

REFLECTION OF HUMAN RIGHTS IN THE CONTEMPORARY RELEVANCE TANZANIAN SOCIETY: A COMPREHENSIVE REVIEW

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Abstract. This study investigates the challenges of human rights in the contemporary Tanzanian society in which the right of freedom of speech should be conceived as well as applied. In Tanzania free speech processes together with procedures intended to facilitate empowerment are still overwhelmed by ruling party. Theoretical and empirical studies were applied under this study. The researcher relied on records such as textbooks, international and local conventions, recommendations, conducting observation, international and national courts decisions, journals, articles and newspapers. The findings revealed that since 2016-2021 despite the new President Samia Suluhu Hassan, the status of human rights continued deteriorating and “good boys and ladies” turning out to be dangerous authoritarian and brutal towards their own people. Such tendencies together with the nature of endeavors to cling to power in Tanzania, the brutality, with which Tanzanian leaders impose their authority on their people, continue to drive systematic disappearance, killings abductions, kidnappings and detentions of people; silencing of media, activists and opposition political parties, restrictions of freedom of expressions and opinions, eventually pushed some politicians and activists into exile.

Keywords: *human right, freedom, empowerment, free speech*

Introduction

Human rights can be referred as a backbone principle which holds up all communities where there is supremacy of law and administration based on justice. In fact, all human rights are considered as foundation of human development and platforms for achieving it (Olowu, 2009). In this respect, promotion and safeguarding of all human rights together with primary freedoms need to be perceived as a main objective of the United Nations in regarding its purposes as well as principles, in particular the purpose of international community (IPU, 2005). After the Second World War, the essence human rights have been globally acknowledged. Free speech which is considered as a primary right, because it guarantee to human progress, dignity, people fulfilment together with search for truth which leads to pre-requisite for democracy, transparency and good governance. The essential of the right to free speech cannot be underrated in any human sustainable development. It is not only essential as a self-standing, but also a fundamental supporting right that helps to realizes openness, accountability together with transparency (UNESCO, 2018). Also, free speech is a right guaranteed by international law as well as by virtually each constitutional bill of rights around the world (Loewy, 1993). Through free speech citizens are well informed and also support to hold those in power to accountability. This facilitates the prescripts of the rule of law and good governance are fully met. In this respect, independent judicial system is key instrument to safeguarding against the erosion of the right, and to make sure that the government and its machinery meet their expected obligations especial respect, promotion, protection as well as fulfillment the right to free speech.

In Sub-Saharan Africa in particular, envy towards journalists, charge on investigative reporters, censorship especially online and on social networks together with judicial persecution continues in the region. Such situations are threatening independent coverage and standard journalism in the region where press freedom significant are continuing to deteriorate, despite press freedom being a cornerstone to human right (UNESCO, 2018). Many countries in Africa including Tanzania have joined the club of press freedom's predators. Journalists are charged with complete immunity and the authorities for instance in Tanzania, the government have not taken any serious initiatives to find Azory Gwanda, a prominent journalist who went missing since 2017. Even those who wanted to investigate his disappearance were arrested, two international press freedom defenders were arrested in November 2018 because attempted to investigate the disappearance of Azory Gwanda and where forced to live country within a short time. In fact, the media in Tanzania has encountered different difficulties that impact directly on their duty in promoting literacy to freedom of information, democracy, good governance together with accountability (USAID, 2019). According to Radsch (2014) the challenges encountered by journalists in performing their duties, including state, it led to violence, threats as well as surveillance, become a predominant feature in most countries around the world particularly in developing countries.

Materials and Methods

As is typical for this type of desk-based enquiry, theoretical and empirical approaches were applied under this study. The researcher relied on documentations such as textbooks, international and regional conventions, recommendations, conducting observation, international and local courts decisions, law journals, articles, newspapers and other publications relevant to the subject in order to draw out key themes together with issues. In this respect, the researches were descriptive, as it demonstrated how the freedom of expression exists currently in Tanzania.

Results and Discussion

Recent trend of human rights in Tanzania

Since 2016 authoritarian system seems to be a widely accepted strategy in the area of ruling the country. The enacted trend of freedom of expression suggests that Tanzania is generally not doing well despite international treaties signed by the government in protecting the freedom of expression. The sufficient evidences as indicated by FIDH (2017) and US Department of State (2019) shows that the Cybercrimes Act, 2015; the law criminalizes offenses associating to computer systems together with ICT related. Since then the Cybercrimes Act was issued, it has been utilized as an instrument to intimidate dissent voices. Also, the Media Services Act, 2016. It interdict publication, distribution as well as essential of seditious material which is overly wide as well as vague. The Statistics Act, 2015. It limits publication or communication of any controversial statistical details and makes it illegal to issue or communicate erroneous statistical details that may follows in the distortion of facts. These limitations ignore the fact that dispute in statistics is an important part of academic together with policy debate. The Access to Information Act, 2016. Opposite to international good practice, other local laws governing access to information take outweigh when in an incompatible

with the arrangements of this Act. Moreover, Electronic together with Postal Communications Web based Content (2018 Regulations). The Regulations institute an ambiguous limitation on content delivery which automatically restricts free speech, the right to publicize information, criticism of the government together with other legitimate forms of free speech (FIDH, 2017).

In this context, the Tanzanian government has shown a ferocious intention to silence any form of critique or sentiment deemed dissident. Now, it is still a big puzzle as to how right to express own opinion, which is foundation of free expression as well as one of the basic components of democratic communities, influences the free flow of information towards enjoyment of free expression. In fact, all people need to be free of intimidation from all kinds of violence as well as feel safe as they go about their lives whatever their political ideology, ethnicity, faith or gender orientation. As a German scholar Immanuel Kant argues that people should be treated as ends and not means, in this sense peoples' human rights should be respected and protected (Sylvester, 2002). Human rights as a natural rights, a French philosopher Jean Jacques Rousseau claimed that "Man is born free, and everywhere he is in chains" in his famous 1762 book, social contract (Blanton and Kegley, 2020). Very absurd, today not all people are treated with equal concern and respect all of the human rights as approved by international law.

Newspaper Act

The United Republic of Tanzania (1977) guarantees the right to freedom of speech yet does not definitely support for the freedom of opinion. The constitutional protection, however, are not implemented in local legislations as well as there are many restrictive laws that restrict freedom of speech together with the ability of the media to operate efficiently. For instance, on 17th September, 2021 the Minister for Information, Communication and Technology, Ashashu Kijaji said that the government will no more tolerate media houses together with journalists whose publications endanger national security and create tension in the public. Any attempt to create fear and emphasizing censorship in arts, obviously is a sign of dictatorship and it against the right of freedom of speech. Such circumstances reflect on how democracy has been under dentation. According to FIDH (2017) Tanzania is partly free. So, Tanzania is deteriorating in the crucial issue of democracy.

The section of the 1976 Newspaper Act, on target only on Tanzania mainland, remains a great obstacle to liberty of the mass media in the country. In the midst of greatest problematic provisions are the setting of a punishment as well as a terms of imprisonment of up to four years on any individual who prints or publishes a newspaper unregistered it with the Registrar of Newspapers or who rig out the Registrar with incorrect information regarding the paper's particulars. For instance on August, 2021 authorities suspended Uhuru newspaper were for fourteen days and on September, 2021 Raia Mwema newspaper were suspended for 30 days by authorities over an article identifying a shooter as a member of the ruling party Chama cha Mapinduzi. Both newspapers were condemned for publishing for incorrect information. So, the Registrar appreciates wide discretionary powers with respect to the registration procedure. It also allows any law enforcement officer to seize any newspaper, wherever they might be, which has been printed or published, or which he or she reasonably doubts to have been printed or published in violation of the act. It also permits the Minister for Information, Culture, Arts and Sports powers to ban newspapers in the public interest.

One famous activist once commented that “In Tanzania, there is no press freedom as repressive laws remain intact, all we have is kinder rhetoric. Authorities can suspend media houses anytime and at times they don’t even bother following the existing repressive laws just because they can”. In recent years, the government enacted multiple laws limiting or regulating freedom of speech (Congressional Research Service, 2020). Research activities for instance, are growingly controlled and regulated under the statistic act which enacted in 2015. Also, the Tanzania Communications Regulatory Authority imposed different limitations against independent press as well as clamped down on communication channels, for instance suspension of bulk short text messaging services, shutting down internet communication ahead of the elections as well as blocking social media sites (Tanzania Elections Watch, 2021).

National security

Nowadays, national security has become a regulatory sphere increasingly used by states in Africa to justify limitations on human rights (Razzano, 2016). The issue of National Security Act of 1970 is a tyrannical piece of legislation which should be entirely scrubbed as well as replaced by legislation in compliance with international human rights requirements. It permits the government complete scope to define what should be communicated to or holds back from the public as well as makes it a criminal offence in any way to scrutinize, obtain, own, remark on, and publish any information which the government accounts to be classified. This incorporate information linked to any state authority, corporation or entity which is in any way linked with the government as well as the ruling party. Any public servant or contractor to any state company or department, he or she might have been a root of any such information as well as liable to prosecution. A person who acquires or communicates any confidential matter is also convicted of the offence. There is no defense that an individual accused could not rationally have known that it was a confidential matter. The punishment form the any of these crimes is imprisonment above to twenty years.

When we consider critical the issue of national security in regard of rights for instance free speech together with access to information, in fact there has been many occasions where the notion has led to abuse (Razzano, 2016). We can consider, the issue of a person who has accessed or is questioned of having accessed a protected zone can be accused with espionage together with sabotage. A protected zone means anywhere so chosen by the President of the Tanzanian government. The Act also threatens freedom speech by criminalizing connection with outside bodies that could involve international press agencies, trade unions together with other global organization, with a view to prejudicial to the welfare or interest of the United Republic as well as directly or indirectly functional to a foreign country, unless charged can substantiate that the state is the case. The recessive of the reasonable doubt is assigned with the defendants. In addition, the Act provides unlimited powers to investigate seize together with arrest as well as detain with or without warrants on the grounds of doubt alone. In the other hand, Journalists’ safeguarding the rights of sources is heavily affected by the Act since any rejection to provide information or the supplying of false information to investigating officer is chargeable by a term of detention at the very least five years (THRDC, 2019).

Dental of fair public trail

In other hand, judicial system in Tanzania seems to be an obstacle for human rights activists. In fact, the constitution stipulates clearly for an independent judiciary, yet several components of the judiciary continued insufficient funded, corrupt, inadequate (particularly in the lower courts), as well as subject to supervisory influence. Judges together with senior judicial officers are all political appointees post by the president. For instance, on the date of December 16, 2021, the High Court in Tanzania, the Division of Dar es Salaam wanted to keep the nation and the entire world in the dark about the proceedings of the Freeman Mbowe trial by saying that people were not allowed in with phones. After complain from different angles, the court allowed people enter in with phones. This was so ridiculous, because was an attempt to exercise dictatorship system. Also, an international lawyer Robert Amsterdam commented that the observation indicated a judge recusal together with direct comments by the President interference in the case as well as tainting prospects of fair trial, it is absolute abundantly to the global community that is an authoritarian forces, not a legal proceedings.

Moreover, the requirement to extensive travel to courts imposes bureaucratic together with financial restrictions that block access to justice for people in rural environment. For instance, there were not more than two judges per million people. Clerks of the court recorded continued to receive bribes to open cases, or conceal or instruct badly the documents case of those defendants of crimes. Courts of first instance from time to time received bribes to decide the outcome of cases (US Department of State, 2019). Sometimes Civil society organizations together with prominent politicians depended on the court to challenge government resolutions. For instances, in May the Supreme Court of Tanzania nullified the constitutional precepts that permitted presidential appointees to superintend elections. This was important since almost all of the superintend officials belong to party in power Chama Cha Mapinduzi. In the beginning, this stipulated the court imparted a direction to contest the ruling party, but the consequence of the decision was not demonstrated in practice. Moreover on October 16, 2019 the Court of Appeal, the country's Supreme Court, nullified the May High Court decision. This decision caused the political catastrophe in the general election of 2020, because the election was not free and credible according to democratic principles. The conduct of 2020 general elections was assessed against in Tanzania's Constitution 1977 together with guiding principles of different international techniques of democratic culture to which the country committed itself (Tanzania Elections Watch, 2021).

Unfortunate, Tanzania opposition party's leaders in Tanzania accused the police of shooting more than ten people dead during the protests against alleged rigging on the even elections. The disruption broke out nighttime in the semi-independent islet region of Zanzibar, an important tourist destination. The opposition party claimed that the National Election Commission (NEC) were systematically supported by the ruling party by invalidating its candidates or instructing them to discontinue campaigning, for instance the presidential candidate Mr. Tundu Lissu were suspended for seven days because he was accused for seditions. Also, Amnesty International executive officer for East and Southern Africa Mr. Said Deprose Muchena on October 27, 2020 claimed that the maneuvering the law to systematically in conjunction with intentionally suppressed on people's unassailable human rights, particularly in general election season, was an extremely worrying as well as unhealthy sign for a country claiming itself for significant growth coupled with development. Also, Ringisai Chikohomero of the Institute for Security Studies in Pretoria asserts that the upcoming election, it seemed to

be another disheartening exercise lacking the credibility needed to develop a strong democracy.

The Embassy of Japan in Tanzania claimed to be disturbed by the information of widespread irregularities together with wrongdoings during the election of 2020 process in Tanzania. He was convinced by the authentic democracy based upon collaborative system works best to contribute to further improvement along with prosperity of Tanzania. Basing in the incidence of October 27, 2020 human rights defenders propose the international community to intervene through the International Court of Criminal because the situation was relevant to Rome status which asserts Enforced disappearance persons means the abduction, detention or arrest of person by, or with the mandate, support or political entity, accompanied by a denial to acknowledge that destitution of freedom or to provide information on the destiny or whereabouts of those individuals, with aim of detaching them from the safeguarding of the law for an extended period of time. Experiential evidence indicates that, in situations where national legal systems are unable to ensure fair justice, international criminal courts progressively have stepped in to fill the gap. Particularly in cases of an extensive violence against civilian population, international court of justice have investigated, indicted, as well as attempted alleged perpetrators. These courts focal points, as they must, on providing justice in fair along with impartial trials that accord with international requirements of legal proceedings. Along with they have, at times, established dramatic results, convicting top political as well as military figures for serious crimes, setting up an official record of the criminal accountability of those involved (Stromseth, 2011).

Not surprisingly, early November, 2020 an activist of human rights defender (Ms. Maria Sarungi) in her twitter claimed that she used her skills, training and ability as a journalist to fulfil her duty and submitted to International Crime Court evidence and facts on crimes against humanity in Tanzania which took place during the general election on October, 2020. The situation was getting worse in Tanzania especially for opposition parties. Also, recently Tanzania police arrested many member of the country's main opposition Chadema party, the latest crack down on a group pushing for constitutional reform in the country.

Political prisoners and detainees

Many opposition politicians together with individuals critical of the government were seized or detained in the year 2016-2021. These people were generally charged with sedition, provocation, or illegal assembly. For instance, two senior opposition members of parliament, Freeman Mbowe with Esther Matiko of CHADEMA, arrested four months after the court arbitrarily invalidated their bond in November 2018. The Supreme Court of Dar es Salaam zone upon adjuration, although, ruled the bail revocation was inauthentic, and they were discharged in March. Both Mbowe and Matiko were one of part of an assembly of nine CHADEMA followers who were accused in 2018 with eleven crimes, in conjunction with conspiracy, sedition, together with instigating the commission of crimes. The instance was unsettled, as the defense lawyers started its query on September 16 (FIDH, 2017). Unfortunately, the current President Samia Suluhu Hassan has proceeded with all unconstitutional bans on political parties' activities instituted by her predecessor, the late John Pombe Magufuli who was accused of curtailing press freedom and harassing the opposition. In her first days people were confident to her, because she started better with sugary romance speech and many citizen were happy with her saccharine since aimed to respect the

constitution, even some people suggested to give her more time before she can allow the banned political protests and rallies to resume and revive the stalled process of drafting a new constitution demanded in the country. But as time goes on the regime declared war against the government's critics. The use of excessive power and intimidation, while the Tanzanians wounds' were still fresh and their souls were yet to heal. People expected the regime to lead the country to the national healing process, not the continuation of the illegal ban on lawful political activity imposed by departed President. Currently, the chairman of the main opposition party CHADEMA, Mr. Freeman Mbowe is charged with bogus 'terrorism' in a politically motivated trial. Nowadays, equating opposition and dissent with 'terrorism' is common in the country.

In reference to her first days, President Samia Suluhu Hassan; one of the famous activist commented that "I hope those dark days are over. I couldn't tolerate the deaths, disappearances, disregarded for humanity, lack of humility in leadership, lack of respect for human rights, lack of accountability, and disregard for rule of law. The fear paralyzed Tanzania. We must never forget." Later after three months of President Samia Suluhu Hassan in office, the same activist and others commented the following:

"When was Samia Suluhu Hassan genuinely trying to do better? That was a show for the donors not for Tanzanians. She is likely to be the worst dictator in Africa."

A senior opposition leader of CHADEMA whose in exile commentated that "Once more the government is committed a principle of silencing dissent voice. It has only way to go, and that is down the path of increasingly repressive measures, until it becomes a source of terror to all its citizen and creates a country where everyone lives in terrified situation." What is going on Tanzania, can be considered as a criminalization of the opposition in Tanzania. In fact, the majority expected the new regime to do things differently regarding human rights than before. What was needed at that critical moment was respect human right together with current constitution even if it has remarkable loopholes.

Due to the current incidence of arresting main opposition leaders Mr. Freeman Mbowe, international community and other activists appeals to President Samia Suluhu Hassan to release him and other activists arrested in Tanzania who had been held for long without charges: The government of America through chairperson of the house Foreign Affairs Subcommittee on Africa, Ms. Karen Boss commented that "the unexpected death of Tanzania's President, Dr. John Pombe Magufuli, was a true shock to us all. While the appointment of his vice-president, Samia Suluhu Hassan does seemed to be on a different path for leading Tanzania forward to a more democratic society. Unfortunately, the arrest of Mr. Mbowe and other opposition leaders minimized any such hope." Therefore, the chairperson requested the Tanzanian government to end the escalating crackdown on opposition parties and leaders, and the arbitrary arrest and detentions show the disregard for the rule of law, human rights, and the rights to freedom of expression together with association.

Therefore, the latest arrests together with the prosecution of Mr. Freeman Mbowe leader of main opposition party raises critical concerns that the Tanzanians authorities under president Samia Suluhu Hassan may be backtracking on her promises of reform as far as human rights, rule of law, democracy together with political freedom is concerned. When she came to power, took measures that promised a ray of hope in respect to strengthening Tanzanian's human rights record. She promised that her

government could be committed in defending democracy as well as fundamental freedoms. Instead, she has opted to proceed with repressive rule. Such incidences indicates full authoritarian to take place.

The consequences of threatening freedom of expression on the 2020 general election

Since 2016, new methods of silencing government's critics had been introduced. A gradual erosion of one of our most precious essential rights, specifically the rights to free speech is unsympathetically affecting the freedom of all those who try to speak up. Freedom of expression had been attacked, through twisting as well as changing the law if not misusing it altogether. In a democratic state in order to organize free and credible elections, certain institutional should be employed (Duodu, 2010). One of the most important institutional is the independent Electoral Commission which is responsible to the results of an elections, since this instrument derives its power and mandate from the respective national constitutional (Makumbe, 2009). The National Electoral Commissions (NEC) as a culture, invited international institution to observe the procedures of campaigning, voting and announcement of the results of the general elections scheduled for October 28, 2020. NEC issued permits to sixteen international institutions. External observers are fundamental component to the fostering of a legitimate electoral process, assist to minimize irregularities as well as help impartial advice to electoral committee where necessary (Mapuva, 2013). Also, internal observers are conceived as a part and parcel of democracy promoter apart from electoral watchdog.

Despite the presence of international institution to observe the procedures of the general election, there was extremely abuse of human rights. There were complains before, during and after general election, they complained that the general election of October 28, 2020 failed to meet the international norms for an equitable and credible election in a democratic state. As there were no doubt aware, the ruling party together with government machinery was repeatedly resorted to oppressive policies that excessively limit the political, civil and rights activists of Tanzania. Apparently, many opposition leaders were arbitrarily detained on false charges as well as stripping of their rights declaration to liberty of assembly, association together with movement. The authority continued to threaten and violating the rights of straightforward critics of the authority and of the results of the general election, including Tundu Lissu and Godbless Lema, who asked political asylum in foreign countries. The demonstrable limit of transparency, lack of comprehensive stakeholder's participation together with accountability deficits in all management of the electoral procedures undermined the credibility of the results (Tanzania Elections Watch, 2021). In such a trend, it was impossible to affirm Tanzania's elections was free and credible but it was regression of democracy in the country's democratic development.

The Tanzanian government took action against critical non-governmental organizations to restrict their ability to monitor the general elections. In July 2020, the National Electoral Commission issued lists of the institutions approved to act as election observers together with conducting voter education, eliminating key institutions that were historically coordinated election monitoring objectively in the country. Surprisingly, the list omitted key human rights institutions that properly applied, for instance, the Legal and Human Rights Centre, the Tanzania Constitution Forum in conjunction with Tanzania Human Rights Defenders Coalition. These institutions thought that they were omitted in view that they have a high capability to objectively

observe the elections procedures. Subsequently the specifications were published, the institutions appealed to National Electoral Commission. In this respect Human Rights Watch advised that if Tanzania's elections were going to be free, fair and credible, the authorities needs to permit rights teams and the media to operates independently, as well as for political opposition along with critics to express their views freely. Evidently, this advice was not considered by Tanzanian authorities because many internal and external stakeholders of democracy blamed for Tanzanian general election of October 28, 2020 was not credible, fair and free. Studies indicate that in many African countries, elections have been accompanied with political motivated violence as many political parties seek to outwit each other (Vorobyev, 2010).

On October 27, 2020 the ACT-Wazalendo party reported that its experienced presidential candidate for Zanzibar, Seif Sharif Hamad, was under arrest at a polling station later on going to cast his ballot in advanced voting. Also, reported that nine other were shot dead by security forces. In elaborating the matter, eight died on the Island of Pemba, after clashes between law enforcement officials together with people who were attempting to block the security force distributing ballot boxes on October 26, 2020 which they suspected contained pre-ticked votes, while the police security fired tear gas at the demonstrators and later resorted to live ammuniton. So far, the states that were once wholesalers of security turned to be retailers of security, authority and power (Van Wyk, 2007). In most African countries the period of elections has been one of uncertainty characterized by intimidation, harassment, conducting fraudulent elections and sometimes killing perceived and real opponents (Chikwanha-Dzenga et al., 2001). The consequence has been persistence of a culture of fraudulent electoral politics that tarnished the image of the entire continent. Evidence indicated that the elections on the island together on the Tanzania mainland were spoiled by serious irregularities and poll violence. The elections were conducted in an environment of broad intimidation together with harassment, it was impossible to deliver a free and credible election.

There was heavy police along with army development getting at the general elections. Next the poll, opposition political leaders were under arrest and detained as well as civilians were shot by security force. The result means that the ruling party completed political control over Tanzania together with Zanzibar more than at any time since the reintroduction of the multiparty in 1992. On the other hand, the crackdown for the media, journalists were afraid of making critical analysis. As a best tool of democracy, free and credible election is seen as a fundamental factor for strengthening the legitimacy of a government as well as enhancing the social contract between the governments together with the governed (UNDP, 2016). In Africa, studies indicates elections organized by Independent Electoral Commissions are more successful and the results are respected (Mapuva, 2013), such results of Ghana, Malawi, Kenya, Zambia and Mauritius. While the results for Electoral Commissions which is not independent is a source of chaos, for instance in Tanzania 2020 and Uganda 2021. Hence, without voting rights Africa will never address crucial challenges that plague her people. The presence of institutions such as Electro Commission is just a merely symbolic rather than an independent democratic institution.

On October 31, 2020, two poll observer missions provided opposing views on Tanzania general elections. In different public report, the East African Community spectator team provided a seal of approval to the National Electoral Commission (NEC) saying that the conducted free and fair election, yet Electoral Institute for Sustainable Democracy in Africa (EISA) report punched holes on the electoral procedure which

they proposed did not meet the edge of credible, free and fair elections in the democratic country. The EAC team leader (chairperson), Mr. Sylvester Ntibantunganya, asserted that after observing the whole procedures from preparedness to the preliminary proclamation of the outcomes, they found that the way was done under free and fair situations. Ntibantunganya commented that in the areas where the team conducted the observation exercise, they were contented with the exercise the election was carried. Such comment were expected from this institution, since this institution are representing countries which do not value the principle of true democracy, except the Republic of Kenya which has managed to build independent institution to monitor credible, fair and free elections. The team suggested for opposition parties to make sure that they solve their criticism in conformity with the orders of the constitution together with the laws that governing elections.

Ntibantunganya called for the opposition to prioritize the interests of Tanzanians, particularly to avoid any movement that could lead to breaking of peace and stability. While, the EISA mission team established remarkable loopholes that impeded the October 28 elections from being credible, free and fair. The team commented that many directives were not issued to the elections. Although, the issuance of the directives could help in providing clarity to particular issues of law and process, the team asserted that they could also create disturbance and uncertainty when the issued close to elections and without efficient stakeholder consultations. The team commented that political environment in which the October 2020 polls took place was less open as well as less tolerant, for instance restriction of political campaigning, freedom of assembly, freedom of expression together with freedom speech. The team suggested for amendment to Tanzania's legal and electoral framework, so the net effect of which was to reduce the degrees of openness together with chance for all collaborators to contest on the same or at the minimum impartial footing.

Moreover, the EISA team noted that amendments to the electoral regulations, for instance the certain directives issued by Tanzania regulators and state institutions, increased the degrees of unpredictability about the legitimacy of actions which happen ordinarily in the periods of election observation. The team clarified that this included but was without limited to restrictions to the care of international spectators themselves which were not falling within international guidelines together with standards. The team noted that the available to election details by voters, political groups along with other stakeholders, these included limited televised access to parliamentary proceedings, limitations on freedom of the press together with internet during the voting procedure well all for instance of ways in which information was restricted during the 2020 electoral period. The team noted the instability together with loss of life because of election related violence, specifically in the Island of Zanzibar, is of the grave concern to the team, who once more asked for calm in conjunction with orderly conduct by all collaborators to allow the electoral procedures to end without more loss of life or severe injury. Moreover, the team asked for the review of the legal order to provide mechanisms for redress of discourse emerging from the presidential election.

The team commented about the impartiality of the NEC for conducting the credible, fair and free elections, so the team called for the authorities to think about adoption of a two-fold appointment procedure where the NEC directors are subjected to parliamentary vetting before endorsement. Also, consideration to be made in order to offer for hiring of ad hoc staff to assist the commission in conducting elections as opposed to second meant of public servants. Transparency as key component to enhance, the team called

for NEC to consider timely as well as comprehensive consultation with all electoral stakeholders. It should consider reviewing the certification processes for citizen observers to make sure timely and sufficient consideration of certification request. Also, the team recommended for NEC to ensure the election procedure competitive together with offering a level playing field, NEC should consider analysis the direct choice of unopposed candidates.

On November 10, 2020, the United Nations under the Human Rights Office of the High Representative claimed to be worried by threats of opposition in the respect of Tanzania elections October 28, 2020. United Nations High Commissioner under the department Human Rights Michele Bachelet asserted that she was total worried by incidence reported of continued intimidation together with harassment against government's critics especial opposition leaders along with members in Tanzania in the wake of the general elections. She appealed on the government to make sure people are capable to express their hard feeling without fear of counterattack. She condemned that about 150 opposition leaders together with members were detained since October 27, 2020 in mainland Tanzania on October 31 that they would not permit protests to continue, citing claimed plans to cause chaos, and they intimidated to use force as well as detaining anyone participating in demonstration. She commented that the tight situation in the country can't be defused by silencing those who challenge the results of the general elections, but rather through inclusive discussion. Also, she urged the Tanzanian government to respect as well as facilitating exercise of the rights to free speech together with peaceful assembly.

Moreover, the Higher Commissioner called for immediate release of those arrested for exercising their human rights responsibilities. Also, she urged the Tanzania government to make sure that security forces along with law enforcement officials act as stated in the rule of law together with human rights norms and standards. In line with the international legal order, there is a presumption in uphold of considering assemblies to be peaceful. On the other hand, the Higher Commissioner called for Tanzania authorities for immediate, though, independent as well as thorough investigations into all allegations before during and aftermath the polls, especially into the killing about ten people as well as the injuries supported by more than 50 others in Zanzibar on October 26, 2020. Lastly, the Higher Commissioner worried the incidence of internet restrictions, for instance the blocking of many social media along with messaging platforms, and the censoring of general elections related content. In the respect with internet, Michelle Bachelet, asserted that free flow of information is fundamental to any democratic society, and particularly in an electoral situation. She emphasized that any limitations on information together with communication technology must be in conformity with international laws and norms.

On November 23, 2020, Human Rights Watch claimed that the Tanzanian authorities killed about four people as well as carried out other severe abuses that impaired the general ballot in late October as well as early November 2020. The Human Rights urged the government of Tanzania for investigating these serious abuses, end the intimidation of journalists, government's critics and opposition politicians, as well as cancel the media limitations that began soon before balloting day. As soon as after elections campaigns started in August, the security force arbitrarily detained and arrested outcomes of opposition party leaders together with supporters. Just in the date ahead of the general elections, the government suspended television as well as broadcasting stations, controlling the mobile phone communication, in conjunction with blocked

social media. As far as, twilight of elections, police fired live bullets into crowds on the semi-autonomous Island atoll of Zanzibar, killing at least three people. Also, the Tanzanian government crack down on the opposition together with the press during the general electoral campaign undermined the credibility of the elections.

The veteran journalist Asnbert Ngurumo who live in exile, commented that the results of the general election of October 28, 2020 reflected what Magufuli “wins” said in the recent years, clearly the general elections results were influenced and rigged in favor of the incumbent, who was seeking a second term in office. It was a culmination of Magufuli’s warning to electoral officials, a few years ago, that he would not tolerate anyone who would declare the opposition candidate as a winner while it is him (Magufuli) who appointed them and pays their salary. In fact, all electoral irregularities and systematic oppression against the opposition, before and during the campaign, were part of the rigging game. But it was executed with little dextrin. Such incidence indicates that building opposition politics culture on Africa proven immensely challenge largely of the oppressive of many countries in Africa as well as the trouble structural conditions under which opposition forces to mobilize and reproduce their own support.

Tanzania Election Watch (TEW) pointed that they were concerned with the incidents reported so far in the procedures bear queries on the trustworthiness of the electoral procedures. The team emphasized that the election was not credible. In the sense that the ruling party, of which Magufuli is chairperson, used the security forces together with the already compromised electoral commission to overturn the people’s will in favor of the incumbent. In the course of forging the figures, the electoral commission fell short of a few facts. In this respect, the election was decided by the authorities. The polling exercise was simply ceremonial. This was extremely deterioration of democracy practice done by government machinery responsible to protect peoples’ human rights including respecting democratic culture. Such incidences call for new constitutions and national electoral commission which is credible, fair and free in conducting election for the public interest. Despite Tanzania’s multiparty transition since 1992, the ruling party continued to dominate as well as control the state machinery (Congressional Research Service, 2020). Political analysts, democracy promoters together with donor governments expressed continuing dismay over increasing limitations on political rights as well as liberties together with an increase in state human rights abuse..

The UK through the minister for Africa, Mr. James Duddridge, pointed that as a long standing sponsor of Tanzania, the UK was concerned by prevailing allegations of disturbance in the country’s elections, comprehended pre-filled ballot boxes in conjunction with party representatives being denied entry to polling stations. They were deeply confused by the reports of brutality in conjunction with massive handed policing in the general elections in conjunction with the arrest of opposition political leaders. He emphasized that Tanzania’s future solidity in conjunction with prosperity need a trustworthy democratic procedures, supported by a free media. And connected other in claiming for a transparent inquiry by the election management body into reported irregularities, and for all engaged, along with the law enforcement group, to act with control to ensure the peaceful perseverance of tensions. After reports from credible international and internal observers on the general election indicating that election process was not credible, free and fair in a country committed to protect democracy. Then on October 30, 2020 Tanzania’s opposition called for endless peaceful protests beginning on November 2, 2020, the Chadema together with act-Wazalendo political parties, in a shared public report called for mass protests.

These two main opposition parties demanded fresh election, after denouncing presidential votes as fraudulent. The incumbent President John Magufuli was declared victory in the election with eighty four percent of the vote. Chadema claimed that ballot was interfered with after its representative were stopped entering polling stations. Therefore, both parties called for other elections immediately, the party's leader, Mr. Freeman Mbowe, called for continuous, peaceful, countrywide demonstrations until their demands were met. So, the Human Rights Watch called for the Tanzanian authority to take immediate, credible, and unbiased steps to investigate the allegations of general elections related to killings, harassment together with attacks by security forces, and uphold those accountable. The authorities should immediately review restrictive legislations in conjunction with policies and to ensure preservation for the rights of all as endorsed under intercontinental together with regional human rights law such as the African Charter on Liberty and People's Rights as stipulated in its charter. The authority of Tanzania dramatically deteriorated in respect for free speech, association as well as peaceful assembly was worryingly obvious during the general elections October 2020. In this respect, the road to freedom of expression which is a key component to human rights, it seem to be a rough road full of thorns, snakes, rocking, bees, wasps, centipedes, scorpions, leopards, lions and betrayal. Researcher suggests that it is erosion of democratic institution in several countries lead to autocratisation (Ronceray and Byiers, 2019). Such concentration of power in the hands of rulers minimizes important rights, for instance freedom of speech, democratic cultures such as the separation of powers and legal constraints particularly for presidential terms limits..

Conclusion

For decades African leaders has been blaming western countries for causing difficulties in the continent, but nowadays much of the problems in the continent are caused by African leaders themselves. The continent is rich in terms of natural resources, but due to lack of genuine leadership, leaders has been struggling for plundering of natural resources, hence poverty has prevailed. Also, politics has turned to politics of exclusion together with deprivation to the balance of power remains to dominate the general public sphere (Razzano, 2016). Moreover, most of leaders in Africa are selfish, nepotism, ant democracy, corrupt and authoritarian. Then, unlimited power, unchecked and unopposed has become order of the day in most African countries. Now, our main question: How well have democracy promoters responded to these onerous challenges? In the context of Tanzania, for the past six years there is no much enjoying freedom of speech access to information than it has done for many decades ago. In this respect, there is still a need for much vigilance. Also, public dialogues must be encouraged, even if is strictly forbidden, particularly on the issue of new constitution and independent electro commission in order to penetrate to the grassroots level. Such restriction is against the constitution 1977 and Tanzania's Development Vision 2025 that stresses leaned together with learning community and preparation of people conscious of their environment and capable to address the challenges encounter in their daily routine (THRDC, 2019).

It is quite amazing, due to what is going on, some people have commented that the independence of early 1960s of Africa in most African countries including Tanzania was just change of foreigners and impose not only dictators but also new colonialists in new face. In fact, if this trend proceeds on, people can't expect any progress concerning

human development particularly in improving and safeguarding of human rights which is a fundamental agent of democracy and good governance. Again if the international community does not act immediately for countries violating fundamental human rights, then what is regarded as development across all aspects of lives together with all aspect of human rights seems likely erupt much chaos than what was expected. Democratic promoter must not allow African democratic trajectory to slide backwards but rather countries to improve democratic culture. Sliding backwards will push the continent towards military coups such as Mali, Chad and Guinea. Elections should be the foundation for choosing a government of the people by which the will of the people are honored as well guaranteed. Unfortunate, many African countries are running elections ritually rather than enhancing the democratic culture, based on respect and tolerance for different opinions and views for a vibrant democracy. For Teshome and Záhóřík (2008), many elections in Africa failed to meet the international standards for free and credible elections.

Therefore, Tanzania needs a new constitution in order to safeguard human rights. While for sustainable democracy, Africa especially the Tanzania, need strong and powerful institutions to strengthen democracy, because people come and go, while institutions together with laws remain. In this respect the constitution together with sovereignty of the people will be a supreme and not the political elite only. However along with this no one will win or lost, it will be a win-win for all people as well as the constitution will won and the rule of law together with good governance will prevail. Otherwise the trend will lead to what is considered as a black democracy.

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Conflict of interest

The author confirms that there is no conflict of interest with any parties involved with this study.

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