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The situation of persons with disabilities

According to the national disability survey in 2008, 3.2 million Tanzanians (7.8%) of the population aged 7 years and above have some form of disability and up to 5.4 million (13.2%) are affected by disability. The Tanzania mainland has slightly higher prevalence of disability (13.3%) than Zanzibar (9.3%). The prevalence is also somewhat higher in the rural areas (8.3%) than in urban areas (6.36%).

Up to 72.3% of households headed by persons with disabilities depend on income from subsistence agriculture and 14.5% depend on self-employment compared to 65.0% and 21.3% respectively for those without. Only 3.1% of persons with disabilities receive income from paid employment. A survey conducted by the Comprehensive Community Rehabilitation in Tanzania (CCBRT) in Dar es Salaam region on employment informal sectors shows that only 0.7% of employees in all surveyed companies a disability of some kind – despite a law requiring a quota of 3%.

Other major challenges facing persons with disabilities are access to transport and information, negative attitudes of others at home, school and at work, inaccessibility to public services / premises, poverty and inadequate representation. Very few children with disabilities access education. The enrolment figures for children with disabilities in primary school range from 0.1% to 10% depending on the source. The CCBRT Education study (2010) estimates that the enrolment rate in mainland Tanzania for children with disabilities range between 0.1 per cent and 0.5 per cent. Most children with disabilities attend special schools.

Due to widespread belief in witchcraft people with albinism are often killed, their body parts are believed to have supernatural powers. One very illustrative example of this was the killing of 45 persons with albinism in 2009 and is still on going 2014 as reported to the UN Committee on Human Rights. In

order to stop the killings police and task forces in every region and district have been established as well as education of the community.

Poor accessibility makes it difficult for persons with disabilities to participate in elections. According to a survey conducted by CCBRT in the Dar es Salaam region on participation of PWD in the 2010 elections shows that most of the respondents (70 per cent) felt that they were not sufficiently involved.

Women with disabilities are subjected to additional hardships and are more likely to be subjected to sexual abuse and violence as well as being refused access to SRHR services and income generating activities.

Legal and policy framework

The government of Tanzania has taken a number of legislative and policy steps that indicate commitment to advancing the rights of persons with disabilities. In terms of **international instruments**, these steps include:

- Signing and ratifying (in 2009) the United Nations Convention on the Rights of Persons with Disabilities (CRPD) and the optional protocol, the first international, legally binding treaty aimed at protecting the human rights of persons with disabilities. The Convention is available at www.un.org/disabilities/convention/conventionfull.shtml.
- Signing and ratifying other treaties that advance the rights of people, including those with disabilities, for example the UN Convention on the Rights of the Child, the African Charter on Human and People's Rights, the Convention on the Elimination of All Forms of Discrimination against *Women* – all of which make some reference to protecting the rights of persons with disabilities to fair treatment, appropriate care, inclusion and full participation in society.

- Committing to the East African Policy on persons with Disabilities (2012) outlining joint policy commitments in line with the CRPD and country level recommendations.

The African Commission on Human and Peoples' Rights has drafted a Protocol on the Rights of Persons with Disabilities. It was released for comment in April 2014 and once finalised, is likely to become part of Tanzania's policy framework for advancing disability rights. Other important upcoming tools in 2014 are the CRPD Toolkit for Africa and the Accountability Framework for Africa which is part of the Common African position for Post 2015 Development.

In terms of **national laws and policies**, the following have the most direct bearing on the rights of persons with disabilities:

The 1977 Constitution and its amendments recognise the rights of persons with disabilities and prohibit all forms of discrimination. The new Draft Constitution (to be adopted 2015) has some disability specific provisions (para 44):

A person with disabilities has the right to:

- *be respected, recognised and treated in a way which does not lower his dignity;*
- *an education through special equipment and participate in social affairs;*
- *have infrastructure and environment which allow him to go wherever he pleases, use transport facilities and get information;*
- *use sign languages, written language by the aid of special machines or other methods that are appropriate;*
- *learn with persons without disabilities; and*
- *get a job and contest leadership posts in various sectors.*

The authority of the land shall specify procedure for enabling persons with disabilities to participate in representative activities.

These provisions do not correspond to the submissions made by the disability movement which required more specific writings on social security,

language, voting and political participation. They also advocate for disability rights to be a union matter.

In 2010 a Disability Act was launched in Tanzania Mainland providing for health care, social support, accessibility, rehabilitation, education and vocational training, communication, employment, work protection and promotion of the basic rights of persons with disabilities.

According to Disability Act Ministers responsible for Community Development, Social welfare, Buildings, Local Government Authorities, Labour and Employment have to ensure that they prepare and publish plans outlining the measures to be undertaken by their respective ministries in favour of persons with disabilities.

The Act also gives provision for establishment of the National Disability Council. The Commissioner for Social Welfare forms the Secretariat for the council. The council has formed committees at regional and district level. Regional and district DPOs are still to be empowered to make effective use of the committees.

In Zanzibar a Disability Act was adopted already in 2006. There is a National Council on Disability, but its role is limited. Effectively the coordination is done by the Department of Disability Affaires of the President's Office.

Tanzania has signed the Plan of Action for the African Decade of Persons with Disabilities 1999–2009, extended to 2019. The Social Welfare Department under the Ministry for Health and Social Welfare is responsible for the implementation in consultation with an appointed Secretariat. There is a National Disability Mainstreaming Strategy (2010- 2015) for the implementation of the African Decade Plan of Action which was developed in 2011. Not much has been done in this area due to budgetary constraints and lack of political pressure.

National Strategy for Growth and Poverty Reduction, 2010- 2015 (MKUKUTA II) and the Zanzibar National Growth and Poverty Reduction Strategy, 2010- 2015 (MKUZA II) have limited provisions for persons with disabilities in contrast to the preceding 2005-2010 MKUKUTA, which even had disability specific indicators.

There is a Tanzania National Strategy on Inclusive Education 2009-17 which aims at

- Education policies and programmes are informed by inclusive values and practices
- Teaching and learning respond to the diverse needs of learners
- Educational support is available for all learners
- Professional capabilities for inclusive education are widened and strengthened
- Community ownership of and participation in inclusive education are enhanced

There is also a Zanzibar Education Policy: Transition Towards Inclusive Education of 2006.

The Health Policy guarantees free access to health services to elderly, children under five, pregnant women, those living with HIV/AIDS and/or affected by cancer and tuberculosis. It is legally unclear whether this regulation includes persons with disabilities.

The actual implementation of these adopted laws, policies, strategies and frameworks remains limited and institutional checks and balances are weak. The rather active civil society, the media and the parliament have not yet been able to challenge the current system.

Implementing Agencies

Ministry of Health and Social Welfare has the main responsibility for coordination and monitoring of disability rights in Mainland, being the secretariat of the National Disability Council. In Zanzibar this responsibility rests with the President's Office, Department of Disability Affairs. In Zanzibar there is a separate Ministry of Health. Ministries of Health are responsible for medical and rehabilitation measures. According to the 2008 Disability Survey, access to health information and services is a huge challenge for persons with disabilities, in particular women in relation to sexual and reproductive health services. According to research undertaken by Rebecca Elieza, disabled mothers are two or three times more likely to suffer from poor services, looking for pre-

natal and ante-natal services and at the same time face discrimination.

UNAIDS/WHO estimated the general HIV prevalence in mainland Tanzania to around 5.7 per cent in 2011 compared to 9 per cent among persons with disabilities. Despite scaled up prevention efforts HIV initiatives have rarely targeted the disability group.

Ministries of Education and Vocational Training in Mainland and Zanzibar are responsible for educational outcomes. So far a very limited number of children with disabilities have been successfully included in regular schools due to attitudinal and system obstacles, although in Zanzibar enrolment rates have been a bit higher. The general school system is overstretched by big size classes and a generally dwindling quality of education in public schools, especially in Mainland. Both government and disability organisations therefore have prioritised a focus on special schools and units, which only benefit a few. There are presently 16 special schools and 159 special units integrated into regular schools. Obviously these cannot cater for many children with disabilities.

The Ministries of Labour (Youth Development and Sports), which are responsible for labour standards, employment, youth development as well as sports development. They have not been successful in promoting and monitoring the 3% quota for persons with disabilities.

Accountability measures

The Tanzania Commission for Human Rights and Good Governance, with a mandate to oversee the implementation of the United Republic of Tanzania's National Human Rights Action Plan (NHRAP) and to

- To promote the protection and the preservation of all human rights and the duties to the society in accordance with the Constitution and the laws of the land.
 - To receive allegations and complaints in the violation of human rights.
 - To conduct enquiries into matters involving the violation of human rights and the contravention of the principles of administrative justice.
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- To conduct research into human rights, administrative justice and good governance issues and to educate the public about such issues.
- When necessary, to institute the proceedings in court designed to terminate activities involving the violation of human rights or redress the right or rights so violated, or the contravention of the principles administrative justice.

So far the commission seems to mainly have been engaged in the violations directed to persons with Albinism.

National Disability Council which is supposed to be operational at national, regional and district levels to implement and monitor the disability law and the There is a National Disability Mainstreaming Strategy; 2010- 2015.

Main Civil Society Actors

The disability movement is well established. The [Tanzania Federation of Disabled People's Organizations \(SHIVYAWATA\)](#) regularly takes part in discussions with the government. Official recognition of the federation has increased over the past years and recently led to the involvement of the organisation within the Coordination and steering of the Non-State Actors support programme. It supports development of a constructive dialogue between government, partners and civil society organisations (CSOs). The Federation brings together ten member-based national disabled persons organisations:

- Tanzania Albino Society (TAS) – [View site](#)
- Tanzania League of the Blind (TLB) – [View site](#)
- Tanzania Association of the Physically Handicap (CHAWATA) -
- Tanzania Association of the Deaf (CHAVITA) – [View site](#)
- Tanzania Association of the Deaf – Blind (TASODEB) – [View site](#)
- Tanzania Association for the Mentally Handicap (TAMH) – [View site](#)
- Kilimanjaro Association of Spinal cord Injuries (KASI) – [View site](#)

- Psoriasis Association of Tanzania (PSORATA) – [View site](#)
- Tanzania Users and Survivors of Psychiatric Organization (TUSPO) – [View site](#)
- Association of Spinal Bifida And Hydrocephalous of Tanzania (ASBAHT) – [View site](#)

In Zanzibar, the cross disability Association of Disabled Persons (UWZ) has played a central role in shaping policy and legislation, and the recently established Zanzibar Centre for Disability and Inclusive Development (ZACDID) contributes to improve the lives of persons with disabilities. There is also an active parent organisation (supported by Norway), Zanzibar Association of Parents with Developmental Disabilities.

Other important national and international CSOs are:

Action on Disability and Development (ADD International), Great Britain:

<http://www.add.org.uk/tanzania>

Christoffel Blinden Mission (CBM):

<http://www.cbm.org/Tanzania-265836.php>

Comprehensive Community Based Rehabilitation In Tanzania (CCBRT): <http://www.ccbirt.or.tz/>

Disabled Organization for Legal Affairs and Social Economic Development (DOLASED):

<http://www.aaionline.org/Alumni/AlumProfiles.aspx?alum=GidionMandesi>

Handicap International <http://www.handicap-international.us/tanzania>

Information Centre on Disability (ICD):

<http://www.policyforum-tz.org/node/5212>

Norwegian Association for Persons with Developmental Disabilities (NFU)

<http://www.nfunorge.org/no/Om-NFU/In-English/About-NFU-in-English/Our-international-solidarity-work/>

My Right <http://myright.se/myright-i-varlden/tanzania/>

Legal Human Rights Centre, which performs litigations and monitors violations of human rights.

What Sweden can do – 9 questions to discuss

Within the broader context of the Swedish results strategy for Tanzania, with particular focus on strengthening civil society and public sector capacity, enhancing understanding of human rights and increasing access to education, work and sustainable livelihoods, Sweden has a great opportunity to include issues related to the rights of persons with disabilities.

Questions to discuss:

- Could Sweden do more to keep up-dated with the developments within the area of disability rights?
 - Could Sweden do more to include disability organisations in social and professional networks and in capacity building efforts for human rights and civil society organisations?
 - Could Sweden do more to support development of the accountability mechanisms in the area of disability (e.g. promoting inclusion of disability aspects in law reforms, support to the human rights commission and LHRC and/or capacity development of the National disability council, disability indicators etc.)? Monitoring tools can be downloaded [here](#).
 - Could Sweden be more active in seeking strategic alliances and bring a disability perspective into joint donor planning meetings with bilateral and multilateral agencies, taking into consideration that article 32 of the CRPD requires donors to do so? What support would staff need to take such initiative? Download a Guide to Disability in development [here](#) for inspiration.
 - Could Sweden do more to promote inclusion (with quality and retention) of children and youth with various disabilities in education and skills training programmes at all levels? Resources and tools can be found [here](#).
 - Could Sweden do more to ensure accessibility for women and men with various disabilities to economic empowerment programmes such as micro-credits, loans, vocational/skills training, agricultural and rural livelihood programmes, literacy programs and entrepreneurship programmes - particularly for women and youth with disabilities? Examples of tools can be found [here](#).
 - Could Sweden do more to examine the implementation of the employment legislation stipulating a quota for persons with disabilities in bigger workplaces?
 - Could Sweden do more to include women with disabilities in women networks, SRHR and economic empowerment initiatives?
 - Could Sweden do more to promote transparent commitments to disability inclusion in state and district budgets and propose public expenditure tracking to pro-poor and pro-disability interventions?
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The human rights of persons with disabilities are a Swedish government priority. As a service to staff, briefs have been prepared to provide basic information about the situation of this (often forgotten) group and inspire discussions on what Sweden could do to better include disability rights in diplomacy and programming.