



Report on the Situation and the Needs of HRDS with disabilities in Tanzania

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NEEDS ASSESSMENT AND SITUATION OF HUMAN RIGHTS DEFENDERS WITH DISABILITY IN TANZANIA

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ABBREVIATIONS AND ACRONYMS

ACHPR	African Commission on Human and People's Rights
CBM	Christian Bling Mission
CCBRT	Comprehensive Community Based Rehabilitation Tanzania
CHAWALATA	Chama cha Wakalimani wa Lugha ya Alama Tanzania
CRPDs	Convention on the Rights of Persons with Disabilities
CSOs	Civil Society Organizations
CST	Child Support Tanzania
DOLASED	Legal Affairs and Social Economic Development
HRDDs	Human Rights Defenders with Disabilities
HRDs	Human Rights Defenders
ICD	Information Centre on Disability
JUWALAZA	Jumuiya ya Wakalimani wa Lugha ya Alama
LGAs	Local Government Authorities
LHRC	Legal and Human Rights Centre
M&E/ MEL	Monitoring and Evaluation/ Monitoring Evaluation and Learning
Ma.	Males
NBS	National Bureau of Statistics
NGOs	Non-Governmental Organizations
No.	Number
OECD	Organization for Economic Co-operation and Development
OHCHR	UN Human Rights Office of the High Commissioner
PWDs	Persons with Disabilities
PWDs Act of 2010	Rights of Persons with Disabilities Acts of 2010 (Mainland)
PWDs Act of 2022	Rights of Persons with Disabilities Acts of 2022 (Zanzibar)
S/N.	Serial Number
SHIJUWAZA	Shirikisho la Jumuiya za Wenye Ulemavu Zanzibar
SHIVYAWATA	Shirikisho la Vyama vya Wenye Ulemavu Tanzania
THRDC	Tanzania Human Rights Defenders Coalition
TLS	Tanganyika Law Society
TZS	Tanzania Shillings (USD 1 = USD 2,500)
UDHR	Universal Declaration of Human Rights of 1948
UN	United Nations
UPR	Universal Periodic Review
WHRDs	Women Human Rights Defenders

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This report is the outcome of the views, opinions, perspectives, and recommendations of several stakeholders who were contacted during the needs' assessment survey period between August and September 2023. These individuals include members of Tanzania's Mainland and Zanzibar's communities; government officials; organizations for persons with disabilities (PWDs); other non-governmental organizations; individual PWDs; lawyers who specialize in issues pertaining to disability; and, other community members.

The interpretations of the opinions and proposals from stakeholders that are featured in this report are the exclusive views of the researchers of this needs assessment and do not necessarily represent the viewpoints of the Tanzania Human Rights Defenders Coalition, members or its funding partners.

In addition, the survey team recognizes all reference materials that had been referred to in this report including the Needs Assessment survey conducted by the same survey team for UNFPA, Tanzania Country Office in June 2023. This included the inputs from such sources that the survey team may have marked in order to highlight particular sources.

We express our gratitude to the Swedish Embassy and Ford Foundation, who served as funding partners and played a crucial role in facilitating this process.

PREFACE

The Tanzania Human Rights Defenders Coalition (THRDC) is a non-governmental, non-partisan and human rights organization registered under the Non-Governmental Act of 2002. THRDC is an umbrella organization with 292 members all of them are human rights defenders (HRDs) organizations. The Coalition operates throughout the United Republic of Tanzania through a web of its members and has registered office in Zanzibar, which was registered in 2021. The coalition also operates on international advocacy issues through regional and international HRDs' organizations.

The long-term goal of the Coalition is to see a free and secured environment for human rights defenders in Tanzania, and to ensure HRDs¹ in Tanzania carry out their essential work free from harm and repression, in accordance with the UN Declaration on Human rights defenders of 1998. The ultimate result of all these, as this coalition visualizes, is a contribution to the creation of a safer working environment for the HRDs. This goal is achieved through various interventions including capacity building for HRDs, advocacy, active protection and connecting defenders from grassroots levels to relevant national, regional and international forums.

Since its establishment THRDC has been working and engaging with HRDs with disability (HRDDs) at various levels and capacities. These include empowerment programs (capacity building on risk assessment and management, digital security, resources mobilization, etc.); meetings with various authorities including the State House; protection services; engagement programs at local, regional, and international levels including UN mechanisms i.e., reporting to mention a few.

The engagements and empowerment programs are aimed at improving their protection and security management capacity and increasing their visibility and recognition of their roles and rights at local, regional, and international levels including the policy and legal frameworks. Some of the areas where THRDC has been working with HRDDs or PWDs include the review of the Road Traffic Act (1973) regarding accessibility for PWDs, review of the National Education Act (2014) regarding the inclusion of PWDs in education systems, coordinating the engagement of PWDs in the UPR sessions as key thematic area.

¹ HRDs are organizations or individuals who work to protect and promote other rights including journalists, lawyers, human rights institutions, etc. Among the HRDs who work with the Coalition are those with disabilities. Disability ranges from those with albinism, deafness, blindness, and others with physical disabilities.

Additionally, THRDC organized and timely issued press releases condemning reemerging of attacks against persons with albinism in Tanzania, participated on the review of the draft National Action Plan for Persons with Albinism, coordinated participation of organizations of PWDs in a meeting with President of the United Republic of Tanzania, H.E. Samia Suluhu Hassan in 2022. The organization had also contributed to an advocacy campaign by the UN Special Rapporteur for HRDs on the rights of HRDDs in 2022. Other areas include empowerment to the THRDC's Zonal Coordinating Units on the importance of inclusion of PWDs in organization programming and planning, developing the United Nations Convention for Rights of People with Disabilities shadow report, coordinating the commemoration of International Women Day in 2023 which focused on women HRDDs, and empowerment program for HRRDs on digital and physical security and monitoring, documentation and reporting to mention a few.

The interventions above have contributed to the improved protection and security, increase recognition and the capacity for the HRDDs and PWD at various levels.

Despite of the progress made towards improving the working environment for HRDDs, there are still some areas needing further improvement as highlighted in this report. As such, THRDC in collaboration with other stakeholders is committed to ensure the recommendations are implemented to improve the working environment for HRDDs in the country. Specific result-based intervention program on HRDDs will be designed and executed in a due course.

EXECUTIVE SUMMARY

This report presents the findings and analysis of the Needs Assessment for Human Rights Defenders with Disabilities in Tanzania. The comprehensive survey was conducted by a team of independent researchers between August and September 2023 in Tanzania Mainland and Zanzibar. The survey was intended to understand the challenges and needs of human rights defenders with disabilities (HRDDs) in Tanzania. This effort was initiated by the Tanzania Human Rights Defenders Coalition (THRDC), an authoritative human rights defender (HRD) network in the country. The study was structured to align with international standards, particularly the United Nations (UN) Convention on the Rights of Persons with Disabilities of 2006 (CRPD); the UN Declaration of HRDs of 1998; as well as existing Tanzanian laws, including the Constitution of the United Republic of Tanzania of 1977 (URT Constitution); Constitution of Zanzibar of 1984; Persons with Disabilities Act of 2010 (PWDs Act of 2010) of Mainland; and, Zanzibar's PWDs Act of 2022.

To gain a deep understanding, the assessment utilized both secondary and primary data collection methods. Background research was carried out by reviewing various disability and human rights-related materials to set the survey parameters. For primary data, a combination of interviews, questionnaires, focused group discussions, and online surveys were employed. A total of 178 individual persons were consulted of which, 132 (74%) were reached through online questionnaires – as individual persons and representatives of organizations of PWDs (OPDs). At least 95% of the respondents were actually individual PWDs of whom, 78% were male respondents and 22% female, a trend which signifies pronounced male dominance in leadership roles within OPDs.

It is established that, there are numerous international instruments safeguarding and promoting the rights of HRDDs, but they lack specificity for HRDDs' unique needs. Such instruments include CRPD and UN Declaration of HRDs mentioned earlier. On a national scale, the Tanzanian and Zanzibar's Constitutions support international human rights standards and that, the countries have committed to the Strategic Development Goals 2030 (SDGs), which underscores inclusivity. However, despite such efforts, still, a yawning gap exists in catering to HRDDs' specific challenges especially because there is no specific law which comprehensively safeguards and promotes the rights of HRDs including those with disabilities. However, an opportunity exists for more tailored dialogue within the country by leveraging the perceived civic space guaranteed by the current regime in Tanzania.

It is also noted that, though disability laws were established in 2010 and 2022 for Mainland and Zanzibar respectively, their enforcement is inconsistent and inadequate. For instance, the disability committees established under Section 14 of the PWDs Act of 2010, have generally not been operationalized in many parts of the country. Such and other organs, would have been easy platforms for HRDDs to engage with the State and other stakeholders. Additionally, certain laws, such as the 2018 regulations concerning online content, are still enforceable and they can inadvertently affect HRDDs, particularly those leveraging digital platforms for advocacy.

Regarding institutional or internal capacities, this survey established that, OPDs in Tanzania have varying capacities. Larger entities like SHIVYAWATA head office, UWZ, CHAVITA, ZANAB and JUWAUZA showcase more substantial institutional structures. Other OPDs like SHIVYAWATA's regional branches, DOLASED and ICD had some challenges to grab their breath and operate effectively. Financial constraints seem to limit their wellbeing. Moreover, there's an evident disparity in resources and strategies, especially among newer and smaller OPDs. A glaring issue is the lack of specific focus on HRDs within these organizations. As per consultations, there are at least 100 OPDs in Mainland Tanzania and about 15 in Zanzibar but none of them had specific component on HRDs. On the other hand, despite many OPDs having defined structures and policies, several of these are outdated or not fully implemented. Challenges include affiliations with political entities, unclear roles, and inadequate leadership training.

A survey mapped the external operating environments of HRDDs against five pillars of civic space. The majority of PWDs and OPDs perceived these environments as "moderate". No component was perceived as high risk above 25%. There are significant concerns about rights violations, especially in accessing justice, social services, and information. While many OPDs have safety measures in place, there's a pressing need for improvement. Many lack essential security infrastructure, indicating the need for awareness and proactive measures.

Regarding their effectiveness especially on advocacy interventions, this survey revealed that just 22% of OPDs were fully engaged with platforms that could advance their HRD's agendas. A notable 55% have contributed to pro-disability rights reforms, indicating potential for more active participation. The assessment underscores the importance of building capacity, especially in areas of security and protection for HRDDs. Also, the need to establish specific HRDDs coalition or network is emphasized by the survey team.

Conclusively, it is observed by this assessment survey that, HRDDs in Tanzania are gradually getting recognition. That is, despite facing a myriad of institutional,

financial, and socio-cultural challenges, their advocacy roles in human rights are gaining momentum e.g., their ability to pursue tangible reforms such as having specific laws on disabilities. On the other hand, while Tanzania has made legal strides, practical implementation lags. Organizations supporting HRDDs encounter numerous obstacles, heavily influenced by Tanzania's sociocultural dynamics. Collaboration, both domestically and globally, is essential to address these challenges. It was also observed that, HRDDs exhibit commendable resilience and persistence especially when they work as networks. As such, with a united effort, there is hope for a more inclusive future where HRDDs can effectively champion the rights of PWDs.

In each part and sub-part of this report, there are specific suggestions on the areas that would need further improvement. In general terms, the following are recommended (hereby summarized):

- a) Legal Frameworks:** Amend existing laws to address loopholes, and enforce consistently at regional and national levels.
- b) Capacity Building:** Train HRDDs in digital literacy, legal rights, and security. Also, train supporting institutions in strategic planning and management.
- c) Resource Mobilization:** Create a national fund for HRDDs and seek international funding by highlighting HRDD-specific challenges.
- d) Public Awareness:** Launch campaigns to educate the public about HRDD rights and roles, using multiple media platforms.
- e) Technological Integration:** Encourage HRDDs to use digital tools while ensuring digital accessibility for all, including those with disabilities.
- f) Collaborative Initiatives:** Strengthen alliances and encourage knowledge sharing among organizations supporting HRDDs.
- g) Monitoring and Reporting:** Set up a system to monitor violations against HRDDs and collaborate with international entities for broader awareness.
- h) Emergency Response:** Develop efficient emergency response systems for HRDDs.
- i) Research and Data Collection:** Continuously study the evolving needs of HRDDs to adapt strategies and influence policies.
- j) Policy Engagement:** Involve HRDDs actively in policy-making, ensuring their perspectives are integral.
- k) Database Development:** THRDC to collaborate with Councils and Organizations of PWDs and HRDDs, such as SHIVYAWATA and SHIJUWAZA, and the PWDs department under the PMO office, to develop integrated databases for OPDs, HRDDs, and PWDs.

GENERAL INTRODUCTION

1.1 BACKGROUND INFORMATION AND RATIONALE

1.1.1 About the Report and Needs Assessment

This report presents key findings of the needs assessment (survey) for human rights defenders with disabilities (HRDDs) in Tanzania. The assessment was conducted in a form of survey between August and September 2023 by a team of independent consultants. The survey was commissioned by the Tanzania Human Rights Defenders Coalition (THRDC) as part of its activities relating to an implementation of the current (2023-2027) strategic plan (SP).

The THRDC's approach to the protection and enforcement of the rights of the human rights defenders (HRDs) has been a holistic one – in terms of thematic coverage, geographic considerations, and other considerations. Both individual persons, organizations and groups in formal setups or otherwise, are all beneficiaries of the work of this Coalition. Despite existing just over a decade, THRDC has managed to extend its wings across the country. Moreover its operations are increasingly becoming decentralized to widely reach the grassroots through institutionalized zonal coordinating units (ZCUs) all over the United Republic of Tanzania (URT). Interestingly, the Coalition has a fully-fledged branch office in Zanzibar.

There is also an established Tanzania Women HRDs Coalition which, in the view of the consultant, had its roots attached to the existence of THRDC. Moreover, in practice, the Coalition has been instrumental in defending the rights of numerous groups, including the indigenous pastoral communities. Despite such efforts including a mission to become holistic, THRDC has had little interventions on HRDDs. Therefore, disability issues in relation to the work of HRDs were not strongly addressed. Moreover, specific needs of HRDDs i.e., as individuals or organizations, were not adequately analyzed and therefore sufficiently worked on. The survey at hand, sought to establish baseline information on all such gaps with a view to come up with a well-informed programs or interventions which comprehensively modifying the situation to the better.

1.1.2 Rationale and Significance of the Needs Assessment

As it is clarified further in part two of this report, the United Nations Convention on the Rights of Persons with Disabilities of 2006 (CRPD), which has been ratified and domesticated in Tanzania through the Persons with Disabilities Act of 2010 and the Persons with Disabilities Act of 2022 of Mainland and Zanzibar respectively, require consideration e.g., adoption of some affirmative measures to promote and protect the rights of PWDs. Disability is regarded as a cross-cutting issue. The 'Leaving No One Behind' (LNOB) is the working principle and an overall reaching target of the Agenda 2030 (SGDs). Moreover, the two laws on Mainland and Zanzibar mentioned above, emphasize on effective inclusion and participation of PWDs in all aspects of life, apparently, including the HRDs' interventions. Therefore, THRDC's mission on this is coherent with such national and international obligations.

On the other hand, THRDC understands that, this group i.e., HRDDs have more needs compared with other HRDs because they are more vulnerable due to their disability status. The needs range from security, accommodating infrastructures in social services and workplaces, accessible digital platforms, as well as policies, laws, and actions which are disability inclusive. Moreover, HRDDs face challenges including; protection mechanisms not being disability friendly; weak financial and structural capacity of OPDs, insufficient knowledge on impactful and result-oriented advocacy interventions; being left out in other movements of human rights thematic areas including gender movements; higher risk of violence especially in areas with rampant false beliefs towards PWDs; low access to reasonable accommodation addressing the barriers they encounter due to impairments; and low recognition of HRDs with disability contributions in forums of other HRDs.

Considering such critical needs of HRDDs, the Coalition plans to establish some disability-sensitive interventions during this 2023-2027's program phase. The findings of this study have guided the design of the programs which reflect very specific needs of the HRDDs. Later on, the programs will be evaluated against the baseline indicators established through this survey.

1.2 OBJECTIVES OF ASSESSMENT

The main objective of the assignment was to take stock of operational contexts i.e., political, economic, social-cultural, technological, legal and environmental (PESTLE), which have direct bearing to the work of HRDDs; and also, identifying the institutional challenges associated with HRDDs' work so as to recommend for the ways to improve the provision and accessibility of their needs.

The specific objectives of the assessment were:

- a) To assess the operational context and the needs for HRDs with disabilities taking on board the political, economic, social-cultural, technological, legal and environmental situation.
- b) To identify the challenges/ threats associated with HRDs with disabilities and their organizations in the areas of intervention.
- c) To assess the organizational structures and capacity of organizations of persons with disabilities in Mainland and Zanzibar.
- d) To identify the existing national administrative structures that connect HRDs with Disability and government departments responsible for persons with disabilities.
- e) To explore existing local, regional, and international mechanisms recognizing and protecting HRDs with disabilities
- f) To recommend the best options to improve the provision and accessibility of HRDs with disabilities needs.

The survey was designed against such objectives. The interview guides delve to understand the current internal and external operating environments of HRDDs especially through OPDs. Part two of this report, responds to objective number (v), while part four responds to objective (vi). Part three of this report covers objectives (i) to (iv) of this survey.

1.3 SCOPE OF EVALUATION

The needs assessment (survey) had a broad scope. It considered both internal and external operations of the OPDs of all types of disabilities e.g., sensory, physical, mental and intellectual ones. An analysis of internal operations was guided by SWOC² analysis tool; while the external working environments of HRDDs, was guided by both SWOC and PESTLE tools, which are clarified further below.

Secondly, the survey considered both prevention, protection and response mechanisms by HRDDs with a view of understanding the current practices. For instance, a long check-list of protection and response mechanisms was included in the interview guides and HRDDs have responded as part three of this report shows.

² Means strengths, weaknesses, challenges and opportunities. The 'strengths and weaknesses' are for internal operations of OPDs; while, the 'challenges and opportunities', consider external operating environments of OPDs. The later are analyzed in the contest of PESTLE.

Thirdly, the survey covered both Tanzania Mainland and Zanzibar. The typographic and intersectional factors e.g. geographical representation of HRDDs and their OPDs, sex, thematic focus including types of disabilities, were observed.

Fourthly, the survey covered all types of HRDDs to assess and unpack the specific needs for each category. This is a very important consideration since the HRDDs needs are so diverse.

1.4 ASSESSMENT CRITERIA AND ANALYTICAL FRAMEWORKS

The needs assessment (survey) for HRDDs in Tanzania was guided by several analytical frameworks. These frameworks not only facilitated the design of the assessment tools but also informed the conclusions and recommendations based on the findings. Considering the scope of the assessment, the frameworks chosen were the one which are practical to analyze both internal and external operations of the institutions. Key among the analytical frameworks used were:

- a) SWOC and PESTL: Assessed the strengths, weaknesses, opportunities and challenges (SWOC) in terms of PESTLE factors. These ones were applied during the one-on-one consultations with OPDs. The purpose was to understand current institutional strengths and weaknesses of such organizations especially in relation to HRDs' interventions. The PESTLE guided the evaluators to understand, among other issues, an availability of opportunities and challenges which influence positively or negatively the external working environment of HRDDs.
- b) HRBA: Right-based/ human rights based approach by ensuring that all human rights principles e.g. equality, non-discrimination, participation, etc., are earnestly taken into consideration throughout the evaluation processes.
- c) DAFs and GAF: Disability analytical frameworks (DAF) and gender analytical frameworks (GAF) e.g. ensuring principles of accessibility, availability, affordability, usability, etc., PWDs in their interventions on human rights. This guided data collection especially during consultative meetings, focus group discussions (FGDs) and key informant interviewees (KIIs).
- d) Usual evaluation criteria (OECD DAC criteria or standards on external evaluation³): because this was an institutional and operational assessment of the structures, systems, guidelines and functioning of the OPDs as HRDs. Such criteria are relevancy, coherence, effectiveness, efficiency, impact and sustainability. Issues inquired in each criterion included the following:

³ See: OECD, Evaluation Criteria. Available online via: <https://www.oecd.org/dac/evaluation/daccriteriaforevaluatingdevelopmentassistance.htm>

- i. **Relevancy:** Whether individual HRDDs or OPDs are doing the right things in their work as HRDs? Are their interventions reflecting specific needs of targeted groups (HRDs)? Enabling and disabling factors? What added value do they bring HRDs' practices in the country? If there are synergies sought with other ongoing initiatives within the countries (Tanzania Mainland and Zanzibar) and globally e.g. UN efforts on promotion and protection of the rights of HRDs?
 - ii. **Coherence:** Whether or not the interventions of HRDDs or OPDs are coherent with relevant national and international legal and policy frameworks e.g., the UN Declaration on HRDs of 1998;⁴ The Agenda 2030 (SDGs); the Convention on the Rights of PWDs of 2026; national laws as clarified further in part two of this report.
 - iii. **Effectiveness:** Whether HRDDs or OPDs are achieving their objectives as HRDs especially through the operations being undertaken? The presence of attributing factors which influence the interventions and results e.g., on security issues.
 - iv. **Results:** What results (outcomes and impact levels) have been achieved so far/ not achieved? What lessons and good practices can be learnt from the results achieved/not achieved of the HRDDs or OPDs' interventions?
 - v. **Efficiency:** Does the OPDs receive sufficient resources? Are the resources being utilized according to the plans? What has been the role of various stakeholders in supporting OPDs? Were the design and organization of OPDs been efficient? What lessons and good practices can be learnt from the way the OPDs is currently structured?
 - vi. **Sustainability:** To what extent can the efforts and effects of OPDs' plans be sustainable e.g. unshakable? Also, analysis of sustainability in terms of their interventions and results earned. Lastly, the sustainability of the OPDs considering different factors including resources, succession etc
- e) Legal instruments on HRDs' work (national and international ones), including the said 1998 UN declaration on HRDs; and, CRPD. Others include:

⁴ Its full citation is: Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms of 1998. It was adopted by the United Nations General Assembly (UNGAS) on 8th March 1999 (Reference: A/RES/53/144).

- i. Universal Declaration of Human Rights of 1948⁵ (UDHR).
- ii. Equality and Non-Discrimination of Persons with Disabilities and the Rights of Persons with Disabilities to Access Justice of 2018.⁶
- iii. Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms of 1998.⁷
- iv. Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems of 2012.⁸
- v. Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa of 2005.⁹
- vi. National laws mentioned in part two of this report.

1.5 METHODOLOGIES: DATA COLLECTION AND ANALYSIS

1.5.1 Approaches and Tools

The needs assessment or survey for HRDDs in Tanzania assessment involved secondary and primary data collection methods. A desk work was conducted first in order to establish the survey's variables and preparing the data collection tools. For instance, assumptions in the form of multiple choice questions used in a tool for collection of quantitative data, were largely drawn from the reference materials reviewed at the inception level of this survey. Some of the documents reviewed are the empirical studies on disability rights in Tanzania; the THRDC's situational report on HRDs and civic space; the international conventions, protocols, declarations and policies governing HRDs, disability and human rights in general; and, national laws and policies of Tanzania Mainland and Zanzibar. A list of materials referred to, is attached embodied at the back of this report.

The primary data were collected through interview guides and questionnaires – all attached herewith at annex I and II. The qualitative data were collected through focused group discussions (FGDs) mostly involved OPDs; and, key informant interviews (KIs), which involved some of the government officials and leaders of OPDs. The quantitative data were collected through an online questionnaire. The online interviewees i.e., individual PWDs and OPDs, were guided to fill in the questionnaire on themselves through KOBO software. At least 130 individual persons responded to the online survey questionnaires as Figure 1.1 below shows, and around 46, responded as KIs and through FGDs.

5 Article 10 of this Declaration is on Judiciary.

6 Human Rights Council resolution 37/22 of 23 March 2018.

7 General Assembly resolution 53/144 of 9 December 1998.

8 General Assembly resolution 67/187 of 20 December 2012.

9 African Commission on Human and People's Rights, 2005.

1.5.2 Sampling Size and Criteria

With a view of deepening the understanding of the subjects i.e. human rights defending, disability and operations of HRDDs, the decision on sampling was guided by several criteria. The guiding principle on sampling was effective inclusion and participation of numerous stakeholders in disability and human rights defending interventions. Their relevancy and experience on the civil society sector were also decisive factors on sampling. Other criteria to make the survey holistic and effective regardless of the sample size were:

- a) Nature and type of disabilities.
- b) Geographical location and coverage of OPDs.
- c) Nature of intervention e.g. advocacy issues which the organization focuses on.
- d) Experience in the field of human rights in general.
- e) Being right-holder and duty bearer e.g. regulators of the civil society sector, which include OPDs.

For the purposes of ensuring an objectivity, the sampling of OPDs was based on (i) THRDC's database of members – which include organizations working on disability issues; (ii) membership to disability networks of Tanzania Mainland and Zanzibar, including the thematic networks like JUWAUZA (women-led PWDs' network of Zanzibar); (iii) Foundation for Civil Society (FCS)'s database of grantees and, others which were randomly picked e.g. international organizations which support disability movements. Those ones were thought to be easily contacted for interviews and online surveys especially due to the time limit the survey had (only 1 month for all steps).

1.5.3 Total Number of Individual Respondents Consulted – Generally

A total of 178 individual persons were consulted of which, 132 (74%) were reached through online questionnaires – as individual persons and representatives of OPDs.¹⁰ The persons consulted include the government officials from Mainland and Zanzibar.

Interviews were conducted in Zanzibar with the Chairperson of the national disability council, as well as two other senior officials working in the disability department of the first Vice President Office (VPO1). Due to a delay in providing a response to the letter, talks were difficult with regard to that section of Mainland Tanzania. As a consequence of this, it is envisaged that the Mainland's

¹⁰ Out of 178 individual persons participated in this survey, 46 (being 26%) were sampled in some of the regions (especially Dar es Salaam, Mjini Magharibi and Dodoma) as key informants (KIs) and through FGDs. Those include government officials, leaders of the OPDs, and lawyers in the disability field.

perspective will be considered at the validation process. Moreover, other stakeholders including some of the UN agencies and international organizations had their views reflected in this report.¹¹

Figure 1.1 below, shows geographical representations of online interviewees.

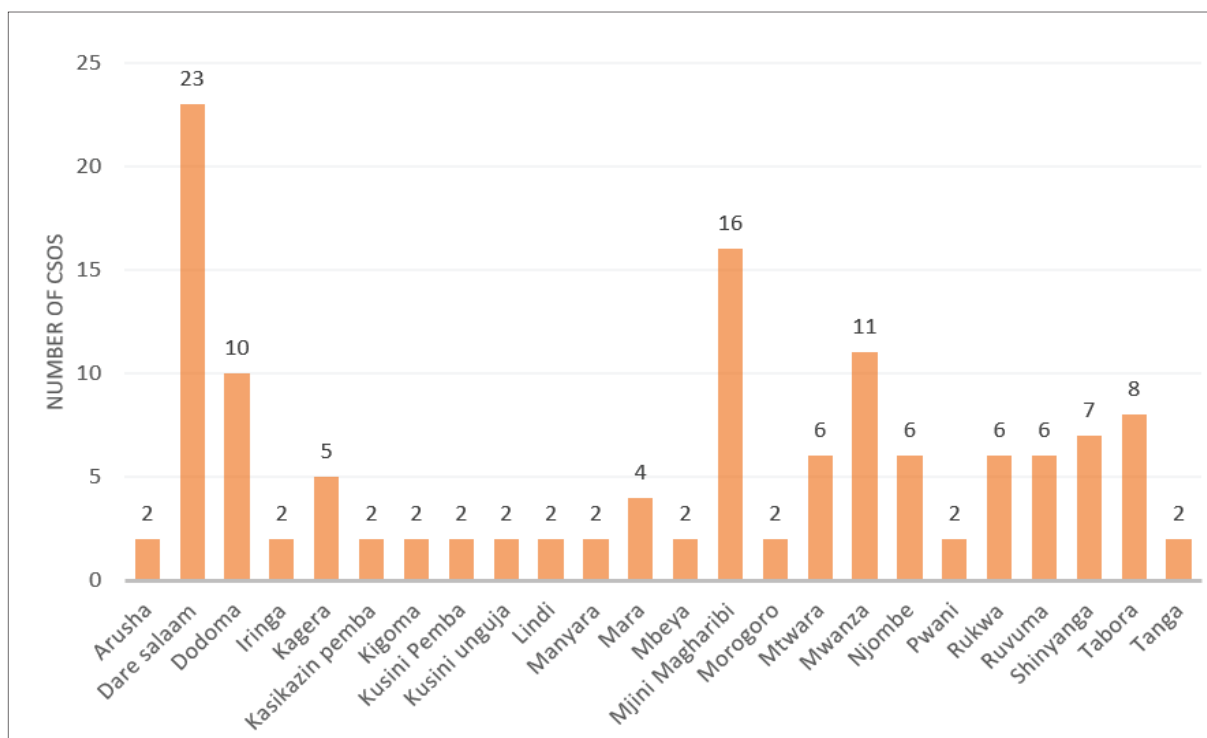


Figure 1.1: Online Responses by Locations – OPDs and Individual PWDs

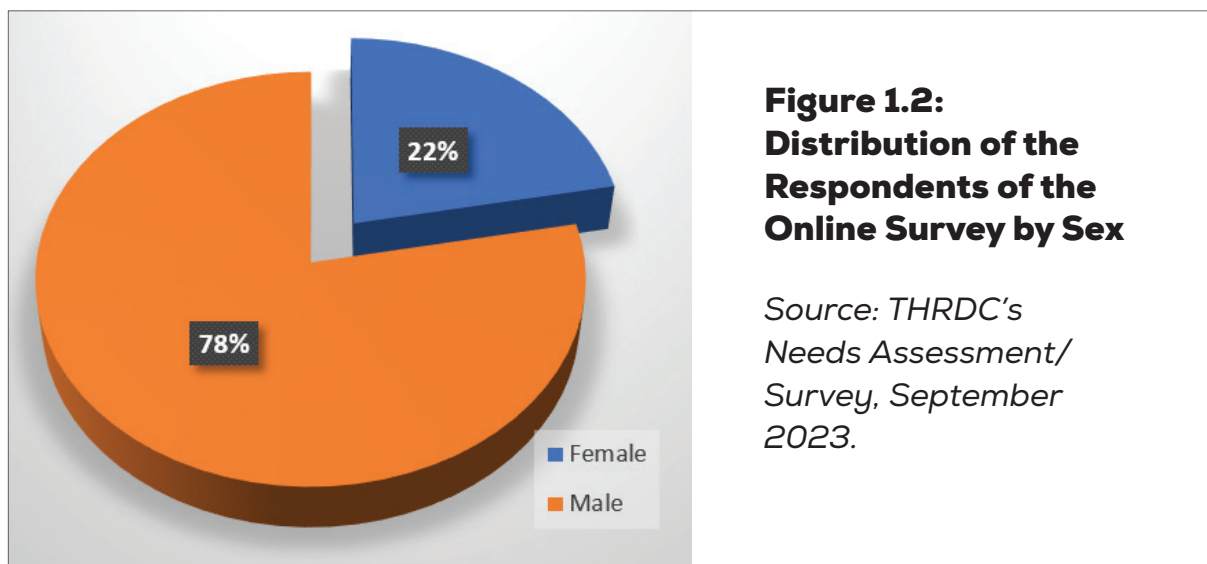
Source: THRDC’s Needs Assessment/ Survey, August 2023.

Dares Salaam and Mjini Magharibi regions of Mainland and Zanzibar respectively, recorded the highest levels of responses followed by Mwanza, Dodoma, Tabora and Shinyanga regions as Figure 1.1 above shows. The remaining regions displayed lower participation in this survey. These trends may be attributed to challenges such as network connectivity issues or limited access to technology, particularly for individual or organizations of PWDs. There could be also factors associated with the vibrancy of OPDs or disability movements generally.

11 Note: The survey team for this needs assessment, was recently engaged by UNFPA on the needs assessment study which involved an analysis of the OPDs’ institutional capacity. Moreover, the UNFPA through United Nations Partnership on the Rights of Persons with Disabilities Multi-Partner Trust Fund (UNPRPD MPTF) of Tanzania, had already conducted a situational analysis on OPDs in 2022. Therefore, the team took advantages of the presence of fresh-findings on OPDs operation in the perspective of the UNPRPD MPTF members, which include UN agencies and others.

1.5.4 Locations and Sex of Individual Respondents Consulted

Majority of OPDs participated in an online survey, comprising 110 organizations (83%), were located in Tanzania Mainland; and, 22 organizations (being 17%), are based in Zanzibar. At least 95% of the respondents were actually individual PWDs. All types of disabilities were represented. In terms of sex, majority of respondents were male as Figure 1.2 below displays.



It is noteworthy that the majority of online respondents, constituting 78% (103 individuals), were male. In contrast, a smaller proportion, accounting for 22% (29 individuals), were female. This finding underscores a notable gender imbalance in institutional and operational engagement of OPDs in Tanzania Mainland and Zanzibar. Note that the online survey predominantly involved senior officials of the OPDs.

Suggestion Box #1: Need to Addressed Perceived Gender Disparity in OPDs' Leadership Positions

The research team suggests that, further examination and initiatives may be required to address this gender disparity and promote greater inclusivity and diversity in management and operational activities of OPDs in Mainland and Zanzibar. As it is clarified further in part three of this report, most (90%) of the OPDs did not have gender policy, which would have expressed this disparity at institutional level. However, it is a good gesture that there is now women-led HRDDs' network on part of Mainland and, women-led OPD on part of Zanzibar. These could be some of the entry points for THRDC to advance or broaden an engagement of women with disability on HRDs work.

1.5.5 Types and Nature of Organizations Consulted

An assortment of OPDs in terms of their types of registrations was also considered as a sampling criteria. This is because some registrations e.g. under Societies Act, Cap. 337 and Trustees Incorporation Act, Cap. 318 of Tanzania Mainland, do not allow active advocacy interventions – which, in most cases, are part of HRDs work. However, registrations under the Societies Act of 1995 of Zanzibar and NGOs Act of 2002 of Tanzania Mainland, allow advocacy. Part two of this report makes further clarifications on this particular point.

According to the responses out of 132 individual persons participated into this survey, the majority, accounting for 86 organizations (73%), identified themselves as NGOs while the society-based (Mainland and Zanzibar) had 29 (24%) responses; and, 4 (3%) were from community-based organizations (CBOs). This data provides valuable insight into the composition of the surveyed organizations, with a predominant presence of NGOs.

Suggestion Box #2: Needed distinctive approaches when dealing with OPDs registered under different laws

As hinted earlier on, an understanding on the registration types of these OPDs can help inform strategies and initiatives tailored to their specific roles and objectives within the context of the survey. For instance, OPDs operating under NGOs Act 2002, could have more risks associated with regulatory frameworks e.g. compliance requirements, which seems to be more complex than OPDs operating under other forms of registrations. Moreover, in most cases, advocacy interventions could lead organizations into risky situations such as HRDs more than others operating as service providers e.g. CCBRT.

In relation to this particular segment on sampling, most of the responses i.e. 63% were received from OPDs – which primarily focus on disability rights and that, they are led by PWDs themselves; while, 37% of the responses were from the pro-disability organizations (PDOs) – meaning, institutions which disability issues are not necessarily their primary focus. The PDOs include international organizations (a few of them though).

In terms of geographical coverage, 50% of the responses were from OPDs and PDOs claim to have been operating at the national levels; while, 24% claimed to have been from the organizations operating at the regional level. For district and lower levels of governments, there were 24% and 2% responses received respectively. This could suggest that, there is more work needed to be done to expand disability movements down to the grassroots levels e.g. wards, shehia, villages, streets and hamlet levels. This is almost the same case for both Mainland and Zanzibar.

1.5.6 Data Authentication, Analysis, Processes and Presentations

An authentication of data collected was done through two ways, namely triangulating data collected orally against the written reports; and, validating pieces of data through phone calls, emails, etc. to some of the sources. The completion of this report took longer than initially scheduled due to this reason. The quantitative data were collected through mWater Survey application, which was later transposed into an excel spreadsheet to produce the graphs and analytical figures in this report.

The report was finally validated by the representatives of HRRDs from Mainland and Zanzibar, representatives from the responsible government authorities dealing with PWDs matters and PWDs, federations for PWDs representatives and the development partners. The validation meeting inputs were incorporated before the finalization of this report.

1.6 LIMITATIONS OF THE STUDY PROCESS

Securing appointments with government officials considered relevant for the survey posed challenges. Despite encountering delays, meetings were eventually arranged with some officials, particularly in Zanzibar, while the same was not possible on the Tanzania Mainland. The limited time allocated for the study prevented additional follow-ups for appointments on the Tanzania Mainland. However, contact with the officials was established during the validation process.

Secondly, a significant proportion of the individuals sampled for the survey were persons with disabilities (PWDs), and some of them faced challenges in using the online tool due to limitations associated with their disabilities. Constraints such as low usage of smartphones and limited internet coverage required for completing online survey questionnaires were also identified. Consequently, the survey team decided to conduct physical consultations through local partners to address these limitations.

PART TWO

LEGAL AND POLICY FRAMEWORKS ON DISABILITY AND HUMAN RIGHTS DEFENDERS

2.1 INTRODUCTION

The United Republic of Tanzania, with its rich tapestry of culture of more than 120 ethnic groups, diversity, and history, has made strides in various sectors to ensure the inclusion and protection of the rights of its citizens. One such area of focus has been the intersection of human rights and disability as governed by the Persons with Disability Act of 2010 (Tanzania Mainland); and, the Persons with Disabilities Act of 2022 (Zanzibar). This chapter endeavors to illuminate the Tanzanian legal and policy landscapes concerning Human Rights Defenders (HRDs) with disabilities (HRDDs) in order to understand the implications of such landscapes into the HRDDs' work.

The national and international frameworks governing disability and HRDs rights are explored. Also, Tanzania's national administrative structures and their capacity to bridge the gap between HRDDs and government departments specifically mandated for the welfare of PWDs are examined. In the Tanzanian context, this involves a close look at national policies, acts, and regulations, alongside regional councils and administrative bodies that address these concerns.

Furthermore, acknowledging Tanzania's commitment to the international standards closely relating to HRDDs, regional and UN based treaties, declarations and other guiding documents as well as mechanisms are explored albeit briefly. This analysis will encompass deeper understanding of the local situation of HRDDs and weighing the same against the international standards. That is the practice of HRDDs and also, existing legal and policy frameworks against the international benchmarks.

2.2 UN MECHANISMS ON PROTECTION OF HRDs WITH DISABILITIES

Tanzania's evolving legal and policy environment presents both opportunities and challenges for HRDDs. While international conventions provide a broad framework, their translation into national contexts, like that of Tanzania, needs a tailored approach. Recognizing the intersectionality of being an HRD and having a disability is the first step. Comprehensive policy reforms, capacity building, and awareness campaigns are essential to ensure that Tanzania not only upholds its international commitments but also effectively addresses the unique needs of its HRDDs.

This study clarifies that there is no dedicated international legal framework specifically addressing the rights of Human Rights Defenders (HRDDs). Instead, these rights are discussed in various instruments, with a focus on one key instrument briefly outlined below.

2.2.1 UN Conventions, Protocols and Declarations on HRDDs

There are several UN-related legal frameworks on HRDs and PWDs those ones include Universal Declaration of Human Rights of 1948 (UDHR); the International Covenant on Civil and Political Rights of (ICCPR); the Convention on the Rights of Persons with Disabilities of 2006 (CRPD); and, the UN Declaration on Human Rights Defenders of 1998.¹²

The ICCPR, to which Tanzania is a signatory, underpins the need to protect and promote human rights – which is the primary role of HRDs. For instance, Articles 22 and 26 of ICCPR provide for the protection of one's interest and equal protection of the law to everyone.

On the other hand, several provisions of CRPD direct protection and promotion of rights of PWDs. For instance, Article 4(1) provides, inter alia that, 'States Parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability.' Paragraph 'c' of Article 4(1) outlines one of the measures, which is to take into account the protection and promotion of the human rights of PWDs in all policies and programs. Of particular relevancy to this needs assessment survey could be Article 29 of CRPD, which is on rights of PWDs to participate in political and public life. It is all about the PWDs' rights to enjoy civic space, which is one of the pillars of the HRDs. Article 29(b) of this convention provides (fully-quoted here-in-under) that:

¹² See General Assembly Resolution A/RES/53/144 adopting the Declaration on human rights defenders. Note: The Declaration's full name is the 'Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.'

'States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and shall undertake: ... (b) To promote actively an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others, and encourage their participation in public affairs, including: (i) Participation in non-governmental organizations and associations concerned with the public and political life of the country, and in the activities and administration of political parties; (ii) Forming and joining organizations of persons with disabilities to represent persons with disabilities at international, national, regional and local levels.'

Now zeroing down to HRD, it is established that, the 1998 UN Declaration on HRDs is the global blueprint on HRDs. However, there are no specific provisions on PWDs in this Declaration. It is also noted that, despite the fact that this Declaration is not legally binding, yet, it contains some principles and rights that are based on human rights standards provided for under several binding instruments like ICCPR. The declaration provides for, among other principles and obligations:

- a) Specific rights and protections of HRDs: Articles 1, 5, 6, 7, 8, 9, 11, 12 and 13 of the Declaration. Those ones include to conduct human rights work individually and in association with others.
- b) Specific duties of the states: Articles 2, 9, 12, 14 and 15. The duties include to take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration.
- c) Responsibilities of everyone: Articles 10, 11, 14 and 18 outline responsibilities for everyone to promote human rights, to safeguard democracy and its institutions and not to violate the human rights of others.
- d) Role of the national legal framework: Articles 3 and 4 e.g., to assuring the application of the highest possible legal standards of human rights under the Declaration.

As it is further clarified below, Tanzania has taken some steps to embrace the spirit of such UN based international instruments, particularly, UDHR, ICCPR and CRPD. For instance, the Constitution of the United Republic of Tanzania of 1977 makes a specific provision on a need to reinforce UDHR. Article 9(a) and (f) provides, inter alia that, '...the state authority and all its agencies are obliged to direct their policies and programs towards ensuring (a) that human dignity and

other human rights are respected and cherished; and, (f) that human dignity is preserved and upheld in accordance with the spirit of the Universal Declaration of Human Rights.’

2.2.2 Strategic Development Goals – SDGs 2030

Tanzania’s commitment to the SDGs is reflected in its policies. The Tanzania Development Vision 2025 (TDV); Zanzibar Development Vision 2050 (ZDV); National Five Year Development Plan of 2021/2022 – 2025/2026 (FYDP III) indeed mirrors the inclusivity spirit of the SDGs. Yet, the translation of this vision into concrete actions for HRDDs is an ongoing process. For instance, UNFPA has developed a training manual which promotes implementation of SDGs in disability and gender sensitive perspectives.

While there is a national emphasis on reducing inequalities (SDG # 10) and promoting peace and justice (SDG # 16), the intersection of these goals with the specific challenges faced by HRDs with disabilities is not always clear-cut. This calls for more efforts by THRDC and other stakeholders. Part three of this report indicates that, PWDs themselves have limited understanding and therefore, application of SDGs’ targets and milestones into their interventions. Moreover, there is insufficient reflection of connection between disability and all major public policies mentioned above i.e. TDV, ZDV, FYDP III, etc.

2.3 REGIONAL MECHANISMS ON PROTECTION OF HRDDs

2.3.1 Overview of Regional Legal Context and Tanzania Commitment

The broader regional human rights mechanisms i.e., at African Union (AU), Southern African Development Community (SADC) and East African Community (EAC), are also subscribed by Tanzania by way of ratification or indicative commitments.

Some interviewees mentioned in September 2023 that, such regional mechanisms (highlighted below), match well with the textures of the Tanzanian legal and policy landscapes, especially concerning HRDs generally. However, as it is further clarified below, Tanzania still fall short of desired standards to bring its frameworks in line with the spirit of regional mechanisms even when the later match quite well with the prevailing African context. For instance, it is a concern that the country has not yet ratified the Protocol to the African Charter on Human and People’s Rights on the Rights of Persons with Disabilities of 2018 (AU Protocol of Disability).

2.3.2 Treaties, Protocols and Declarations on HRDs

The African Union (AU) has shown commitment in its endeavor to frame robust policies that safeguard the rights of HRDs. The Grand Bay (Mauritius) Declaration and Plan of Action, African Commission on Human and Peoples' Rights of 1999, serve as testaments to this commitment, focusing on the promotion and protection of human rights and fundamental freedoms in Africa. There are also binding treaties with the same spirit like UDHR, ICCPR, etc. Key among others in the context of this study is the African Charter on Human and People's Rights of 1981 (ACHPR).

On the other side, SADC has been a pivot in the regional orchestration of policies centered on human rights. Rooted in the core tenets of the Treaty of the Southern African Development Community of 1992. However, the treaty is generally silent on HRDs. As for the EAC, the main governing rule is the Treaty for the Establishment of the East African Community of 1999. It bears the same spirit as all other international instruments. For instance, adherence to universally acceptable principles of good governance, democracy, the rule of law, observance of human rights and social justice are some of the eligibility criteria and operational principles of membership to EAC under Articles 3(3), 7(2) and 123(3)(c) of this 1999 Treaty of EAC.

Tanzania, being a member state, not only pledges adherence to those and other regional human rights principles but also shoulders the responsibility to transpose them into tangible local actions. However, this survey observes that, while those mechanisms set the foundation, their expansive nature sometimes falls short of specifically addressing the dual challenges of human rights defense and disability that Tanzanian HRDDs confront. Meaning that, the regional mechanisms have bypassed explicit considerations for HRDDs.

Suggestion #3: A need to champion an inclusive policy dialogue within the regional sub-blocks

As such, this glaring omission hints at an opportunity for THRDC and its regional allied to champion an inclusive policy dialogue within the EAC, SADC and AU's secretariats especially by drawing an attention to the often ignored intersectionality of human rights defense and disability, which is the main subject matter of this needs assessment survey.

2.3.3 African Development Vision 2063 – African We Want

The African Union's Agenda 2063 represents a forward-looking vision, outlining a transformative path for the continent (African Union, 2015). Its resonance with inclusivity and human rights is evident, but its broad strokes might not always align with the ground realities of member nations.

For Tanzania, adapting the tenets of Agenda 2063 necessitates a more nuanced approach, one that foregrounds the rights and needs of HRDDs, positioning them as vital stakeholders in shaping the continent's future. However, this too, is subject to the proposed inclusive dialogue within AU level so as to have the agenda 2063 which explicitly provides for the intersectionality of human rights defense and disability aspects.

2.4 UN AND AFRICAN UNION INSTITUTIONAL FRAMEWORKS ON DISABILITY

The institutional frameworks have been put in place by both the UN and the African Union (AU), with the goals of protecting and promoting the rights of people who have impairments. At both the global and the regional levels, these frameworks are vital instruments for ensuring that the rights of PWDs are recognized and respected.

2.4.1 Some of the Institutional Mechanisms under UN Frameworks

At the UN level, CRPD creates an all-encompassing framework for the protection and promotion of the rights of PWDs – which are highlighted above in this report. Article 34 of CRPD establishes the Committee on PWDs. Such committee is an independent group of specialists that supervises the implementation of the CRPD by the State parties, including Tanzania. The Convention, CRPD, mandates that States must submit periodic reports detailing their efforts to carry with the treaty's requirements. Tanzania has, as of to date, fulfilled this obligation.

At the UN level, there is also institutionalized UN Special Rapporteur on the Rights of PWDs (SR-PWDs). The mandate of the UN SP-PWDs was created in June 2014 through the UN Human Rights Council Resolution 26/20. The task of SP-PWDs is to ensure that PWDs are able to fully and equally enjoy all of the human rights and basic freedoms that are guaranteed to them. The mandate includes responsibilities such as:

- a) Offering guidance and assistance to member States in the process of putting into effect CRPD.
- b) Spreading awareness about the rights of PWDs, encouraging the use of effective methods, and providing advice.
- c) Going to other countries and reporting on how the PWDs are being realized there.
- d) Participating in efforts to advance the rights of PWDs by engaging with various stakeholders, such as governments, civil society, and individuals with disabilities themselves.
- e) Responding to violations of the rights of Persons with Disabilities (PWDs) by offering solutions and implementing remedy procedures.

This mandate is an important instrument for promoting and protecting the rights of PWDs throughout the world, particularly the ones who work as HRDs. The functions of SR-PWDs are generally similar to the ones for HRDs. Meaning that, HRDDs can definitely make effective use of the SR-PWDs when they want to engage international community in their work.

Other institutional mechanisms include the Independent Experts;¹³ the Universal Periodic Review (UPR) as well as treaty monitoring committees established under various UN Conventions or treaties.

2.4.2 Some of the Institutional Mechanisms under Regional Frameworks

The authoritative and most relevant of or specific instrument for this needs assessment survey is the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa of 2018. As said earlier on, Tanzania is yet to ratify it. Unlike UN's CRPD, the African protocol does not establish any institutional mechanism – apart from the rights and duties on disabilities. Therefore, available human rights mechanisms, the general ones, could be utilized by HRDDs at African level. Through the mandates of African Charter on Human and Peoples' Rights of 1982, AU has created a number of different institutions in order to advance and defend human rights throughout the continent. Such ones include the following:

- a) The African Commission on Human and People's Rights (also known as the African Commission): The African Commission was established in accordance with the African Charter, and its primary objective is to promote and preserve human rights in Africa. In addition to this, it is responsible for interpreting the African Charter and reviewing complaints of infringement brought forth by state parties. It handles all human rights including the ones relating to disabilities.
- b) The African Court on Human and Peoples' Rights (often referred to simply as the African Court): The African Court is a continental court that assures the protection of human and peoples' rights across Africa. It was established to supplement the protective role of the African Commission, which was responsible for its establishment. It decides on issues that have been brought before it concerning the interpretation and implementation of the African Charter, the Protocol to the African Charter, and any other relevant human rights document approved by the governments involved.

13 For instance, in 2017 was designated by the UN Human Rights Council for the enjoyment of human rights by persons with albinism in Tanzania. This was a special mission to Tanzania. The report of the Independent Expert is available through: <https://www.ohchr.org/en/documents/country-reports/ahrc3757add1-report-independent-expert-enjoyment-human-rights-persons>

- c) The African Committee of Experts on the Rights and Welfare of the Child (ACERWC): This committee was established in accordance with the African Charter on the Rights and Welfare of the Child (ACRWC) of 1990. Its mission is to advance and defend the rights of children living in Africa. In addition to this, it is responsible for interpreting the requirements of the ACRWC and receiving communications about abuses of children's rights, including those with disabilities.
- d) Special Mechanisms: The African Commission has also created a number of other special mechanisms in the form of Special Rapporteurs, Committees, and Working Groups that target particular human rights concerns or vulnerable categories of people. The Working Group on Indigenous Populations/Communities, the Committee for the Prevention of Torture in Africa, and the Special Rapporteur on Freedom of Expression and Access to Information are a few examples of organizations that fall under this category. However, there is no working group on disabilities.
- e) The African Disability Forum (ADF): As a consequence of the pledges made during the decade, ADF was established in 2014 to act as an umbrella organization for disabled people's groups throughout Africa. Despite the fact that it is not a direct entity of the AU, ADF works in close coordination with the AU as well as other stakeholders to guarantee the representation of and involvement from people who have disabilities in the processes that lead to decisions.
- f) The African Peer Review Mechanism (APRM): The APRM is a method for voluntary self-assessment that was developed by AU to promote good governance. APRM is not only a human rights tool. It offers a forum in which participating member states may evaluate their performance as governments, notably in the field of human rights (including disability), and discuss successful policies and procedures.
- g) African Decade of Persons with Disabilities (1999-2009/ 2019): In 1999, the AU announced that the next decade would be devoted to empowering PWDs and ensuring their full participation in all aspects of society. Updates of the extended initiative beyond 2019 were not immediately found during this needs assessment.

All these are opportunities for HRDDs to engage with the regional platforms in order to advance the disability agenda beyond the borders. Specific analysis on how all these institutional frameworks work in favor of HRDDs is highly recommended as it was outside the scope of this needs assessment survey at hand.

2.5 NATIONAL MECHANISMS ON PROTECTION OF HRDs WITH DISABILITIES

2.5.1 Constitution of United Republic of Tanzania of 1977

The foundation of the rights of PWDs within the United Republic of Tanzania is deeply rooted in its national legal framework. The Constitution of the United Republic of Tanzania of 1977, while laying emphasis on fundamental human rights and freedoms, provides the premise upon which specific rights for individuals with disabilities have been carved out. It underlines the importance of ensuring that each individual, regardless of physical or mental condition, can realize their potential in an environment of freedom, justice, and equality.

It is noted that, Articles 12 to 30 and others of the said 1977 Constitution and also, several provisions Constitution of Zanzibar of 1984 provide for the numerous rights ('bill of rights and duties') in the spirit of ICCPR, CRPD and other instruments. Specific laws on disabilities mentioned earlier on are intended to localize CRPD in the national levels (Tanzania Mainland and Zanzibar).

2.5.2 Legal Frameworks on HRDs and HRDDs: Perceived Concerns

It is a concern however that Tanzania lacks specific and comprehensive law and policy on protection and promotion of the rights of HRDs, including the ones with disabilities. The PWDs laws of 2010 and 2022 are silent on HRDs; and that, all other laws including the constitutions of Tanzania and Zanzibar, are silent on HRDs. Meaning that, HRDs and HRDDs are alien concepts in the national legal frameworks.

Suggestion #4: Advocacy intervention to align national frameworks with international ones on HRDs and HRDDs

This situation necessitates a need for further advocacy interventions to have national legal frameworks recognizing HRDs and HRDDs. While it could not be feasible to have specific laws and policies on HRDs or HRDDs in these two jurisdictions i.e., Tanzania Mainland and Zanzibar, systematic advocacy interventions could be directed towards amendment of existing laws and regulations to (i) mainstream some principles on HRDs in line with the 2008 UN Declaration on HRDs; and, (ii) getting away with repressive provisions of current laws and regulations so as to improve the working environments of HRDs and HRDDs.

Such recommendations are brought into a limelight because several reports by THRDs,¹⁴ LHRC,¹⁵ Amnesty International, etc., have periodically highlighted threats and other forms of abuses or violations of HRDs in Tanzania. Some of such reports assert that, HRDDs normally face compounded vulnerabilities due to their dual status.

This survey also observes that, after the ratification of the CRPD by Tanzania in 2009, several steps have been taken including an enactment of the two disability laws of 2010 and 2022. Other progress reforms include an establishment of law enforcement mechanisms and senior level administrative organs such as the national disability councils, funds and departments. All these are testaments of the Tanzania's commitment on PWDs rights – but not necessarily on HRDDs' rights.

Moreover, stakeholders consulted during the needs assessment survey showed some concerns that, an implementation of the disability laws and their regulations, have been inconsistent - with grassroots organizations pointing out gaps in areas like accessibility, education, and employment opportunities. This is a case even at the OPDs institutional level as findings in chapter three show.

It is also a concern that, the legal environment remains constricting in places, with laws like the Electronic and Postal Communications (Online Content) Regulations of 2018 potentially hampering the work of HRDs, especially those with disabilities who rely heavily on digital platforms. The THRDC has several analytical reports on repressive laws or provisions of the laws which limit the work of HRDs. It is not worthwhile repeating such analysis here in this report as there are already ongoing efforts to rectify the situation.

As such, within this trend and kind of situation, HRDDs often find themselves negotiating not just for their rights as defenders but also as individuals with disabilities in a society e.g. still grappling with full inclusion. A conclusion from this perspective could be that, the national legal frameworks are still not supportive enough for HRDDs to operate effectively. This situation becomes serious when OPDs' institutional incapacities are taken into consideration as well.

2.5.3 Tanzania Mainland's Legal and Policy Frameworks on Disability Rights

On the Mainland, the PWDs Act of 2010 serves as a crucial milestone in legislative reform. It also provides a contextual framework for the local enforcement of the CRPD, making it more accessible and applicable. The disability laws does not only detail the rights and protections of PWDs including those working as HRDs,

14 See: THRDC's Annual Situation Reports of HRDs and Civic Space (available online in THRDC's website).

15 See: LHRC's Human Rights Situation Reports (available online in LHRC's website).

but also emphasizes the State's and other duty bearers' roles in promoting these rights. Under this law, there is a clear prohibition against discrimination based on disability and a mandate for public institutions to provide facilities to cater to the needs of the disabled. This commitment extends to areas like employment, education, and access to healthcare, ensuring an all-encompassing approach.

Section 4 of the PWDs Act of 2010 provides for the principles governing disability rights and duties, which are: (a) respect for human dignity, individual's freedom to make own choices and independency of PWDs; (b) non-discrimination; (c) full and effective participation and inclusion of PWDs in all aspects in the society; (d) equality of opportunity; (e) accessibility; (f) equality between men and women with disabilities (WDs) and recognition of their rights and needs; and, (g) provide basic standard of living and social protection.

Section 2 recognizes presence of OPDs and PDOs i.e., organizations of persons with disabilities and pro-disability organizations. In general terms, both categories of the organizations are charged with responsibilities of promoting and protecting disability rights. Apparently, HRDs with disabilities have their operational identities recognized under this provision.

The civic space-related rights recognized under the Mainland's PWDs Act of 2010 include freedoms and rights to associate, information, expression and participation in political and public life. For instance, Section 51(3)(b) of this law, mandates the relevant duty bearers to promote actively an environment on which PWDs can effectively and fully participate in the conduct of public affairs without discrimination and encourage their participation in the public affairs including (i) participation in non-governmental organizations (NGOs) and association concerned with public and political life of the country including the activities and administration of political parties; and, (ii) forming and joining organizations of PWDs to represent their interest at all levels. Again, this is a clear entry for HRDDs to engage.

Parallel to this, the National Policy on Disability of 2004 serves as a guideline, elaborating the principles, objectives, and strategies targeted at improving the condition of PWDs in the Mainland. It calls for a change in the societal perception of disability, urging for a shift from the welfare approach to the rights-based perspective. The policy acknowledges the challenges faced by persons with disabilities and outlines a roadmap for addressing these systematically. The policy is currently under review.

2.5.4 Zanzibar's Legal and Policy Frameworks on Disability Rights

In Zanzibar, Zanzibar PWDs Act of 2022 echoes many of the protections and rights mentioned in the Mainland's law but contextualizes them for Zanzibar. The 2022's repeals and replaces the 2006 disability law of Zanzibar. As it is a case

on part of Mainland, the 2022 Zanzibar's disability law promotes and ensures that PWDs have full participation in societal matters and are safeguarded against discrimination (Section 31). Furthermore, there's an emphasis on health services, rehabilitation, and support services, ensuring a comprehensive coverage of disability-related needs (Sections 28 and 29).

Section 30 of the PWDs Act of 2022 seems to be more relevant on HRDDs' work. It provides that, 'every person has a duty to implement, protect and defend the rights of persons with disabilities including providing information relating to the violation of these rights.' Emphasis added.

There is also a directive to mainstream and ensure inclusion of disability rights in all functions of the state and non-state (Section 32). All these are entry points for HRDDs to operate in Zanzibar.

2.5.5 Consideration of HRDs in Mainland and Zanzibar's Laws on Disability Rights

The 2010 and 2022 PWDs laws of Tanzania Mainland and Zanzibar do not have specific provisions on HRDs or HRDDs. However, the survey team is of the view that, even though the specific challenges faced by HRDDs might not be explicitly addressed in the said laws and their regulations or even any other national laws, the overarching principles of non-discrimination, participation, and inclusion that are embedded in these laws should, in theory, extend protections to all PWDs, including those who are HRDs. This is something that should be noted because it is important for HRDDs to justify their work in the two countries.

In addition to this, it is necessary to take into account Tanzania's more comprehensive human rights framework. That is, the fact that the countries have laws and regulations that protect human rights of everyone in general, then PWDs should be protected by these wider safeguards in addition to the particular laws that are relevant to these people. Meaning that, all rights and duties enshrined under the Constitution of the United Republic of Tanzania of 1977; the Constitution of Zanzibar of 1984; and, all other substantive and procedural laws, are enforceable on disability rights as well.

Despite the fact that HRDDs are protected like all other HRDs and everyone in Tanzania, still, there is a need to have the disability laws of Mainland and Zanzibar amended to give specific recognition and protection of HRDDs. This will improve their efficacy and boost their confidence to champion the rights of PWDs.

2.5.6 National Statutory Coordination Structures that Connect HRDDs

The legal and policy frameworks in place within Tanzania, both on the Mainland and Zanzibar, indicate a clear commitment to upholding the rights and dignity of PWDs. For HRDDs, these instruments and administrative structures provide a backdrop of protection. However, the dynamic nature of the challenges faced by HRDs, especially those with disabilities, requires continuous introspection, analysis, and adaptation of these mechanisms to ensure effective protection and empowerment.

There are national disability councils; and decentralized operating organs including the committees¹⁶ and district councils¹⁷ on both sides of Tanzania which serve as the central and grassroots coordinating bodies. Section 8 of PWDs Act of 2010 establishes the National Advisory Council for Mainland Tanzania; while Section 3 of the PWDs Act of 2022 establishes the Zanzibar National Council for Persons with Disabilities.

Sections 8 and 6 of the Mainland and Zanzibar's disability laws spell out the council's broad spectrum of duties include formulating policies, promoting disability rights, liaising with various government bodies, and monitoring the implementation of the disabilities laws of 2010 and 2022 respectively. For HRDDs, these councils could potentially act as bridges, ensuring that their rights are upheld and that they have the necessary support to conduct their activities effectively.

Suggestion #5: Needed interventions to operationalize the lower level statutory platforms on disability

The needs assessment establishes that PWDs through their organizations, have effectively been engaging with such councils especially at the national levels. However, the decentralized organs i.e., disability committees and district disability councils of Mainland and Zanzibar respectively, were not fully functional at the time of this survey. Therefore, HRDDs operating at the grassroots levels generally lack sufficient platforms to engage with disability-related statutory organs in their areas of operations. It is therefore recommended that, OPDs, PDOs, THRDC and other stakeholders to continue engaging the government so that the regional, district and grassroots level statutory platforms are operationalized. This aligns with the necessity of establishing robust disability-based regional and district networks of OPDs and PDOs.

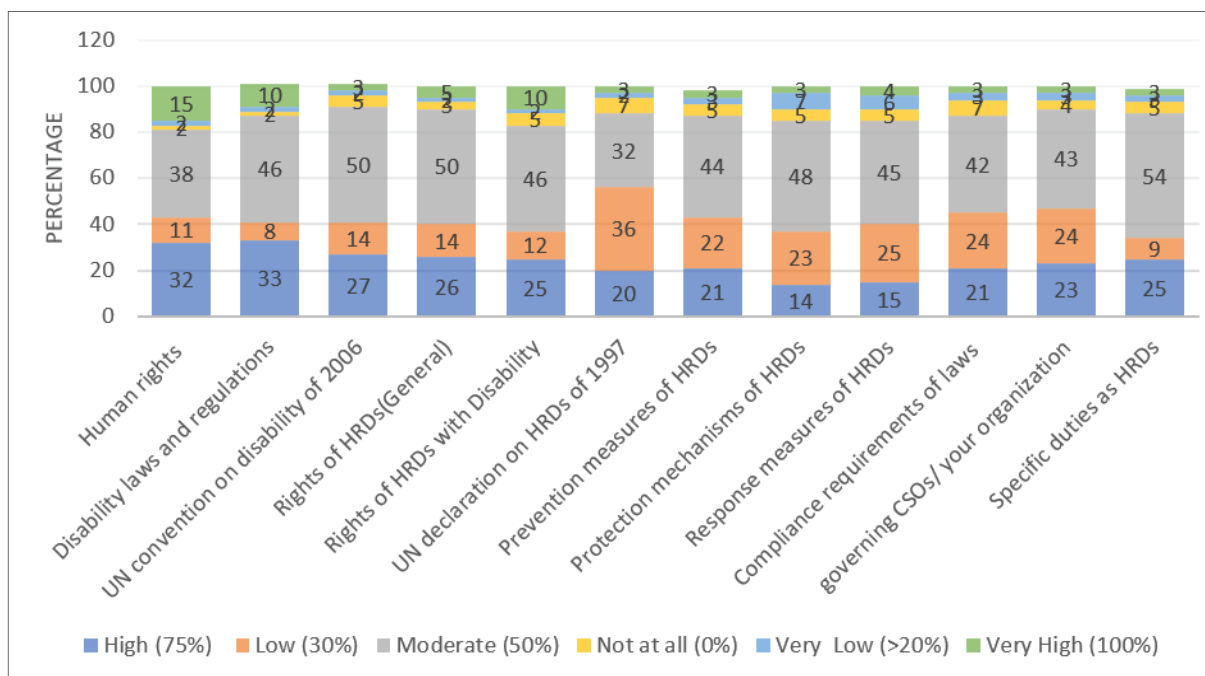
16 On part of Mainland, Section 14 of the PWDs Act of 2010 establishes the disability committees which operates at the regional, district and lower levels of governance. One of the functions of such committees is to monitor and promote protection of rights of PWDs.

17 Section 16 of PWDs Act of 2022 (of Zanzibar), establishes the Disability District Councils (DDCs). The functions of the DDCs include coordination and implementation of disability issues at the district level (see: Section 18(1)).

2.6 PWDs' AWARENESS AND KNOWLEDGE OF PROTECTION MECHANISMS

An understanding and awareness of the legal and policy frameworks governing HRDDs' function are prerequisite factors for the promotion and protection of their working environments and other rights. With this in mind, the needs assessment survey sought to understand the levels of PWDs' knowledge, abilities and skills (aptitude) on such various disability related rights and frameworks including human rights generally, UN Declaration of HRDs, CRPDs, national disability laws, compliance requirements of laws governing CSOs, etc., Figure 2.1 below displays the current level of awareness.

Figure 2.1: Staff's/ PWDs' Current Levels of Knowledge, Abilities and Skills (Aptitude)



Source: THRDC' Baseline Study (Tanzania Mainland and Zanzibar), August 2023.

Figure 2.1 above, presents the current levels of knowledge, abilities, and skills among staff of OPDs and other individual PWDs. The majority of staff and other PWDs reported having moderate levels of knowledge, abilities, and skills across various areas probed as Figure 2.1 shows. These moderate ratings range from the 30% to the 50%, indicate room for improvement in these areas.

An average of 24% in all areas probed indicated 'high' level of knowledge, abilities, and skills on the issues probed. This trend implies a need for more initiatives and efforts to enhance awareness of disability and HRDs rights generally.

Only 3% to 15% of the staff and other PWDs indicated 'very high' level of knowledge, abilities, and skills of disability and HRDs' related rights. However, even in these cases, there is still room for improvement if comprehensive and systematic capacity and awareness raising sessions are opted for.

In some cases, according to the responses, some staff and other PWDs indicated extremely low understanding of disability and HRDs related rights. This is particularly a case for small OPDs based in district and other grassroots levels. Moreover, it is a concern for individual PWDs residing in such areas – both in Mainland and Zanzibar.

All these trends have no exceptional indication based on the nature of disabilities. Meaning that, interventions to raise awareness could be uniform to a certain extent. However, experiences working with OPDs have positive implications to the perceived level of awareness. That is, PWDs directly engaged in operations of OPDs stand at the highest chances of being exposed to human and disability rights knowledge due to participation in the trainings and other awareness raising programs. Raw data are available for THRDC and other stakeholders to dig deep in all these intersectional issues if it is important to do so.

Suggestion #6: Needed tailor-made and comprehensive awareness raising programs on disability and HRDs' rights

Overall, the findings suggest that there is a need for improvement across various areas to enhance the knowledge, abilities, and skills of OPDs' staff and other PWDs on disability and HRDs rights, even in cases where high or moderate responses are observed. There is a direct relationship between low level of awareness of such rights and ability to pursue for positive reforms to make conducive working environments for HRDDs. Systematic, comprehensive and disability-sensitive training modalities are highly recommended. If possible, there would be a need to establish further capacity needs e.g., in terms of very specific disability or human rights or HRDs' rights needed to be enhanced.

2.7 RECOMMENDED ACTIONS TO IMPROVE NATIONAL HRDDs' PROTECTION MECHANISMS

The protection of HRDDs necessitates a nuanced approach, keeping in mind the dual vulnerabilities they face. Both Tanzania Mainland and Zanzibar can make significant strides by blending legal measures with grassroots initiatives and technological innovations e.g. use of social media platforms to enhance legal awareness amongst PWDs. With dedicated effort, we can create an environment where HRDDs can champion human rights without encountering disproportionate risks. Some specific suggestions are already provided in the sub-sections above. Now, let's discuss general recommendations regarding legal and policy reforms.

- a) **Legal Revisions:** The existing legislation, such as the PWDs Act of 2010 and PWDs Act of 2022, must undergo periodic revisions to address emerging challenges faced by HRDDs, ensuring they are safeguarded against new forms of threats and discrimination e.g., online human rights abuses; and, also, to have specific provisions made in line with the UN Declaration on HRDs.
- b) **Protection Protocols:** Develop specific protection protocols for HRDDs with disabilities. This would involve a detailed risk assessment, followed by personalized safety and security strategies based on the nature of the disability and the region of operation. This particular recommendation is applicable at OPDs' institutional level as well as at the country's level. Moreover, THRDC will have to amend its protection guidelines and training package to reflect specific needs of HRDDs.
- c) **Data Collection and Monitoring:** Establish mechanisms to collect disaggregated data on threats and attacks against HRDDs. This data would be invaluable for understanding patterns, and areas of high risk, and formulating targeted interventions – which could also necessitate some policy or legal reforms.¹⁸
- d) **Inclusive Consultation:** Engage in consultations with HRDDs while formulating laws, regulations, guidelines, policies and actions that directly impact them, ensuring their needs and insights are at the core of any strategy.
- e) **Safe-houses and Support Centers:** Establish dedicated safe-houses and support centers for HRDDs who face imminent threats. These facilities should be equipped to cater to the unique needs of PWDs. The THRDC could integrate disability aspects into its safe-house response mechanism.¹⁹
- f) **Technological Solutions:** Invest in developing technological solutions like encrypted communication tools or emergency alert systems tailored to HRDDs with disabilities, ensuring they have the means to communicate and seek help safely. Again, THRDC can modify its existing initiatives to accommodate this aspect as well.
- g) **Localized Outreach Programs:** Given the close-knit community structures especially in Zanzibar, grassroots outreach programs can be highly effective in changing local perceptions, thereby reducing threats to HRDDs at the community level.

18 This is copied with modifications from: Front Line Defenders. (2020). Protection of Human Rights Defenders: Best Practices and Lessons Learned.

19 This is copied with modifications from: African Commission on Human and Peoples' Rights. (2017). Guidelines for the Protection of Human Rights Defenders.

- h) **Strengthening OPDs:** The OPDs can act as frontline defenders for HRDDs. Empowering them through resources, training, and authority can have a cascading positive effect on protection mechanisms and also, could lead into legal reforms.
- i) **Collaborative Monitoring Mechanisms:** Establish a joint monitoring mechanism comprising representatives from the government, civil society, and OPDs. This body can be tasked with tracking incidents, evaluating the effectiveness of measures in place, and suggesting improvements e.g. based on the recommendations of the Treaty Monitoring Bodies (TMBs) such as UPR mechanism, CRPD Committee, etc.
- j) **Capacity Building Workshops:** As suggested above, there is a need to organize workshops focusing on rights awareness, legal provisions, and self-defense tactics tailored for HRDDs. The knowledge and skills imparted can be an essential line of defense against potential threats.
- k) **Database development:** THRDC to collaborate with Councils, Associations for PWDs and HRDDs (i.e., SHIVYAWATA and SHIJUWAZA) the responsible PWDs department under the PMO office to develop a comprehensive database for OPD, HRDD and PWDs

INSTITUTIONAL CAPACITY, SYSTEMS, STRUCTURES, AND OPERATIONS

3.1 INTRODUCTION

The effectiveness of organizations dedicated to PWDs hinges significantly on their institutional capacity, spanning organizational structures, governance mechanisms, and operational strategies. While both united within the United Republic of Tanzania, Mainland Tanzania and Zanzibar possess unique administrative and legislative contexts, influencing the organizations serving persons with disabilities within each region differently.²⁰

This chapter undertakes an assessment of these organizations' structures and capacities in both Mainland and Zanzibar. Through this evaluation, best practices are discerned and potential gaps are identified. There are also some suggestions to fortify their organizational capacities. This analysis is predominantly grounded in field observations.

3.2 OVERVIEW OF THE CURRENT INSTITUTIONAL CAPACITIES OF OPDs

It is generally found that, while the institutional capacities of organizations for PWDs in Tanzania exhibit robust features, especially among the larger OPDs such as SHIVYAWATA, UWZ, JUWAUZA, TLB, ZANAB, TAS and CHAVITA, there is a range of capacity levels e.g. in terms sufficiency of resources and operational strategies. Continuous efforts to strengthen these capacities, particularly for smaller or newer OPDs, can further the collective mission of advocating for and supporting PWDs in Tanzania.

As for HRDs' issues in particular, the survey observes that, almost all OPDs do not have specific interventions in their plans to address human rights defense issues.

²⁰ Kisanji, J. (1995). Historical and Theoretical Basis of Inclusive Education. From Integration to Inclusion: The UNESCO Experience (pp. 15-32). Jessica Kingsley Publishers.

For instance, OPDs lack key manuals and frameworks on risks management and human rights protection. Most of them operate under very small budget. Skills development is one of the critical issues of concern because such organization lack key personnel such as lawyers, advocacy officer and experts of monitoring and evaluation (M&E). Below are findings of some of institutional or internal operational issues.

3.3 NUMBER AND NATURE OF DISABILITY ORGANIZATIONS IN TANZANIA

The accurate total of OPDs registered in Tanzania Mainland and Zanzibar remains indefinable, due to the registration systems not differentiating civil society organizations (CSOs) based on their core functions. Consequently, there is an essential need for CSOs to liaise with registration authorities of Tanzania Mainland and Zanzibar to ensure a more detailed categorization of CSOs, reflecting their specific nature of work. Additionally, it is recommended that relevant government authorities and stakeholders collaborate to establish and operationalize a national database for PWDs, HRDDs, OPDs, and other pertinent information. This initiative is critical for improving record-keeping and shaping strategies that effectively address the concerns of these groups.

3.3.1 Types and Number of OPDs – Mainland and Zanzibar

Based on the consultations made, it seems that, Tanzania Mainland and Zanzibar have twelve (12) main categories of type of OPDs registered i.e., in terms of type of disabilities they work on. The SHIVYAWATA and SHIJUWAZA of Mainland and Zanzibar are main OPDs' networks. They are federations of organizations of persons with disabilities. The SHIVYAWATA was founded in 1992; while, SHIJUWAZA is relatively new i.e., being in existence for less than ten years.

Apart from the said networks of OPDs, the two countries have association of sign language interpreters, termed as Jumuiya ya Wakalimani wa Lugha ya Alama (JUWALAZA) and the Chama cha Wakalimani wa Lugha ya Alama Tanzania (CHAWALATA) of Zanzibar and Mainland respectively. The JUWALAZA is a member organization of SHIJUAWAZA while CHAWALATA is not member organization of SHIVYAWATA. However, CHAWALATA works very closely with CHAVITA, one of SHIVYAWATA members.

The SHIVYAWATA's current members are the Tanzania Albinism Society (TAS); the Kilimanjaro Association of Spinal cord Injuries (KASI); the Tanzania Association for the Mentally Handicapped (TAMH); the Tanzania League of the Blind (TLB); the Tanzania Association of the Physically Handicapped (CHAWATA); the Tanzania Association of the Deaf (CHAVITA); the Tanzania Association of the Deaf – Blind (TASODEB); the Pearl of People with Down Syndrome Foundation Tanzania; the

Tanzania Users and Survivors of Psychiatric Organization (TUSPO); and, the Association of Spinal Bifida and Hydrocephalous of Tanzania (ASBAHT).

The SHIJUWAZA's members include the Umoja wa Watu Wenye Ulemavu Zanzibar (UWZ); Zanzibar Center for Disability and Inclusive Development (ZACEDID); Chama cha Viziwi Zanzibar (CHAVIZA); Jumuiya ya Maalbino Zanzibar (JMZ); Jumuiya ya Wanawake wenye Ulemavu Zanzibar (JUWAUZA); the Zanzibar National Association of the Blind; the Zanzibar Association of Persons with Development Disability; and, JUWALAZA.

Some of the SHIVYAWATA's member organizations have regional and some, district member organizations. As said earlier on, actual number of OPDs was not readily made available to the survey team. But is it estimated that, there are at least 100 OPDs in Mainland Tanzania and around 15 OPDs in Zanzibar.

On the other hand, organizations interested in disability issues (PDOs) are many, including the international organizations like the Sense International and the Christian Blind Mission (CBM). The local organizations include the Comprehensive Community Based Rehabilitation Tanzania (CCBRT); the Child Support Tanzania (CST); and, the Legal and Human Rights Center (LHRC) with some interventions on disabilities. Based on unofficial statistics shared by one of the disability activists, PDOs are more than 100. Meaning that, the countries has at least 300 OPDs and DPOs.

Suggestion #7: Needed specific statistics on OPDs and HRDDs' networks

THRDC and other stakeholders especially SHIVYAWATA and SHIJUWAZA are urged to engage with the registration bodies to designated specific records on OPDs and pro-disability organizations registered under their mandates. Moreover, the two networks are urged to initiate comprehensive database of OPDs and PDOs in Mainland and Zanzibar. Thirdly, THRDC is urged to facilitate these networks to establish specific networks on HRDDs and make such networks member organizations of the two large networks.

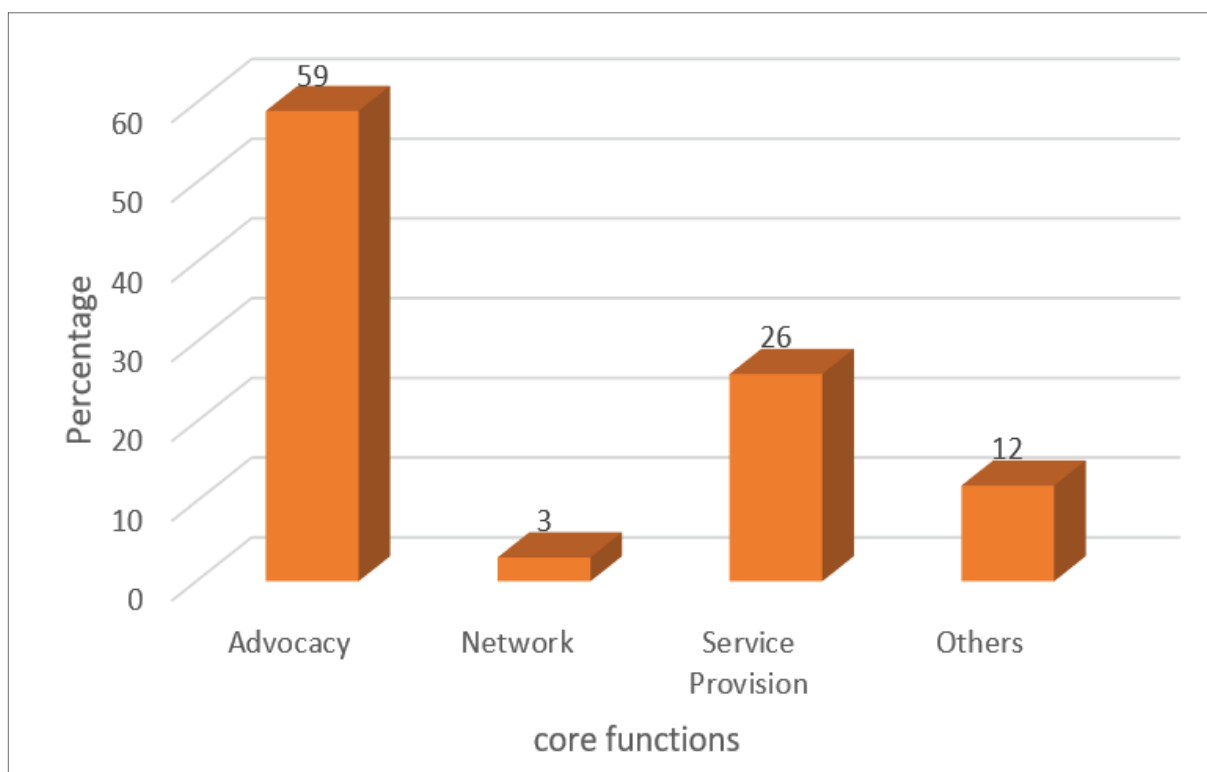
3.3.2 Nature of OPDs' Operations – Core Functions and Focused Areas

It is established by this survey that, OPDs are primarily organizations that operate as NGOs and societies as indicated elsewhere in this report. It is further established that, OPDs are often led and managed by individuals with disabilities, especially at the managerial levels. Most of OPDs concentrate on a particular kind of disability – except the two federations (SHIVYAWATA and SHIJUWAZA) which have wider approach i.e., multiple issues.

It is noted that, OPDs in Tanzania provide the following functions as their core focus areas regardless of the nature of disability they handle:

- a) **Lobbying and advocacy:** These seems to be inherent responsibilities of all OPDs like it is a case for the rest of CSOs. In most cases, OPDs advocate for more inclusive policies and practices through interacting with governmental agencies, other CSOs, and the general public. Campaigning for HRDs has not been their agenda as this seems to be an alien concept to them. Just a few OPDs directly engage in civic space issues especially in relation to electoral processes. Meaning that, civic space is not their common and perpetual agenda. As Figure 3.1 below shows, most of OPDs (59%) seem to have their focus on advocacy.

Figure 3.1: Core Functions of OPDs – Mainland and Zanzibar



Source: THRDC' Baseline Study (Tanzania Mainland and Zanzibar), August 2023.

- b) **Awareness Raising:** Awareness programs are often conducted by OPDs in an effort to debunk myths, biases, and misunderstandings pertaining to disability. However, there is no specific and comprehensive awareness raising programs or manuals. A few OPDs and PDOs have attempted to formulate training manuals e.g. LHRC, UWZ and UNFPA. However, there are no awareness materials orienting and empowering PWDs on HRDs aspects e.g., protection strategies in disability perspective.

- c) Capacity Building i.e., empowerment programs: A great number of OPDs provide training and development programs for their members – though on project basis. However, the network organizations at the national and regional levels are criticized for not being pro-active to discharge their responsibilities of building and improving the capacities of their member organizations. In most cases, secretariats of such networks, tend to compete with their member organizations on winning the projects.
- d) Service provisions: A total of 24% the OPDs and PDOs consulted during this survey claim to have been providing direct services to PWDs such as rehabilitation, assistive technology, educational assistance, health and more. The organizations like CCBRT, Sense International and Child Support Tanzania (CST), are good examples. As for the service provision and capacity building including empowerment, most of OPDs engage in social economic development (26%) and, empowerment generally (26%). A total of 9% engage in education services; and, 6% on health-related services.
- e) Networking, coalition and collaborations: There are national, regional and district OPDs' networks as mentioned earlier. There are also thematic-based networks e.g., on SDGs and CRPD; and, gender. There is no network on HRDs both in Tanzania Mainland and Zanzibar. Only 3% of the OPDs interviewed, claimed to have been engaged in networking as their intervention strategy. This could mean that, more efforts are needed to enhance OPDs' networking strategies. Working in networks or coalition or any other form of partnership is imperative for HRDs' work. Networks tend to spread risks and amplify voices e.g., creating 'public uproar.'

3.4 HUMAN RESOURCE CAPACITY AND SKILLS DEVELOPMENT

Human resources play a foundational role in the efficacy and success of organizations, especially those dedicated to supporting and advocating for PWDs. Their competencies, experience, and educational backgrounds are significant indicators of an organization's potential to deliver on its mandates.

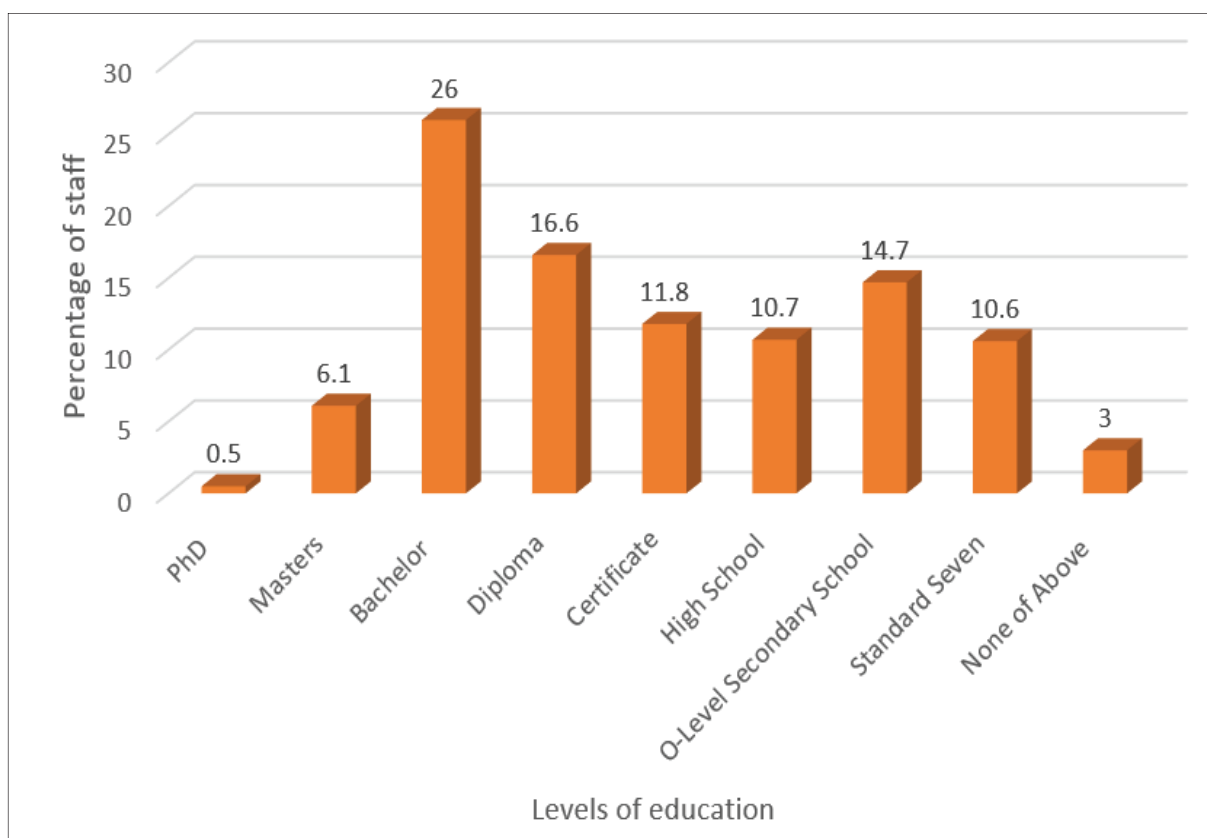
The majority of OPDs, comprising 69 organizations (59%), indicated that they have between 1 and 5 permanent staff members; while, 29 organizations (25%), reported having between 6 and 10 permanent staff members. A smaller yet noteworthy fraction, accounting for 19 organizations (16%), stated that they have over 10 permanent staff members.

This data provides valuable insights into the staffing levels within the surveyed OPDs, with a majority having a relatively small team of 1-5 permanent staff members. Meaning that, the scope of their operations in terms of geographic coverage and package of programs could be limited. It is also found that, amongst

those 'permanent staff' only around 10% were systematically salaried i.e., with certainty of salary payments. Therefore, at least 90% were 'permanent staff' who were basically 'volunteering' or being paid on project basis. This situation could render highest level of staff-turn out, which is detrimental to HRDs' work.

As for the level of education, the survey establishes that, 26% of the OPDs' staff had bachelor degrees in various disciplines. However, majority of such staff were employed on part-time basis e.g. accountants and lawyers. Figure 3.2 below shows more findings on level of education.

Figure 3.2: Level of Education of OPDs' and PDOs' Staff



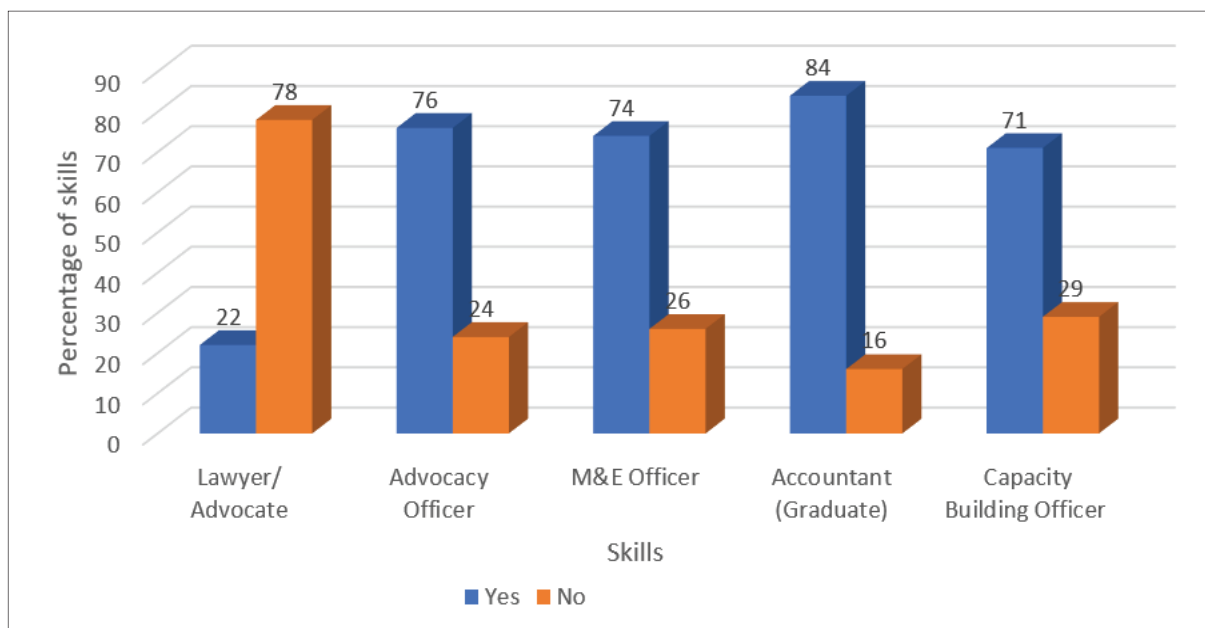
Source: THRDC' Baseline Study (Tanzania Mainland and Zanzibar), August 2023.

Approximately 6.1% of OPDs' and PDOs' staff reported holding a master's degree, indicating a presence of postgraduate qualifications within the sector. Most of the national-based OPDs are led by the directors who are graduates; while, majority of regional, district and other levels of OPDs are managed by the directors with diploma, certificate and other level of education.

Level of education has some implications to the management and operation of OPDs especially when it comes to sound planning and resource mobilization e.g. proposal writing skills and ability to interact with donors.

Another factor could be working experience and relevancy of academic profession to the work of OPDs. For instance, advocacy on legal issues could definitely need a person who has legal background. On this, this survey found that, most of OPDs (84%) reported to have an account – but not necessarily fully employed. Figure 3.3 below (which is multiple responses) shows more details.

Figure 3.3: Percentage of Professionals Staffs - Multiple Responses



Source: THRDC' Baseline Study (Tanzania Mainland and Zanzibar), August 2023.

According to Figure 3.3 above, the majority, comprising 78% of the CSOs, do not have a lawyer or advocate on their staff base, while only 22% reported having lawyers or advocates as part of their team. A significant portion, accounting for 76% of CSOs, have advocacy officers as staff members, indicating a strong focus on advocacy work. In contrast, 24% do not have dedicated advocacy officers.

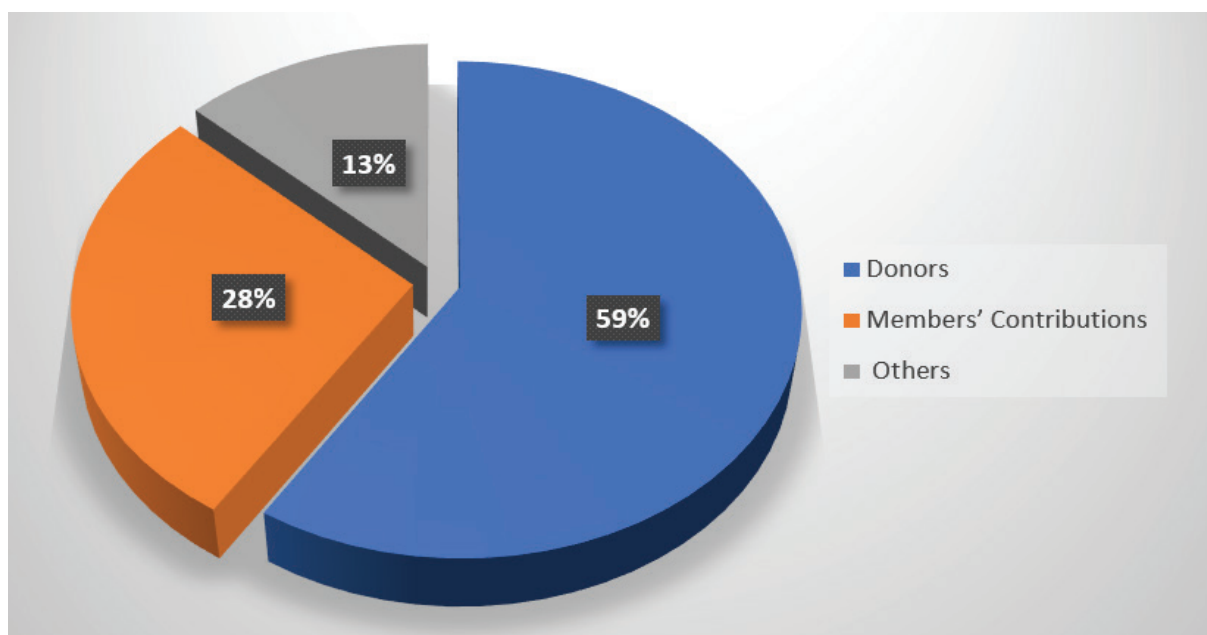
Recruitment of professional staff especially on permanent basis seem to be the most difficult challenges OPDs are currently facing. Therefore, they prefer part-time officers e.g. to help them on proposal writing. This situation has negative implication to the disability movement including on aspects of HRDs because kinds of these interventions need consistency and dedication, which could not be observed from part-time staffing arrangement. There are also observed incidents whereby some proposals have been prepared for different organizations and submitted to the same donors. This happens because some 'consultants' are engaged as proposal writers and that, some of OPDs have low capacity to ensure quality of the proposals.

3.5 FINANCIAL RESOURCES AND MOBILIZATION CAPACITIES

The financial sustainability of organizations serving PWDs in Tanzania hinges significantly on their ability to mobilize and efficiently manage financial resources. The capacities of these organizations, in terms of financial resource mobilization and management, dictate their potential impact and longevity in serving the community and engage in HRDs' work.

The majority of CSOs, comprising 59%, depend on donors as their primary source of funding. This indicates a significant reliance on external funding from various donors to support their activities and initiatives. Figure 3.4 below displays more details.

Figure 3.4: Main Sources of OPDs' Funds



Source: THRDC' Baseline Study (Tanzania Mainland and Zanzibar), August 2023.

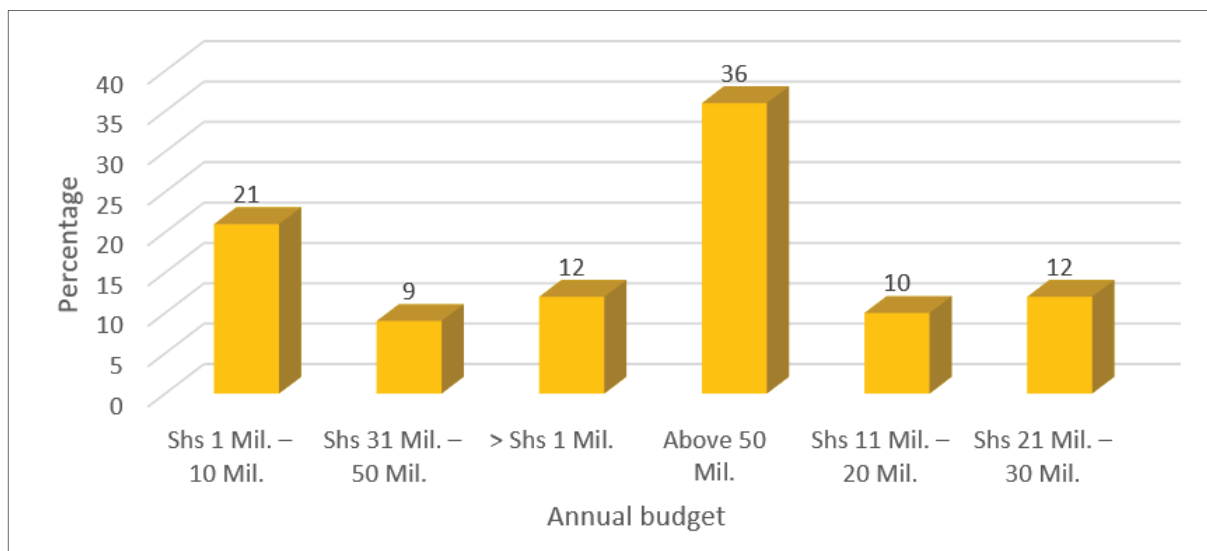
A notable portion, representing 28% of CSOs, rely on contributions from their members as a source of funding. This suggests a level of financial support from within the organization's membership base. Other Sources: A smaller fraction, accounting for 13% of CSOs, reported depending on other sources of funds such as government grants, partnerships, or income-generating activities.

That finding underscores the diverse funding landscape within the CSO sector, with a predominant reliance on donors but also a significant presence of member contributions and other funding sources.

That trend could have implications to the annual budget the OPDs could manage to have. According to this survey's responses, only 36% of OPDs reported having

annual budgets exceeding TZS 50 million, most of which being the national based organizations. Figure 3.5 below shows more results on OPDs’ annual budget trends – based on their projections and not necessarily the amount of money they can mobilize to finance their annual budgets.

Figure 3.5: OPDs’ Annual Budget Estimates – Capacities of Budgetary Plans



Source: THRDC’ Baseline Study (Tanzania Mainland and Zanzibar), August 2023.

Approximately 21% of CSOs reported annual budgets ranging from TZS 1 to TZS 10 million, suggesting a presence of smaller organizations with more limited budgets. Therefore, at least two-third (more than 60%) of the OPDs have an estimate of less than TZS 50 million of their annual budget. This could suggest the scope of operation of most of OPDs in Tanzania Mainland and Zanzibar.

The above funding and budgeting trend suggest a need for enhancing OPDs ability to mobilize financial resources. Low budget can limit OPDs engagement in HRDs’ work. It is also a concern that, only 3% of the OPDs consulted during the survey had resource or financial mobilization strategy documents; and, that, none of them had put the strategy into actual implementation.

Suggestion #8: Needed resource mobilization skills

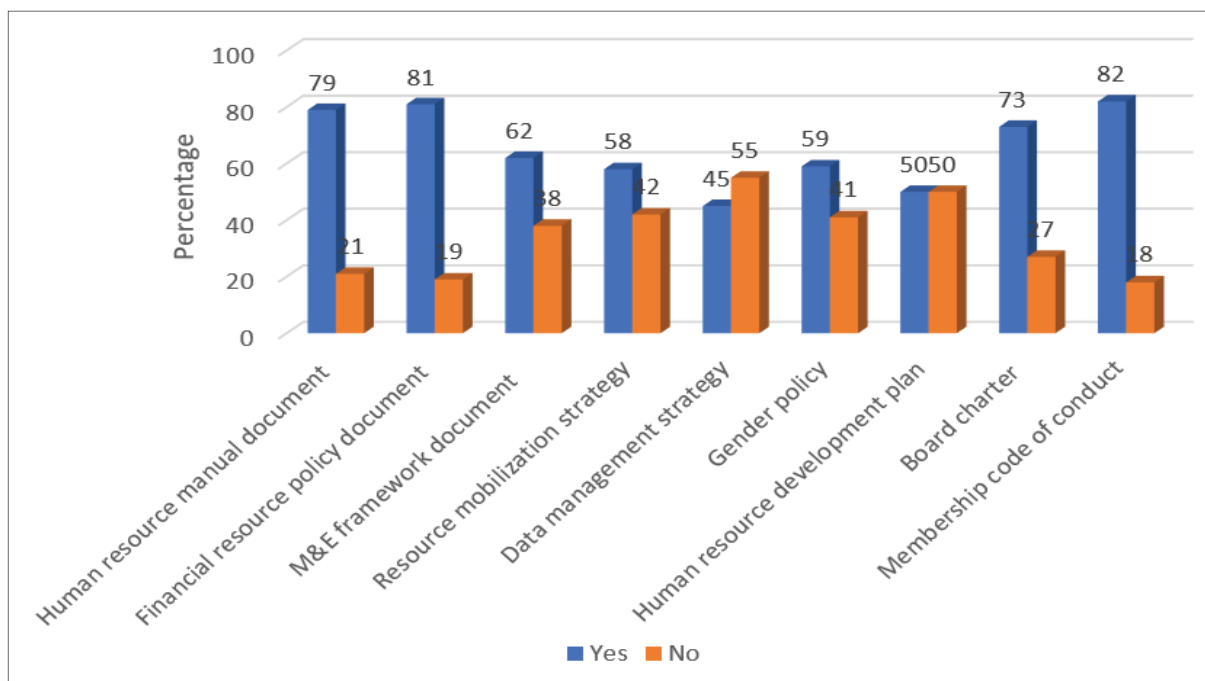
Over-reliance on a single donor or funding mechanism can be risky. Organizations must constantly explore diverse funding avenues to ensure sustainability. Therefore, THRDC and other stakeholders are urged to reflect resource mobilization skills into their training package for the HRDDs agenda to work.

3.6 INTERNAL OPERATIONAL SYSTEMS

A robust organization typically has well-defined internal operation policies, manuals, and guidelines. These documents not only offer a structured approach to various functions but also ensure that the rights, duties, and responsibilities of every stakeholder are explicitly defined. Moreover, such documents are important for the development and survival of OPDs in their work including as HRDs.

This survey noted that 81% of OPDs have internal financial resource policy documents; while, 79% have the human resource manuals. This trend indicated that, most of the OPDs have defined policies regarding such resources and the management of the same as well. Figure 3.6 below shows more findings on status of availability of various types of internal guiding documents.

Figure 3.6: Trend of Availability of Internal Operation Policies and Guidelines – Multiple Responses



Source: THRDC' Baseline Study (Tanzania Mainland and Zanzibar), August 2023.

While the majority of OPDs have demonstrated the availability of all these internal operational documents, the implementation of the same has not been effective. Moreover, some of them e.g. 50% were found to have outdated policies or had contents which fall below the required standards e.g. having one page policy document. It is also observed from the documents perused that, forms and contents of the documents that many organizations possessed were related and some being 'google-fetched.' In most cases, such documents are developed to meet grants' requirements.

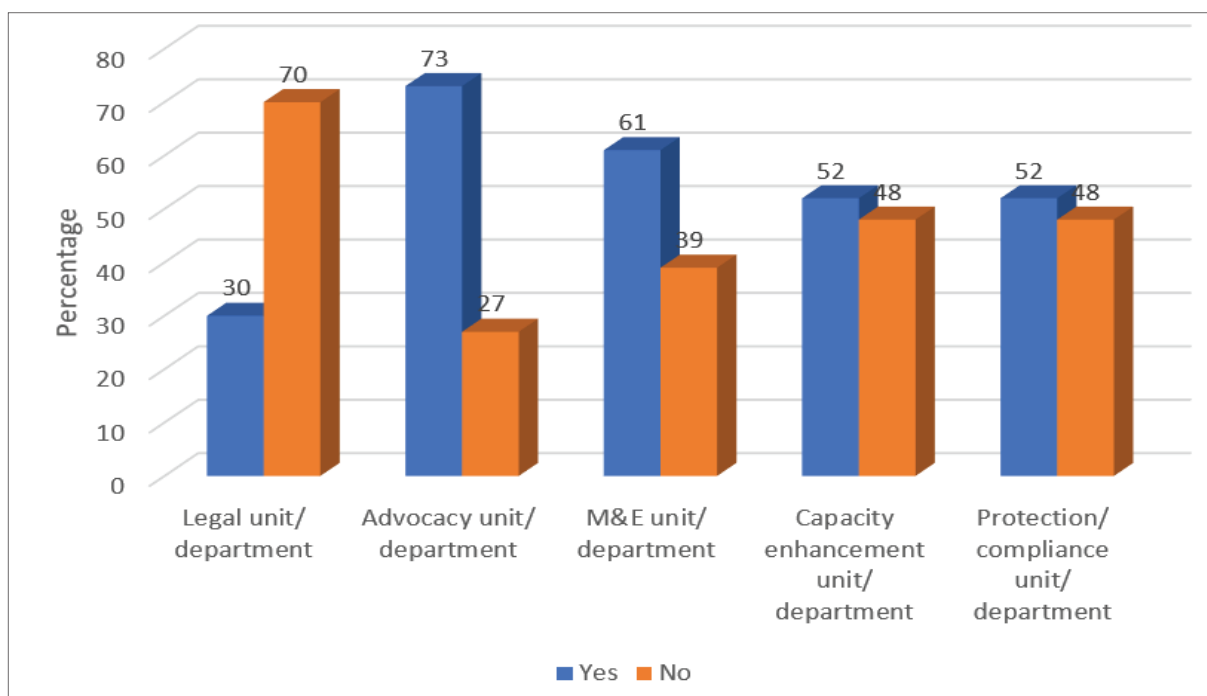
This situation necessitate a need for capacity building for OPDs to devise documents which correspond to their operational contexts. Moreover, there is a need to have HRDs’ related internal guidelines e.g. protection and response policies.

3.7 INTERNAL OPERATIONAL STRUCTURES

The organizational structure, manifested through various departments or units, reveals the multifaceted nature of an organization’s functions. In the context of organizations working on HRDs issues, departments responsible for legal, policy, finance and M&E affairs are crucial. The legal department or unit is crucial given the nature of their i.e., HRDs’ advocacy work. Moreover, the finance department or unit is important for, among other functions, overseeing budgeting, funding, expenditure and financial compliance.

Figure 3.7 below shows trend of availability of key components of organization structures amongst the OPDs survey in August 2023 in Mainland and Zanzibar.

Figure 3.7: Availability of Components in the Organizational Structures of OPDs



Source: THRDC’ Baseline Study (Tanzania Mainland and Zanzibar), August 2023.

The M&E is vital for tracking the effectiveness of programs and interventions. Larger organizations or those receiving international funding typically have an M&E unit, though its sophistication varies. Therefore it is crucial for HRDDs’ organization to have this unit.

The survey established that, despite the fact that the majority of OPDs claimed to have such departments in their structures, in practice, such departments in most of the OPDs were not effective especially because relevant skills to head them were missing. In most case, advocacy and M&E departments become operational when the organization secures grants for a specific project.

There is also a challenge to decentralization of the leadership mandates even for network organizations. The overlapping of responsibilities between networks' secretariats and their members is perceived as a common problem – hard to solve.

It is also a concern that some of OPDs lack a clear line of accountabilities e.g. absence of a clear separation between management and board of directors or board of trustees. In most cases, even for large OPDs and networks, the chairperson of the board of directors is engaged in an execution of routine activities of the organization.

As for the structural layout of OPDs, this survey noted that, there are at least three types of OPDs' structures, namely:

- a) **Centralized vs. Decentralized Structures:** Larger organizations, especially those with a national focus, tend to have a centralized structure with a head office, typically in major cities like Dar es Salaam, Mjini Magharibi, Dodoma, etc. They may also have branch offices i.e. 'satellite offices' or 'liaisons' at the regional level. However, there is no direct support of the national based organizations to their affiliates. Instead, even large networks like SHIVYAWATA have their secretariat struggles for the same resources and projects their members struggle to secure.
- b) **Hierarchical Structures:** Many organizations especially on part of Tanzania Mainland adopt a hierarchical model, with supreme body (e.g. annual general meeting (AGM)), board of directors and executive body. However, this is not necessarily a case on part of Zanzibar whereby only two layers i.e. board of trustees and management body are commonly available. There is also a difference of conduct of meetings of such organs. For instance, while Mainland's board of director often meet on quarterly basis; similar organ on part of Zanzibar normally meet twice a year. Frequency of meetings of such organs could not have direct bearing on the performance of the organization. However, having such bodies meeting periodically and consistently could enable the organization to practice well principles of corporate good governance.
- c) **Community Engagement Structures:** Given the importance of community in Tanzanian culture, some of the organizations have structures dedicated to community engagement e.g. the use of paralegals, human rights

monitors, community facilitators, etc. This practice ensures that initiatives resonate with local values and needs; also, grounding interventions to the grassroots. Operationalization of the disability committees and district disability councils of Mainland and Zanzibar is vital for reaching out the grassroots.

3.8 COMPLIANCE WITH CORPORATE GOOD GOVERNANCE PRINCIPLES

The needs assessment also sought to establish the extent to which OPDs adhere to the principles of corporate good governance - which is a priority in order to retain their reputation, maximize their effect, and guarantee that they will continue to receive support from the many stakeholders.

Transparency, accountability, justice, and responsibility are all essential components of good governance, which are integral to the administration and decision-making processes of an organization, including OPDs. The needs assessment survey established that, despite presence of several internal policies mentioned earlier on, the practice of internal operations of most of OPDs is engulfed with several challenges including the overlapping of responsibilities between the management and boards of directors or trustees. There are also concern on issues pertaining to conflict of interest and direct association with political parties. Some of the key challenges noticed, which face leadership of OPD are:

As it is the case with many other types of organizations globally, the leadership of organizations of people in Tanzania who have disabilities (PWDs) is fraught with a wide variety of difficulties. Because of these obstacles, their efficiency and capacity to meet the requirements of people with disabilities may be reduced. The leadership of such organizations in Tanzania is confronted with a number of significant issues, including the following:

- a) Leaders' affiliation with political parties and government entities: The OPDs's ability to function independently and objectively is put at risk when leaders are linked with political parties and government entities. The chairperson of one of the OPDs' network is the ward councilor of Tanga through the ruling party. Some of the officials of the Zanzibar-based OPDs are actually public servants. This situation may result in a biased decision-making process or in OPD being influenced by political or government forces from the outside, which may work to undermine the organization's core objective especially as HRD.
- b) Clear separation of responsibilities: It is observed that, some of OPDs do not have a clear distinction between the tasks of management and the board of directors or trustees e.g., the chairperson and other board members

are directly involved in the execution of OPDs' activities. This situation may lead to confusion, an overlap in responsibilities, and inefficient operations. Because of this, choices may be made that are not in the best interests of the organization or the people it serves.

- c) Inadequate training and development: Almost all OPDs consulted, did not have specific human resource development plans. As such, their leaders normally lack necessary skills or knowledge to successfully manage and steer the business e.g., managing to write project proposals. This may be a problem since leaders are responsible for the organization's success.

3.9 RECOMMENDED ACTIONS TO IMPROVE INSTITUTIONAL GOVERNANCE OF OPDs

For organizations representing and working with PWDs in Tanzania, institutional capacity enhancement is crucial for effective advocacy, representation, and service delivery. Here are some recommended actions to strengthen these organizations:

- a) Strategic Planning: Encouraging OPDs to have strategic plans which reflect HRDs' issues. An in-depth needs assessment will have to be preferred i.e. before drafting a strategic plan, a comprehensive needs assessment targeting PWDs should be undertaken. This will pinpoint the specific needs and challenges they face.
- b) Human Resource Development: Having specialized training - prioritize training in disability rights, sign language, and braille to promote inclusivity.
- c) Mentorship Programs: Implement mentorship initiatives where experienced employees guide newer staff, facilitating knowledge transfer.
- d) Infrastructure and Accessibility: Regular Accessibility Audits. Annually review organizational premises and digital assets for accessibility compliance.
- e) Resource Mobilization: Explore alternative sources of funds e.g. digital crowdfunding platforms and local community fundraising for specific projects.
- f) Collaborative Projects: Jointly undertake projects with other organizations, pooling resources and expertise.

The journey towards full institutional capacity enhancement requires persistence and detail-oriented strategies. By thoroughly implementing these actions and constantly reassessing their efficacy, organizations can become exemplary models in advocating for the rights of PWDs.

PART FOUR

EXTERNAL OPERATIONAL ENVIRONMENTS AND THE NEEDS FOR HRDS WITH DISABILITIES

4.1 INTRODUCTION

The Human Rights Defenders with disabilities (HRDDs) play a pivotal role in advocating for the rights of the disabled community, ensuring that their unique needs and challenges are addressed and that they are included in all spheres of life. However, the effectiveness and security of these HRDs are often influenced by the broader operational context in which they function.

The external operational environment encapsulates several factors, notably the political, economic, socio-cultural, technological, legal, and environmental dimensions (PESTLE). Understanding these dimensions is crucial as they invariably shape the challenges, opportunities, and threats that HRDs with disabilities encounter.

As it is indicated in part two of this report, the legal, policy and political landscapes determine the extent to which the rights of PWDs are prioritized and protected. The economic factors can dictate the availability of resources and influence the capacity of organizations supporting HRDs with disabilities – as it is reflected in part three of this report. Socio-cultural dynamics play a role in shaping community perceptions and acceptance of persons with disabilities as rights advocates. Technological trends can either enhance or hinder the reach and efficiency of advocacy efforts. Legal frameworks, on the other hand, set the boundaries of what is permissible, providing either protection or challenges to HRDs. Lastly, environmental factors can influence the physical accessibility and safety of these defenders.

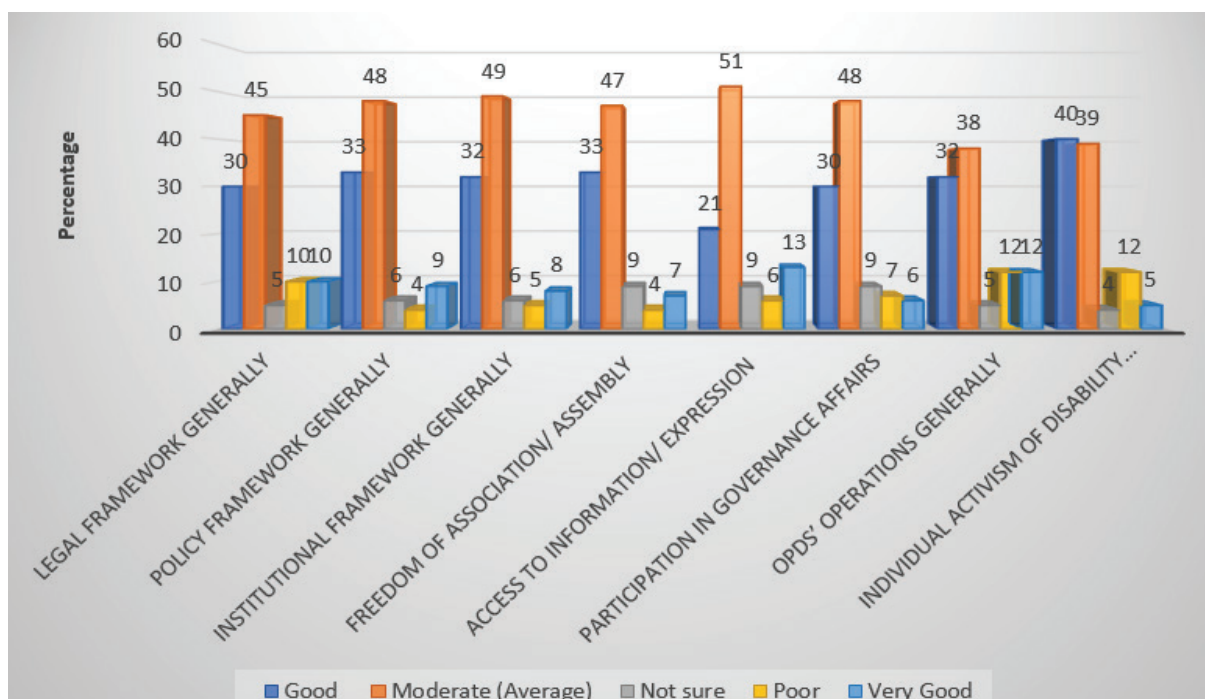
This section will delve into these factors, assessing their current state in Tanzania and the resultant challenges and threats faced by HRDs with disabilities and their organizations. Furthermore, it will identify areas of intervention that can bolster their effectiveness and security. Through this assessment, stakeholders can better comprehend the intricate web of external factors that shape the experiences of HRDDs, thereby informing interventions and strategies to support their critical work.

4.2 CURRENT STATUS OF EXTERNAL OPERATING ENVIRONMENTS OF HRDDs

The external operating environments of HRDDs including the ones with disabilities (HRDDs) are assessed against the five pillars of civic space, which include freedoms of association and assembly; access to information and freedom of expression; participation and inclusion in governance affairs; legal and policy frameworks generally; individual activism; and, internal operating environments (discussed in previous part of this report).

The responses to the survey question on PWDs' views on the current state of external operating environments indicate that, the current operating environments for HRDDs moderate (average) for all civic space's components mentioned above. Very few components received a rating of 'good' or 'very good' as Figure 4.1 below shows.

Figure 4.1: Current Status of External Operating Environments of HRDDs



Source: THRDC' Baseline Study (Tanzania Mainland and Zanzibar), August 2023.

That is, an average of only 8.8% of PWDs/ OPDs interviewed in August 2023 viewed that, the external operating environment of HRDDs were 'very good', while 31.4% considered the environments as being 'good' and, majority (45.8%) had an opinion that, the environments were moderate (average). At least 7.5% said that, the HRDDs' operating environments were 'poor.' Total of 6.4% were 'not sure' of the status current external environments. These ones include OPDs which had relatively low operation due to funding and other reasons.

Most of the responses on 'moderate' and 'poor' environments came from OPDs engaged in advocacy interventions, which mentioned the presence of some repressive provisions in the laws governing NGOs.

Suggestion #9: *OPDs working on human rights to have an automatic charitable status*

The complexity of compliance procedures under the NGOs Act of 2002 and its regulations was consistently mentioned as a 'challenge' during FGDs. This is particularly connected with expenses associated with compliance. It is a concern of OPDs that, payment of fees does not offer exception to a situation an organization fails to fundraise in a particular financial year. On this, their request was to term all OPDs as charitable organizations and therefore, to give them an automatic tax exemptions and eradication of all other fees and charges.

4.3 MOST CRITICAL ISSUES AND LEVEL OF POTENTIAL RISKS FACING HRDDs

Further to an inquiry on the status of operating environment, this survey sought to investigate further on potential risks facing HRDDs. The assumptions were based on several factors including in relation to legal and policy environments; absence of specific law on HRDs; level of understanding of disability and HRDs related rights; institutional operational issues and other PESTLE factors.

Responding to a question on critical issues and level of potential risks facing or would face (influence) operation of individual PWDs or organizational HRDDs, considerable number of OPDs and individual PWDs viewed it being 'average' risks as Figure 4.2 below shows. The statistics suggest that there is room for improvement in addressing these issues because, over time, they could escalate into more significant challenges.

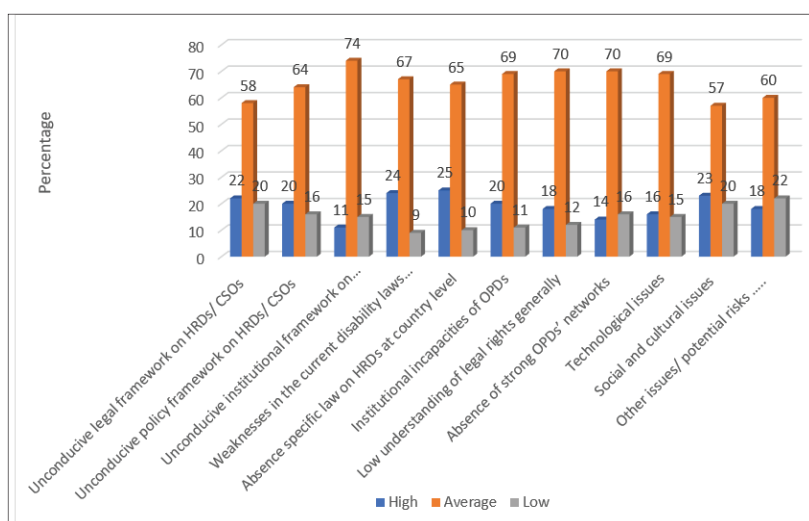


Figure 4.2: Issues and Level of Potential Risks Facing or Would Face Operations of Individual/ Organizational HRDDs – Multiple Responses

Source: THRDC' Baseline Study (Tanzania Mainland and Zanzibar), August 2023.

The PWDs and OPDs generally rated the level of potential risks as lower than the levels of issues. The 'high-risk' components were rated below 25%, indicating that there are components where risks are relatively lower, which is a positive aspect. None of the components were rated with a high-risk above 25%. Some OPDs perceived certain components as having a high risk of potential issues, and these should not be ignored e.g. absence of specific law on HRDs in Mainland and Zanzibar. On the other hand, there were components rated with low issues of risk, ranging from 10% to 20% e.g. low understanding of legal rights generally.

Overall, these findings suggest that while there are challenges and risks perceived in the operations of HRDDs, the majority of OPDs rated them as average, with no component reaching a high-risk level above 25%. This indicates that there is an opportunity to address and mitigate potential risks and issues, ensuring a safer and more supportive environment for HRDDs.

4.4 PERCEPTIONS ON TYPES, NATURE AND MAGNITUDES OF VIOLATIONS OF THE SPECIFIC RIGHTS OF HRDDs

The perceptions on the types, nature and magnitude of violations relating to HRDDs was assessed against several assumptions – especially based on THRDC’s situational analysis and civic space reports. The parameters inquired include threats and intimidations, limited access to information, limited access to justice, environmental and other forms of barriers. A question on such issues attracted multiple responses. Figure 4.3 below makes a summary of the responses from individual PWDs and OPDs.

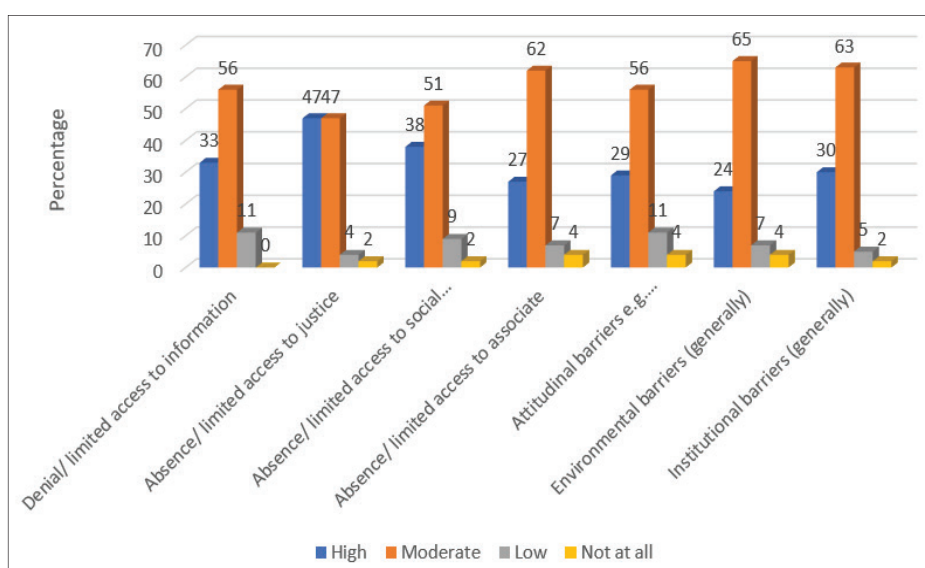


Figure 4.3
Perceptions on the Types, Nature and Magnitudes of Violation of the Specific Rights of HRDDs

Source: THRDC' Baseline Study (Tanzania Mainland and Zanzibar), August 2023.

The majority of PWDs and OPDs rated the nature and magnitude of violations as moderate, with percentages exceeding 50%. This suggests that there is a significant level of perceived violations that need to be addressed to reduce

the magnitude of these violations. The 'absence or limited access to justice' was noted as having a high record of violation, with 47% of respondents highlighting this issue. This indicates a significant concern that needs intervention to reduce threats to HRDDs.

Other components with relatively high percentages of perceived violations included 'limited access to social services' (38%) and 'denial/limited access to information' (33%).

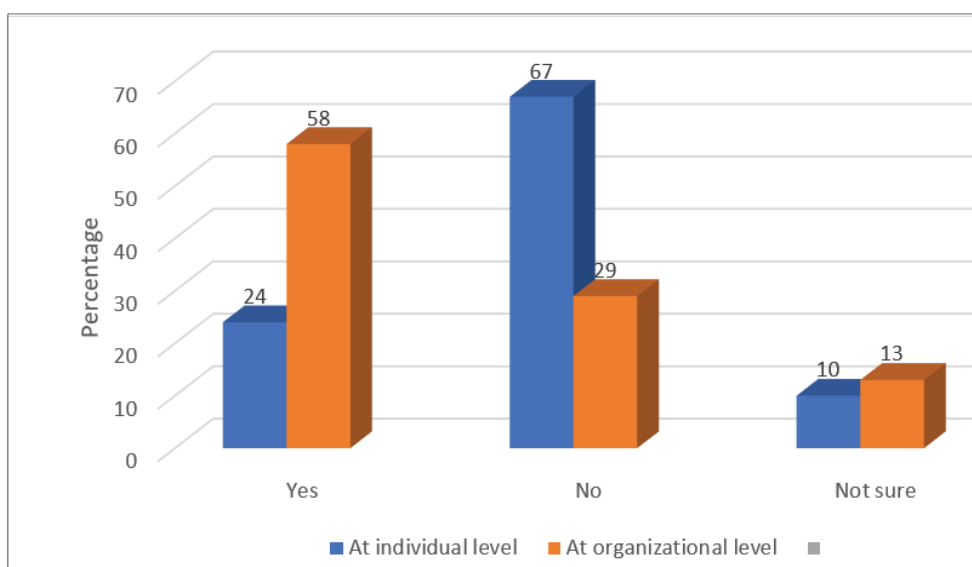
These issues, if not addressed, can hinder the operations of CSOs working in support of HRDDs. A few OPDs rated the magnitude of violations as low, indicating that they perceive fewer violations in these specific areas. Some components had no reported nature and magnitude of violation, although with slight percentages.

Overall, these findings highlight the need for attention to address and reduce the violations of the rights of HRDDs. While the nature and magnitude of violations were rated as moderate for most components, there are specific areas with higher perceived violations, such as limited access to justice, limited access to social services, and denial of access to information. Addressing these issues is crucial for ensuring the protection and rights of HRDDs and enabling the effective work of OPDs in this context.

In relation to the types and magnitude of violation of specific rights of HRRDs, this survey sought to understand whether or not PWDs have experience any human rights abuses or violations as HRDDs especially in recent years e.g. within three to five years ago. The response rates indicate that 24% and 58% said 'yes'. That, they had already experienced some forms of violations or abuses at individual and organizational levels respectively as Figure 4.4 below shows.

Figure 4.4
Human Rights Abuses or Violations as HRDDs

Source:
THRDC'
Baseline Study
(Tanzania
Mainland and
Zanzibar),
August 2023.



The forms of violations and abuses mentioned included stigma and discrimination practices; and also, absence of disability-sensitive social and other services, which is persistence and 'daily reality' in all sectors including health, education, and communication and governance affairs.

On the other hand, responses indicated in Figure 4.4 above indicates that a significant proportion of OPDs perceived a higher incidence of human rights abuses or violations at the organizational level compared to the individual level. A substantial percentage of OPDs (67%) rated that there are no abuses or violations at the individual level. At the organizational level, 29% of OPDs reported no abuses or violations. While these percentages are relatively high, there is still room for improvement to further reduce incidents of abuse or violations to ensure the safety and protection of HRDDs.

Overall, these findings highlight the importance of addressing and mitigating incidents of human rights abuses or violations, particularly at the organizational level where a higher percentage of OPDs perceived such issues. Reducing these violations is essential for the safety and protection of HRDDs.

4.5 CURRENT PRACTICES ON THE PREVENTION, PROTECTION AND RESPONSE STRATEGIES

It was also essential to understand presence and nature of prevention, protection and response measures that OPDs might have in their work as HRDs. Majority (58%) of OPDs reported having prevention measures in place for HRDs with disabilities; while, 28% of CSOs reported not having such prevention measures and that, 13% of CSOs were uncertain about whether prevention measures existed. These results indicate a need for improvement in implementing prevention measures, particularly among those OPDs that reported not having them or being unsure.

Those responses should however be taken with precaution that, majority of OPDs were ignorant of specific rights of HRDs as indicated in part two of this report. The 'preventive measures' mostly referred to them were their engagement in awareness raising interventions.

As for the protection mechanisms for HRDDs, 67% of OPDs reported having protection mechanisms for HRDDs; while 22% of OPDs reported not having protection mechanisms in place and that, 11% of OPDs were unsure about the existence of protection mechanisms. This suggests that a majority of CSOs have implemented protection mechanisms, but there is still work to be done to ensure that all HRDs with disabilities are adequately protected.

This finding too should be taken with the same precaution mentioned above. The protection measures mentioned by OPDs included having pro-disability networks; THRDCs; specific laws on PWDs; organs established under the said laws; and, presence law enforcement agencies especially the police.

Regarding the response services for HRDDs, 59% of OPDs reported having a good approach to issues related to response services for HRDDs e.g. presence of disability committees, district disability committees, paralegals, NPA-VAWC committees, local government structures down to the grassroots, etc. A fraction of 30% of OPDs reported having no approach to these issues; while 11% of OPDs were unsure about their approach to response services. While a significant percentage reported having a good approach, there is room for improvement in providing response services for HRDs with disabilities, particularly among those OPDs that reported having no approach.

Overall, these findings highlight both positive practices, although they may not necessarily reflect specific standards for HRDs, such as having institutional protection policies in place. Moreover, the findings suggest areas that require improvement in addressing the needs of HRDDs.

In relation to those issues, this survey sought to understand the status of having key internal operation policies, manuals, guidelines, etc. relating to preventive-protection and response on issues pertaining the work of HRDDs. On this, the responses were as indicated in Figure 4.5 below.

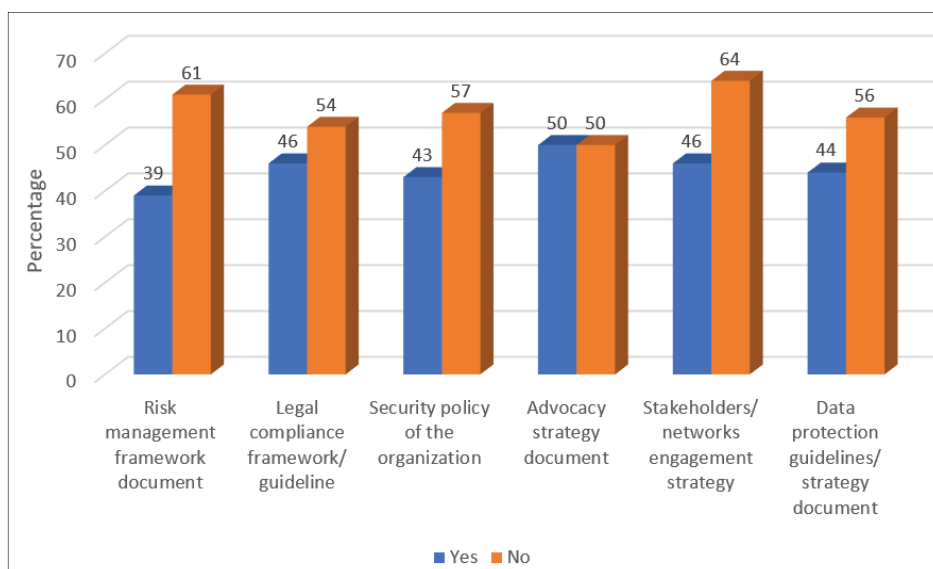


Figure 4.5: Presence of Internal operation Policies, Manuals and Guidelines on HRDDs

Source: THRDC' Baseline Study (Tanzania Mainland and Zanzibar), August 2023.

Over 50% of OPDs reported having internal operation policies, manuals, and guidelines; 61% of OPDs reported having a risk management framework document, while 39% did not have one. Moreover, 54% of OPDs reported having a legal compliance framework/guideline, and 46% did not. Regarding security

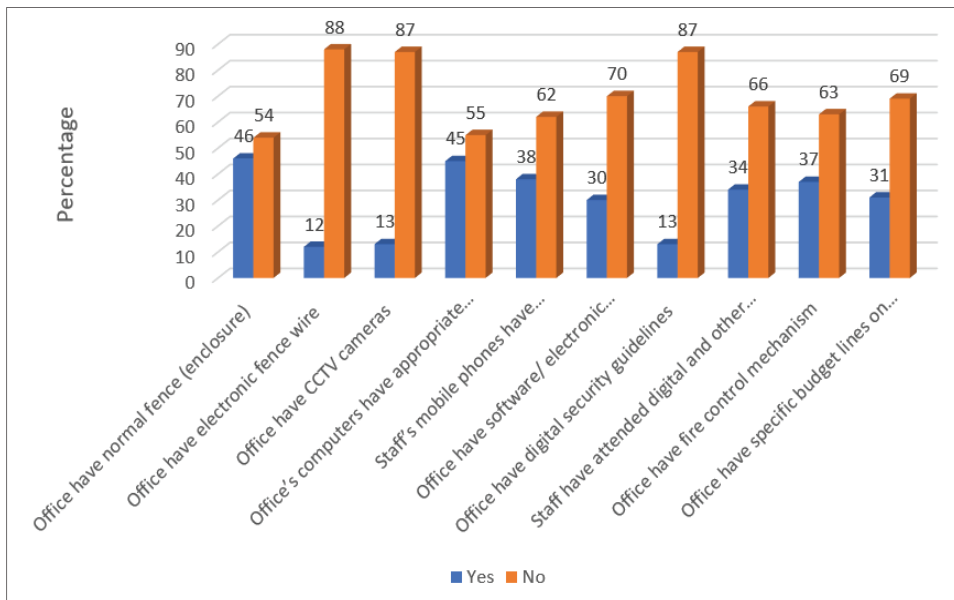
policy, 57% of OPDs reported having a security policy for their organizations, while 43% did not. As for advocacy strategy documents, 50% of OPDs reported having an advocacy strategy, indicating that the other 50% did not have one. However, most of them could not produce the strategy documents when requested to so. It seems that they mostly rely on project-based strategies. As for data protection, 56% of CSOs reported having data protection guidelines, while 44% did not. However, the guidelines on data protection were mostly associated with common rules e.g. of not divulge organizations information to the outsiders without permission of the authorities.

Meaning that despite such positive responses, OPDs lack proper documents in all those guidelines that had been looked into during the survey. Meaning that there will still be a need for a way to guide organizations in adopting proper institutional guidelines.

As for physical security and protection strategies at institutional level, this survey sought to assess whether or not OPDs had some security facilities in place e.g. electric wire, CCTV camera, digital security guidelines and other requirements indicated in Figure 4.6 below. Their responses are as indicated in this Figure that, majority did not have such physical and electronic protection mechanisms at institutional levels.

Figure 4.6:
Status of
Availability of
Institutional
Protection
Mechanism
for HRRDs

Source:
THRDC'
Baseline Study
(Tanzania
Mainland and
Zanzibar),
August 2023.



Most of OPDs indicated a lack of various control measures in their offices e.g. 88% of OPDs reported not having electronic fences; 87% of OPDs reported a lack of CCTV cameras; 87% of OPDs also reported not having digital security guidelines. Other control measures were rated with percentages ranging from 54% to 70% as being absent in OPDs offices.

The survey highlights a significant gap in the availability of prevention and control measures for HRDs in OPDs offices, with most of the measures rated as absent by a large percentage of OPDs. Some of the essential control measures, such as electronic fences, CCTV cameras, and digital security guidelines, were notably lacking in a vast majority of OPDs offices.

The findings underscore the need for advocacy and awareness efforts to inform and encourage OPDs to integrate these important control measures into their HRD offices. These measures are crucial for the safety and security of HRDs and should be prioritized to protect their valuable work.

Efforts should be made to address these gaps and ensure that HRDs have access to the necessary tools and measures to safeguard their well-being and the integrity of their work.

4.6 PERCEIVED EFFORTS AND ABILITY TO PURSUE CHANGES BY DPOs AS HRDs

It was also an interest of this survey to assess the extent to which OPDs have been effective to utilize and make use of available opportunities e.g. disability committees to pursue your agenda as HRDs. This is important because such opportunities serve as ‘low-hanging fruits’ for OPDs, including HRDDs, to engage with even when they have limited capacities or resources, as already presented in previous sections of this report.

Response to this particular issue suggests that, only at very average level that OPDs are utilizing such opportunities – mentioning institutional incapacity as key attributing factor. Figure 4.7 presents all responses and it is self-explanatory.

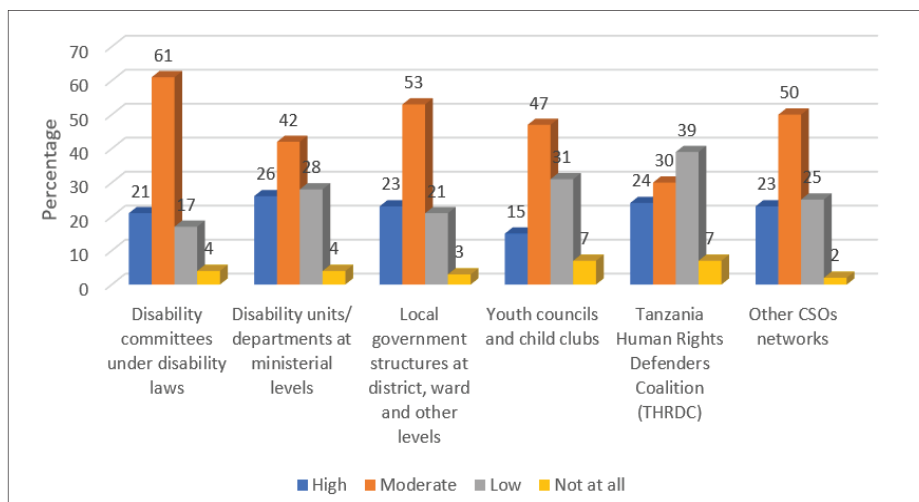


Figure 4.7: OPDs’ Effective Use of Available Opportunities to Pursue their Agenda

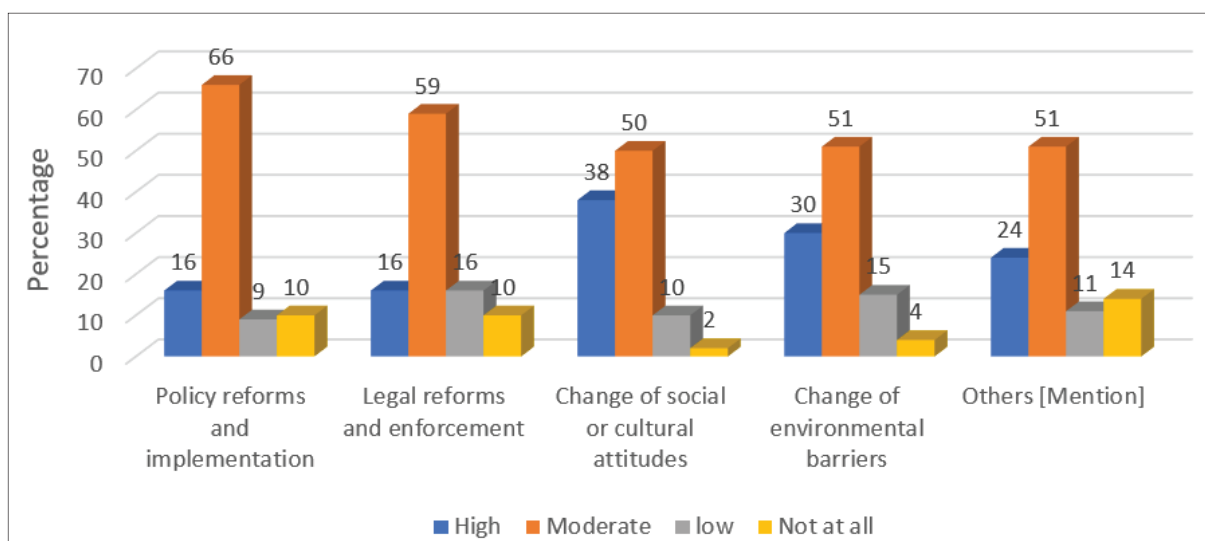
Source: THRDC’ Baseline Study (Tanzania Mainland and Zanzibar), August 2023.

On average, only 22% responded that, they 'highly' utilized various available opportunities including the youth councils, HRDs' coalitions, LGAs, and relevant ministries or departments of State; while 47.2% said they moderately utilize the same; and, a small fraction of 4.5% said they were not utilize such available opportunities at all.

As for THRDC in particular, it draws a sharp attention to note that, only 24% of OPDs claims they 'highly' make use of this authoritative HRDs' coalition to pursue their agenda; while, 30% and 39% moderately and in low rates make use of THRDC to advance their agenda. It could be a question of 'relevancy' of HRDs' agenda within OPDs' operations or insufficient visibility of THRDC when it comes to disability issues. Be that as it may, there are chances that this could be improved by institutionalizing disability into the coalition's operations and also by adopting specific sensitization programs on the nexus between HRDs and PWDs.

On the other hand, this survey also aimed to assess the extent to which OPDs have contributed to reforms over the years. This allows for measuring their future performance against the current level of efforts. As Figure 4.8 shows, OPDs' level of contribution into desired changes has been rated as 'moderate' by PWDs themselves. Meaning that, despite the institutional and operational challenges they are facing, yet, they have been able to do something tangible e.g. pursuing an enactment of pro-disability rights laws, policies, etc. and, ratification of several relevant treaties.

Figure 4.8: Level of Contributions Made as Organization or Individual HRDDs



Source: THRDC' Baseline Study (Tanzania Mainland and Zanzibar), August 2023.

In general, based on the average calculations, only 25% claimed to have 'high' level of their contributions to the intended reforms; and, 55% claimed to have moderately contributed to the reforms; while, 6% considered their efforts e.g. advocacy as being in total vain so far.

The analysis indicates that a substantial percentage of OPDs reported a moderate level of contribution in various areas related to HRDs with disabilities, including policy reforms, legal reforms, and changes in social environment and attitudes. The high levels of contribution were reported in some areas, but there is still room for improvement and expansion of these efforts. Notably, some OPDs reported low or n contribution in specific areas, suggesting the need for greater engagement and advocacy in these domains.

Overall, these findings suggest that OPDs and individual PWDs are actively contributing to various aspects related to HRDDs though in a moderate level. However, there are opportunities to further enhance their impact and reach. Advocacy and collaborative efforts may help address areas where contributions are currently low or lacking.

4.7 CAPACITY BUILDING OF HRDS IN SECURITY AND PROTECTION MANAGEMENT

Ensuring the security and protection of HRDs is paramount, especially in regions where their work might be met with resistance or direct threats. For HRDDs, this emphasis becomes even more pronounced, given the added vulnerabilities they might face. Capacity building in the realm of security and protection management is a proactive approach that arms HRDs with the knowledge, tools, and strategies to operate safely and effectively.

Based on the capacity gaps identified above; PWDs' own wished; and also, learning from various jurisdictions and findings of this needs assessment survey, the following (see Table 4.1) areas of capacity building are recommended as integral part of operationalizing the HRDDs agenda in Mainland and Zanzibar.

Table 4.1: Recommended Topics and Contents on Capacity Building Relating to HRDDs

S/ N.	Issue	Training Objectives	Overall Contents	Results/ Outcomes
1	Risk Assessment and Management:	To equip HRDDs with the skills to identify potential threats and assess their risk levels.	Understanding different types of threats (physical, digital, reputational), analyzing their likelihood and potential impact, devising mitigation strategies.	HRDDs can proactively identify vulnerabilities and take steps to mitigate risks.
2	Physical Security:	To enhance the physical safety of HRDDs during their operations.	Safe movement and transportation protocols, understanding safe and unsafe zones, emergency evacuation procedures, utilizing security personnel when necessary.	Reduced risk of physical harm during field operations or meetings.
3	Digital Security:	To protect HRDDs from cyber threats, given the increasing reliance on digital platforms.	Best practices in password management, understanding and avoiding phishing scams, secure communication tools, data encryption, and backing up essential data.	Secure data and communication, reduced risk of digital espionage or hacking.
4	Legal Protection:	To familiarize HRDDs with their rights and legal protections available to them.	Overview of local, regional, and international laws and statutes protecting HRDDs, steps to take when rights are violated, liaising with legal bodies for protection.	Empowered HRDDs, aware of their legal rights and avenues for protection.

5	Psychological Well-being:	To ensure that HRDDs maintain their mental health, given the stressful nature of their work.	Stress management techniques, peer support mechanisms, understanding trauma, and when to seek professional help.	Resilient HRDDs capable of managing stress and avoiding burnout.
6	Networking and Alliance Building:	To promote collaboration and mutual protection among HRDDs.	Building alliances with fellow HRDDs, sharing best practices, collaborative interventions, understanding the power of numbers.	Stronger, united HRD groups that can lean on each other for support and protection.
7	Customized Training for HRDD:	To address the unique security and protection needs of HRDDs.	Accessible emergency evacuation, tools and technologies tailored for disabilities, understanding potential targeted threats based on disability.	HRDDs are equipped with specialized knowledge to navigate their unique challenges.
8	Monitoring and Feedback:	To continually evaluate the effectiveness of security and protection measures.	Setting up monitoring mechanisms, regular check-ins, and feedback sessions to update and refine strategies.	Adaptive and responsive security protocols that evolve based on feedback and changing situations.
9	Reporting and Documentation:	To impart HRDDs with wide knowledge of reporting and documenting their interventions on abuses and violations of disability rights.	Developing reporting and documentation guidelines.	HRDDs are empowered to prepare issue-based reports and documentation of the same.

In conclusion, the safety of HRDs, especially those with disabilities, is of utmost importance. Through comprehensive capacity-building programs focusing on security and protection management, HRDDs can be empowered to continue their critical work with reduced fear and increased efficiency.

Suggestion #9: Needed disability-sensitive training package

The survey understands presence of huge efforts by THRDC on capacity building. However, there will be a need to adjust the training manuals in order to address all issues of concern relating to HRDDs. It is also important to ensure that, such training materials are made in disability-sensitive format including braille format, enlarged prints and video with sign language insert.

4.8 STATUS OF EMERGENCY SUPPORTS AND LITIGATIONS

The well-being and security of HRDs, particularly those with disabilities, remain a priority, as they often find themselves on the frontline of advocacy, confronting issues that may be contentious. The Tanzanian context has seen varying levels of support for HRDs in emergency situations especially by THRDC and its allies i.e. international organizations, as well as a complex landscape when it comes to litigation.

The survey did not come across any incident whereby HRDDs reacted in response to the violation or abuses of their rights. Therefore, the applicable models by THRDC and others on HRDs, could not be easily assessed when it appears that, HRDDs is involved as a victim of the circumstance. However, as a way of foreseeing and therefore prepare for an effective and disability-sensitive response to emergence situation or on accession of abuse or violation of HRDDs' rights, it is recommended that same approaches should be maintained e.g. rapid response which include relocation, medical assistance and financial support.

Moreover, THRDC and its allies will have to operationalize hotlines dedicated to HRDs in peril. Thirdly, there will be a need for psychological support given the trauma that HRDDs might experience. Fourthly, security training as already proposed above; and, access to justice including having strategic litigations.

In conclusion, while there are mechanisms in place for emergency support and litigation for HRDs in Tanzania, a targeted focus on the unique challenges and needs of HRDDs is imperative. There is a need for continuous assessment and enhancement of these supports to ensure that HRDDs are adequately protected and can carry out their vital roles without undue hindrance or threat.

4.9 RECOMMENDED ACTIONS ON EXTERNAL OPERATIONAL ENVIRONMENTS

Actions that are recommended to be taken on external operational environments are:

- a) Advocate for revisions to be made to the NGOs Act of 2002 and other laws governing OPDs in Mainland and Zanzibar - with the primary focus being on lowering the compliance burden for HRDs and giving automatic charity status for OPDs. The costs connected with compliance will be lowered as a result, and the activities of OPDs will continue uninterrupted even in years with less money raised for the cause.
- b) The action to take is to run targeted ads that emphasize the critical role that HRDDs play in society while addressing the stigmas that are associated with them and the discriminatory practices that are used against them. This will increase an acceptability of HRDDs and decrease the number of instances in which they are violated.
- c) Provide HRDDs with the technology tools and knowledge that may strengthen their ability to advocate for their causes. It is important to take advantage of technological developments so that lobbying may have a greater impact and be carried out more effectively.
- d) Collaborate with legal institutions and groups to develop specialized desks or units that concentrate on cases relating violations of HRDDs. At first, this could be institutionalized within THRDC with a view of nurturing OPDs to take responsibility in their own shoulders. This survey establishes that, there is no specific legal aid service provider for disability related issues. The Legal Affairs and Social Economic Development (DOLASED) used to have institutionalized legal aid services. But, the organization has recently been operating in a low level.
- e) Advocate for institutions to guarantee that all information, particularly information that is crucial to HRDDs, is made accessible in forms acceptable for persons with a variety of disabilities. The OPDs like the Information Centre on Disability (ICD) can be of good support – if their institutional capacity is enhanced.
- f) On a regular basis, examine the possible hazards that HRDDs are up against and develop plans to manage and minimize them. Note that, HRDDs will be able to benefit from a more secure working environment if they take preventative measures to detect and eliminate potential dangers.

- g) Implement and strengthen preventative measures for HRDDs among all OPDs, considering the considerable number that reported either not having them or not knowing whether they existed. This is in light of the fact that a significant percentage of OPDs reported not having them.
- h) Encourage OPDs to produce and maintain correct documentation of their internal operation policies, risk management frameworks, legal compliance frameworks, security policies, advocacy strategies, and data protection guidelines. In order to address the recently discovered absence of operational documentation among OPDs, it is necessary to direct these organizations toward the adoption of appropriate institutional rules.
- i) Incorporation of both physical and technological safeguards at the institutional level. Enhancing existing security facilities like electric wires, closed-circuit television cameras, and digital security standards is one aspect of this.
- j) Take action to address the moderate levels of use of opportunities by OPDs, such as disability committees. It is important that efforts be focused on overcoming obstacles such as the inability of institutions.
- k) Raise the level of participation of OPDs with other organizations and coalitions, such as THRDC, with the goal of highlighting the significance and applicability of HRDs' objectives within OPD operations.

PART FIVE

OVERALL OBSERVATION, CONCLUSION AND GENERAL RECOMMENDATIONS

5.1 INTRODUCTION

The journey of understanding the landscape and needs for Human Rights Defenders with Disabilities (HRDDs) in Tanzania has been an insightful one, marked by both challenges and triumphs. By examining institutional frameworks, capacity building mechanisms, external operational environments, advocacy interventions, and more, we have garnered a comprehensive perspective on their current situation. This concluding section provides an amalgamation of the survey's observations and draws conclusions from the same. It will culminate in general recommendations aimed at presenting the most effective options to improve the provision and accessibility of services and rights for HRDDs.

By laying emphasis on actionable recommendations, the goal is to pave a way forward that ensures not just the protection but also the empowerment of HRDDs in Tanzania. The ensuing observations, conclusions, and recommendations are a synthesis of the findings from previous sections, grounded in the Tanzanian context, and offer a roadmap to better advocacy, protection, and capacity enhancement.

5.2 OVERALL OBSERVATION

Over the course of this assessment, several key observations about the situation of HRDDs in Tanzania have emerged, including:

- a) **Emergent Recognition:** There is an increasing acknowledgment of HRDDs as essential actors in the human rights discourse. Their roles in advocacy, policy influence, and community mobilization are being recognized more than before – but generalized as HRDs in relation to disability, is generally viewed as an alien concept.
- b) **Institutional Gaps:** While Tanzania has made strides in formulating policies and frameworks for PWDs, there are gaps in the institutional capacities of organizations that represent and work with them. Issues range from structural deficiencies to the need for skill enhancements.

- c) **Financial Limitations:** Many organizations working for HRDDs face financial constraints, limiting their potential to conduct robust programs, campaigns, or interventions. Resource mobilization, especially financial, is a challenge for many disability-focused organizations. This limitation impacts their operational efficiency and outreach capabilities.
- d) **Complex External Environment:** The operational environment for HRDDs is multifaceted, influenced by political, economic, socio-cultural, technological, legal, and environmental (PESTLE) factors. While there's a growing public awareness and acceptance, deep-rooted cultural beliefs and stigma can sometimes act as barriers. Navigating this environment requires adeptness and resilience.
- e) **Varied Capacity Building Needs:** There is a clear indication that HRDDs need a diverse range of capacity-building interventions, from security and protection management to legal awareness and resource mobilization.
- f) **Accessibility Challenges:** While there have been improvements in infrastructure and policy, consistent challenges in accessibility for PWDs persist, both in terms of physical infrastructure and access to rights and justice.
- g) **Solidarity and Networking:** One positive observation is the growing solidarity among OPDs, leading to better networking, collaboration, and mutual support. However, a huge work is needed to enhance the institutional and operational capacities of PWDs' networks in Mainland and Zanzibar.
- h) **Awareness vs. Implementation Gap:** While awareness regarding the rights and needs of PWDs is rising, there remains a gap in translating this awareness into tangible actions and results on the ground.
- i) **International Support and Recognition:** Tanzania has received support from international bodies and NGOs which have bolstered local efforts. However, more consistent international collaboration can amplify impacts. Currently, funding for local CSOs is an issue of concern even for well-established OPDs.
- j) **Evolution of Advocacy Efforts:** The strategies and methods employed in advocacy have evolved over time, showing a progression from basic awareness campaigns to sophisticated interventions targeting policy changes and legal reforms.
- k) **Emergency Support:** While some support mechanisms exist for HRDs in peril, the accessibility and effectiveness of these for HRDDs need further enhancement.

In essence, while there have been advancements and positives to acknowledge, challenges persist. Addressing these effectively requires a holistic, collaborative, and sustained approach, putting the needs and rights of HRDDs at the forefront.

5.3 CONCLUSION

In analyzing the state of HRDDs in Tanzania, several conclusions can be drawn:

- a) **Progressive Strides:** Tanzania has made commendable advancements in recognizing and legislating the rights of PWDs, an effort that should be lauded. Legal frameworks, such as the PWDs Act of 2010 and PWDs Act of 2022 (Mainland and Zanzibar respectively), signify the country's commitment to inclusion and justice.
- b) **Unfinished Business:** While there are frameworks in place, the practical realization and enforcement of these rights still have gaps. The experiences of HRDDs underline that legal recognition is just the starting point; practical application is equally, if not more, crucial.
- c) **Institutional Limitations:** Organizations championing the rights of HRDDs, often operate under constraints, be it financial, infrastructural, or capacity-wise. These limitations can sometimes inhibit the optimal realization of their objectives.
- d) **Sociocultural Dynamics:** The broader sociocultural fabric of Tanzania plays a pivotal role in shaping the experiences of HRDDs. While progress has been observed in dispelling myths and altering perceptions, pockets of resistance and misconceptions persist.
- e) **Power of Collaboration:** The successes achieved by HRDs and organizations supporting them are often amplified when they operate in synergy. Collaboration, both at the national and international levels, can act as a force multiplier.
- f) **Emergent Needs:** As the landscape evolves, new challenges and needs emerge. HRDDs, in today's digital age, require skills and tools that might not have been as relevant a decade ago. This calls for adaptive strategies.
- g) **Enduring Spirit:** Despite the challenges, the resilience and tenacity of HRDDs in Tanzania stand out. Their enduring spirit, driven by a pursuit of justice and equality, serves as an inspiration.

In essence, the journey for HRDDs in Tanzania is one of mixed experiences. While there are achievements to celebrate, there's also a clarion call to address the areas of improvement. The way forward is paved with both hope and challenges, but with collective effort, a more inclusive, just, and equitable future is within reach.

5.4 GENERAL RECOMMENDATIONS

Given the observed landscape and conclusions derived from the state of HRDDs in Tanzania, the following general recommendations are presented to enhance their situation:

- a) **Strengthening Legal Frameworks:**
 - o Reviewing and amending existing laws to address any loopholes that may hinder the rights of HRDDs.
 - o Ensuring the consistent and comprehensive enforcement of these laws at both regional and national levels.
- b) **Capacity Building:**
 - o Providing regular training sessions for HRDDs on areas such as digital literacy, legal rights, and security measures.
 - o Offering organizational development training to institutions supporting HRDDs, emphasizing strategic planning, resource mobilization, and effective management.
- c) **Resource Mobilization:**
 - o Establishing a national fund dedicated to supporting HRDDs.
 - o Engaging with international donors, highlighting the unique challenges faced by HRDDs to secure targeted funding.
- d) **Public Awareness Campaigns:**
 - o Launching nationwide campaigns to sensitize the public about the rights and roles of HRDDs.
 - o Using various platforms, including radio, television, and social media, to reach a broad audience.
- e) **Technological Integration:**
 - o Promoting the use of digital tools and platforms among HRDDs, ensuring they remain connected, informed, and empowered.
 - o Ensuring digital platforms are accessible, considering various disabilities.
- f) **Collaborative Initiatives:**
 - o Forging stronger alliances between organizations working for HRDDs at both national and international levels.

- o Creating platforms for knowledge sharing, best practices exchange, and collaborative advocacy.
- g) Accessible Infrastructure:
 - o Ensuring that public facilities, including legal establishments, are fully accessible to HRDDs.
 - o Advocating for private institutions to adopt similar accessibility measures.
- h) Monitoring and Reporting:
 - o Establishing a centralized mechanism to monitor and report any violations against HRDDs.
 - o Collaborating with international human rights organizations to keep the global community informed.
- i) Emergency Response Mechanisms:
 - o Developing a robust emergency response system to address immediate threats or challenges faced by HRDDs.
 - o Ensuring that such mechanisms are accessible and efficient.
- j) Research and Data Collection:
 - o Continuously conducting research to understand the evolving challenges and needs of HRDDs.
 - o Using the data to adapt strategies, influence policy decisions, and tailor interventions.
- k) Policy Engagement:
 - o Actively engage HRDDs in the policy formulation process.
 - o Ensuring their perspectives are integral in decision-making.
- l) Database Development:
 - o THRDC to collaborate with Councils and Organizations of PWDs and HRDDs, such as SHIVYAWATA and SHIJUWAZA, and the PWDs department under the PMO office, to develop integrated national databases for OPDs, HRDDs, and PWDs.
 - o Operationalize the national databases.

Implementing these recommendations, with the active participation of all stakeholders, can significantly enhance the state of HRDDs in Tanzania, driving the nation closer to its vision of an inclusive and just society.


APPENDENCE

Annex I: List of Reference Materials

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- African Union's Agenda 2063. African Union (2015).
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Annex II: Needs Assessment Tools

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