible reprisals for their work. After it was banned twice, panellists said they noticed a change of tone with Mwananchi Communications, which publishes the *Citizen* and its sister Swahili newspaper, *Mwananchi*, newspapers known for critical reporting. Self-censorship is widespread. ‘There are certain stories I will not approach with a ten-foot pole,’ said a journalist in the panel. ‘Some personalities have disappeared from my pieces.’

Scores:

Individual scores:



Average score:

1.8

Score of previous years:

2006: 2.1; 2008: 2; 2010: 1.5; 2012: 1.8; 2015: 2.3

4.7 Media professionals have access to training facilities offering formal qualification programmes as well as opportunities to upgrade skills

Many opportunities exist for journalism training in Tanzania. Some universities that offer degrees in journalism include: The University of Dar es Salaam, St. Augustine University of Tanzania, Tumaini University (both Dar es Salaam and Iringa Colleges), Muslim University of Morogoro and Open University of Tanzania. In addition to universities, an increasing number of colleges offer non-graduate diplomas and certificates in journalism. However, panellists said the quality of training students receive could be improved. It was stated that most university lecturers have never practised journalism and have no experience in news writing and news gathering.

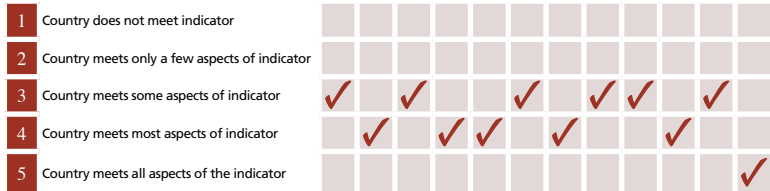
Other opportunities are found outside the school system. *Daily News*, the state-run newspaper, frequently sends journalists to China thanks to a partnership with the Chinese government. Organisations like UNESCO have been involved in training and mentoring community radios and are building partnerships with journalism schools to develop e-learning programmes. Other major actors include BBC Media Action, which is involved in media development in Tanzania.

Panellists said donor-funded training has its limits as it often focuses on a narrow thematic area and tends to target the same journalists.

In-house training and mentorship programmes are also available but are often not well-organised.

Scores:

Individual scores:



Average score:

3.6

Score of previous years:

2006: 3.2; 2008: 2.3; 2010: 3.3; 2012: 3.7; 2015: 3.9

4.8 Equal opportunities regardless of race or ethnicity, social group, gender/sex, religion, disabilities and age are promoted in media house

Tanzania’s media reflects the diversity and divisions of the broader society. According to panellists, the sector is passively gender-insensitive, sexist and discriminatory. Despite strides in the promotion of gender equity, women still represent only a tiny percentage of top management in both public and private media. Throughout the sector, only two media owners and two media managers are women, except in community radios where five of 35 managers are women.

Panellists stated that sexual harassment is a major problem in the Tanzanian media:

There have been multiple complaints of “sextortion”. Male editors frequently demand sexual favours from female journalists just to get their stories published. Sometimes, they take female journalists on trips with the hope of having sex with them. Victims include female students on internship.

Tanzanian laws qualify sexual favours obtained by using one’s position as rape. If found guilty, a culprit may face up to 30 years imprisonment. But this has not stopped the practice.

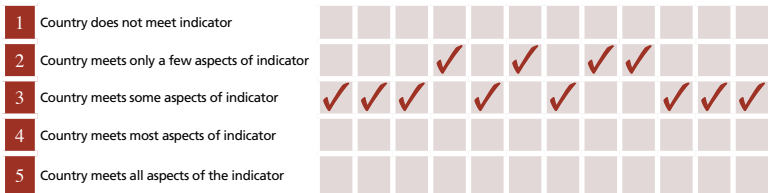
In addition, panellists said that age discrimination was gaining ground. There is now a stronger preference for younger reporters in newsrooms. In a few cases, applicants have been told at interviews that they were too old for the job. Part of the reason is the changing media landscape which has led to a higher demand for tech-savvy journalists. However, panellists said there was still room for ‘the old guard’ who ‘usually get things right’.

Faith and ethnicity-based discrimination is more common in religious radio stations, which mostly hire from their community of believers. Panellists said there were no veiled women on TV and women who insist on being veiled have been forced to move to the print media. 'There is lack of true representation of Tanzania in the media.'

Tanzania does not recognise the right to sexuality and freedom from discrimination on the grounds of sexual orientation. As such, same-sex sexual relations are criminalised. LGBTQIA+ people in the country often face harassment, victimisation and arrests. Panellists said there were some well-known gay people in the media.

Scores:

Individual scores:



Average score:

2.7

Score of previous years:

2006: n/a; 2008: n/a; 2010: 3.5; 2012: 4; 2015: 3.5

Overall Score for Sector 4:

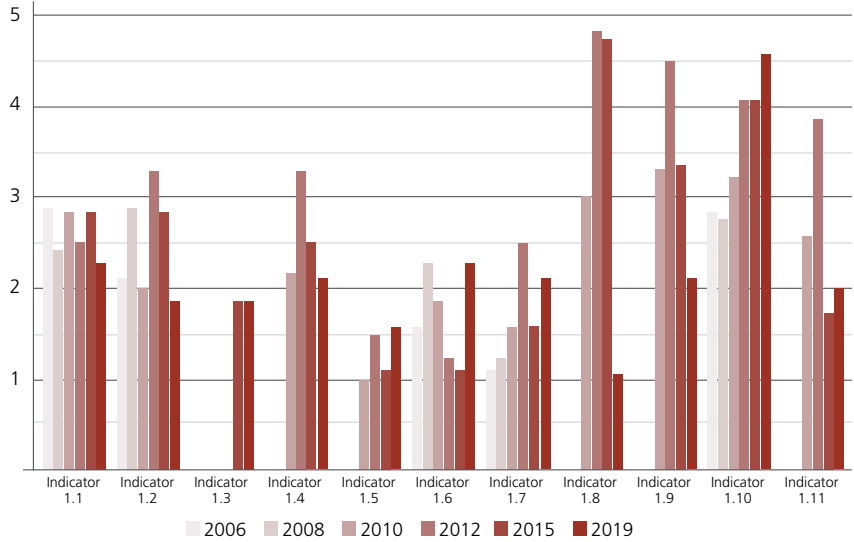
2.7



COMPARATIVE GRAPHS

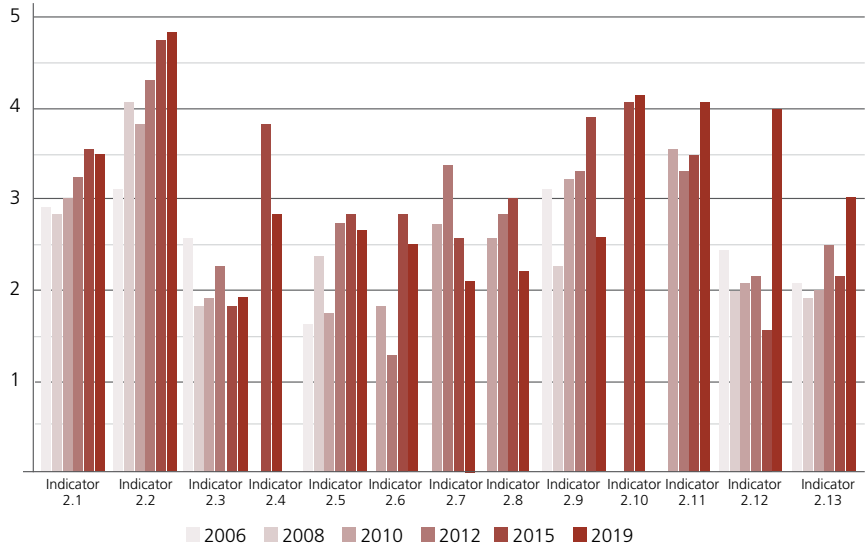
SECTOR 1:

Freedom of expression, including freedom of the media, is effectively protected and promoted



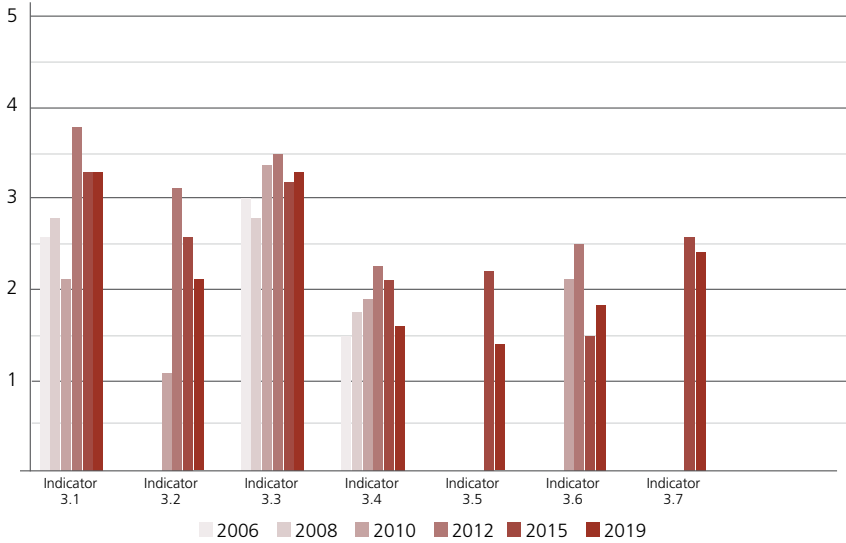
SECTOR 2:

The media landscape, including new media, is characterised by diversity, independence and sustainability



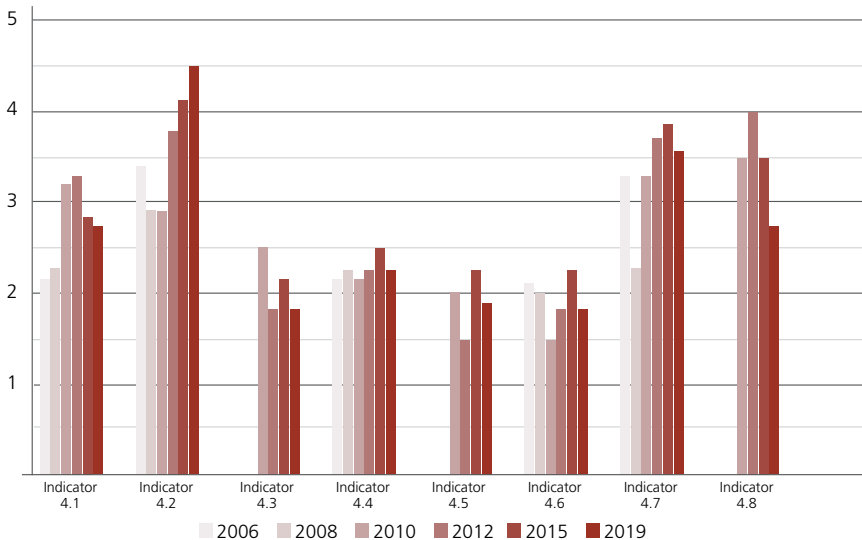
SECTOR 3:

Broadcasting regulation is transparent and independent; the State broadcaster is transformed into a truly public broadcaster

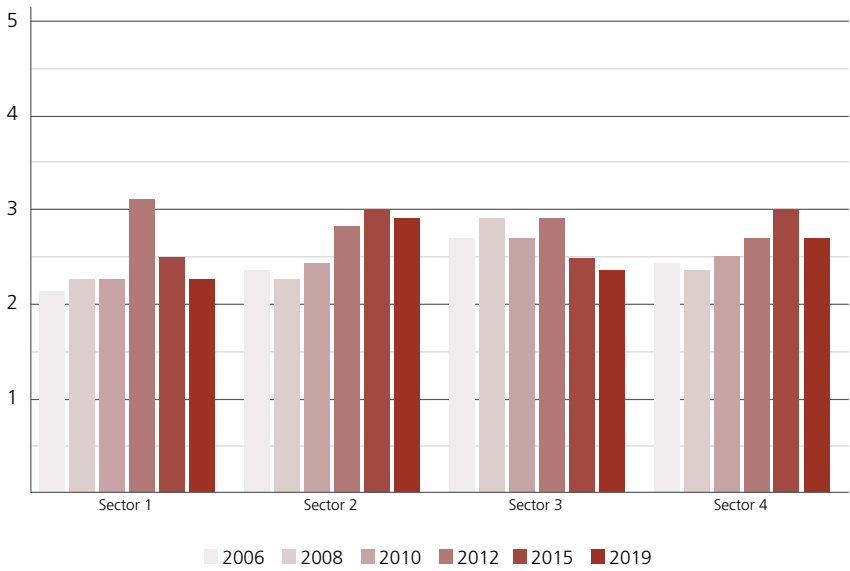


SECTOR 4:

The media practise high levels of professional standards



ALL SECTORS: COMPARING AVERAGE SCORES





THE WAY FORWARD

1. What were the developments in the media environment in the last three to four years?

Positive Developments

- Increase in the number of media outlets along with the expansion of social media has pushed against attempts by the authorities to close platforms for free expression.
- More training opportunities involving new stakeholders have emerged over the last few years, offering journalists more choice.
- Organisations are more vibrant in defending the cause of media and a free press.

Negative developments

- The political and media space is shrinking, particularly with the introduction of repressive laws since 2015.
- Increase in the use of professional bots and trolls on social media to control free speech has produced a chilling effect, limiting free expression.
- Women are increasingly presented in disparaging and condescending ways by senior government officials and the media.
- Finding sources, particularly official ones, has become very difficult.

2. What kinds of activities are needed over the next three to four years?

- Strategic legitimations and advocacy against repressive laws, to be possibly led by CORI.
- Increase training on media safety and diversity, to be possibly led by UNESCO/TMF/MCT/THRDC.
- Lobby for the revival of media trade unions in coalition with the International Federation of Journalists.

Media organisations should make deliberate efforts to mainstream and provide more training opportunities issues, concerning people living with disabilities, gender and human rights.

The national human rights commission should provide more training and advocacy on people living with disabilities; gender and human rights.

Panellists:

Media:

1. Journalist and Radio Producer
2. Blogger
3. Journalism Lecturer
4. Journalist
5. Journalist
6. Journalist and Media Rights Advocate
7. Editor

Civil Society (list in chronological order of surname):

8. Academic
9. Innovation, Gender and Talent Consultant
10. Trade Unionist
11. Disability Rights Activist
12. Civil Rights Lawyer

Rapporteur:

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Moderator:

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