

TANZANIA

*Peter Josiah Shughuru**

1 Population indicators

1.1 What is the total population of Tanzania?

Tanzania is the second largest country geographically and by population in East Africa next to Democratic Republic of the Congo.¹ According to the Population and Housing Census (PHC) 2022, Tanzania has a population of 61 741 120 people contributing to the global human population of 7 954 000 000 by 0.8 per cent.² Despite the fact that Tanzania has a history of population counts dating back to 1910, data on disability prevalence is relatively a recent reality.³

* LLB (RUCU), LLM (Human Rights and Democratisation in Africa) UP, and PhD (UDSM). Author is a Law Lecturer, School of Law of the University of Dodoma, Tanzania. peter.shughuru@udom.ac.tz, shughurupj@gmail.com

1 EAC 'Overview of the EAC' <https://www.eac.int/overview-of-eac> (accessed 26 January 2024). The Democratic Republic of the Congo has an area of 2 345 000 sq. km and 92.9 million human populations whereas Tanzania has an area of 945 090 sq. km and 61.7 million human populations.

2 The United Republic of Tanzania (URT), Ministry of Finance and Planning, Tanzania National Bureau of Statistics and President's Office – Finance and Planning, Office of the Chief Government Statistician, Zanzibar, '2022 Population and Housing Census: Administrative Units Population Distribution Report' (December 2022) vi and 1 respectively.

3 The 2002 Population and Housing Census was the first to determine disability prevalence in Tanzania. Many other statistical analyses followed, which includes Tanzania Disability Survey Report 2008, the National Panel Survey 2008-2009, the 2012 Population and Housing Census, the Integrated Labour Force Survey 2014 – Disability Statistics and 2016 Disability Monograph.

1.2 Describe the methodology used to obtain the statistical data on the prevalence of disability in Tanzania. What criteria are used to determine who falls within the class of persons with disabilities in Tanzania?

Like in 2002 and 2012, the 2022 PHC collected data on disability prevalence. However, at the time of writing this report, the census report on disabilities was not yet published by the National Bureau of Statistics (NBS). Nevertheless, as the 2022 PHC established the average annual intercensal population growth rate of 3.2 percent during the 2012-2022 periods, this report will establish current estimations based on the established growth rate and previous surveys, and census reports.⁴

1.3 What is the total number and percentage of persons with disabilities in Tanzania?

Until recently, the determination of disabilities in Tanzania was largely based on impairment and not on the abilities of individuals with impairments to participate due to social impediments (social model) or severity of impairment (medical model). For example, the 2002 PHC disability questions were impairment based.⁵ It included questions such as: 'Is (name of a person) disabled?' and if the answer was 'yes', respondents were asked to state the type of disability in question.⁶ The next PHC which was conducted in 2012 adopted an 'activity limitations and functioning approach' in order to determine disability prevalence in Tanzania.⁷ Later, in 2016 the Disability Monograph by NBS, analysed data on 'albinism and difficulties in the domains of seeing, hearing, walking, remembering, self-care, and other difficulties' based on data from 2012 PHC.⁸

The 2010 Persons with Disabilities Act⁹ of Tanzania define disability as a 'loss or limitation of opportunities to take part in the normal life of the community on an equal level with others due to physical, mental or social factors. This definition is inadequate compared with the model conceptual framework set out by the United Nations Convention on the Rights of Persons with Disabilities (NCRPD).¹⁰ Until the prevailing conceptual misunderstanding is cleared, the criteria used to determine who falls within the class of persons with disabilities in Tanzania will continue to be uncertain and inconsistent.

For the past two decades, disability has been an important variable of population analysis by NBS. Statistics is a union matter as per the Constitution of the United Republic of Tanzania, which means that disability population data on record covers both Mainland Tanzania and the Island of Zanzibar.¹¹ Therefore, the

4 2022 PHC (n 2) 2.

5 The United Republic of Tanzania, Ministry of Finance and Planning, National Bureau of Statistics and President's Office – Finance and Planning, Office of the Chief Government Statistician, Zanzibar 'Disability Monograph' (January 2016) 2.

6 The United Republic of Tanzania, National Bureau of Statistics and Office of the Chief Government Statistician, Zanzibar, 'Tanzania Disability Survey Report, 2008' (2008) 41.

7 Disability Monograph (n 5) 2.

8 Disability Monograph (n 5) 7.

9 Persons with Disabilities Act 9 of 2010, sec 3.

10 UN General Assembly, Convention on the Rights of Persons with Disabilities: Resolution adopted by the General Assembly, 24 January 2007, A/RES/61/106 (2007) art 1(2), see also para e of the Preamble thereto.

11 Constitution of the United Republic of Tanzania, 1977, as amended from time to time, First Schedule thereto.

2002 PHC,¹² 2008 Tanzania Disability Survey Report (Disability Survey),¹³ the 2012 and 2022 PHCs respectively,¹⁴ all determined data on disability prevalence in the whole country.

The 2002 PHC recorded a population of 676 502 (2 per cent) for persons with disabilities out of the total population in Tanzania.¹⁵ On its part, the 2008 Disability Survey recorded a total population of 2 421 276 which amounted to 7.8 per cent of the total national population. Out of the 2 421 276, 2 366 941 were residents of Mainland Tanzania whereas 54 335 were residents of Tanzania Zanzibar.¹⁶ However, unlike the 2002 PHC, which determined disability prevalence rate from age zero, the 2008 Disability Survey's prevalence rate was based on persons with disabilities population aged seven years and above.¹⁷ The next PHC which was conducted in 2012 recorded a total of 3 157 516 or 9.3 per cent of the total national population.¹⁸ The 2012 PHC recorded the highest disability prevalence rate compared to previous statistics. According to NBS, the significant differences noted was due to limitations including those related to conceptualisation of disabilities and methods applied in data collection, which affected the quality of data collected in previous census.¹⁹

While the 2022 PHC report on disability is yet to be published, this report estimates a population of 4 326 558 persons with disabilities in Tanzania by 2022 based on the 2012 population record of 3 157 516 persons with disabilities and the 2022 PHC's average annual intercensal population growth rate of 3.2 per cent for the period of 2012-2022.

1.4 What is the total number and percentage of women with disabilities in Tanzania?

The number of women and girls with disabilities has been reported in population statistics in Tanzania since the 2002 PHC. For example, in 2002, the total number of women and girls with disabilities was reported to be at 305 102.²⁰

The 2008 Disability Survey recorded a population of 1 249 757 (7.8 per cent) women with disabilities aged seven years and above, of which 1 221 506 (7.8 per cent) were residents of Mainland Tanzania and 28 251 (5.9 per cent) were residents of Tanzania Zanzibar.²¹

The 2012 PHC recorded a prevalence rate of 1 662 697 (9.4 per cent) for women and girls with disabilities out of 17 688 265 female population aged seven years and above.²² At the time of writing this report the 2022 census report on disabilities had not yet been published.

12 The United Republic of Tanzania, National Bureau of Statistics 'Tanzania Population and Housing Census 2002: Analytical Report' (2002).

13 2008 Disability Survey (n 6).

14 The United Republic of Tanzania, National Bureau of Statistics and Office of the Chief Government Statistician, Zanzibar 'Population and Housing Census 2012' (2012); and 2022 PHC (n 2).

15 2002 PHC (n 12) 43.

16 2008 Disability Survey (n 6) 42.

17 2008 Disability Survey (n 6) 41.

18 Disability Monograph (n 5) 4.

19 As above.

20 2002 PHC (n 12) 44.

21 2008 Disability Survey (n 6) 43.

22 Disability Monograph (n 5) Table 2.2, 10.

1.5 What is the total number and percentage of children with disabilities in Tanzania?

A child in Tanzania is a person below the age of 18 years.²³ Population data for persons with disabilities by age has largely been documented since the 2002 PHC in Tanzania. The 2012 PHC documented disability incidences including on children with disabilities. Only the 2008 Disability Survey Report did not process data about children with disabilities.

The 2002 PHC recorded a total population of 252 311 for persons with disability aged between 0-24 years. Distributed into age range, there were: 30 129 children with disabilities (CWDs) aged 0-4 years, 55 320 CWDs aged 5-9 years, 61 515 CWDs aged 10-14 years, and 105 347 CWDs aged 15-24 years.²⁴ Based on these data, the higher the age the higher the disability prevalence rate which probably helps explain that many disabilities occur after birth due to reasons including poverty and diseases. This rise is also supported by the 2008 Disability Survey, which documented that majority of PWDs (62.8 per cent) reported the age of onset of their disabilities in adulthood, after 15 years of age and 2.9 per cent reported their age of onset of disabilities after 80 years of age.²⁵

The 2012 PHC recorded a population of 1 292 779 persons with disabilities aged 7-21 years. It did not collect data for children with disabilities aged 0-7 years based on Washington Group on Disability's approach which excludes statistics of this age group for its inability to fully explain the difficulties or activity limitations at younger ages.²⁶ Data were distributed in the following age range: 501 237 (8.3 per cent) CWDs, aged 7-11; 440 613 (8.3 per cent) CWDs, aged 12-16; and 350 929 (8.1 per cent) CWDs aged 17-21 of the total population of children in that age group.

Based on the 2022 PHC average annual intercensal population growth rate of 3.2 per cent for the period of 2012-2022, the current population of CWDs aged 7-21 years in Tanzania may be estimated to have reached a total of 1 771 419 by the year 2022.

1.6 What are the most prevalent forms of disability and/or peculiarities to disability in Tanzania?

Based on available data on disability population, there are no serious peculiarities in disability population structure in Tanzania. Significant differences in numbers are notable among disability groups. The 2002 PHC recorded the largest proportion of 47.9 per cent of people with physical impairments followed by persons with intellectual impairment by 16.3 per cent, multiple impairment 13.3 per cent and persons with albinism in the lowest proportion of 1.0 per cent.²⁷

According to the Disability Survey Report, 2008, vision and mobility impairments at 3.7 per cent and 3.1 per cent respectively, were the most prevalent forms of disabilities followed by hearing at 1.9 per cent, cognitive at 1.5 per cent and communication impairments at 0.8 per cent in Tanzania for the population aged seven years and above.²⁸

23 Law of the Child Act 21 of 2009, sec 4 (1).

24 2002 PHC (n 12) 44.

25 2008 Disability Survey (n 6) 70-71.

26 Disability Monograph (n 5) 18.

27 2002 PHC (n 12) 43.

28 2008 Disability Survey (n 6) 43.

The 2016 Disability Monograph which analysed data based on the 2012 PHC findings, reported disability prevalence on more than six types of disabilities: albinism, seeing, walking, hearing, remembering, self-care and 'other types' of disabilities. Accordingly, vision and mobility/walking impairments at 1.9 per cent and 1.2 per cent respectively were the mostly reported type of disability recorded.²⁹ Hearing, remembering, selfcare and 'other disabilities' were 1.0 per cent, 0.9 per cent, 0.7 per cent and 0.2 per cent respectively. The lowest prevalence was albinism at 0.04 per cent.³⁰

2 Tanzania's international obligations

2.1 What is the status of the United Nation's Convention on the Rights of Persons with Disabilities (CRPD) in Tanzania? Did Tanzania sign and ratify the CRPD? Provide the date(s).

The UNCRPD and its Optional Protocol are in force in Tanzania since their ratification on 10 November 2009.³¹ These are also specifically domesticated in Tanzania. The Persons with Disabilities Act provides that it should be implemented in line with the CRPD.³²

2.2 If Tanzania has signed and ratified the CRPD, when is/was its country report due? Which government department is responsible for submission of the report? Did Tanzania submit its report? If so, and if the report has been considered, indicate if there was a domestic effect of this reporting process. If not, what reasons does the relevant government department give for the delay?

The CRPD came into force on 3 May 2008 in accordance with article 45(1).³³ Tanzania ratified the CRPD on 10 November 2009 and it came into force for Tanzania in December 2009 in accordance with article 45(2).³⁴ Tanzania's initial report was due for submission within two years, (no later than December 2011) after the Convention entered into force for Tanzania.

Matters of persons with disabilities, at a national level, vest with the Prime Minister's Office – Labour, Youth, Employment and Persons with Disabilities (PMO-LYE and PWDs). This Ministry has never prepared any report on the status of implementation of the UNCRPD by the State. Tanzania's report is therefore significantly overdue.³⁵ However, based on field information gathered for this report, Tanzania's first State Report is under preparation by the Ministry of Constitution and Legal Affairs (MoCLA) and will, accordingly, be ready for

29 Disability Monography (n 5) 12.

30 As above.

31 Signature and ratification status, United Nations Treaty Collection, status as at: 21-08-2023 09:15:38 EDT, https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtsg_no=IV-15&chapter=4&clang=_en, (accessed 21 August 2023).

32 PWDs Act (n 9) sec 12(1)(k).

33 CRPD (n 10).

34 As above.

35 CRPD, art 36 (2).

submission in the near future.³⁶ As regards this task, MoCLA plays a coordination role. The central role of data collection, analysis and interpretations lie with PMO-LYE and PWDs due to its technical expertise on the subject.³⁷ However, when completed, MoCLA will be responsible for the submission of this report.

2.3 While reporting under various other United Nation's instruments, or under the African Charter on Human and Peoples' Rights, or African Charter on the Rights and Welfare of the Child, did Tanzania also report specifically on the rights of persons with disabilities in its most recent reports? If so, were relevant 'Concluding Observations' adopted? If relevant, were these observations given effect to? Was mention made of disability rights in your state's UN Universal Periodic Review (UPR)? If so, what was the effect of these observations/recommendations?

In the past, Tanzania has reported about developments on disability rights in some of its reports to international human rights bodies. For example, in the last submission to the Committee on the Rights of the Child and Committee on the Elimination of Discrimination Against Women, the country reported about the ratification of the CRPD and its Optional Protocol, enactment of the Persons with Disabilities Act and Regulations, adoption of the National Strategy on Inclusive Education, the National Disability Mainstreaming Strategy, the Policy on Disability (Zanzibar), and education provisions to children with disabilities.³⁸

In the national reports to the Universal Periodic Review (UPR) mechanism, Tanzania reported on different achievements recorded about the rights of persons with disabilities depending on the period under review.³⁹ In 2011, Tanzania's National UPR Report highlighted advancements achieved in the country's laws, policies and practices.⁴⁰ Matters reported include violence against persons with albinism and the measures taken⁴¹ and a voluntary national commitment to submit periodic reports to various treaty bodies including to report under the CRPD.⁴² The Report of the UPR Working Group adopted conclusions and recommendations on, among others areas, the strengthening of efforts to protect people with albinism and improve schools and other educational facilities and environments to meet the needs of PWDs.⁴³

36 Face-to-face interview with the Director of Disability Unit, Prime Minister's Office - Employment, Labour and Persons with Disabilities, at the Ministry's Head Office in Dodoma, on 10 October 2023.

37 As above.

38 Paras 3(a) & (b), 4(d), 5(a & e), 52, 53, Committee on the Rights of the Child, Concluding Observations on the combined third to fifth periodic reports of the United Republic of Tanzania, 3 March 2015, UN Doc CRC/C/TZA/CO/3-5 (2015); and paras 5(e) and 6 of CEDAW Committee, Concluding Observations on the combined seventh and eighth periodic reports of the United Republic of Tanzania, 9 March 2016, UN Doc CEDAW/C/TZA/CO/7-8 (2016).

39 HRC, Report of the Working Group on the Universal Periodic Review, United Republic of Tanzania, 8 December 2011, UN Doc A/HRC/19/4 (2011), para 1 and para 7; United Republic of Tanzania, National report submitted in accordance with para 5 of the annex to HRC, Human Rights Council Resolution 16/21, 17 August 2021, UN Doc A/HRC/WG.6/39/TZA/1 (2021) <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/225/37/PDF/G2122537.pdf?OpenElement> (accessed 29 August 2023).

40 National UPR Report for United Republic of Tanzania (2021) paras 19 and 20.

41 UPR Report 2021 (n 40) 14 para 64.

42 UPR Report 2021 (n 40) para 50 (a).

43 Report of the Working Group on the Universal Periodic Review for United Republic of Tanzania, para 85, 12-16, 34-42, 90-93.

The next review which was conducted in 2016, dealt with population data of persons with disabilities based on the 2012 PHC.⁴⁴ Relevant laws, policies, programmes and strategies advancing the welfare of persons with disabilities in place and those already implemented, review of the National Health Exemption Guidelines to include persons with disabilities, establishment of rehabilitation centres, Tanzania's vote in favour of the UN Resolution to hold annual Persons with Albinism Day, establishment of temporary protection centres for children with albinism and swift investigation and handling of cases involving violence against persons with albinisms were reported.⁴⁵ The UPR Working Group's report concluded and recommended on Tanzania's obligation to submit overdue reports under the CRPD and highlighted areas for improvements in education access by children with disabilities.⁴⁶

The third cycle review occurred in 2021. In that year, the country reported about its accession to the Marrakesh Treaty in 2020⁴⁷ as a way of promoting and enhancing access to information for persons with visual impairments. The country also reported about legislative amendments to the Local Government Finance Act,⁴⁸ National Elections Act,⁴⁹ enactment of the Legal Aid Act,⁵⁰ education and training of persons with disabilities and review of disability laws in Mainland Tanzania and Zanzibar and the role of organisations of persons with disabilities.⁵¹ The State also re-committed to submit reports to various human rights bodies as a matter of priority.⁵² The Report of the Working Group concluded on and recommended acceleration of implementation of the CRPD, seeking technical assistance regarding overdue reports under the CRPD, ensuring meaningful participation of persons with disabilities, non-discrimination of persons with disabilities improving infrastructure accessibility and development of the National Strategy for Inclusive Education.⁵³

2.4 Was there any domestic effect on Tanzania's legal system after ratifying the international or regional instrument in 2.3 above? Does the international or regional instrument that had been ratified require Tanzania's legislature to incorporate it into the legal system before the instrument can have force in Tanzania's domestic law? Have the courts of Tanzania ever considered this question? If so, cite the case(s).

The National Assembly of Tanzania has a constitutional duty to deliberate upon and ratify all international agreements, the provisions of which require ratification.⁵⁴ There are abundant records of parliamentary enactments and

44 National UPR Report for United Republic of Tanzania (2016) 9, para 47.

45 UPR Report (2016) 9, para 50 & 51.

46 UPR Report (2016) paras 134, 118-120.

47 Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled, TRT/MARRAKESH/001 (2013).

48 Cap 290 R.E. 2019.

49 Cap 343, 2015.

50 Act 14 of 2016.

51 HRC, United Republic of Tanzania, National Report submitted in accordance with paragraph 5 of the annex to Human Rights Council Resolution 16/21, 17 August 2021, UN Doc A/HRC/WG.6/39/TZA/1 (2021) 0 9-11 and para 5; URT, National UPR Report, 2021 and the Marrakesh Treaty to Facilitate Access of Published Works to Persons who are Blind, Visually Impaired or Otherwise Print Disabled.

52 National UPR Report (n 39) 21, sec v.

53 HRC, Report of the Working Group on the Universal Periodic Review for United Republic of Tanzania, 21 December 2021, UN Doc A/HRC/49/13 (2021) paras 145, 1, 3, 29, 30, 75, 76, 84, 106, 107, 108.

54 URT Constitution (n 11) art 63(3)(e).

adoption of policies because of Tanzania's ratification and/or accession to various international and regional instruments. The 2009 Law of the Child Act and 2010 Persons with Disabilities Act (all referring to specific international instruments) are a few among many domestic measures taken in fulfilment of Tanzania's obligation to international and regional instruments.

2.5 With reference to 2.4 above, has the United Nation's CRPD or any other ratified international instrument been domesticated? Provide details.

The Persons with Disabilities Act was enacted to give effect to provisions of the CRPD. The Act has substantially reproduced the provisions of the CRPD.⁵⁵ Under the Act, the National Advisory Council for Persons with Disabilities has been empowered to monitor and evaluate its implementation in relation to the CRPD.⁵⁶

3 Constitution

3.1 Does the Constitution of Tanzania contain provisions that directly address disability? If so, list the provisions and explain how each provision addresses disability.

Article 11(1) of the Constitution of the United Republic of Tanzania (URT Constitution) is the only provision that directly addresses the rights of persons with disabilities. It calls upon State authorities to make appropriate provisions for the realisation of the right to work, to self-education and social welfare of persons with disabilities.⁵⁷ However, this right constitutes one of the various fundamental objectives and directive principles of State Policy, which is not enforceable as per the Constitution.⁵⁸ Nevertheless, the binding nature of fundamental objectives and directive principles of State Policy is yet to be determined by the court in Tanzania in addition to the fact that Tanzania's Constitution does not list 'disability' as a prohibited ground of discrimination.⁵⁹

The 2014 constitutional review process heightened the expectations of the people with regards to the future of disability rights in Tanzania. Despite the process being stalled on political grounds, it brought in place a proposed Constitution that would have advanced the rights of persons with disabilities.⁶⁰ Chapter five of the proposed Constitution, articles 32-67 recognised disability rights in a number of provisions. In addition to non-discrimination provisions,⁶¹ article 55 of the proposed Constitution was dedicated to disability rights. For example, article 55 made provisions for the rights to respect of dignity, prohibition of disability-based discrimination, oppression and violence, the right to education

55 The Act in totality, substantively give effect to CRPD.

56 PWDs Act (n 9) sec 12.

57 URT Constitution (n 11) art 11(1).

58 URT Constitution (n 11) art 7. According to this provision: 'the provisions of this Part of this Chapter are not enforceable by any court. No court shall be competent to determine the question whether or not any action or omission by any person or any court, or any law or judgment complies with the provisions of this Part of this Chapter.'

59 URT Constitution (n 11) art 13(5).

60 The United Republic of Tanzania, Special Constitutional Assembly, Proposed Constitution, 2014.

61 Proposed Constitution (n 60) art 34(5).

based on individual needs, participation in public life, accessibility to physical infrastructure and to information, sign language, braille language, enlarged print materials, the right to employment and to work, health and reproductive health, and rehabilitation and habilitation services.⁶² The proposed Constitution also had provisions that empower the President of the United Republic of Tanzania to appoint five persons with disabilities to be members of the parliament.⁶³

3.2 Does the Constitution of Tanzania contain provisions that indirectly address disability? If so, list the provisions and explain how each provision indirectly addresses disability.

Despite the fact that the Bill of Rights in Tanzania does not have express provisions for rights of persons with disabilities, the fundamental rights, freedoms and duties contained are provisions of general application addressing 'all humans', 'every person', 'all persons' and 'every citizen', which, no doubt, include persons with disabilities.⁶⁴

4 Legislation

4.1 Does Tanzania have legislation that directly addresses disability? If so, list the legislation and explain how the legislation addresses disability.

There are a growing number of laws in Tanzania that specifically address rights of persons with disabilities apart from the Persons with Disabilities Act. Key among these includes the Law of the Child Act, Employment and Labour Relations Act and the Local Government Finance Act.

The Law of the Child Act, in addition to defining a child with disabilities, also lists disability as a prohibited ground of discrimination. It forbids undignified treatment of children with disabilities, and affords them the right to special care, treatment, facilities for their rehabilitation and equal opportunities to education and training and wherever possible to develop their maximum potential and be self-reliant.⁶⁵

The Employment and Labour Relations Act requires all employers to ensure, in their policies and practices, promotion of equality of opportunities in employment and eliminate discrimination on all ground including specifically 'disabilities'.⁶⁶ Termination from employment on ground of disability amounts to unfair termination.⁶⁷

62 Proposed Constitution (n 60) art 55.

63 Proposed Constitution (n 60) art 129(1)(b).

64 All rights' provisions in the Bill of Rights use either of the terms noted.

65 PWDs Act (n 9) sec 3, 5(2), 8(5&6), and 16(1)(p).

66 Employment and Labour Relations Act, 2004, sec 7(1) & (4)(L).

67 Employment and Labour Relations Act (n 66) sec 37(3) (b) (ii).

The Local Government Finance Act, for the first time in 2019, included persons with disabilities as beneficiaries of the local government authority's development funds in addition to Women and Youths who were eligible since 1993.⁶⁸ Persons with disabilities are entitled to 20 per cent of 10 per cent of the total internal revenues of respective local government authorities.⁶⁹

Other laws with provisions addressing persons with disabilities, includes the Mental Health Act,⁷⁰ Legal Aid Act,⁷¹ Judicature and Application of Laws (Practice and Procedure in Cases Involving Vulnerable Groups) Rules,⁷² the Workers' Compensation Act,⁷³ National Social Security Fund Act,⁷⁴ Public Service Social Security Fund Act,⁷⁵ and National Elections Act.⁷⁶

5 Decisions of courts and tribunals

5.1 Have the courts (or tribunals) in Tanzania ever decided on an issue(s) relating to disability? If so, list the cases and provide a summary for each of the cases with the facts, the decision(s) and the reasoning.

There is a growing body of cases dealing with disability rights in Tanzania. For example, the High Court adoption case of *John Msungu (Matayo K Kihwelo) v Gabriele Brandolin*.⁷⁷ The case was brought under the provisions of the Persons with Disabilities Act 2010, the Judicature and Application of Laws (Practice and Procedure of Cases Involving Vulnerable Groups) Rules, and the Civil Procedure Code.⁷⁸ The court granted an application for appointment of next friend for the applicant, a person of 'unsound mind' who was unable to maintain a suit on his or her own behalf and in accordance with the requirement of the law.⁷⁹

At the international level, the CRPD Committee has also determined one Communication against Tanzania. The case of *X v Tanzania*,⁸⁰ that dealt with the rights against torture, inhumane and degrading treatment and discrimination against persons with albinism under articles 5, 15, and 17 of the CRPD. The author, a Tanzanian national with albinism had his left arm cut off by strangers due to his condition of albinism. The Committee found that Tanzania's failure to prevent and punish acts of violence against persons with albinism prevented them from living in the society on an equal basis with others based on their disabilities.

68 37A. (1), the Local Government Finance Act (Cap. 290 R.E 2019), see also, R Rugeiyamu 'Local government's failure to recover loans from groups of women, youth, and people with disabilities in Tanzania' (2023) 19 *International Journal of Public Leadership* 210 at 211-212.

69 Registered Groups of Women, Youth and People with Disability Regulations, GN 286 of 5 April 2019.

70 Act 21 of 2008.

71 Act no. 14, 2016.

72 GN 110, 2019.

73 Cap 263, RE 2015.

74 Cap 50 RE 2018.

75 Act 2 of 2018.

76 Cap 343, RE 2015.

77 Miscellaneous Civil Application 553 of 2019, Unreported.

78 PWDs Act (n 9) and GN 110 of 2019, and Cap 33 RE 2022 respectively.

79 As above (n 78) 2.

80 Committee on CRPD, Communication 22/2014. In this case the Committee granted the applicant's request for anonymity and has, for the purpose, named the applicant Mr X.

6 Policies and programmes

6.1 Does Tanzania have policies or programmes that directly address disability? If so, list each policy and explain how the policy addresses disability.

Various national micro and macro policies, plans and strategies address the rights of persons with disabilities. Key among them are the Tanzania Development Vision (2025),⁸¹ the National Strategy for Growth and Reduction of Poverty II (NSGRP II)⁸² and the Tanzania Five Year Development Plan.⁸³

The Tanzania Development Vision (2025) recognises that Tanzania's development should be people-centred and is explicit that all the people, with and without disabilities should be empowered to effectively participate in all aspects of life.⁸⁴

The National Strategy for Growth and Reduction of Poverty II (NSGRP II)⁸⁵ is concerned with improving quality of life and social well-being focusing on the poorest and most vulnerable members of the society and more importantly, expanding 'access of children with disabilities to all levels of education'.⁸⁶ This Strategy further focuses on the promotion of inclusive pre-service and in-service training programmes for persons with disabilities.⁸⁷

The Tanzania Five Year Development Plan advocates for interventions in areas of social protection of the vulnerable and disadvantaged such as persons with disabilities by developing their capabilities to lift themselves out of poverty, enhance their productive capacity and increasing their resilience.⁸⁸

Other policies that address the rights of persons with disabilities include, the Education Sector Development Plan,⁸⁹ the Education and Training Policy,⁹⁰ the Teacher Education Development and Management Strategy,⁹¹ National Strategy

81 Ministry of Finance and Planning, Planning Commission 'Tanzania Development Vision' (2025) <https://www.mof.go.tz/mofdocs/overarch/vision2025.htm> (accessed 13 October 2023).

82 United Republic of Tanzania, Ministry of Finance and Economic Affairs 'National Strategy for Growth and Reduction of Poverty II' (2010) <http://www.tzonline.org/pdf/mkukutalldraft.pdf> (accessed 13 October 2023).

83 United Republic of Tanzania, Ministry of Finance and Planning 'National Five Years Development Plan (2016/2017 - 2020/2021): Nurturing Industrialization for Economic Transformation and Human Development' (2016) https://mof.go.tz/mofdocs/msemaji/Five%202016_17_2020_21.pdf (accessed 13 October 2023).

84 Tanzania Development Vision 2025, paras 3.1 & 1.2.1.

85 NSGPR II (n 82).

86 NSGPR II (n 82) paras 4.2 (1) & 3.3.2. and XIII of Goal 1.

87 NSGPR II (n 82) para 4.2 (1), and II of Goal 1, 66.

88 NSGPR II (n 82) para 3.5.2 (d).

89 The United Republic of Tanzania, Ministry of Education, Science and Technology 'Education Sector Development Plan (2016/17 - 2020/21)'.

90 The United Republic of Tanzania, Ministry of Education and Vocational Training, 2014. This policy is available in Kiswahili version. *Jamhuri ya Muungano wa Tanzania, Wizara ya Elimu na Mafunzo ya Ufundi, Sera ya Elimu na Mafunzo*, 2014.

91 The United Republic of Tanzania, Ministry of Education, Science and Technology 'Guidelines for Teachers Deployment in Pre-Primary and Primary Schools' (2020).

on Inclusive Education,⁹² National Framework for Continuous Professional Development for Practicing Teachers,⁹³ the National Guideline for Water, Sanitation and Hygiene for Tanzania Schools,⁹⁴ the Child Development Policy,⁹⁵ and the National Policy on Disability.⁹⁶

7 Disability bodies

7.1 Other than the ordinary courts or tribunals, does Tanzania have any official body that specifically addresses violation of the rights of persons with disabilities? If so, describe the body, its functions, and its powers.

There are several official institutions in Tanzania with responsibilities to promote and protect the rights of persons with disabilities as noted elsewhere in this report. In addition to the Ministry responsible for persons with disabilities, the National Advisory Council for Persons with Disabilities, which has been created under the Persons with Disabilities Act, has advisory, promotion, protection, monitoring and evaluation mandates over the rights of persons with disabilities in Tanzania.⁹⁷ While the Council has been in existence for nearly ten years since 2014, sentiments over lack of independence and potential operational inefficiencies have grown among stakeholders. For example, the secretary of the Council is the Commissioner for Social Welfare of the Ministry of Health.⁹⁸ Stakeholders are of the view that the Council's chief should be solely in-charge of the Advisory body. Also, in early 2015, the State transferred matters of Persons with Disabilities from the Ministry of Health to the PMO-LYE and PWDs office under the Director of Persons with Disabilities unit. However, despite relocation of his mandates, the Commissioner for Social Welfare of the Ministry of Health as the secretary to the Council remains in the statute hence causing confusion. Also, important to note is that, to date the Council has not been facilitated with office accommodation and operational staff to carry out its day-to-day activities in accordance with the law.⁹⁹ As a result, the Council meets only on the scheduled occasions, which are not convened regularly in accordance with the law due to budgetary limitations.¹⁰⁰

92 The United Republic of Tanzania, Ministry of Education, Science and Technology 'National Strategy for Inclusive Education, 2021/22-25/2026'.

93 The United Republic of Tanzania, Ministry of Education, Science and Technology 'National Framework for Teachers Continuous Professional Development' (2020).

94 The United Republic of Tanzania, Ministry of Education, Science and Technology 'National Guideline for Water, Sanitation and Hygiene for Tanzania Schools' (2016).

95 The United Republic of Tanzania, Ministry of Community Development, Women Affairs and Children, Dar es Salaam, 1996.

96 The United Republic of Tanzania, Ministry of Labour, Youth Development and Sports 'National Policy on Disability' (2004).

97 PWDs Act (n 9) sec 8 & 12.

98 PWDs Act (n 9) sec 8(3).

99 PWDs Act (n 9) sec 8(3), and 9.

100 PWDs Act (n 9) Rule 2(1) of First Schedule.

8 National human rights institutions, Human Rights Commission, Ombudsman or Public Protector

- 8.1 Do you have a Human Rights Commission or an Ombudsman or Public Protector in Tanzania? If so, does its remit include the promotion and protection of the rights of persons with disabilities? If your answer is yes, also indicate whether the Human Rights Commission or the Ombudsman or Public Protector of Tanzania has ever addressed issues relating to the rights of persons with disabilities.**

The Commission for Human Rights and Good Governance (CHRGG) is a constitutional and human rights institution in Tanzania which has been in place since July 2001.¹⁰¹ The general mandate of the CHRGG is to address any human rights violations in Tanzania. Specific mandates and functions include the protection and promotion of human rights, conducting of inquiries and investigation into matters involving violation of human rights, receiving complaints and if necessary, instituting complaints in courts designed to terminate activities involving violation of human rights.¹⁰² In 2010, following enactment of the Persons with Disabilities Act, the CHRGG introduced a new mandate area, the Special Groups Rights Thematic Area in order to cater for rights of persons with disabilities. Administratively, the head of persons with disabilities Thematic Area manages the Commission's disability unit.¹⁰³

In the recent past, the CHRGG has recorded significant achievements such as managing of the violence against persons with albinism and raising awareness on the rights of persons with disabilities in Tanzania.

9 Disabled peoples organisations (DPOs) and other civil society organisations

- 9.1 Do you have organisations that represent and advocate for the rights and welfare of persons with disabilities in Tanzania? If so, list each organisation and describe its activities.**

The number of registered DPOs in Tanzania is steadily growing. Among these are Tanzania Albinism Society (TAS), a not-for-profit organisation of people with albinism in Tanzania established in 1978. With over 12 000 members, TAS' mission is to advocate for the emancipation of persons with albinism from society's negative attitudes, discrimination, stigma and humiliation, by overcoming barriers that hinder their enjoyment of human rights.¹⁰⁴ The Tanzania League of the Blind

101 URT Constitution (n 49) art 129(1) as amended by Act 3 of 2000, and following enactment of the Commission for Human Rights and Good Governance (CHRGG) Act 7 of 2001, Cap 391.

102 CHRGG Act (n 101) sec 6(1).

103 Telephone interview with the Head of Disability Thematic Area of the Commission for Human Rights and Good Governance on 1 September 2023.

104 Official TAS website <https://www.betterplace.org> (accessed 26 September 2023).

(TLB), registered in 1972 and with 35 245 members, does advocacy, lobbying and awareness rising, information-sharing, facilitating access to education and vocational training and economic empowerment of its members.¹⁰⁵ There are many other DPOs whose functions are indicated in their respective names, such as: Tanzania Association of the Physically Handicap (CHAWATA), Tanzania Association of the Deaf (CHAVITA), Tanzania Association of the Deaf-Blind (TASODEB), Tanzania Association for the Mentally Handicap (Inert), Kilimanjaro Association of the Spinal Cord Injuries (KASI), Psoriasis Association of Tanzania (PSORATA), Tanzania Leprosy Association (COME), Tanzania Users and Survivors Psychiatric Organisation (TUSPO), Association of Spinal Bifida and Hydrocephalous of Tanzania (ASBAHT), and Pearl of People with Down Syndrome Foundation Tanzania.¹⁰⁶

9.2 In the countries in your region, are DPOs organised/coordinated at a national and/or regional level?

At a national level, the Tanzania Federation of the Disabled Peoples Organisations (TFDPO) commonly known locally as *SHIVYAWATA* is a mouthpiece for matters pertaining to persons with disabilities.¹⁰⁷

At the regional level, the idea of having East African Federation of the Disabled (EAFOD) has potentials to unite DPOs in East Africa. So far, successes of the African Union of the Blind should provide inspiration for a comprehensive regional federation of DPOs.

9.3 If Tanzania has ratified the CRPD, how has it ensured the involvement of DPOs in the implementation process?

There are adequate records that the government is providing a conducive environment for non-state actors to complement its works in the promotion and protection of human rights of persons with disabilities. Doors are open for registration of DPOs, as such, more than 4 566 Non-Governmental Organisations (NGOs) are registered to promote and protect human rights including those of persons with disabilities.¹⁰⁸ The Legal and Human Rights Centre (LHRC), in particular its 2022 annual report, suggested adequate participation of non-state actors in the UPR process, as an example.¹⁰⁹ Other DPOs also admit to have actively been involved in the preparation of the National Human Rights Action Plan and noted that the process was consultative enough.¹¹⁰ On interviews, the majority of respondents from selected government departments indicated a satisfactory willingness to engage DPOs in everything that the government does.¹¹¹ On the other hand, respondents from DPOs have also showed satisfaction over their engagement by the government in various level of implementation.¹¹²

105 Official TLB website <https://tlb.or.tz> (accessed 26 September 2023).

106 Information obtained from Federation's website <https://shivyawata.or.tz/?lang=en> (accessed 25 September 2023).

107 See, official website of the federation <https://shivyawata.or.tz/about-us/competencies-and-os/?lang=en>, (accessed 5 September 2023).

108 National UPR Report 2021 (n 39) 5 para 7.

109 Legal and Human Rights Report 'Tanzania Human Rights Report' (2022) 411.

110 Telephone interview with Gidion Kaino Mandes, Director of DOLASED, on 4 October 2023.

111 Face-to-face interview with the Director of Disability Unit, the Prime Minister's Office-Employment, Labour, Youth and Persons with Disabilities and with the Head of Disability Thematic Area of the Commission for Human Rights and Good Governance (CHRGG) on 6 October 2023.

9.4 What types of actions have DPOs themselves taken to ensure that they are fully embedded in the process of implementation?

Without active engagement of DPOs much would not have been achieved. DPOs are organised into an umbrella national organisation: the Tanzania Federation of the Disabled Peoples Organisations (*SHIVYAWATA*). The federation and members have served as public educators, advocates and campaigners of human rights, have done investigations on allegations of human rights violation and their documentation, are doing research and helped set standards and procedure where there are vacuum in laws and practices. These have strategically positioned DPOs into a useful partner in the implementation process of the rights of persons with disabilities in Tanzania.

9.5 What, if any, are the barriers DPOs have faced in engaging with implementation?

Issues of leadership, lack of funding, lack of permanent office spaces and deficits in DPOs' organisational structures were the most mentioned barriers facing DPOs hence negatively affecting their engagement in the implementation process of the rights of persons with disabilities. Capacity building in Civil Society Organisations' management skills, restoration of government's subsidies for DPOs and revision of constitutive instruments of many DPOs are particularly mentioned as the possible ways to address the situation.¹¹³

9.6 Are there specific instances that provide 'best-practice models' for ensuring proper involvement of DPOs?

At least one respondent was able to mention the uniting of DPOs into the Tanzania Federation of the Disabled Peoples Organisations (*SHIVYAWATA*) as the best approach.¹¹⁴ In circumstances of financial crises, coalitions may be the option.

9.7 Are there any specific outcomes regarding successful implementation and/or improved recognition of the rights of persons with disabilities that resulted from the engagement of DPOs in the implementation process?

Persons in the leadership of DPOs attribute their achievements to the ratification of the CRPD and its Optional Protocol and enactment of the Persons with Disabilities Act. Another achievement, as a result of effective DPO engagement in implementation, is the successful transfer of matters of persons with disabilities from the Ministry of Health to that of the Prime Minister's Office – Labour, Youth,

112 Information obtained from six respondents: two from Tanzania Federation of the Disabled Persons Organizations (*SHIVYAWATA*); one Director of Disability Organization for Legal and Social-Economic Development (*DOLASED*); one Director of Disability Unit, the Prime Minister's Office-Employment, Labour, Youth and Persons with Disabilities (*PMO-ELY&PWDs*); one Disability Thematic Unit Coordinator, the Commission for Human Rights and Good Governance (*CHRGG*). All interviews conducted via telephone between 5 September 2023 and 10 October 2023.

113 Interview with the Chairman of the National Council for Persons with Disabilities in Tanzania on 11 October 2023.

114 As above.

Employment and Persons with Disabilities. Their central theme for advocacy was the shift from medical to social approach of disabilities.¹¹⁵

9.8 Has your research shown areas for capacity building and support (particularly in relation to research) for DPOs with respect to their engagement with the implementation process?

Based on the review of documents and responses from key informant's interviews, the researcher was able to conclude that there is desperate need for capacity building in leadership and management skills, particularly on substantive areas of implementation monitoring and evaluation.¹¹⁶ Financial empowerments are also important.

9.9 Are there recommendations that come out of your research as to how DPOs might be more comprehensively empowered to take a leading role in the implementation processes of international or regional instruments?

DPOs have been in a financial crisis since 2012, when government subsidies were removed.¹¹⁷ A major implication for this is the growing demand for DPOs' empowerment in areas of fundraising strategies, project designs and management. There is also a lack of technical know-how among DPOs in monitoring and evaluation of implementation of PWDs' rights. These should be considered priority areas for DPOs empowerment.

9.10 Are there specific research institutes in your region that work on the rights of persons with disabilities and that have facilitated the involvement of DPOs in the process, including in research?

Stakeholders are unaware of any specific disability research institute in East Africa. However, in addition to growing numbers of individual researchers with interest on disability rights, the Comprehensive Community Based Rehabilitation of Tanzania (CCBRT), Under the Same Sun (UTSS) and the Tanzania Federation of the Disabled Peoples Organisations (*SHIVYAWATA*), among others, have established records of social and medical research in disabilities in Tanzania.

115 Face-to-face interview with the Director of Disability Unit, Prime Minister's Office - Employment, Labour and Persons with Disabilities, at the Ministry's Head Office in Dodoma, on 10 October 2023.

116 Interview with the Chairman of the National Council for Persons with Disabilities in Tanzania on 11 October 2023.

117 As above.

10 Government departments

10.1 Do you have a government department or (departments) that is/are specifically responsible for promoting and protecting the rights and welfare of person with disabilities? If so, describe the activities of the department(s).

Section 8.1 above in this paper explains the promotion and protection mandate of the Tanzania's National Human Rights Institution: the Commission for Human Rights and Good Governance (CHRGG). The Commission has specific promotion and protection mandates of all human rights including the sensitisation of human rights, research and power to take necessary action in order to promote and enhance conciliation and reconciliation. In protecting human rights, the Commission has powers, constitutionally and in legislation, to receive complaints in relation to violation of any human rights, to conduct inquiry on matters relating to infringement of human rights, and to institute proceedings in court in order to prevent violation of human rights or to restore a right that was caused by that infringement of human rights.

Section 7.1 above in this paper explains the role of the National Advisory Council for Persons with Disabilities. The council is a national advisory institution, which in addition to its advisory mandate, also promote the implementation and the equalization of opportunities for persons with disabilities, advocate for, and promote effective service delivery and collaboration between service providers and persons with disabilities, encourage best practices in the treatment of persons with disabilities in all aspects of life, advise on the enactment of laws and the reviewing of existing laws with a view to complying with the equalisation of opportunities and advise on the impact of policies and programmes designed for equality and full participation of persons with disabilities.

11 Main human rights concerns of people with disabilities in Tanzania

11.1 Contemporary challenges of persons with disabilities in Tanzania (e.g. in some parts of Africa is ritual killing of certain classes of PWDs such as persons with albinism occurs).

Security threats facing persons with albinism remain the scariest to date. In the recent past Tanzania was in the headlines in respect of ritual killings of persons with albinism. Despite significant improvements, the scourge has not ended to allow persons with albinism live life fully in terms of freedom and equality. For instance, in August 2022, UTSS recorded the most recent incidences where a woman survived attacks and was asked to produce her excrements because she was a person with albinism. In another instance, a man with albinism eventually died

of injuries sustained due to severing of his right hand below the elbow in November 2022.¹¹⁸

Another most cited concern is the demand for the operationalisation of the National Fund for Persons with Disabilities. Persons with disabilities and DPOs are pushing hard for operationalisation of the Fund given its potential economic implications on individual persons with disabilities' economic empowerment.

11.2 Describe the contemporary challenges of persons with disabilities, and the legal responses thereto, and assess the adequacy of these responses to:

- **Accessibility**

Accessibility is both a general principle and substantive right under the Persons with Disabilities Act.¹¹⁹ Laws in Tanzania are clear on the question of accessibility as described in the next sub-section. However, no comprehensive sector-based audit has been carried out to assess the state of accessibility of persons with disabilities in Tanzania.

- **Accessibility to accommodation and social security**

The author noted extraordinary efforts in accommodating persons with disabilities in all key areas of life ranging from education to health services, access to public buildings and infrastructures, and participation in public affairs. The Persons with Disabilities Act, confers general obligations to ensure reasonable accommodation, by carrying out necessary and appropriate adjustments geared towards ensuring that persons with disabilities exercise all human rights and fundamental freedoms.¹²⁰ The author's review of national policies and legislation, noted a tremendous recognition of particular needs of persons with disabilities in their scope of operations. Cases in point may include the National Examination Regulations¹²¹ of the National Examination Council of Tanzania, the Quality Assurance Policy of the University of Dodoma,¹²² the School Water, Sanitation, and Hygiene Guideline of the Ministry of Education.¹²³

The Education Services Resource Assessment Center (ESRAC) under the Ministry of Education is a good example of reasonable accommodation put in practice in national education system in Tanzania. In addition to screening children with disabilities for placement purposes, ESRAC recommends appropriate accommodation facilities needed for individual child with disability. Obligations to ensure reasonable accommodation are progressively implemented across sectors in Tanzania.

Multiple models of social security are concurrently implemented in Tanzania for persons with disabilities. The contributory social security schemes; the National Social Security Fund (NSSF) Act for private sector and Public Service Social Security Fund (PSSSF) Act, pay particular attention to persons with disabilities through 'invalidity' pensions and grants packages to guarantee income security of

118 Under the Same Sun 'Re: Report on attacks of persons with albinism' (2023) 65-70, <http://underthesamesun.com/Attacks-of-PWA-Extended-09.19.23.pdf> (accessed 6 October 2023).

119 PWDs Act (n 9) sec 4(e) & 35, 44 (a).

120 PWDs Act (n 9) sec 3.

121 GN 509, 2015.

122 The University of Dodoma *Quality assurance policy* 3rd ed (2020).

123 National Guideline for Water, Sanitation and Hygiene for Tanzania Schools (n 94).

insured persons with disabilities who have permanently lost their earning capacity in employment.¹²⁴

The Persons with Disabilities Act is equally specific on the questions of social protection and social support.¹²⁵ Obligations for social protection accrues to family members, community support structures, and interventions by state or non-state actors that support individuals, households and communities to prevent, manage and overcome the risks threatening their security and well-being.¹²⁶ Provision of social support entails any support or assistance given in order to help a person with disability cope with the situation in a given environment.¹²⁷

- **Access to public buildings, transports, education, vocational training, employment, recreation and sport**

Access to public buildings and transport are specifically guaranteed in law for persons with disabilities.¹²⁸ Equally, access to education, vocational training, employment, recreation and sports are guaranteed in various laws and policies of Tanzania.¹²⁹ These rights are also guaranteed in various regulations across institutions, as noted above, such as the National Guideline for Water, Sanitation and Hygiene for Tanzania Schools under the Ministry of Education.¹³⁰ Despite these policy and legal developments, their effective implementation remains the greatest challenge.

- **Concerns over access to justice**

A recent study by the Bar Association of Tanzania on the state of access to justice for persons with disabilities, noted concerns of non-accommodative practices, such as lack of provisions in the operational guidelines guaranteeing access to sign language services, and denial of assistive devices for persons with disabilities in the custody of police and prison.¹³¹ Many other previous studies have pointed out to similar challenges. Nevertheless, the Report points to the ratification of the CRPD and enactment of the Persons with Disabilities Act as the major achievements in addressing the question of access to justice for persons with disabilities in Tanzania.¹³² The task ahead is to strategies and priorities the implementation of these instruments.

- **The state of political participation by persons with disabilities in Tanzania**

A survey by Tanzania Centre for Democracy (TCD) reported that 68 per cent of the mapped areas had no persons with disabilities in leadership positions.¹³³ A study by Legal and Human Rights Centre pointed out that political participation and leadership remain male dominated while women, youth and persons with disabilities continue to remain under-represented.¹³⁴ The Constitution of the United Republic of Tanzania and the Persons with Disabilities Act guarantees political rights in its all dimensions. Despite an inclusive legal framework for

124 National Social Security Fund (NSSF) Act, Cap 50, R.E 2018, secs 21, 28, 29, 30, 37, and Public Service Social Security Fund (PSSSF) Act 2 of 2018.sec 29, 33, 34, 39, 122.

125 PWDs Act (n 9) sec 3.

126 PWDs Act (n 9) sec 3 and 16.

127 PWDs Act (n 9) sec 3.

128 PWDs Act (n 9) sec 35 and 44.

129 PWDs Act (n 9) sec 27, 34 (1) (f), 42 (2), 46 (1) (b).

130 National Guideline for Water, Sanitation and Hygiene for Tanzania Schools (n 94).

131 The Tanganyika Law Society 'Report on the status of implementation of laws and policies governing access to justice by persons with disabilities' (date) 7-8.

132 Tanganyika Law Society (n 131) 7-8.

133 ZS Masanyiwa et al 'Quest for Political Inclusivity: Enablers and Barriers for Political Participation for Persons with Disabilities in Tanzania' (2018) 20 *Rural Planning Journal* 1 at 3 https://repository.irdp.ac.tz/bitstream/handle/123456789/342/RPJ%20Vol20_Issue2_5.pdf?sequence=1&isAllowed=y (accessed 10 October 2023).

134 Masanyiwa (n 133) 3.

political participation, persons with disabilities remain politically marginalised in Tanzania.¹³⁵ Faulty societal perceptions against persons with disabilities, lack of civic education, inaccessible political infrastructure and information and failure to fully implement available avenues for affirmative actions are particular barriers to political participation by persons with disabilities in Tanzania.

- **Specific categories experiencing particular issues/vulnerability in Tanzania**
In addition to persons with albinism who suffer, there is also a particular pattern of vulnerability to other forms of violence, including sexual violence, among persons with disabilities of all ages and genders and relatively more widespread among girls and children with disabilities in Tanzania.¹³⁶

12 Future perspective

12.1 Are there any specific measures regarding persons with disabilities being debated or considered in Tanzania at the moment?

There is ongoing debate about the need to amend the Persons with Disabilities Act 2010 to address its various inefficiencies as pointed out elsewhere in this paper. Also debates over the inadequate implementation of the Persons with Disabilities Act and international and regional instruments which Tanzania ratified is intense. Some stakeholders propose sectorial audits on the implementation of the Act. For example, a comprehensive audit of the implementation of quota system in employment for public and private service is mentioned as a matter of urgency, among others.

12.2 What legal reforms are being raised? Which legal reforms would you like to see in Tanzania? Why?

The most cited reforms required include amendment of the Persons with Disabilities Act to address concerns of independence of the National Advisory Council for Persons with Disabilities. Closely related, is the amendment of the Persons with Disabilities Act to allow appointment of an independent Secretary to the National Advisory Council for Persons with Disability to be officer in-charge of day-to-day businesses of the Council.

135 Masanyiwa (n 133) 4.

136 Information is the author's opinion based on knowledge gained from his participation in an evaluation project of the National Plan of Action to End Violence against Women and Children in Tanzania 2017/8-2021/2. At the time of compiling this section, the Evaluation Report was not yet published.