



**REMARKS BY THE HEAD OF POLITICAL PRESS & INFORMATION OF THE EUROPEAN UNION IN
TANZANIA & EAC, MS LUANA REALE
ON THE OCCASION OF THE WORLD PRESS FREEDOM DAY**

MALAIKA BEACH RESORT, MWANZA

03 May 2016

Hon. Judge Robert Makaramba, Judge-in-charge of the High Court in Mwanza Zone representing
Justice Othman Chande, Chief Justice of Tanzania,

Hon. Nape Nnauye, Minister for Information, Sports, Artists and Culture,

Mr Alvaro Rodriguez, United Nations Resident Coordinator,

Mrs Zulmira Rodrigues, UNESCO Head of Office,

Mr John Mongela, Mwanza Regional Commissioner,

Representatives from Diplomatic Missions and International Agencies,

Mr Simon Berege, Chair of MISA-TAN,

Distinguished media stakeholders,

Dear guests,

Ladies and gentlemen

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Ninayo furaha kubwa kuwa nanyi siku hii ya leo. Asanteni sana kwa kutualika.

It is truly a pleasure to be in Mwanza, on the shores of a lake that is as large as a sea. I did not realise that Mwanza is also the second largest city of Tanzania. I hope I will have the time to see the impressive Bismarck Rocks.

It is also a pleasure for the European Union to be present again at celebrations for the World Press Freedom Day in Tanzania. Last year the event in Morogoro was as vibrant and received a lot of coverage.

As we celebrate the 25th anniversary of the Windhoek Declaration on press freedom, the High Representative of the Union for Foreign Affairs and Security Policy, Federica Mogherini, has issued a statement on behalf of the European Union, recalling that "*... an independent, pluralistic and free press is essential to the development and maintenance of democracy in a nation*".

In these few minutes, dear participants, I wish to reflect with you on the meaning of some of these words.

Waheshimiwa, mabibi na mabwana,

Tuanze kwa kutazama uhuru wa vyombo vya habari.

What is an "**independent**" press, or, to make it more encompassing, an independent media? It is one that does not obey to a particular political or economic power. A press that responds to a party or to a large multinational is hardly independent.

When the press cannot guarantee that crucial feature, it should at least be transparent, and clearly spell out who are the masters, what is the ideology or the religious belief that drives it, so that the reader, the listener, the watcher, is aware that the information is shaped and influenced by a driving force.

What is a **pluralistic** press? It is one that allows a range of views and stands. You cannot have it in a totalitarian system that is based on one vision of the world. On the contrary, pluralism is the fertile ground where democracy thrives: it is the expression of the liberty to think and share different views; it is the right to hold a conviction while others will hold the opposite view. And knowing that this is just fine, because who wants to live in a world where we all think the same, where we believe the same things? Isn't variety the salt of life?

Hata hivyo uhuru, kama tunavyofahamu, una wajibu na mipaka yake.

Freedom, as we know, comes with **responsibility and limits**. The tension between the two represents the eternal fight between what is ideal and what is rational, what is borderless and what is fenced.

The debate about **free and responsible** press has been going on for a while. Increasingly, some less than perfect systems and their leaders have been attacking the media. Many are worried that the season of openness and liberties that was associated with a growing number of multi-party democracies, is coming to an end. In many places Human Right Defenders are increasingly under threat, with journalists and reporters in the frontline.

Some leaders argue that freedom cannot be unlimited, that it cannot justify offensive and insulting messages, particularly when public figures and public institutions are concerned.

But I wish to offer this reflection.

The Human Rights Committee, back in 2011¹, debated extensively on the issue of **restrictions on the right to freedom of expression**.

Indeed, restrictions are foreseen and permitted in two areas:

- 1) to respect the rights or reputations of others, and
- 2) to protect national security, public order or public health or morals.

Hata hivyo, lazima kuwe na uwazi wa viziwi na masharti yanayowekwa.

There are clear **conditions for imposing restrictions**: they must be foreseen by law and they must be really needed and proportional to the need. They cannot be invoked to justify the muzzling of people exercising their freedom of opinion and expression.

The legislation that allows restrictions must be transparent, reasonable and limited. It cannot be used to justify discrimination.

Offending a public figure is a special case where restrictions have been invoked. All public figures, including heads of state and government, must however expect criticism and political opposition.

The Committee argued that the laws protecting public figures, such as lese majesty, disrespect for authority, disrespect for flags and symbols, defamation of the head of state and the protection of the honour of public officials should not provide for more severe penalties.

In principle, the freedom of expression and of opinion should also apply for information or ideas that the authorities or a majority of the population regard as critical or controversial, including ideas or views that may "shock, offend or disturb".

In Europe this issue is hot these days. Recently a German comedian recited a satirical poem insulting a head of state. It was indeed very offensive language, meant to provoke a leader who is not popular for the way he treats the press. In return, this president pressed charges using an old and forgotten law

¹ Human Rights Committee 102nd session Geneva, 11-29 July 2011
General comment No. 34

against insulting a foreign head of state. The paradox is that Germany is now ready to abolish the law that has been used to open the case. Free speech in Europe might increase as a result.

This highlights the thin line between freedom and abuse, between freedom for a good purpose and freedom to provoke.

However the guiding principle in setting the limits is that the relation between the right and the restriction and between the norm and the exception must not be reversed.

Waheshimiwa, mabibi na mabwana,

Dira yetu, leo na siku zote, lazima ielekeze “uhuru ni desturi na viziwi ni mabadala”

The North of our compass should be, now and always, that **the freedom is the norm and the restriction is the exception**. Genuine democratic leaders should be guided by this compass, in time of peace and in time of turmoil, when they are praised and when they are criticised, when they win and when they lose.

While the space for the media is globally shrinking, let us say loud and clear that a free media should be the norm, not the exception.

Uhuru wa habari uwe desturi, sio mabadala.

Asanteni sana. Nawataki maadhimisho mema na yenye fanaka!