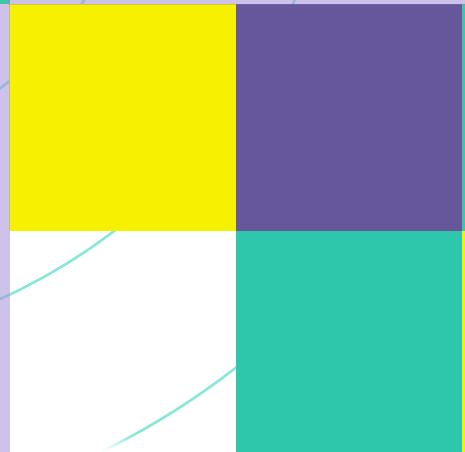
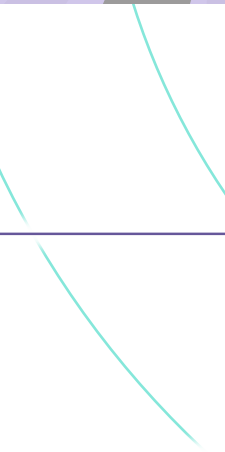
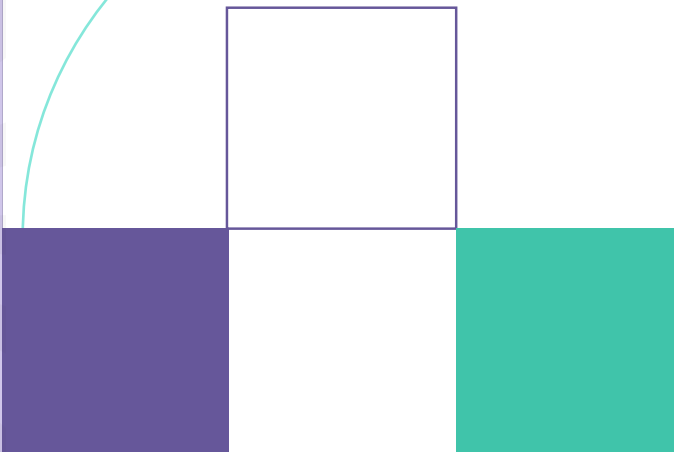




Report on Press Freedom Violations 2022



State of the Press: Distress and Hope

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ISBN:978-9976-588-07-1



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Introduction

During the January – December 2022 reporting period, the Media Council of Tanzania continued to monitor trends of press freedom violation in the country.

Tanzania has been witnessing a dizzying transformation. From an administration which clamped down on media freedoms and media owners being warned to “watch out” because they were not that free, to unbanning of media outlets and initiation of the process to review media laws and change the legal regime.

The flurry of new laws enacted from mid last decade, sometimes on certificate of emergency, and which constrained media freedoms include the Cybercrimes Act, 2015 and its Regulations of 2016, Media Services Act, 2016, EPOCA (Online content) Regulations 2018 and followed by those of 2020, as well as the Statistics Act, 2015.

Even with the president’s proclaimed intention of making things better for the media, challenges still exist, and MCT and her partners cannot rest on their laurels. For example, in late April 2022 we saw a flurry of orders requiring journalists to submit not just their CVs but also their national identities, details of their parents including place of birth and employment history, name, occupation and academic history of spouse if married, work history of spouse, and even the journalists’ tribal identities!

People were given as little as 24 hours to comply. In some cases, letters from authorities threatened dire consequences, including that failure to comply would result in failure to obtain practising licences for journalists. MCT has seen copies of letters from authorities addressed to journalists, media houses and press clubs in Kagera, Lindi, Bunda, Singida, and Manyoni.

MCT recorded 118 press freedom violations in 2018/2019, 41 violations in 2020 and 25 violations in 2021, while in 2022, the MCT database recorded 18 incidences of violations.

The violations include banning and fining of media houses, arrest of journalists while doing their work, assault, destruction and/or confiscation of journalists’ tools especially of broadcasting media journalists, refusal of access, forcible removal, sudden stoppage of programs on radio, and threats.

The country’s ranking on the World Press Freedom Index was 83 in 2017, and 93 in 2018. The following year, 2019 Tanzania fell to 118, in 2020 and 2021 it was number 124 while in 2022 Tanzania improved one position to position 123.

During the year under review the MCT database recorded two incidences of suspension of media outlets, one harassment, three arrests of journalists and two banning of media outlets. Others were five threats, two denials of access to information, one eviction from event, and three editorial interferences. In total 18 violations were recorded.

Perpetrators of press violations have been the Tanzania Communication Regulatory Authority (TCRA) which has appeared three times; Ngorongoro Conservation Authority guards (twice) police (four times), Ministry of Information, Communication and Information Technology (once), and Speaker of Parliament (once).

Others are Zanzibar Broadcasting Commission (once), Regional Commissioner (once), Ward Executive Officer (Once), District Administrative Secretary (once), Assistant Regional Information Officer (once), Regional Community Development Officer (once) and Evangelical Lutheran Church in Tanzania (ELCT) one incidence.

The acts of press violation for the year 2022 affected seven television stations, five radio stations, ten online media which includes blogs and television channels and three newspapers.

In the above media outlets, their journalists were involved in either denial of access to information, arrest, being threatened, evicted from the scene or there was an editorial interference in a media outlet.

The affected journalists were 19, among them ten were male and nine females. This includes two females' journalists and four males who were harassed, one female and four males who were arrested and other acts affected the entire industry.

Another area where journalists were directly involved are on threat category where four journalists were arrested among them one was female and three males. One eviction from the scene involved one female journalists.

President Samia Suluhu Hassan has publicly declared that she does not wish Tanzania to continue on the path of suppression of media freedoms, and she looks set to walk the talk.

Since taking over as head of state two years ago, she has met media stakeholders and attended their events; four banned newspapers have had their licences reinstated; and she has established a new Ministry of Information, Communication, and Information Technology to reduce the confusion caused by overlapping responsibilities in government ministries. On top of that, various Electronic and Postal Communications Act (EPOCA) Regulations have been amended, and the process to review the Media Services Act, 2016 (MSA) has been initiated.

There can however be no guarantee until the policy and legal framework governing media operations is fully reviewed. Anti-media laws, policies and regulations continue to loom over the sector like the sword of Damocles. And although there is an opportunity to reset the relationship between government and media, the president must deal with factions in the ruling party which could make rolling back some of the pieces of legislation more difficult than is apparent.

The violations

Suspension of programmes

Dar es Salaam: On January 17, 2022, the Tanzania Communications Regulatory Authority (TCRA) placed under three months' probation the local online Wasafi TV Station and suspended their programme known as Refresh and the presenter for alleged violation of broadcasting regulations.

According to TCRA Content Committee, Wasafi violated the broadcasting regulations during the interview with musician Zuhura Othman also known as Zuchu. The Committee said it was clear that Wasafi violated the TV and Radio (Content) Regulations of 2018 and Online Content Regulations of 2020.

Dar es Salaam: January 24, 2022: TCRA suspended for three months the Efatha Ministry programme aired on Star TV, for allegedly violating the TV and Radio (Content) Regulations of 2018.

The TCRA Content Committee stated that the programme broadcast by Pastor Josephat Mwingira used sarcastic and insulting language against the state authority.

TCRA also issued a stern warning to the station and required them to apologize to its viewers and the general public for three days from January 25 to 27, 2022.

Harassment

Arusha: On February 3, 2022, Six journalists: Amina Ngahewa of Mwananchi Digital, Allan Isac of Nipashe newspaper, Profit Mmanga of Wasafi TV, Apolo Benjamin of Daily News Digital, Janeth Mushi of Mwananchi newspaper and Julius Sagati of Star TV experienced harassment from Ngorongoro Conservation Authority guards and police officers.

Although the reporters had been invited by Nainokanoka village authorities in Ngorongoro to cover village meetings discussing the use of COVID-19 funds to build classrooms in their areas, the reporters were detained, subjected to threats and interrogated for long hours.

Though they had valid permits to enter the area and work, they were told that they still could not take pictures, video and interview villagers. The episode took the entire day up to 10.00 at night.

Interestingly, when queried about the incident, the Arusha Regional Police Commander denied any clue on the incident, although the reporters said that on their way back to Arusha, they were followed by an unmarked vehicle which they later realized belonged to the police.

Arrests

Arusha: On February 17, 2022 two journalists, Tobias Mwanakatwe of Nipashe and Joseph Kimambo of Dar Mpya, along with PINGOs Forum driver Majuka Ngisaayo were taken into custody by Ngorongoro Conservation Area Authority (NCAA) guards.

The journalists were arrested when they went to cover the Prime Minister's meeting with government officials and the residents of Ngorongoro area.

According to Arusha Press Club Chairman, Claud Gwandu and other witnesses, the authorities said the journalists were arrested because they were not allowed to attend the meeting as it was internal and journalists were not invited.

Arusha: On February 24, 2022, two journalists: Victor Korumba of Global TV and Alphonse Kusaga of Triple A FM were arrested by the police while following up on a story that involved evacuation of hawkers (machinga) by Arusha Municipality militia.

After the police noted that there were journalists around doing interviews and taking pictures, they turned on them and began evicting them from the scene. The bodaboda riders who were around were not happy with the police forcibly evicting the reporters and joined the fray.

After the police were overwhelmed, they asked for back-up from the nearest police station, who came and arrested the journalists and some of the bodaboda riders and took them into custody.

Zanzibar: On June 20, 2022, Yasir Mkubwa, a journalist working for RVS Online TV in Zanzibar, was arrested and detained at Madema Police station in Zanzibar shortly after attending a one-day training for journalists on media law organized by MCT.

Yasir refused to be interrogated in the absence of his lawyer and police denied him bail until the next day. Although by the time of writing this report he was yet to be charged in a court of law, Yasir was required to report to a police station on weekly basis for six weeks, then it was changed into monthly basis.

On November 2022 the journalist was handed over with all his equipment that were taken by police for investigation. These are his phone, camera and hard disk. The journalist was told he will only report to the police when he is called. His case was never filled to the court and instead everything ended at Madema Police Headquarters where his case was being investigated. The journalist is back to work at RVS Online TV, but he has established his media channels where the concentration is on religious stories and current affairs.

Threats

In April 2022 there were letters from authorities addressed to journalists, media houses and press clubs in Bukoba, Lindi, Bunda, Singida and Manyoni, requiring journalists to submit their CVs, national identities, and details of their parents including place of birth and employment history.

The letters also wanted to know the names, occupation and academic and employment history of spouses, and even the journalists' tribal identities.

Journalists were given as little as 24 hours to comply. In some cases, letters from authorities threatened dire consequences, including that failure to comply would result into refusal of practising licences for journalists. MCT has seen copies of letters from authorities addressed to journalists. This matter was brought up during the continental WPFDD commemorations in Arusha and authorities did not pursue the demands further

Denial of information

Zanzibar: On June 22, 2022 journalist Hassan Mselem who hosts the Mawio programme on ZBC, was denied audience by the South Pemba Regional Police Commander, Richard Tadeo Mchomvu.

Mselem was denied information when he went to the commander's office to follow up on information about a 17-year-old girl allegedly impregnated by a 27-year-old man who was her neighbor.

Commander Mchomvu shouted to the reporter and accused him of painting Zanzibar in bad light with his type of reportage.

The Commander said when journalists report issues of rape and gender degradation happening in Zanzibar people view the Isle as a bad place to visit. Thus, he denied him any information related to the issue.

Dodoma: On September 18, 2022, the Speaker of Parliament, Tulia Ackson, demanded that police should stop giving information about murders happening in the country, especially those occasioned by jealousy between spouses and lovers.

She said releasing such information fueled the incidents and suggested that the police should look for other explanations when talking to the media.

Tanzania enacted the Access to Information Act in 2016.

Banning and Suspension

Zanzibar: On May 08, 2022, five TV and radio stations were banned for three months on allegations of breaching broadcasting regulations.

The affected stations were Bomba FM radio, Assalam FM radio, AM 24, Coconut Digital TV, and Jazzera Cable TV.

According to a statement issued by the Zanzibar Broadcasting Commission and signed by the Executive Secretary Selemani Abdulla Salim, the stations were banned because of breaching broadcasting license requirements, changing the structure of shares without approval, using frequencies that do not belong to the stations, and maintaining a long-term debt of USD 18,582 by one of the stations.

However, the government lifted the suspensions between 14 and 17 May after the stations apologized and committed to rectifying the faults.

Dar es Salaam: On July 1, 2022 TCRA ordered DarMpya blog to cease publication immediately.

TCRA's letter cited the regulator's June 28, 2022 inspection of the outlet's office in Dar es Salaam, where authorities found that the outlet's license had expired since 2021, and it was therefore publishing in breach of the regulations.

Unconfirmed report says that DarMpya had applied for its license renewal shortly before the suspension.

The TCRA letter said the inspection followed complaints about DarMpya's coverage of a protest, but did not specify the reporting in question. DarMpya had carried a story to the effect that a June 17, 2022 protest against alleged Kenyan interference in the Tanzanian government's plan to evict members of the Maasai community from their ancestral lands in northern Tanzania was staged.

DarMpya publishes national news and commentary on its website, on YouTube as DarMpya TV, where it has about 809,000 followers, and on Twitter as DarMpya Blog, where it has over 309,000 followers. It has not published news content on those channels since July 2.

In his remarks on WPF, the Minister for Information, Communication and Information Technology Nape Nnauye said, "We can't close our eyes and say the law isn't there as long as the law is there, it is not suspended, it is not changed. I am sworn to stand and make sure these laws are followed. If the law is changed, then we will follow the new one."

Threat

Ruvuma: On December 13, 2022, MCT received a letter from ITV reporter Joseph John Mwambije who is also a member of Ruvuma Press Club, complaining about threats from the Ruvuma Regional Commissioner (RC).

Mwambije reported that on November 19, 2022 he received a call from his ITV Editor informing him that they have received a letter from the Ruvuma Regional Commissioner Col. Laban Thomas ordering ITV to fire him (Mwambije) on the grounds that he had been reporting stories that mudslinging the region.

The editor said the RC threatened them, that if they do not fire him then he can file a case against him. The threat aimed at making Mwambije afraid and hence stop critical reporting of issues in the region for fear of the RC.

According to ITV editor Stephen Chuwa, the RC was told that ITV has its management and were not going to fire Mwambije because he had done nothing wrong as far as professionalism was concerned. The reporter is still working with ITV, reporting from Ruvuma region.

Shinyanga: On February 6, 2022, Mwananchi newspaper reporter Suzy Butondo who writes from Shinyanga region, was threatened by Masengwa Ward Executive Officer (WEO), Hussein Majaliwa following her story on the hyenas that had been injuring children while going to school.

This incident occurred during the implementation of the Women and Children against Violence project in Shinyanga District. Despite the threat that the reporter received, few days after, the District Commissioner (DC) announced the launch of a special operation to contain the hyena threat and the media was able to report about the operation.

Earlier the reporter told MCT that after the article was published, the DC called the WEO to explain why this incidence was not on the report that was presented to the District Safety and Security Committee.

She warned the WEO that he should always report all matters that concern safety and security.

This incident occurred during the implementation of the Women and Children against Violence project in Shinyanga District is implemented by the Shinyanga Press Club and Women Fund Tanzania.

Shinyanga: On April 13, 2022, two journalists Raymond Mihayo of Raia Mwema newspaper and Omary Mwambo of Radio Kwizera were threatened with arrest by the Shinyanga Regional Police Commander (RPC) following allegations that they had written a false story.

The journalists were accused of publishing false information about the statistics of violent incidents in Nhongolo Ward in Kahama District, where during press briefing the head of Gender and Children desk in Kahama District had said that for the period of January to March 2022, the desk had recorded 35 children who were pregnant out of them 10 as a result of rape.

When the story was published, the Regional Police Commander (RPC) contacted the reporters and told them the story was not true.

However, after the RPC had contacted the reporters, he also called the Kahama District Head of Gender and Children Tiho Masatu to confirm the story, but he was told the reporters were lying and he did not provide them with such figures.

The reporters were taken to the police station to prove their story and were able to produce an audio tape recorder of the Kahama District Gender and Children speaking and they were set free.

Threat

Shinyanga: On November 05, 2022 a Shinyanga based reporter writing for Azam TV, Pastor Kosta was threatened for the third time by the Kishapu District Administrative Secretary (RAS), Shadrack Kengese.

The journalist was allegedly told, "I have the authority to prevent you from working in Kishapu District."

This was the third time the reporter was being threatened. The journalist has been receiving threats of being evicted or stopped from working in Kishapu District because of publishing stories that show lack of clean water in Talaga village, in Kishapu District.

The story also talked about citizens being charged for water services despite the fact that the machine was faulty and finally they raised their voices through the media.

After the news was published by Azam TV in September, 2022 and reached government officials, the Kishapu District Administrative Secretary during press conference told threatened the reporter that he would prevent him from working in Kishapu.

Eviction from scene

On December 12, 2022 a reporter with East Africa TV Ms. Rebeca Kinyunyu based in Katavi Region was expelled from participating in Prime Minister Kassim Majaliwa's tour which started on December 12, 2022 in the region.

The journalist was expelled from the tour by the Assistant Regional Information Officer Mr. John Maganga on what is alleged to be the instructions from the Regional Administrative Secretary (RAS) of Katavi Region, Mr. Hassan Rugwa.

Ms. Rebeca said that she felt humiliated for how the officers removed her from the delegation that was going to be part of the Prime Minister's tour in Katavi Region.

MCT contacted the Katavi Press Club leadership to find out if they had any information and if any steps had been taken to address the incident. The Katavi Press Club Chairperson Walter Mguluchuma confirmed the incident and said they were following up on the matter.

He said that they had requested a meeting with Katavi Regional Commissioner Ms. Mwanamvua Mrindoko on the matter and the RC apologized for what happened to their fellow journalist and requested that the two sides to work together.

According to Rebeca, some district and regional leaders have not been happy with her type of critical stories she has been writing, and the regional leaders kept complaining that the stories pose a threat to their employment. She said she had been summoned several times to the regional and district offices to explain why she always expose the region to negative publicity.

Editorial Interference

Shinyanga: On June 18, 2022, the Shinyanga Regional Community Development Officer, Tedson Ngwale ordered Huheso Media and Shinyanga Press Blog to remove the story that was showing statistics of acts of violence in the region.

This was despite the fact that the statistics had been released by the Shinyanga District Administration Secretary Boniface Chambi during the celebrations to mark Child Day held in Lyabukande Ward in Shinyanga District.

"I ask you to remove that story in all blogs because it has wrong information and it can incite. On behalf of the government, please remove it from your blog," the Community Development Officer pleaded via an sms. The sms continued, "Please tell all media to do so, if you want clarification about this information please contact the Regional Administrative Secretary (RAS) or myself. This message should also be sent to all Shinyanga press." This sms was sent at 8:54p.m on June 18, 2022.

Shinyanga: On August 13, 2022 the blogger running Malunde 1 blog was ordered to remove a story about the rape of a child allegedly committed by an ELCT Shinyanga pastor.

The incident was confirmed by the Shinyanga Regional Commander during a press briefing. The story had the following headline: 4,660 children subjected to acts of violence in Shinyanga Region (Watoto 4,660 wafanyiwa vitendo vya ukatili mkoani Shinyanga). The was also published in Shinyanga Press Blog while another story with the headline 4,660 acts of violence reported in Shinyanga region (Vitendo vya ukatili 4,660 vimeripotiwa mkoani Shinyanga) was published in www.huheso.co.tz

When the story was published by the Malunde 1 Blog and read by about 700 people in one and a half hours, Kadama Malunde who owns the blog was ordered to remove the story, which he finally did. The person who ordered him to do so did not introduce himself.

The Shinyanga Regional Commander Janet Magomi was among the people who called to find out where the journalists got the information.

The leadership of Shinyanga Press Club (SPC) decided to publish this news in the club's blog and told other media to raise their voices because SPC is a stakeholder in fighting violence against children in Shinyanga region.

Conclusion

Tanzania citizen's freedom of expression is guaranteed through Section 18(1) of the country's Constitution and through other international legal instruments including Article 19 of the Universal Declaration of Human Rights (UDHR) to which Tanzania is a signatory.

Despite these provisions Tanzania's media, journalists, human rights defenders, civil society organizations, political activists and ordinary citizens have had to contend with oppressive laws and regulations that have limited their civic space.

Tanzania's civic space experienced significant constrictions during the late President John Pombe Magufuli's reign from 2015 to 2021. During this period, a myriad of laws and unofficial pronouncements were made by the government that negatively affected the fundamental freedoms of expression, association, assembly, and access to information.

Some of these laws include the Statistics Act of 2015, the Media Services Act of 2016, the Access to Information Act (2016), the Cybercrimes Act and the Electronic and Postal Communications -EPOCA (Online Content) Regulations 2020.

The laws led to increased control of journalists, in print and online publications, any data published, and online posts of private citizens; government withholding of information for "the public interest"; criminalization of the publication of "false, deceptive, misleading or inaccurate information"; and criminalization of the posting of rumors or items that scorn, abuse or harm Tanzania's status and image on social media platforms among others.

These laws and unofficial pronouncements have indiscriminately affected media outlets, journalists, content creators, civil society organizations, political parties and citizens. Self-censorship on the part of citizens and anyone else exercising their freedom of expression became normalized. Reprisal attacks were meted on those who did not self-censor such as the Mwananchi Newspaper's online edition that was fined and suspended for six months following publication of a picture of the late President Magufuli in a crowded fish market at the height of Covid-19. In extreme cases, enforced disappearances of critical journalists, human rights defenders, political and civil society activists occurred. Both local and international media and civil society institutions working on fundamental human rights issues were fined, closed or highly restricted in their operations.

Leadership transition following President Magufuli's demise in 2021 presented a new opportunity for Tanzania to reverse restrictions on the civic space. Since 2021, President Samia Suluhu Hassan's government has made positive pronouncements towards the respect of the civic space. Political parties have been allowed to hold meetings and rallies. Bans on media houses have been lifted. The government has initiated the process to review and amend the Media Services Act. Arrests and harassments of journalists, human rights defenders, civil society organizations and political activists have significantly reduced according to the Media Council of Tanzania (MCT) that recorded decreased incidents of press violations from 119 in 2018/19 to 18 in 2022. Despite these positive developments, Tanzania ranks 123 on the Reporters without Borders world press freedom index up from 124 in 2021; some government officials are reluctant to effect necessary changes to the restrictive laws and policies; journalists, media outlets, CSOs and human rights defenders continue to face violations. For instance, the Dar Mpya blog was proscribed in July 2022 after carrying a series of stories critical of government and has not been allowed back.

Conclusion

The main actors who can play a significant role in the repeal or amendment of these laws include citizens, journalists and content creators; civil society organizations; relevant regulatory authorities; legislators and the judiciary.

There can be no guarantee until the policy and legal framework governing media operations are reviewed. Anti-media laws, policies and regulations continue to loom over the sector like the sword of Damocles. Although there is an opportunity to reset the relationship between government and CSO, media included, the president must deal with factions in the ruling party which could make rolling back some of the pieces of legislation more difficult than is apparent.

So while the tone at the very top has changed from one which was overly threatening and punitive to a conciliatory and tolerant one, the media in Tanzania continued to face challenges which impact directly on its role in promoting democracy, good governance and accountability. MCT will continue its efforts to advocate for better laws and safety of media professionals by dialoguing with government, perpetrators of press violations and parliamentarians. These are important stakeholders without whom not much can be achieved. MCT realizes that Parliament and Government are crucial if meaningful and lasting change is to be achieved.

State of the Press: Distress and Hope



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