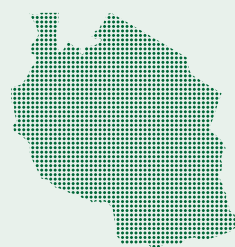


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TANZANIA DIGITAL RIGHTS AND INCLUSION

A PARADIGM INITIATIVE PUBLICATION



2020 REPORT

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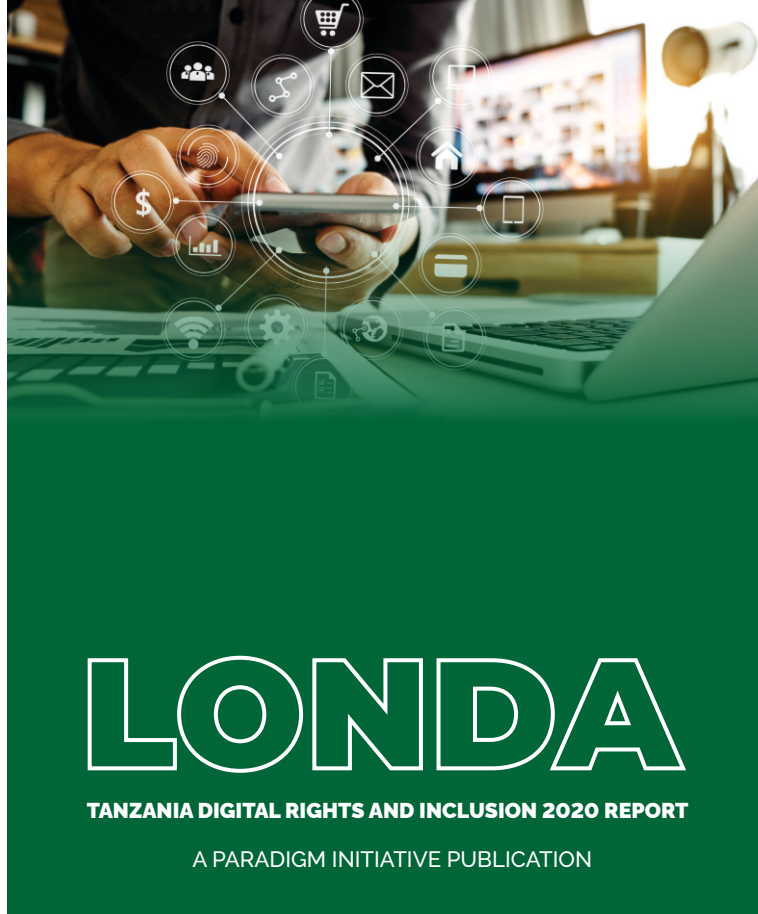
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Civil society organizations continue to work to advance digital rights and inclusion in Africa, ensuring best practices are adopted into policy and legislation. This report analyses the state of digital rights and inclusion in Tanzania, examining violations and gaps, investigating the use and application of policy and legislation, highlighting milestones and proffering recommendations for the digital landscape in Tanzania. This edition captures among other issues, the digital divide worsened by the COVID-19 pandemic and unearths infractions on different thematic areas such as privacy, access to information, and freedom of expression with the legislative and policy background well enunciated.





Tanzania is a country in East Africa with a population of over 55 Million, according to the Tanzania Bureau of Statistics.¹ Tanzania has been under the rule of Chama Cha Mapinduzi (CCM), the dominant ruling party, with fierce opposition growing in the last decade as more opposition parties emerge.²

INTRODUCTION

DIGITAL RIGHTS AND INCLUSION IN TANZANIA

The communication sector is under the Ministry of Transport, Work, and Communication. However, an independent body called The Tanzania Communication Regulatory Authority (TCRA) handles regulation in this sector. TCRA was established under the TCRA Act no. 12 of 2003.³

Tanzania has taken a turn for the worse in the last five years as far as digital rights are concerned, with an increase in the legislation of laws restricting the enjoyment of internet freedoms. Over the last five years, several pieces of legislation have been passed as laws, amended to further restrict the online space in various ways. Legislation such as the Cybercrimes Act (2015) has been used to prosecute online users perceived to be critical of the persona of the president or other authorities in power. This was followed up by laws such as the Electronics and Postal Communications (SIM card regulation, online content regulation and statistics) Act.



Legislation of Laws
*restricting the enjoyment
of internet freedom*

This report has drawn its information and data from doing desk research, reviewing news, policy briefs, country reports, shadow reports, policies and regulations as well as the

1. National Bureau of Statistics: Tanzania Figures, June 2019,

2. www.nationsonline.org/oneworld/tanzania.htm

3. www.tcra.go.tz

Constitution of the United Republic of Tanzania. These sources were captured from official government websites such as the TCRA, Parliament's website as well as news from reputable media, civil society organizations, human rights activist's social media handles among others. This country report addresses the impact of COVID-19 regulations on digital rights and inclusion, enjoyment of Freedom of expression online, privacy, digital IDs and surveillance, internet access, hate speech, misinformation and criminal defamation laws, the extent of digital exclusion and its impact on human rights, gender and digital infrastructure.

IMPACT OF COVID-19 REGULATIONS ON DIGITAL RIGHTS AND INCLUSION

On the 16th of March 2020, Tanzania reported its first case of Coronavirus,⁴ since then the country last reported a total of 509 and then stopped publishing information.⁵ However, for a country that has already been at crossroads with the fulfillment of human rights across the region and a president critiqued for ignoring human rights, the pandemic didn't change the dynamics of practice but rather intensified the situation. In the light of the pandemic and how the region has taken proactive measures in different capacities to overcome the challenges, Tanzania has denied its citizens their right to information as well as freedom of expression even via avenues such as social media. When the US Embassy in Tanzania issued a high health alert message to its citizens

regarding the unknown state of COVID-19 in Tanzania, Kwanza TV shared this information on Instagram and was thus the reason its license was suspended.⁶

ENJOYMENT OF FREEDOM OF EXPRESSION ONLINE IN 2020

Throughout 2020, several media outlets have been suspended for a few days up to several months. In July 2020, the Contents Committee of the Tanzania Communications Regulatory Authority summoned Kwanza Online TV stating that their Instagram account featured a post that was unpatriotic and negative to the country. Following the summons, Kwanza TV stated that they were not given enough time to respond to the charges. The regulator shortly thereafter issued a statement⁷ that the broadcaster had published misleading content that contravened professional standards, and hence was suspended for 11 months.⁸

Activists and human rights organizations had argued about the implications and use of the recent legislation that was passed such as the Electronic and Postal Communication Act, 2010 (EPOCA) online content regulation and the Cybercrimes Act among others. Their use became more apparent as elections drew near and a clampdown was initiated to block online avenues as spaces of assembly, mobilization, and information sharing. In months leading up to the election, activists, inspired by a well-known religious leader, with the influence of online activists initiated an online protest that ran right up to elections demanding an independent electoral commission.⁹ This mobilization was mostly

4. VOA: Tanzania Confirms First Case of Coronavirus, March 2020, <https://www.voanews.com/science-health/coronavirus-outbreak/tanzania-confirms-first-case-coronavirus>

5. Worldometer: Tanzania COVID Cases, November 2020, <https://www.worldometers.info/coronavirus/country/tanzania>

6. Reporters without borders: Tanzania suspends another media outlet over its COVID-19 coverage, July 2020, <https://rsf.org/en/news/tanzania-suspends-another-media-outlet-over-its-covid-19-coverage>

7. TCRA Twitter Handle: Taarifa kwa Vyombo vya Habari, July 2020, https://twitter.com/TCRA_Tz/status/1280137947199782919?s=20

8. CPJ: Tanzania bans Kwanza Online TV for 11 months citing 'misleading' Instagram post on COVID-19: July 2020, <https://cpj.org/2020/07/tanzania-bans-kwanza-online-tv-for-11-months-citing-misleading-instagram-post-on-covid-19/>

9. Twitter: Maria Sarungi tweets on wearing white attires as a silent protest requesting an independent electoral body, June 2020, <https://twitter.com/mariastsehai/status/1277572130851479552?lang=en>

done online via Twitter with many of their followers tweeting pictures while dressed in white as a silent protest. Among the prohibited contents in the new online content regulations included “content that is involved in planning, organizing, promoting or calling for demonstration, marches or the like which may lead to public disorder”.¹⁰

PRIVACY, DIGITAL IDS AND SURVEILLANCE

While Tanzania does not yet have a data protection and privacy policy, its constitution does guarantee the right to privacy, however this is not reflected in relevant laws effectively. The Electronics and Postal communication (SIM card regulations) Act 2020 was published on 7 February 2020 making it mandatory for all SIM card users in Tanzania to register their SIM cards biometrically.¹¹ The move to register SIM cards with biometrics comes under the condition that one possesses a national identification number (NIN) and/or ID to get registered; however, without a law governing data protection and privacy, this could prove harmful. Individuals are required by this law to provide personal data that is accessible by public agencies such as telecoms. Laws in Tanzania are yet to guarantee the right to communicate anonymously on the internet removing the right to anonymity.

Activists and human rights organizations had argued about the implications and use of the recent legislation that were passed.



INTERNET ACCESS

Recently the Tanzania Communications Regulatory Authority reported an increase of mobile internet subscribers to 27 million with slightly over a million new users gained within the first two quarters of the year 2020.¹² According to Research ICT in Africa, 1GB in Tanzania as of the second quarter of 2020 cost \$2.17¹³ making it the highest in the East African region despite the fact that in September 2019 it had the lowest costs in the region. Their research compares the prices of 1GB of daily mobile internet by taking into account the mean charges of the total Internet Service Providers (ISPs) in each country. In comparison to the standard of living of Tanzanians, whose GDP per capita as of 2019 according to the world bank is at \$1122,¹⁴ makes bread or broadband a choice for many users. Due to food insecurity, data is not a priority in their daily lives leading to self-censorship or withdrawal from internet usage. While internet users have grown, the gender digital gap, as well as rural and urban access gaps, still exist with the decentralization of opportunities limited.

10. TCRA: The Electronics and postal communications (online content regulations), 2020,

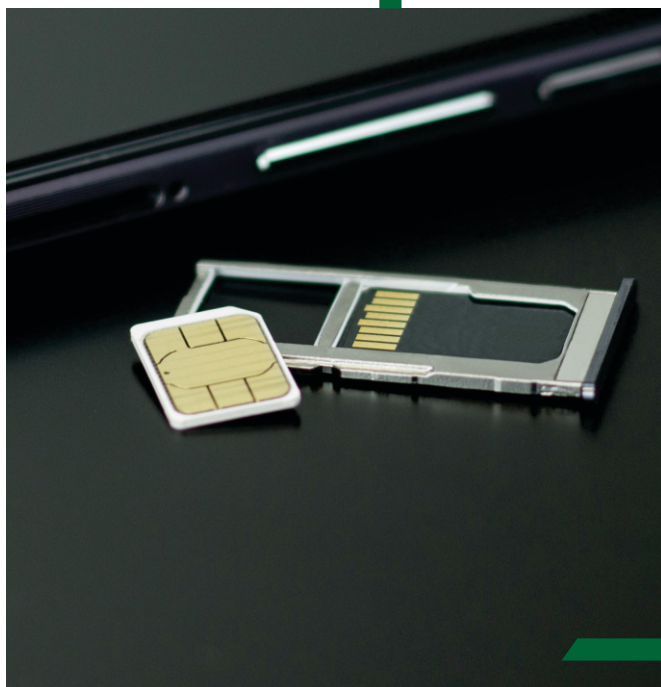
[https://www.tcra.go.tz/document/The%20Electronic%20and%20Postal%20Communications%20\(Online%20Content\)%20Regulations,%202020](https://www.tcra.go.tz/document/The%20Electronic%20and%20Postal%20Communications%20(Online%20Content)%20Regulations,%202020)

11. Clyde and Co: SIM card registration in Tanzania, July 2020, <https://www.clydeco.com/en/insights/2020/07/sim-card-registration-in-tanzania>

12. Tanzania Communications regulatory authority: Quarterly communication statistics, September 2020, <https://www.tcra.go.tz/publication-and-statistics/statistics>

13. Research ICT Africa Mobile Pricing (2020), https://researchictafrica.net/ramp_indices_portal

14. World bank data indicator (2019), <https://data.worldbank.org/indicator/NY.GDP.PCAP.CD?locations=TZ>



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The Electronics and Postal communication (SIM card regulations) Act 2020 was published on 7 February 2020 making it mandatory for all SIM card users in Tanzania to register their SIM cards biometrically.

HATE SPEECH, MISINFORMATION AND CRIMINAL DEFAMATION LAWS

Tanzania does not have a specific law that addresses hate speech as some countries do however it has some pieces of legislation that address some of these concerns. The Online Content Regulation (2020) in section 16, section 3(m) states that among prohibited content includes “content that promotes or favors what would raise sedition, hatred, racism...” The same regulation also addresses concerns on “content that aims to publish information for the purpose of ridicule, abuse or harming the reputation, prestige or status of Tanzania”.¹⁵

THE EXTENT OF DIGITAL EXCLUSION AND ITS IMPACT ON HUMAN RIGHTS

Tanzanian students in primary school are required to learn ICT studies in a subject called “Tehama” however majority of public schools do not have access to computers or the internet, making it more of a theoretical subject. Access to the internet is more prevalent in urban areas than rural areas, making access a challenge as large infrastructure investments are made in urban areas where the market is wider. The result of this is the lack of decentralization of opportunity as well as the majority being denied access to rights such as the right to access to information.

¹⁵ Section 16 of the online content regulations (2020), [https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKewj55tnO-JPuAhWGUCaKHQonBpsQFjAAegQIAxAC&url=https%3A%2F%2Fwww.tcra.go.tz%2Fdocument%2FThe%2520Electronic%2520and%2520Postal%2520Communications%2520\(Online%2520Content\)%2520Regulations%2C%25202020&usg=AOvVaw0WCGjGOL_OjzqPC3XhiYGk](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKewj55tnO-JPuAhWGUCaKHQonBpsQFjAAegQIAxAC&url=https%3A%2F%2Fwww.tcra.go.tz%2Fdocument%2FThe%2520Electronic%2520and%2520Postal%2520Communications%2520(Online%2520Content)%2520Regulations%2C%25202020&usg=AOvVaw0WCGjGOL_OjzqPC3XhiYGk)

GENDER AND ICT

While laws such as the Cybercrime Act address concerns such as cyberbullying, they are not gender-centric as they do not address gaps in terms of online violence, stalking, harassment, and illegal use of images/videos, especially for women.

Tanzania's lack of data protection and privacy policy leaves special groups such as women vulnerable to technology-related gender-based violence leading to self-censorship and withdrawal from the use of the internet.

CONCLUSION AND RECOMMENDATIONS



Tanzania has lost the reputation of upholding democracy and rights whether it is online or offline. With the use of rule of law and the recent shutting off of the internet, they have further distanced themselves from protecting civic spaces, the so-called “front porches of democracy”, by limiting the freedoms and rights of the people.

To ensure that citizen's voices are not silenced nor their avenues of exercising rights are not denied, it's essential that Tanzania revisits its constitution and ensure that the rights and freedoms guaranteed such as Article 16 of the Constitution that recognizes the right to privacy. This article states that “every person is entitled to respect and protection of his person, the privacy of his own person, his family and of his matrimonial life, and respect and protection of his residence and private communications.”¹⁶ The Constitution ought to be complemented by rights-respecting laws and policies.

Tanzania ought to uphold a human rights-based approach when enacting regulations that will cause distress between right holders and duty bearers to ensure equal access to opportunities accorded in both the offline and online world. To ensure digital inclusion, ICT policies in Tanzania need to address the needs of special groups such as women and people with disabilities. Tanzania has a long way to ensuring rights and inclusion in the digital space but a great way to start is to set the right parameters for policy development that foster inclusion in decision making and to ensure that it is people-centered.

¹⁶ The constitution of the United Republic of Tanzania(1977), www.parliament.go.tz/publication/journals

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