



**EAST AFRICAN CIVIL SOCIETY
ORGANISATIONS' FORUM**
Strengthening Civil Society in the Integration Processes



**Pan African
Lawyers Union**

REGIONAL CIVIL SOCIETY JOINT STATEMENT ON THE DETERIORATION OF HUMAN RIGHTS AMIDST THE COMING GENERAL ELECTION IN TANZANIA

We, the representatives of Civil Society Organizations (CSOs) under the leadership of East African Civil Society Organisations Forum (EACSO) operating within the East African Community and operating under the East African Community (EAC) Consultative Dialogue Framework (CDF) in partnership with Pan African Lawyers Union (PALU) and East Africa Law Society (EALS) call for a quick intervention in the human rights violations by the Government of the United Republic of Tanzania (Tanzania) in respect to basic freedoms of association and expression and inclusive political participation which are necessary in any democratic society. Such violations undermine media freedoms, civil society and opposition parties ahead of the general elections scheduled for October 2020.

This follows an alarming trend by Tanzanian authorities of passing legislation and enforcing existing laws that repress independent reporting and restrict the work of media, non-governmental organizations (NGOs), political opposition groups and civil society as a whole. Such recent trends include but not limited to the arrest of the Tanzania Human Rights Defenders Coalition (THRDC) Coordinator, Mr. Onesmo Olengurumwa who was arrested and questioned before being charged with failure to disclose sources of funds or resources obtained and financial contracts entered between THRDC and its development partners to the Public, Registrar of Tanzania NGOs, the Council, the Board and other stakeholders as per a new regulation that requires NGOs in Tanzania to publicly declare all sources of funds, expenditure and intended activities as per Part IV, 12 The Non-Governmental Organizations Act (Amendments) Regulations, 2018.

The Tanzanian authorities went as far as closure of the bank account of THRDC which led to the shutdown of the THRDC operations until further notice by the Coalitions Board. This was a huge blow to human rights defenders in Tanzania especially during this sensitive time with an upcoming general election where human rights defenders including civil society play a crucial role especially during a time when we are witnessing increasing human rights violations, shrinking civic space arbitrarily arrests and detentions. It is unfortunate that police force whose duty is to protect the nation is now being use to beat, abduct and torture Civil Society, Opposition leaders and Media houses into submission curtailing their ability to carry out their work effectively. Other attacks that we have witnessed also include the cancellation of the THRDC trainings, the arrest of the political



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ORGANISATIONS' FORUM**
Strengthening Civil Society in the Integration Processes



**Pan African
Lawyers Union**

opposition figures, the revocation of the media licenses, systematic reprisals against opposition party members, civil society, and media outlets which stifle democratic norms in Tanzania.

EACSO, PALU and EALS are deeply concerned by the continued deteriorating situation in Tanzania through enforcement of repressive laws including; Authorities censoring and suspending newspapers and radio stations, arbitrarily deregistering of NGOs, and failure to effectively conduct credible investigations into abductions, attempts on the lives of journalists, activists and opposition figures. The government has arbitrarily arrested and, in some cases, brought unjustified prosecutions against journalists, activists, and opposition politicians, perceived to be government critics.

The 2015 Cybercrimes Act, restricts freedom of expression online; the 2015 Statistics Act, which, until its amendment in June 2019, criminalized publishing statistics without government approval and blocked the publication and dissemination of independent research; 2018 regulations to the Electronic and Postal Communications Act subjects bloggers to excessive licensing fees; and the 2016 Media Services Act, gives government agencies broad powers to censor and limit the independence of the media by creating stringent rules for journalists accreditation and creating offenses and oversight powers that are open to abuse by the government. The government adopted new regulations in 2018 requiring NGOs to publicly declare their sources of funds, expenditure and intended activities or face deregistration. In addition, the 2002 Political Parties Act was amended in 2019 to restrict the space in which political parties can independently operate in Tanzania.

The Tanzanian government is obliged under its constitution and international and regional treaties to respect the rights to freedom of expression and association of all persons, including members of the media, civil society, and the political opposition. These rights are also essential to the exercise of the right to vote.

With just months to go before general election, scheduled for October 2020, the government of Tanzania should do more to create conditions for a free and fair election. This includes demonstrated commitment to the rights of freedoms of expression and association as enshrined in the constitution and international and regional human rights treaties and conventions to which Tanzania is a party.

The Government of Tanzania should refrain from human rights violation but instead take proactive measures to reverse the systematic patterns of repression



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ORGANISATIONS' FORUM**
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**Pan African
Lawyers Union**

that have threatened the Tanzanian civic space in recent years. Authorities should put a stop to, and effectively investigate ongoing arbitrary arrests, detention, enforced disappearances and harassment of activists, staff of NGOs, and journalists, and embark on a range of reforms of repressive laws to proactively ease these chilling restrictions on civil society.

Given the above, and the need to continue building a prosperous United Republic of Tanzania through continental and regional integration, we recommend the following to the government of Tanzania and different Organs and Institutions from local, regional and to the continental level:

To the Government of Tanzania

- To refrain from any acts of intimidation, obstruction, threats, beatings, arbitrary arrests, harassment or prosecution of journalists, activists, representatives of NGOs, and political opposition members.
- To take steps to ensure the credible, independent and effective investigations of abuses against journalists, activists, representatives of nongovernmental organizations, and opposition politicians.
- To call on the Directorate of Public Prosecutions and the Tanzania Police Force to effectively investigate and prosecute, as appropriate, individuals and government official responsible for violence directed at journalists, human rights activists, representatives of NGOs, and opposition politicians.
- To respect the rights of activists and NGOs to organize and hold meetings and carry out other activities.

To the Parliament of Tanzania

- Repeal or amend repressive sections of the Media Services Act, in accordance with the decision of the East African Court of Justice, the Cybercrimes Act, and the Electronic and Postal Communications (Online Content) Regulations.

To the Director of NGO Coordination under the Ministry of Health, Community Development, Gender, Elderly and Children

- To issue guidance to regional commissioners and district commissioners, to refrain from blocking NGOs from accessing their regions or districts and take other measures to ensure a conducive environment for nongovernmental organizations operating in Tanzania.



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ORGANISATIONS' FORUM**
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**Pan African
Lawyers Union**

To the Ministry of Foreign Affairs and East African Cooperation

- To issue a standing invitation to the United Nations special rapporteurs on rights to freedom of expression, to peaceful assembly and association, the right to education, the situation of human rights defenders, the Working Group on the issue of discrimination against women in law and in practice, as well as the African Commission on Human and Peoples' Rights rapporteurs on freedom of expression and access to information and human rights defenders to conduct on-site visits in Tanzania to assess the state of the protection of human rights.

To the East African Community Member States

- To urge the Tanzanian Government to fulfill its mandate to respect human rights under Article 6 of the Treaty for the Establishment of the East African Community.

To the African Commission on Human and Peoples' Rights

- To undertake a fact-finding mission to investigate human rights abuses, including repression and censorship, especially in light of the African Commission on Human and Peoples' Rights Declaration of Principles on Freedom of Expression and Access to Information in Africa.
- To request visits to Tanzania by special rapporteurs on freedom of expression and access to information, rights of women, and human rights defenders.

To UN Human Rights Council Member and Observer States

- To deliver statements, both jointly and individually, and engage in bilateral démarches, to address the ongoing deterioration of the human rights situation in Tanzania.
- To urge Tanzania to receive visits by UN Special Procedures mandate holders.

To the European Union and its member states

- To urge the Tanzanian government to protect the rights of journalists, activists, political opposition and other civil society actors to free expression and association to ensure full implementation of the European Union's



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ORGANISATIONS' FORUM**
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**Pan African
Lawyers Union**

guidelines on human rights defenders and on freedom of expression, taking all appropriate action as required.

- Urge the Tanzanian government to restore conditions for free and fair elections to take place in 2020.
- Step up financial and political support to NGOs working specifically on advancing respect for civil and political rights in Tanzania.

To other international development partners,

- To publicly speak out on the need for Tanzania to respect its regional and international obligations on free expression, free association and other fundamental freedoms.
- To urge the Tanzanian government to protect the rights of journalists, activists, political opposition and representatives of NGOs or other civil society actors to free expression and association.
- To call on the Tanzanian government to review laws that impact free expression and association, including the Media Services Act, Cybercrimes Act, and the Electronic and Postal Communications (Online Content) Regulations.
- To promote and support independent monitoring of the human rights situation in the country, with a view to ensuring a conducive environment for holding free and fair elections, including by providing support to NGOs or other civil society actors working in this area.

To all Civil Society working in Tanzania

- NGOs should make efforts to meet with the Director/Registrar of NGOs and the Minister for Health, Community Development, Gender, Elderly and Children and engage them on the noted challenges from the enacted laws and how to resolve them and,
- NGOs should consider other available and appropriate opportunities and avenues for challenging the enactment if they desire to do so following their discussions of the content of the laws and the resultant effect on their operations.



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ORGANISATIONS' FORUM**
Strengthening Civil Society in the Integration Processes



**Pan African
Lawyers Union**

- That NGOs through various forums, networks and umbrellas should thoroughly study the provisions of the new laws for compliance purposes and come up with a list of outlined challenges relating to the enacted legislations and advocate for their amendment.

In solidarity with the East African Community, partner states and Civil Society Organizations in East Africa Region.

The Statement is endorsed by

- 1. Ms. Martha Makenge** on behalf of **EACCSOF**
 - 2. Mr. Donald Deya** on behalf of **PALU**
 - 3. Mr. Hannington Amol** on behalf of **EALS**
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ABOUT EACCSOF

The East African Civil Society Organizations' Forum (EACCSOF) is a membership Non-Governmental Organization founded in 2007, which is based in Arusha and whose mission is to provide a platform and catalyze a critical mass of organized civil society to engage in need-driven, people centered East Africa integration and cooperation process effectively and proactively for equitable and sustainable development. It also works to ensure that East African citizens and their organizations work together to play a more effective role in the integration process through building stronger citizen organizations that respond to citizens needs and hold duty bearers to account.

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ORGANISATIONS' FORUM**
Strengthening Civil Society in the Integration Processes



**Pan African
Lawyers Union**

ABOUT EALS

The East Africa Law Society is the Premier Regional Bar Association for the East African Region. Our membership, currently estimated at over 20,000 lawyers, includes institutional members as well as individual lawyers. Our institutional members are the Law Society of Kenya, Tanganyika Law Society, Zanzibar Law Society, Uganda Law Society, Rwanda Bar Association, Burundi Bar Association and South Sudan Bar Association.

Established in 1995, the initial design of the organization was to facilitate regional integration of the East African Community and ensure that lawyers retained crucial influence in regional policy and development processes. The Society has grown over the years into a respected voice in regional integration, rule of law and good governance, capacity building of the legal profession and facilitation of trade policies and laws in the region.

We have Observer Status with the African Commission on Human and People's Rights; and with the East African Community. We provide direct and indirect support to EAC institutions through capacity building, strategic litigation and collaborative practices.

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ABOUT PALU

The Pan African Lawyers Union (PALU) is a continental membership forum for African lawyers and lawyers' associations. It was founded in 2002, by African Bar leaders and eminent lawyers, to reflect the aspirations and concerns of the African people and to promote and defend their shared interests. It brings together the continent's 5 regional lawyers' associations, over 54 national lawyers' associations and over 1,000 individual lawyers. Its vision is to see a united, just and prosperous Africa, built on the rule of law and good governance. Its mission is to advance the law and the legal profession, rule of law, good governance, human and peoples' rights and socio-economic development of the African continent.

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