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DISSERTATION : LAW 5950M

**LEGAL AND PRACTICAL CHALLENGES IN THE IMPLEMENTATION OF
DISABILITY LAW IN TANZANIA**

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DECLARATION

I, **DOMINIC NDUNGURU** do hereby declare that this dissertation is my own original work, never submitted in any other university for a similar or any other degree award.



Signature

02/09/2019

Date

DEDICATION

To the disabilities community, being my contribution to it.

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LIST OF ABBREVIATIONS

AU	African Union
CAG	Controller and Auditor General
CCBRT	Comprehensive Community Rehabilitation in Tanzania
CHRAGG	Commission of Human Rights and Good Governance
CSO	Civil Societies Organization
CRPD	Convention on the Rights of Persons with Disabilities
DPO	Disabled Persons Organizations
DPP	Director of Public Prosecution
EAC	East Africa Community
FCS	Foundation of Civil Society
JRPS	Job Recruitment and Placement Services
LHRC	Legal and Human rights Center
MP	Member of Parliament
NAG	National Apprenticeship Guidance
NDC	National Disability Council
NSDP	National Skills Development Programme
PWDs	Persons with Disabilities
TAESA	Tanzania Employment
TV	Television
UN	United Nations

ABSTRACT

Tanzanian government has committed itself into enhancing the rights of PWDs by ratified UNCRPD and its optional protocol. Further, it has adopted policy and legal framework on disability rights. Despite those achievements on policy development and documentations disability rights are not fully enjoyed by PWDs on equal basis with others. Many challenges still exist in terms of rights violations, discrimination, lack access to justice, poor service provision and unequal opportunity especially at work places.

Therefore, this study seeks to assess the level of CRPD commitments reflected in the national policy and legal frameworks particularly on right to work. Also, the study examines challenges in practical implementation of disability law. Further, it examines mechanisms for enforcing CRPD and suggests for better improvement of disability law particularly on the right to work.

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CHAPTER ONE

INTRODUCTION

1.1 Overview

This chapter illustrates a background to the study; “*Legal and Practical Challenges in the Implementation of Disability Law in Tanzania*”. It starts by narrating the background analysis of disability and disability law concepts, inside the history of Tanzania disability law as assessed. Then, the chapter continues to state the problem statement under this dissertation. Further, it provides objectives and research questions, limitation as well as scope of the study and it is finished by the study methodology.

1. 2 Background of the Study

Before enactment of the Convention on the Rights of Persons with Disabilities (CRPD),¹ persons with disabilities (PWDs) were viewed as objects² and ‘dependants worthy of pity’.³ For children with disabilities, discrimination is worse as it is extended by both the community and the family.⁴ This situation led to struggle for recognition for their rights and respect to become ‘subject’ rather than ‘object’.⁵ Because of that CRPD came into existence to advocate for change of this situation.⁶ In that way, CRPD was regarded as a paradigm shift which was expected to improve independent freedom of PWDs. The Convention brought further belief that issues that

¹ United Nations Convention on the Rights of persons with Disabilities, Adopted by the General Assembly on 13th December 2006 at the United Nations Headquarters New York and entered into force on 3rd may 2008

² Gerald Quinn in Catherina Krause & Martin Scheinin, (2009), *International Protection of Human Rights: A Text Book*, Institute of Human Rights, Finland; 271

³ National Policy on Disability, July, 2002, 1

⁴ Legal and Human Rights Center, *Tanzania Human Rights Report of 2018*, (LHRC: Dar es salaam) 204

⁵ Andrew Pulrang, *Advice for Presidential Candidates on How to Talk About Disability*, June 25, 2019, Rooted in Rights Organization, found on <https://rootedinrights.org> accessed on 06/07/2019

⁶ Gerald Quinn, (no.2) 272-273

barricade PWDs participation in societal activities are eradicated.⁷ However, despite the progress the world is making in tackling poverty, the more is still not sufficient on the part of PWDs.⁸

It is argued that enforcement mechanisms need both state machineries and non state actors to be effective in implementing the law so that the later becomes effective.⁹

On another hand, human rights instruments such as treaties are only effectively implemented when the set stipulated obligations are domesticated in state laws through legislations as well as embedded in administrative rules and procedures.¹⁰ However, Dube argues that state partners are willing to sign international treaties to clear themselves from international scrutiny and be seen as respecting human rights, while their main intention is to increase capital flows from international funding agencies who want them to respect human rights.¹¹

Despite the fact that CRPD and disability law in Tanzania has existed for over a decade, PWDs have continued to experience many challenges in various forms, ranging from denial of participating on productive opportunities such as decent work; even though they are qualified for jobs, violence and indiscriminate killings, especially of persons with albinism, community negative perceptions on disability, poverty, diseases, and infrastructures un-adjustments.¹²

Census Report of 2012¹³ estimates that prevalence of disability in Tanzania ranks 7.6% which is equivalent to 3.5 million people. The report explains that disability is 8.3% in rural areas while in urban areas ranks 6.3%. Further, the average number of disability persons in a household is 13.3%.¹⁴ Moreover, “up to 72.3% of households with PWDs depend on income from subsistence

⁷ Ibid., 249-251

⁸ CBM Federal Strategy 2023 at <https://www.cbm.org/about-cbm/cbm-federation-strategy-2023/> found on 25/07/2019, 4

⁹ Ilias Bantekas & Lutz Oette, *International Human Rights Law*, 2nd Second, (Cambridge University Press, 2016), 27-28

¹⁰ Abdallah Possi, *Implementation of Article 33 of CRPD: Tanzania Approach*, African Disability Rights Yearbook, Vol. 4, (Pretoria University Law Press, 2016) 193

¹¹ Angelo Dube, *Disability Rights Protection Under The African Human Rights Systems In Light of the Convention on Persons Living With Disabilities*, (LAP LAMBERT Academic Publishing, 2012) 49-53

¹² Implementation Status of the UN Convention on Rights of Persons With Disabilities (2006) Tanzania, Foundation for Civil Society (FCS), 2017 Report vi

¹³ Tanzania National Census Report of 2012

¹⁴ FCS Report 2017, (no. 12) p2

agriculture and 14.5% depend on self-employment, compared to 65.0% and 21.3% respectively for those without disability. On the other hand, only 3.1% of PWDs depend on their income from paid employment.”¹⁵

A survey conducted by the Comprehensive Community Rehabilitation in Tanzania (CCBRT)¹⁶ in Dar es Salaam region on employment in informal sector shows that, “only 0.7% of employees in all surveyed companies had a disability of some kind, despite the law requiring a quota of 3%”.¹⁷ It is argued that although the disability legal framework in Tanzania guarantee, rights of PWDs seem compatible with CRPD, however in practical terms proper accountability mechanisms and monitoring tools for the same are not in place.¹⁸

Therefore, the above data suggests that, “there is a vicious cycle of disability and poverty”¹⁹ which creates relationship between poverty and disability and vice versa.²⁰ This study becomes inevitable in order to assess the compatibility of and effectiveness of disability law in Tanzania with the commitments set by CRPD. The study also aims to explore whether effective implementation of disability law is constrained by ignorance the part of PWDs and law enforcers about legal mechanisms that exist to protect PWDs, or there are other hidden reasons.

1.3 Statement of the Problem

It was a common situation before CRPD came into force PWDs were viewed and taken as sick persons, until after treatment through rehabilitation or medicine.²¹ Thus, they were restricted from participating in normal activities as active citizens especially in justice systems.²²

¹⁵ Disability Rights in Tanzania, SIDA, December, 2014 at <https://www.sida.se/.../disability/rights-of-persons-with-disabilities-tanzania.pdf> accessed on 7/6/2019

¹⁶ CCBRT – Disability Employment Survey (2010)

¹⁷ Disability Rights in Tanzania, SIDA, (no.15)

¹⁸ FCS Report, 2017, (no. 12)

¹⁹ CBM Federal Strategy 2023, (no. 8) 4

²⁰ Ibid., 4

²¹ Peter Josiah Shughuru, *Sexual Violence and Access to Justice for People With Disabilities in Tanzania and South Africa*, Masters of Laws Degree Thesis (LLM), Human Rights and Democratization in Africa, Centre for Human Rights, Faculty of Law, (University of Pretoria, 30 October, 2012) 10

²² Ibid., 10

Analysts and policy makers have characterized the situation of vulnerability for PWDs as ‘insecure’ due to abject poverty and weakness of measures for efficient and effective policy and legal protection.²³ From that challenge international community agreed to address this problem in protecting PWDs. In recent years policy and legal frameworks, plans, sector policies, programmes and plans as well as interventions, have been adopted to overcome disability issues.²⁴

In a good move Tanzania has ratified both the Convention for the Persons with Disabilities²⁵ and its Optional Protocol²⁶ for the purpose of promoting and protecting the rights of persons with disabilities. The country has further domesticated CRPD by enacting a specific Disability Law²⁷ and the National Mainstreaming Strategy²⁸ that provides for a better set-up of the legal and policy framework for promoting and protecting the rights of PWDs. Further, the government has recognized DPOs and created a specific department for PWDs which is headed by a Deputy Minister, all these aim to ensure that, rights of PWDs are advanced.²⁹

Despite the government’s will and some degree of commitment to improve the situation facing PWDs; manifested and protected in the national laws and policies of Tanzania, which are further ensured through Tanzania’s ratification of international and regional Human Rights Instruments, instances of institutional and cultural exclusion for PWDs appear to be pervasive in Tanzania communities. The legal and institutional frameworks while being supportive for PWDs, have not been operationalized to be of practical benefit. Majority of the communities including PWDs are ignorant about them and this speaks for their ill-practice,³⁰ and therefore affects PWDs ability to demand for their rights. On another note, PWDs face extreme conditions of poverty; have limited opportunities for accessing education, health, and suitable housing as well as employment

²³ Simeon Mesaki (Dr), *Social Protection of Persons With Disabilities in Tanzania: Policies, Legislations & Frameworks*, SP-PWDs SASPEN-Tanzania-16-17 (August, 2016) 2

²⁴ Ibid., 2

²⁵ UNCRPD, (no. 1)

²⁶ Optional Protocol to the Convention on the Rights of Persons with Disabilities, 2006

²⁷ Persons with Disabilities Act of 2010 which came in as a result of Tanzania signing and ratifying UNCRPD of 2006

²⁸ Tanzania National Disability Mainstreaming Strategy; 2010- 2015

²⁹ Disability Rights in Tanzania, SIDA, (no. 15) 1 and 4

³⁰ FCS Report, 2017, (no. 12)

opportunities.³¹ Experience has clearly demonstrated that PWDs which continue to be excluded from society, are largely an invisible and silent population, and consequently lack capacity to cope, communicate, and contribute to community and national development initiatives.³² This situation is unacceptable because it violates the human rights of the PWDs and frustrates their efforts to participate in political and socio-economic processes.

Therefore, this situation raises an alarm for a study to examine real legal and practical challenges that hinder effective implementation of disability law in Tanzania. This study wants to explore the existing gap in the disability policy and legal framework as well as practical operations of the disability law to come up with practical recommendations in overcoming those challenges accordingly.

1. 4 Research Objectives

1.4.1 General Objective

This study examines legal and practical challenges that hinder effective implementation of disability law in Tanzania.

1. 5 Research Questions

The research objectives for this study are guided by the following research questions:

- i. What is the extent to which the legal framework for disability law in Tanzania reflects CRPD commitments and influence implementation of disability law on right to work?
- ii. What are the practices against PWDs amongst law implementers, enforcers and their influence on the implementation and monitoring of right to work?
- iii. What is the awareness of CRPD, national disability policy and disability legal framework amongst PWDs and its influence on the implementation of disability law especially on the right to work?

³¹ Disability Rights in Tanzania, SIDA, (no.15)

³² FACT SHEET: On the Status of Rights of the Persons With Disabilities in Tanzania, (Handicap International) 2

- iv. What is the contribution of DPOs, CSOs, media programs on right to right to work and their influence on the implementation of disability law?

1.6 Scope of the Study

This study is guided by two specific phenomena in relations to aspects of the relationship between CRPD legal compatibility and practical challenges in implementation of disability law. On the side of legal challenges, cause and effect relationship is considered while on the part of implementation of disability law, measures to be considered to overcome challenges are reviewed accordingly.

1.7 Limitation of Study

The researcher expects that during the course of this study; the following limitations are likely to be encountered and thus, the ways of addressing them need to be planned out.

- i. In Tanzania disability as a study field, is at its infant stage and remains unexplored. It has very limited literature to work on, since no university trains it at postgraduate level. However, the researcher will rely on a considerable amount of literature to work on from the current reports from NGOs both local and international as well as central and local government offices and academia.

1.8 Research Methodology

1.8.1 Overview of Research Methodology

The following section states the means by which the research is conducted. Generally, the study is conducted as desk research. The research undertakes two methods of obtaining information on desk work, which are printed, documentary review and online search through powerful search engines.

1. 8.1.1 Documentary Review

Through documentary review, the researcher extracts current information from articles, journals, statutes, text books, dissertations and thesis, newspapers, unpublished materials, presentations and reports on the subject of disability.

Moreover, the study also involves extracting of data from several libraries, such as the University of Leeds, the Legal and Human Rights Centre Library, Human Rights Defender Library, the Federation of Organization for Disabled People Library Services, University of Dar es salaam.

1. 8.1.2 Online Search

On another note, collection of information is through data surfing from online sources on disability information including but not limited to websites, webpages, Facebook, twitter and online TVs. A great effort will be put on assessing these information to get the ones from reliable sources.

CHAPTER TWO

2.0 Overview

This chapter explores and analyzes the set up of legal and policy framework in connection to the rights of PWDs as discussed. Core specific provisions are highlighted in comparison with CRPD standards. This gives a clear picture on how much Tanzania disability law reflects the commitment of CRPD, particularly on the right to work.

2.1 Policy and Legislative Framework on Disability Law in Tanzania

2.2 Disability Policy Framework Architecture

Policy is a government statement towards certain issues and it stipulates statements that are committed by the government in which it intends to follow in addressing that particular issue. Generally, good policy provides for the foundation for which legal framework will stand on. Policy documents shape the views and vision of the country and this is the backbone of the applicable democracies in a country and a set-up of the legal system.³³

2.2.1 Disability Policy in Post Independence

From independency in 1961 to 2003 Tanzania as a country did not adopt a clear policy on disability. As progressive measures, the country adopted various initiatives mainly on health sector to eradicate causatives diseases which might lead to disability.³⁴ Partly, the socialist vision document³⁵ strongly believed that, "... all human beings are equal... that every individual has a right to equal dignity and respect".³⁶

By lucky, in 1974 president Nyerere gave directive speech on how to handle PWDs that, "... these people are not pumpkins ... they are human beings and if assisted by their fellow human beings who are not disabled, can be of great value to society...".³⁷ This statement assumed that

³³ Pima, Michael James, Six Years of Implementing National Policy on Disability in Tanzania: *A study of Primary School Teachers' perspectives on Influence of the Policy in Special Needs Education*, UNIVERSITY OF OSLO, (Autumn, 2012) 16

³⁴ Mesaki, (no. 23) 3

³⁵ (The Arusha Declaration of 1967), Statement 1

³⁶ Mesaki, (no. 23) 3

³⁷ Ibid., 3

PWDs cannot do things on their own and that they were only regarded as dependants. It should be noted that principally the socialist policy which the country had adapted allowed only children, sick and the elderly PWDs were allowed to live on dependency. This group was seen not able to support themselves and that way the state cannot offer them employment for their living.³⁸

2.2.2 Disability Policy in Post Socialism

From 1990's Tanzania underwent massive policy reforms in both political and socio-economic developments improvements. These impressive reforms turned the country's economic systems from socialism to free market economy.³⁹ Policy changes brought economic growth to 7% rate for the past 5 years. Thus, Tanzania became one of the fastest growing economies in Africa.⁴⁰ However, the country is still facing core development challenges since basic core policy setup principles were not reformed to embrace new waves of free market.⁴¹ For instance, the constitution still spells out that Tanzania is a socialist state⁴² contrary to the reforms⁴³ which stipulate that the country is a free market economy. This contradiction makes each political leader to follow the path that he/she is interested with.

It was not until 2004, after the national census of 2002 that the government adopted a National Policy on disabled after statistics showed a significant number of PWDs,⁴⁴ and that the same aforesaid controversy challenge arose in the disability sector. "This framework policy on disability was adopted to provide guidelines and set parameters for service delivery".⁴⁵ In the 2000's Tanzania as a country had gone through several disability legal and policy reforms. In

³⁸ Ibid., 3

³⁹ Danida Strategies on Priorities Policies in Tanzania: Challenges and Opportunities, Ministry of Foreign Affairs in Denmark; found on <http://um.dk/en/danida-en/strategies%20and%20priorities/country-policies/tanzania/current-and-future-challenges-and-opportunities-in-tanzania/> accessed on 28/05/2019

⁴⁰ Mesaki, (no. 23) 1

⁴¹ Danida Strategies on Priorities Policies in Tanzania, (no. 39)

⁴² The Constitution of the United Republic of Tanzania of 1977, Preamble

⁴³ Tanzania Development Vision, 2025 which aims to make the country be on middle income

⁴⁴ Mesaki (no.23) 6

⁴⁵ Abdallah Possi, *Persons with Disability's Right to Work in Africa: A Comparative Study of Employment and Disability Laws, Policies and Relevant Institutional Mechanisms of Tanzania and Selected African States*, Inaugural-Dissertation In the Faculty of Humanities, Social Sciences, and Theology of the Friedrich-Alexander-Universität Erlangen-Nürnberg, for the award of Doctoral Degree Dr. Phil. 19 (December, 2014) 87

2004 the National Disability Policy⁴⁶ was adopted. The policy embraces medical model in tackling disability issues rather than rights approach.

As noted earlier, in 2008 and 2009 Tanzania ratified both CRPD and its optional protocol respectively. This was a commendable move to achieve disability rights setup in the country. However, these legal changes were not lined-up to international standards on the part of the National Disability Policy which remained outdated to CRPD compliance. Because of that in practical implementation terms a great contradiction exists i.g, on which model to follow in dealing with disability issues, be it in medical model according to policy or social model according to CRPD.

On the other hand, disability rights and proper inclusion in all sort of life are increasingly being adopted by policy makers and implementers, as a priority issue to be incorporated in global policy and legal frameworks. This is part of prioritization and attempt to break vicious poverty cycle and exclusion of PWDs. The move intends to realize the rights of PWDs as stipulated in CRPD.⁴⁷ However, the Tanzania disability policy focuses on how to handle PWDs more than it should have been engaged in deep mechanisms of reducing causes of disabilities in mainly hazardous working environments, accidents, mishandling newborns at birth, lack of sufficient treatments, and poverty.⁴⁸

UNDP report has noted good progress in Tanzanian economy but the progress is not translated at individual peoples' lives.⁴⁹ Thus, the report suggests that Tanzania has an opportunity to learn how other countries have managed to integrate success in economic transformation into inclusive

⁴⁶ National Disability Policy, (no. 3)

⁴⁷ CBM Federal Strategy, (no. 8) 4-6

⁴⁸ Legal and Human Rights Center, *Tanzania Human Rights Report of 2015*, (LHRC: Dar es salaam)

⁴⁹ Tanzania Human Development Report 2017; *Policy in the Context of Economic Transformation*, (UNDP Tanzania Office, 2017) 75

economic achievements. Therefore, this should be a key role of the government to ensure equitable and inclusive progress in the country.⁵⁰

All in all, many policy reforms seem aimed at improving economic and technological changes rather than social and cultural aspects. Therefore, extending those policy changes to these aspects will impact the whole society.

2.2.3 East African Disability Policy

“Regional integration plays an increasingly important role, both politically, economically and now legal and socio-cultural harmonization, in terms of reducing the risk of regional conflicts. Economically, it concerns pooling resources and markets for achieving economies of scale, with the possibility for specialization and greater competitiveness”.⁵¹ In recent trends, regional integration offers standards in legal and policy frameworks in governance. This has been critical in achieving regional integration which has positive effects on people’s lives.⁵²

At the initiation, African regional integration aimed at fostering economic and trade integration. However, recently features of human rights inclusion have emerged to the extent of considering right of PWDs.⁵³

For increasing access to disability rights in the integration process, the draft bill on EAC disability policy has been prepared subject to adoption. However, it is noted there has been uneven adoption evolving across these six EAC countries with other countries deciding to reserve some provisions even at this infant stage.⁵⁴

The EAC treaty⁵⁵ advocates for co-operation between partner states on the part of having common policy standards towards social welfare.⁵⁶ This harmonization of policy will address

⁵⁰ Ibid., 75

⁵¹ Danida Strategies on Priorities Policies in Tanzania, (no. 39)

⁵² Ibid., 51

⁵³ Aquinaldo Mandlate, Benedicta Arman, Lucyline N. Murungi, (*Regional Developments: Disability Rights in the Sub-Regional Economic Communities During 2011-2012*) 375

⁵⁴ Danida Strategies on Priorities Policies in Tanzania, (no. 39)

⁵⁵ East African Community Policy on Persons With Disabilities, 2012

issues of disadvantaged groups in a common approach to all member states.⁵⁷ However, the policy does not provide for better guidelines focusing on free movement of labour which will include also PWDs which is the core relationship of the community.

It has been observed that certain instruments for regional integration still needs approaches in handling issues of PWDs. This shows that there is still much to be done in making regional integration more inclusive.⁵⁸

2.3 Disability Legal Framework Architecture

Disability legal framework in Tanzania was primarily set-up by two Acts, namely, that of 1882, known as Disabled Persons (Employment) Act⁵⁹ and Disabled Persons (Care and Maintenance) Act⁶⁰. The Acts covered mainly employment and care issues for PWDs.⁶¹ The laws come into existence after the Cabinet Paper.⁶² The main aim of the laws were to bring equality for PWDs with care and maintenance view.⁶³

Following CRPD ratification, some legislative and administrative improvements on disability rights have been observed. For instance, the National Disability Mainstreaming Strategy, 2010-2015 was formulated.⁶⁴ However, the strategy now is outdated and there are no proper efforts in place to improve it. Furthermore, assessment of its efficacy has not been conducted. This evaluation would have provided basic information of the past experience which would have been of value in developing the new strategy.

As for legislative measures, the Persons with Disabilities Act⁶⁵ was enacted. The main aim and objective was to domesticate CRPD in the country. Amongst the achievements is to integrate the

⁵⁶ The East African Community Treaty, Article 12(c)

⁵⁷ The Common Market Protocol, November, 2009, Article 39

⁵⁸ Arman, Mandlate and Murungi, (53) 383

⁵⁹ Disabled Persons (Employment) Act of 1982

⁶⁰ Disabled Persons (Care and Maintenance) Act of 1982

⁶¹ Mesaki, (no. 23) 5

⁶² The Cabinet Paper no 10 of 1981

⁶³ Possi, (no. 45) 81

⁶⁴ FCS Report, 2017, (no. 12) 3

⁶⁵ Persons with Disabilities Act, (no. 27)

two disability related laws which existed into different legislations into one law.⁶⁶ Moreover, the law established CRPD concepts such as accessibility on article 9 of CRPD⁶⁷ which never existed in Tanzania laws, but is now is fully defined in section 3 of disability law⁶⁸ within the standards of CRPD. Further, general CRPD principles laid in article 3⁶⁹ have been embedded mutatis mutandis in disability Act in section 4.⁷⁰ These principles are core guidelines for the setup of any disability law.

In general the Disability Law embodies many contents of CRPD which have been domesticated to suit local context. However, the law does not embrace some of the CRPD articles such as the right to access justice.⁷¹ This right is very critical in providing guidance to PWDs and the society at large on enhancing legal redress for PWDs. Lacking it establishes vacuum into implementation of disability rights.

On another note, the CRPD concept on independent living is incorporated in section 15.⁷² However, the concept is not fully implemented as section 18⁷³ allows for special settlements (institutions) to be created. Establishment of the institutions goes back to the former medical model which allowed institutionalization of PWDs which argued for easy provision of services rather than integration in the community.

Some sections were enacted are so vague that they miss direct obligations for intended audience. For example, section 16 (1) and (2)⁷⁴ read together with section 17(1)⁷⁵ give a must obligation to relatives of a PWD, to take care of him/her. If that reasonable support is not offered they can be subjected to court order fines. However, the court does not define who is relative. In African contest a family is a very wide term which ought to specifically be addressed.

⁶⁶ FCS Report, 2017, (no. 12) 3

⁶⁷ UNCRPD, (no. 1) Article 9

⁶⁸ Persons with Disabilities Act, (no. 27) section 3

⁶⁹ UNCRPD, (no. 1) Article 3

⁷⁰ Persons with Disabilities Act, (no. 27) section 4

⁷¹ UNCRPD, (no. 1) Article 13

⁷² Persons with Disabilities Act, (no. 27) section 15

⁷³ Ibid., section 18

⁷⁴ Ibid., section 16(1) and (2)

⁷⁵ Ibid., section 17(1)

Moreover, section 47⁷⁶ provides for administrative measures for a PWD or his/her representative to submit a complaint to the National Disability Council upon violation or non-implementation of the law. This makes the Council also act as a quasi judicial. This procedures intervenes the already constitutional⁷⁷ procedures mandated to the Commission of Human Rights and Good Governance or the court of law.

On another note, the legal capacity of PWDs in disability law has not yet changed to allow them to access justice system on their personal capacity.⁷⁸ However, mental health is handled by different legislature the Mental Health Act⁷⁹ which was amended “to emphasize access to quality services and the rights of the mentally ill”.⁸⁰

Section 23 of the Act⁸¹ empowers only the court to determine legal capacity of a person. In that way a person is deemed fit until the court proves otherwise. This is a commendable provision as it provides legal capacity to every person unless otherwise noted by court.

There are also developments in treaties at the international platform which the disability law has not yet been domesticated. For instance, the Marrakesh Treaty offers exemption to copyright law to state parties to remove barriers in print materials as well as accessing books in accessible formats like audio-books, Braille and large print. These formats should be used on non commercial intentions.⁸² Despite Tanzania’s accession to WIPO but it has not yet signed the Marrakesh treaty.

⁷⁶ Ibid., section 47

⁷⁷ Article 129(1) of the Constitution of the United Republic of Tanzania, 1977 as amended by Act No. 3 of 2000 created the Commission for Human Rights and Good Governance (CHRAGG) has been established mandated to implement and monitor human rights treaties

⁷⁸ Shughuru, (no. 21) 10

⁷⁹ Mental Health Act no. 21 of 2008

⁸⁰ Sylvia Kaaya, *Mental Health Service Systems in Tanzania*, Dean School of Medicine and Associate Professor In the Department of Psychiatry and mental Health, MUHAS, Dar-es-salaam, Tanzania, Programme for Global Health (Day 21st October, 2014) 8

⁸¹ Mental Health Act no. 21 of 2008, section 23

⁸² Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled (MVT) adopted by Assembly, MVT/A/1/3, First (1st Ordinary) Session Geneva, (October 3 to 11, 2016) 2 and 4

2.4 Legislative Framework for Right to Work for PWDs in Tanzania

“Labour is one of the most treasured assets that human being have. Purposeful labor does not only produce wealth, but also guarantees the very survival of man”.⁸³ Lord Denning (MR) as he was then, once said; “A man’s right to work is just as important to him as, his right of property. We would rather prefer to equate right to work with right to life since in the absence of former the latter remains at stake and undefined”.⁸⁴

2.4.1 CRPD’s Right to Work

Rights of PWDs have been developed through different human rights approaches and case laws which later embedded in CRPD.⁸⁵ Unfortunately, its until recently whereby rights of PWDs have been changed by binding international human rights instruments which have effects to local laws.⁸⁶

For the sake of employment Article 27 of CRPD⁸⁷ provides for the right to work for PWDs on equal basis with others. This includes opportunity to be employed, inclusiveness, free choice of work in the labour market and accessibility at work places. Furthermore, state partners have to safeguard PWDs not to face discrimination and protection of those rights.⁸⁸ Right to work can be through acquiring job or self employment through entrepreneurship.⁸⁹ This article together with general comments set affirmative measures for safeguarding rights to work for PWDs which state partners are obligated to domesticate in their local laws. This can be taking appropriate measures to adopt legislations or administrative measures, abolishing existing laws, customs and practices that hinder involvement of PWDs in work places.⁹⁰

⁸³ Legal And Human Rights Center (LHRC), Labour Survey, 2008, Dar es salaam, 2008

⁸⁴ *lee v. Showmen ’s Guild of Great Britain*, (1952) 2 QB 329

⁸⁵ Possi, (no. 45) 1-3

⁸⁶ Ibid., 2

⁸⁷ UNCRPD, (no.1) Article 27

⁸⁸ Ibid., Article 27

⁸⁹ Ibid., Article 27(1)(f)

⁹⁰ Ibid., Article 4

2.4.2 Constitutional Guarantee on the Right to Work

In ensuring each individual enjoys the right to work, Tanzanian Constitution provides the guarantee for equality to work for every citizen.⁹¹ With its socialistic approach, labour is regarded not only as a source of wealth rather as a treasured asset which human beings possess for guaranteeing their very survival as individuals and for the survival of the community at large.

However, it appears that the constitution does not provide for specific rights of PWDs by stipulating their rights directly or even having an article which is dedicated in safeguarding rights of PWDs. In this circumstance it is necessary for CSOs to take advantage in Tanzania constitutional review to processes, that had already started to advocate for inclusion that will create strong foundations for set-up of legal framework for PWDs.

2.4.3 Employment Policy and PWDs in Tanzania

Through National Employment Policy⁹² the government stated that PWDs who are referred to as vulnerable group were noted to face high challenge in accessing employment. Thus, the government committed itself to put strategies and programmes to mainstream PWDs by facilitating securing jobs or self employment.

2.4.4 Right to Employment for PWDs in Tanzania

“There is scanty information on the extent of employment of PWDs in both public and private sectors. Available statistics are too outdated, but can be used here to make general observations of the situations”.⁹³ Therefore, the main discussion will base on analysis of law coupled with disability labour surveys.

Disability law in Tanzania defines the term ‘discrimination’ as treating PWDs in a less favourable way than others. Further, it is a failure to take affirmative action to stop or protect PWD from discrimination. Thus, employers are required to provide job accommodation which

⁹¹ URT Constitution, 1977, (no. 42) article 22

⁹² National Employment Policy 2008, vii and 11

⁹³ FCS Report, 2017, (no. 12) 62

involves designing and adopting workplaces that will enable PWDs to access work premises.⁹⁴ However, there is no adopted mechanism at workplaces that assess work places to see if they have complied and are certify that they meet CRPD standards.

Section 31(1) of the Act gives obligation to every employer to provide employment to PWDs who meet minimum qualifications.⁹⁵ Moreover, section 31(2) puts a mandatory quota system that in every work setting which employs 20 or more people, must ensure that 3% are PWDs.⁹⁶ In this way the law provides for positive discrimination that creates policies and practices which favour PWDs. However, this provision has never been enforced by the Commissioner of Employment who by virtue of section 3(4) is obliged to receive annual reports on employment status of PWDs from every workplace.⁹⁷

On the other hand, to ensure PWDs get information on the availability of employment opportunities, section 33(2) puts obligation to employers during job opportunity advertisements to encourage PWDs to apply.⁹⁸ For all job advertisements assessed⁹⁹, no employer has ever fulfilled this obligation.

Section 33(3) criminalizes any person who discriminate a PWDs on employment and is liable for two years imprisonment or a fine of two million Tanzanian shillings or both.¹⁰⁰ In connection to that section 34(1) which provides for a duty to employers to improve work environment, ensure safety, enable accessibility and provide job accommodation.¹⁰¹ In general the law makes it necessary to safeguard for protection of PWDs at work places. However, it is on the part of awareness to PWDs, implementers and monitoring mechanisms that are lagging behind in playing their part.

⁹⁴ Persons with Disabilities Act, (no. 27) section 3(d)

⁹⁵ Ibid., section 31(1)

⁹⁶ Ibid., section 31(2)

⁹⁷ Ibid., section 31(4)

⁹⁸ Ibid., section 33(2)

⁹⁹ The researcher read Mwananchi and the Citizen Newspapers on his research time between July and August, 2019

¹⁰⁰ Persons with Disabilities Act, (no. 27) section 33(3)

¹⁰¹ Ibid., section 34(1)

2.4.5 Other Laws Protecting Disability at Workplaces

Workers' Compensation Act¹⁰² deals with disability risen from or caused by injury related from employment. This can also be related to occupational diseases. However, the fund services are only accessed by members to the fund. And, your employer has contributed for you. It has been observed up to now only few employers are subscribed to the fund which makes its operational uneven.

Another law is Occupation Safety & Health Act¹⁰³ aimed to protect workers from contacting hazardous environment when at workplaces. The objective is to reduce casualties at work. However, the act focuses to protect further disability than helping those who already have disability who need better environment such as accessibility and reasonable accommodation.

2.5 Conclusion

The impact of medical model still exists in Tanzania policies and legal frameworks. Not all law and policies especially for employment are fully embracing CRPD. The disability policy was made in 2004 before CRPD, yet it is not reviewed to meet CRPD standards. There are no any efforts on part CSOs particularly DPOs to advocate for¹⁰⁴ “the policy to be built on a Tanzanian culture perspective with a strong focus on the development, rights and dignity of PWDs”.¹⁰⁵

¹⁰² Workers' Compensation Act, no. 20 of 2008

¹⁰³ Occupation Safety & Health Act, no. 5 of 2003

¹⁰⁴ Shughuru, (no. 21) 10

¹⁰⁵ Possi, (no. 45) 87

CHAPTER THREE

3.0 Overview

This section evaluates real existing legal and practical challenges which have been experienced by different disability law implementers as well as stakeholders. The analysis also explores the implementation of the right to work in relation to disability rights. Furthermore, it analyses the efficacy of the disability monitoring mechanisms especially on the right to work.

3.1 Evaluation of Legal and Practical Challenges on the Implementation of Disability Law in Tanzania on the Right to Work

3.2 Practical Challenges on Disability Law Operations Particularly on Right to Work

The survey by FCS revealed that challenges on implementation of disability law resulted from incompatibility with CRPD, lack of awareness on the laws, institutions established by the law are not properly funded for full operationalization, unfunctional monitoring mechanisms; and absence of proper rules and guidelines to localize disability laws at grassroots levels.¹⁰⁶

Also there is great challenge on real implementation of disability law. The law is coordinated in the Prime Minister's Office which has a specific department for disability. While day to day activities are put under the custody of Minister responsible for health and community development. Technically this brings challenges in reporting as well as data capture. Moreover, the chain of command does not flow properly.¹⁰⁷

It has been noted that leaders address disability issues only when the issues have been brought to their attention. In such situations PWDs issues are not put on their daily agenda. Therefore, after that particular event those issues are forgotten.¹⁰⁸ In lucky circumstances some leaders on their

¹⁰⁶ FCS Report, 2017, (no. 12)

¹⁰⁷ Honourable Kassim Majaliwa (MP), *Prime Minister Office Budget's Speech at the Parliament for 2019/2020*, Para 125, 33

¹⁰⁸ Pulrang, (no. 5)

volitions especially in election times provide support to PWDs, but more often give empty promises on things such as employment, medication and DPOs development.¹⁰⁹

There is another substantial challenge on data. Data provided by government authorities are not inclusive or even gender segregative. For instance, data on employment presented into parliament shows total number of 221,807 employments were created until February, 2019. From public projects, were 146,414 (66%) and private sector (34%). But they do not indicate how many were PWDs or in gender parameters. This does not offer opportunity to measure the percentage of compliance of the quota system.¹¹⁰

In connection to that, there is a challenge in getting correct and current data on PWDs. Several surveys conducted sometime ago have not indicated the number of PWDs. Many people with disabilities do not want to express that they have disability and this makes very few people be seen as disabled even though they have impairments.¹¹¹

On the other hand, disability fact sheet which was the survey conducted in 13 regions and interviewed 202 PWDs noted that 63% of respondents encountered challenges while attempting to secure livelihood engagements. The problem comes from, “distance to work places and physical access to buildings (29%), lack of working devices (21%) and the workplace not having been adjusted to fit the individual's impairment (18%)”.¹¹² This shows that despite existing laws, employers have not responded to the need and thus making PWDs continue to suffer at work places. In the same vain, woman with disabilities can hardly participate in income generating activities since they face additional hardships such as household chaos, violence and despise.¹¹³

The disability law requires the Minister responsible for labour and employment to come up with plans which stipulate measures to be taken to improve rights of PWDs at workplaces.¹¹⁴

¹⁰⁹ FCS Report, 2017, (no. 12)

¹¹⁰ Hon. Majaliwa, Budget Speech, (no. 107) Para144, 37

¹¹¹ Myamba F., Mesaki S.,Walsham M., Blanchet K.: *Applied research concerning inclusion of persons with disabilities in systems of social protection. Social protection policy analysis - Tanzania*, London School of Hygiene and Tropical Medicine, REPOA, Eschborn: GIZ, (May 2015) 8

¹¹² FACT SHEET: On the Status of PWDs, (no. 32) 3

¹¹³ Disability Rights in Tanzania, SIDA, (no. 15) 1

¹¹⁴ Ibid., 2

However, to facilitate better implementation of the Act, the Minister responsible for PWDs made regulations.¹¹⁵ However, in practice nothing meaningful is done. “The actual implementation of these adopted laws, policies, strategies and frameworks remain limited and institutional checks and balances are weak”.¹¹⁶

There is a practical issue on accidents and compensations. There are quite a number of accidents at workplaces and roads. Many of these result in impairments. But the victims are hardly compensated as some of the cars and workplaces involved are not insured. Also Workers Compensated Act does not apply to informal sector which is bigger than formal sector. On the other hand compensation payment value had been low and because of that the policy directs that payment be made in respect of impairment and not on body parts.¹¹⁷

Currently, the institutions which were supposed to challenge the existing systems as check and balances have not yet done their assignment well. Active civil societies, particularity, DPOs, the media, the National Parliament and Municipal/Town Councils need to provide leadership in disability rights activism.¹¹⁸

Service delivery has been greatly emphasized on the implementation of the legal and policy frameworks in Tanzania. Disability rights focus has been less considered by state actors as well as non state actors. Health and education have been core delivery focused by the government. And for sure the disability policy has managed to influence achievements especially in education sector.¹¹⁹ Government staff at local and national levels do not cope well with social models as promulgated in CRPD.¹²⁰

¹¹⁵ Persons With Disability (General) Regulations, 2012 (GN No. 152 of 2012), under section 61

¹¹⁶ Disability Rights in Tanzania, SIDA, (no. 15) 3

¹¹⁷ National Policy on Disability, (no. 3) 21

¹¹⁸ Disability Rights in Tanzania, SIDA, (no. 15) 3

¹¹⁹ Pima, (no. 33) 3 and 56

¹²⁰ Blanchet, Mesaki, Myamba, Walsham, (no. 111) 18

In giving autonomy to PWDs right to employment, CRPD requires PWDs to access employment without discrimination. However, many work places are not accessible for PWDs.¹²¹ Its argued that profit maximization and stiff competition make employers not to employ PWDs, claiming that it is expensive in terms of preparing the working environment to suit PWDs. However, with science and modern technology, there are a lot of means for PWDs to work better.¹²²

Many people including employers consider disability rights as social rights which require the government to provide social services only to PWDs. However, disability rights have specific obligations to other cadres such as private buildings owners and employers to provide accessibility.¹²³

The main labour law¹²⁴ for Tanzania puts ground for protection of PWDs in employment issues by prohibiting disability to be the ground of discrimination at workplace. (This acts as anti discrimination measures on employment).¹²⁵

In order to eliminate discrimination at workplaces and promote equal opportunity for all employees, employers are required to develop employment policies and practices; this is by virtue of section 7(1).¹²⁶ Further, section 7(2) requires the employer to register to the Labour Commissioner the plan to eliminate discrimination and promote equality section.¹²⁷ The law also requires participation of employees in development of these documents by section 30(2).¹²⁸

¹²¹ National Policy on Disability, (no. 3) 17

¹²² Possi, (no. 45) 4-5

¹²³ Ibid., 2-3

¹²⁴ Employment and Labour Relations Act no 6 of 2004

¹²⁵ Possi, (no. 45) 87-88

¹²⁶ Employment and Labour Relations Act, (no. 124) section 7(1)

¹²⁷ Ibid., section 7(2)

¹²⁸ Regulation 30 (2) and (3), as par Government Notice (GN) No. 42 of 2007

It is argued that no inclusion is regarded in preparation of these policy documents. Institutional management usually does everything. On another note, only few organizations which are well established have these documents and thus, realization of the rights remains uneven.

It is also noted that PWDs are vulnerable to lose their employment especially when the disability has resulted in the course of employment.¹²⁹ This hinders realizing persons' contributions to the family and the community development, recognition and acceptance at large.¹³⁰

Lack of job opportunities and working tools are amongst factors hindering PWDs involvement in productive economy.¹³¹ “This situation exists despite the fact that several policies and laws ban discrimination at work places.¹³² Therefore, emphasis in giving employment to PWDs should focus in meeting decent work standards as par Sustainable Development Goal, which secures the quality of human dignity.¹³³

3.2.1 Access to Employment for PWDs

“The right to work implies the opportunity and freedom of working and engaging in meaningful productive employment without being deprived of such doing by any one”.¹³⁴ Despite government initiatives to overcome unemployment challenges amongst the people, particularly the youth it has been noted that lack of employable soft skills and practical working experience remain great challenges.¹³⁵

¹²⁹ Barnes, C. *Disabled People in Britain and Discrimination: A Case for Anti-Discrimination Legislation*, London: C. Hurst and Co. Publishers, (2000) at p. 121 and Morris-Wales, J. *Literature Review on Job Retention and Career Progression for Persons with disability in Canada and Internationally*, (2010)

¹³⁰ The Right to Work; General Comment no. 18: Para 2

¹³¹ LHRC Human Rights Report, 2018, (no. 4) 205

¹³² Ibid., 213

¹³³ UN Sustainable Development Goal, goal 8

¹³⁴ LHRC Human Rights Report, 2018, (no. 4) 308

¹³⁵ Ibid., 310

The National Disability Policy noted with concern the impact of cost sharing into technical trainings on skills provision to PWDs as majority cannot afford paying fees and other costs associated thereto. Therefore, they miss the opportunity to acquire employable skills that would make them competent in accessing the labour market.¹³⁶

On the other hand, trainings offered by vocational training centers for preparing youth for labour market are not conducted in accessible environments. Moreover, they have inadequate standards to equip required competencies that will make PWDs access work and live independently.¹³⁷

In order to tackle the issue of lack of skills for youth in accessing labour market the government and stakeholders have prepared several schemes which aim at empowering the youth by giving them practical skills that is needed in the labour market. National Internship Guidelines¹³⁸ which is prepared by the Prime Minister's Office Labour, Youth, Employment and PWDs has prepared a guideline under the theme 'Enhancing Graduate Employability' that aims to bridge the mismatch gap between academic and practical skills needed in the labour market.¹³⁹ Despite explanation that the internship will be open without discrimination of any kind including disability, no other specific directives to employers on how to handle PWDs in the process and at job places.¹⁴⁰

On another note, National Apprenticeship Guidelines (NAG)¹⁴¹ prepared with the theme 'Preparing Skilled Young Tanzanians for Today and Tomorrow's Labour Market'. The guide directs how youth labour force preparatory schemes are to be enhanced. However, it has no directives on inclusive issues save for ensuring the trainees to be covered with medical insurance in case of accident at work place. This is due to the fact that many jobs under this scheme are of industrial nature which might be exposed to accidents.¹⁴²

¹³⁶ National Policy on Disability, (no. 3) 5

¹³⁷ Ibid., 16

¹³⁸ National Internship Guidelines, September, 2017 which is prepared by the Prime Minister's Office Labour, Youth, Employment and PWDs

¹³⁹ Ibid., preface viii

¹⁴⁰ Ibid., 4

¹⁴¹ National Apprenticeship Guidelines (NAG), September, 2017

¹⁴² Ibid., 6 and 13

It is argued that the National Skills Development Programme (NSDP) which intends to prepare youth to compete in labour market through office employment and/or self employment has not included PWDs to cater for their needs in such trainings.¹⁴³ This leaves PWDs out of the programme and hence makes them vulnerable to poverty in their lifetime as they will have no skills for either office jobs or self employment.

It has also been noted on several occasions that corruption affects access for employment for people seeking employment including PWDs. In such situations employment is not based on merit rather on induced influence of money or nepotism. Therefore, special attention needs to be taken to stop the influence of corruption in affecting human rights.¹⁴⁴

It is further argued that many employers have negative perception that PWDs can not contribute effectively at workplace. And it is costly to hire them without government assistance. This happens more at unregulated labour market. Thus, employers tend to hire employees without 'risk' or escape to provide job accommodation.¹⁴⁵

However, changing perspectives will make PWDs be seen as 'risk worth taking' as well as potential productive and motivated workforce. This will increase access to employment amongst PWDs and thus be poverty free.¹⁴⁶ In great considerable note, it is from work where the contribution of PWDs in the society can be valued. Denying the right to work derogate their self realization and build their personal dignity.¹⁴⁷

¹⁴³ Hon. Majaliwa, Budget Speech, (no. 107) Para 141-143, 37

¹⁴⁴ LHRC Human Rights Report, 2018, (no. 4) 218-226

¹⁴⁵ Possi, (no. 45) 123-125

¹⁴⁶ Ibid., 125

¹⁴⁷ Ibid., 107

The assessment conducted by Saria in 56 health facilities revealed that 16(29%) had units for rehabilitation services care. Out of those units only 4(25%) are supplied with proper equipments and qualified staff.¹⁴⁸ Since facilities are few to meet clients needs. Unfortunately, they are centred at professional consultants or referral hospitals. Because of that the rural minorities can hardly accessed such services on normal basis.¹⁴⁹ This is an alarm situation when compared to a number of PWDs and unit services. Thus, it is a great barrier for PWDs who want to join a world of work.

Therefore, access to work provides “An individual’s capacity to work and lead an independent life is an expression of one’s dignity. Unfortunately, in our society the capacity to work has been associated with complete functional ability of the body. Disability is associated with lack of ability and most people with disabilities see themselves in the same light. The end product of this scenario is the difficulty of persons with disability find, in accessing work.”¹⁵⁰

3.2.2 Job Recruitment and Placement Services (JRPS)

JRPS are crucial and critical services at this time of global free market. These services are offered by both public and private institutions. The institutions are regulated by TAESA.¹⁵¹ However, it appears that JRPS services are not mandated to implement disability law on quota system since the challenge lies on who is supposed to comply the quota law between the job recruiter or the employer.

Out sourcing is another modality which companies in global free market use in hiring employees. In this system an employee is hired on one company and go to work in the other

¹⁴⁸ S. SARIA, *Assessment of the Impact to the National Policy on Disability in Tanzania; Theme: Policies and regulatory mechanisms-National Rehabilitation Plans*, (30th September 2013) 8&9

¹⁴⁹ Ibid., 12 and 13

¹⁵⁰ National Policy on Disability, (no.3) 6

¹⁵¹ Tanzania Employment Services Authority (TAESA)

company. Here the challenge comes as to who is supposed to ensure disability law is observed. These two modalities of recruiting employees need to be regarded by law.

It was noted that sometimes PWDs hid their disability in order to qualify for short-listing for an interview. But on entering the interview room and meet face to face with the employer, the later suddenly changes his/her attitude and this becomes the end of the job opportunity for the disabled.¹⁵²

3.2.3 Adherence to Quota System

The idea of saving posts for PWDs on employment as quota system started in 1982 through the enactment of the Disabled Persons Employment Act no. 2 of 1982. Unfortunately, it has not worked as it was hurriedly enacted and was not advertised enough neither was it enforced by stakeholders.¹⁵³

Policy statements and legal provision on employment are said to be very vague and hard for the implementers to know exactly what tasks are required to be done.¹⁵⁴ Unfortunately the National Policy on Disability does not have specific policy statement on the right quota system which is the backbone of the right to work in Tanzania. Therefore, there is no strong government directive on how to handle the quota system. This seems to be the core reason to what is claimed to be vague construction of the quota statement in the disability law.¹⁵⁵

The quota system schemes are not binding. The employer is supposed to set out a particular percentage of job vacancies for PWDs. This quota goes with restriction to 3% for each firm with 20 employees. However, employers argue that they cannot employ PWDs ostensibly they cannot find them.

¹⁵² Heather Aldersey Beach, *Disability and Work: The United Republic of Tanzania's Workplace Policies in the Persons with Disabilities Act of 2010*, Disability Studies Quarterly, Centre on Disability University of Kansas on <http://dsq-sds.org/article/view/3279/3111> assessed on 05/06/2019

¹⁵³ Blanchet, Mesaki, Myamba and Walsham, (no.111) 9

¹⁵⁴ Pima, (no. 33) 69

¹⁵⁵ National Policy on Disability, (no. 3) 17

TUICO Survey conducted in 126 companies with a total number of 25,446 employees revealed that only 186 (0.7%) are PWDs; and only 7 companies comply the 3% quota system.¹⁵⁶ The main challenges stated in lack of compliance, were lack of information as to where to find these qualified PWDs, financial burden for reasonable accommodation, worry that PWDs might need further support, fear that PWDs will perform like non disability ones.¹⁵⁷ But these reasons are largely interconnected to perception of employers.

It is argued that quota system mechanism eliminates the element of competition in competitive selection of workers.¹⁵⁸ Further, in implementing the quota system on employment mandate a tension has risen between right model and welfare model. That is to say this is a tension between equal employment opportunity and response to employment discrimination.¹⁵⁹

It is noted that employment legal provision on quota system has not brought any meaningful impact due to lack of carrot and stick in construction of quota system provision.¹⁶⁰ The quota system lack accountability system for following its implementation. Further, enforcement mechanisms are lacking as well as incentives for employers who comply to it.¹⁶¹

There is need for “creation of the office of the commissioner for PWD, a more rigorous implementation of workplace quota system and the establishment of a workplace quota system, and the establishment of a National Fund for PWDs”.¹⁶² All these will enhance improvement on employment opportunities for PWDs.

In one noted occasion the government has tried to issue stern warning to industries that they should comply with the disability quota system at workplaces. This warning followed the visit to

¹⁵⁶ Beach, (no. 152)

¹⁵⁷ Ibid.,

¹⁵⁸ Ibid.,

¹⁵⁹ Ibid.,

¹⁶⁰ Ibid.,

¹⁶¹ Ibid.,

¹⁶² Blanchet, Mesaki, Myamba and Walsham, (no. 111) 9

two cotton processing industries which have not complied to the system. One of them has no PWD worker on its staff manpower.¹⁶³ However, this was just a mere verbal warning which was not accompanied with fines which would be instrumental for change.

He insisted that employers have to take note of compliance to the quota system. However, he did not say what measures the government will take for defaulters to enforcing the law.¹⁶⁴

3.2.4 PWDs Participation in Self Employment

National Policy on Disability expresses government commitment on self employment for PWDs that, “The government in collaboration with stakeholders shall take measures to ensure people with disabilities are availed with work tools and seed money to enable them establish/improve their income generation projects”.¹⁶⁵

The Prime Minister noted the government’s progress on empowering PWDs in self employment through local governments. He noted that until February, 2019 13.2 billion shillings were issued to 5,628 groups formed by (youth, women and PWDs) from which only 187 groups PWDs were funded Tanzanian shillings 415.96 million. This is contrary to section 37A, Local Government Finance Act¹⁶⁶ which requires PWDs to get 2% of 10% dedicated as empowerment funds.¹⁶⁷

In reality self employment is the last resort focused by PWDs after missing formal employment due to lack of formal education or escaping discrimination from workplaces. Despite the governments commitments through different leaders’ declarations that they will enhance them to employ themselves, no serious programmes have been implemented by the central government. Section 57 of the Disability Act¹⁶⁸ provides for the establishment of the National Fund for

¹⁶³ LHRC Human Rights Report 2018, (no. 4) 206

¹⁶⁴ Hon. Majaliwa, Budget’s Speech, (no. 107) para 128-133

¹⁶⁵ National Policy on Disability, (no. 3), Policy Statement 3.10 (i)

¹⁶⁶ Local Government Finance Act, no. 290, section 37A

¹⁶⁷ Honourable Suleiman Jaffo, Minister President’s Office Administration and Local Government, Budget Speech for 2019/2020 Para 91, 26

¹⁶⁸ Disability Act, (no. 27), Section 57

PWDs. However, for a decade this has never been established. This leaves PWDs with no negotiating power when they go for loans in other establishments.

Moreover, the government has not provided them with the formal premises for opening their businesses. This has made them become prime victims of government demolitions due to trading from make-shift structures/kiosks on restricted areas. In one notable event 200 PWDs were arrested following demonstrations against demolitions which was ordered by the Dar es salaam Regional Commissioner.¹⁶⁹

3.2.5 PWDs Participation In Trade Unions

Section 34(1)(e) of Disability Act¹⁷⁰ allows PWDs to participate in labour rights through trade unions. In doing so employers are required to respect their involvement in advocating for workers rights. However, PWDs feel they are not well represented at workplaces; and that workers unions have not done enough to protect them.¹⁷¹

Right now civic space for the right of assembly and association is shrinking in Africa and Tanzania in particular. The labour trade unions are also affected by government ban for demonstrations even in times when people want to express their concerns at workplaces.¹⁷²

Trade Unions under NAG have the duty through social dialogues to promote collective bargaining to ensure apprenticeships trainees benefit from practical skills trainings they

¹⁶⁹ Watu Wenye Ulemavu Wapinga Unyanyasaji Mkoa wa Dar es salaam, found on <https://www.jamiiforums.com/threads/watu-wenye-ulemavu-mkoa-wa-dar-es-salaam-waandamana-kupinga-unyanyasaji.649957/> accessed on 01/09/2019

¹⁷⁰ Disability Act, (no. 27) Section 34(1)(e)

¹⁷¹ Beach, (no. 152)

¹⁷² Report on the Situation of Human Rights Defenders and Civic Space in Tanzania, Tanzania Human Rights Defenders Coalition Report of 2018, THRDC: (Dar es salaam) 93-105

undertake. However, they are not entrusted with the duty to ensure PWDs are provided with requiring gears for work performance.¹⁷³

Moreover, the study revealed that there is a significant increase of persons with mental disorders in Tanzania. This has an impact to the society in terms of lost of productivity and the way the labour law should be prepared to address that coming challenge in offering mental health services to workers.¹⁷⁴ Thus, there is great need to set labour legal systems to help workers with infant disorders to be treated as early as possible (primary care) before they grow into severe state.¹⁷⁵

For PWDs rehabilitation is very crucial for “providing them with tools to change their lives towards a higher level of independence.”¹⁷⁶ This will enable PWDs to participate in economic activities on equal basis with others, without which PWDs might not reach autonomy level.¹⁷⁷

3.3 Disability and Access to Justice

In Tanzania access to justice has been a critical issue. When PWDs’ rights are violated accessing courts has been hard due to a number of challenges that make many of them fail to open up cases. In *Mr. Y v. Tanzania*¹⁷⁸ the Disability Committee noted this issue with great alarm.

On top of that accessibility to court, police and other justice structures is quit critical. Physical infrastructures, accessibility tools, like hearing devises or sign language interpreters and human resources which are aware of disability rights, increases barriers to participation, accessibility and inclusion.¹⁷⁹ Amongst the key barriers, are in structural, physical and attitudinal. Therefore

¹⁷³ National Apprenticeship Guidelines, (no. 141) 14

¹⁷⁴ Kaaya, (no. 80) 4

¹⁷⁵ Ibid., 6 and 7

¹⁷⁶ SARIA, (no.148) 3

¹⁷⁷ Ibid., 3 and 7

¹⁷⁸ *Mr. Y v Tanzania*– Case code: CRPD/C/18/D/22/2014 – 31.08.2018

¹⁷⁹ Shughuru, (no. 21) 16

the system should consist of both proactive and reactive components”.¹⁸⁰ For sustainability proactive component is essential.¹⁸¹

Therefore, the government is accountable to protect for their rights, and on their side PWDs have the duty to claim and advocate for those rights through court or any other platform offering legal or administrative or any address redress.¹⁸²

Disability victim's knowledge of the law includes two main aspects. One is understanding and aware of existence of the disability right, laws and obligations embedded in justice system. Second is understanding the existing institutions and how to address them. This lays for all civil and criminal systems. The great awareness should be on how to access the court.¹⁸³

Human rights based approach to disability provides that it's a cardinal legal principle that every human being is regarded and should be treated on equal dignity and rights without any discrimination.¹⁸⁴ And their basic human rights are regarded to be violated once social and physical environment are not friendly to them.¹⁸⁵ As right holders in the society PWDs should be allowed to determine their life's course when their rights have been violated.¹⁸⁶

UN-HRs Committee through its general comments has taken further steps to address concerns on access to justice for PWDs in times of violations. It has further noted that state parties should

¹⁸⁰ Ibid., 17

¹⁸¹ Ibid., 17-18

¹⁸² Advocacy Workbook, 'Landmine Survivors Network', Handicap International, (2004) 16

¹⁸³ Shughuru, (no. 21) 15-16

¹⁸⁴ United Nations Universal Declaration of Human Rights, 1948

¹⁸⁵ Shughuru, (no. 21) 11

¹⁸⁶ Human Rights Approach: *A Human Rights-Based Approach to Disability: A Legal Framework For Survivors Assistance in 24 States Parties* pdf accessed on 18/08/2019

provide protection as well as effective and accessible remedies to vindicate the stipulated rights.¹⁸⁷

“The normative legal framework presupposes the existence of the set of rules and laws, (both substantive and procedural) available institutions that are by law established as responsible bodies for justice and actors their-in, including police officers, prosecution officers and judges/magistrates”.¹⁸⁸

It is argued that for high impact on tackling disability issues a holistic/multi-dimension approach is required. This twin track approach is addressed by strengthening interventions and mainstream service systems to become accessible to all as well as realizing PWDs’ rights through access to justice. However, in Tanzania even after CRPD the trend has been on increase of service provision rather than realizing disability rights (right based approach). Thus why there is no systemic change occurred.¹⁸⁹

Furthermore, the government still insists in service provision that the government is providing as food and technical aids (appliances) including wheelchairs, sunrays goggles, hats, typesets. This continues to show the effect of medical model that insists on service provision that rights adherence.¹⁹⁰

¹⁸⁷ United Nations Human Rights Committee, General Comment 31, paragraph 15 as discussed in Peter Josiah Shughuru, Sexual Violence and Access to Justice for People With Disabilities in Tanzania and South Africa, Masters of Laws Degree Thesis (LLM), Human Rights and Democratization in Africa, Centre for Human Rights, Faculty of Law, (University of Pretoria, 30 October, 2012) 15

¹⁸⁸ Shughuru, (no. 21) 15

¹⁸⁹ CBM Federal Strategy, (no. 8) 27

¹⁹⁰ Hon. Majaliwa, Budget’s Speech, (no. 107) Para 129, 33-34

In *DPP v Daudi Pete*¹⁹¹ the court emphasis the importance of interpretation of fundamental rights for effective enjoyment of stated rights. “Despite these developments, there has not been judicial activism by persons with disability, or their organisations either perhaps of the limited nature of legal protection, or the nature of disability movement itself”.¹⁹²

However, in February, 2019 Tanzania conducted a good move to improve access to justice in by introducing Rules to guide vulnerable groups including PWDs when attending Courts.¹⁹³ In all, the legal framework is not freely accessed, thus enjoyment of rights remains at stake. Therefore these reasons seem to be main reasons as to why many PWDs are not opening cases despite of violation of their rights.

3.3.1 Enforcing the Right to Work

“Access to justice was, and still is, a big challenge to the public. Access to justice still remains a nightmare to the public”¹⁹⁴ It has been argued that people suffer from unjustified and unnecessary adjournments. Therefore, one case takes longer time to finish. Because of that PWDs see the situation to be not friendly to them and hence opt not to open cases to enforce their rights.¹⁹⁵

From the assessment of several judgments, it was observed that magistrates especially in lower courts have no enough skills in writing case judgments.¹⁹⁶ From LHRC survey the public

¹⁹¹ *DPP v Daudi Pete* (1993) TLR 22

¹⁹² Possi, (no. 45) 88-89

¹⁹³ Judicature and Application of laws, CAP. 358 (Practice and Procedures in Cases involving Vulnerable Groups) Rules, 2019 by Government Notice no. 110 Published on 1/2/2019

¹⁹⁴ Legal and Human Rights Center (LHRC), Efficacy and Effectiveness of the Ward Tribunal in Tanzania, Case Study of Selected Districts in Dar-es-salaam and Cost Region, (2014) 37

¹⁹⁵ Ibid., 37

¹⁹⁶ Ibid., 42

recommends for refresher seminars and courses to legal enforcement officers to increase their knowledge especially in how to involve PWDs.¹⁹⁷

In enforcing a bill of rights under the constitution, the procedures requires one to be granted a leave from court to institute the petition.¹⁹⁸ This process takes longer time and may deprive rights if the leave is not granted.

On another hand, Tanzanian Constitution contains an article that recognizes the right to work.¹⁹⁹ Moreover, section 3 of the Basic Human Rights and Duties Enforcement Act²⁰⁰ which was enacted to provide procedures to be used in enforcing human rights articles, contained in the bill of rights which are in the constitution, from article 12 to 29. This Act recognizes the right to work as enforced right. However, PWDs have not made use of it, to enforce their rights to work. Regulations 42²⁰¹ of the disability Act, stipulates procedures for lodging a complaint related to employment; that any denial on employment opportunity on the grounds of disability, may submit a complaint to the Minister holding labour portfolio and the Council. If the decision is on his/her favour, the employer will be ordered to provide employment to the said person. On the other hand, the aggrieved person is allowed to institute a case to the Labour Commissioner for Arbitration and Mediation, according to the Labour Institution Act.²⁰²

However, the right to work as contained in the disability law through quota system lacks enforcement provision, since no sanction is imposed by law for the institutions which do not comply to the law. This seems the core faller of the law as there is no punishment or fine to fear.

¹⁹⁷ Ibid., 38

¹⁹⁸ LHRC Human Rights Report 2018, (no. 4) 363

¹⁹⁹ URT Constitution, Article 22

²⁰⁰ The Basic Human Rights and Duties Enforcement Act, no. 33 of 1994, Section 3

²⁰¹ The Persons With Disability (General) Regulations GN no. 152 of 2012, Rule 42

²⁰² Labour Institution Act, no. 7 of 2004

3.4 The Roles of DPOs, CSOs and Media in Advocating for Employment Rights

Language terminologies at work places plays critical role in disability issues as improper conjunction hurt their feelings. Therefore, colleagues must be sensitive in addressing PWDs to avoid prejudices and stereotypes.²⁰³

The use of language in legal terminologies and media do not protect the dignity of PWDs.²⁰⁴ For instance the Penal Code section 137 refers PWDs as ‘idiot’ and ‘imbecile’.²⁰⁵ On the other hand PWDs have been portrayed by media and social media unethically to be seen as weak or sick persons not fit for work.²⁰⁶

“Disabled people often feel marginalized and neglected and hence addressing them and their concerns for publicity purposes is important. But this depends on how one does it.”²⁰⁷ PWDs are experiencing many violation challenges. Unfortunately, the media portray them as helpless victims only, instead of being action takers as a sign of their concern on the PWDs’ plight. Hence this leaves them a feelings of heartbroken and insulted.

On the other hand, media and politicians have not yet captured the concept ‘nothing about us without us’. Media talks cast disabled people in third person using the term ‘they’ rather than using direct speech ‘you’.²⁰⁸

The media have not captured the concept ‘inclusive livelihoods’ which ensuring “those men and women with disabilities with low or no income, have equal access to mainstream economic activities to sustain their livelihood through fair pay and decent work” need to be embraced in

²⁰³ Possi, (no. 45) 8

²⁰⁴ Ibid., 35-38

²⁰⁵ Penal Code section 137 CAP 16 RE 2002

²⁰⁶ Possi, (no. 45) 38-39

²⁰⁷ Pulrang, (no. 5)

²⁰⁸ Ibid.,

employment programmes so that it can advocate for change to the mindset of employers, policy makers and implementers to start employ PWDs in a recommendable numbers.²⁰⁹

There have been concerns that, Tanzania protection of human rights defenders are not expressly stipulated, enhanced and considered. Thus this leaves activist for PWDs rights at risk.²¹⁰ Disability human rights defenders, are among special groups who are at risk, and if not properly protected might face violations of their rights.²¹¹

“Courts particularly high court, provides for a forum for people whose rights have been violated to seek remedy. However, PWDs or even activists have not utilized that opportunity to challenge disability law in court. Human Rights activists have not been in opening strategic cases for rights of PWDs. This situation does not offer room to advance implementation of the disability law through case interpretations and court enforcement.²¹²

Section 7²¹³ of disability law requires CSOs and other actors to take appropriate measures to advocate for the rights of PWDs, combating stereotypes and harmful practices. This should go hand in hand with promotion of skills and abilities of PWDs.

Hobbes argued that “Covenants, without the Sword, are but Words, with no strength to secure a man at all”.²¹⁴ Therefore, there is a need for CSOs to take active role in safeguarding PWDs rights through strategic cases. This is a powerful weapon at the hands of disability rights advocate for enforcing disability law in Tanzania.

²⁰⁹ CBM Federal Strategy, (no. 8) 19

²¹⁰ The 2018 Progressive Report, Tanzania Human Rights Defenders Coalition Report of 2018, THRDC: Dar es salaam

²¹¹ LHRC Human Rights Report of 2018, (no. 4) 158

²¹² Report on the Situation of Human Rights Defenders and Civic Space in Tanzania, (no. 172)

²¹³ Persons with Disabilities Act of 2010, (no. 27) section 7

²¹⁴ Wade Cole, *Mind the Gap: State Capacity and the Implementation of Human Rights Treaties*, 2015, p412

CSOs particularly DPOs need to be capacitated to be run in a professional way. This will include involving in networking with social, professional, government, faith based and business so as to influence them to adopt and implement 3% quota system in their institutions.²¹⁵ Once the management performance have achieved, the quality of programmes will increase and lead to scale up interventions for achieving more results.²¹⁶

CSOs particularly DPOs and media, need to form partnerships to promote the voice, autonomy and choice of PWDs in an area of employment. This advocacy strategy should be in line with right-based approach.²¹⁷ This movement will increase the compliance level at work places.

3.4.1 Ignorance of the Disability Law in Tanzania

Ignorance of law is one of the main challenges in implementation of policy and legal framework in the country. TUICO study observed that the majority of employers do not even know the existence of 3% quota system obligations, set by the law.²¹⁸ In this situation, it is not expected that law will be fully implemented.

Moreover, government inclusion of documents, programmes and strategies is not well accessed and understood by government staffs.²¹⁹ Further, understanding of disability policy is very low in its implementation. The study conducted revealed, that amongst six interviewed people, only one showed enough policy knowledge and its intentions.²²⁰ Therefore, this situation is not healthy for disability legal and policy operation in the country.

During TUICO interview in work places of certain companies, only 7% of companies were aware of the existence of the Disability Act.²²¹ This is a shocking information as the level of

²¹⁵ Disability Rights in Tanzania, SIDA, (no. 15) 5

²¹⁶ CBM Federal Strategy, (no. 8) 23

²¹⁷ Ibid., 17

²¹⁸ Beach, (no. 152)

²¹⁹ Blanchet, Mesaki, Myamba and Walsha, (no. 11) 9

²²⁰ Pima, (no. 33) 56 and 57

²²¹ Beach, (no. 152)

understanding of the law is very low. Thus, one cannot expect any meaningful contribution of the law in the life of PWDs.

In order to eradicate bad perception on PWDs towards employment, and rising the knowledge of understanding policy and legal frameworks that protects PWDs and enhances their community participation in production activities, it is very crucial for members of the community to change their attitude towards PWDs. Second should be implanting knowledge by campaigns on awareness towards PWDs and amplifying their voice. And once the public adhere to this modality sustainable change will be achieved.²²²

3.5 Monitoring Mechanism For the Right to Work

There is an existing gap between human rights principles and practical implementation mechanisms. This brings a further gap between commitment and compliance, usually caused by state's bureaucratic efficacy in implementing treaty terms.²²³ It's argued that human rights treaty compliance, enforcement and monitoring has been low due to the fact that enforcement mechanisms looks voluntary and sometimes nonexistent.²²⁴ "International agreements which regulate relations between or among states are upheld via self-enforcing accountability mechanisms."²²⁵

Another argument is managerial aspects, that human rights enforcement take up to fourteen years to be full complied due time needed for setting up institutions.²²⁶ So a new treaty needs more than a decade to be fully in place.

Another area to look for improvement is on capacity and compliance. This contributed by state and non-state actors who fail to implement the treaty due to lack of infrastructure capacity, human resource capacity and expertise in that field.²²⁷ In Tanzania disability right is still in its

²²² CBM Federal Strategy, (no. 8) 29

²²³ Cole, (no. 214) 405-406

²²⁴ Ibid., 407-408

²²⁵ Ibid., 408

²²⁶ Ibid., 404-412

²²⁷ Ibid., 411 and 412

infant stage as there is not even one university which offers post graduate trainings. So many community development officers, social welfare and lawyers who work directly with PWDs are not capacitated in disability rights.

On the other hand, it is argued that human rights treaties become more effective when set obligations are interpreted and ambiguity cleared by treat bodies. Concluding observations help to evaluate and clarify treat provisions.²²⁸ In national context, Tanzania has not yet submitted the Initial Report to CRPD Committee on the state of implementation of CRPD in the country as per article 34 of CRPD.²²⁹ Moreover, even the State Progress Report which was due by the end of 2016 was submitted. The analysis of seven UN Conventions to which Tanzania is a signatory shows that it is only to the CRPD body, to which the government has never reported.²³⁰ This is said to be due to negligence which makes Tanzania be lagging behind other East African Countries.²³¹

It is argued that this non-compliance of CRPD is the result of lacking proper monitoring structure at national level which in many countries is setup into the National Human Rights Commission. Since Tanzania has never submitted reports to Committee on Disability which acts as oversight committee, it misses opportunity to get clarification of the way it implements the CRPD.

Section 12(1) requires the National Disability Advisory Council to monitor implementation of disability work in Tanzania and submit its report to the Minister who tables it to the parliament.²³² The National Disability Council which is placed under the Ministry of Health and Social Welfare, is commissioned to responsibility for coordination and monitoring of disability rights in Tanzania. It is argued that this responsibility is not proper to them since it has no

²²⁸ Ibid.,411

²²⁹ UNCRPD (1)

²³⁰ LHRC Human Rights Report 2018, (no. 4) 238-239

²³¹ FCS Report, 2017, (no. 12) v

²³² Disabilities Act, (no. 27) section 12(1)

constitutional mandate to oversee the implementation of human rights.²³³ The proper institution is the Commission of Human Rights and Good Governance.²³⁴ It is advised that these duties be shifted to the Commission as the Commission has proper technical and expertise knowledge. Also as by law “CHRAGG plays the dual role of an Ombudsman and a Human Rights Commission.”²³⁵ These are important roles in legal redressing.

On another note the Minister of labour and employment through the Commissioner for Work has never managed to promote and monitor implementation of 3% labour quota system.²³⁶ Therefore, it is assumed that the labour department has failed to play its role.

In CSOs sector, particularly DPOs have not yet setup monitoring mechanism for engagement into monitoring processes of this convention.²³⁷ This is supposed to be conducted according to CRPD article 33(3).²³⁸ These CSOs monitoring system is crucial for preparing Annual National Disability Rights Report and Shadow Report to CRPD Committee. However, this mechanism is not set due to lack of institutional capacity on CSOs especially on the part of human resources.

Since the government is lagging behind, CSOs need to take a leading role in continuous regular monitoring of the rights of PWDs in Tanzania. This should be particularly on the right to work, to clearly highlight the implementation of the CRPD and to increase the evidence-base of advocacy efforts.²³⁹ By this way the government will re-institute human rights mechanisms that protects and promotes human rights, through reforming the laws and institutions.

²³³ Disability Rights in Tanzania, SIDA, (no. 15) 3

²³⁴ The Commission for Human Rights and Good Governance (CHRAGG) has been established under Article 129(1) of the Constitution of the United Republic of Tanzania, 1977 as amended by Act No. 3 of 2000

²³⁵ Legal and Human Rights Center, Tanzania Human Rights Report of 2018, LHRC: Dar es salaam p364

²³⁶ Disability Rights in Tanzania, SIDA, (no. 15) 3

²³⁷ FCS Report, 2017, (no. 12) 1

²³⁸ UNCRPD, (no. 1) Article 33(3)

²³⁹ FACT SHEET: On the Status of Rights of the Persons With Disabilities, (no. 32) 4

3.6 Financing Disability Rights in Tanzania

LHRC study in 10 regions revealed that inadequate budget allocation and release of what was allocated are to be amongst the key challenges in addressing issues facing PWDs.²⁴⁰ For instance, Tanzania is also a signatory to the Plan of Action for the African Decade of Persons With Disabilities, 1999-2009, which was later extended to 2019. In implementing that plan, the National Disability Mainstreaming Strategy, 2010-2015 was developed. However, due to budget constraints and unwillingness from of certain political leaders, many of the anticipated activities were not done.²⁴¹

There is also a huge shortage of staff in the disability government departments at the Ministry as well as local governments. Also the department gets less budget allocation towards PWDs activities.²⁴² We need to conduct legal and social accountability, making follow ups in disability programmes and budgets to see how mechanisms for practical implementation work.²⁴³

It is argued that services offered by government entities are not of required standards and for PWDs, it seems to be quite weak.²⁴⁴ It is observed that Tanzania has not made estimates for national plans on PWDs. Their issues depend only on what councils and parliament appropriations. This is not a sustainable way as many times the government uses the said funds for emergence purposes like state officials visits.²⁴⁵

On several occasions budget constraints were observed to cause less performance in many sectors, including institutions mechanisms for protection and promotion of human rights. CHRAGG only reach very few people in the society due to insufficient funds from the stated

²⁴⁰ Legal and Human Rights Center, Tanzania Human Rights Report of 2018, LHRC: Dar es salaam p205

²⁴¹ Disability Rights in Tanzania, SIDA, (no. 15) 2

²⁴² Blanchet, Mesaki, Myamba and Walsha, (no. 11) 10

²⁴³ Ibid., 9

²⁴⁴ Assessment of the Quality of Health Services in Dar es salaam, Legal and Human Rights Center (LHRC), (October, 2014) 59

²⁴⁵ FCS Report, 2017 (no.12) 30

budget.²⁴⁶ In this situation CSOs should engage in vibrant advocacy campaigns for disability inclusion in central and local council budgets as well as conducting public expenditure tracking to disability interventions.²⁴⁷

It is high time that the success seen in “high levels of expenditure on basic social services were sustained, with strong linkages to productive activities. These successes demonstrate that structural transformation with high levels of human development is possible, provided that economic and social priorities are appropriately integrated and resources are strategically and efficiently allocated”.²⁴⁸

3.7 Conclusion

Therefore, “it is important to understand that disability issues interact with all other issues, including but not limited to; employment, health care, education, economic policy, law enforcement and incarceration, immigration, civil and human rights, and infrastructure”.²⁴⁹ Thus, while dealing with all these, holistic approach is vital.

It is a pleasure to note that the government has noted several challenges, when addressing the parliament recently, with the Prime Minister proclaiming that the government is commencing the review of the Disability Law.²⁵⁰ Therefore, this is high time for the disability activists to advocate for the aforesaid changes.

²⁴⁶ LHRC Human Rights Report 2018, (no. 4) 229

²⁴⁷ Disability Rights in Tanzania, SIDA, (no. 15) 5

²⁴⁸ Tanzania Human Development Report, 2017, (no. 49) 75

²⁴⁹ Pulrang, (no. 5)

²⁵⁰ Hon. Majaliwa, Budget’s Speech, (no. 107) para 132, 34

CHAPTER FOUR

4.0 Overview

This chapter sums-up what has already been discussed and analyzed in the foregoing chapters. Moreover, the chapter embarks into providing practical recommendations for the disability stakeholders to act upon, in order to improve practical implementation of disability rights for PWDs, particularly, on the employment rights.

4.1 Conclusion

The proceeding chapters have highlighted several issues in policy and legal framework pertaining to practical implementation of disability law. The move to adopt CRPD in the country brought some commendable positive changes in the country. Disability legal framework is now in place. Issues of PWDs have started to be considered in many spheres of life particularly in leadership positions and service provision. However, these changes are not yet to the CRPD standards.

On the other hand, Tanzania is lagging behind on the implementation of CRPD due to several sequential factors attached to each other. First and foremost is on policy setup. After ratification of CRPD, the country went ahead and started legal reforms without first reforming the disability policy to embrace CRPD commitments. In such circumstance legal reforms were instituted on weak foundation which has no proper policy back-up.

Furthermore, the government's commitments on CRPD obligations are not met. The initial report and progress report which are due to be submitted to the CRPD Committee, have not yet been achieved. This questions the government seriousness in meeting CRPD commitments. On the other end, issues of PWDs are largely depending on well-wishers and political declarations, rather than policy and legal back-ups.

On the part of law implementers, majority lack awareness of disability law and even on existence of CRPD and its obligations. Further, there is lack of proper monitoring mechanisms and

institutions both on the part of government and CSO. The existing monitoring structures are not well set. At the same time, institutions and programmes which deal with issues of PWDs are not properly funded. This is even when budgets are committed, they are sometimes diverted to other uses, thus leaving PWDs in great despair.

On the right to work, both from seeking office jobs (employment) and self-employment Pro-disability regulations, plans and policies in enhancing for PWDs' rights to work; have not been enforced in both public (central and local governments) and private institutions. Employment agencies in public and private offices do not enforce the disability employment quota system. Collective bargains agreements and trade unions do not address disability issues at workplaces. Moreover, CSOs and DPOs do not join hands in national advocacy strategies to improve employment conditions for PWDs as well as eradicating for causatives of disabilities at work places.

4.2 Recommendations

Having discussed the above issues, now that the government has declared the review of disability law in Tanzania after ten years of existence of CRPD, it is now appropriate to address the shortcomings, starting from policy setup to disability law review. Moreover, once the pending constitutional review processes continues, issues of PWDs need to be expressly advocated. This will hammer the nail in policy and legal framework to be coherent and adequate stipulating and protecting rights of PWDs. Hence, the study recommends the following:

To the Government

- i. As a country Tanzania needs to embark into serious reformation on social policies which have impacts on people's lives particularly PWDs. These reforms should have linkage in between. In this way the progress achieved by economic reforms will be reflected on the peoples' standard of living, particularly PWDs.
- ii. Doing petty policy reforms here and there has no significant impact. It only leads to reform fatigues which results in reform stagnation, in view of recognizing these ineffective implementation reforms on disability policy frameworks. Clear sequenced disability

prioritization on policy actions are required, that are linked to strategic resource allocation on implementing disability activities, through results monitoring framework. Furthermore, strong independent disability institutions, need to be set up, to manage and control policies and ensure delivery of the planned results.²⁵¹

iii. Disability law needs to be amended to embrace fully the commitment of CRPD, its optional protocol, as well as other preceded international agreements, such as Marrakesh Agreement. This will accommodate the legal development occurred over the period of ten years as well as experience gained from implementation.

iv. Both Central and Local government need to establish effective and efficient mechanisms for proper promotion, protect and follow-up on implementation of policy, legislative and other sectarian administrative disability frameworks. The said mechanisms need to be funded and monitored accordingly.

v. Despite CHRAGG having capacity and being constitutionalized as a focal and independent institution to oversee implementation of human rights, as well as good governance in the country. However, it has not been empowered by disability law to monitor implementation of CRPD in Tanzania. Therefore, during the review of disability law, the monitoring provision need to be amended by removing this duty from the National Disability Council which over the years has failed to deliver.

vi. The Controller and Auditor General (CAG) should not only audit number of staff against institutional needs, but he should extend to conduct a special audit for the compliance of disability law, especially on adherence of government institutions to employment quota system as stipulated by the disability act.

²⁵¹ Danida Strategy on Priorities Policies, (no. 39)

vii. The disability labour quota system need to be improved with fines for employers who do not comply with the law. In connection to that, the Labour Commissioner is needed to properly monitor the disability quota system to check if companies are complying with the law.

viii. Repeal of Penal Code especially the terms ‘imbecile and ‘idiot’ which still refer to PWDs in a medical modal terms; and replace with proper provisions with decent terms for PWDs.

ix. Government official data need to be provided in the segregative manner which shows gender and PWDs inclusion. The same needs to be done by CSOs in their daily programmes. This will enable to measure how much rights of PWDs are achieved in different programmes.

x. The legal system especially at the judiciary, need to adopt a fast tracking mechanisms for handling cases concerning PWDs. This will encourage them to open cases in fighting for their rights.

To the Academia

i. In order to create technical cadres as well as professions in disability sub-sector, disability rights should be given priority and be trained at post graduate level to produce academic and professional manpower in disability rights. Moreover, community development and social welfare curricula need to have special modules on disability rights, since these studies produce technical manpower. Furthermore, Law School of Tanzania needs to introduce a module on disability rights.

To the CSOs and DPOs

i. CSOs particularly DPOs need to formulate independent disability law monitoring frameworks in line with CRPD. The mechanism should be participatory so as to allow different disability rights stakeholders to participate accordingly for the betterment of lives of PWDs. These mechanisms should also promote, protect and make follow-up on disability issues. Their setup should be on both CSO and government structures.

ii. Disability and poverty are interlinked. So it is necessary when developing programmes for disability rights to consider economic empowerment too so as to tackle all the two barriers at once.

iii. Disability rights activists should spearhead all internal and external human rights protection mechanisms, in advancing for disability rights in Tanzania.

iv. CSOs working processes need also to use special procedures which hold thematic mandate, including but not limited to Special Rapporteurs, Commissions, Courts, Committees and Working Groups at UN, AU and EAC. These procedures are now very important in increasing protection, promotion and localization of human rights standards and norms. They also raise concerns to state parties.

To the Media

i. The government and CSOs should embark into mass programmes for disseminating knowledge on disability rights and obligations, so that community members become aware of the importance of inclusion of PWDs in their day to day activities, especially on the right to work. This should go with initiation of online presence of PWDs and DPOs especially on tweeter campaigns.

To the Individual PWDs

i. As LHRC noted “Education is the key for realization of human rights”.²⁵² Therefore, it is necessary for families of PWDs to release their children so that they can attend school that will empower them to be self advocates in their rights particularly on their right to work. Once the

²⁵² LHRC Human Rights Report of 2018, (no. 4) 318

community know that families have changed their attitudes towards children with disabilities, they we be able to support them accordingly. This should start as early as early as possible to minimize the disability level as well as accessing appropriate services.

To Companies (Workplaces)

i. Companies need to be encouraged and facilitated to adopt inclusion policy in their operational policies, manuals, plans, strategies. These should meet the CRPD standards. Few companies may be chosen to start a pilot project, which will later be replicated in other firms.

ii. Job advertisements need to include a provision which aim to comply with 3% quota system. The advert can have the words, ‘Qualified PWDs are encouraged to apply’. Of the same provision has been used for women inclusion and have proven to be successful.

4.3. Bibliography

A: Conventions and Laws

Draft Principles on Parliaments and human rights, Developed based on available research and OHCHR practice, A/HRC/38/25/2014 Annex I

Commission for Human Rights and Good Governance (CHRAGG), Act, No. 3 of 2000

East African Community Policy on Persons With Disabilities, 2012

Employment and Labour Relations Act no 6 of 2004

International Norms and Standards Relating to Disability

Judicature and Application of Laws CAP. 358 (Practice and Procedures in Case Involving Vulnerable Groups) RULES, 2019 by Government Notice no. 110 Published on 1/2/2019

Legal Aid Act 2017 and Its Regulations

Labour Institution Act, no. 7 of 2004

Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled (MVT) adopted by Assembly, MVT/A/1/3, First (1st Ordinary) Session Geneva, October 3 to 11, 2016

National Apprenticeship Guidelines (NAG), September, 2017

National Employment Policy 2008, vii and 11

National Internship Guidelines, September, 2017 which is prepared by the Prime Minister's Office Labour, Youth, Employment and PWDs

National Policy on Disability, 2004

Occupation Safety & Health Act, no. 5 of 2003

Penal Code section 137 CAP 16 RE 2002

The Constitution of the United Republic of Tanzania of 1977

Tanzania National Disability Mainstreaming Strategy; 2010- 2015

The Arusha Declaration of 1967

The Basic Human Rights and Duties Enforcement Act, no. 33 of 1994, Section 3

The Cabinet Paper no 10 of 1981

The National Health Policy, 2017

The Mental Health Act, 2008

The 10 Principles of Disability Rights, Global Disability Rights, found in www.GlobalDisabilityRightsNow.org

The African Court on Human and Peoples' Rights, 2004

United Nations Convention on the Rights of persons with Disabilities, Adopted by the General Assembly on 13th December 2006 at the United Nations Headquarters New York and entered into force on 3rd May 2008

- Optional Protocol to the Convention on the Rights of Persons with Disabilities, 2006

United Nations Universal Declaration of Human Rights, 1948

Persons with Disabilities Act of 2010 which came in as a result of Tanzania signing and ratifying UNCRPD in 2006

- The Persons With Disability (General) Regulations GN no. 152 of 2012

UN draft resolution 2009: Inclusion of persons with disabilities in realizing the Millennium Development Goals, Philippines and United Republic of Tanzania

United Nations Sustainable Development Goal, 2015

Workers' Compensation Act, no. 20 of 2008

B: General Comments

Committee on the Rights of Persons with Disabilities, Article 9: Accessibility, General comment No. 2 (2014), Eleventh session, 31 March–11 April 2014, (CRPD/C/GC/2)

United Nations Human Rights Committee, General Comment 31, paragraph 15

The Right to Work; General Comment no. 18: Para 2

C: Cases

DPP v Daudi Pete, (1993), TLR 22

lee v. Showmen's Guild of Great Britain, (1952) 2 QB 329

Mr. Y v Tanzania– Case code: CRPD/C/18/D/22/2014 – 31.08.2018

D: Books

A. Arstein-Kerslake (ed), *Disability Human Rights Law*, MDPI, 2017

Advocacy Workbook, '*Landmine Survivors Network*', Handicap International, 2004

African Disability Rights Yearbook, Vol. 4, Pretoria University Law Press, 2016

African Disability Rights Yearbook 2013, <http://www.adry.up.ac.za/index.php/2013-1-section-b-country-reports/tanzania>

Africa for Women's Rights, 2009:
<http://www.africa4womensrights.org/post/2009/08/04/Tanzania:-Immediate-Steps-to-Protect-Women-Are-Requested-by-the-UN-Human-Rights-Committee>

A Kanter, *The Development of Disability Rights under International Law: From Charity to Human Rights* (Routledge, 2014)

Angelo Dube, *Disability Rights Protection Under The African Human Rights Systems In Light of the Convention on Persons Living With Disabilities*, LAP LAMBERT Academic Publishing, 2012

C. O'Mahony & G. Quinn (eds), *Disability Law and Policy: An Analysis of the UN Convention* (Clarus Press, 2016)

Catherina Krause & Martin Scheinin, (2009), *International Protection of Human Rights: A TextBook*, Institute of Human Rights, Finland

From Exclusion To Equality: Realizing the Rights of Persons With Disabilities; Handbook for Parliamentarians on the Convention on the Rights of Persons With Disabilities and Its Optional Protocol, UN/OHCHR/IPU, No. 14, 2007

Ilias Bantekas & Lutz Oette, *International Human Rights Law*, 2nd Second, Cambridge University Press, 2016

Jorg Kunzli & Walter Kalin, *The Law of International Human Rights Protection*, Oxford University Press, 2009

The Convention on the Rights of Persons with Disabilities Training Guide Professional Training Series No. 19, HR/P/PT/19 UNITED NATIONS PUBLICATION Sales No. E.14.XIV.2 ISBN-13: 978-92-1-154203-5 UN, New York and Geneva, 2014

Marianne Schulze, *Understanding The UN Convention On The Rights Of Persons with Disabilities, A Handbook on the Human Rights of Persons with Disabilities*, Edited by: Handicap International, September 2009

Monitoring the Convention on the Rights of Persons with Disabilities, Guidance for human rights monitors, Professional training series No. 17, New York and Geneva, 2010

P. Blanck and E. Flynn (eds), *Routledge Handbook of Disability Law and Human Rights* (Routledge, 2016)

V. Della Fina, R. Cera and G. Palmisano, *The United Nations Convention on the Rights of Persons with Disabilities: A Commentary* (Springer, 2017)

WRITERS Onesmo Olengurumwa, Adv. Leopard Mosha, Adv. Deo Bwire, Adv. Jones Sendod, EDITOR, DR. James Jesse, *A Compendium of International and Regional Human Rights Mechanisms for Human Rights Defenders in Tanzania*, Supported by SIDA, 2018

E: Articles

Andrew Pulrang, *Advice for Presidential Candidates on How to Talk About Disability*, June 25, 2019, Rooted in Rights Organization, found on <https://rootedinrights.org>

Aquinaldo Mandlate, Benedicta Arman, Lucyline N. Murungi, *(Regional Developments: Disability Rights in the Sub-Regional Economic Communities During 2011-2012)* 375

Barnes, C. *Disabled People in Britain and Discrimination: A Case for Anti-Discrimination Legislation*, London: C. Hurst and Co. Publishers, (2000)

Morris-Wales, J. *Literature Review on Job Retention and Career Progression for Persons with disability in Canada and Internationally*, (2010)

C. Barnes, *'Understanding Disability and the Importance of Design for All'*, (2011) 1 (1) JACCES 55-80 Saved as Journal Barnes 2011

Heather Aldersey Beach, *Disability and Work: The United Republic of Tanzania's Workplace Policies in the Persons with Disabilities Act of 2010*, Disability Studies Quarterly, Centre on Disability University of Kansas

Human Rights Approach: *A Human Rights-Based Approach to Disability: A Legal Framework For Survivors Assistance in 24 States Parties* pdf

Julinda Beqiraj, Lawrence McNamara and Victoria Wicks, *Access to justice for persons with disabilities: From international principles to practice*, International Bar Association, October 2017

Marcus Manuel and Clara manuel, *Achieving Equal Access to Justice for all by 2030: Lessons From Global Funds*, Working Paper, July, 2018

Patrick Abuya Omungo, A review of the role of civil society in advocacy and lobbying for enforcement of health policy in Kenya, *African Population Studies Vol 25, 1 (Supplement) 201177*, Centre for Health and Social Research, Nairobi, Kenya

Richard Bowd, *Access to justice in Africa, Comparisons between Sierra Leone, Tanzania and Zambia*, Policy Brief Nr 13, October, 2009

S. SARIA, *Assessment of the Impact to the National Policy on Disability in Tanzania; Theme: Policies and regulatory mechanisms-National Rehabilitation Plans*, (30th September 2013)

UTSS Position Paper on Inclusive Education, Under The Same Sun

Wade Cole, *Mind the Gap: State Capacity and the Implementation of Human Rights Treaties*, 2015

F: Report

Abdallah Possi, *Persons with Disability's Right to Work in Africa: A Comparative Study of Employment and Disability Laws, Policies and Relevant Institutional Mechanisms of Tanzania and Selected African States*, Inaugural-Dissertation In the Faculty of Humanities, Social Sciences, and Theology of the Friedrich-Alexander-Universität Erlangen-Nürnberg, for the award of Doctoral Degree Dr. Phil. 19 December 2014

Anders Linde 2014, *Evaluative Study of Tanzania's Public Policies Special Focus on Education, Health and the Environment, Public Policies in Tanzania*, Linnaeus University, 2014

Assessment of the Quality of Health Services in Dar es salaam, Legal and Human Rights Center (LHRC), October, 2014

CBM Federal Strategy 2023 at <https://www.cbm.org/about-cbm/cbm-federation-strategy-2023/>

CCBRT - Report on The Participation of People with Disabilities in Tanzania's 2010 General Election (2011)

CCBRT – Disability Employment Survey (2010)

Continental Conference on Access to Justice for Children for Children in Africa Sportilting the Invisible Conference Report, United Nations Conference Center (UNCC), Addis Ababa, Ethiopia © 2018 African Child Policy Forum (ACPF)

Disability Movement in Tanzania and Status, Tanzania Federation of Disabled People Organizations

Disability Rights in Tanzania, SIDA, December, 2014 at <https://www.sida.se/.../disability/rights-of-persons-with-disabilities-tanzania.pdf>

Disability and Work: The United Republic of Tanzania's Workplace Policies in the Persons with Disabilities Act of 2010 <http://dsq-sds.org/article/view/3279/3111>

DRPI – Tanzania Report (2011)
<http://drpi.research.yorku.ca/Africa/headlines/TanzaniaReport2011>

Legal and Human Rights Center (LHRC), Efficacy and Effectiveness of the Ward Tribunal in Tanzania, Case Study of Selected Districts in Dar-es-salaam and Cost Region, (2014)

Fact Sheet, the Status of Rights of Persons With Disabilities in Tanzania, SHIVYAWATA and Handicap International

Fredrick Msigallah, Advocacy Officer at Comprehensive Community Based Rehabilitation in Tanzania (CCBRT), *THE PARTICIPATION OF PERSONS WITH DISABILITIES IN TANZANIA'S 2010 GENERAL ELECTION: A Report on the Observations and Recommendations Made by Voters With Disabilities*

Habari @ Foundation for Civil Society, Makala Maalum: Miaka 15 ya Foundation for Civil Society, ISSN 1821 – 5335

Honourable Kassim Majaliwa (MP), *Prime Minister Office Budget's Speech at the Parliament for 2019/2020*, Para 125, 33

Honourable Suleiman Jaffo, Minister President's Office Administration and Local Government, Budget Speech for 2019/2020 Para 91, 26

Legal and Human Rights Center, Tanzania Human Rights Report of 2015, LHRC: Dar es salaam

Legal and Human Rights Center, Tanzania Human Rights Report of 2018, LHRC: Dar es salaam

Legal And Human Rights Center, Labour Survey, 2008, LHRC: Dar es salaam, 2008

Implementation Status of the UN Convention on Rights of Persons With Disabilities (2006) Tanzania, Foundation for Civil Society, 2017 Report can be accessed in www.thefoundation.or.tz

Kaganzi Rutachwamagyo (Consultant), Workshop Handout, Review of People with Disability Participant in Post 2015 General Elections, 2016

KAROLI BALTAZAR KADEGHE ACTIONAID TANZANIA (DAR ES SALAAM, TANZANIA), Fundamentals of Social Accountability Monitoring – Assignment Paper A Requirement for the Award of Rhodes University Certificate, Rhodes University, 28th Course September, 2018

MacLachlan, Malcolm; Mji, Gubela; Chataika, Tsitsi; Wazakili, Margaret; Dube, Andrew K.; Mulumba, Moses; Massahm, Boniface; Wakene, Dagnachew; Kallon, Frank; Maughan, Marcella, *Facilitating Disability Inclusion in Poverty Reduction Processes: Group Consensus Perspectives from Disability Stakeholders in Uganda, Malawi, Ethiopia, and Sierra Leone*, Date: 2017-01-24, URI: <http://repositoriociodpd.net:8080/handle/123456789/1551>

Making PRSP Inclusive, World Bank, Jan, 2006, Handicap International and CBM Christoffel-Blinden mission

Ms. Christina Kamili (Director), *Tanzania Legal Aid report, 2017*, (ILAG, 2017) Tanzania Network of legal Aid Providers (TANLAP)

Myamba F., Mesaki S.,Walsham M., Blanchet K.: *Applied research concerning inclusion of persons with disabilities in systems of social protection. Social protection policy analysis - Tanzania*, London School of Hygiene and Tropical Medicine, REPOA, Eschborn: GIZ, May 2015.

Mwananchi Newspaper, ISSN 0856-7573, NA 6898, Dated: June 26, 2019

Peter Josiah Shughuru, *Sexual Violence and Access to Justice for People With Disabilities in Tanzania and South Africa*, Masters of Laws Degree Thesis (LLM), Human Rights and Democratization in Africa, Centre for Human Rights, Faculty of Law, University of Pretoria, 30 October, 2012

Pima, Michael James, *Six Years of Implementing National Policy on Disability in Tanzania: A study of Primary School Teachers' perspectives on Influence of the Policy in Special Needs Education*, UNIVERSITY OF OSLO, Autumn, 2012

Realization of the Sustainable Development Goals By, For and With Persons With Disabilities: UN Flagship Report on Disability and Development, UN Department of Economic and Social Affairs, 2018 found in <https://www.un.org/development/desa/disabilities/wp-content/uploads/sites/15/2018/12/UN-Flagship-Report-Disability.pdf> 17/12/2018

Report on the Situation of Human Rights Defenders and Civic Space in Tanzania, Tanzania Human Rights Defenders Coalition Report of 2018, THRDC: Dar es salaam

Roz Price, *Strengthening Participation of People With Disabilities in Leadership Roles in Developing Countries*, Helpdesk Report, *Institute of Development Studies*, 04 May 2018

Shanta Memorial Rehabilitation Centre (India), Women with Disabilities India Network, Legal Defence and Assistance Project (LEDAP) (Nigeria), May 1, 2017

Tanzania Development Vision, 2025 which aims to make the country be on middle income

Tanzania Human Development Report 2017; *Policy in the Context of Economic Transformation*, UNDP Tanzania Office, 2017

Tanzania National Census Report of 2012

The 2018 Progressive Report, Tanzania Human Rights Defenders Coalition Report of 2018, THRDC: Dar es salaam

Simeon Mesaki (Dr), Social Protection of Persons With Disabilities in Tanzania: Policies, Legislations & Frameworks, SP-PWDs SASPEN-Tanzania-16-17 August, 2016

SHIVYAWATA Strategic Plan 2015-2019, October, 2014

Study of disability in EC Development Cooperation (2010)

2008 Tanzania Disability Survey, National Bureau of Statistics:
<http://www.statssa.gov.za/isi2009/ScientificProgramme/IPMS/1129.pdf> Summary:
[http://www.nbs.go.tz/DISABILITY/SUMMARY DISABILITY RESULTS .pdf](http://www.nbs.go.tz/DISABILITY/SUMMARY%20DISABILITY%20RESULTS.pdf)

Tanzania Legal Aid Report and Access to Justice, ILAG Conference, TANLAP, 2017

The 2018 Progressive Report, Tanzania Human Rights Defenders Coalition Report of 2018, THRDC: Dar es salaam

Women Enabled International Submission to OHCHR: Comments for Report on Access to Justice for Persons with Disabilities, Written by: Women Enabled International, Endorsed by:

G: Websites

Danida Priorities in Policies in Tanzania; at <http://um.dk/en/danida-en/strategies%20and%20priorities/country-policies/tanzania/current-and-future-challenges-and-opportunities-in-tanzania/>

Walemavu Wapinga Unyanyasaji Mkoa wa Dar es salaam; at <https://www.jamiiforums.com/threads/watu-wenye-ulemavu-mkoa-wa-dar-es-salaam-waandamana-kupinga-unyanyasaji.649957/>

Development Partners Group in Tanzania: <http://www.tzdpg.or.tz/external/home.html>
Disability in Tanzania Information Platform
<http://disabilityintanzania.blogspot.se/p/research.html>

Inclusive Education in Tanzania – is it understood?
<http://www.tenmet.org/Droop/Docs/QEC%202014/Mkonongwa.pdf>

Joseph Kisanji, Attitudes and Beliefs about Disability in Tanzania 1 5 Attitudes and Beliefs about Disability in Tanzania...
<http://english.aifo.it/disability/documents/innovations/5kisanji.pdf>

Government Action on Disability Policy, A Global Survey...
<https://digitalcommons.ilr.cornell.edu/cgi/viewcontent.cgi?referer=https://scholar.google.co.uk/&httpsredir=1&article=1232&context=gladnetcollect>

Mental Health Service Systems in Tanzania...
<https://www.ntnu.no/documents/1323615/1221071181/KAAYA,%20Mental+health+in+tanzania+2014-KAAYA.pdf/42a5997a-2d5e-4747-8285-d3e89d3027c1>

The Forgotten – HIV and Disability in Tanzania 2009, Tanzania Commission for AIDS:
<http://www.gtz.de/de/dokumente/gtz2009-en-hiv-and-disability-Tanzania.pdf>

The Impact of Legislation East Africa, ILO 2004 on Employment of People with Disabilities:
http://www.ilo.org/wcmsp5/groups/public/---ed_emp/---ifp_skills/documents/publication/wcms_107844.pdf

Tanzania Federation of Disabled People's Organizations (SHIVYAWATA)
<http://shivyawata.or.tz/>

Accessing The Ballot Box; <http://inclusion-international.org/category/programme/accessing-the-ballot-box/>

Disabilities and Development, DESA;
<https://www.un.org/development/desa/disabilities/publication-disability-sdgs.html>