



Joint Submission to the Universal Periodic Review of Tanzania by ARTICLE 19 and Tanzania Human Rights Defenders Coalition (THRDC)

39th Session of the Working Group

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Executive Summary

1. ARTICLE 19 and the Tanzania Human Rights Defenders Coalition (THRDC) welcomes the opportunity to contribute to the third cycle of the Universal Periodic Review (UPR) of Tanzania. This submission assesses Tanzania's compliance with its human rights obligations relating to the right to freedom of expression and information, including their intersection with the right to privacy and peaceful assembly and association. It considers the following areas of concern:
 - Legal Framework for Free Expression
 - Media Freedom
 - Safety of Journalists
 - Civic Space
2. During the period under review, Tanzania has witnessed a drastic decline in respect to freedom of expression, assembly and association. The rhetorical attacks on these rights by authorities are increasingly accompanied by the implementation of repressive laws and the harassment and arrest of journalists, human rights defenders, opposition members and critics. This environment has led to widespread self-censorship due to fear of reprisals from authorities.
3. Tanzania has introduced or further implemented laws that restrict the freedom of expression and media freedom, including online. This includes the Cybercrimes Act (2015), the Media Service Act (2016), and the Electronic and Postal Communications (Online Content) Regulations (2020).
4. With the advent of COVID-19, Tanzania has refused to process and publicise information and data regarding the impact of the pandemic. After initially publicising a few cases, there was a subsequent ban on reporting about infections and death rates. This ignores calls by the World Health Organization (WHO) for the release of data to enable an effective response to

the pandemic. As a result, little information gets to the citizenry and the world about the situation of COVID-19 in Tanzania.

Legal Framework for Free Expression

5. During its second UPR, Tanzania accepted three recommendations to broadly address and guarantee freedom of expression. However, we regret that it noted eight more specific recommendations aimed at strengthening its legislative framework and eliminating all provisions that undermine freedom of expression.¹

Constitution

6. Article 18 of the Constitution of the United Republic of Tanzania (1977, revised in 1995) guarantees the rights to freedom of expression.² The Constitution explicitly recognises that everyone “has freedom of opinion and expression of ideas ... and a freedom with protection from interference from his communication” and “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”. Despite these constitutional guarantees, many repressive laws undermine the freedom of expression in practice.
7. The Constitution does not explicitly make provision for the freedom of the media.

Media Services Act (2016)

8. Tanzania previously noted four specific recommendations to ensure full compliance of the Media Services Act with the freedom of expression as guaranteed in the International Covenant on Civil and Political Rights (ICCPR).³ During the period under review, this law continues to have widespread chilling effects on media freedom.⁴
9. Section 6 of the Act provides for licensing of electronic media, while Section 8 provides for licensing of print media. The licensing requirements for print media constitutes a substantial interference with freedom of expression as licenses may be denied or withdrawn, particularly if outlets are perceived to be critical of the government.⁵ The inclusion of online platforms and social media is regarded as a further restriction on freedom of expression and of the media. In 2011, the UN and regional freedom of expression mandates adopted a joint

¹ Tanzania accepted recommendations 134.96 (Australia), 134.97 (Switzerland), and 134.98 (Ireland). It noted recommendations 136.1 (Czech Republic), 136.2 (Denmark), 136.4 (Germany), 136.5 (Belgium), 136.6 (Sweden), 136.7 (United States of America), 136.8 (United Kingdom) and 136.24 (Netherlands). See: UN Human Rights Council, ‘Report of the Working Group on the Universal Periodic Review of the United Republic of Tanzania: Addendum’, A/HRC/33/12/Add.1, 22 September 2016, available at: <https://daccess-ods.un.org/TMP/8434784.41238403.html>

² ‘Constitution of the United Republic of Tanzania’, 1977, available at: https://www.constituteproject.org/constitution/Tanzania_1995?lang=en

³ Tanzania noted recommendations 136.1 (Czech Republic), 136.2 (Denmark), 136.6 (Sweden), 136.8 (United Kingdom).

⁴ See the full bill: ‘Media Services Act’, 2016, available at: [https://www.loc.gov/law/foreign-news/article/tanzania-new-LAW-on-media-services/](https://www.loc.gov/law/foreign-news/article/tanzania-new-law-on-media-services/)

⁵ See ARTICLE 19’s full analysis of the bill: ARTICLE 19, ‘Legal Analysis: Tanzania – Media Services Bill’, 10 August 2015, available at: <https://www.article19.org/resources/legal-analysis-tanzania-media-services-bill/>

declaration stating that registration requirements for online service providers are generally not legitimate.⁶

10. Section 7 requires media houses to “broadcast or publish news or issues of national importance as the government may direct”. It also vaguely qualifies “restricted” information that the media should not cover.
11. Sections 11 to 14 provides for an Accreditation Board with powers to accredit and issue press cards, as well as to “suspend or expunge journalists” for committing “gross professional misconduct as prescribed in the code of ethics for professional journalists”. Sections 24 to 34 further establishes a statutory Independent Media Council of which all accredited journalists must be members. The Council, together with the Accreditation Board, would enforce government prescribed professional standards and deal with complaints, thereby overriding the former voluntary Media Council of Tanzania. It essentially abolishes self-regulation of the media and grants government-controlled bodies the power to ban newspapers and prohibit journalists from publishing if they express dissent or criticism.
12. Sections 35 to 41 of the Act deal extensively with defamation, with many sections having been lifted from the problematic Newspaper Act (1976). We note the UN Human Rights Committee’s General Comment 24 has recommended for the repeal of criminal defamation laws, emphasising that imprisonment is never an appropriate penalty for defamation.⁷
13. Section 50 broadly and vaguely criminalises any “information which is intentionally or recklessly falsified” and harms various interests, such as defense, public order, the economy or public health. The offence carries a fine of five to 20 million TZS (around 2156 to 8624 USD) and/or three to five years’ imprisonment. Section 54 similarly punishes “any false statements, rumors or report which is likely to cause fear and alarm to the public or to disturb the public peace”. This carries a fine of 10 to 20 million TZS (4312 to 8624 USD) and/or imprisonment of four to six years’ imprisonment. In their 2017 joint statement, the UN and regional free expression mandates affirmed that “general prohibitions on the dissemination of information based on vague and ambiguous ideas, including ‘false news’ or ‘non-objective information’, are incompatible with international standards for restrictions on freedom of expression ... and should be abolished”.⁸
14. Section 50 also criminalises any person who operates a media outlet without license or practices journalism without accreditation. The offence carries a fine of five to 20 million TZS (around 2156 to 8624 USD) and/or three to five years’ imprisonment. This is particularly alarming given that Section 10 grants government-controlled bodies the power to deny or remove licensing and accreditation of those expressing dissent or criticism.

⁶ Organization for Security and Co-operation in Europe, ‘Joint declaration on freedom of expression and the Internet’, 1 June 2011, available at: <https://www.osce.org/representative-on-freedom-of-media/78309>

⁷ UN Human Rights Committee, ‘General Comment No. 34’, (CCPR/C/GC/34), 13 September 2011, available at: <https://www2.ohchr.org/english/bodies/hrc/docs/GC34.pdf>

⁸ Organization for Security and Co-operation in Europe, ‘Joint declaration on freedom of expression and “fake news”, disinformation and propaganda’, 3 March 2017, available at: <https://www.osce.org/files/f/documents/6/8/302796.pdf>

15. Section 52 defines seditious intention in sweepingly broad terms as “an intention to bring into hatred or contempt or to excite disaffection against the lawful authority of the Government of the United Republic”. This is punishable of a fine of five to 10 million TZS (2156 to 4312 USD) and/or three to five years’ imprisonment for a first offender. This increases to seven to 20 million TZS (3018 to 8624 USD) and/or five to ten years’ imprisonment for a subsequent offender.
16. Section 60 provides the Director of Information Services Department with broad powers to seize equipment belonging to media houses that have been “established, installed, maintained, operated or provided in contravention of [the] Act”.
17. On 28 March 2018, the East African Court of Justice has found that multiple sections of the Media Services Act, including those on sedition, criminal defamation, and false news publication, restrict press freedom and freedom of expression, and thereby breach the constitutive treaty of the East African Community, of which Tanzania is a member.⁹

Cybercrimes Act (2015)

18. During the second cycle, Tanzania received and noted six recommendations to ensure the Cybercrimes Act is fully in line with international human rights standards.¹⁰ The Cybercrimes Act continues to violate international human rights standards on freedom of expression and contradicts democratic values.¹¹
19. Section 16 of the Act criminalises the publication of false, deceptive, misleading and inaccurate information through the internet and social media. Any internet user who inadvertently shares a Facebook post or Tweet that contains such information could be prosecuted under this provision.¹² This renders the work of online media outlets susceptible to prosecution. As previously mentioned, these provisions are out of line with international standards.
20. Section 32 does not make it mandatory for the investigating police officer to seek judicial oversight while engaging in surveillance, and thus provides leeway for the abuse of surveillance powers. Section 38, on the other hand, prevents a person to effectively challenge the government’s interference with their privacy given that request for surveillance is done ex parte. Sections 32 and 38 constitute severe violations of international standards, including UN resolutions on privacy in the digital age and the International Principles on the Application of Human Rights to Communication Surveillance.¹³

⁹ IFEX, ‘Tanzania’s media act goes against grain of regional treaty’, 31 March 2019, available at: <https://ifex.org/tanzanias-media-act-goes-against-grain-of-regional-treaty/>.

¹⁰ Tanzania noted recommendations 136.4 (Germany), 136.5 (Belgium), 136.6 (Sweden), 136.7 (United States), 136.8 (United Kingdom), 136.24 (Netherlands).

¹¹ See the full bill: ‘The Cybercrimes Act’, 2015, available at: <https://ictpolicyafrica.org/en/document/c2m8s3qnqws>

¹² See ARTICLE 19’s full analysis of the bill: ARTICLE 19, ‘Tanzania: Cybercrime Act 2015’, 13 July 2015, available at: <https://www.article19.org/resources/tanzania-cybercrime-act-2015/>

¹³ UN General Assembly, ‘The right to privacy in the digital age’, A/RES/75/176, 16 December 2020, available at: <https://undocs.org/en/A/RES/75/176>

21. In March 2017, the High Court of Tanzania issued a decision to declare Sections 32 and 38 of the Cybercrimes Act constitutional, failing to acknowledge that these provisions are clearly in violation of international standards on the rights to freedom of expression and privacy. The High Court’s ruling violates Article 16 (2) of Tanzania’s Constitution which requires that the state authority to “lay down legal procedures regarding the circumstances, manner and extent to which the right to privacy, security of his person, property and residence may be encroached upon”. The constitutional petition against the provisions was filed by *Jamii Media* in March 2016.¹⁴
22. Section 22 criminalizes any person who would “intentionally and unlawfully destroy, delete, alter, conceal, modify, or render computer data meaningless, ineffective or useless”. This has been used to undermine protections for whistleblowers.
23. The Cybercrimes Act has been used to harass civil society in recent years. On 17 November 2020, Maxence Melo, an investigative journalist founder of *JamiiForums*, a popular discussion and whistle blowing forum, was convicted under Section 22 of the Cybercrimes Act by the Kisumu Resident Magistrate’s Court for allegedly obstructing police investigations by failing to disclose the personal data of whistleblowers who used his platform. The Court did not fine or imprison Melo on the condition that he would not commit a criminal offence for one year. The conditional release leaves room for further judicial harassment and entrenched the message that media cannot expect to protect their sources.¹⁵

Electronic and Postal Communications (Online Content) Regulations (2020)

24. The Electronic and Postal Communications (Online Content) Regulations (2020) contain provisions that fail to comply with both international human rights standards and Tanzania’s Constitution. These regulations contain an extended list of prohibited forms of content which has far-reaching consequences for freedom of expression online. It affects a much wider group of digital technology users than under its repealed predecessor, the Electronic and Postal Communications (Online Content) Regulations (2018).¹⁶
25. ARTICLE 19’s legal analysis established that the regulations prohibit content in overly broad and vague terms and also impose confusing registration or licensing requirements which are in breach of international standards on freedom of expression.¹⁷ The lack of any clear definitions is especially concerning given that non-compliance is punished with heavy sanctions, including minimum fines of five million TZS (2156 USD) and/or a minimum of one years’ imprisonment.

¹⁴ ARTICLE 19, ‘Tanzania: Cybercrimes Act upheld in further blow to free expression’, 15 March 2017, available at: <https://www.article19.org/resources/tanzania-cybercrimes-act-upheld-in-further-blow-to-free-expression/>

¹⁵ Committee to Protect Journalists, ‘Jamii Forums founder Maxence Melo convicted on obstruction charge, released in Tanzania’, 19 November 2020, available at: <https://cpj.org/2020/11/jamii-forums-founder-maxence-melo-convicted-on-obstruction-charge-released-in-tanzania/>

¹⁶ See the Regulations : ‘Electronic and Postal Communications (Online Content) Regulations’, 2020, available at: <https://www.tera.go.tz/regulations>

¹⁷ See ARTICLE 19’s full analysis of the bill: ARTICLE 19, ‘Tanzania: New Content Regulations Criminalise Free Speech Online’, 31 August 2020, available at: <https://www.article19.org/resources/tanzania-regulations-criminalise-free-speech/>

26. According to ARTICLE 19’s analysis, the regulations outline a long list of prohibited content. These include:
- Content related to “homosexuality”, with implications for the lesbian, gay, bisexual, transgender and intersex (LGBTI) community, as well as content related to “adultery and prostitution”;
 - Publication of information relating to “demonstrations, marches or the like which may lead to public disorder”, which will severely undermine the right to protest;
 - Publication on “deadly or contagious diseases in the country or elsewhere without the approval of the respective authorities”, which will likely prevent journalists from freely reporting on the coronavirus pandemic; and,
 - Publication of “news of official confidential communications or military affairs” and “content against the State and public order”, all of which will undermine access to information and make it even harder to hold the authorities to account.
27. All these prohibitions fail to acknowledge public interest reporting and have sweeping implications on the rights to freedom of expression and peaceful assembly, both online and offline. They also undermine protections for whistleblowers and investigative journalists exposing issues such as corruption and abuse of power at the state level.
28. The regulations also grant sweeping powers of content removal to the communications regulator, Tanzania Communications Regulatory Authority (TCRA). The TCRA is responsible for giving licenses and keeping a register of “online content service providers” as well as for taking action against non-compliance, “including ordering the removal of or barring access to prohibited content”. These powers contain no safeguards against abuse and will almost certainly have the effect of stifling legitimate freedom of expression in Tanzania.
29. The 2020 Regulations were released only three months before the scheduled general elections in Tanzania. It is likely that they had an impact on the campaign as electoral parties and candidates are increasingly using online platforms to garner support, in compliance with COVID-19 rules.

Recommendations

- Amend the Media Services Act (2016) to align with international human rights standards on the right to freedom of expression, including repealing criminal provisions on defamation, false information, and sedition;
- Abolish the Journalists Accreditation Board and Independent Media Council and grant sole media self-regulatory powers with the existing Media Council of Tanzania;
- Remove all accreditation or licensing requirements that undermine the work of journalists and independent media in law and in practice;
- Amend the Cybercrime Act (2015) to align with international human rights standards on the right to freedom of expression and privacy; and,
- Repeal the Electronic and Postal Communications (Online Content) Regulations (2020).

Media Freedom

30. Since the previous cycle, ARTICLE 19 has documented a drastic deterioration in press freedom in Tanzania. This is primarily characterised by rampant self-censorship and frequent shutdown of media outlets. The shutdowns of these newspapers are facilitated mostly by provisions in the aforementioned Media Services Act.
31. On 27 February 2019, the authorities suspended Tanzania’s major English language newspaper *The Citizen* for seven days after publishing two articles, including one article which raised concerns about “the gradual spiral of respect for civil liberties in Tanzania”.¹⁸
32. On 24 October 2017, the daily newspaper *Tanzania Daima* was banned from publication over the alleged offence of continuously spreading false information. This came after the newspaper published an incorrect claim regarding the number of Tanzanians that are talking anti-retroviral drugs for the treatment of HIV.¹⁹
33. On 19 September 2017, the authorities made the decision to ban weekly newspaper *MwanaHalisi* for two years on allegations of “unethical reporting” and “endangering national security” regarding a published story which was perceived to be anti-government.²⁰
34. Moreover, media houses have suffered harsh sanctions over their news reports with regard to COVID-19. *Kwanza Online TV* was suspended for 11 months for sharing an Instagram post containing a health alert issued by the US Embassy that had warned that the country’s coronavirus caseload was on the rise.²¹ Similarly, three other media outlets, *Star Media Tanzania Ltd*, *Multichoice Tanzania Ltd* and *Azam Digital Broadcast Ltd*, were each fined five million TZS (around 2156 USD) and ordered to apologise for “transmission of false and misleading information” for reporting on the country’s approach to managing COVID-19.²²
35. We note how the UN Human Rights Council’s 2020 resolution on the right to freedom of expression and opinion calls on States to “refrain from imposing restrictions that are inconsistent with article 19 of the International Covenant on Civil and Political Rights, including ... the banning or closing of publications or other media”.²³

Recommendations

¹⁸ Human Rights Watch, ‘Tanzania Authorities Cite Bias in Banning of Major English Newspaper’, 6 March 2019, available at: <https://www.hrw.org/news/2019/03/06/tanzania-authorities-cite-bias-banning-major-english-newspaper>

¹⁹ ARTICLE 19, Tanzania: Ban on newspapers raises concerns for press freedom’, 1 November 2017, available at: <https://www.article19.org/resources/tanzania-ban-on-newspapers-raises-concerns-for-press-freedom/>

²⁰ ARTICLE 19, Tanzania: Newspaper MwanaHalisi banned for sedition, 22 September 2017, available at: <https://www.refworld.org/docid/59ca69474.html>

²¹ Committee to Protect Journalists, ‘Tanzania bans Kwanza Online TV for 11 months citing ‘misleading’ Instagram post on COVID-19’, 9 July 2020, available at: <https://cpj.org/2020/07/tanzania-bans-kwanza-online-tv-for-11-months-citing-misleading-instagram-post-on-covid-19/>

²² Amnesty International, ‘Tanzania: Authorities must end crackdown on journalists reporting on COVID-19’, 21 April 2020, available at: <https://www.amnesty.org/en/latest/news/2020/04/tanzania-authorities-must-end-crackdown-on-journalists-reporting-on-covid19/>

²³ UN Human Rights Council, ‘Freedom of opinion and expression’, A/HRC/RES/44/12, available at: <https://undocs.org/en/A/HRC/RES/44/12>

- Ensure the full respect for the freedom of the media, including by immediately refraining from imposing closures, bans or fines on media outlets.

Safety of Journalists

36. During the previous cycle, Tanzania accepted a recommendation to investigate all attacks against journalists and ensure justice and adequate redress for victims.²⁴ However, journalists continue to report concerning levels of harassment, intimidation, assaults, arbitrary detention and enforced disappearances. This is enabled by varied aforementioned restrictive laws, such as the Media Services Act and the Electronic and Postal Communications Act.
37. In November 2017, Azory Gwanda, an investigative journalist working for privately-owned media company *Mwananchi Communications Limited (MCL)*, went missing a few months after he started investigating mysterious killings in his community, specifically in the Pwani Region, south of Dar es Salaam. Gwanda has never been found. According to reports by the Committee to Protect Journalists (CPJ), the Tanzanian government has failed to carry out credible investigations into his fate and has dismissed his case.²⁵ In June 2019, during a BBC interview, the Tanzania Foreign Minister said Gwanda had “disappeared and died”. The Minister later clarified that this statement was taken out of context and that he did not know whether the journalist was alive or dead.²⁶
38. On 7 November 2018, officers of the CPJ were detained, harassed and questioned by government officials over their visit to the country. The officials claimed that Angela Quintal, CPJ’s African Programmes Coordinator, and Muthoki Mumo, CPJ’s Sub Saharan Representative, did not have appropriate visas for their visit. After taking them to a secret location, the authorities interrogated them for several hours regarding their research in Tanzania, including their interest in the case of Azory Gwanda. The CPJ officers were in the country to understand the persisting challenges journalists were facing.²⁷
39. On 29 July 2019, Eric Kabendera, an investigative journalist, was arrested and detained under several charges. Kabendera had initially been arrested over questions regarding his citizenship but these were later dropped and spurious financial charges of tax evasion and money laundering were issued against him.²⁸ On 24 February 2020, he was released after seven months in prison with heavy fines amounting to 273 million TZS (around 118,000 USD) after entering into a plea bargain process.²⁹ While he was released, the fines reflect the politically motivated persecution of dissidents and journalists.

²⁴ Tanzania accepted recommendation 134.95 (Latvia).

²⁵ Committee to Protect Journalists, ‘One year after disappearance, CPJ calls for credible investigation into Tanzanian journalist Azory Gwanda’s fate’, 21 November 2018, available at: <https://cpj.org/2018/11/one-year-after-disappearance-cpj-calls-for-credible/>

²⁶ Committee to Protect Journalists, ‘#WhereIsAzory?’, available at: <https://cpj.org/whereisazory/>

²⁷ Committee to Protect Journalists, ‘Angela Quintal recounts CPJ’s ordeal in Tanzania’, 13 November 2018, available at: <https://cpj.org/2018/11/angela-quintal-recounts-cpjs-ordeal-in-tanzania/>

²⁸ BBC News ‘Tanzania journalist Erick Kabendera freed after 7 months’, 24 February 2020, available at: <https://www.bbc.com/news/world-africa-51619618>

²⁹ Amnesty International, ‘No Justice as journalist Erick Kabendera slapped with heavy fines after months in jail’, 24 February 2020, available at: <https://www.amnesty.org/en/latest/news/2020/02/tanzania-no-justice-as-journalist-kabendera-slapped-with-heavy-fines-after-months-in-jail/>

40. On 17 September 2019, journalist Chibura Makorongo was arrested and detained by the Regional Crimes Officer in Shinyanga. The journalist was accused of sending a messages, including one about two women who got pregnant while in remand in the Prison Department in Shinyanga. The journalist was released but his mobile phones were confiscated.³⁰
41. On 19 February 2020, *Uhuru Media Group* journalist Dinna Maningu was arrested and detained following an order from the Tarime District Commissioner. The journalist had visited the District Commissioner's office with the intention of conducting an interview on the research she was undertaking about child genital mutilation. While there, the District Commissioner ordered the Tarime police authorities to arrest, detain and interrogate her on incitement charges. She later was released after intervention of the Tanzania Human Rights Defenders Coalition (THRDC).³¹
42. On 29 February 2020, the police assaulted Janeth Joseph of newspaper *Mwananchi* and Elia Peter of *Global TV* while they were covering a public meeting being addressed by the Chairman of the opposition party CHADEMA in the Hai District of the Kilimanjaro Region. The incident occurred as police were forcing the CHADEMA Chairperson to enter his car so they could escort him to the police station, accusing him of seditious statement during his address. The journalists were taking photos and recording when they were beaten. Janeth Joseph's mobile phone was also confiscated.³²
43. There have also been instances of attacks and harassment against journalists and media houses in relation to reporting on COVID-19. In April 2020, Talib Ussi Hamad, a reporter for the *Tanzania Daima*, was suspended for six months on the grounds that he referred to a coronavirus patient without the patient's consent.³³

Recommendations

- End the harassment and prosecution of journalists exercising their right to freedom of expression;
- Ensure the prompt, thorough, independent, and effective investigation of attacks against journalists, human rights defenders and others targeted for their expression; and,
- Develop and effectively implement legal frameworks and measures to protect journalists and media workers and combat impunity, taking into consideration the gender dimensions thereof, including, where appropriate, through the creation and strengthening of special investigative units or independent commissions, and the adoption of specific protocols for investigating and prosecuting these crimes.

³⁰ Media Council of Tanzania, 'Report of Press Freedom Violations, Oct 2018 – Nov 2019', 2019, available at: <https://mct.or.tz/wp-content/uploads/2020/01/PFV-REPORT-2019-full.pdf>

³¹ Jamii Forum, 'Tarime: Mwandishi wa Umma Dinna Maningu awekwa korokoroni kwa amri ya mkuu wa wilaya', available at: <https://www.jamiiforums.com/threads/tarime-mwandishi-wa-uhuru-dinna-maningu-awekwa-korokoroni-kwa-amri-ya-mkuu-wa-wilaya.1692825/>

³² Media Council of Tanzania, 'Press Freedoms Violations Report 2020', 2020, available at: <https://mct.or.tz/wp-content/uploads/2021/02/PFVR-2020.pdf>

³³ Amnesty International, 'Tanzania: Authorities must end crackdown on journalists reporting on COVID-19', 21 April 2020, available at: <https://www.amnesty.org/en/latest/news/2020/04/tanzania-authorities-must-end-crackdown-on-journalists-reporting-on-covid19/>

Civic Space

44. During the period under review, the space for civil society – including human rights defenders, journalists, bloggers, opposition and dissenting voices, and the LGBTI community – has continued to deteriorate. This has mainly manifested through enactment of regressive legislation targeting civil society organizations.³⁴
45. Tanzania has embarked on a process of deregistering legitimate civil society organisations. On 17 April 2017, the NGOs Coordination Board deregistered six organisations including the Community Health Education Services and Advocacy (CHESA), Kazi Busara na Hekima (KBH Sisters), AHA Development Organization Tanzania, Pathfinder Green City, Hope and Others, and HAMASA Poverty Reduction (HAPORE). The organisations were accused of “promoting unethical acts in society which violate Tanzania law, ethics and culture”.³⁵
46. On 21 August 2017, civil society organisations in Tanzania were given a 10-day period to submit their original registration certificates as well as copies, fill verification forms, and provide all annual fee payment receipts for verification. The failure of which would result in deregistration. The government also suspended registration until the verification exercise of existing organisations was completed.³⁶
47. On 6 January 2017, government agents raided a civil society meeting on reproductive rights and sexual minorities which included women and the LGBTI community.³⁷
48. On 11 April 2018, the late President Magufuli threatened to close all civil society organisations perceived to be anti-government or whose work is critical of the government.³⁸

Recommendations

- Create an enabling and safe environment conducive to the work of all civil society, including by ceasing the deregistration of civil society organizations.

³⁴ DefendDefenders, ‘Tanzania: 38 NGOs call on states to express concern over the human rights situation’, 13 May 2019, available at: <https://defenddefenders.org/tanzania-38-ngos-call-on-states-to-express-concern-over-the-human-rights-situation/>

³⁵ CIPESA, ‘The shrinking Civic Space in East Africa’, March 2019, available at: https://cipesa.org/?wpfb_dl=299

³⁶ Business Daily, ‘Tanzania suspends NGO registration’, 22 August 2017, available at: <https://www.businessdailyafrica.com/news/Tanzania-suspends-NGOs-registration/539546-4066666-1ly1cfz/index.html>

³⁷ Devex, ‘In an apparent crackdown, Tanzania government raids NGO meeting on reproductive rights’ 6 January 2017, available at: <https://www.devex.com/news/in-an-apparent-crackdown-tanzania-government-raids-ngo-meeting-on-reproductive-rights-89394>

³⁸ Daily News, ‘Magufuli warns anti-govt NGOs’, 13 April 2018, available at: <https://www.dailynews.co.tz/news/magufuli-warns-anti-govt-ngos.aspx>