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Tanzania: Whistleblower Protection Law Welcome but Needs Improvement

Whistleblowers play a critical role in exposing corruption and other wrongdoing. Because they often do so at great personal risk, it is important for States to grant them legal protection against reprisals for coming forward. Today, the Centre for Law and Democracy is releasing an Analysis of Tanzania’s Whistleblower and Witness Protection Act, which was passed last year, but which the government is currently considering reforming. Although the Act has a number of positive features, such as extending protection across the private and public sectors, it also has a broad list of exclusions where its protections do not apply, including for disclosures relating to national security or where the information is defamatory.

“We welcome Tanzania’s initiative, but these exceptions would deny protection to many whistleblowers,” said CLD’s Senior Legal Officer, Michael Karanicolas. *“The exception for information that is defamatory is particularly troubling as it effectively means disclosures would only be protected if the whistleblower could defend their veracity in court.”*

In addition to removing the list of exclusions, CLD’s recommendations include:

- Extending the scope of protection to prohibit civil or criminal liability, in addition to adverse employment consequences.
- Expanding the definition of what constitutes a public interest disclosure.
- Removing the requirement that whistleblowers must act in good faith.
- Making it an offence for anyone to disclose the identity of a whistleblower.
- Removing criminal prohibitions against false disclosures.

The full Analysis is available at: http://www.law-democracy.org/live/wp-content/uploads/2016/07/Tanzania.WB-Analysis.Final_.pdf

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