

**THE INFLUENCE OF DEMOCRACY ON THE PROMOTION OF
HUMAN RIGHTS IN UNGUJA ISLAND
ZANZIBAR**

A thesis

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**In Partial Fulfillment of the Requirements for the Degree
Master Of Arts in Human Rights and Development**

By:

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DECLARATION A

I **ZAINA DAUD KHALID** hereby declare that this thesis is my own work and has never been submitted to any institution for any academic award.

Sign.....*Zaina Daud Khalid*.....Date.....*10/31/2011*.....

DECLARATION B

"I confirm that the work reported in this thesis was carried out by the candidate under my supervision."

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Date 18/03/2011

APPROVAL SHEET


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Grade

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DEDICATION

This report is dedicated to my parents, husband and my friends for their endless support and encouragement in my studies and completion of this work.

ACKNOWLEDGEMENT

I wish to acknowledge all persons whose help enabled me to succeed in this work. I am very grateful to my Supervisor DR. Roseanne Mwaniki for her diligent efforts to support the transformation of this report from the draft stage to completion and she gave much confidence when the going got difficult and offered practical suggestions for improvement.

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ABSTRACT

The purpose of this study was to make an investigation of the influence of democracy on promotion of human rights in Unguja Island Zanzibar. The study focused on democracy and rights to freedom of warship, expression and fair trial. The objectives of the study were to; establish the relationship between democracy and the right to freedom of religion, freedom of speech and expression and between democracy and the right to fair trial. The concern of the researcher was the violation of human rights despite the proclamation of democracy in Zanzibar.

The research was carried out by using a case study design which involved the use of both qualitative and quantitative methods of data collection. Data analysis was done by using the Statistical package for the social science. A sample size of 120 respondents for community members, 5 for Local leaders and 10 for human rights activists of the local community of Zanzibar. Data collection was done using structured questionnaires and interviews and both qualitative and quantitative methods of research were used. The combination of two methods increased the quality of research because results from each method reinforced each other for consistency.

In the context of this study, democracy was measured in terms of rule of law, human dignity, political equality, political freedoms, common good, being informed and getting involved, personal freedom and respect.

According to data from interviews with local leaders, freedom of religion was considered by many citizens and nations to be a primary human right. In addition, while freedom of speech is the freedom to speak without censorship and/or limitation, some members of the community feared to directly criticize the government. In an interview with local leaders, it was found out that many people were unlawfully tried. It is recommended that there is need for freedom of religion, speech and fair trail to be a constitutionally guaranteed right.

CHAPTER ONE

1.0 Introduction

This chapter deals with the background of the study, statement of the problem, purpose of the study, objectives of the study, research question, scope and justification of the study about the influence of democracy on the promotion of human rights with specific reference to Unguja –Island, Zanzibar.

1.1 Background to the study

Democracy is a political government carried out either directly by the people (direct democracy) or by means of elected representatives of the people, as if the people and the elected person were one, linear line of decisions (representative democracy). The term was first used by the Greek to mean "rule of the people", (Appleby, Joyce,1992) which was coined from "people" and "power", in the middle of the fifth-fourth century BC to denote the political systems then existing in some Greek city-states, notably Athens following a popular uprising in 508 BC (Becker *et al.* 2002).

Even though there is no specific, universally accepted definition of 'democracy (Benhabib, Seyla 1996), there are two principles that any definition of democracy includes: equality and freedom (Blattberg, Charles 2000). These principles are reflected in all citizens being equal before the law and having equal access to power (Birch, Anthony 1993) and the freedom of its citizens is secured by legitimized rights and liberties which are generally protected by a constitution (Alan, 2006).

development of Roman Law. The true forerunner of human rights discourse was the enlightenment concept of natural rights developed by figures such as John Locke and Immanuel Kant and through the political realm in the United States Bill of Rights and the Declaration of the Rights of Man and of the Citizen. "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood."

Although ideas of rights and liberty have existed for much of human history, it is unclear how much such liberties can be described as "human rights" in the modern sense. The concept of rights certainly existed in pre-modern cultures; ancient philosophers such as Aristotle wrote extensively on the rights of citizens to property and participation in public affairs (Freeman, Michael 2002).

However, Zanzibar has had the most turbulent postcolonial history of any part of Tanzania, yet few sources explain the reasons why. The political impasse in the islands stems from the Zanzibar Revolution of 1964, in which thousands of islanders, mostly Arab, lost their lives. Defenders of the revolution claim it was necessary to write a century of wrongs. They speak the language of African nationalism, and seek to unify Zanzibar through the politics of race. Their opponents deplore the revolution, and espouse the language of human rights. They reject the politics of race, and instead regard Islam a source of national unity.

Despite the announcement of democracy after the revolution, there has been a historical disrespect record of human rights. Many people without proven guilty by court of law have been detained and in some situation legal social gathering are strictly prohibited, the curb went further even in restricting rights to worship.

Following the introduction of multiparty system in 1992, in Zanzibar and Tanzania in general, the Commission for Human Rights was established with its operation in Tanzania Mainland and later on in 2009 in Zanzibar. It has been claimed that without multiparty system of government, human rights may be mythical. Maina (1997)

In the context of this study, when we speak of democracy, then, we mean the degree in which government is transparent and accountable to the people and allow them to participate in decisions that affect their lives. It is also the degree to which the private sector and organizations of the civil society are free and able to participate in socio-economic development as the former president of America George W. Bush noted, "For projects in countries whose governments rule justly, invest in the people and encourage economic freedom. Governments must fight corruption, respect of basic human rights, embrace the rule of law, invest in health care and education, follow responsible economic policies, and enable entrepreneurship. The Millennium Challenge Account will reward countries that have demonstrated real policy change and challenge those that have not implemented reforms (National Security Strategy of the United States of America, 2002)".

On December 10, 1948, the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights. However, this study focused on Article 9, that is, No one shall be subjected to arbitrary arrest, detention or exile. Article

10, that is, everyone is entitled to full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him. And Article 18 asserting that is, everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

1.2 Statement of the Problem

With the expansion of democracy in many countries in Africa, the fundamental principles of human rights have not advanced as much. The problem is that the factors influencing democracy and reconstruction of human rights in Zanzibar have not been investigated. However, democratic expansion has far surpassed the implementation of human rights. It has been discovered by many researchers that in some countries the executive normally interfere with the freedom of the judiciary and parliament. In Zanzibar, despite government effort to enhance human rights through democracy, this has not been fully attained partly due to ignorance of the people about their right to human rights and lack of enforcement to human rights.

A report on the background to the violence and human rights abuses in Zanzibar outlined the deterioration of civil rights in Zanzibar - where over 90% of the population is Muslim- since its union with Tanganyika to form Tanzania. Since the union, the government has consistently attempted to suppress popular dissent against the unfavorable conditions of

the prevailing regime where suppression in this respect has gradually intensified throughout the ensuing decades with a series of unfair elections culminating in a brutal crackdown in the wake of rigged elections at the end of 2000. In this year, protesters were shot or beaten to death by police accompanied by militias in the first phase of violence, while up to 1,000 people or so fled as police broke into homes, beating, arresting and detaining civilians. Several hundred Muslims remain missing, and hundreds continue had to flee the escalating violence into Kenya. The crackdown and human rights abuses were related to religion, race and expression among others which signified that the future of Zanzibar is likely to be fraught with increasing political turmoil and related violence (Report on Human Rights Abuses, 2001). It is the concern of the researcher to examine these phenomenons in respect of Zanzibar. The researcher shall investigate the influence of democracy on the promotion of human rights in Unguja Island, Zanzibar.

1.3 Purpose

The purpose of the study was to make an investigation of the influence of democracy on the promotion of human rights in Unguja Island, Zanzibar.

1.4 Objectives

- i. To find out the role of democracy in fostering the right to freedom of religion
- ii. To establish the relationship between democracy and the right to freedom of speech and expression
- iii. To establish the relationship between democracy and the right to fair trial

1.5 Research questions

- i. What is the role of democracy in fostering the right to freedom of religion?
- ii. Is there a relationship between democracy and the right to freedom of speech and expression?
- iii. What is the relationship between democracy and the right to fair trial?

1.6 Hypotheses

This study tested the following hypotheses

- i. There is no relationship between democracy and the right to freedom of religion?
- ii. There is no relationship between democracy and the right to freedom of speech and expression?
- iii. There is no relationship between democracy and the right to fair trial?

1.7 Scope

The study focused on the influence of democracy on promotion of human rights in Unguja Island, Zanzibar. Specifically, the study focused on democracy and right to freedom of worship, right to freedom of expression and fair justice.

1.8 Significance

The study may be mainly important for providing insight techniques on how good governance policy and people's participation can influence respect of human rights, development of human rights based policies and public practice.

The findings may strengthen the human right standards, the gap between the already discovered facts and the others in this area. This research may be useful particularly in influencing government policies to make positive contributions against violation of human rights and removal of all barriers towards the promotion of socio-economic development to the entire society.

This research is going to be beneficial to other researchers by providing necessary knowledge and information to be used as a basis for further research on the assessment of the contribution of democracy in promotion human rights In Unguja, Zanzibar.

CHAPTER TWO

REVIEW OF RELATED LITERATURE

2.0 Introduction

This chapter deals with what other scholars have written about the influence of democracy on reconstruction of human rights in Zanzibar. It mainly focuses on the right to freedom of religion, the right to freedom of speech and expression and the right to fair trial.

2.1 Theoretical Framework

This study was based on the democratic peace theory (or liberal democratic theory (Abadie, Alberto, 2004) or simply the democratic peace) which holds that democracies, for some appropriate definition of democracy (Archibugi, Daniele, 2008) rarely go to war with one another. The wording "democratic peace theory" is often disputed since, even if the theory is accepted, it does not imply that the "peace" has the key characteristics of a "democracy" among countries. Some critics argue that it will be more accurate to label it the "democracies do not fight each other" hypothesis (Beck, 2004).

The democratic peace theory discusses the fact that democracies simply don't go to war with each other, but the issue of why will give you a better understanding of the theory. The most significant rationale for why democracies don't go to war is accountability. In a

liberal democratic government, elected officials must answer to the people in the form of free elections, which forces officials to consider alternatives to war (Beck, 2004).

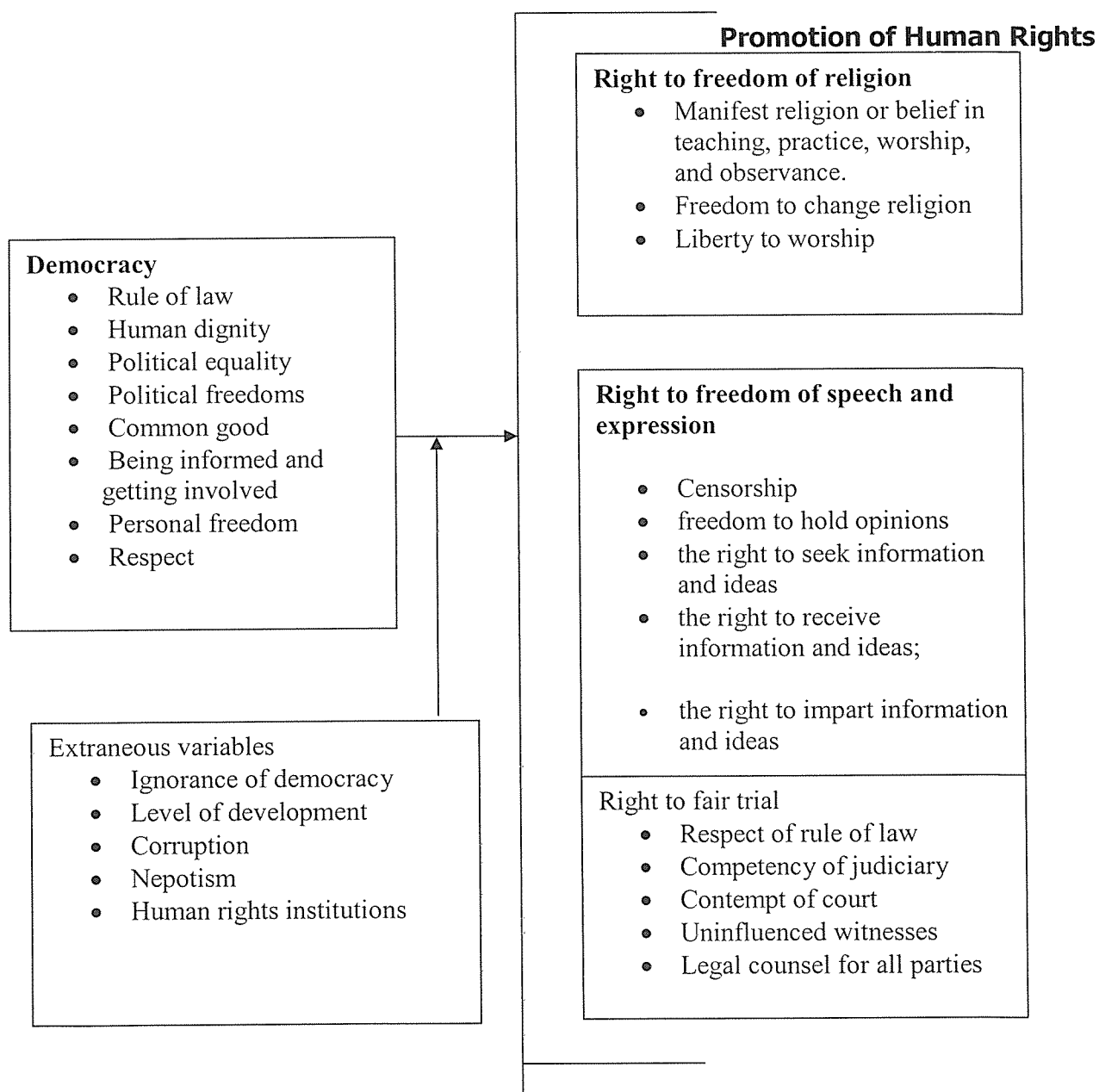
The original theory and research on wars has been followed by many similar theories and related research on the relationship between democracy and peace, including that lesser conflicts than wars are also rare between democracies and that systematic violence is in general less common within democracies.

Although the philosophical idea has circulated since Immanuel Kant, it was not scientifically evaluated until the 1960s. Kant foreshadowed the theory in his essay *Perpetual Peace* written in 1795, although he thought that constitutional republics were only one of several necessary conditions for a perpetual peace. Kant's theory was that a majority of the people would never vote to go to war, unless in self defense. Therefore, if all nations were republics, it would end war, because there would be no aggressors. Other explanations have been proposed since, but the modern theory is principally the empirical claim that democracies rarely or never fight (Ray 1998).

2.2 Conceptual framework

Independent variable

Dependent variable



Source: Developed from literature review

2.2 History of Democracy

According to Chang (2002), the term democracy is derived from two Greek words- Demos (or people) and kratos (rule) in simple terms, then, democracy is the rule of people, by the people, for the people. Today, however, there seems to be broad agreement that democracy is a system of governance where power and civic responsibility are, ideally, exercised directly by all citizens. Unfortunately, the practice is different. The people typically exercise their power indirectly through elected representatives. Thus, according to Schmitter and Karl (1991), modern democracy is a system of governance in which rulers are held accountable for their actions in the public realm by citizens, acting indirectly through the competition and cooperation of the elected representatives.

The history of democracy shows that neither the expansion of political space nor the transformation of human wrongs to human rights has ever come on a silver plate. Both have been products of struggle. Second, the ideal type roles played by opposition parties in matured democracies are exactly that- ideal-types. The situation in East Africa and other nascent democracies is substantially poorer. A major reason for this is ruling parties (such as CCM of Tanzania and NRM in Uganda) become so identified with government bureaucracy, the legislature, the judiciary, the army and even the treasury that their separate character collapses almost completely (Oyugi, 1994).

2.3 Background of Human Rights in Tanzania

During the colonial period one could not talk on human rights. For the colonial government to pretend to uphold fundamental rights and freedom would defeat the very aim of colonization. The whole aim of colonization was to search for raw materials for the ever hungry industry in Europe, market for the finished goods and cheap labor. To achieve this three noble aims, fundamental rights and freedom as fault for and won in the metro police had to sacrifice (Maina, 1997).

On protection and promotion of human rights, Tanzania main land and Zanzibar have had a very distinct history. At independence (1963), Zanzibar had fundamental rights and freedom entrenched into the constitution vide a Bill of Rights (Constitution of Zanzibar, 1993). However, as indicated above, this constitution did not last more than a month. After the revolution of 12th January, 1964 it was discarded and what followed was one man rule vide decrees. Human rights were not among the priority of the post revolutionary government. These rights were to return in Zanzibar in 1984 via the second post revolution constitution (Constitution of Zanzibar 1984).

In 1983 in Tanzania there was a big debate for the amendment of the constitution of the United Republic of Tanzania of 1977 so as to allow the introduction of multiparty political system. A wind of change came with opening of the debate on multiparty in the country by the founder chair person of Chama Cha Mapinduzi (CCM) Julius K. Nyerere in February 1990, when he declared that discussing multiparty system was not a sin (Harold 1990).

The government of Tanzania decided to establish the commission under retired chief justice Nyalali known as the Nyalali Commission in Human Rights in Tanzania. The Nyalali Commission in its reports, among other things, identified the entire role in the country which was offending the fundamental rights and freedom of the people and good governance and thus, unconstitutional and made very specific proposals in respect of each of them (Nyalali Commission, 1991).

The government of the Republic of Tanzania decided to adopt some of the recommendations of the Nyalali Commission in the 8th amendment of the constitution which became effective on 1st July, 1992. The government accepted the many recommendations of the Nyalali Commission that the one party system should come to an end and multiparty system should be introduced in the country. (Bagenda, 1994).

Notwithstanding, all political activities were to be conducted through political parties and no room was reserved for independent candidate. This is against to the human rights of freedom of association and the right to participate in national affair.

Democracy in relation to Human Rights

The literature reviewed indicates that democracy has a direct impact on human rights, for example, the Development Report 2000, indicates that in a democratic position, the ideas of human rights such as the protection of individuals against the power of states and creation of high standard of living for citizens. According to Quazi (2009), human rights,

democracy and good governance go hand in hand. One cannot be useful without the others. All three are essential for the flourishing and vitality of human society.

However, the enforcement of international human rights law is the responsibility of the Nation State, and it is the primary responsibility of the State to make human rights a reality. In the context of this study, it was assumed that a democratic state can easily enforce Human Rights.

According to UN (2003), the values of freedom, respect for human rights and the principle of holding periodic and genuine elections by universal suffrage are essential elements of democracy. In turn, democracy provides the natural environment for the protection and effective realization of human rights. These values are embodied in the Universal Declaration of Human Rights and further developed in the International Covenant on Civil and Political Rights which enshrines a host of political rights and civil liberties underpinning meaningful democracies.

The link between democracy and human rights is captured in Article 21(3) of the Universal Declaration of Human Rights, which states:

“[t]he will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.”

The rights enshrined in the International Covenant on Economic, Social and Cultural Rights and subsequent human rights instruments covering group rights (e.g. indigenous

peoples, minorities, people with disabilities) are equally essential for democracy as they ensure an equitable distribution of wealth, and equality and equity in respect of access to civil and political rights.

Democracy also includes the presence of political and civil rights for citizens, especially freedom of expression, association, and assembly, which require the guarantee of due legal process and liberty and security of person to be effective. There has been recent debate on the necessity of economic, social, and cultural rights as conditions of democracy, however, it is becoming more widely accepted that “for civil and political rights and freedoms to have any value, citizens must possess the capacity to exercise them.” The majority of political, civil, economic, social, and cultural rights at the national level relate directly or indirectly to the international human rights framework, as will be discussed further (Quazi Emdadul Haque, 2009).

However, the European Union believes that democracy and human rights are universal values that should be vigorously promoted around the world. They are integral to effective work on poverty alleviation and conflict prevention and resolution, in addition to being valuable bulwarks against terrorism.

2.4 Democracy and the right to freedom of religion

According to the Universal Declaration of Human Rights, Article 18, freedom of religion is a principle that supports the freedom of an individual or community, in public or private, to manifest religion or belief in teaching, practice, worship, and observance; the concept

is generally recognized also to include the freedom to change religion or not to follow any religion. Accordingly, all democratic states are expected to provide an environment for freedom of religion.

Freedom of religion is considered by many people and nations to be a fundamental human right (Davis, 2008). Thomas Jefferson said (1807) "among the inestimable of our blessings, also, is that ...of liberty to worship our Creator in the way we think most agreeable to His will; ... (Thomas, 1997). In a country with a state religion, freedom of religion is generally considered to mean that the government permits religious practices of other sects besides the state religion, and does not persecute believers in other faiths.

The Declaration of the Rights of Man and of the Citizen (1789), guarantees freedom of religion, as long as religious activities do not infringe on public order in ways detrimental to society. In this study, there was need to find out if such freedom is practiced in the democracy of Zanzibar.

According to Sachedina *et al.* (2001), historically freedom of religion has been used to refer to the tolerance of different theological systems of belief, while freedom of worship was defined as freedom of individual action. Each of these have existed to varying degrees. While many countries have accepted some form of religious freedom, this has also often been limited in practice through punitive taxation, repressive social legislation, and political disenfranchisement. However, while the views of Sachedina *et al.* (2001), are seemingly correct, there is need to find out how democracy affects the right to freedom of religion, hence the need for this study.

Mutua Makau (2004) indicates that today there are concerns about the persecution of religious minorities in the Muslim world and in some communist states such as China and North Korea, as well as other forms of intolerance in other countries for example, the banning of worn religious articles such as the Muslim veil, in certain European countries. Such countries claim to have democracies yet persecution of religious minorities is evident. However, Article 18 of the U.N. International Covenant on Civil and Political Rights shows that it is a form of (spiritual) injustice when persons are denied the liberty to exercise their religious freedom.

2.5 Democracy and the right to freedom of expression

According to the International Covenant on Civil and Political Rights (2006), it is generally believed that freedom of expression is more practiced in democratically elected governments than in non-democratic governments. Smith, David (2006) indicates that freedom of speech is the freedom to speak without censorship and/or limitation. The synonymous term freedom of expression is sometimes used to indicate not only freedom of verbal speech but any act of seeking, receiving and imparting information or ideas, regardless of the medium used.

In practice, the right to freedom of speech is not absolute in any country and the right is commonly subject to limitations, such as on "hate speech". The right to freedom of speech is recognized as a human right under Article 19 of the Universal Declaration of Human Rights and recognized in international human rights law in the International Covenant on Civil and Political Rights (ICCPR). The ICCPR recognizes the right to freedom

of speech as "the right to hold opinions without interference. Everyone shall have the right to freedom of expression" (International Covenant on Civil and Political Rights). Furthermore, freedom of speech is recognized in European, inter-American and African regional human rights law. All such laws recognize the need for democracy in order to implement the freedom of speech.

However, concepts of freedom of speech can be found in early human rights documents and the modern concept of freedom of speech emerged gradually during the European Enlightenment (Smith, David, 2006). England's Bill of Rights 1689 granted 'freedom of speech in Parliament' and the Declaration of the Rights of Man and of the Citizen, adopted during the French Revolution in 1789, specifically affirmed freedom of speech as an inalienable right (The Guardian. February 5, 2006). The Declaration provides for freedom of expression in Article 11, which states that:

"The free communication of ideas and opinions is one of the most precious of the rights of man. Every citizen may, accordingly, speak, write, and print with freedom, but shall be responsible for such abuses of this freedom as shall be defined by law". Article 19 of the Universal Declaration of Human Rights, adopted in 1948, states that:

"Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers." It should however, be noted that the above may not take place in Autocratic states.

Today, freedom of speech or the freedom of expression is recognized in international and regional human rights law, which also supports democracy. The right is enshrined in Article 19 of the International Covenant on Civil and Political Rights, Article 10 of the European Convention on Human Rights, Article 13 of the American Convention on Human Rights and Article 9 of the African Charter on Human and Peoples' Rights (Puddephatt, 2005). Based on John Stuart Mill's arguments, freedom of speech is understood as a multi-faceted right that includes not only the right to express, or disseminate, information and ideas, but three further distinct aspects:

- the right to seek information and ideas;
- the right to receive information and ideas;
- the right to impart information and ideas

International, regional and national standards also recognize that freedom of speech, as the freedom of expression, includes any medium, be it orally, in written, in print, through the Internet or through art forms. This means that the protection of freedom of speech as a right includes not only the content, but also the means of expression (Puddephatt, 2005).

The right to freedom of speech and expression is closely related to other rights, and may be limited when conflicting with other rights (Puddephatt, 2005). The right to freedom of expression is also related to the right to a fair trial and court proceeding which may limit access to the search for information or determine the opportunity and means in which freedom of expression is manifested within court proceedings. As a general principle,

freedom of expression may not limit the right to privacy, as well as the honor and reputation of others. However, greater latitude is given when criticism of public figures is involved (Brett, Sebastian, 1999). The right to freedom of expression is particularly important for media, which plays a special role as the bearer of the general right to freedom of speech.

According to Marlin, Randal (2002), one of the most notable proponents of the link between freedom of speech and democracy is Alexander Meiklejohn. He argues that the concept of democracy is that of self-government by the people. For such a system to work, an informed electorate is necessary. In order to be appropriately knowledgeable, there must be no constraints on the free flow of information and ideas. According to Meiklejohn, democracy will not be true to its essential ideal if those in power are able to manipulate the electorate by withholding information and stifling criticism. Meiklejohn acknowledges that the desire to manipulate opinion can stem from the motive of seeking to benefit society. However, he argues, choosing manipulation negates, in its means, the democratic ideal.

Marlin, Randal (2002), has called this defense of free speech on the grounds of democracy "probably the most attractive and certainly the most fashionable free speech theory in modern Western democracies". Thomas I. Emerson expanded on this defense when he argued that freedom of speech helps to provide a balance between stability and change. Freedom of speech acts as a "safety valve" to let off steam when people might otherwise be bent on revolution. He argues that "The principle of open discussion is a

method of achieving a moral adaptable and at the same time more stable community, of maintaining the precarious balance between healthy cleavage and necessary consensus." Emerson furthermore maintains that "Opposition serves a vital social function in offsetting or ameliorating (the) normal process of bureaucratic decay" (Marlin, Randal 2002).

Research undertaken by the Worldwide Governance Indicators project at the World Bank, indicates that freedom of speech, and the process of accountability that follows it, have a significant impact in the quality of governance of a country. "Voice and Accountability" within a country, defined as "the extent to which a country's citizens are able to participate in selecting their government, as well as freedom of expression, freedom of association, and free media" is one of the six dimensions of governance that the Worldwide Governance Indicators measure for more than 200 countries (Glanville, 2008)

2.6 Democracy and the right to fair trial

According to Gaffney (2003), the right to fair trial is seen as an essential right in all countries respecting the rule of law. A trial in these countries that is deemed unfair will typically be restarted, or its verdict quashed.

The right to a fair trial is explicitly proclaimed in Article 10 of the Universal Declaration of Human Rights, the Sixth Amendment to the United States Constitution, and Article 6 of the European Convention of Human Rights, as well as numerous other constitutions and declarations throughout the world.

A fair and just trial might be impeded by:

- Corruption or incompetence (judicial or otherwise)
- Contempt of court (typically by the media)
- Witness intimidation
- A lack of legal counsel

Conversely, a fair trial requires:

- A competent, neutral and detached judge and (if applicable) jury
- Uninfluenced witnesses
- Ideally, a sufficient and equal amount of legal counsel for all parties

"In the absence of rule of law and an independent judiciary, democracy cannot take root or flourish," (Gaffney, 2003). It is also important to note that everyone has the right to a fair trial, and the courts have a duty to uphold this. Things that make a trial fair include: being held in public, being held within a reasonable time, being independent and impartial, and the presumption of innocence.

CHAPTER THREE

METHODOLOGY

3.0 Introduction

This chapter describes the procedures that were followed in conducting the study. It gives details regarding research design, population of the study area, sample and sampling techniques, a description of data collection instruments to be used, as well as the techniques that were used to analyze data. It also indicates the problems encountered in the study.

3.1 Study design

The research was carried out using case study design which involved the use of both qualitative and quantitative methods of data collection. The combination of two methods increased the quality of research because results from each method reinforced each other for consistency. Qualitative techniques helped the researcher to come up with conclusions on variables that could not be measured while quantitative techniques helped in establishing values attached to numerical variables.

3.2 Study area

The study was conducted in Unguja Island - Zanzibar.

3.3 Population

The study population included the community members, Local leaders and human rights activists of the local community of Zanzibar in Tanzania, because they were believed to be knowledgeable about the subject under study.

Table 1: showing sample size determination

Number	Category	Target population	Sample size	Method of data collection
1	Community members	180	120	Sample size determination table and selected randomly
2	Local leaders	05	05	Sample size determination table and selected purposively
3	Human Rights Activities	10	10	Sample size determination table and selected purposively
Total			135	

3.4 Sampling Procedure.

The following sampling technique was used:

1. **Simple random sampling:** This was used in selection of community members because of their large number. According to Amin (2005), a good sample for academic purposes is between 60 to 120. This study took the maximum of 120 community member, 5 local leaders and 10 Human Rights Activities, hence a total of 135 respondents for this study.

2. Purposive sampling: The researcher applied this method to households in the four zones who were believed to have adequate knowledge about the subject matter. It involved moving from one homestead to another provided the occupants were there. For homesteads where the occupants were not present at that time, such homesteads were left out. This was used to select key informants of the study who included local leaders and human rights activists.

3.5 Data collection methods

3.5.1 Questionnaires

A questionnaire is a series of questions asked to individuals to obtain statistically useful information about a given topic. When properly constructed and responsibly administered, questionnaires become a vital instrument by which statements can be made about specific groups or people or entire populations. Questionnaires are frequently used in quantitative marketing research and social research. They are a valuable method of collecting a wide range of information from a large number of individuals, often referred to as respondents. Adequate questionnaire construction is critical to the success of a survey. Inappropriate questions, incorrect ordering of questions, incorrect scaling, or bad questionnaire format can make the survey valueless, as it may not accurately reflect the views and opinions of the participants. The questionnaires were popular because the respondents filled them at their own convenience. Some questions were open ended while others were close ended. They were given out as the researcher moved from

household to household; the respondents were given three days to complete them after which they were picked.

Questionnaires were used to obtain information from members of the local community and were designed in accordance with the objectives of the study. According to Amin (2005), questionnaires are popular with researchers because information can be obtained fairly, easily and the questionnaire responses are easily coded.

3.5.2 Taped interviews

The researcher carried out personal interviews to collect data from key informants using a tape recorder. Interviews provide in-depth information about a particular research issue or question. Because the information is not quantifiable (i.e., not amenable to statistical analysis), the interview often is described as a qualitative research method. Whereas quantitative research methods (e.g., the experiment) gather a small amount of information from many subjects, interviews gather a broad range of information from a few subjects. The questions were planned in advance and the researcher used an interview guide to guide the interview. The researcher carried out personal interviews to collect data from the respondents. The questions were planned in advance and the researcher used an interview guide to guide the interview. Interviews were used because it was easy to fully understand someone's impressions or experiences, or learn more about their answers to questionnaires. The people interviewed included Local leaders

and human rights activists. According to Mugenda (1999), interviews are advantageous in that they provide in-depth data which is not possible to get using questionnaires.

3.6 Validity and Reliability of Instrument

Validity is the accuracy and meaningfulness of inferences, which are based on the research results (Mugenda 1999). Validity of instruments was ascertained by first of all discussing the questionnaire and interview schedule drafts with the supervisor. The content validity of the instrument was found worthy executing for the pilot run and thus the study.

According to Mugenda, (1999), reliability is a measure of the degree to which a research instrument yields consistent results or data after repeated trials. The reliability of instruments was established basing on the preliminary results derived from the pilot study. The study instruments were set for the pilot run. Results realized were discussed with the supervisor and the content reliability of the instrument was accepted.

3.6.1 Data analysis

Questionnaires were sorted, numbered and data entered accordingly. Data was checked by the principal investigator for completeness and internal consistency. Data collected was cleaned, edited, categorized, coded and summarized. The relationship between various variables was evaluated using Pearson's correlation co efficiency. According to

Amin (2005), given a set of observations $(x_1, y_1), (x_2, y_2) \dots (x_n, y_n)$, the formula for computing the correlation coefficient is given by

$$r = \frac{1}{n-1} \sum \left(\frac{x - \bar{x}}{s_x} \right) \left(\frac{y - \bar{y}}{s_y} \right)$$

Where,

r =correlation coefficient

n =sample

\bar{x} - \bar{y} =differences in mean

s_x =Standard error of sampling distribution.

Source: Amin (2005).

The correlation coefficient always takes a value between -1 and 1, with 1 or -1 indicating perfect correlation (all points would lay along a straight line in this case). A positive correlation indicates a positive association between the variables (increasing values in one variable correspond to increasing values in the other variable), while a negative correlation indicates a negative association between the variables (increasing values in one variable correspond to decreasing values in the other variable). A relationship value close to 0 indicates no association between the variables.

Since the method for calculating the correlation coefficient standardizes the variables, changes in scale or units of measurement will not affect its value. For this reason, the correlation coefficient is often more useful than a graphical depiction in determining the strength of the association between two variables. Data from questionnaires will be presented in form of frequency tables, pie charts and bar graphs.

3.7 Ethical considerations

Permission to do the study was sought from the Kampala International University. The researcher first sought the consent to conduct the study. Strict confidentiality was observed. Names of study participants were not recorded on questionnaires and interview guides. Filled out questionnaires were kept under lock and only the principal investigator had access to keys.

3.8 Limitations and Solutions:

A number of limitations were encountered and these included the following;

- i. Some of the respondents were not willing to give information and this problem was solved by assuring them that this study is purely for academic purposes.
- ii. Funds were limited. However, this was solved by seeking financial assistance from friends and relatives.
- iii. Respondents were busy with their work, thus much time was spent particularly in getting responses to questionnaires.

CHAPTER FOUR

PRESENTATION OF FINDINGS, ANALYSIS AND INTERPRETATION

4.0 Introduction

This chapter presents the findings of the study in accordance to the objectives; to establish the relationship between democracy and the right to freedom of religion, to establish the relationship between democracy and the right to freedom of speech and expression and to establish the relationship between democracy and the right to fair trial.

4.1 Demographic characteristics of respondents

Characteristics	Frequency	Percentage
Sex		
Male	98	82
Female	22	18
Age of Respondent		
15-20	6	5
21-25	22	18
26-40	67	56
Above 40	25	21
Level of education		
Certificate	45	37
Diploma	19	16
Degree	12	10
No formal education	44	37
Marital status		
Married	82	68
Widowed	9	8
Divorced	6	5
Not married	23	19

Source: Primary data

Table 2: Showing Demographic characteristics of respondents

From the above majority of the respondents were male (82%) responses as compared to the women (18%). This is possibly because the men had more interest in the study than the women. The table also indicates that the majority of respondents were between the ages of 26 and 40 years as revealed by 56% response followed by those who were above 40 years response (37%), an indication that people of mature ages constituted part of this study. As for education level, the results showed that most of the people in this community, **UNGUJA**, had less formal education. This was indicated by 37% response respectively. Also, majority of the respondents were married couples as revealed by 68%. This means that marriage is a fundamental aspect in **UNGUJA**.

4.2 Rating of the level of democracy in Zanzibar

Table 3. Showing Rating of the level of democracy in Zanzibar

Parameter	Frequency	Percentage
Very good	2	2
Good	8	7
Fair	23	19
Poor	69	57
Very poor	18	15

According to the respondents the level of democracy in Zanzibar is poor as indicated by 57% respondent followed by those who said democracy is just fair as shown by 19% responses. This indicates that the democratic system in Zanzibar may not be authentic.

According to information obtained from interviews with local leaders, it was revealed that this fair rating of democracy in Zanzibar was attributed to the establishment of the Commission under retired chief justice Nyalali known as the Nyalali Commission in Human Rights in Tanzania. The Nyalali commission in its reports identified all things which were offending the fundamental rights and freedom of the people and made very specific proposals in respect of each of them.

The fact that the government of the United Republic of Tanzania decided to adopt some of the recommendations of the Nyalali Commission and in the 8th amendment of the constitution which became effective on 1st July, 1992, it is worthwhile to conclude that the are level of Human Rights in Zanzibar was good.

From the political point of view, the fact that all political activities were to be conducted through political parties and no room was reserved for independent candidates was against human rights and specifically the freedom of association and the right to participate in national affairs. In addition to lack, of total political freedom, there were cases of lack of freedom of worship particularly for persons who wanted to live Islam to other religions.

As pointed out in the literature, in a country with a state religion, freedom of religion is generally considered to mean that the government permits religious practices of other sects besides the state religion, and does not persecute believers in other faiths. Although there are some Christians who practice their religions, they are socially discriminated against as compared to their Muslim counterparts. However, there are no cases of religious violence like it is in Muslim dominated areas of Indonesia and Northern Nigeria.

The Declaration of the Rights of Man and of the Citizen (1789) guarantees freedom of religion, as long as religious activities do not infringe on public order in ways detrimental to society and this was observed in Zanzibar.

4.3 Democracy in Zanzibar

As indicated in literature, there is no specific, universally accepted definition of 'democracies (Benhabib, Seyla 1996), there are two principles that any definition of democracy includes: equality and freedom. These principles are reflected in all citizens

being equal before the law and having equal access to power and the freedom of its citizens is secured by legitimized rights and liberties which are generally protected by a constitution. It is important to note that there are several varieties of democracy, some of which provide better representation and more freedoms for their citizens than others (2006).

In the context of this study, democracy was measured in terms of rule of law, human dignity, political equality, political freedoms, common good, being informed and getting involved, personal freedom and respect. Using close ended questionnaires, the respondents (members of the community) were asked to rate the level of democracy in Zanzibar using the following indicators of democracy and the following results were obtained.

4.4 Rating the following elements of democracy in Zanzibar

Table 4. Showing Rating the following elements of democracy in Zanzibar

Parameter	Very good	Good	Fair	Poor	Very poor
Rule of law	1 (1%)	6 (5%)	41 (34%)	55 (46%)	17 (14%)
Human dignity	3 (3%)	9 (8%)	64 (52)	35 (29%)	9 (8%)
Political equality	3 (3%)	12 (10%)	67 (55%)	32 (27%)	6 (5%)
Political freedoms	5 (5%)	9 (9%)	49 (49%)	25 (25%)	12 (12%)
Common good	3 (3%)	12 (10%)	67 (55%)	32 (27%)	6 (5%)
Being informed and getting involved	2 (2%)	12 (10%)	84 (70%)	12 (10%)	10 (8%)
Personal freedom	3 (3%)	9 (8%)	64 (52)	35 (29%)	9 (8%)
Respect	3 (3%)	12 (10%)	67 (55%)	32 (27%)	6 (5%)

Table 4 above indicates that the question of the rule of law is still a setback as indicated by 46% responses, followed by those who said it is just fair (34%). This means that the

people in this community are not contented with the level of the 'rule of law'. 52% response shows that the rate of human dignity is just fair followed by those who held that it is poor as indicated by 29% response. Political freedom and common good were relatively fair as shown by 55% and 49% response respectively. And then, it seemed therefore that awareness and involvement and personal freedom and respect were reasonably fair too as indicated by the majority response of 70%, 52% and 55% response.

Basing on data from interviews with local leaders, it was found out that some members of the community were not aware that Human rights are "basic rights and freedoms to which all humans are entitled". There was limited knowledge that all humans are endowed with certain entitlements merely by reason of being human. Others did not know that Human Rights were a universality and egalitarian fashion. However, there is no consensus as to precise nature of what in particular should or should not be regarded as a human right in any of the preceding senses, and the abstract concept of human rights has been a subject of intense philosophical debate and criticism. But using the above variables the researcher made a generalization that there was a fair level of Human Rights in Zanzibar.

4.5 Right to freedom of religion

One of the objectives of this study focused on the Right to freedom of worship in Zanzibar. As pointed out earlier, according to the Universal Declaration of Human Rights, Article 18, freedom of religion is a principle that supports the freedom of an individual or community, in public or private, to manifest religion or belief in teaching, practice,

worship, and observance; the concept is generally recognized also to include the freedom to change religion or not to follow any religion. Accordingly, all democratic states are expected to provide an environment for freedom of religion. The question in this study was, is this being practiced in Zanzibar? The following results were obtained.

4.6 Level of agreement on the following statements regarding freedom of religion in Zanzibar

Table 5: Showing Level of agreement on the following statements regarding freedom of religion in Zanzibar

Parameter	Strongly agree	Agree	Disagree	Strongly disagree	Not sure
People are free to manifest their religion or belief in teaching,	1(1%)	6 (5%)	77 (64%)	36 (30%)	0(0%)
There is freedom to change religion	6 (5%)	7(6%)	68 (56%)	39 (33%)	0(0%)
There is Liberty to worship	4 (3%)	13 (11%)	80(67%)	23 (19%)	0(0%)
There is Freedom of worship, and observance.	6 (5%)	7 (6%)	68 (56%)	39 (33%)	0(0%)

Table 5 reveals that the community was not free to manifest their religious or belief in teaching as shown by the greatest response of 64% and 30%. There was also no freedom to change religion neither liberty to worship as shown by 89% and 86% response. Freedom of worship and observance was also not accepted as revealed by 89% response. While none Muslims had freedom of worship, the Muslims had no freedom to change to another faith. This implies that it is reasonably not simple for those who may want to change to another religion.

According to data from interviews with local leaders, freedom of religion was considered by many citizens and nations to be a primary human right. This was in line with the Declaration of the Rights of Man and of the Citizen (1789) guarantees freedom of religion, as long as religious activities do not infringe on public order in ways detrimental to society.

4.6.1 Right to freedom of religion and democracy

Table 6. Correlation matrix showing the relationship between right to freedom of Religion and democracy

Right to freedom of religion	Democracy		
	Chi-square value	Pearson correlation value	Sign value
Manifestation of religion or belief in teaching	122.067	0.437**	0.000
Freedom to change religion	87.667	0.817**	0.000
Liberty to worship	117.113	0.865**	0.000
Freedom of worship, and observance	87.667	0.817**	0.000

Correlation is significant at the 0.01 level (2-tailed).

Using Pearson's correlation coefficient (in SPSS), there was a positive and significant relationship (0.437**) between democracy and manifestation of religion or belief in teaching. This is an indication that in a democratic society people can freely manifest their religion in teaching. There was also a positive and significant relationship between democracy and freedom to change religion, democracy and liberty to worship and, democracy and freedom of worship and observance as indicated by 0.817**, 0.865** and 0.817** respectively. This is an indication that these are all very vital aspects to be considered in a democratic government.

Basing on the above results, the null hypothesis (there is no relationship between right to freedom and democracy) was rejected and the alternative accepted (there is a relationship between right to freedom and democracy) accepted.

4.7 Right to freedom of speech and expression

Using questionnaires, thee respondents were asked to indicate their level of agreement with the following statements regarding right to speech and expression in Zanzibar.

Table 7: showing rights to freedom of speech and expression

Statement	Strongly agree	Agree	Strongly disagree	Disagree	Not sure
There is Censorship	68(56%)	39 (33%)	0(0%)	13 (11%)	0 (0%)
There is Freedom to hold opinions	2 (2%)	15 (13%)	82 (67%)	21 (18%)	0 (0%)
There is right to seek information and ideas	6(5%)	7(6%)	68(56%)	39(33%)	0 (0%)
There is the right to receive information and ideas;	4(3%)	13(11%)	81(68%)	22 (18%)	0 (0%)
There is the right to impart information and ideas	6(5%)	7 (6%)	69(57)	38 (32%)	0 (0%)

The majority of respondents, according to table 7 agreed that there was censorship as indicated by 89% response. This indicates that the system of rule was unsatisfactory. However, with freedom to hold opinions, right to seek information, right to receive information and right to impart information were rather a problem as was revealed by majority response of 85%, 89%, 86% and 89%response, respectively.

Data from interviews indicate that while freedom of speech is the freedom to speak without censorship and/or limitation, some members of the community feared to directly criticize

the government. However, as indicated in literature, the same was to Zanzibar where the synonymous term freedom of expression is sometimes used to indicate not only freedom of verbal speech but any act of seeking, receiving and imparting information or ideas, regardless of the medium used. In practice, the right to freedom of speech is not absolute in any country and the right is commonly subject to limitations, such as on "hate speech".

In addition, while the right to freedom of speech is recognized as a human right under Article 19 of the Universal Declaration of Human Rights and recognized in international human rights law in the International Covenant on Civil and Political Rights (ICCPR), in Zanzibar, such information was not widely spread among the population.

4.7.1 Correlation matrix between right to freedom of speech and democracy

Table 8: Correlation matrix between right to freedom of speech and democracy

Right to freedom of speech and democracy	Democracy		
	Chi-square value	Pearson correlation value	Sign value
Censorship	37.850	0.778**	0.000
Freedom to hold opinions	126.467	0.809**	0.000
Right to seek information and ideas	87.667	0.817**	0.000
Right to receive information and ideas	121.000	0.854**	0.000
Right to impart information and ideas	89.667	0.805**	0.000

Correlation is significant at the 0.01 level (2-tailed).

Using Pearson's correlation coefficient (in SPSS), there was a positive and significant relationship (0.778**) between democracy and censorship. There was also a positive and significant relationship between democracy and freedom to hold opinions, democracy and right to seek information and ideas, democracy and right to receive information and ideas, and democracy and right to impart information and ideas as indicated by 0.809**, 0.817**, 0.854 ** and 0.805** respectively. Basing on the above results, the researcher rejected the null hypothesis (there is no relationship between right to freedom of speech and democracy) and accepted the alternative (there is a relationship between right to freedom of speech and democracy).

4.8 Right to fair trial

Using questionnaires, the community members, were asked to indicate the level of agreement or disagreement with the following statements regarding the right to fair trial in Zanzibar and the following results were obtained.

Table 9: showing the level of agreement or disagreement of respondents

Statement	Strongly agree	Agree	Strongly disagree	Disagree	Missing Number
There is respect of rule of law	6 (5%)	7 (6%)	68 (56%)	39 (33%)	0 (0%)
There is competency of judiciary	23 (19%)	80 (67%)	13 (11%)	4 (3%)	0 (0%)
There is contempt of court	2(2%)	11(9%)	68(56%)	39(33%)	0 (0%)
There is uninfluenced witnesses	6 (5%)	7(6%)	68 (56%)	39(33%)	0 (0%)
There is legal counsel for all parties	3 (3%)	4(3%)	69 (57%)	44 (37%)	0 (0%)

The results in table 9 show that there was limited respect of law as indicated by 89% response. This is true as compared to the same number, who complained about the system of censorship (table 5,6 above). There was also contempt of court, witnesses were said to be influenced and there is no legal counsel for all parties as indicated by majority of 89%, 89%, 94% response respectively.

4.8.1 Correlation between right to fair trial and democracy

Table 10. Showing Correlation between right to fair trial and democracy

Right to fair trial	Democracy		
	Chi-square value	Pearson correlation value	Sign value
There is respect of rule of law	87.667	0.817**	0.000
There is competency of judiciary	117.113	0.865**	0.000
There is contempt of court	89.000	0.780**	0.000
There is uninfluenced witnesses	87.667	0.817**	0.000

Correlation is significant at the 0.01 level (2-tailed).

Using Pearson's correlation coefficient (in SPSS), there was a positive and significant relationship (0.817**) between democracy and respect of rule of law. There was as well a positive and significant relationship between democracy and competency of judiciary, democracy and there is contempt of court and, democracy and there is uninfluenced witnesses and democracy as indicated by 0.865**, 0.780** and 0.817** respectively. Based on the results of the study, it was evident that there was a positive and significant relationship between democracy and right to fair trial.

In an interview with local leaders, while the right to fair trial was seen as an essential right in all countries respecting the rule of law, many people were unlawfully tried. People did not know that the right to a fair trial is explicitly proclaimed in Article 10 of the Universal Declaration of Human Rights, the Sixth Amendment to the United States Constitution, and Article 6 of the European Convention of Human Rights, as well as numerous other constitutions and declarations throughout the world.

4.9 The extent to which the following factors affect human rights in Zanzibar?

Table 11: Showing the extent to which the following factors affect human rights in Zanzibar

Parameter	To a great extent	To a small extent	No effect
Corruption	87(72%)	27(23%)	6(5%)
Conflict	93(77%)	19(16%)	8(7%)
Nepotism	90(75%)	30(25%)	0
Resources	93 (77%)	27 (23%)	0

Table 11 indicates that all the factors above, i.e. corruption, conflict, nepotism and resources, to a great extent affected the human rights of the people in the community of in Zanzibar. The results show that resources and conflict leads with 77% response, followed by nepotism with 75% response and then corruption with 72% response.

CHAPTER FIVE

DISCUSSION, CONCLUSION AND RECOMMENDATIONS

5.0 Introduction

This chapter presents the discussion, conclusion and recommendations of the study and it's in line with the objectives; to establish the relationship between democracy and the right to freedom of religion, to establish the relationship between democracy and the right to freedom of speech and expression and to establish the relationship between democracy and the right to fair trial.

5.1 Rating of the level of democracy in Zanzibar

The results indicated that the level of democracy in Zanzibar was not satisfactory because of frequent violations of human rights, although the authorities claimed to be practicing democracy on the island and Tanzania as a whole. Even though there is no specific, universally accepted definition of 'democracy (Benhabib, Seyla 1996), the results indicated there was no full freedom of expression of freedom of worship, speech and fair trial.

The information obtained from key informants revealed that this fair ranking of democracy in Zanzibar was attributed to the establishment of the commission under retired chief justice Nyalali known as the Nyalali Commission in Human Rights in Tanzania. The Nyalali Commission in its reports identified all things which were offending

the fundamental rights and freedom of the natives made very specific proposals in respect of each of them.

In this study, democracy was measured in terms of rule of law, human dignity, political equality, political freedoms, common good, being informed and getting involved, personal freedom and respect. However, there are several varieties of democracy, some of which provide better representation and more freedoms for their citizens than others (2006). However, if any democracy is not carefully legislated through the use of balances to avoid an uneven distribution of political power, such as the separation of powers, then a branch of the system of rule could accumulate power and become harmful to the democracy itself (Barak 2002).

The fact that the government of the United Republic of Tanzania decided to adopt some of the recommendations of the Nyalali Commission and in the 8th amendment of the constitution which became effective on 1st July, 1992, it worthwhile to conclude that the level of Human Rights in Zanzibar was good.

From the political point of view, all political activities were to be conducted through political parties and no room was reserved for independent candidate was against to the human rights of freedom of association and the right to participate in national affairs. In addition to lack, of total political freedom, there were cases of lack of freedom of worship particularly for persons who wanted to live Islam to other religions.

As pointed out in the literature, in a country with a state religion, freedom of religion is generally considered to mean that the government permits spiritual practices of other sects besides the state religion, and does not persecute believers in other faiths. Although there are some Christians who practice their religions, they are socially discriminated against as compared to their Muslim counterparts.

The Declaration of the Rights of Man and of the Citizen (1789) guarantees freedom of religion, as long as religious activities do not infringe on public order in ways detrimental to society and this was observed in Zanzibar.

The results indicated that the question of the rule of law is still a setback. Political freedom and common good were relatively fair. And then, it seemed that awareness and involvement and personal freedom and respect were reasonably fair. However, although ideas of rights and liberty have existed for much of human history, it is unclear how much such liberties can be described as "human rights" in the modern sense. The concept of rights certainly existed in pre-modern cultures; ancient philosophers such as Aristotle wrote extensively on the rights of citizens to property and participation in public affairs (Freeman, Michael 2002).

Basing on data from interviews with local leaders, it was found out that some members of the community were not aware that Human rights are "basic rights and freedoms to which all humans are entitled". There was limited knowledge that all humans are

endowed with certain entitlements merely by reason of being human. Others did also not know that Human Rights were a universality and egalitarian fashion. However, there is no consensus as to precise nature of what in particular should or should not be regarded as a human right in any of the preceding senses, and the abstract concept of human rights has been a subject of intense philosophical debate and criticism. But using the above variables the researcher made a generalization that there was a fair level of Human Rights in Zanzibar.

However, the modern conception of human rights developed in the aftermath of the Second World War, in part as a response to the Holocaust, culminating in the signing of the Universal Declaration of Human Rights by the United Nations General Assembly in 1948. However, while the phrase "human rights" is relatively modern the intellectual foundations of the modern concept can be traced through the history of philosophy and the concepts of natural law rights and liberties as far back as the city states of Classical Greece and the development of Roman Law.

Right to freedom of religion

One of the objectives of this study focused on the Right to freedom of worship in Zanzibar. As pointed out earlier, the Universal Declaration of Human Rights, Article 18, freedom of religion is a principle that supports the freedom of an individual or community, in public or private, to manifest religion or belief in teaching, practice, worship, and observance; the concept is generally recognized also to include the freedom

to change religion or not to follow any religion. Accordingly, all democratic states are expected to provide an environment for freedom of religion. In Zanzibar, there was lack of full freedom of worship, since the community was not free to manifest their religion or belief in teaching. There was also no freedom to change religion neither liberty to worship and freedom of worship and observance was also not accepted. While none Muslims had freedom of worship, the Muslims had no freedom to change to another faith. This implied that it is reasonably not simple for those who may want to change to another religion.

According to the Universal Declaration of Human Rights, Article 18, freedom of religion is a principle that supports the freedom of an individual or community, in public or private, to manifest religion or belief in teaching, practice, worship, and observance; the concept is generally recognized also to include the freedom to change religion or not to follow any religion. Accordingly, all democratic states are expected to provide an environment for freedom of religion.

Data from interviews with local leaders, freedom of religion was considered by many citizens and nations to be a primary human right. This was in line with the Declaration of the Rights of Man and of the Citizen (1789) guarantees freedom of religion, as long as religious activities do not infringe on public order in ways detrimental to society.

It should however, be noted that historically freedom of religion has been used to refer to the tolerance of different theological systems of belief, while freedom of worship was defined as freedom of individual action. Each of these has existed to varying degrees. While many countries have accepted some form of religious freedom, this has also often been limited in practice through punitive taxation, repressive social legislation, and political disenfranchisement. Nevertheless, using Pearson's correlation coefficient, the null hypothesis (there is no relationship between right to freedom and democracy) was rejected and the alternative accepted (there is a relationship between right to freedom and democracy) accepted.

Right to freedom of speech and expression

The majority of respondents agreed that there was censorship. This indicates that the system of rule was unsatisfactory. However, with freedom to hold opinions, right to seek information, right to receive information and right to impart information were rather a problem.

The above finding contradicts with the International Covenant on Civil and Political Rights (2006), which indicates that it is generally believed that freedom of expression is more practiced in democratically elected governments than in none-democratic governments. Smith, David (2006) indicates that freedom of speech is the freedom to speak without censorship and/or limitation. The synonymous term freedom of expression is sometimes

used to indicate not only freedom of verbal speech but any act of seeking, receiving and imparting information or ideas, regardless of the medium used.

Data from interviews indicated that while freedom of speech is the freedom to speak without censorship and/or limitation, some members of the community feared to directly criticize the government. However, as indicated in text, the same was to Zanzibar were the synonymous term freedom of expression is sometimes used to indicate not only freedom of verbal speech but any act of seeking, receiving and imparting information or ideas, regardless of the medium used. In practice, the right to freedom of speech is not absolute in any country and the right is commonly subject to limitations, such as on "hate speech".

In addition, while the right to freedom of speech is recognized as a human right under Article 19 of the Universal Declaration of Human Rights and recognized in international human rights law in the International Covenant on Civil and Political Rights (ICCPR), in Zanzibar, such information was not widely spread among the population.

It should however, be noted that the right to freedom of speech and expression is closely related to other rights, and may be limited when conflicting with other rights (Puddephatt, 2005). The right to freedom of expression is also related to the right to a fair trial and court proceeding which may limit access to the search for information or determine the opportunity and means in which freedom of expression is manifested

within court proceedings. As a general principle freedom of expression may not limit the right to privacy, as well as the honor and reputation of others. However greater latitude is given when criticism of public figures is involved (Brett, Sebastian, 1999). The right to freedom of expression is particularly important for media, which plays a special role as the bearer of the general right to freedom of speech.

Nevertheless, basing on the above results, the researcher rejected the null hypothesis (there is no relationship between right to freedom of speech and democracy) and accepted the alternative (there is a relationship between right to freedom of speech and democracy).

Right to fair trial

The results revealed that there was limited respect of law. There was also contempt of court, witnesses were said to be influenced and there is no legal counsel for all parties. Based on the results of the study, it was evident that there was a positive and significant relationship between democracy and right to fair trial.

In an interview with local leaders, whereas the right to fair trial was seen as an important right in all countries respecting the rule of law, many people were unlawfully tried. People did not know that the right to a fair trial is explicitly proclaimed in Article 10 of the Universal Declaration of Human Rights, the Sixth Amendment to the United States

Constitution, and Article 6 of the European Convention of Human Rights, as well as numerous other constitutions and declarations throughout the world.

5.2 Conclusion

Basing on results from objective one (to establish the relationship between democracy and the right to freedom of religion), it was found out that Zanzibar was predominantly a Muslim country) and while non Muslims had freedom of worship, the Muslims had no freedom to change to another faith. This implies that it is reasonably not simple for those who may want to change to another religion. In a nutshell freedom of religion was not fully practiced.

To establish the relationship between democracy and the right to freedom of speech and expression, it was found that while freedom of speech is the freedom to speak without censorship and/or limitation, some members of the community feared to directly criticize the government. However, as indicated in literature, the same was to Zanzibar were the synonymous term freedom of expression is sometimes used to indicate not only freedom of verbal speech but any act of seeking, receiving and imparting information or ideas, regardless of the medium used. In practice, the right to freedom of speech is not absolute in Unguja island Zanzibar, hence the need for reform.

To establish the relationship between democracy and the right to fair trial, it was found out that there was limited respect of law as indicated by majority of respondents. This is

true as compared to the same number, who complained about the system of censorship. There was also contempt of court, witnesses were said to be influenced and there is no legal counsel for all parties as indicated by majority of respondents. There is therefore, need for reform on the aspect of rule of law and fair trial.

5.3 Recommendations

Based on the findings of the study, the researcher recommended the following;

There is need for freedom of religion to be a constitutionally guaranteed right provided in the religion clauses of the First Amendment of the constitution of Zanzibar. Freedom of religion should also be closely associated with separation of church, mosque and state.

Freedom of speech should be protected by the constitution. Criticism of the government and advocacy of unpopular ideas that people may find distasteful or against public policy, such as racism, sexism, and other hate speech are generally permitted

Due to the specifics of each individual case and the interests of monitoring organizations, a detailed interpretation of trial observation aims is not feasible. The following are recommended;

- to make known to the court, the authorities of the country and to the general public the interest in and concern for the trial in question;
- to encourage a court to give the accused a fair trial. The impact of an observer's presence in a courtroom cannot be evaluated with mathematical precision.

- to obtain more information about the conduct of the trial, the nature of the case against the accused and the legislation under which s/he is being tried; and
- to collect general background information about the political and legal circumstances leading to the trial and possibly affecting its outcome

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APPENDIX A:

SAMPLE SIZE DETERMINATION TABLE

Sample size determination by Morgan and Krejcie

Population size	Sample size	Population size	Sample size	Population size	Sample size
10	10	220	140	1200	291
15	14	230	144	1300	297
20	19	240	148	1400	302
25	24	250	152	1500	306
30	28	260	155	1600	310
35	32	270	159	1700	313
40	36	280	162	1800	317
45	40	290	165	1900	320
50	44	300	169	2000	322
55	48	320	175	2200	327
60	52	340	181	2400	331
65	56	360	186	2600	335
70	59	380	191	2800	338
75	63	400	196	3000	341
80	66	420	201	3500	346
85	70	440	205	4000	351

90	73	460	210	4500	354
95	76	480	214	5000	357
100	80	500	217	6000	361
110	86	550	226	7000	364
120	92	600	234	8000	367
130	97	650	242	9000	368
140	103	700	248	10000	370
150	108	750	254	15000	375
160	113	800	260	20000	377
170	118	850	265	30000	379
180	123	900	269	40000	380
190	127	950	274	50000	381
200	132	1000	278	75000	382
210	136	1100	280	100000	384

Source: Morgan and Krejcie (1970)

APPENDIX B:

QUESTIONNAIRE TO COMMUNITY MEMBERS

Dear sir/Madam

This study is to make an investigation of the influence of democracy on the promotion of human rights in Zanzibar. The information you give is purely for academic purposes and no body's name will be mentioned during report writing. You are requested to choose the answer that most suits your level of agreement or disagreement with the question.

Background information

1. Sex of respondent Male ☐ Female ☐
2. Age of the respondent
15 – 20 ☐ 21 – 25 ☐ 26 – 40 ☐ Above 40 ☐
3. What is your level of education?
Certificate ☐ Diploma ☐ Degree ☐ No formal education ☐
5. What is your marital status?
Married ☐ Widowed ☐ Divorced ☐ Not married ☐

6. How do you rate the level of democracy in Zanzibar?

Very good	Good	Fair	Poor	Very poor
1	2	3	4	5

7. Democracy in Zanzibar

How do you rate the following elements of democracy in Zanzibar?

Parameter	Very good	Good	Fair	Poor	Very poor
Rule of law					
Human dignity					
Political equality					
Political freedoms					
Common good					
Being informed and getting involved					
Personal freedom					
Respect					

8. Rate other ways of democracy in regard to human rights in Zanzibar?

9. Right to freedom of religion

Indicate your level of agreement on the following statements regarding freedom of religion in Zanzibar.

Parameter	Strongly agree	Agree	Disagree	Strongly disagree	Not sure
People are free to manifest their religion or belief in teaching,					
There is freedom to change religion					
There is Liberty to worship					
There is Freedom of worship, and observance.					

10. State more ways in which choice of religion influences human rights in Zanzibar?

11. Right to freedom of speech and expression

Indicate your level of agreement on the following statements regarding right to speech and expression in Zanzibar.

Statement	Strongly agree	Agree	Strongly disagree	Disagree	Not sure
There is Censorship					
There is Freedom to hold opinions					
There is right to seek information and ideas					
There is the right to receive information and ideas;					
There is the right to impart information and ideas					

12. Mention further ways in which right to speech and expression affects human rights in Zanzibar?

13. Right to fair trial

Indicate your level of agreement or disagreement with the following statements regarding the right to fair trial in Zanzibar?

Statement	Strongly agree	Agree	Strongly disagree	Disagree	Missing Number
There is respect of rule of law					
There is competency of judiciary					
There is contempt of court					
There is uninfluenced witnesses					
There is legal counsel for all parties					

14. Mention other ways in which fair trial influences human rights in Zanzibar?

15. To what extent do the following factors affect human rights in Zanzibar?

Parameter	To a great extent	To a small extent	No effect
Corruption			
Conflict			
Nepotism			
Resources			

16. What other factors affect human rights in Zanzibar?

Thanks for your cooperation

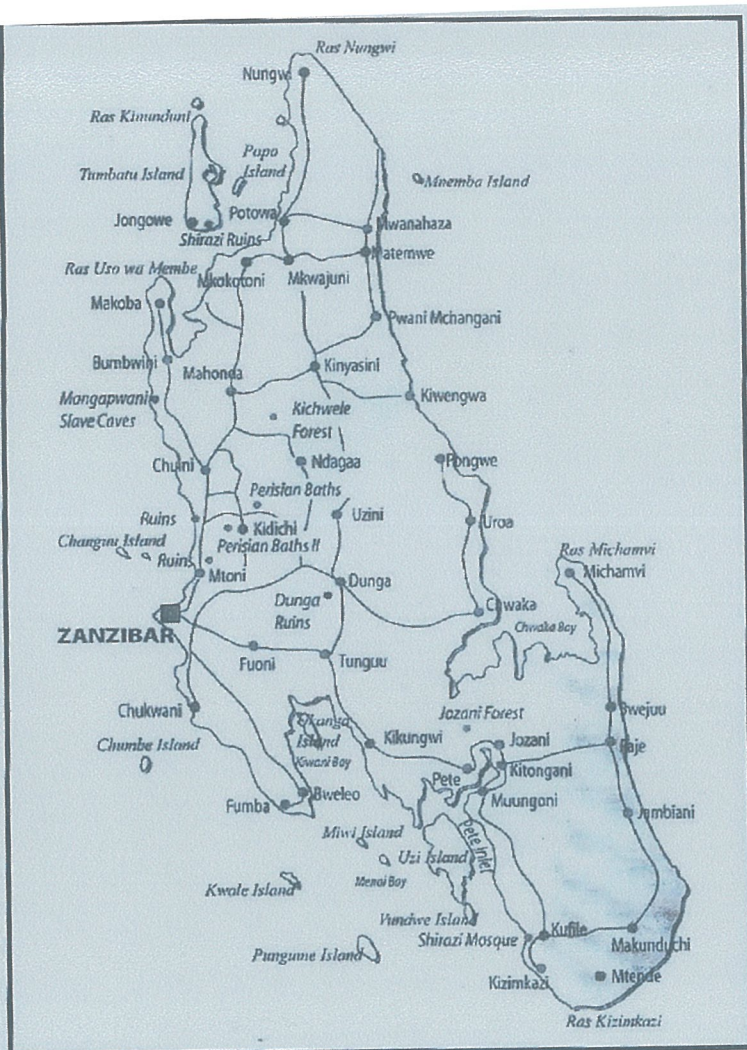
APPENDIX C:

INTERVIEW GUIDE TO KEY INFORMANTS

The researcher is a post graduate student in KIU carrying a research on the influence of democracy on promotion of human rights in Zanzibar, as part of a requirement of the award of a master degree in Human Rights and Development. Dear respondents you are therefore requested to spare some few minutes of your precious time to fill in this Interview guide, and all the information given will be treated with the confidentiality it deserves. I appreciate and thank you very much.

1. Respondent number.....
2. Age.....
3. Marital status.....
4. Position.....
5. District.....
7. Number of years in service.....
8. Has your status ever received any complaints relating to human rights violation in your area?
9. What programs do you have for promoting good governance with in the area?
10. Does your Municipality have good governance policies that triggered to influence and promote democracy?
11. What are the common social problems emerging due to the absent of good governance and human rights in your area?
12. What interventions do you have in place in relation to their problems?
13. What is their general socio-economic status?

APENDIX C:
MAP OF UNGUJA –ZANZIBAR



APPENDIX D:
TIME SCHEDULE

Research Schedule (Time –Frame)

Month	Description	Outcomes
November - Dec 2009	Extensive library reading and review	Literature review
Dec - Jan 2010	Proposal writing and correcting	Proposal printed
Jan -to March 2010	Data collection in Zanzibar	Raw data
March 2010	Data cleaning and interpretation	Data cleaned and interpreted
March, 2010	Type setting, editing and printing the dissertation	Research report printed
April-may 2010	First draft of the research report	First draft submitted
May 2010	Editing, type setting of the research report	Research report printed
June	Submission of the research report	Research report submitted



REVOLUTIONARY GOVERNMENT OF ZANZIBAR
PRESIDENT'S OFFICE – PUBLIC SERVICE AND GOOD GOVERNANCE

P. O. Box 3356
SHANGANI, ZANZIBAR

Tel : 024 – 2230034
Fax: 024 – 2230027

In replying please quote:
Ref.No.MGCA/P1/10/VOL.V111/2010

5th January 2010

**Deputy Director,
School of post Graduate studies and research,
P.O.BOX 20000,
Kampala,
UGANDA.**

Re: Introduction of Ms Zaina Daud Khalid.

Reference is made to your letter dated December 05th 2009 in respect of Zaina Daud applying to undergo research in the Ministry.

Please be informed that the student will be accommodated as requested for whole period of the research.

Thank you for your Cooperation.

Ali Vuai Ali
/PERMAENT SECRETARY

c.c. Ms Zaina Daud
Kampala International University
P.O.BOX 20000,
Kampala,
UGANDA. -

Report with this letter on the due date to the director of
Administration and personnel for further instructions



KAMPALA
INTERNATIONAL UNIVERSITY

P.O.BOX 20000
KAMPALA- UGANDA.
TEL:-041-266813

**OFFICE OF THE DEAN
FACULTY OF SOCIAL SCIENCES**

Date: December 5, 2009

Director of Human Resource
Ministry of Good Governance & Constitutional Affairs
P.O. Box 601
ZANZIBAR - TANZANIA

Dear Sir,

RE: ZAINA DAUD KHALID REG. NO. MHD/20003/82/DF

The above mentioned is a bonafide student of Kampala International University pursuing a Masters of Arts in Human Rights and Development.

She is currently conducting field research and the title of the Research Project is "**The Influence of Democracy in Reconstruction of Human Rights in Unguja – Zanzibar**". As part of her studies (Research work) she has to collect relevant information through questionnaires, interviews and other relevant reading materials.

Your Institution has been identified as a valuable source of information pertaining to her Research Project. The purpose of this letter is to kindly request you to avail her with the pertinent information she may need.

All information shared with her will be used for academic purpose only and we promise to share our findings with your institution should you require so.

We shall greatly appreciate your assistance to her.

Yours sincerely,

**DR. ROSEANNE MWANIKI
ASSOCIATE DEAN-SCHOOL POST GRADUATE STUDIES AND RESEARCH**

CV

Zaina Daud Khalid

P.O. Box 1157 Zanzibar, Tanzania.

Tel: +255 - 24 - 2231870; 0777 - 429173 (mobile)

Fax: +255 - 24 - 2231870

E-mail: daudizai@yahoo.com.

EDUCATION BACKGROUND

MASTER OF ARTS IN HUMAN RIGHTS AND DEVELOPMENT, 2009-2010

Kampala International University

COURSES INCLUDE:

H/Rs and Dev, foundation of human rights, project planning and management, human rights NGOs, theory and concept of development, research methodology, forced displacement, global protection of human rights, children rights, gender and development, specific rights and freedom etc

THESIS TITLE:

The influence of democracy in the reconstruction of human rights in Zanzibar

BACHELOR OF LAW (GENERAL), 2001/2005

Zanzibar University, Zanzibar /Tanzania

COURSES INCLUDE:

Civil and criminal law

DIPLOMA IN LANGUAGES, 1994-1998

Institute of kiswahili and foreign languages:

Course includes:

Education, major languages, psychology and others

OTHER ATTENDED COURSES / SEMINARS

Project planning and management

Makerere University, 2009

Kampala, Uganda

Dispute resolution,

Makerere, University

Kampala, Uganda.

Incubator management

Dar- es Salam University

Dar es salaam, Tanzania

State attorney Trainee
Attorney general Chamber
Tabora, Tanzania

State attorney trainee
Regional court,
Dar es salaam, Tanzania

COMPUTER KNOWLEDGE

MICROSOFT WORD, POWER POINT, & EXCEL

WORK EXPERIENCE

LEGAL ADVISOR, 2006 to date

Ministry of tourism, trade and investment, Zanzibar, Tanzania

- Advise Ministry on the legal issues

INDUSTRIAL OFFICER 1998- 2001

Monitor SMEs in Zanzibar, industrial activities etc

OTHER WORK EXPERIENCE

- Interim Executive Director of Zanzibar Business Council (Founder Member of ZBC),
- Secondary school teacher
- Member of Technical Committee for the Preparation of Zanzibar Business Council Legal Notice No 45
- Member of marriage committee- Zanzibar university
- Member of Zanzibar female lawyer (Zafela - Consulting Firm)

OTHER INFORMATION

- Born in Zanzibar on august in 1973
- Married
- Maintain physical fitness by regularly exercising

