



*Press Release Monday, 18 May 2015*

**CSOs TO SEEK COURT ORDER TO NULIFY THE CYBERCRIME AND  
STATISTICS LAWS**

We, Sikika, Jamii Media, and Tanzania Human Rights Defenders Coalition-THRDC have, with great disappointment, received information from the National Assembly Speaker that the President has assented into law two draconian pieces of legislation, The Cybercrimes Act 2015 and The Statistics Act 2013. This has happened despite concerted efforts by the citizens, civil society and media, to urge revision of the bills before signing into law due to a number of irregularities that will severely infringe on fundamental rights and freedoms thus far enjoyed by Tanzanian citizens. The two laws, in their current form, suppress the right to freedom of expression and right to access information as provided under Article 18 of the United Republic of Tanzania (URT) constitution of 1977 as lastly amended in 2005.

It must be noted that during the 19<sup>th</sup> parliamentary session (March 2015), the government tabled five bills under the Certificate of Urgency. These were Statistics Bill of 2013, Access to Information Bill, Media Services Bill, Electronic Transaction Bill, and Cyber Crimes Bill. This meant that the bills could not be subjected to the detailed scrutiny as ones brought under usual procedure. This in itself raises serious doubts as to why a government in its final year of tenure, try to pass a number of bills that curtail freedom of information in such a rush? Certainly one would be excused for thinking that it is somehow linked to a desire of controlling the flow of information that could potentially disfavor electoral prospects of certain parties.

The civil society and the media managed to convince the government to retract two of the bills, the Access to Information Bill and the Media Services Bill. Very unfortunately the other two bills that were passed contain similar provisions that undermine freedom of expression and access to information. This scenario indicates the serious measures and strategy that was carefully designed by the government to ensure the draconian legislation is passed.

At this point it is worth highlighting some of the fundamental flaws of the two bills that were enacted into law and assented by the President of the United Republic of Tanzania. Taking the Statistics Act for instance, whilst the intention of the act is to regulate what is termed as "official statistics" the law has gone far beyond this intention (perhaps by design, rather than by fault) effectively making it illegal for any person or organization (including higher learning institutions) to publish any statistics in Tanzania without first getting approval from the National Bureau of Statistics (NBS).

Under section 37 the bill states out offences and prescribes very harsh penalties with prison terms and fines, which have no maximum limits that could be problematic to any person who by mistake (no intention to misrepresent)

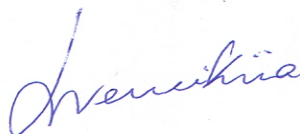
publishes inaccurate information with the exception of official employees of the NBS.

On the other hand the Cyber Crimes Act which as the name suggest and the government says is primarily designed to legislate against “online crimes”, but unfortunately its scope goes much further to regulate social media with draconian clauses that violate freedom of press, expression and right to access information as provided under Article 18 of the URT Constitution of 1977.

The news about President Jakaya Kikwete having signed the two laws is a slap on the faces of members of civil society in Tanzania, local and international media, bloggers, development partners, academia fraternity and ordinary citizens who raised their voices against some unjust sections of these two laws. It is a clear sign of disregard to human rights and citizen voices, which may amount to some form of dictatorship.

It is rather unfortunate that where this government which had shown promising intentions of committing to upholding the fundamental concepts of good governance – transparency and accountability – indeed by signing to such international agreements such as the Open Government Partnerships – in its final hours enact such draconian laws that go against the very spirit of openness. It is even more ironic that the President will be hosting the international summit of OGP less than a month after he signed the two laws.

We, the civil society, see this as matter of public interest as it grossly violates a right and hence will soon be seeking an intervention by the court so as to examine and adjudicate on the legality and constitutionality of the two laws. We believe in the rule of law, supremacy of the Constitution and respect of fundamental rights and freedoms. We call upon all persons, entities and institutions that share our belief on the afore stated values to support our course by demanding an urgent repeal of these newly enacted draconian pieces of legislation that reverses the great democratic progress that Tanzanians have been enjoying.



Mr. Irenei Kiria,  
Executive Director of Sikika,  
P. O. Box 12183 Dar es Salaam,  
Tel: +255 222 666355/57, Fax: 2668015, Email: [info@sikika.or.tz](mailto:info@sikika.or.tz),  
Twitter: [@sikika1](https://twitter.com/sikika1), Facebook: [Sikika Tanzania](https://www.facebook.com/SikikaTanzania), Website: [www.sikika.or.tz](http://www.sikika.or.tz)