



COVID-19 Response in Africa: Together for Reliable Information

This briefing is part of the COVID 19 Response: Together for Reliable Information programme, supported by the European Union

Tanzania: Briefing on attacks against journalists March 2020–July 2021

At a glance

Global Expression Report 2021 score:

38/100

5

journalists arrested and detained

1

Act passed

About this briefing

Journalists play a vital role in ensuring the right to freedom of expression and access to information, which is protected under international human rights law and Tanzania’s [Constitution](#). The protection of media freedom becomes even more relevant during a pandemic.

However, changes made to law and regulations in Tanzania during the first year of COVID-19 – particularly under the late President John Magufuli – violated this fundamental right, putting media freedom and journalists’ safety at grave risk, as this briefing shows.

When COVID-19 hit Tanzania in March 2020, President Magufuli denied its existence and downplayed its risks, and the government stopped updating the public on levels of infections and deaths on 29 April. Six weeks later, Magufuli [declared](#) that citizens’ prayers had eliminated the virus in Tanzania, which restricted press freedoms: How could journalists report on a pandemic that, in the President’s eyes, didn’t exist?



The corona disease has been eliminated thanks to God



[Late President John Magufuli](#), June 2020

On 22 May 2020, Prime Minister Kassim Majaliwa issued a [directive](#) restricting access to and dissemination of information on COVID-19. From that point on, only the Health Minister could provide information on the virus – and, if necessary, the Prime Minister himself. Even as late as February 2021, Health Minister Dorothy Gwajima was [warning](#) journalists against reporting unofficial statistics.

The government’s policy of denialism during the first year of the pandemic had far-reaching implications for journalists, who could not accurately report on COVID-19 due to lack of accurate information and fear of arrest – which did not go unnoticed by the international community, from the [World Health Organization](#) to [Reporters Without Borders](#).

We urge the Government of Tanzania to follow the recommendations in this briefing to ensure the right to freedom of expression and the safety of journalists are guaranteed – especially in the COVID-19 pandemic.



Tanzania’s Health Minister, Dorothy Gwajima, who warned journalists against reporting unofficial statistics in February 2021. (Photo: Nation Media Group)

Responses to ‘disinformation’ and ‘misinformation’

The protection of journalists and human rights defenders, and ending impunity for attacks against them, is a global priority for safeguarding freedom of expression. Threats, attacks, arbitrary arrests, and detentions – and, in the gravest cases, enforced disappearance or killings – constitute a violation of not only the right to freedom of expression but also a violation of the right to life, bodily integrity, and sometimes the right to health.

Under international human rights standards, freedom of expression and information cannot be suppressed purely because information is considered false, non-objective, or even deeply offensive. As the UN Special Rapporteur and other monitors for freedom of expression and opinion information pointed out at the start of the pandemic, criminalising ‘false information’ related to COVID-19 may merely [‘create distrust in institutional information, delay access to reliable information and have a chilling effect on freedom of expression’](#).

Editor arrested for posting about true extent of COVID-19 on social media

On 6 April 2020, Afrikana Mlay, editor of Kiswahili-language publication *Kasheshe*, was [arrested](#) in the Kilimanjaro region for allegedly spreading ‘false information’ on social media. His post indicated that Tanzania was hiding the actual number of COVID-19 infections. Police said Mlay would be charged in court for spreading information that, they contended, was likely to “create panic” and undermine state security. This echoed the Prime Minister’s warning to the public just a few weeks earlier:



I am warning everyone against spreading baseless rumours and falsehood through mobile phones and social media platforms, which can create unnecessary panic and hardship to all around, they must all be monitored and measures taken against them

Prime Minister Kassim Majaliwa, 21 March 2020



At the time of writing (October 2021), no further information was publicly available on the status of Mlay's case.

Blogger arrested for “wrongful use of social media”

The same week that Mlay was arrested, blogger Awadhi Lugoya was accused of “wrongful use of social media” and arrested for allegedly creating a Facebook account (‘Coronavirus Tanzania’) to disseminate information, which the Morogoro regional police commander declared “misleading”, about the pandemic. The offence is punishable by a minimum fine of 5 million Tanzanian shillings (approx. USD2,160) and/or a minimum 12-month jail sentence under the Electronic and Postal Communication (Online Content) Regulations of 2018.

No further information was publicly available on the status of the case at the time of writing (October 2021).

Newspaper staff charged for WhatsApp messages about COVID-19 victims

On 30 April 2020, two members of staff of *Mwananchi* newspaper, Haidary Hakam and Alona Tarimo, were arrested and charged for disseminating ‘false’ information about COVID-19 victims on WhatsApp. They were charged under the Cybercrime Act 2015. Kinondani SACP Police Commander, Edward Bukombe, took the opportunity to remind Tanzanians to stop sharing information on social media that the government or authorities had not verified.

Daily newspaper suspended and fined after posting photo of President Magufuli violating social-distancing rules

On 21 March 2020, Prime Minister Kassim Majaliwa directed the Tanzania Communication Regulatory Authority (TCRA) to monitor and apprehend persons disseminating ‘fake news’ about COVID-19.

A few weeks later (17 April), the TCRA suspended the *Mwananchi* daily newspaper’s licence for six months and fined them 5 million Tanzanian shillings (approx. USD2,155) for allegedly violating the Electronic and Postal (Online Content) Regulations of 2018. This happened shortly after *Mwananchi* posted a photo of President Magufuli shopping in a crowd of people, in an apparent violation of the government’s social-distancing rules, which sparked an online discussion about Tanzania’s approach to COVID-19. The authorities claimed the photo was taken prior to the pandemic, while *Mwananchi* quickly took it down and apologised.

Kwanza Online TV license suspended for sharing US Embassy health alert

On 10 July 2020, [Kwanza Online TV](#)'s licence was suspended for 11 months for sharing a health alert on Instagram, issued by the US Embassy, warning that Tanzania's COVID-19 cases were rising.

Joseph Mapunda, Vice-Chair of the TCRA's Content Committee, [told](#) journalists that Kwanza Online TV had published an unbalanced story that was designed to cause panic and damage the country's economy, and that this was against the Electronic and Postal Communications (Online Content) Regulations, 2018.



Our right to be heard was not adhered to as we were given less than 24 hours to respond to the initial summon ... We would like to emphasize that Kwanza TV is not guilty of any offense

[Kwanza Online TV public statement](#)



Stifling media reporting, restricting access to information

Media outlets fined and forced to apologise for airing report describing President as “stubborn”

On 26 April 2020, Star Media, Multichoice Tanzania, and Azam Digital Broadcast were [fined](#) 5 million Tanzanian shillings (approx. USD2,200) for allegedly flouting the rules on COVID-19 communication. The stations had aired content from Kenya's Citizen TV that described President Magufuli as “stubborn” for refusing to impose a lockdown. The stations were also compelled to broadcast an apology to President Magufuli for seven consecutive days. Citizen TV and Radio were asked to broadcast a similar apology.

“A clumsy attempt to suppress critical voices”

On 11 August 2020, the TCRA introduced new [rules](#) forcing local media stations to seek government approval before broadcasting foreign content. Press-freedom activists and opposition leaders protested against the rules, which they saw as an attempt to prevent Tanzanians from receiving any information whatsoever about COVID-19.



This is a clumsy attempt to suppress critical voices and independent information before the elections in Tanzania ... this far-reaching form of state censorship is difficult to counter.

[DW Director General Peter Limbourg](#)



Reporter suspended for referring to a COVID-19 patient

On 20 April 2020, Talib Ussi Hamad, a reporter with *Tanzania Daima* newspaper, was [suspended](#) for six months for referring to a COVID-19 patient without their consent. He [said](#) he was pressured to apologise, but refused on the grounds that the information he reported was in the public interest. He was accused of flouting professional ethics and charged under the Registration of News Agents, Newspapers, and Books Act No. 5 of 1988 and its amendments No. 8 of 1997.

Hamad filed a case in the Zanzibar High Court in July challenging the decision. The Zanzibar government [lifted](#) the suspension in August 2020.

The ostensible purpose of licensing schemes is usually to ensure that the task of informing the public is reserved for competent persons of high moral integrity. In practice, however – as shown by this case, as well as the aforementioned suspension of *Mwananchi* and Kwanza Online TV's licenses – the power to distribute licences can become a political tool, used to prevent critical or independent journalists from publishing. For this reason, and simply because the right to express oneself through the mass media belongs to everyone, irrespective of qualifications or moral standing, licensing schemes for media workers are [considered](#) to be in breach of the right to freedom of expression.

Laws regulating access to information and media freedom during COVID-19

Cybercrime Act 2015

The stated object of this [law](#) is to protect sensitive infrastructure, reduce vulnerability and cyberbullying, and minimise any damage that cyberattacks may cause. However, it has been criticised for violating human rights – including by ARTICLE 19 in our [legal analysis](#).

The Act's definition of 'publishing' is overly broad and open to interpretation, and can therefore be used to penalise citizens. It also makes it an offence for anyone to hold any unauthorised information, and is open to abuse by law-enforcement officers, to whom it gives sweeping powers to investigate anyone in possession of so-called unauthorised or 'false' information, as well as to conduct investigations without obtaining court orders.

It is because of these shortcomings that police were able to use the Act to arrest and charge Haidary Hakam and Alona Tarimo from *Mwananchi* newspaper for disseminating 'false' information about COVID-19 victims on WhatsApp.

Statistics Act 2015

Sections 37 (4) and (5) of the [Statistics Act 2015](#) indicate that it is an offence for a 'radio station, television station, newspaper or magazine, website or any other media' to publish 'false statistical information', or for an 'agency or person' to publish 'official statistical information which may result in the distortion of facts'.

Given the broad definition of 'official statistical information', this would mean the publication of all statistics – regardless of their source, which may be deemed 'false' – is considered a 'distortion of facts', and punishable by a 'fine not less than two million shillings (US\$ 1 200)', 'imprisonment for a term of not less than six months or ... both'.

Statistics are a vital aspect of public-health information on COVID-19, which the government has tightly controlled since the outset of the pandemic. As a result of this and other legislation, little information got through to Tanzanian citizens – nor to the wider world – about the COVID-19 situation in the country.

Electronic and Postal Communications (Online Content) Regulations 2020

This law, which came into force on 17 July 2020, has been [called](#) an affront to press freedom. It introduced licensing and taxation for bloggers, online discussion forums, and radio and television webcasters, and represses online speech, privacy, and access to information.

The accompanying regulations impose numerous restrictions, including unrealistic time limits on content and licenses and prohibiting many categories of content. ARTICLE 19 has previously raised concerns regarding these regulations and [called for them to be repealed](#) in their entirety. The previous iteration of these regulations (i.e. the 2018 version) was used to charge journalists and suspend media outlets' licences, including for their reporting in relation to COVID-19.

Freedom of expression under international law

The right to freedom of expression is guaranteed under the [Universal Declaration of Human Rights](#), the [International Covenant on Civil and Political Rights \(ICCPR\)](#), the [African Charter on Human and Peoples' Rights](#), the African Commission's [Declaration of Principles on Freedom of Expression and Access to Information in Africa](#), and Tanzania's [Constitution](#).

But while the right is fundamental, it is not absolute. Under international law, freedom of expression can be limited for the purposes of protecting public health – but any limitation must be **legitimate, necessary, and proportionate** (Article 19 of the ICCPR).

Recommendations

ARTICLE 19 calls on the Government of Tanzania to:

- **Interrogate the regulations and restrictions the government imposed to contain the spread of COVID-19** and ensure they comply with the country's international human rights obligations, including in relation to freedom of expression and the right to information.
- **Review existing legislation and administrative regulations impacting on freedom of expression**, including media freedom, to ensure they conform with the principles enshrined in the ICCPR, African Charter on Human and People's Rights, and Universal Declaration of Human Rights.
- **Remove all provisions in laws and regulations criminalising 'false information'** and ensure all COVID-19-related legislation conforms with international standards on freedom of expression.
- **In line with ARTICLE 19's previous recommendation, repeal the Electronic and Postal (Online Content) Regulations 2020 in their entirety**, and ensure the draft Electronic and Postal Communications (Online Content) (Amendment) Regulations 2021 are not adopted.
- **Implement policies that promote the work of journalists and recognise their legitimacy and the vital role they play in the promotion of human rights**, including by ensuring they send a clear message that the arbitrary arrest, detention, and prosecution of journalists and the media for carrying out their work will not be tolerated, and ensuring that those responsible for such acts are held accountable.
- **Carry out investigations into all reports of human-rights violations perpetrated against journalists** and ensure that all perpetrators – including law-enforcement officers – are brought to justice in a trial meeting international fair-trial standards.
- **Adopt the recommendations of the [resolution on the safety of journalists](#)**, adopted by the UN Human Rights Council on 6 October 2020, which provide guidance on ensuring the safety of journalists in the context of the COVID-19 pandemic.

The evidence presented in this briefing was sourced from media houses, media watchdogs, journalists' unions, and legal analysis between March 2020 and July 2021. It is limited to human rights violations against journalists in the context of COVID-19 during that time (rather than non-pandemic-related violations against journalists, or violations against non-journalists during COVID-19). For our methodology, see: www.article19.org/covid-19-response-in-africa/.