



Fighting Internet Shutdowns around the World

October 24, 2020

#KeepItOn: Tanzania Must #KeepItOnTz during the Presidential Election

Re: Internet access will ensure increased participation and transparency in Tanzania's presidential elections

Your Excellency John Magufuli
President of the United Republic of Tanzania

CC: George Simbachawene, Minister of Home affairs;

James Kilaba, Director General of Tanzania Communication Regulatory Authority (TCRA);

Dr Harrison Mwakyembe, Minister of Information and Sports;

Palamagamba Kabudi, Minister of Foreign Affairs;

Waziri Waziri Kindamba, Chief Executive Officer (CEO) of Tanzania Telecommunications Corporation Limited:

Hisham Hendi, CEO of Vodacom Tanzania Plc;

Sunil Colaso, Managing Director Airtel Tanzania;

Nguyen Anh Son, Managing Director of Viettel Tanzania PLC;

Simon Karikari, CEO of Tigo Tanzania

We, the undersigned organizations and members of the #KeepItOn coalition¹ — a global network that unites over 220 organizations from 99 countries that work to end internet shutdowns globally — write to urgently **appeal to you, President Magufuli, to ensure that the internet and all other communication channels are open, secure, and accessible throughout the election period in the United Republic of Tanzania and thereafter.**

The internet plays a crucial role in allowing people to **access information** and remain

¹ The #KeepItOn coalition unites over 220 organizations around the world working to end internet shutdowns through grassroots advocacy, policy-maker engagement, and legal intervention. See more at: <https://www.accessnow.org/keepiton/> >

#KeepItOn

Fighting Internet Shutdowns around the World

informed about the election process. Access to the internet, social media platforms, and short message services allow people to actively **participate in the voting process, engage in public discourse**, as well as help **citizens hold their elected leaders accountable**, which are all important tenets of a democratic society.

As the people of Tanzania prepare to go to the polls on October 28, 2020, we express deep concern about the Tanzania Communications Regulatory Authority's (TCRA) recent directive to telecom service providers operating in the country to filter certain content in the lead up to the elections and until after the announcement of election outcome. We have been reliably informed that telcos service providers have been ordered to filter keywords in relation to the elections thereby preventing people from sending SMS that contain these so-called censored words. There have also been reports that telecommunication companies are restricting all users to send only 10 SMS regardless of which bundle plan users purchase. Measures adopted to prevent the issuance of BULK SMS as indicated in the attached directive by the TCRA should not prevent users from sending text messages containing words or expressions they deem fit.

Also, we denounce the recent amendment and adoption of the Electronics and Postal Communication Act (Online Regulations) 2020, which contains vague and broad provisions that threaten to stifle fundamental rights such as the freedom of opinion and expression, access to information, and the freedom of assembly, online and off.

We are alarmed about the lack of an open and active civic participation in Tanzania in the lead up to the elections, as there are reports of arbitrary arrest of opposition politicians and a clamp down on the media, in a context of shrinking civil society space in the country.² According to a report by Amnesty International, Tanzania, in an evident bid to exert control over NGOs operating in the country, has adopted a number of guidelines or measures within the past couple of years aimed at restricting their operations.³ Some of these restrictions require NGOs to disclose the sources of their funding.

In addition to these recent reports, there have been reports of increased human rights violations against journalists,⁴ human rights defenders, and opposition politicians, resulting in an atmosphere of fear and panic ahead of the elections. Mr President, these measures are a clear violation of people's rights to freely express themselves and access information about the election.

² ARTICLE 19, 'Tanzania: Shrinking civic space ahead of the October 2020 elections':
<<https://www.article19.org/resources/tanzania-shrinking-civic-space/>>

³ Amnesty International, 'Laws weaponized to undermine political and civil freedoms ahead of elections'
<<https://www.amnesty.org/en/latest/news/2020/10/tanzania-laws-weaponized-to-undermine-political-and-civil-freedoms-ahead-of-elections//>>

⁴ Amnesty International, 'Authorities must end crackdown on journalists reporting on COVID-19'
<<https://www.amnesty.org/en/latest/news/2020/04/tanzania-authorities-must-end-crackdown-on-journalists-reporting-on-covid19/>>

#KeepItOn

Fighting Internet Shutdowns around the World

We appeal to you, your Excellency, to take urgent steps to ensure that civil society actors, human rights defenders, journalists, bloggers, and opposition politicians are free to exercise their constitutionally guaranteed human rights in Tanzania. Upholding fundamental rights includes protecting and defending the rights to freedom of expression, freedom of the press, freedom to inform, and access information, as well as preserving the freedom of assembly that is essential for every democratic society, including during elections. These rights must be guarded at all times.

Internet shutdowns harm human rights, disrupt emergency services, and harm economies

Research shows that internet shutdowns and violence go hand in hand.⁵ Shutting down the internet during elections has the potential to lead to chaos and crisis. By disrupting the free flow of information, shutdowns exacerbate existing tensions in the society and can serve to conceal violence and human rights violations perpetrated either by state or non-state actors. In addition, without access to communication tools, journalists and media workers are unable to report on the election process.⁷ It is also seriously undermining people's ability to get key information at a crucial moment of democratic time and therefore afflicts their capacity to make informed choices. Although governments attempt to justify network disruptions for various reasons, in reality, internet shutdowns cut off access to vital and life-saving information, as well as emergency services, plunging whole communities into fear and confusion.

Moreover, the technical means used to block access to information online often dangerously undermines the stability and resilience of the internet. Network disruptions also destabilize the internet's power to support small business livelihoods and to drive economic development. As one of the leading countries in the use of mobile money transactions,⁸ Tanzania risks deliberately hobbling the financial services sector, hurting businesses, and causing economic losses to the country.

⁵ An internet shutdown is defined as an intentional disruption of internet or electronic communications, rendering them inaccessible or effectively unusable, for a specific population or within a location, often to exert control over the flow of information. See more at <https://accessnow.org/keepiton>.

⁶ Anita R. Gohdes, 'Pulling the Plug: Network Disruptions and Violence in the Syrian Conflict' (Journal of Peace Research: 31 January 2014) http://www.anitagohdes.net/uploads/2/7/2/3/27235401/gohdes_synetworkaug14.pdf .

⁷ Jonathan Rozen, 'Journalists under duress: Internet shutdowns in Africa are stifling press freedom' (Africa Portal: 17 August 2017) <https://www.africaportal.org/features/journalists-under-duress-internet-shutdowns-africa-are-stifling-press-freedom/> >

⁸ GSMA, 'The impact of mobile money interoperability in Tanzania': https://www.gsma.com/mobilefordevelopment/wp-content/uploads/2016/10/2016_GSMA_The-impact-of-mobile-money-interoperability-in-Tanzania.pdf



Fighting Internet Shutdowns around the World

Internet shutdowns contravene national and international laws

Internet shutdowns violate fundamental human rights such as freedom of expression, access to information, and the right to peaceful assembly, among other rights guaranteed by national, regional, and international frameworks such as the Constitution of the United Republic of Tanzania and the Universal Declaration of Human Rights (UDHR), which Tanzania has ratified.

The African Commission on Human and Peoples' Rights Resolution, ACHPR/Res. 362 (LIX) 2016, recognizes the “importance of the internet in advancing human and people’s rights in Africa, particularly the right to freedom of information and expression.” The ACHPR/Res. 362 (LIX) 2016 also condemns the “emerging practice of State Parties interrupting or limiting access to telecommunication services such as the internet, social media, and messaging services.”⁹ Shutdowns are neither necessary nor effective at achieving a legitimate aim, as they block the spread of information, contribute to confusion and disorder, and obstruct public safety.

Telecom companies must respect human rights

Telecom companies and businesses have a responsibility under the *UN Guiding Principles on Business and Human Rights* and the *OECD Guidelines for Multinational Enterprises* to respect human rights, prevent or mitigate potential harms, and provide remedy for harms they cause or contribute to.¹⁰ In the case of enterprises like Tanzania Telecommunications Corporation Limited with state investment, “states should take additional steps to protect against human rights abuses by business enterprises that are owned or controlled by the State.”¹¹

Telecom service providers operating in Tanzania have a responsibility to uphold and respect human rights by ensuring that the people of Tanzania have access to quality, open and secure internet and digital communication tools throughout the elections and beyond. Internet shutdowns — whether in Tanzania or other countries — must never be allowed to become the new normal, and we encourage you to integrate these practices for responding to censorship and network disruption requests in all markets where you

⁹ African Commission on Human and Peoples' Rights, (November 2016) ‘362: Resolution on the Right to Freedom of Information and Expression on the Internet in Africa – ACHPR/Res. 362(LIX) 2016’
<<http://www.achpr.org/sessions/59th/resolutions/362/>>

¹⁰ See “OECD Guiding Principles on Business and Human Rights”,
https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

¹¹ The OECD guidelines also advance that enterprises are encouraged to “support, as appropriate to their circumstances, cooperative efforts in the appropriate fora to promote Internet Freedom through respect of freedom of expression, assembly and association online”. See the “OECD Guidelines for Multinational Enterprises”, <http://www.oecd.org/daf/inv/mne/48004323.pdf>

#KeepItOn

Fighting Internet Shutdowns around the World

operate. As organizations that believe in the power of the internet as an enabler of all other human rights, we are confident that access to the internet and social media platforms during the elections in Tanzania have the potential to foster transparency around the upcoming elections and ensure citizens and other stakeholder active participation.

We respectfully request that you use the important positions of your good offices to:

- Reverse the TCRA directive ordering telcos to restrict services and censor content, and rather encourage telcos to ensure quality service to everyone throughout the election period.
- Ensure that the internet, including social media and other digital communication platforms, remains open, accessible, and secure across Tanzania throughout the election.
- Order internet service providers operating in Tanzania to provide everyone with high-quality, secure, and unrestricted internet access throughout the election period and thereafter.
- Order internet service providers operating in the country to inform internet users of any disruptions and to work around the clock to fix any identified disruptions likely to impact the quality of service they receive.

Please let us know if we can provide assistance in any of these matters.

Sincerely,
Access Now
Action Namibia Coalition
Advocacy Initiative for Development (AID)
African Freedom of Expression Exchange (AFEX)
AfricTivistes
ARTICLE 19 Eastern Africa
Bloggers Association of Kenya (BAKE)
Bloggers of Zambia
Campaign for Human Rights and Development International (CHRDI)
Center for Media Studies and Peacebuilding (CEMESP-Liberia)
Centre for Multilateral Affairs (CfMA)
DefendDefenders
Internet Protection Society (Russia)
Internet Sans Frontières (Internet Without Borders)
Iraqi Network for Social Media - INSM

#KeepItOn

Fighting Internet Shutdowns around the World

Media Foundation for West Africa (MFWA)

Namibia Media Trust

Open Net (Korea)

Organization of the Justice Campaign

Paradigm Initiative (PIN)

PEN America

Pen Iraq Center

Reporters Without Borders (RSF)

Sassoufit

SOAP

Social Media Exchange (SMEX)

Swathanthra Malayalam Computing(SMC), India

UBUNTEAM

Unwanted Witness