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Tanzania: Analysis of Media Services Bill

The Centre for Law and Democracy (CLD) today issued an analysis of the draft Media Services Act prepared by the government of Tanzania. If passed, the draft Act would represent a serious step backwards for freedom of expression in Tanzania. It is extremely broad in scope – covering not only traditional media but also online services and even social media, as well as individual journalists – and it subjects all of these actors to licensing regimes overseen by bodies which are controlled by government. The draft Act also provides for draconian restrictions on media content.

“Far more thought needs to be given to the question of what would be an appropriate regulatory system for the media in Tanzania”, said Toby Mendel, Executive Director of CLD. “A first imperative is to ensure that regulatory bodies are protected against possible political interference but the draft Act also suffers from very significant regulatory overbreadth.”

Some of the other key problems with the draft Act include:

- It subjects online content providers, social media, newspapers and individual journalists to a licensing regime.
- It gives the regulator virtually unfettered discretion to address complaints against the media, without providing any indication of how this might work.
- It provides for only limited defences to allegations of defamation; even truth is not a defence on its own.
- It establishes an extremely broad set of criminal content restrictions, including vague definitions of the crimes of sedition and publishing false news, which have been struck down as unconstitutional in other countries.

CLD urges the government of Tanzania to put in place a broad process of consultation with all interested stakeholders to determine an appropriate way forward in terms of media regulation.

The CLD Analysis is available at: http://www.law-democracy.org/live/wp-content/uploads/2012/08/Media-Services-Law-analysis.rev_.pdf.

For further information, please contact:

Toby Mendel
Executive Director
Centre for Law and Democracy
Email: toby@law-democracy.org
+1 902 431-3688
www.law-democracy.org
twitter: @law_democracy