

MAINSTREAMING DISABILITY IN FINANCIAL POLICIES AND PLANS

‘Policy Brief’

August 2021



Introduction

According to the 2012 census, the population of People with Disabilities (PWDs) is estimated to be 9.3%¹. PWDs have limited access to financial services, including traditional and alternative banking, online payment services, financial transactions and mobile banking. Likewise, the financial policy framework does neither recognize the disability accessibility needs nor does it provide guidance to the financial service providers on the essential requirements to mainstream PWDs special needs in their services.

This policy brief examines the financial policies and plans designed and implemented by the Government and its financial regulatory authorities. The aim is to highlight the extent to which these policies have been committed to mainstreaming persons with disabilities (PWDs) as it is required by the PWDs legal and policy framework. It also provides some recommendations on how to improve the situation.

The Context

Disability Mainstreaming in relation to financial sector means providing PWDs with full access to online banking channels, bank statements, ATMs as well as bank physical infrastructure. **Accessibility** is defined by the International Standard² to mean ease of independent approach, entry and use of a building and its services and facilities by all of the building's potential users with an assurance of individual health, safety and welfare during the course of those activities. **Disability inclusion** means understanding the relationship between the way people function and how they participate in the society and making sure everybody has the same opportunities to participate in every aspect of life to the best of their abilities and desires. **Financial inclusion** refers to the efforts to make financial products and services accessible to all individuals and business, regardless of their personal net worth or company size.

Although the financial sector in Tanzania is well regulated and supported by the national plans and strategies, it is subject to scrutiny in respect to effective disability inclusion. Among other policies, the National Micro-finance policy³ covers the provision of a range of financial services, including savings, credit,

1 NBS

2 www.iso.org

3 Ministry of Finance, 2000

payments, and other services beneficial to households, small holder farmers, and small and micro enterprises in rural areas as well as in the urban sector. Notwithstanding the fact that the policy emphasizes gender equity and recommends special efforts which are necessary to ensure the accessible to all, it does not guarantee the inclusion of persons with disabilities.

The inadequacy of disability inclusion is also reflected in BOT's execution of its supervisory of ensuring that commercial banks and other financial institutions conduct their business on a sound prudential basis and according to the various laws and regulations in force. Under this role, BOT is expected to ensure the banks comply with the provisions of persons with disabilities Act 2010 regarding accessibility and inclusion. However, so far there are no considerable measures adopted by the financial services' providers to guarantee accessibility for PWDs.

Moreover, Tanzania implements the financial Inclusion Framework⁴ that envisions the financial products and services that meet individuals and businesses' needs important for supporting livelihood improvement, household resilience and creation of jobs. Yet, the list of its target groups (women, youth, enterprises, and smallholder farmers in the rural areas), does not include persons with disability.

Identified barriers and gaps

Based on the reviewed financial services policy framework, the following are specific identified gaps hampering disability mainstreaming in financial services:

1. Inadequate of accessible infrastructure such as ATM machines at a reachable height and customers service desks purposely designed for PWDs.
2. Inadequate of inclusion of PWDs in the financial legal framework. Although, on an individual basis some financial institutions are innovative and caring in providing services to customers with disabilities, these initiatives are not backed with specific financial laws and policies.
3. Inaccessible Customers' information on financial services education and guidelines for PWDs.

4. Inadequate of disability inclusion condition on the checklist for licensing the financial institutions by BOT.
5. Inadequate of enforcement of the existing disability policies and legislations regarding full and effective participation of PWDs in all aspects of life.

Government efforts

The efforts of the Tanzania government to adopt specific policy and laws that promote and protect the rights of PWDs are noticeable and appreciated. The National Disability Policy 2004 and the Persons with Disabilities Act 2010, have the basic principles that promote inclusive and accessible services for persons with disabilities. The policy emphasizes on accessibility and effective participation of PWDs in the community life and calls for all stakeholders to ensure that the built infrastructures and services are disability inclusive. Moreover, under the policy, the information is identified as an enabling tool for disability inclusion. The information shared to the public by any institution including financial institutions is supposed to be accessible to persons with disabilities.

Tanzania is a state party to international legal instruments that promote disability inclusion in all aspects of life, particularly the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) of 2006⁵. The UNCRPD lists accessibility and inclusion among the basic principles⁶ for realization of full and equal enjoyment of human rights. As a state party to this convention, Tanzania is obliged to adopt legislative measures or modify the existing laws and regulations to eliminate any kind of discrimination⁷. The purpose of making any environment accessible and disability-friendly is to promote PWDs' independence and their full participation in all aspects of life as any non-disabled peers.

As provided under the UNCRPD, the Treaty is built on the principles of inclusion, accessibility with the goal of enhancing full and effective participation of PWDs in society on an equal basis with others⁸. Denial of accessibility to any service because of disability is considered a form of discrimination. The Treaty tasks

5 Tanzania ratified the UNCRPD in 2009

6 Article 3 (c) and (f) UNCRPD

7 Article 4(1)(b)

8 Section 4

the Minister⁹ to take appropriate measures against any type of discrimination in private and public sector, and in so doing, the minister is supposed to consult PWDs.¹⁰ Article 40(1) stipulates that it is the duty of the Minister to promulgate and monitor the implementation of code of conduct prescribing accessibility of buildings for the purpose of giving guidance to public and private facilities, which have to be complied with during construction or alteration.

Unfortunately, the policy and legal instruments above are yet to be enforced at significant levels by the responsible authorities and the financial sector at large to enhance full and effective inclusion of PWDs.

Best practice in Kenya

Kenya, although its financial legal framework¹¹ does not specifically address disability special needs in financial services, as the case in Tanzania, the deliberation of the Kenya Bankers Association (KBA) to include disabilities in the strategic plan¹² is already an exemplary measure towards mainstreaming. The KBA strategized to ensure that it is putting PWD's at the center of design, identifying digital accessibility barriers in the banking industry in Kenya, and providing all customers with independent use and unlimited access to financial-service. In that view, in Kenya, the stakeholders in the financial sector have made commendable deliberate efforts to mainstream disability in financial services. In Tanzania, that is not the case. Even though there is no provision in the financial laws or policies that expressly discriminates PWDs, yet PWDs are facing barriers that limit independent use of financial services.

Recommendations

The recommendations advanced in this brief focus on reducing barriers and creating enabling environment for PWDs inclusion. The proposed actions call upon the responsible Ministry and the financial regulatory authority (BOT) to work towards disability mainstreaming.

9 Section 2 The Minister means the Minister responsible for persons with disabilities;

10 Section 5

11 Kenya Bank Act Cap 488

12 FYSP 2019-2023

1. The Ministry of Finance should review the financial institutions legislations to recognize and include persons with disabilities accessibility needs.
2. The Minister of Finance should review the Banking and Financial Institutions (licensing) regulations to include the requirement of compliance with disability accessibility standards among preconditions for financial services-licensing.
3. The Ministry of Finance should issue directives to all financial institutions to adopt inclusive financial services policy expressly providing the ways to include customers PWDs in their services to make inclusion a reality.
4. The Minister of Finance should issue directives to all financial facilities to ensure that they endeavor to train their working staffs on disability inclusion during service delivery.
5. Bank of Tanzania should issue circular guiding the licensed financial service providers to ensure the physical infrastructure are accessible and the basic information to customers are provided in disability accessible formats.
6. The Prime Minister's Office Labour, Youth Employment and Persons with disabilities should instruct the financial institutions to comply with the Law of Persons with Disabilities, 2010 requiring 3% of staff to be PWDs.
7. The Prime Minister's Office Labour, Youth Employment and Persons with disabilities should review the National Disability Policy to include accessibility to financial services.
8. The disability stakeholders in collaboration with the Ministry of Finance should conduct the financial institutions' accessibility assessment to determine the extent to which services are inclusive to people with disabilities.
9. The Bankers Association of Tanzania should consider replicating the measures by the KBA undertook as a pathway towards disability mainstreaming.

About Women in Law and Development in Africa (WiLDAF)

Women in Law and Development in Africa (WiLDAF), is a Pan African women's rights network that is dedicated to promoting and strengthening strategies that link law and development to increase women's participation and influence in the community, national, regional, and international levels. It was founded in February 1990 in Harare Zimbabwe – following the NGO forum held within the context of the UN Decade for women- and, whose theme was “Women rights and Development: Network for Empowerment in Africa”. Since then, the organization has established chapters in 26 African countries, including Tanzania, constituting over 350 organizations and 3,000 individuals who share these objectives.

About Data Driven Advocacy (DDA) Project

Data Driven Advocacy (DDA) is a five-year project which aims at improving and sustaining Tanzanian rights-focused civil society's ability to advocate for, and influence policy on key human rights issues using data and information to drive results. The project has three main objectives:

1. To create Platforms for increased cooperation and collaboration among like-minded organizations for evidence-based advocacy are strengthened
2. Civil society's abilities to collect, generate, monitor, and report independent and reliable information concerning human rights abuses are strengthened
3. Civil society organizations, networks, and key individuals can respond to urgent and unanticipated needs.

The DDA working approach is through the establishment of the Working Groups (WGs) which are ideally the networks with a mandate to convene network activities around specific thematic and advocacy agenda. The Working Group One (WG1) is convened around the issue of closing civic space to respond to and address the acute threats to freedom of expression, association and assembly while the Working Group Two (WG2) is on the rights of Women, Children, Youth and PWDs.

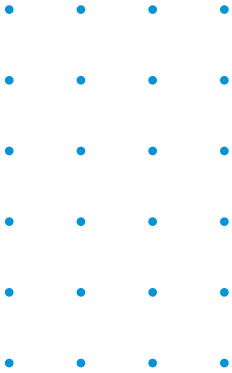
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5. Tanzania Early Childhood Development Network (TECDEN),
6. Zanzibar Female Lawyers Association (ZAFELA),
7. Tanzania Association for children Advancement (ZACA),
8. Women Legal Aid Centre (WLAC),
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