
**THE DETERRENCE AND AWARENESS VALUE OF THE SENSITIVE
REPORTING OF RAPE CASES BY TANZANIAN NEWSPAPERS**

BY

Cecilia SHELLY

Supervisor: Professor Julie Stewart

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Abstract

This study is an examination of the media's contribution to eliminate gender based violence, in particular, rape, by properly informing the society of the incidences of rape and their wider socio-legal implications. It analyses the way rape cases are reported in newspapers and it assesses whether appropriate reporting of such cases acts as a deterrence against future offending and whether it raises society's awareness that rape is a serious criminal offence. The research is based on the premise that rape cases are not appropriately reported and, as a result, such reports do not have the deterrence and awareness raising values that they should have.

The research briefly highlights the current law on rape. It then reviews three of the largest newspapers selected from the private and public media covering the period 2003 to 2009, examining the trend of reporting rape cases in line with the Media Gender Code of Ethics. The focus of the review was the frequency of the reports and their content as well as the style of reporting. Interviews were also conducted and focus group discussions held with reporters, editors, prosecutors, women's rights NGOs and officers of the Media Council of Tanzania (MCT). The aim was to have insights from these stakeholders on the problems and prospects of appropriately reporting rape cases in Tanzania.

The study reveals that rape cases are underreported and, when reported, the reporting is inappropriate. These reports, mainly by male reporters, do not appear on the front pages of newspapers unless they involve prominent people. In all cases where it is reported, it mainly portrays women as helpless victims, contrary to the requirements of the Gender Media Code of Ethics and other regional and international Human Rights Instruments to which Tanzania is a party. Unfortunately, the MCT does not have a proper legal mandate to effectively curb this inappropriate reporting practice.

It is recommended that training and awareness raising programmes on gender issues for media practitioners be conducted as a strategy to dispel negative attitudes towards women. Also, the number of women working in the print media should be increased.

The MCT should be given the legal mandate to deal with reporting that does not conform with the Gender Code of Ethics.

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Declaration

I, CECILIA SHELLY do hereby declare that this thesis is an original work presented by me toward the award of the Masters of the Women's Law, Degree at the Southern, and Eastern Regional Centre for Women's Law, University of Zimbabwe. It was not previously submitted for any degree course or award in any academic institution.

Dedication

I dedicate this piece of work to my lovely family.

Special dedication to my lovely husband Good luck Peter Chuwa for his moral support and taking care of our beloved children-Faith and Virgil for the whole period of study-he fulfilled the role of both father and mother to them!

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Acronyms

GBV	Gender Based Violence
LHRC	Legal and Human Rights Centre
MCT	Media Council of Tanzania
MGCE	Media Gender Code of Ethics
NGOs	Non Governmental Organizations
SOSPA	Sexual Offences Special Provision Act
TAMWA	Tanzania Media Women Association
TGNP	Tanzania Gender Networking Programme
TLS	Tanganyika Law Society

List of International and Regional Instruments cited

Beijing Platform For Action (1995)

The Vienna Declaration (1993)

The SADC Protocol on Gender and Development

UN Declaration on Elimination of Violence against Women

Protocol to African Charter on Human and People's Rights on 'The Rights of Women in Africa'.

List of Statutes cited

The Constitution of The United Republic of Tanzania, 1977

The Penal Code, Cap 16 of the laws of the Republic of Tanzania

The Tanzania Evidence Act, Cap 6 of the laws of the Republic of Tanzania

The Criminal Procedure Act, Cap 20 of the laws of the Republic of Tanzania

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CHAPTER ONE

1.0 INTRODUCTION

1.1 Introduction

Rape, one of the most serious manifestations of gender based violence (GBV), remains a huge problem in Tanzania. Although it is difficult to obtain accurate and reliable data, rape is widespread, affecting women and girls with marked regional and ethnic variations. The media has not systematically addressed the economic and social cost of such violence and doing so is an urgent priority in Tanzania's efforts to reduce poverty. It is argued, in fact, that the media has exacerbated rather than reduce the problem (Morna, C.2010).

Gender Based Violence (GBV) is a persistent and universal problem occurring in all cultures and social groups. Around the world, at least one in every three women has been beaten, coerced into sex, or otherwise abused in her lifetime. Violence against women has been called *'the most pervasive yet the least recognized human rights abuse in the world'*. Violence against women is also called gender based violence (GBV) because it stems partly from women's subordinate status in the society. (Regional Centre for quality of Health care, media coverage of gender based violence and family planning at Makerere University College of Health science).

As has been rightly suggested elsewhere, *"through the media, individuals are socialized into a world of symbols that demonstrate how the society works, by dramatizing its norms and values and portraying expected social relations. Media's portrayal of society is generally regarded as moral, normal, right and just. One way of influencing public opinion and change societal values and promote desired agendas, therefore, is through the media. Several empirical studies have confirmed that the mass media is at the forefront of altering social behaviour and perpetuating sex and gender stereotypes. The way women and men are represented in the media goes a long way in cultivating and entrenching gender stereotypes and yet health issues, family planning and gender based violence rarely receive the attention they deserve"*.(Minnesota Advocate for Human Rights,2003).

The assumption is that the media is expected to do more than entertain the public. The media is supposed to transform the society and persuade it to behave morally as opposed to immorally. This, however, does not appear to have occurred.

Journalism in Africa today has not been of the expected standard and this has been blamed on a lack of professional training for most journalists, a fact which, according to Onadipe (1998) as cited by Nyamnjoh, F. in his book, "Africa's Media, Democracy and Politics of Belonging", has affected "*the capabilities of the messenger, the nature of the message and how it is received*" and has made quality, prestige and credibility suffer. Private media has had little or no formal training in most cases. Official journalists are no less in need of training and education than are their counterparts in the private press.

1.2 Statement of the Problem

Rape falls under the categories of crimes in which males use their superior social or physical power against women to promote and maintain their already culturally and socially privileged position. The crime affects women physically, psychologically and socially. Raising awareness of the nature and extent of the problem is one step towards combating the incidences of rape in the society. Once the society appreciates the magnitude of the problem, it becomes easier to move the various agencies that have a role to play in reducing or eliminating the vice of rape to act appropriately. But raising this societal awareness largely depends on a well informed media which ethically, professionally, and accurately reports rape cases.

In Tanzania, it is acknowledged that rape cases are on the increase. Yet, the media's portrayal of rape cases has not played a positive role in the reporting rape cases. The media's portrayal of this crime should help in reducing the problem of rape. Sadly, the way in which rape cases are reported in the Tanzanian media actually ends up perpetuating the problem. A study of the Tanzanian print media, specifically newspapers, demonstrates this problem.

1.3 Objectives of the Research

The main objective of this study is to find out the media's contribution in reducing the level of criminal offences and changing the status of women in society. The specific objectives are:

- * To find the impact of the media's use as a watchdog for women's human rights.
- * To find out whether the media can help to reduce, if not to eliminate, the level of gender based violence including rape.
- * To find out whether the appropriate reporting of rape cases by newspapers would act as a deterrence against future offending.
- * To find out whether appropriate reporting of rape cases would help to raise awareness of the seriousness of the offence.
- * To find out if there is any mechanism in place to monitor and sanction newspapers which are found guilty of insensitive reporting of rape stories.
- * To find out whether the portrayal of women in rape cases incorporates biases in favour of existing gender relations because there are no editorial policies on appropriate gender content of the news.
- * To provide appropriate recommendations that the media should take when reporting rape cases with a view to reducing or eliminating the incidences of rape in Tanzania.

1.4 Research Assumptions

The following study has been guided by the following assumptions:

1. Ideally, the appropriate reporting of rape cases should act as deterrence against future offences.

2. The appropriate reporting of rape cases would raise awareness that it is serious criminal offence.
3. Editors are afraid of reporting rape cases.
4. There are no sanctions against gender insensitive reporting of rape cases in the media's gender code of ethics.
5. Newspaper editors see it as problematic to report rape in accordance with the media gender code of ethics.
6. Newspapers should be encouraged to report rape cases sensitively because of the deterrence and awareness values they promote.

1.5 Research Questions

Based on the above stated assumptions, the study sought to address the following questions:-

1. Would the appropriate reporting of rape cases act as a deterrence against future offences?
2. Would the appropriate reporting of rape cases raise awareness that it is a serious criminal offence?
3. Are editors afraid of reporting rape?
4. Is there any sanction against insensitive reporting of rape cases in the media's gender code of ethics?
5. Do newspaper editors see it as problematic to report rape in accordance with the media gender code of ethics?

6. Should newspapers sensitively report rape cases because of the deterrence and awareness values?

1.6 Limitation of the Study

The research started well with desk research which was conducted at the University of Dar es Salaam and in newspaper companies for example the *The Guardian*, *Mwanachi* and *Business Times*. After finishing the first part of my research, as woman and mother I encountered a family problem which interfered with my research. However after consultation with my supervisor I managed to finish the outstanding section and come back to school.

As far as attitude to the research was concerned, some reporters were reluctant to be interviewed. Apparently, most people, especially those in developing countries, do not understand the meaning or the function of research.

1.7 Why I chose the Topic

I decided to do research in this area because I had noticed in my area of work that although many court cases involve rape, reporters are not interested in reporting them unless the rapist is a prominent member in society such as a politician or a well-known celebrity such as the musician referred to in Ngusa's case. I was interested to do research in this area because it was A new area of study. After perusing the dissertations of previous students at Women's Law Centre Library at the University of Zimbabwe, I found that there were only two students who had researched the area of gender and media but not in the area of rape. Since I was interested in how to improve the reporting of rape I decided to make a contribution to this under-researched topic.

CHAPTER TWO

2.0 LAW AND LITERATURE REVIEW

“In the name of freedom of speech, the media claim the right to represent women as they wish.”¹

2.1 Introduction

“Gender aware reporting is not a rocket science. It is about reporting the everyday realities of women and men in all their complexity, free of bias and prejudice.”

(Mtintso, T.2010)²

The media’s role in a democratic society are the same across the world, which is, to inform, to educate, to perform the watchdog function of keeping the public, private and civil sectors accountable to the interests of the general populace, and to be an agent of change through informed, contextualized and accurate reporting on issues and events in a society. Thus a democratic society cannot do without a well informed public. The mass media, that is newspapers, magazines, radios, television, and internet have an important role in society.

The media has a critical role to play in reducing gender based violence by covering stories that raise awareness of the extent of the problem as well as those that promote prevention, thus ensuring that people who experience violence receive care and support. The media potentially has a huge role to play in changing attitudes, perceptions, and mindsets where gender based violence is concerned.

There is still an over-reliance on court proceedings and events for gender based violence stories. This type of reporting often deprives readers of in-depth and analytical coverage of issues. Typically, this event-based coverage is often reactive and is not issue based. Gender based violence can only be reduced if the media maintains sustained coverage of the issue.

¹ Gallagher, 2001:18.

² Gender aware reporting in gender in media progress.

Rape is one of the gender based violence crimes which remains a significant problem in Tanzania. Notwithstanding the difficulty in obtaining accurate data, rape is widespread, affecting women and girls with marked regional and ethnic variations.

The gender imbalances in society are reflected in media institutions. These in turn are reflected in the editorial contents of the media whose editors who are guilty both of the sins of omission (that rape stories are not covered at all) and the sin of commission in the way that rape stories are covered. Angles from which a story is told and women are represented in the media tend to be portrayals which are both unfair and inaccurate. They do not reflect women's complex experiences. This research explores the media's contribution in reducing Gender Based Violence, in particular, rape. (Morna, C 2002)

Okwemba, A.2011 writes on the subject in his article "Media Role in Marital Rape". However, his article is based on the gender based violence generally and it does not deal specifically with rape. In this article, he argues that when male reporters and editors feel gender based violence stories touch on or call into question their personal behaviour and opinions, they become hostile to these stories. When rare stories are produced about young or middle-aged women being raped, journalists usually shift their reporting, suggesting that somehow the women "asked for it". Questions arise, what was she wearing? Was she drunk? Where did it happen? Should she have been there? What time of night was it?

The report in the Gender and Media Diversity Journal revealed the gender imbalances in the media institutions and the unequal portrayal of women and men in the media. This scenario challenges the principle of democracy, free speech and freedom of expression that journalists profess to defend and promote. It further demonstrates that only a segment of the population is given a voice. It should be noted that where gender stereotypes are propagated in and through media, they reinforce inequalities in gender power relations and provide justification for the perpetuation of discriminatory practices based on gender. Perpetuation of discriminatory practices based on gender is a violation of human rights. Journalists should therefore advocate for a fair and balanced representation in the mass media in recognition of women's human rights. (Anyango, L: 2011).

2.2 Rape as a Criminal Offence

In the Tanzania Penal Code Act, section 130³ rape is defined as a criminal offence committed by a male person against a woman. The law defines a woman to include a girl child. It provides severe punishment for rape and offences related to rape. The offence attracts a term of imprisonment ranging from 30 years to life, and in addition, corporal punishment, and compensation to the victim.

Generally, substantive and procedural laws have changed to accommodate changes in the society through the amendment of the traditional or old law on rape to the current one. The law⁴ simply defines rape in the following terms: *“It is an offence for male person to rape a girl or a woman”*. In the same section, circumstances under which a male person is said to commit rape are explained. Lack of consent is the main ingredient of the offence, but where there is consent which was obtained by force, threat, or intimidation, in the eyes of the law that does not amount to consent at all. Under some circumstances, consent is also negated where it was obtained after the man had intoxicated the woman. However, where a man has sexual intercourse with a girl under eighteen years of age either with or without consent that amounts to rape. The law also provides another scenario in which a man has sexual intercourse after obtaining her consent by falsely representing to the woman that he is her husband while in fact he is not. In such a case, the consent notwithstanding, that is also rape. The Penal Code goes further to provide for an enhanced punishment in circumstances where rape is committed by persons who exercise some form of authority over their female victims. For example, under subsection 3 to section 130 of the Act, whoever being in a position of authority takes advantage of his position/office and commits rape is liable to be a minimum of 30 years imprisonment together with a fine, corporal punishment and, in addition, compensation to the victim of rape. People with authority envisaged in section 130(3) are like religious leaders, traditional healers, hospital staff, and managers or staff remand homes.

For the purpose of proving the offence of rape, penetration, however slight, is sufficient to constitute the sexual intercourse necessary for committing the offence and the evidence of resistance such as physical injury is not necessary to prove that sexual intercourse took place

³ Tanzania Penal Code, Cap 16 of the Laws.

⁴ Section 130 of the Penal Code., Cap 16 of the Laws.

without consent. Rape remains a significant problem despite legal provisions for imprisonment of the rapist. Section 130 of the Penal Code in its present wording was introduced in 1998 through the Sexual Offences (Special Provisions) Act which is popularly known by its acronym, SOSPA. SOSPA was introduced to make provisions that would protect the dignity and integrity of a woman. Before 1998, the circumstances which the law treated as rape were very narrow. For example, the definition of rape; corroboration was required to prove the offence of rape; and the law did not include gang rape as offence.

Apart from the Penal Code, there are other laws which govern the procedural aspects in rape cases. These are the Criminal Procedure Act and the Evidence Act⁵. These two pieces of legislation govern the procedure in handling criminal cases in general, but they also have specific provisions on the handling of cases involving sexual offences

Marsh, J. (1982) in his work *Women's Rights, Rape, and Law Reform*, explains the inequalities in the process of rape cases and the victims. Victims are often discouraged from reporting rape and prosecuting rape cases because of the humiliating and degrading treatment by hospital staff, police officers, and prosecutors defence attorneys and judges. Many victims suffer great physical and psychological trauma from rape, but they can expected to be traumatized by the criminal justice system. They must prove that they did not consent by demonstrating resistance "to the utmost" or they have to describe their entire sexual history in order to prove they have never engaged in nontraditional sexual activities.

Scharm, D. (1978), in her article on Rape, focused in the victimization of a woman and the law as an instrument of victimization. A rape incident can be the most terrifying event in a woman's life. The sexual acts performed are often intended to humiliate and degrade her. If she chooses to report the offence to the authorities, she may suffer further trauma. She must relate her account to patrol officers, detectives, medical personnel, counsellors, filing prosecutors, and trial prosecutors. She might be required to submit to psychiatric examination at preliminary hearing and during trial, her testimony may not be protected against inquiries into her previous relationships with other men or the defendant. Thus, her private life may be exposed in a public and open forum. Testimony regarding her prior chastity may be used to

⁵ Acts Nos. 20 and 6, respectively, of the Laws of Tanzania, Revised Edition of 2002.

discredit her account of the rape. Given these circumstances, it is not surprising that many women choose not to report rape offences.

Estrich, S. (1987) in her book, writes about the reporting system and the judicial process. She explains that rape victims rarely report the incident. And in most cases, if it is reported, it is mainly a case of aggravated rape. Even when it is reported, it will not necessarily lead to conviction. This is because, as the author explains, much depends on how the police treat rape cases and the decisions and steps they take following the report. Police in their own discretion may decide to abandon a case without investigating it further and, if they do, it will only be forwarded for prosecution if, in their view, the complaint is 'founded'. In case it is investigated, again, it is their discretion to decide how much to investigate. This, according to Estrich, will affect the quality of evidence used for either plea bargaining with the defendants lawyers or during trial.

In his book, *Is IT Rape?*, Mc Gregory, J. (2005) addresses the society's perception on rape. He argues that most women do not report rape for the fear of the backlash from unsupportive society and the justice system. They fear that they will either be accused of making false allegations of rape or that they are also responsible for the rape since it is something they could have avoided or controlled. For the few who report and get their case prosecuted, since the police think that the accusations are false or that the victim precipitated the rape, they would not list the victim's report as rape. For the victims who manage to jump these hurdles and get to the trial stage, they are less likely to obtain a conviction than if it were a trial for an offence other than rape. The author argues that conviction rates are lower in rape cases for the same reasons: judges and prosecutors think that the allegations are false or that the victim is the one to blame for the rape.

Like Mc Gregory, feminist writers Clark and Lewis (1977) in their article 'The Problem of Rape', discuss rape in the context of the society's perception. They strongly argue that women have failed to exercise their political and human rights because social attitudes and the justice system 'have conspired against them'. They explain that, although laws are in place to protect women, there are no effective mechanisms for implementing them particularly so where the attitude of the society and the justice system administrators points in

an opposite direction. In their words, therefore, the presence of the law in the books is just an illusion as it does not guarantee them their rights or redress in case of infringement.

Clark and Lewis conclude that, in the absence of that social and effective legal support, women victims of rape are left with no choice other than remaining silent. In the end, the perpetrators of rape emerge victorious by taking benefit of this silence. The social attitudes and the legal system, therefore, protect the rapists instead of the originally intended beneficiary, the victims of rape. They argue that the law is the illusory pot of gold at the end of an illusory rainbow, according women neither the protection of their rights nor the guarantee of redress for their injuries.

2.3 Sex as a Weapon

According to Cohen (1987), sex is also a weapon men use against women and rape is the most blatant expression of that violence. Men rape for a myriad of reasons, during times of war as well as during the so called times of peace, all of which are essentially linked to their search for male realization through the sexual act. Raping not only confirms that the male is in control, it also satisfies the desire to dominate which is inculcated into the male child through a sexist socialization process that defines male as strong and female as weak. Scully, D. (1990), comments in her article⁶ associates rape with masculinity, that the rapist always conform with tradition aspect of the male role rapist, believe in double standard, rape stereotypes and strong identification of with the traditional male role find general support in our culture.

All these are associated with the traditional definition of rape since rape was an offence against property, in the era when a woman was regarded as a property of her husband. It was based on the assumption that men are naturally superior to women and that inequality can be traced to natural differences between sexes.

⁶ Profile of convicted rapists in *Understanding Sexual Violence*.

As already pointed out above, rape can be the most terrifying event in a woman's life. The sexual act or acts performed are often intended to humiliate and degrade her. Bottles, gun barrels, or sticks may be thrust into her vagina or anus. She may be compelled to swallow urine or perform fellatio with such force that she thinks she might strangle or suffocate. Her breasts may be beaten or burned with cigarettes. In many instances, her hope is to save life, not chastity. Her terror may be so great that she urinates, defecates, or vomits. If she escapes without serious outward signs of injury, she may suffer vaginal tears or infections, contracted venereal diseases, or be impregnated. For months or years she may distrust others, change residence frequently, and sleep poorly. Her friend and family may blame or reject her. (Schram, D: 1978).

2.4 The Feminists' Perception of Rape

Feminists define and discuss rape from different perspectives. Virtually all feminist agree that rape is a grave wrong, one too often ignored mischaracterized, and legitimized. Feminists differ, however, about how the crime of rape is best understood, and about how rape should be combated both legal and socially. Radical feminists characterize society as patriarchal; argue that women's oppression and patriarchy is at the root of their oppression. In feminist theory, rape is viewed as a singularly male form of sexual coercion - an act of violence and control that functions to "keep women in their place". The justification for forced sexual access is buttressed by legal, social, and religious definitions of women as inferior male property and sex as an exchange of goods (Griffin, S.1979). Radical feminists reject the methodological individualism of the liberal approach to rape. To the radical feminist, rape can only be understood when interpreted in its social context, as a distinct social practice. When approaching it in this way, and when the fact that almost all perpetrators are men and almost all victims are women is given its proper weight, rape can be recognized as the extreme expression of the basic characteristics of all gender relations in our society. They argue that rape is the most drastic epitomisation of the inequality of men and women and of the degradation and oppression of women by men. It is not a sporadic deviation, but a deeply entrenched social practice that both expresses and reinforces the inequality, degradation, and oppression of women. One way in which rape sustains male domination is intimidation.

Several radical feminists argue that rape functions as terrorist social practice. As Susan Griffin noted in her article, "Rape: The All-American Crime":

"Rape is a kind of terrorism which severely limits the freedom of women and makes women dependent on men. The threats of rape are used to deny women's employment. The fear of rape keeps women off the street at night, keeps women at home, keeps women passive and modest for fear that they may be thought provocative."

A good example of radical feminist analysis of rape can be found in the writings of Catherine MacKinnon where she argues that, in the society we live in, sexuality is a social construct of male power, defined by men, forced on women constitutive of the meaning of gender. Male and female created through the terrorization of dominance and inequality and male dominance of women. This is true not only of some, but of all sex from normal intercourse to prostitution and pornography to sexual harassment and rape.

Dorwin a radical feminist as quoted by Saulnier C (1991) said that rape is a political crime and a terrorist act and rapists are described as frontline shock troops and terrorist guerrillas examining incest, sexual harassment, prostitution, and pornography. In all these instances, women's sexuality is captured by men to meet men's needs. In the opposite situation of women exploiting men's sexuality to meet women's needs could not occur in the patriarchal system.

Liberals tend to regard rape as a gender-neutral assault on individual autonomy, likening it to other forms of assault and illegitimate appropriation, focusing primarily on the harm that rape does to the individual victim.

Liberal feminists point out that society violates the value of equal rights in its treatment of women, primarily by restricting women as a group rather than treating women as individuals (Jaggar1983). They argue that women should have the same rights as men. The liberal feminists come up with solution to the problem that, the state should pursue social reforms that will ensure equal rights, the state must make it economically possible for women to exercise those rights by funding crisis counselling service, shelters for battered women, service for incest survivors, and rape counselling. These services are now regarded as rights under the welfare state, and public funding is sought to provide them.(Saulnier,C.1996). the

liberal perception primarily seeks legal safeguard without addressing the underlying causes or motivation of violence against women.

2.5 The Role of the Media in a Democratic Society

The media's role in any society is the same across the globe. Its role is to inform, to educate, to perform the watchdog function of keeping the public, private, and civil sector accountable to the interests of the general populace, and to be an agent of change through informed, contextualized, and accurate reporting on issues and events in a society.

But often, because of ownership, stringent legal, and policy environments, political interest, and biases, gender biases, and prejudices among other external and internal influences, these roles may not be as dominant in a democratic society as they should be. Partisan, sexist, and discriminatory media, for example, fall short of media needed to safeguard the rights and interests of all citizens through fair and diverse reporting. The media in any society also plays a role as shaper of a country's national vision. As legal and feminist scholar Patricia J. Williams of Columbia University Law School observes,⁷

“The media do not merely represent; they also recreate themselves and their vision of world...What they reproduce is chosen, not random, not neutral, not without consequences...The media, for better and frequently for worse, constitute one of the major forces in shaping our nation vision, a chief architect of ...a sense of identity.”

As a channel through which culture is transmitted, the media ought to be a target for those struggling for the liberation of women and women's rights. The media are important agents of socialization. Socialization determines the way both women and society as a whole perceive the role of women. (Kiai W.1994).

The media play a principal role in social transformation as shaper of public opinion and attitude. The attainment of equal rights for women has been said to involve the fight to change the image of women portrayed in the media. The consistent representation of women as subordinate legitimizes the prevailing status of women in the wide society, rather than

⁷ A handbook for women politicians and the media, 2008.

challenging this image on the basis of challenging role of women in the society. Centuries of subordination through culture and education have also conditioned women to this level, to the point where women are the first to describe those who struggle for women's rights as aberrations. (Kiai W.1994).

The growth and development of free, pluralist, and independent media is intrinsic to the growth of a democratic society. Freedom of expression and freedom of opinion is the cornerstone of the media as guaranteed by the Universal Declaration of Human Rights.⁸ (Made, P. 2008).

Democratic society cannot do well without a well-informed public. The mass media has an important role in every society. Independent reporting is very important, and basically depends on the proper education of the journalists, their ethical treatment of the facts, the economical independence of information enterprises and the journalist's broad access to information. Moreover, free and independent media shall inform the citizens to make elucidated decisions on that basis. (Zeise, A. 2010.)

2.6 The Media and the State in Tanzania

Between 1920 and 1961, Tanzania was under British colonialism. On independence, Tanzania not only inherited a number of laws, most of them draconian, against the media and its personnel, but also created new institutions to check and eventually tame the media. Scrutiny of it shows that the new legislation was uncalled for since the media was owned by either the state or the ruling party (Zeise, A 2010). Although article 18⁹ of the Constitution includes the right to freedom of expression, the same right is limited by exceptions.

The Tanzania Broadcasting Services Act was adopted after the introduction of multiparty system in 1992. It was meant to open the airwaves and coverage for all. However, the law is very restrictive as to who shall have the right to own and operate radio or TV stations and coverage was restricted to 25% of the whole territory. The laws between 1976-1992 were a

⁸ Article 19 of the UDHR.

⁹ Constitution of the United Republic of Tanzania, 1977.

result of the then only, and ruling, party and these laws dealt specifically with print media, which was dominant in the country. The print media was fully under state control. Since Tanzania embarked on multiparty democracy in 1992, there have been calls to change the media laws so as to move with the times. These culminated in a major review of media laws in 2006. Unfortunately, this review is yet to yield results as the reviewed laws are yet to be tabled in Parliament for enactment.

Theoretically, freedom of expression guarantees two basic rights: Rights to express and disseminate opinions in any form, and rights of receiving information from any source without restrictions. There is slow processing of media laws reviewed in Tanzania since 2006. Media stakeholders have been pressing for the enactment of the Right to Information and the Media Services Bills.

Before the country's multiparty system, the Tanzania state was the sole owner of the print media industry. With the opening of the free market and multiparty system, the government formally repealed the Tanzania News Agency Act and transferred its powers, functions, and duties to the ministry responsible for information, culture, and sports. The Tanzania Communication Regulatory Authority is a technical authority of the government that oversees the proper operations of media as a regulatory authority. It is an independent authority for the postal, broadcasting and electronic communication sector in the United Republic of Tanzania. Its role includes licensing and regulating the postal services, broadcasting services and electronic communications sector in the country.

The media in Tanzania is governed by different laws. Freedom of expression including opinion and the right to information is embodied in under the Constitution of the United Republic of Tanzania¹⁰ which states that every citizen has the right to information. The Newspapers Act requires, among other things, that newspapers have to be registered. The same Act also empowers the minister to define important specific contents of media freedom and gives him the competence to influence the dimension of media freedom. Other legislation which contains some provisions relating to the freedom of expression and regulation of the media in Tanzania include: the National Security Act of 1970, the Broadcasting Services Act,

¹⁰ Article 18 of the Constitution of the United Republic of Tanzania of 1977.

1993, the Basic Rights and Duties Enforcement Act, 1994 and the Film and Stage Plays Act, 1976. All these empower the minister to regulate the newspaper at the same time the freedom of expression is on regarded as potential.

Through all these, the government is authorized to regulate the media in case the national security is jeopardized. These are also informed by policy guidelines for the regulation of the media as contained in the Information and Broadcasting Policy of 2003.

2.7 International and Regional Instruments on Gender and the Media

A free and independent media should also strive to be responsible to the professional standards and ethics of journalism and accountable to the interests of the public by ensuring that, both in the work place and in its editorial content, the media does not discriminate or perpetuate forms of discrimination against anyone based on race, sex, or religion. The media as an institution within society must abide by the laws and regulations that seek to address the gender inequalities that have been prevalent in both the public and private sector. There are several international and regional instruments which seek to ensure that the media remains reflective on their role, and responsible and accountable in carrying out their critical role in democratic societies.

2.7.1 Beijing Platform for Action, 1995

Beijing Platform for Action (BPFA) which was adopted at the Beijing Conference in 1995 identifies the media as a critical area of concern. In section J, it is pointed out that mass media has a vital role to play in addressing issues of gender inequality, specifically women's lack of access to media and the fact that women in the industry are generally not in decision making positions.

It identifies violence against women as an obstacle to the achievement of the objectives of equality, development, and peace. It includes a focus in combating violence against women as one of its strategic objectives, and on promoting the status of women in war affected

countries. The BPFA proposes that governments promote women's equal participation in the media; encourages women's media network; and promote research and implementation of information strategies to ensure a balanced portrayal of women. The BPFA calls on media organizations and NGOs to develop diverse and balanced representation of women; and train women to make greater source of information technology.¹¹

2.7.2 The Vienna Declaration (1993)

The declaration reaffirmed that violence against women is a manifestation of historical unequal power relations between men and women and that it is one of critical mechanisms by which women are forced into subordinate status. So, rape is one form of violence against women or Gender based Violence as it was defined by the UN Declaration on the Elimination of Violence against Women.

2.7.3 The SADC Protocol on Gender and Development

The protocol was signed on 17th August 2008. The Protocol is intended to take the region a step closer to finding home-grown, concrete ways of achieving gender equality throughout its fifteen member countries. The protocol as regional instrument is legally binding; that means that once a country ratifies the document it has to comply with. This is the reason why up to August 2008 only seven countries ratified the protocol including Tanzania. The slow rate of ratification is of concern because many of the protocol's objectives are required to be met by 2015. The protocol is founded on the rights-based approach to development. The approach requires the mainstreaming of human rights in the development process. This means embracing human rights in policies as well as in programmes. The SADC Gender Protocol is both a policy document and an implementation framework for mainstreaming gender equality and equity. It introduces a new approach to the implementation of gender equality goals, and objectives, and articulates areas of inequality not previously conceptualized. The state members of the SADC protocol are not only expected to commit themselves to making far reaching changes, but they are to achieve them within the time frame provided.

¹¹ United Nations, 1995. The Platform for Action: Critical Area of Concern.

The protocol calls for member states to ensure gender is mainstreamed in all information, communication, and media policies, programmes, laws and training in accordance with the protocol on culture, information, and sport. Also it calls for the member states to encourage the media and media related bodies to mainstream gender in their codes of conduct, policies, and procedure, and adopt and implement gender-aware ethical principles, codes of practice and policies in accordance with the protocol on culture, information, and sport.

The protocol (article 29,30,and 31) calls for members to take measures to promote the equal representation of women in the ownership of, and decision making structure of media, in accordance with article 12.1 that provides for equal representation of women in decision making by 2025.

Article 30 of the SADC Protocol on Gender and Development requires member states to:

- * Take measures to discourage the media from promoting pornography and violence against all persons especially women and children.
- * Not to depict women as helpless victims of violence and abuse.
- * Not to degrade or exploit women, especially in the area of entertainment and advertising, and undermine their role and position in the society.
- * Not to reinforce gender oppression and stereotypes.

The protocol goes further to encourage the media to give equal voice to women and men in all areas of coverage, including increasing the number of programmes for, by and about women on gender specific topics that challenge gender stereotypes.

Last but not least, countries should take appropriate measures to encourage the media to play a constructive role in the eradication of gender –based violence by adopting guidelines which ensure gender sensitive coverage.

2.7.4 UN Declaration on the Elimination of Violence against Women

Article 2 of the declaration defines violence against women as including among other things, rape, and the same declaration calls for state to condemn violence against women and refrain from engaging in violence against women. The instrument does not directly require the media to condemn rape as an offence. I am of the view that even in the media rape should be condemned through the way in which stories about them are written or presented.

2.7.5 Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa

Article 13(m) of the protocol under the economic and welfare rights requires the member states to take effective legislative and administrative measures to prevent the exploitation and abuse of women in advertising and pornography.

Tanzania has ratified the regional and international instruments above without entering reservations. However, their implementation is still a problem. Some of the instruments require eliminating if not reducing level of GBV by taking different approaches by using media as source of communication.

The human rights approach recognizes a duty bearer and right holder. There is reciprocal relationship between rights holder and the duty bearer. A duty bearer, in our case the Government, is required to fulfil its responsibility toward rights holders who, in this case, are women. As the duty bearer, the government has three levels of obligations that are;

- * to protect rights, i.e., to refrain from interfering with the enjoyment of the rights.
- * to respect rights, i.e., to enact laws that create mechanisms to prevent the violation of the rights by state or non state actors.

- * to fulfil rights, i.e., to take active steps to put in place institutions and procedures, including the allocation of resources, to enable people to enjoy the rights.

Tanzania has ratified the above international instruments and has established the Media Council of Tanzania to conform with the international standard which requires member states to have independent media regulatory bodies/authority in order to ensure the freedom of expression and independence of media. However, there are some media laws (such as the Right to Information and Media Policy) which, for unknown reasons, are still waiting to be tabled in Parliament.

Therefore, it is time for rights holder be they women, citizens, media associations, or media owners to claim their rights against the government. This can be done because paths are made by walking.

CHAPTER THREE

3.0 THEORETICAL AND METHODOLOGICAL PERSPECTIVES

3.1 Introduction

Research methodology is the way to systematically solve the research problem. It may be understood as a science of studying how research is done. In it we are studying the various steps that are generally adopted by the researcher in studying his research problem along with the logic behind them. (Kumar, R.2008).

In doing my research I started by doing desk review of the newspapers from 2003 to 2009. I chose the year 2003 because it was the year when the Information and Broadcasting Policy was formulated in which, among others, it was emphasised that the media has the duty to give information that will enable people to know and fight for their rights. Also I stopped at 2009 with the desk research because that was when the Media Council of Tanzania enacted the Media Gender Code of Ethics which emphasises the key role of media is to change the attitude of society and mindsets. The Code also strives for gender balance and it challenges gender stereotypes in and through the media. Not only that, but it also enjoins the media to prohibit the use of sexist language when editing and selecting facts, headlines, news, highlights, pictures, audio and graphics.

Therefore I wanted to observe the trend after the enactment of these instruments and to observe whether they brought about any change. The desk research was done using three newspapers being two serious English newspapers (dailies) and one Swahili newspaper. Basically I wanted to see the trend between the two types of newspapers and the way in which stories on rape were portrayed. The study also focuses on the ownership and control of the media. I wanted to find out whether there is any difference between newspapers owned by the government and those which are privately owned. So I chose *The Guardian* which is an English newspaper owned by a private company (The Guardian Company Ltd); *The Daily News* which is owned by the government and *Mwananchi* which is a Swahili

newspaper owned by the Mwananchi Communications Ltd, a privately owned company. All these newspapers are circulated throughout the country and cover news from different regions and districts.

Initially, the study was intended to focus on only one month of the year in order to establish a trend in the portrayal of women in rape cases so that I could establish a starting point. But after a review covering the period October 2003 to December 2003, I could not find one rape story in the newspapers. As a result, I decided to have look at all the months of the year (from October to December for the rest of the remaining years). At the same time I reviewed the same newspapers from October 2011 to December 2011.

3.2 Methods of Data Collection

The qualitative research methods were used throughout the research in collecting data from respondents by engaging in one to one interviews with respondents as well as group discussion interviews. However, questionnaires, desk research and observation methods were also used. Desk research and interviews were used because of the nature of the research topic.

3.2.1 In-depth Interviews

The in-depth interviews were carried out with the daily news reporters to find out why their superiors were not ready to be interviewed. Also, I conducted interviews with my key respondents such as news reporters, news editors and with Non Governmental Organizations such as the Legal and Human Rights Centre and the Tanzania Gender Networking Programme. However with some of my respondents, I used normal interviews to explore data. I decided to use this method because some of the editors especially from the government newspapers were not prepared to be interviewed.

Flexibility is one of the reasons why I preferred these methods of collecting data as opposed to other methods. I was able to interview the respondents and ask for clarification at the same

time. This is not possible if one uses the questionnaire method as noted by Kumar, R. (2008). Thus when referring to research methodology it is important to look not only at the research methods but also to consider the logic behind the methods we use in the context of our research study and explain why one is using a particular method or technique and not others.

The interview method made it easy to get more information; it was also easy to get personal information like educational qualifications of some of respondents like reporters. This would not have been easy to obtain by other methods. This method was very useful as it helped me to get more information and this method also revealed emerging issues during the research process. The observation method was as well applied to record non-verbal (or body) language when my respondents were responding to various questions. As a result of analysing an interviewee's body language, I was able to determine those whom I suspected were giving misleading information and, hence, treat their evidence with circumspection.

Apart from having all these advantages, there were certain limitations to using these methods. It was not easy to reach some respondents such as important senior staff working with the government owned *Daily News* who, apparently, were too busy to be interviewed.

The method is also time consuming. In some places, I spent a lot of time waiting for my respondents even though I had made an appointment to meet with them. For example, I spent a whole day waiting for the news editor of one of the newspapers to interview him and after quite a lengthy wait I did eventually manage to do so.

3.2.2 Focus Group Discussion

Group discussions were used to get experience of different news editors from various newspapers. For example, in the *New Habari Corporation* I had the discussion with editors of *The African*, *The African on Sunday* and *The Saturday African*, *Rai*, and *Mtanzania* newspapers, as well as the managing editor of the company. However the method has its limitations. For example, some of the members wanted to dominate the discussion.

3.2.3 Desk Research/Library Research

The purpose of desk research was to find out the trend of portrayal of women stories after the enactment of the policy, that is, information and broadcasting policy. The work was done in two phases: the first one was to identify whether rape stories are reported within a month or certain period of time. In this phase, I went through 2003 January –December 2009, where I discovered that rape cases are reported on a daily basis. I used the University of Dar es Salaam library to do the desk research but unfortunately I could not find some of the old newspapers. They were either torn or the library did not receive a copy of such newspaper. Then I proceeded to the company of a specific newspaper like *The Guardian* where I found a few of them. But other media houses do not even have library facilities like they have at *The Guardian Ltd* and *Mwananchi Communications Ltd*. Therefore, some of the data was missed due to poor management of archives. Unfortunately they do not have electronic archives in any newspaper libraries.

Even this method has its disadvantages. It is time consuming as one has to move from one library to another and these are located in different places. Also, there is poor management of archives because the newspapers are not arranged chronologically so one has to use a lot of time looking for one bundle for a year. On top of that, within the bundle you may find that some newspapers of a certain month were not there.

3.2.4 Questionnaire

I used questionnaire method of collecting data for one respondent that is a Non Governmental Organization by the name of Tanzania Media Women Association (TAMWA). I was forced to use this method as I was informed that it is their policy responded only to questionnaires because they are very busy and they could not have time. Since these were also a key respondent for my research, I had to comply. Data was given but not as I had expected and there was no time for making clarification on some important issues. Also I was not so sure if the questionnaire were answered by the appropriate officers at TAMWA. Another limitation of this method is that I had to follow up on the return of the questionnaire. There was no

flexibility when I was using questionnaire. Apart from being unable to obtain clarification on unclear answers, I was not able to observe firsthand the attitude or body language of the respondents.

3.2.5 Observations

When I entered the media newsrooms, I used my own or ‘passive’ observation to calculate the number of women working at news desks. The method helped me to see the difference in number between men and women between one media house and another as well as note the clear absence of women editors.

Table 1: The Gender and Number of Respondents interviewed

Respondents	Women	Men
Mwananchi Communications Ltd.(Media House)		4
New Habari Corporation.(Media House)		6
The Guardian Ltd.(Media House)		2
Business Times Ltd.(Media House)		1
Daily News Ltd.(Media House)	1	1
Tanzania Gender Networking Programme(NGO)	1	
Tanzania Media Women Association(NGO)	1	
The Media Council of Tanzania.(Media Self Regulatory Body)	1	
Legal and Human Rights Centre.(Legal Aid NGO)	1	
Legal and Human Rights Centre Legal Aid Clinic-Kinondoni	2	
Prosecutors (State Prosecution Agents)	4	

Total number of females interviewed: 11

Total number of males interviewed: 14

CHAPTER FOUR

4.0 GENERAL FINDINGS ON THE ASSESSMENT OF WOMEN'S PORTRAYAL IN RAPE CASES IN THE NEWSPAPERS

4.1 Introduction

This chapter discusses findings from the research under different angles. But generally, the findings are based on the assumptions which were outlined in chapter one and the methodologies used to collect the findings as discussed in chapter three. The chapter also does an analysis of the findings from different angles.

The findings from the research disprove the assumption that rape stories are presented in a negative way and this portrayal incorporates biases in favour of existing gender relations because there are no editorial policies on appropriate gender content of the news.

4.2 The Under-reporting of Rape Cases

For some years under review, newspapers covering an entire month were missing in University's library. Efforts to get them from the respective newspaper's library also proved futile. There are some months, therefore, which could not be covered due to this shortcoming. However, editors of these newspapers were amongst the editors interviewed. From these, I could get a general feeling of the news items covering rape and the editors' perspectives on the subject. Editors raised some challenges facing journalists who report from the courts. Rape cases are normally conducted in camera so it is not easy to get much information about them. On the other hand, victims are not cooperative. They do not speak out believing that reporting their rape ordeal would further traumatize women victims.

Underreporting of rape cases is also attributed to the absence of a court-desk in some media houses. Out of the five media houses studied, only three have strong court desks. However, during the interviews, the editors whose media did not have court desks appreciated the need

to have one and they undertook to take steps to introduce these desks. Having court desk reporters guarantees gathering of news from court be it rape or any kind of information that could be obtained from the courts.

Another reason for underreporting of rape cases results from the complications inherent in court proceedings. These, according to the editors and reporters, lead to a loss of interest on the part of reporters who report from court. Some of these complications include the fact that most rape trials are held in camera in which case the public, including reporters are not allowed to attend. Also, it is the case with many court trials in Tanzania, prolonged adjournments are not uncommon. When a reporter follows up a rape case in court and its trial is adjourned, for example, on three consecutive occasions, the reporter loses interest and sees following up the matter for the fourth time as waste of time as he or she is not sure that next time around the trial will proceed. Under the Criminal Procedure Act¹², normally a criminal case is adjourned for up to 15 days if the accused is in custody and for up to 30 days when he is out on bail. So for an accused who is out on bail, three consecutive adjournments amounts to three months.

Reporters complained of the attitude of the junior court staff, in particular, court clerks. They normally warn reporters that they are not allowed to report the court cases even when the proceedings are held in the open court to which the public have access. The reporters said that they are not sure of the source and legality of the 'orders' from the court clerk but that, rather than risk any punishment, they preferred to refrain from reporting such cases. (So said one of the news editors from The Business Times Ltd.)

Furthermore, there is a problem with society's attitudes towards the reporting of court cases. For example, many reporters have lamented the lack of cooperation from the victim's relatives when they are asked to give an interview in support of a report of an alleged rape. The predominant view is that, recounting the story in the newspaper amounts to 'double rape' in the victim's mind in the sense that she is traumatised for a second time when she has to relive the ordeal when giving a reporter an interview.

¹² Section 225(2).

On the issue of the underreporting of rape cases, some experienced journalists interviewed were quick to remark that the situation at present is much better than it was in the past. At the present time we lament the underreporting of rape cases, but in the past almost no rape cases were reported at all. In other words, newspapers gave the misleading impression that rape was non-existent in the society. One respondent who is currently a senior official of the media watchdog, the MCT, and who was one of the founding members of TAMWA recounted the struggles she had as a reporter earlier in her career to get rape cases into newspapers. In her words, before 1980 there was virtually no reporting of rape cases in the newspapers. This started to change from 1985 after the formation of the TAMWA, a media women's NGO that was instrumental in having rape cases from the courts reported in the newspapers. It is not a mere coincidence, one may wish to observe, that TAMWA was also very instrumental in the enactment of the Sexual Offences Special Provisions Act in 1998.

There is one exception to the above general trend of underreporting of court cases in general and rape in particular. This was revealed through the interviews conducted in the state owned media house, Tanzania Standard Newspapers, the publishers of the English daily, *The Daily News*, and the Kiswahili daily, *Habari Leo*. *The Daily News* was one of the papers I chose for my desk research. I found that the number of court cases reported is significantly larger than it is in other newspapers. The reason for this is twofold. Firstly, the state owned media house has a court desk. Secondly, there is a deliberate policy decision by the editors of the state owned media to report court cases, including rape. I was informed, for example, by Flora Mwakilasa, a reporter with *Habari Leo* who works in the court desk, that they report up to three court stories daily on page 5, which is devoted exclusively to the news from Dar es Salaam, Tanzania's main city. However, despite this marked difference in the trend in *Habari Leo* and *The Daily News*, most of the reports are on court cases other than rape. It was clear that even the state owned media suffers from the same hindrances that a reporter faces in reporting rape cases as discussed above. The Table below shows the number of rape reports from different newspapers between 2003 and 2009.

Table 2: Rape Reports taken from selected Newspapers (2003-2009)

Year	Month	<i>Daily News</i> (number of cases reported)	<i>The Guardian</i> (number of cases reported)	<i>Mwananchi</i> (number of cases reported)	Gender of the reporter(s)
2003	October, November, December	N/L	1	*	Male
2004	January, February	No rape reports	3	*	Male
	March-December			*	
2005	January to December		*	*	
2006	January – March	3	6	N/L	Male female
	April – December	*	*	*	
2007	January to September	2	N/L	3	
	October to December	N/L	1	2	Male
2008	January	2		N/L	
	February to December	N/L	2	N/L	
2009	January	2	3	N/L	Male

KEY TO TABLE

* means no newspaper available/I could not get the newspapers

N/L means no rape cases reported

It was not easy to identify the sex of some of the reporters because they used traditional names which are sex-neutral. But as shown in Table 2, 80% of the news reports were written by both male and female reporters. It is worth noting that even in those reported by both sexes, there was no sensational language observed. But still there is the problem of not reporting rape cases from the court as some of the reports shown in the table are from court; however, there were reports from the police station stations and from other sources. Also, as the table shows, rape cases are not reported regularly.

4.3 Rape Cases are not reported from a Human Rights Point of View

Rape stories were well reported but not from a human rights point of view. In presenting the stories one could not find even a single line citing the rape of women as a violation of women human rights as condemned by the international standards. The human rights activists have long recognized that the way violence against women is reported in newspapers is of significant importance. The sources, language, description of victims against survivors and the focus of the story is the cornerstone of reporting on violence against women. For example, it is advocated that a newspaper should highlight that violence against women, including rape, is a violation of a fundamental human right. The media should report on positive role model for women and debunking myths about rape and other forms of Gender Based Violence.

It is important for the media to provide information about services for survivors of violence against women. Human rights activists challenge the depiction of women as helpless victims by describing them as survivors. Instead, where possible, they rightly argue, the media should emphasise women's coping skills and their survival strategies.

Rape stories should also highlight new legislation on rape by simplifying the key features to the audience. Naming of perpetrators of violence whenever this is legally possible is also encouraged. Apart from naming the alleged perpetrators, the rest of the aspects which are rightly emphasized by human rights activists are conspicuously lacking in the reports analysed. In other words, the rape reports in these newspapers simply report the incidents without any attempt to analyse further the socio-legal implications of the incident. The

audience is simply informed of ‘what happened’. The wider dimension of what should have happened and what is required to happen after the incident are not discussed in the stories. (The International Council on Human Rights Policy,2002)

4.4 Reporters are not afraid of reporting Rape Cases

There two different codes for media professionals and they are the Media Gender Code of Ethics and the Media Profession’s Code of Ethics. The professional Code of ethics provides a general framework of the rules of professional conduct with which every player in the media must abide. It has a set of rules for media owners and publishers; media managers and editors; broadcasters; media photographers and media producers; news agency journalists; and public information and media advertisers. For each of these categories of media practitioners there are a set of rules. But most of these rules apply across the profession and, therefore, with a few exceptions, the rules are, by and large, the same across the profession.

Unlike the Code for Professionals, which is very general, the Media Gender Code of Ethics has specific and elaborate provisions for all media practitioners aimed at ensuring appropriate reporting of all news and reports with a gender dimension. This Code (the ‘Gender Code’) takes a completely different approach from the Code of Ethics for Media Professionals (the ‘General Code’). Whereas the General Code focuses on ethical obligations for specific categories of practitioners regardless of the issues they are dealing with¹³, the Gender Code focuses on specific ethical obligations when reporting gender matters regardless of the categories of media practitioners involved. Perhaps more importantly, whereas the General Code draws inspiration from the mission and vision of the Media Council of Tanzania, the Gender Code takes a human rights approach, drawing inspiration from regional and international human rights instruments. The preamble to the Gender Code specifically states that the Code is informed by, among others, the United Republic of Tanzania Constitution; Tanzania’s Women and Gender Development Policy; the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); the African Charter on Human and People’s Rights; the UN Convention on the Rights of the Child; African Charter on the

¹³ Although, in the end, the ethical injunctions are generally the same for all categories.

Rights and Welfare of the Child; the Windhoek Declaration on Media Freedom in Africa; SADC Protocol on Gender Rights; and the Beijing Platform of Action.

In line with these regional and international instruments to which Tanzania is a party, the Gender Code requires media houses, broadcasters and all media practitioners to:

- (i) Increase the number of programmes on gender specific topics as well as programmes that challenge gender stereotypes;
- (ii) Ensure women's voices and views are heard in their coverage of politics, economic issues and war;
- (iii) Put in place training programmes to improve their knowledge of current and emerging gender issues and its various manifestations;
- (iv) Continuously probe and research on gender issues so as to keep abreast of current debates on the subject;
- (v) Ensure there is accuracy, credibility, balance and impartiality in their reporting by making inclusive coverage of all women that goes beyond differences of class, social standing and whether they are from rural or urban areas;
- (vi) Hold policy makers accountable for ensuring that gender equality is achieved in their areas of work in accordance with national, regional and international commitments;
- (vii) Desist from reporting stories that promote and portray gender stereotyping;
- (viii) Desist from using sexist language; and
- (ix) Incorporate gender balance in their recruitment and selection policies to ensure the equitable representation of women at all levels of decision making.

These enumerated provisions are further elaborated in the Code. Clearly, they go a long way to filling the gaps identified in the General Code. Unfortunately, the Gender Code also has its shortcomings. Firstly, it is only applicable to the members of the Media Council of Tanzania to which membership is voluntary; secondly, even among member of the Council, awareness of the Code and its provisions is limited; thirdly, the Code does not have provisions for sanctions or penalties against practitioners who are found in breach of it.

Generally, reporters and editors were reporting rape in accordance with the Media Gender Code of Ethics. However it was found that most of these reporters were not familiar with the Code. It was acknowledged by one journalist, Mr. Mwambungu, that there is a lot that is happening in the media that the journalists might not be aware of.

On the Media Code, the same was reiterated by Elkland Mwafisi, who attributed this lack of awareness to the fact that most of them were not involved in promulgating the Code. Invariably, most of the reporters are only aware of the Professional Code of Ethics and Conducts for Journalists, which is a code of general application for all kinds of media reporting. In some of the five media houses in which I conducted my interviews, even the news editors were not aware of the Media Gender Code of Ethics. In one media house, the respondent, a news editor, admitted to having been involved at some stage in the preparation of the Code but that he is not fully aware of its application since the Media Council of Tanzania is yet to conduct any training on the Code as it had earlier promised. In another media house, the editor, upon being shown a copy of the Code, said he had never come across such a document. Instead, he said, in all their news reporting, they are simply guided by the Professional Code of Ethics and Conducts. This includes the reporting of rape and other court cases.

4.5 Rape is newsworthy

By examining criteria of what is news, the rape stories also were found to be just as newsworthy as other news. One editor said that to be news, an item it must meet the following objective criteria. It must:

- * be based on the facts;
- * be true and accurate;
- * have more than a single source;
- * be balanced (the other party to the story must also be heard); and
- * be fair and impartial.

On the other hand, in the focus group discussion with news editors from various newspapers at *New Habari Cooperation*, the group said that rape is newsworthy as long as it meets the generally accepted criteria for any news, such as, timing, significance, relational proximity, prominence, and human interest. From these two sets of views, there is no common understanding on what is newsworthy. This explains why some rape stories are reported in some newspapers but not reported others.

One person noted that to balance between the newsworthiness and the financial constraints is a point to put in the mind when producing newspapers. It is my considered view that under these circumstances, rape stories from the court may not be reported simply because they do not “sell” the newspaper. Although this was not acknowledged directly, it is apparent that rape would not easily be reported unless there was some prominent individual involved (the victim or perpetrator being a popular figure) or there is sensationalism involved. These are the kinds of stories that generally ‘sell’ the newspapers.

4.6 Rape Cases that make front-page News

On several occasions, rape was reported on the front pages. There is a diversity of opinion from the respondents interviewed as to the reasons for putting rape stories on the front pages. The first one was that rape is one of those stories which are people-centered and therefore people would naturally want to hear their stories. The second view is that they want to raise the awareness of the reader that rape is a serious issue, warranting attention so as to bring changes within the society. The two different views were expressed by men from two different media houses.

In addition to that, when making comparisons of the trend between the Swahili and the English newspapers, the Swahili newspaper reported more rape stories than the English ones. The probable reasons might be that it is newsworthy, as one editor said, people want to read their news, i.e., people-centered news. Another reason might be that the Swahili newspapers are affordable as they are relatively cheaper than the English ones. Data shows¹⁴ that between July and June 2011, a total of 1309 gender based articles were monitored in target newspapers. Of these, 1002 stories were covered by Swahili newspapers, equivalent to 76.5% while the English press published 307 stories accounting for 23%. This is attributed to the fact that most of the newspapers in Tanzania are published in Kiswahili, the national language.

This is due to the fact that almost all Tanzanians speak Kiswahili. Fluent English speakers are a minority, so most people might be more interested in buying Swahili newspapers whose stories are written in the language of their mother tongue and, hence, are more easily read and understood. Also Swahili newspapers are delivered daily within urban areas as compared to others which are only available the day after they are printed. These stories are also predominantly reported in the Kiswahili press since Swahili readers represent a larger segment of the market. This is very important especially at this era where media is commercialized. The media industry is also profit-oriented. As the majority of people buy Swahili rather than English newspapers, the front-page reporting of rape cases may easily attract the attention of potential buyers, in which case it would make good business sense to report them on that page.

Below is a cutting from the front page of that Swahili weekly. (**Figure A**). In the left column is my own English translation of the headline and the by-lines, and below it, the questions that one might raise about the picture accompanying the story: a picture of one the wives of the rape suspect.

¹⁴ Print Media Monitoring Report by MCT -July 2010-June 2011.

Figure A: A Newspaper cutting from the front page of a Swahili Newspaper showing a woman crying outside her matrimonial home after her husband had raped her and expelled her from it

**A CUTTING FROM
SWAHILI NEWSPAPER-
RAI-FRONT PAGE.**

A WIFE OF HUSBAND WHO RAPED
STANDING CRYING INFRONT OF THEIR
HOUSE AFTER SHE HAS BEEN
EXPELLED FROM THE HOUSE.(picture)

Heading:CCM big shot rape his
daughter. Threatens to shoot wife and
children. Boasts he is not afraid of
news repoters.Says he will respond to
allegations after treating himself with
whisky.

Analysis-why woman/not a man rapist

- why crying.
- helpless.
- wording-masculinity.(WIFE)
- physiological torture
- trauma.

Power and control over women-
sexuality.



From the story above, it is a man who raped the daughter and not a woman. But one wonders why the picture shows a woman crying and the language used by the reporter portrays a helpless woman, desperate and with no solution to the problem. The picture portrays the woman, one of the rapist’s wives, as having nowhere to go after she has been expelled from the house. It does not show the man (perpetrator) who committed the offence. From a women’s rights analysis and human rights point of view, it is inappropriate to portray a woman in such a manner. From the feminists’ point of view, this is a typical reflection of the power relations in the media industry. As the radical feminists argue, rape is one of the

offences in which a man seeks to prove his power and control over women's sexuality. As Weis and Borges (1973)¹⁵ point out, this kind of socialization prepares women to be "legitimate" victims and men to be potential offenders.

This kind of reporting causes physiological torture to the woman. It traumatizes her and, what is worse, the social stigma will follow her for the rest of her life. As Dahl noted,

"shame and guilty feelings with respect to one's own life and behaviour pattern, caused by another's infringement and force, represents the most extreme form of oppression of women."

(Dahl,T,1987)

Headlines and by-lines (sub-headings) are intended to capture in a nutshell what the story is all about, as well as to being clever and eye-catching. While accepting these imperatives, it is also a fact that gender stereotypes and negative portrayal of women are pervasive in the headlines and by-lines, and their effect is often more far reaching than the stories. The by-lines to the story show the masculine behaviour of a man. He is reported to have told the reporter that he will respond to the allegations after treating himself with whisky. This could be classed as is a typical masculine characteristic. Brannon, (1976), suggests that masculinity consists of four themes:

- (1) "no sissy stuff", i.e., the avoidance of all things feminine;
- (2) "the big wheel", i.e., the acquisition of status and success as the breadwinner;
- (3) "the sturdy oak", i.e., strength, confidence, and independence; and
- (4) "give them hell", i.e., aggression, violence, and daring.

All these characteristics as defined by Brannon are evidenced in the news story and the accompanying picture. The rapist husband tried to demonstrate that he is the bread winner, he is the sole owner of the house, and that no woman in the house-the daughter and the wives-should question anything he does. Those who dared to question or report what he did suffered the consequences by being expelled from 'his' house. Even the news reporters who attempted to interview him received threats of violence.

¹⁵(1973) Victomology and Rape: The case of legitimate Victim" Issue in criminology. 8.71.

TABLE 3: GENDERED CHARACTERISTICS OF RAPE REPORTING

ISSUES IN THE RAPE REPORTS	MAJOR THEME IN THE ISSUE	OTHER THEMES	EXAMPLES	
Legal issues	Rape as a crime	Not much		
Human rights issues	Against human right/women rights	No input of human rights		
Social issues	Change the society behavior.	Law enforcers and corruption practices.	The police and the courts are involved in malpractice and corrupt practices	
Economic issues	Status of the rapist	He is powerful economically	He is a powerful person-a councilor	

Table 3: Gendered Characteristics of Rape Reporting

The chart above shows the gendered characteristics of rape reporting whereby rape reports are presented from different perspectives. From a legal perspective, rape is described as a crime. There is not much said about the human right aspects raised in rape stories from this perspective. There is not that much said either on social issues except about the corrupt practices, especially of police officers.

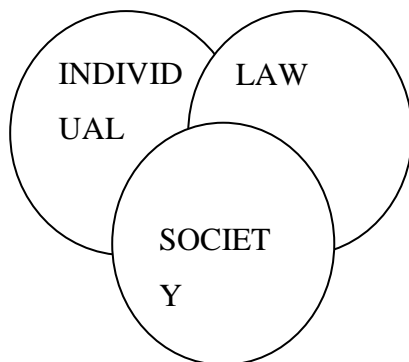
On the economic issues, the status of the rapist is very important to the reporters. For them, this is what constitutes news. In rape reporting from this perspective, they focus on the economic status of the rapist. But it is questionable whether this is for deterrence purposes or simply for the purpose of selling the newspapers. For example, the picture on the front page of the *RAI*- newspaper (1-7 December,2011), a Swahili weekly, the rapist is the councillor of a certain district on the ticket of the ruling *Chama cha Mapinduzi* (CCM) party.

Reading the news item, one may ask several questions as to why it is on the front page, or why is it reported at all. Is it because the suspect comes from the ruling party? Is it because

the victim is the perpetrator's own daughter? Is it because the perpetrator is a Councillor? Is it because of the way he responded to the media by reinforcing his male superiority? Or is it a combination of all these factors? It could be because of any one or more of these factors, but the experience in rape reporting throughout the SADC region shows that the most relevant factor in determining whether to report, and on what page to report.

I used the Giddens theory or concept of 'structuration' which helped me to understand the changing nature and role of some structures like media houses and society. The process of changing law and gender relations can be compared with the model Giddens employs in his theory of structuration (Giddens, S.1984). In line with this theory, one needs to ask several questions: (1) Who are the actors? (2) What is the problem that is dealt with in the newspapers? Is it society, law, or individuals? In terms of the society, it can be looked at in two perspectives: firstly, is the society aware that rape is a serious criminal offence which has serious impact on women's life? Secondly, is the society aware that there are international laws and national and policies which protect women against being negatively portrayed in newspapers?

Figure B: Giddens's Model



As earlier pointed out, my research was premised on the assumptions that rape is not appropriately reported. However, it seems that the individual is well informed by the media; the law is in place both, international and national, including policy guidelines for its enforcement but the society is not ready for change. It has been found that the Media Gender Code of Ethics is in place but the actors (i.e., the editors and reporters) are not aware of the Code. Rape is not appropriately reported and we cannot justifiably expect changes within the

society. From the findings, the editors and reporters are the actors in the media houses but the structure might have problems in the sense that some of newsrooms/media houses do not have an editorial policy and/or gender policy.

4.7 No Special Column in the Newspapers

In the four media houses I visited with a total number of 15 newspapers, there were no special columns for stories from the court. One notable exception as earlier noted is the Kiswahili daily, *Habari Leo*. However, even with this newspaper, rape stories are reported in the inside pages of the newspaper except where the stories sensational or they involve a prominent person, in which case they could find space on the front page. Spacing was mentioned as one of the problem faced by editors. Usually news items that are filed daily are so numerous, and with limited space, editors use the timing as a filtering mechanism in some of the news. If a reporter's rape story comes late, his or her story is not published even if it meets all the criteria of newsworthiness just because it was filed late. In other words, reports are published on the basis of 'first come, first served'. At times, this may result in the report not being published at all because with each passing day, the story changes and the reporter might be required to research further, or that as days pass, it loses its relevance entirely.

4.8 Feature Article/Editorial on Rape Stories

In my desk research on the three newspapers, that is *The Guardian*, *Daily News*, and *Mwananchi*, I found very few feature articles or editorial comments on rape. One of the these scarce feature articles was published by *The Guardian* under the title, 'Rape Victim always get Blamed but it is not unfair'¹⁶, the author points out the fact that rape is rarely reported and the situation is even worse when the perpetrator was a member of the family. In her opinion, family members are afraid of the consequences that might befall the perpetrator should they

¹⁶ 3 October, 2006.

report the incident. Evidently, by the consequences, here the author meant the harsh punishment for the offence of rape.

She goes further to say, instead of reporting the offence, family members point fingers at the victim and start to probe her conduct. She points out cases where a wife would try to protect her husband who is accused of raping the wife's younger sister.

The author ends her letter by encouraging women to report their rape ordeals to the authorities because, by doing so, the perpetrator would be punished and thus they would save another woman from being raped. She also calls for a justice delivery system that is friendlier for the victims by, for example, allowing victims to give evidence in camera when they are not comfortable doing so in public.

It is worth noting that this letter was written by a woman, not a man; it was written by a reader, not a reporter or an editor; and it was reported on page 6 , which is dedicated to letters to the editors, and not on the front page. It is also worth noting that the views and the analysis are so well presented but no comments are given by the editor on the letter. Review of the newspapers following that issue reveals that there was no letter or article written in response to this letter. This is a clear reflection of the lack of awareness by society of the impact of rape in the society or the general indifference and lack of interest by the newspapers in the reporting of such cases.

From 2003 to 2009, this is the only featured article on rape in the three papers. One can legitimately draw an inference from the data and conclude that, even editors do not take the problem seriously.

4.9 Rape Cases are reported mostly by Male Reporters

Apart from the fact that very few rape cases are reported in the newspapers, most of these are by male reporters. Out of 29 rape reports from 2003-2009, 20 were reported by males. For some of the remaining 9 reports, it was difficult to ascertain the sex of the reporter. The number of stories by male reporters could therefore be more than 20. One may ask, Why

male reporters? Probably it is because the media is male dominated and therefore it is men who are available to do these reports. Data collected through the Gender and Media Baseline Study and Gender Media Monitoring Study by the Media Council of Tanzania, shows that in Tanzania, aspects of gender based violence are mostly reported by men who accounted for 76% of the reports, while women accounted for only 24% of them (Global Media Monitoring Projects, 2010). The inherent danger of men dominating this sphere is that there may be biased reportage and more frequent portrayal of women as victims.

4.10 Conclusion

In this Chapter, general findings of both the desk and field research were presented and analysed. It was generally found that court in general and rape reports specifically, do not receive the attention they deserve. These are under-reported and, even in these few reports, the reporting is grossly inadequate. The reporting is in most cases inappropriate and it does not deal with the main issues. The factors contributing to this were also outlined in this chapter. In the next chapter, we analyse specific findings on the value that appropriate reporting rape cases may have as a means of raising people's awareness of the harmful effects of rape as well as deterring or preventing future offending.

CHAPTER FIVE

5.0 THE FINDINGS OF THE RESEARCH ON THE DETERRENCE AND AWARENESS VALUE IN THE SENSITIVE REPORTING OF RAPE CASES

5.1 Introduction

This chapter discusses the advantages of the appropriate reporting of rape cases. The impact of the Media Gender Code of Ethics on the way rape cases are reported will also be explored. Finally, the chapter explores the effect of the lack of editorial policies in some media houses and the challenges that the Media Council of Tanzania (MCT) is facing in performing its role as a voluntary media watchdog in Tanzania.

5.2 The appropriate Reporting of Rape Cases would act as a Deterrence

The fact that the appropriate reporting of rape cases would act as a deterrence against Gender Based Violence (GBV) in general, and rape in particular, and would also raise awareness of these problems is generally supported by the majority of the respondents interviewed. Despite the challenges faced by the reporters, if the stories were reported appropriately, people would be aware of the problem. It is not disputed that one of the roles of the media is to change or shape the society by eliminating bad behaviour and negative attitudes in the society. The media is the mirror of any society. One respondent rightly observed that the media, particularly newspapers, owe a duty to the society to show the magnitude of the problem and condemn such problems in the society by appropriate reporting which adheres to the Professional Code of Ethics.

One of the respondents said that the adherence to the Professional Ethics and Conduct by journalists would raise awareness in the society that rape is a serious criminal offence. This is in recognition of the fact that one of the roles of media is to raise awareness through professionally reporting rape cases whether reporting is made from courtrooms or police stations.

As briefly noted in the previous chapter, rape cases are rarely reported. What are the possible reasons for this? With any crime, the key to an effective criminal justice system is its ability to create disincentives and a deterrence against offending. But if the victim does not report the crime then there is no deterrence. Rape case reported from court is the work of the media, particularly newspapers. They owe a moral duty to inform the public on what is going on. On the other side of the coin, a well informed public through appropriate reporting of rape cases would not always guarantee prevention of similar offences. This notwithstanding, newspapers should be encouraged to sensitively report rape cases because of their deterrence and awareness value. The importance of appropriate reporting was widely acknowledged in the field research. In summary, it was pointed out that it would help the society to appreciate the seriousness of the problem, to learn from others, to raise awareness to the society, to devise appropriate solutions to the problem and to know if and when there is a need for intervention. On the issue of reporting, the Tanzania Gender Network Programme (TGNP) holds the view, and rightly so, that appropriate reporting should include an analysis of what is reported. To this end, the TGNP has a training programme in which the participants, mainly reporters, are trained not simply to report GBV incidents, but also, in the course of reporting, to raise questions as to why the incidents occurred. They are trained to address systemic problems giving rise to the incidents as well as to report from human rights and women rights perspectives.

In the course of the interviews when conducting the research, one question that I frequently posed was the following: Do you think appropriate reporting of rape cases in the newspapers would act as a deterrence? The answer from one respondent who is responsible for training at the TGNP reflects the answers given by almost all respondents:

“Yes, of course. For the few journalists who are coming here, we do educate them as part of our advocacy programme. If the media is doing its job appropriately, this would bring changes and raise awareness that this is a serious offence especially at this era of HIV/AIDS. Women are really suffering”.

On the importance of appropriate reporting of rape, he said that this will raise awareness within the society. In reporting, he observed, one has to go beyond the normal way things

were usually done. There is a need to report from different angles, like reporting rape from a human rights perspective.

Whereas media practitioners focused on the awareness value of appropriate reporting, the focus of the law enforcer was on deterrence. State prosecutors argued that appropriate reporting would act as a deterrence depending on the cultural dimensions of the society. If people see it as taboo to report rape, it would be regarded as shameful for the victim to report the matter to the police. But they generally were of the overwhelming view that if newspapers report these incidents appropriately, this would be a deterrence against future incidents. This is, however, dependent upon two variables: One, the report must be in a newspaper which is widely circulated, and, two; the language used must be well understood by the people. But from the prosecutors' point of view, deterrence begins with the courts. Courts should mete out severe punishment to the offenders. When this is in turn reported in the newspapers, the deterrence effect is more likely to be achieved.

5.3 Editors and Reporters are not aware of the Media Gender Code of Ethics and Conduct (MGCE)

The MGCE was adopted by the media stakeholders during their 12th National Convention held in 2009. Among other issues, the code emphasises the accuracy, fairness and balance in the reporting. It further calls upon the media houses to refrain from publishing the identity of rape victims and from depicting women as helpless and deserving victims of violence. The MGCE should be read in line with the Tanzania Professional Code of Ethics for Journalism. One of the respondents said,

“I did not participate in preparing the Media Gender Code of Ethics so I am not aware of this Code but I do report basing on the professional code of ethics and conduct.”

I showed the copy my respondent but he said he had never come across such a code.

At New Habari Cooperation one editor said that he was aware of the Media Gender Code of Ethics and that the Cooperation had never received a warning form MCT for the unethical

reporting of rape cases. Moreover he said at the company level there is person who deals with all complaints against the company.

5.4 The Media Council of Tanzania (MCT) is 'toothless'

The MCT is an independent, voluntary, and non-statutory body which seeks to ensure that the media adhere to the highest professional and ethical standards in order to safeguard and to maintain the freedom of the media in Tanzania.

According to Pili Mtambalike, a Programme officer at the MCT and a journalist by profession, MCT is doing daily monitoring on newspapers as one of its core functions. The purpose of this monitoring is to see whether the print media adhere to the Professional Code of Ethics and Conduct, including the Media Gender Code of Ethics and Conduct. The aim is to create an environment that promotes a strong and ethical media that contributes towards a more democratic and just society and the vision to have a democratic Tanzania with a free, responsible, and effective media.

Monitoring is done in terms of ethical performance and press freedom reportage on gender, mob justice, and people with disabilities. They look on the contents of the newspapers and, at the end of the day, they come up with reports. The Media Council of Tanzania often publishes memoranda warning editors and reporters to avoid unethical reporting practices. Yet, poor reporting practices, sensationalism, and inaccurate reporting continue to generate litigation against the media.

If an editor violates the Professional Code of Ethics and the Media Gender Code of Ethics, the MCT either calls the editor of that newspaper in order to warn him or they write a warning letter to him concerning the offending material.

One of the major shortcomings is that the MCT does not have a mandate to issue legally binding sanctions against media practitioners or media houses which violate the Media Gender Code of Ethics. Their role is merely advisory. Compliance is voluntary. Editors are supposed to adhere to media code of ethics and professional code of ethics voluntarily.

Arbitration and mediation of complaints brought by the public is one of the core activities of the Media Council of Tanzania. In discharging their function, it largely depends on whether a person is a member or not. For media practitioners and media houses who are members, any person can bring a complaint against them to the council and the MCT will summon the editor of that newspaper to appear before its arbitration committee. During the hearing of mediation/arbitration, some editors offer apologies to the complainant and give a token amount. But some news editors do not respond timely to complaints lodged against them and, as a result, the conciliation process takes longer than the time stipulated in the MCT Constitution which is three months.

If a complaint is lodged against a non member of MCT, the council can do nothing other than to advise the complainant to file a case in a court of law. Membership determines the level at which the council will mediate or adjudicate a matter against media houses or practitioners and if one goes to court it may take some years before one can get a remedy. It is common knowledge that, unlike mediation and arbitration, court proceedings take longer. Apart from the time constraint, court proceedings are financially constraining. It is unlikely for an indigent person complaining against a rich media house to obtain either a timely or adequate court remedy. Unfortunately, this cannot be avoided if the media practitioner/media house complained against is not a member of the MCT since the mediation/arbitration alternative is not available to the complainant.

In performing its functions as pointed above, the MCT has no mandate either to ban the newspaper or to recommend to the registrar of newspapers to deregister such newspaper. Its mandate is only to issue warnings, to mediate and to arbitrate. Worse still, the mediation, and arbitration conducted under the auspices of the MCT is non-binding. A person may choose to ignore the arbitration award issued by the MCT and the only recourse by the complainant will be to file afresh court proceedings which are usually very protracted. Furthermore, the MCT in itself has no mandate to file a case against any newspaper editor who violates the codes. In a comparative study, according to the print media monitoring report of July 2010 to June 2011, the English language newspapers showed more compliance to the codes than their Kiswahili counterparts. Generally, media monitoring is the valuation of the professional and ethical performance of the press. The monitoring was done on universal journalistic positions

on reportage of certain issues such as gender and people with disabilities. The media council monitoring work's principle general focus is on media ethics and freedom performance.

Since, as it was noted in the previous chapter, it is more likely for the Kiswahili language newspapers to report rape cases than the English language ones, and since it more likely for the Kiswahili newspapers to infringe the Codes; it was thought that there would be a number of complaints lodged by rape victims at the MCT. However, as Ms Pili Mtambalike of the MCT confirmed, since its establishment, the council is yet to receive any complaints from a woman victim of rape or any complaint based on an inappropriate reporting of rape. However, it is submitted here that, owing to the limited mandate of the MCT, a person who is adversely affected by an inappropriate report on rape is unlikely to get an adequate remedy. The effects of inappropriate reporting and portrayal of women in the newspapers go beyond the individual victim. If the MCT is to be an effective arbiter, then it must have its mandate extended to include sanctions which are typically imposed by courts of law.

5.5 The Lack of Editorial Policy in Newsrooms

During the field research, I also found that some of the media houses do not have a written editorial policy. However, at the three media houses where I was informed that there was an editorial policy, I could not get a copy of it. In one media house, The Business Times Limited, I was informed that there is an unwritten editorial policy which was difficult to inquire about or to ascertain its content.

5.6 Emerging Issues

During my research, some of the issues that emerged peripheral to my research include the lack of in-house training, the lack of a gender policy in media houses and lastly, the lack of government intervention in the media.

In all the media houses that I visited, there is no clear programme of in-house training for the reporters. Most of training aimed at raising awareness on gender, gender based violence, and

Female Genital Mutilation are conducted by NGOs such as Tanzania Gender Networking Programme, Tanzania Media Women's Association and Legal and Human Rights Centre. In my final week of field research (i.e., commencing 21 February, 2012), TAMWA conducted training to journalists that was aimed at raising awareness on violence against women.

Although some NGOs like TAMWA, TGNP, and LHRC offer trainings to reporters, editors, sub-editors and all journalists, theirs is a very specific kind of training with a very particular purpose. With the exception of *The Business Times* where the editor said that they have in-house professional training and they train young journalists from journalism schools, no other media house has a training programme for its reporters. However, one reporter from *The Daily News* lamented that although there is a budget for training every year only senior editors and sub-editors attend such training.

5.7 The Lack of a Gender Policy in Media Houses

One of the emerging issues was the number of women reporters in the newsrooms/media houses. Throughout my research, it is only at the *Daily News* office that I came across a female reporter who is on the court desk. The rest were men. This does not mean that there are no women reporters in the media houses. They are only a very few; the horizontal and vertical segregation of the labour market appears also to be as deep in the media industry as it is in other sectors. For example the number of women reporters in Tanzania by 2009 was 317 while that of men was 560. Percentagewise that is 36% women to 64% men. (Morna, L, and Made P, 2009). According to the Gender and Media Progress Studying Southern Africa (the GMPS), the number of women among all media employees constitute 41% while that of reporters is only 29 %. Countrywide male reporters in Tanzania constitute about 72% whereas female reporters comprise about 28% (Gender and Media Progress Study, 2010). The possible cause for the gap between women and men in media might be education, i.e., there are not many trained women journalists. Society's perception is also another problem.

According to Flora:

“People despise female journalist because of their gender.”

CHAPTER SIX

6.0 RECOMMENDATIONS

6.1 Introduction

The discussion of the research findings has shown several factors contributing to the underreporting of rape. These include inadequate knowledge and skills in appropriately reporting the cases. Editors and reporters are not aware of the Media Gender Code of Ethics which provides useful guidelines to the media about how such cases should be reported. For example, the Code enjoins the media to refrain from portraying women negatively. Socialization affects the way men treat women as evidenced by the negative portrayal of women in the newspapers by their predominantly male reporters. The Media industry is male dominated and if these men are not properly trained, including on the values of attitudes towards women and issues affecting women, the likelihood of unbalanced news reporting is very great. Unbalanced news, negatively portraying women in rape and related stories are forms of human rights abuse. If reporting rape in the newspapers is to have a deterrence and awareness raising value, a lot still needs to be done. In the remaining part of this chapter, specific recommendations are provided based on the findings.

6.2 A Gender-sensitive Policy should be adopted and strict Adherence to it be promoted throughout the Media Industry

As observed, in the past few years, much has been done to improve the situation regarding reporting women and gender issues generally. The introduction of Media Council of Tanzania was a significant milestone towards the liberation of women. Although it was not primarily established to improve the welfare of women, its efforts to reduce the level of gender violence in society by monitoring the print media was a significant step in the right direction. Also, the introduction, in 2009, of the Media Gender Code of Ethics may help to reduce unethical reporting. The Code was prepared by the key media stakeholders who voluntarily agreed to adhere to it. However, as it was observed in Chapters 4 and 5, many

journalists, including newspaper editors, are not fully aware of its contents. Although some of them attributed this lack of awareness or failure to the MCT to conduct training on it, it would appear that, owing to the nature of the Code, with its characteristically simple language and straightforward provisions, a serious reporter or editor can appreciate its contents within a few minutes of reading it. From there, what it takes is just commitment by the stakeholders to abide by it. The MCT should also conduct sensitization workshops to promote awareness of the Code amongst its members.

6.3 Efforts should be made to dispel negative Attitudes toward Rape Victims

The example of a senior editor who is aware of the Media Gender Code of Ethics, (incidentally a male), who would not bother to read its contents until a training programme is organized by the MCT, reflects the attitude that many reporters and editors have towards women. One editor confessed to me that:

“If a woman in a mini skirt or one who is drunk or walking alone in the night was raped, as an editor, he would not report such a story.”

The reason would most likely be that, by her behaviour or appearance, the woman ‘asked for it’. Feminist scholars argue that the tendency to attribute responsibility to the victims and exonerate the perpetrators of rape is underpinned by a number of myths about rape, rape victim and rapist (Burt, 1980). There are number of rape myths which operate within a range of professional and everyday contexts, such as: ‘Rape is not damaging because, after all, it is only sex.’; ‘Real rape victims have signs of injury to prove it because you cannot be raped against your will.’; ‘Women often lie about rape because they are malicious and deceitful.’ All rape myths are embedded within and reinforce culturally dominance stereotypical assumptions about femininity, masculinity and nature of normative heterosexuality (Brownmiller, 1975). These attitudes are well entrenched in the minds of mostly male reporters and editors. There is therefore a need to have a sustained sensitization programme on the impact of these negative attitudes towards women. The MCT, human rights NGOs, journalists associations and other stakeholders should spearhead this campaign.

In order to improve attitudes towards women, male editors should undergo special training on gender. In the past, women have been the target for increased gender awareness, but it has now been recognized that men should also be included in the process of consciousness raising. Training programmes should not only focus on training women to avoid rape or aim at advocating for lengthy imprisonment terms as a deterrent, but must they should also aim at changing men's behaviour and attitudes towards women.

6.4 Newspapers should act as Watchdogs for Women's Human Rights

The media has failed to effectively challenge gender based stereotypes through balanced reporting. A good example is the cutting from Swahili newspaper which portrayed a woman as a helpless indirect victim of rape (Figure A, above). The newspapers do not place the story within the context of international regime of human rights standards and national responsibilities. They fail to include in their reporting the important explanation concerning the government's obligations towards victims and society in general. Media training institutions should include in their training programmes that would encourage reporters and editors to be more analytical in their reporting. This training should also be on-going. Furthermore, all media houses should conduct regular training on appropriate reporting generally, and particularly on women issues.

A story should be more than simply reporting what has happened. As far as rape cases are concerned, the media should also be acting as a watchdog for women's human rights by properly reporting balanced news on women generally and rape specifically. Unbalanced news reporting is also a human rights abuse. In order to fulfil the targeted objective that the media's role is to reduce, if not to eliminate altogether, gender based violence, including rape, there is a need for activists to work with the media to promote coverage that exposes violence against women as a human rights violation and that challenges the social, cultural and political norms that support it. Media have a key role to play in stimulating public debate exposing the severity and prevalence of violence against women and providing a forum for exploring strategies in other areas. (Gallagher, M: 2001).

6.5 Misconceptions surrounding Court Procedures and Proceedings should be properly addressed

Reporters who are working on court desks should also be trained on how to report stories from court. They should also be familiar with legal language, court procedures, as well as being aware of the complications involved with legal proceedings and how to deal with them. For example, a reporter should create a good rapport with at least the junior court staff such as court clerks. A day before the scheduled trial of a rape case, the reporter should confirm with the court clerk whether the trial will proceed. This would also help the parties and witnesses to the case. He could also do the same with state prosecutors and defence counsel. This will save the reporter from the disappointment of going all the way to court and spending hours there only to find out later that the case cannot proceed because, for example, the trial magistrate is indisposed or because the defence counsel is attending to another matter in a higher court.

On the other hand, a reporter who is not familiar with criminal court procedures may go to court full of expectation that the case will be completed whereas, in fact, the accused, at his first court appearance, will most likely only be asked to enter a plea and/or apply for bail. Or, a reporter may go to court not knowing that, as the case involves an underage rape victim, all proceedings will be conducted in camera, in which case, such reporter will not have access to the proceedings.

6.6 The Number of Women working in the Print Media should be increased

It was observed that in all media outlets including newspapers, the number of women is very small compared to that of men. The problem is even worse when one considers the senior positions such as editorship. Efforts that have been taking place in the political arena and the education arena to increase the number of women should also be replicated in the media. There are, for example, tuition fee waivers and various scholarships for women enrolled in higher education, particularly those pursuing science subjects. This is done in appreciation of the improvement made to society by women scientists and doctors. Unfortunately, the similar difference that well educated women reporters and editors will make to the same society is not well appreciated. Media stakeholders and women's rights activists should spearhead

efforts to extend to the media the support that is specially given to women who want to pursue careers in politics, science, and business.

6.7 More Space should be dedicated to Court Reports as well as GBV Reports

The battle for space is a daily struggle fought in most newsrooms. The availability of pages and timing is also important for editors. Some stories which merit publication are not published due to insufficient space. Spacing in the context of this research is not only whether to publish a rape story, but it is also about where to place it. Is it on the front page, the editorial or special page dedicated to court reports? It has been observed that the state owned *Daily News* has a special page dedicated to court reports and it is their deliberate policy to publish at least three such stories daily. Probably this is due to the fact that, as a state owned media, service comes before profit. Other newspapers do not have a page exclusively dedicated to court reports. It is high time that newspaper editors appreciate the value that appropriate reporting of rape cases bring to the society. Having a special page dedicated to court reports may help to create room for rape stories, as most of these are either from the courts or reported from police stations where the police have indicated their intention to proceed with a prosecution in court.

Although the lack of sufficient space was pointed out as a serious problem in newspapers, this may not always be the true reason why rape cases are rarely reported. Generally, critical gender stories seldom make front page or top stories. Perhaps the problem is not so much the problem of lack of space but is rather due to the well entrenched practice of conforming to the gender stereotypes of society and business reasons (i.e., the selling of newspapers). From my observation of the evidence I recorded from different editors, it seems that the criteria for news vary from one media house to another. The research has further shown that the public prominence of the accused is the main criterion which is taken into account by many newspapers in deciding whether a rape story is newsworthy. Because of the negative portrayal of women which is still very prevalent, it is suggested that placing these negative stories on the inside pages of the newspaper instead of on its front page, should be a starting point. For it to merit space on the front page, the story should be appropriately reported and, as far as possible, have a distinctive and powerful human rights perspective. Its headline

should neither suggest any gender stereotype nor should the story be accompanied by any pictures depicting women as helpless victims.

Women activists can also build highly effective media strategies to focus public attention on women's rights violations. Tanzania Media Women's Association (TAMWA) has developed a particularly comprehensive approach to lobbying and advocacy in the area of gender –based violence. For instance, it uses what it calls 'bang-style' journalism to mobilize media coverage. This is a unique way of using the media to engage the public and reach out to women and women groups, children, men, experts, policy makers and others. Bang-style journalism mainly involves the dissemination of findings from journalistic surveys conducted on issues affecting women and children and, at the same time, collecting news items through several mass media channels, like newspapers, radio and television. Newspapers should appreciate these efforts by publishing appropriately reported cases of Gender based violence.

6.8 The MCT should have a wider and a legal Mandate

The Media Council of Tanzania (MCT) is a self regulatory body established by the media industry whose membership is voluntary. Even when it exercises regulatory powers upon its members and issues sanctions, compliance is not guaranteed as the Council lacks the legal mandate to enforce compliance. As a result, a newspaper editor who has been found in breach of the Media Gender Code of Ethics by negatively portraying a woman victim of rape, for example, may ignore the Council's order with impunity. This undermines the relevance of MCT and lowers the credibility of the media industry as a respected self-regulating industry. As a matter of fact, without a strong self-regulatory body, the state may justify further encroachments into media freedoms on the pretext of regulating it since self-regulation is ineffective.

To make the MCT more effective, the government should adopt the approach it takes with the legal profession. Apart from other legal avenues that any person may employ to obtain redress against malpractice by an advocate, e.g. by instituting a civil case, the law requires that all advocates be registered members of the Tanganyika Law Society (TLS). The TLS is a self regulatory body with a built-in mechanism to take disciplinary action against its

members, including powers to suspend an advocate. Thus, compliance with the TLS's Code of Professional Conduct for advocates is mandatory for all its members. And all advocates are, by law, members of the TLS. As a result, any member of the public who wants to complain against an advocate may choose to do so either through the TLS or by going straight to the court. This has helped in enhancing the credibility of the TLS in the eyes of the public. A person aggrieved by an editor's published remarks, on the other hand, does not have a choice other than to resort to the cumbersome process of court litigation, unless the editor's media house is a member of the Media Council of Tanzania.

Secondly, with regard to its members, compliance with the MCT's processes, such as mediation and arbitration, and the orders it issues should be made mandatory. A person or a newspaper which does not comply with an arbitration award should be penalized and, if the misconduct is serious, the penalty should include expulsion from membership. Furthermore, the MCT should change its rules in order to have legally binding arbitration awards. At the moment they are non-binding. Parties should therefore submit to the MCT's arbitration awards in the full knowledge that they may be registered with and made orders of court and executed upon just as other court orders are.

The MCT should also have the legal capacity to deal with unethical editors. It should also have the jurisdiction to make rulings against both members and non-members of the MTC, so long as it receives a complaint from a member of the public. It would then be a lot easier for the MCT to act against instances of the gender insensitive reporting of rape cases and other related matters.

6.9 In-house Training should be given more Priority

It was observed that across the media industry, very little attention is given to post-school training. Once a journalist has completed a basic journalism course and is employed by a media house, there is little or no further training offered to him or her. Media houses should have a budgetary allocation for training their journalists in-house. Other stakeholders who have an interest in the media, such as various NGOs, prepare training programmes according to their needs and demands but not according to those of the media house's needs.

Admittedly, NGO training has been very useful to the media industry. As one respondent working with *The Daily News* confessed, he was able to greatly improving his reporting of gender and women's issues due to the skills he acquired from the training he received from TAMWA and TGNP. But training from the NGOs is not a substitute for in-house training. A media house is better placed to know the specific training needs of its editors and reporters.

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