

BRIDGING THE DIGITAL DIVIDE AMIDST FINTECH DEVELOPMENTS FOR PERSONS WITH VISUAL DISABILITIES IN TANZANIA'S DIGITAL ECONOMY

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Summary

This paper examines the legal challenges affecting financial inclusion for persons with visual disabilities in Tanzania, assessing its role in poverty reduction and the realisation of socio-economic rights. It specifically analyses how the absence of accessible assistive technologies (AT) within FinTech platforms compromises the privacy and security of persons with visual disabilities, thereby limiting their safe participation in digital financial services. Tanzania has ratified the United Nations' Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol and has domesticated disability rights through the National Policy on Disability, 2004, the Persons with Disabilities Act, 2010, and article 13(4)-(5) of the Constitution, which guarantees equality and non-discrimination. Notwithstanding these commitments, existing legal frameworks remain inadequate in addressing financial inclusion as a core component of economic empowerment. Although policy initiatives such as the National Financial Inclusion Framework (NFIF) aim to expand access to financial services, they lack explicit measures to ensure the accessibility of FinTech platforms for persons with visual disabilities. Using doctrinal and comparative legal methodologies and drawing on international best practices, this study critically evaluates Tanzania's laws and policies governing digital finance. The research identifies substantial legislative and regulatory gaps in safeguarding accessibility, privacy, and security for persons with visual disabilities. It argues for the development of specialised policies and enforceable legal standards mandating inclusive FinTech design and technological accommodations to enable the meaningful participation of persons with visual disabilities in Tanzania's digital economy.

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1 Introduction

In an era characterised by rapid digital transformation, financial technology (FinTech) is fundamentally reshaping how individuals and businesses access, manage, and utilise financial services on a global scale.¹ FinTech has emerged as a disruptive force within the financial sector, driving significant shifts in traditional banking, investment strategies, payment systems, insurance models, and other financial operations.² This paradigm shift is fuelled by the integration of advanced digital tools, including artificial intelligence (AI), block chain technology, big data analytics, and cloud computing, which collectively enhance efficiency, security, and accessibility in financial transactions.³

FinTech refers to the application of innovative technology to deliver financial services in a more efficient, user-friendly, and cost-effective manner. It encompasses a diverse range of technology-driven start-ups and platforms that challenge conventional banking institutions by offering alternative financial solutions.⁴ Key FinTech services include mobile payment systems, peer-to-peer (P2P) lending, and crowd funding platforms, robo-advisory services, decentralised finance (DeFi), and international money transfer solutions. These innovations are not only redefining financial interactions but also fostering financial democratisation by bridging gaps in access to financial services, particularly for underserved populations.⁵

In Tanzania, where a substantial portion of the population has historically been excluded from formal banking systems, FinTech represents a transformative force for financial inclusion. The rise of mobile money services, such as M-Pesa, Tigo Pesa (Mixx by Yas), and Airtel Money, has been instrumental in bridging the financial accessibility gap, particularly in rural and underserved communities. These digital platforms have enabled millions to conduct transactions, save, borrow, and invest without requiring access to traditional banking infrastructure. By eliminating geographical and bureaucratic barriers, mobile money services have democratised financial access, fostering economic empowerment for individuals and small businesses alike.⁶

1 DP Macha & NM Massawe 'Financial technology in Tanzania: Assessment of growth drivers' AERC Working Paper FI-007 African Economic Research Consortium, Nairobi (2023).

2 I Bhattacharjee and others 'The rise of FinTech: Disrupting traditional financial services' (2024) 30 *Educational Administration: Theory and Practice* 89.

3 As above.

4 IA Zeidy 'The role of financial technology (FinTech) in changing financial industry and increasing efficiency in the economy' COMESA special report (2022).

5 As above.

6 AM Ally 'Regulatory oversight of FinTech in the era of artificial intelligence: Assessing consumer risks in Tanzania's FinTech sector' (2024) 1 *African Journal of Law and Practice* 127.

The introduction of mobile money (M-money) services in Tanzania in 2008 marked a significant milestone in the evolution of the country's financial sector. Since then, FinTech has profoundly transformed financial services, particularly benefitting those at the bottom of the economic pyramid.⁷ The adoption of FinTech services has revolutionised financial transactions for businesses, government institutions, and individuals in Tanzania. Today, many entities rely on FinTech solutions for sending and receiving money, settling various bills, and managing financial operations with greater ease. The widespread availability of these digital services, alongside ATM machines in traditional banks, has significantly minimised long queues, enhanced efficiency, and improved accessibility to financial resources.⁸

Beyond these fundamental benefits, the integration of AI into banking services has further elevated financial operations to an advanced level. AI-powered technologies, such as automated fraud detection, personalised financial recommendations, and chatbot-assisted customer service, have streamlined banking experiences, making them more secure, efficient, and user-friendly. Additionally, AI-driven data analytics enable financial institutions to assess creditworthiness more accurately, fostering greater financial inclusion by extending banking services to underserved populations.⁹ However, despite these progresses in financial accessibility, a considerable digital divide remains, extremely impacting persons with disabilities, particularly persons with visual disabilities. While FinTech services have played a transformative role in promoting financial inclusion, they continue to pose significant accessibility challenges for those who depend on assistive technologies (AT).¹⁰ Studies highlight key barriers such as non-adaptive user interfaces, the lack of screen-reader-friendly applications, and the absence of comprehensive digital literacy programmes tailored to persons with visual disabilities.¹¹

These challenges not only hinder financial independence but also contravene national and international commitments to inclusivity, such as the United Nations Convention on the Rights of Persons with Disabilities (CRPD).¹² Moreover, the absence of a robust legal and policy framework mandating accessibility in digital financial services exacerbates the exclusion of persons with disabilities. Regulatory bodies, including the

7 Ally (n 6) 127.

8 AM Ally 'Legal and regulatory framework for mobile banking in Tanzania' (2024) 66 *International Journal of Law and Management* 44.

9 NN Ridzuan and others 'AI in the financial sector: The line between innovation, regulation and ethical responsibility' (2024) 15 *Information* 432.

10 S Goundar & M Sathye 'Exploring access to financial services by visually impaired people' (2023) 16 *Journal of Risk and Financial Management* 96.

11 WiLDAF Tanzania 'Mainstreaming disability in financial policies and plans' Policy Brief V3 (2021).

12 UN General Assembly, Convention on the Rights of Persons with Disabilities: Resolution/adopted by the General Assembly, 24 January 2007, UN Doc A/RES/61/106 (2007).

Tanzania Communications Regulatory Authority (TCRA), have yet to implement comprehensive guidelines that ensure mobile money services are designed with universal accessibility in mind. This gap perpetuates social and economic disparities, reinforcing financial exclusion for persons with visual disabilities.¹³

As Tanzania continues to expand its digital economy, closing the digital divide must remain a policy priority. Achieving inclusive financial technology requires a multi-stakeholder approach that brings together FinTech innovators, policymakers, disability rights advocates, and technology developers.¹⁴ Key measures should include enforcing accessibility standards for mobile financial applications, integrating AT into digital financial platforms, and implementing targeted digital literacy programmes for persons with disabilities. Addressing this accessibility gap is not merely a financial inclusion issue, it is a fundamental human rights concern that demands urgent and sustained attention.¹⁵

2 Literature review

2.1 Governing theories

This article critically examines various theoretical perspectives to assess the impact of technology on the financial sector, with a particular emphasis on the role of FinTech in fostering financial inclusion while addressing the persistent barriers that contribute to financial exclusion for persons with visual disabilities. The discussion underscores how FinTech can function as an enabler rather than an obstacle, ensuring that digital financial services are accessible to all, irrespective of their physical abilities. By exploring the rights of persons with visual disabilities within the FinTech ecosystem, this analysis integrates multiple theoretical frameworks to evaluate how technology can be harnessed to create an inclusive financial landscape rather than deepening existing inequalities. These frameworks emphasise fundamental principles such as equity, social justice, technological adaptation, and regulatory oversight, each of which plays a vital role in advancing financial inclusivity.

Among the key theories and models shaping the discourse on financial inclusion for persons with visual disabilities are the Social Inclusion Theory, the Capability Approach, Financial Inclusion Theory, the Human Rights-Based Approach (HRBA), Universal Design Theory, Digital

13 WiLDAF Tanzania (n 11).

14 National Council for Financial Inclusion 'National Financial Inclusion Framework (2023-2028)' (2023).

15 GK Munyegera 'Disability, digital financial services and financial inclusion: Evidence from Rwanda' AERC Working Paper DFSP-TT-005, African Economic Research Consortium, Nairobi (2024).

Divide Theory, and the Technology Acceptance Model (TAM).¹⁶ While all these frameworks contribute to the broader understanding of inclusive FinTech, this article will specifically focus on the Social Inclusion Theory, Digital Divide Theory, and the Human Rights-Based Approach (HRBA) to critically assess their applicability in bridging the digital divide in Tanzania's FinTech ecosystem.

2.1.1 Social Inclusion Theory

Social Inclusion Theory underscores the importance of equitable access to economic and social opportunities, advocating for systems that enable full participation rather than marginalisation. In the context of FinTech, this theory highlights the necessity of ensuring that digital financial services are designed to be inclusive, particularly for persons with disabilities. Rather than reinforcing existing disparities, FinTech should serve as a tool to facilitate accessibility and financial empowerment.¹⁷ Financial inclusion refers to the provision of and access to financial services for all persons, especially those who are economically disadvantaged or otherwise excluded from the formal financial sector.¹⁸

According to Munyegera, financial inclusion plays a critical role in development by reducing poverty and economic vulnerability. However, persons with disabilities continue to face significant barriers in accessing and effectively utilising financial services, particularly digital financial platforms. Persons with physical and visual disabilities encounter unique challenges, such as difficulty in physically traveling to financial institutions, which is further complicated by the concentration of service providers in urban areas.¹⁹ For persons with visual disabilities, the barriers extend beyond physical access. They often struggle with reading and comprehending financial documents, which limits their ability to make informed financial decisions. Additionally, discrimination and stereotypes within the financial sector further restrict their access to critical services, including credit facilities. Some financial service providers deny them access to certain financial products due to misconceptions about their ability to manage financial resources.²⁰

The Social Inclusion Theory suggests the need to bridge these gaps by ensuring equal access to financial services for all segments of society. This involves implementing policies and technological innovations that accommodate persons with disabilities, such as accessible digital banking platforms, voice-assisted transactions, and inclusive financial education

16 PK Ozili 'Social inclusion and financial inclusion: International evidence' (2020) 19 *International Journal of Development Issues* 169.

17 As above.

18 As above.

19 Munyegera (n 15).

20 As above.

programmes. By prioritising accessibility in financial service delivery, FinTech can serve as a transformative force in fostering financial inclusion and reducing socio-economic inequalities.

2.1.2 *The Digital Divide Theory*

The Digital Divide Theory explores how technological advancements can intensify disparities among social groups. In the realm of FinTech, it underscores the challenges faced by persons with visual disabilities in accessing digital banking and mobile payment systems. It highlights the dual nature of technology: while it holds the potential to drive progress, the absence of robust policies and legal frameworks can reinforce exclusion and deepen socio-economic inequalities.²¹ The Organisation for Economic Cooperation and Development (OECD) defines the digital divide as the gap between different socio-economic groups, including individuals, households, businesses, and geographic areas, in their access to and use of information and communication technologies (ICT) and the Internet. As digital technology increasingly permeates various sectors of the economy, ensuring its inclusive and accessible utilisation becomes vital.²²

Persons with disabilities, particularly those with visual disabilities, encounter significant barriers throughout the digital ecosystem. Many digital tools remain inaccessible without specialised AT. Addressing these barriers requires robust policies and legal frameworks that promote equitable access and participation in the digital economy, thereby fostering social and economic inclusion. This discussion highlights the critical need for proactive measures to bridge the digital divide, ensuring that technological advancements benefit all segments of society, including those with disabilities. This approach not only promotes technological equity but also enhances overall societal well-being by leveraging the full potential of digital innovations for inclusive economic growth.²³

2.1.3 *The Human Rights-Based Approach (HRBA) Theory*

The Human Rights-Based Approach (HRBA) in the context of FinTech, guarantees that financial inclusion policies should align with human rights principles. Human rights are rooted in the recognition of the inherent dignity and equal worth of all human beings, regardless of their social background, gender, age, religion, health status, sexual orientation or other status. Every person is equally entitled to the fundamental rights

21 J Pick & A Sarkar 'Theories of the digital divide: Critical comparison' Conference paper, 49th Hawaii International Conference on System Sciences (2016).

22 As above.

23 As above.

enshrined in the Universal Declaration of Human Rights (UDHR),²⁴ and the subsequent nine core human rights treaties, such as the International Covenant on Economic, Social and Cultural Rights (ICESCR),²⁵ the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW),²⁶ or the Convention on the Rights of the Child (CRC).²⁷ These binding treaties impose obligations on states parties to respect, protect and fulfil human rights.²⁸

The integration of human rights into development programming has been an ongoing process for quite some time. Although the concept of the HRBA is relatively recent, its significance was formally acknowledged in 1997 during Kofi Annan's tenure as UN Secretary-General, when he advocated for its adoption and integration across the UN system.²⁹ In the FinTech sector, HRBA plays a critical role in ensuring that financial innovations are inclusive and equitable. The approach advocates for eliminating discrimination in financial services, guaranteeing equal access to digital payments, and reinforcing legal protections for persons with visual disabilities. This is particularly important in the digital economy, where financial technologies have the potential to either bridge or widen the existing socio-economic gap.³⁰

Lima and Pereira³¹ highlight that the ongoing debate among legal scholars regarding the scope of human rights that may be interpreted as closely linked to the emerging right to financial inclusion such as the right to microfinance, the right to credit, and the right to be free from poverty reflects a growing convergence in discussions surrounding the intersection of international human rights, economic development, and financial systems. This dialogue highlights the recognition that financial inclusion is not merely an economic issue but a fundamental human rights concern with significant implications for social justice and equitable development. At the core of this debate is the argument that access to financial services, including banking, credit, insurance, and digital payments, is essential for individuals and communities to fully participate in economic life.

24 UN General Assembly, Universal Declaration of Human Rights, 217 A (III), 10 December 1948.

25 UN General Assembly, International Covenant on Economic, Social and Cultural Rights, United Nations, Treaty Series, vol 993, p 3, 16 December 1966.

26 UN General Assembly, Convention on the Elimination of All Forms of Discrimination Against Women, United Nations, Treaty Series, vol 1249, p 13, 18 December 1979.

27 UN General Assembly, Convention on the Rights of the Child, United Nations, Treaty Series, vol 1577, p 3, 20 November 1989.

28 UNDP 'Applying a human rights-based approach to development cooperation and programming' A UNDP Capacity Development Resource, Capacity Development Group Bureau for Development Policy (September 2006).

29 AJ Loeffen and others 'A human rights based approach: A practical guide for the realisation of the human rights to water and sanitation through programming' Human Right 2 Water (2021).

30 As above.

31 D Lima & CM Pereira 'European human rights law for a digital economy: A right to financial inclusion?' (2024) 18 *Revista Direito Mackenzie* 1.

Financial exclusion disproportionately affects marginalised populations, including low-income individuals, women, and persons with disabilities, limiting their ability to improve their livelihoods, invest in education, and access healthcare. The inability to access credit or financial services perpetuates cycles of poverty and inequality, reinforcing the case for financial inclusion as a right rather than a privilege.³²

Positioning financial inclusion as a fundamental human rights issue enables legal scholars and policymakers to advocate for stronger regulatory frameworks that enforce non-discriminatory financial services, uphold ethical lending practices, and embed financial accessibility into global development agendas. This perspective not only advances financial empowerment but also contributes to reducing inequalities and fostering sustainable economic growth.³³ Integrating a HRBA into the FinTech sector is instrumental in ensuring that financial innovations are inclusive and equitable. Key stakeholders including financial institutions, policymakers, and technology developers can play a pivotal role in designing digital financial services that are accessible to all, particularly persons with disabilities.³⁴

2.2 International and regional legal frameworks

The accessibility of FinTech for persons with visual disabilities is regulated by various international and regional legal frameworks that prioritise inclusivity, non-discrimination, and equal access to digital financial services.³⁵ One of the key UN conventions that safeguard the rights of persons with disabilities, including access to FinTech, is the CRPD.³⁶ This international treaty is designed to promote, protect, and ensure the full and equal enjoyment of human rights and fundamental freedoms by all persons with disabilities. It emphasises the principles of dignity, equality, non-discrimination, and inclusion, ensuring that persons with disabilities have the same legal protections and opportunities as others.³⁷

The CRPD explicitly addresses the importance of digital and financial accessibility for persons with disabilities, particularly through several key provisions. Article 9 mandates equal access to ICT, including digital financial services such as FinTech platforms, mobile banking, and ATMs.

32 Lima & Pereira (n 31) 13-14.

33 MM Malipula & NH Msuya 'Human rights-based approach to development in Tanzania: A myth or realisable prospect?' (2024) 7 *African Journal of Social Issues* 133.

34 C D'Alessandro, K Karaki & S Bilal 'Integrating a human rights-based approach in European development finance institutions' ECDPM Technical Report, Discussion paper 353 (2023).

35 GU Ebirim & B Odonkor 'Enhancing global economic inclusion with FinTech innovations and accessibility' (2024) 12 *Finance & Accounting Research Journal* 648.

36 CV McClain-Nhlapo 'The Convention on The Rights of Persons with Disabilities: A normative tool for dismantling disability stereotypes' (2023) 8 *University of Pennsylvania Journal of Law & Public Affairs* 216.

37 McClain-Nhlapo (n 36) 216-217.

It requires states to identify and eliminate barriers that hinder persons with disabilities from accessing the physical environment, transportation, and digital services in both urban and rural settings. It also encourages the adoption of universal design principles and AT to ensure that digital financial services are accessible to persons with visual and other disabilities.

Article 12 of the Convention ensures that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life, including financial decision-making. It calls for accessible financial services, ensuring that persons with disabilities can independently manage their finances, open bank accounts, apply for credit, and conduct digital transactions without discrimination. Furthermore article 21 requires states to guarantee accessible communication, including digital banking and FinTech platforms, through alternative formats such as braille, audio, large print, and screen reader-compatible websites and applications. The Convention encourages financial institutions to adopt inclusive digital platforms that cater to the needs of persons with visual disabilities. Besides, article 27 promotes inclusive economic participation, ensuring that persons with disabilities have equal opportunities in the labour market.

The Convention recognises that access to digital financial services is crucial for supporting independent economic activity, entrepreneurship, and financial empowerment for persons with disabilities. To cement these rights, the CRPD directs governments, financial institutions, and technology developers to adopt legal frameworks that require financial service providers to: comply with accessibility standards; invest in AT that improve accessibility, such as voice-enabled banking systems, biometric authentication, and AI-driven financial assistance tools; strengthen regulatory oversight to ensure compliance with digital accessibility requirements; penalise non-compliant financial institutions; and promote public-private partnerships (PPPs) to foster the development of inclusive financial services.

The UDHR and the ICESCR provide a robust foundation for promoting financial inclusion for persons with disabilities. These legal instruments emphasise financial inclusion as a fundamental human right and affirm the responsibility of states and financial institutions to guarantee equal access to digital financial services.³⁸ Article 19 of the UDHR which guarantees the right to freedom of information, extends to financial information, emphasising that all persons including those with disabilities should have equal access to financial data, services, and tools. This is particularly relevant in the digital age, where financial transactions and banking services increasingly rely on online platforms. Ensuring accessibility in FinTech aligns with this principle by allowing persons with

38 T Degener 'Disability in a human rights context' (2016) 5 *Laws* 35.

disabilities to make informed financial decisions independently. Furthermore, article 25 of the UDHR, which recognises the right to an adequate standard of living, highlights the necessity of financial inclusion as a means of achieving economic stability. Access to financial services plays a critical role in enabling persons with disabilities to maintain financial independence, access credit, and participate in economic activities, ultimately improving their quality of life.

The ICESCR further reinforces these principles, particularly through article 11, which affirms the right to an adequate standard of living. This provision implies that access to financial services is an essential component of ensuring economic security and independence, particularly for vulnerable populations, including persons with disabilities. Without inclusive FinTech services, persons with disabilities may face barriers in managing their finances, accessing social welfare benefits, and participating fully in the economy. By embedding financial accessibility within the broader human rights discourse, the UDHR and ICESCR provide a strong legal and ethical foundation for governments, financial institutions, and technology providers to adopt inclusive digital financial solutions. Aligning FinTech development with these human rights standards ensures that technological advancements contribute to a more equitable and accessible financial ecosystem for all.

Another significant instrument in this regard is the African Disability Protocol, officially titled the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa. This ground-breaking framework is specifically designed to address the unique challenges faced by persons with disabilities across the continent. Adopted during the 2018 African Union Summit, this Protocol acknowledges and confronts the cultural, social, and systemic barriers that impact disability rights in Africa. Notably, the African Disability Protocol also upholds the right of persons with disabilities to access financial services. Article 15(1) emphasises that every individual with a disability has the entitlement to unfettered access to physical environments, transportation, and information, including communication technologies and systems and other facilities and services that are accessible to the public.

The Marrakesh Treaty,³⁹ adopted in 2013 under the auspices of World Intellectual Property Organization (WIPO), aligns with other international legal instruments and plays a vital role in improving access to published works for persons with visual disabilities. This international agreement is instrumental in fostering inclusivity and empowering persons with disabilities, particularly by enhancing their financial literacy and

39 World Intellectual Property Organisation (WIPO), Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled, TRT/MARRAKESH/001 (2013).

enabling them to navigate the complexities of FinTech services. By ensuring broader access to books and other published materials in accessible formats such as braille, audio, and digital text, the Marrakesh Treaty addresses a significant barrier faced by persons with visual disabilities. This accessibility is fundamental for fostering independence and enabling them to engage more effectively with FinTech.

In an increasingly digital world, where financial services are predominantly accessed online or through mobile applications, equitable access to information becomes even more critical.⁴⁰ Moreover, the Treaty supports initiatives that promote technological innovations tailored to the needs of persons with visual disabilities. This includes advancements in AT and digital platforms designed to facilitate seamless navigation of FinTech applications, thereby promoting financial inclusion on a global scale. In essence, the Marrakesh Treaty not only upholds the right to access information but also underscores the importance of leveraging technology to empower persons with visual disabilities, ensuring they can actively participate in and benefit from the evolving landscape of financial services and technologies.⁴¹

The 2030 Agenda for Sustainable Development, adopted by the United Nations in 2015, establishes a comprehensive global framework aimed at fostering inclusive and sustainable development. The Sustainable Development Goals (SDGs), which serve as a blueprint for achieving this vision, explicitly emphasise financial accessibility for persons with disabilities, recognising their right to participate fully in economic and social life. Goal 8 promotes inclusive economic participation, ensuring that all persons, including persons with disabilities, have access to employment opportunities, entrepreneurship, and financial services. Digital financial inclusion plays a critical role in advancing this goal by enabling persons with disabilities to access online banking, mobile payments, microfinance, and digital investment platforms. Accessible FinTech solutions, such as voice-assisted banking and screen-reader-compatible financial applications, help break barriers that traditionally excluded persons with visual disabilities from participating in the digital economy.

Goal 10 aims at eliminating social and economic disparities, ensuring that financial and economic systems are designed to cater to the needs of marginalised populations, including persons with disabilities. It encourages the adoption of financial policies that promote accessibility, including regulations that require financial institutions to implement

40 D Ferri & G Rossello 'The role of the Marrakesh Treaty in supporting access to printed material for people who are blind or visually impaired: A critical discussion of the results of an empirical study conducted in six European countries' (2023) 55 *International Review of Intellectual Property and Competition Law* 89.

41 As above.

inclusive digital platforms. It supports the development of assistive FinTech that enable persons with disabilities to manage their finances independently, reinforcing their financial autonomy and security.

To achieve these goals, governments, financial institutions, and technology providers must take deliberate steps to enhance the accessibility of digital financial services: mandating accessibility standards for all digital financial services; ensuring compliance with international best practices, such as the Web Content Accessibility Guidelines (WCAG);⁴² investing in AT, such as AI-driven financial assistants, biometric authentication, and voice-command banking, to create an inclusive digital financial ecosystem; strengthening policy and regulatory frameworks to ensure that FinTech platforms prioritise disability inclusion in their design and implementation; and expanding financial literacy programmes that cater specifically to persons with disabilities, equipping them with the skills and knowledge needed to navigate digital financial systems and encouraging PPPs to promote inclusive financial solutions that integrate disability-friendly technologies.⁴³

Furthermore, the Web Content Accessibility Guidelines (WCAG),⁴⁴ established by the World Wide Web Consortium (W3C), are pivotal in advancing the rights of persons with visual disabilities within the realm of FinTech. These guidelines establish global standards for digital accessibility, ensuring that FinTech applications, websites, and banking platforms are designed in a manner that accommodates AT. By adhering to WCAG standards, stakeholders in the FinTech sector can enhance accessibility, allowing persons with visual disabilities to navigate digital financial services independently and effectively.⁴⁵ Together, the G20's Principles for Digital Financial Inclusion⁴⁶ and the WCAG serve as instrumental frameworks in promoting inclusive practices within FinTech, fostering a more accessible and equitable financial landscape for all persons, including those with disabilities.

2.3 Best practices

Several countries, together with global policy-leadership organisations, have proactively developed policies and legal frameworks aimed at

42 C Pazarbasioglu and others 'Digital Financial Services' World Bank Group (2020) <https://thedocs.worldbank.org/en/doc/305a39cbb6f35567db78bda6709c5cd8-0430012025/original/World-Bank-DFS-Whitepaper-DigitalFinancialServices.pdf> (accessed 15 December 2025).

43 As above.

44 Web Content Accessibility Guidelines (WCAG) 2.1 <https://www.w3.org/TR/WCA-G21/> (accessed 15 December 2025).

45 D Ferri & S Favall 'Web accessibility for people with disabilities in the European Union: Paving the road to social inclusion' (2018) 8 *Societies* 40.

46 G20 High-level Principles for Digital Financial Inclusion (2016) <https://sdgs.un.org/publications/g20-high-level-principles-digital-financial-inclusion-30373> (accessed 15 December 2025).

ensuring that FinTech services are accessible to persons with visual disabilities. The overarching objective of these initiatives is to advance financial inclusion by enabling persons with visual disabilities to independently access and use digital financial services, thereby strengthening their economic participation and empowerment. As observed by the Alliance for Financial Inclusion (AFI),⁴⁷ access to formal financial systems can position persons with disabilities as active contributors to economic and social development and sustainability. Nonetheless, despite their capability and readiness to engage with financial services, persons with disabilities continue to encounter significant barriers to accessing formal financial channels. Among the challenges that cause the persistence of all these challenges including the regulatory framework, the main barriers consist of insufficient policies and standards to promote the access and usage of adaptive financial technologies, absence of alternative collateral requirements and registries, lack of incentives for financial institutions to develop services adapted to persons with disabilities, and insufficient coordination between different public and private bodies.⁴⁸

Another significant barrier is the absence of regulations against discrimination of persons with disabilities. A significant number of persons with disabilities continue to face digital exclusion and remain unconnected. Roughly 90 per cent are estimated to not have adequate access to the AT they require. In low and middle-income countries, persons with disabilities face significant challenges in obtaining assistive devices, including the cost and availability of standalone, specialised equipment. Women with disabilities experience the highest rates of digital exclusion, having less access to cell phones and limited use of mobile internet, despite the fact that connectivity allows access to information and digital services.⁴⁹

The Government of Indonesia (GoI) has taken a bold step by issuing Presidential Regulation 114/2020 regarding the National Strategy for Financial Inclusion (SNKI) as a progressive strategy to expedite financial access for all, with persons with disabilities as one of the priority groups.⁵⁰ This regulation is expected to address challenges facing persons with disabilities in accessing financial services, including the lack of disability-friendly facilities and infrastructure, low levels of financial literacy, fear of rejection when accessing financial services, and inadequate communication skills with financial institution staff. Implementing innovative

47 Alliance for Financial Inclusion 'Financial inclusion for persons with disabilities: Insights from AFI members' strategies and policies' (2023).

48 As above.

49 GSMA 'The Mobile Disability Gap Report 2021' (2021) <https://www.gsma.com/solutions-and-impact/connectivity-for-good/mobile-for-development/wp-content/uploads/2021/11/Mobile-Disability-Gap-Report-2021.pdf> (accessed 15 December 2025).

50 Asian Development Bank 'Financial inclusion in Indonesia: Summary sector assessment' (2016).

financial services, including digital financial services, can help overcome some of the obstacles faced by the persons with disabilities in accessing financial services. Some examples of these innovations include SMS banking, audio guide instructions, braille, and headphones installed at bank ATMs.⁵¹

The Bank of America has renovated several financial centres to better meet the needs of clients with disabilities, with its new specialty centres located near schools, hospitals, and neighbourhoods that cater to larger populations of persons with disabilities. Standard Chartered India launched a special sign language service proposition for hearing impaired priority segment clients. The Bank is also working on making product offering videos in sign language for savings account, term deposits, credit card, wealth offerings and loans, to enable hearing impaired clients get a better understanding of these products. Other banks such as ANZ, HSBC, and Standard Chartered seek to improve customer service for persons with disabilities by training branch staff on disability awareness, inclusive customer service and language, as well as the accessibility features of bank branches.⁵²

Thailand has also made significant strides in inclusive FinTech solutions. Kasikornbank has developed an innovative mobile application specifically designed for users with visual disabilities. This app enables seamless financial transactions through a combination of touch screen navigation, voice commands, and vibration feedback, allowing users to operate the platform without requiring visual input.⁵³ Similarly, China has embraced cutting-edge technologies to enhance digital financial accessibility. Tencent's WeBank has integrated biometric authentication, artificial intelligence-powered speech synthesis, and real-time image processing to ensure users with visual disabilities can securely and efficiently access financial services.⁵⁴ These advancements not only improve usability but also enhance security by reducing reliance on traditional input methods that may pose privacy risks.

Beyond financial institutions, some countries, including Australia, Canada, and the United Kingdom, have enacted legal requirements mandating web and digital accessibility for FinTech platforms. Website accessibility refers to the practice of making websites accessible to all users inclusive of race, nationality, religion and disability. Website accessibility

51 B Santoso 'Inclusive digital financial services for persons with disabilities: Impact on economic empowerment and financial inclusion' (2023) 10 *Indonesian Journal of Disability Studies* 105.

52 International Finance Corporation 'Inclusive banking: Emerging practices to advance the economic inclusion of persons with disabilities' (2022).

53 K Kasikornthai 'Bank of sustainability: Sustainability report 2022' (2022).

54 C Burt 'Biometrics and conversational AI power China's Tencent-backed online-only bank' (2018) <https://www.biometricupdate.com/201811/biometrics-and-conversational-ai-power-chinas-tencent-backed-online-only-bank> (accessed 15 December 2025).

includes, but is not limited to, the communication style of the text as well as the technical development of the website.⁵⁵ The Australian Human Rights Commission (AHRC) is responsible for investigating discrimination on any grounds including race, colour, ethnic origin, sexual preference, gender, marital status, pregnancy and disability.

The AHRC states that website owners are obliged to make websites accessible to everyone, without discrimination.⁵⁶ The Australian Human Rights Commission Disability Discrimination Act (DDA) mandates equal access for persons with disabilities. Websites that fail to provide accessible information are considered in breach of the DDA, making their owners liable for prosecution on grounds of discrimination. This was exemplified in *Maguire v Sydney Organising Committee for the Olympic Games*, where Maguire argued that the Sydney Organising Committee for the Olympic Games (SOCOG) had designed a website that was inaccessible to persons with visual disabilities.⁵⁷ As a result, affected users were unable to access essential information such as ticketing details, event schedules, and competition results. The court ruled in Maguire's favour, holding SOCOG accountable under the DDA and imposing a fine of \$20 000.⁵⁸

Several judicial and quasi-judicial interventions across jurisdictions have reinforced the right of persons with visual disabilities to equal access to digital services, particularly within the financial sector. In *Kuan, S & Richardson, C v Bank of America Corp* (Settlement Agreement, United States, 2014), the plaintiffs, both persons with visual disabilities challenged the inaccessibility of the Bank's website and mobile banking applications to screen-reader users. The claim, grounded in the Americans with Disabilities Act of 1990 (ADA), alleged unlawful discrimination in the provision of public accommodations through digital platforms.⁵⁹ The dispute was resolved through a settlement requiring the Bank to bring its digital services into compliance with the Web Content Accessibility Guidelines (WCAG) 2.0 Level AA, alongside the implementation of continuous accessibility testing, staff training, institutional accessibility policies, and compliance monitoring mechanisms. This settlement has since become a frequently cited authority confirming that financial institutions are legally obliged to ensure digital accessibility for persons with visual disabilities.

55 J Grantham, E Grantham & D Powers 'Website accessibility: An Australian view' Proceedings of the Thirteenth Australasian User Interface Conference (AUIC2012), Melbourne, Australia (2015) 21.

56 Grantham, Grantham & Powers (n 55) 22.

57 (H/99/115, 24 August 2000).

58 Grantham, Grantham & Powers (n 55) 22.

59 Bank of America 'Online and Mobile Security Solutions Settlement Agreement' <https://www.lflegal.com/2013/03/bofa-security-settlement/> (accessed 15 December 2025).

A parallel development emerged in *National Federation of the Blind v H&R Block Inc*,⁶⁰ where the National Federation of the Blind and individual plaintiffs alleged that the company's website and mobile applications were inaccessible to users with disabilities, including visual disabilities. The matter concluded with a consent decree under which H&R Block committed to remediating its digital platforms to meet accessibility standards and to pay compensation.⁶¹ Collectively, these cases underscore the growing recognition of digital accessibility as an enforceable component of non-discrimination and consumer protection law in the provision of technology-based services.

In the UK, digital accessibility is a legal obligation, with specific laws mandating that online content be usable by all persons, including those with disabilities. Compliance is enforced through The Equality Act, 2010 and The Public Sector Bodies (Websites and Mobile Applications) Accessibility Regulations, 2018, which establish accessibility standards, particularly for public sector digital content. These regulations safeguard the rights of persons with disabilities while imposing legal responsibilities on UK-based organisations to ensure inclusivity.⁶²

On 22 December 2016, the European Union introduced the Web and Mobile Accessibility Directive (EU) 2016/2102 under the European Disability Act, applicable to all EU member states. This directive establishes an implementation reporting procedure along with a three-year monitoring mechanism to ensure compliance. The EU enforces accessibility standards through EN 301 549 V3.2.1, also known as the Harmonised European Standard for Accessibility Requirements for ICT Products and Services.⁶³ Additionally, there is a proposed directive aimed at harmonising laws, regulations, and administrative measures across member states, setting minimum accessibility requirements for products and services in specific sectors.⁶⁴

Tanzania can also gain valuable insights from Kenya's efforts to enhance financial accessibility for persons with disabilities. Although Kenya's financial legal framework, like Tanzania's, does not explicitly cater to the specific needs of persons with disabilities in financial services,

60 No 1:13-cv-01099 (D Mass, Consent Decree, 25 March 2014).

61 M Jensen 'Breaking down four landmark web accessibility lawsuits' <https://www.audioeye.com/post/four-landmark-web-accessibility-lawsuits/> (accessed 15 December 2025).

62 A Cahais 'UK digital accessibility: Legal requirements' (2024) <https://cdpcom.com/uk-digital-accessibility-legal-requirements/> (accessed 11 March 2025).

63 Harmonised European Standard: Accessibility requirements for ICT products and services EN 301 549 V3.2.1 (2021) https://www.etsi.org/deliver/etsi_en/301500_301599/301549/03.02.01_60/en_301549v030201p.pdf (accessed 15 December 2025).

64 R Utami and others 'Digital accessibility for integrated and inclusive digital public services' (2022) 22-23.

strategic initiatives led by key stakeholders reflect a strong commitment to inclusion.⁶⁵ A notable example is the Kenya Bankers Association (KBA), which has actively integrated disability considerations into its strategic framework. By prioritising the inclusion of persons with disabilities in financial service design, KBA has systematically identified and addressed digital accessibility barriers within the banking sector. This initiative ensures that all customers, including those with disabilities, can independently access and utilise financial services. By championing universal financial access, KBA has set a model for financial institutions seeking to implement inclusive banking solutions.⁶⁶ Tanzania can build on this approach by adopting universal design principles, integrating AT such as screen readers, and formulating policies that enforce accessibility standards.

3 Methodology

This study is a product of both doctrinal and comparative legal research methods. The doctrinal approach was the primary method, involving a systematic analysis of statutes, judicial decisions, reports, scholarly publications, and model laws relevant to the selected title. The key statutes that have been analysed include: the Persons with Disabilities Act, 2010; the Electronic Transaction Act, 2015; the National Payment Systems Act, 2015; and Personal Data Protection Act, 2022. This approach enabled the interpretation and evaluation of the existing legal frameworks through statutory analysis and legal reasoning, utilising both inductive and deductive methodologies.

A comprehensive review of academic journals, conference proceedings, and other scholarly works was conducted using electronic databases such as Google Scholar to ensure the inclusion of diverse perspectives. This rigorous process contributed to a robust understanding of Tanzania's regulatory environment for persons with disabilities and FinTech. The doctrinal methodology proved instrumental in achieving continuity, consistency, and certainty in legal analysis. It facilitated critical evaluations of Tanzania's current legal landscape, identifying gaps in the existing framework and offering actionable recommendations to address these gaps while fostering innovation. To complement the doctrinal approach, this study adopted a comparative legal methodology to assess legislative advancements, jurisprudence, and legal principles in jurisdictions that have made significant strides in FinTech accessibility for persons with visual disabilities. These jurisdictions include Kenya, the United States, Thailand, China, Australia, Canada, and the United Kingdom. The analysis extended to the contributions of international

65 WiLDAF Tanzania (n 11) 4.

66 As above.

organisations such as the CRPD, the World Bank Group (WBG), the International Monetary Fund (IMF), the Global Partnership for Financial Inclusion (GPII), the International Telecommunication Union (ITU), the World Blind Union (WBU), and the Better than Cash Alliance.

This comparative analysis provided valuable insights by identifying best practices from global financial regulatory frameworks and adapting them to Tanzania's context. Examining how other jurisdictions address the intersection of technological innovation, accessibility, and regulatory oversight allowed for a deeper understanding of potential solutions to financial exclusion challenges faced by persons with disabilities. By integrating doctrinal and comparative legal research, the study provided a multidimensional perspective on the legal and regulatory hurdles affecting FinTech accessibility for persons with visual disabilities in Tanzania. The findings contribute to policy development, ensuring that regulatory advancements balance technological progress with equitable access to financial services for all.

4 Findings and discussion

4.1 Legal framework

Tanzania's legal framework governing FinTech rights for persons with visual disabilities remains underdeveloped and fragmented. To date, no specific statute expressly guarantees digital financial inclusion or imposes binding accessibility obligations on FinTech providers. Although financial technologies have expanded overall access to financial services, existing laws and regulations do not clearly require mobile banking platforms, electronic payment systems, or related digital interfaces to comply with recognised accessibility standards for users with visual disabilities.⁶⁷ Consequently, accessibility obligations are largely implied through general disability and non-discrimination principles rather than articulated as enforceable, sector-specific mandates. The following discussion elaborates on these gaps and their implications for inclusive digital finance.

4.1.1 *The Constitution of the United Republic of Tanzania, 1977*

The Constitution of the United Republic of Tanzania, 1977, establishes a fundamental legal framework for equality and non-discrimination principles that can be interpreted *ejusdem generis* to encompass digital financial accessibility for persons with disabilities. While the Constitution does not explicitly address FinTech accessibility, its human rights provisions create a strong basis for advocating for inclusive digital financial

67 Macha & Massawe (n 1).

services as a constitutional obligation. Article 13 guarantees equality before the law and explicitly prohibits discrimination on any basis, including disability. This provision can be extended to include equal access to digital financial services, ensuring that persons with visual and other disabilities are not excluded from the financial ecosystem due to technological barriers. Given the increasing digitisation of financial services, failing to accommodate persons with disabilities effectively denies them an essential aspect of economic participation and independence.

Additionally, article 11 mandates the government's role in bridging the digital divide to empower persons with disabilities. It obligates the state authority to make appropriate provisions for realising a person's right to work, self-education, and social welfare, particularly in cases of old age, sickness, or disability. This provision supports the argument that the government has a legal and moral duty to promote financial inclusion by ensuring that FinTech platforms are accessible to persons with disabilities. Without prejudice to these rights, article 11 further requires the government to provide conditions that enable every person to earn a livelihood, which in today's digital economy is increasingly dependent on access to online financial services, mobile banking, and digital payment systems.

Therefore, interpreting these constitutional provisions in alignment with international human rights frameworks strengthens the case for FinTech accessibility as a human rights issue. By legally mandating accessibility in financial technology, Tanzania can take significant steps toward ensuring that persons with disabilities enjoy full economic participation without facing structural or technological barriers. Moreover, integrating inclusive digital finance policies within the broader framework of constitutional rights would reinforce the government's obligation to bridge the financial accessibility gap and foster economic empowerment for persons with disabilities.

4.1.2 The Persons with Disabilities Act 9 of 2010

The Act was enacted with the aim of making provisions for the healthcare, social support, accessibility, rehabilitation, education and vocational training, communication, employment or work protection and promotion of basic rights for the persons with disabilities and to provide for related matters. However, while FinTech has not been mentioned, the term promotion of basic rights can be interpreted in relation to international legal instruments to bridge the legal gap within the legislation. Although section 37 is not extensive in scope, its wording underscores a crucial legal obligation: when a public body provides a service, the head of that body must ensure that the service is accessible to persons with disabilities. This

provision seeks to address and bridge existing accessibility gaps, reinforcing the broader commitment to inclusivity.

Moreover, section 38(2) specifically highlights accessibility to information, including digital content, recognising that barriers to information access significantly impact the ability of persons with disabilities to fully participate in society. This aligns with global trends in digital accessibility laws, such as the Web Content Accessibility Guidelines (WCAG), which advocate for inclusive digital environments. Ensuring accessibility to digital information is particularly vital in sectors such as education, healthcare, and public services, where timely and equitable access to information can directly affect persons' rights and opportunities. These legal provisions, while foundational, highlight the need for further legislative refinements and enforcement mechanisms to ensure that accessibility is not just a policy aspiration but a fully realised right.

4.1.3 The National ICT Policy, 2016

The National ICT Policy, 2016, was developed in alignment with Tanzania's long-term national vision statements, particularly the Tanzania Development Vision 2025. This vision acknowledges that Information and Communication Technology (ICT) is a critical enabler of social and economic transformation, fostering national competitiveness in the digital era.⁶⁸ The policy sets forth several objectives aimed at leveraging ICT for national development, among which specific objective ii and specific objective xviii are particularly relevant to inclusivity and public engagement.⁶⁹

Specific objective ii seeks to enhance public participation and awareness of ICT's transformative potential, fostering a shift towards a knowledge-based society. Meanwhile, specific objective xviii emphasises the importance of promoting gender and social diversity in ICT participation, ensuring that technological advancements benefit all societal groups equitably. Collectively, these objectives reflect the broader principle of digital inclusivity, advocating for equitable access to ICT resources and opportunities for people from all backgrounds.

However, while the policy promotes inclusive ICT adoption, it does not explicitly address FinTech accessibility for persons with visual disabilities. This omission highlights a critical gap in ensuring that marginalised groups, particularly persons with disabilities, fully benefit from digital financial innovations.⁷⁰ Given the growing significance of

68 The United Republic of Tanzania Ministry of Works, Transport and Communication 'National Information and Communications Technology Policy' (2016).

69 ICT Policy (n 68) 13-14.

70 As above.

FinTech in driving financial inclusion, it is imperative that future policy frameworks explicitly integrate accessibility considerations for persons with disabilities. This would ensure that ICT infrastructure recognised as a fundamental enabler of financial inclusion effectively supports the needs of all users, including those with visual disabilities. By embedding universal design principles and AT into ICT and FinTech ecosystems, Tanzania can foster a truly inclusive digital economy. Bridging this gap would not only align with the policy's broader inclusivity objectives but also contribute to socio-economic empowerment by ensuring that marginalised groups can fully participate in, and benefit from, the country's digital transformation.

4.1.4 National Financial Inclusion Framework (2023-2028)

The Third National Financial Inclusion Framework (NFIF3) builds upon the progress made by its predecessor (2018-2022), with a continued emphasis on increasing the usage of financial products and services. It reinforces collaboration between the public and private sectors to establish a more inclusive financial system. One of its key objectives is to address financial inclusion challenges by setting a strategic roadmap for Tanzania's financial sector over the next five years through a PPP approach.⁷¹

NFIF3 recognises the importance of expanding access to formal financial services for persons with disabilities and highlights the need for policy reforms to enhance physical accessibility and promote non-discriminatory practices. Additionally, it advocates for partnerships between Financial Service Providers (FSPs), policymakers, and disability organisations to raise awareness of the unique needs of this marginalised group. Such collaborations could drive the development of accessible financial products, including voice-assisted ATMs, screen reader-compatible mobile banking applications, and braille financial statements.⁷²

However, a significant shortcoming of NFIF3 is its lack of mandatory accessibility standards. The framework does not impose legal obligations on financial institutions to ensure that digital financial services are designed to accommodate users with visual disabilities. As a result, accessibility initiatives remain largely voluntary, dependent on the goodwill of banks, FinTech firms, and mobile money providers through corporate social responsibility (CSR) programmes rather than enforceable legal mandates. This leaves persons with visual disabilities vulnerable to exclusion from digital financial services, a critical concern given the

71 NFIF3 (2023-2028) 3-4.

72 As above.

increasing shift toward mobile banking and cashless transactions.⁷³ To truly bridge the digital divide in FinTech for persons with visual disabilities, NFIF3 should integrate enforceable accessibility regulations within its policy framework. Establishing universal design standards for financial products, enforcing compliance audits, and incentivising accessible FinTech innovations would ensure that financial inclusion is not merely aspirational but a legally enforceable reality.

4.1.5 National Payment Systems Act, 2015

The National Payment Systems Act, 2015, was enacted to regulate and supervise payment systems, oversee electronic payment instruments and electronic money, govern payment system service providers, and ensure the validity and enforceability of netting arrangements, as well as the finality and settlement of payment instructions, among other related aspects. Although section 51 of the Act focuses on regulating electronic payment systems and safeguarding consumer rights in this domain, it does not explicitly provide for persons with visual disabilities.

4.1.6 The Electronic Transactions Act, 2015

The Electronic Transactions Act, 2015, was enacted to establish a legal framework for the recognition and regulation of electronic transactions in Tanzania. The Act facilitates the use of ICT in legal and commercial transactions by providing for the admissibility of electronic evidence in judicial proceedings, the recognition and regulation of secure electronic signatures, and other related matters. These provisions are essential in promoting digital transactions, enhancing legal certainty, and fostering trust in electronic commerce and financial services.

Section 12A of the Act specifically acknowledges the validity and enforceability of digital contracts and electronic transactions, reinforcing the shift toward a digital economy. However, despite this progressive legal stance, the Act lacks explicit provisions addressing the accessibility of electronic financial services for persons with visual disabilities. The absence of legally mandated accessibility standards leaves users with visual disabilities at a disadvantage, as they rely on discretionary measures taken by financial institutions and service providers. This legal gap raises concerns about digital inclusivity and the right to equal access to financial services.

To bridge this gap, there is a need for policymakers to integrate accessibility requirements within the regulatory framework, ensuring that electronic financial services incorporate AT such as screen readers, voice-

73 NFIF3 (2023-2028) 26.

enabled authentication, and braille-friendly transaction confirmations. Aligning Tanzania's electronic transaction laws with international best practices, such as the principles of universal design and the CRPD, would foster a more inclusive digital financial ecosystem. Furthermore, regulatory bodies, including the Bank of Tanzania and the Tanzania Communications Regulatory Authority, should collaborate with financial service providers to establish binding guidelines that promote accessible digital financial platforms for all users, including persons with visual disabilities.

4.1.7 The Tanzania Digital Economy Strategic Framework 2024-2034

The Tanzania Digital Economy Strategic Framework 2024-2034 presents a comprehensive roadmap for leveraging digital technologies to drive economic modernisation, foster resilience, and promote a sustainable digital economy. This framework underscores the government's commitment to integrating digital solutions across various sectors, ensuring that Tanzania remains competitive in the evolving global digital landscape. By focusing on digital transformation, the framework seeks to expand access to digital services, enhance financial inclusion, and promote economic growth through technology-driven innovations.⁷⁴

One of the key components of the framework is Pillar Six, which prioritises the facilitation of digital transactions through FinTech for both domestic and cross-border financial activities. The government aims to broaden access to formal digital financial services, enabling a wider segment of the population to participate in the digital economy. By promoting the adoption and use of digital financial services, the framework seeks to reduce reliance on cash-based transactions, enhance efficiency, and improve financial security for individuals and businesses. However, while Pillar Six stresses the development of inclusive, secure, and sustainable digital financial services to support economic activities, it lacks explicit provisions addressing the inclusion of persons with visual disabilities in the digital financial ecosystem.⁷⁵

This oversight presents a significant challenge, as financial accessibility for persons with visual disabilities remains dependent on voluntary initiatives by financial institutions rather than legally mandated standards. To ensure true digital inclusivity, it is imperative that accessibility for persons with visual disabilities be explicitly integrated into the framework. The government should require financial service providers to incorporate AT, such as screen readers, voice-guided transaction processes, and braille-friendly interfaces, ensuring that users with visual

74 The Tanzania Digital Economy Strategic Framework 2024-2034.

75 As above

disabilities can access and navigate digital financial services independently.

4.2 Legal challenges

Despite the existence of various policies and legal frameworks aimed at promoting financial inclusion for persons with disabilities in Tanzania, significant gaps persist, particularly in ensuring full accessibility of FinTech services for persons with visual disabilities. While certain legal instruments, such as the National ICT Policy, 2016, and the Universal Communications Services Access Act, 2006, recognise the inclusion of persons with disabilities in the ICT sector, their provisions remain broad and lack enforceable mechanisms that specifically mandate accessibility in digital financial services. Similarly, the NFIF3 underscores the importance of ensuring e-accessibility to e-services, recognising diversity and inclusion factors like disability, literacy levels, geographical disparities, age, and language. However, the framework primarily comprises policy directives and aspirational goals, lacking concrete legal obligations for financial institutions and FinTech service providers. This absence of clear implementation guidelines and regulatory oversight undermines the framework's ability to effectively tackle the unique challenges persons with visual disabilities encounter when accessing digital financial services.

Section 111(1) of the Electronic and Postal Communications Act, 2010, mandates that the Minister formulate regulations to ensure electronic content meets the needs of persons with visual and hearing disabilities. However, no such regulations have been enacted under the Act to enforce accessibility standards for users with visual disabilities. This regulatory gap presents a significant barrier to financial inclusion, as it permits digital financial service providers to operate without mandatory accessibility requirements, leaving many persons with visual disabilities unable to independently and securely access FinTech platforms, mobile banking applications, and digital payment systems. Tanzania, is a state party to various international legal instruments that promote disability inclusion, most notably the CRPD. It has made policy-level commitments to ensuring equal access to services for persons with disabilities. However, it has not translated these commitments into concrete policies, legal frameworks, or regulatory guidelines that specifically enforce financial accessibility for persons with visual disabilities.

While the rights to privacy, equality, and life are recognised under Part III of the Constitution of the United Republic of Tanzania, the absence of subordinate laws to effectively enforce these rights for persons with visual disabilities in the FinTech sector remains a significant challenge. While FinTech rights and the right to life are distinct legal concepts, they are closely interconnected, particularly for persons with disabilities in Tanzania. Article 14 of the 1977 Constitution guarantees the protection of

every individual's life, and for persons with disabilities, access to FinTech is essential in realising this right particularly in ensuring economic survival, healthcare access, and overall well-being. Although FinTech is not an explicitly recognised constitutional right, its accessibility is fundamental to the enjoyment of core rights, including the right to life, for persons with disabilities. Consequently, the government has a constitutional duty to advance financial inclusion as a means of safeguarding the rights of marginalised groups.

The lack of mandatory accessibility standards in key FinTech regulations, financial consumer protection laws, and banking policies has created a systemic gap that limits the full financial participation of persons with visual disabilities. Additionally, Tanzania lacks disability-specific consumer protection regulations, particularly in the digital financial services sector. While general financial consumer protection laws exist, they fail to address the unique vulnerabilities of users with visual disabilities. For instance, The Cybercrimes Act, 2015, provides safeguards against online fraud, but it does not include provisions specifically addressing financial fraud targeting persons with disabilities. There are no legally binding guidelines that ensure FinTech service providers integrate accessible and fraud-proof digital payment solutions for users with visual disabilities.

It remains crucial to establish binding legal instruments that enforce accessibility standards in FinTech services for persons with visual disabilities. The current regulatory framework does not compel financial service providers to integrate AT, such as screen reader-compatible applications, voice-guided transaction services, and secure biometric authentication methods. To address this gap, urgent regulatory reforms are needed to establish clear, enforceable accessibility standards, supported by monitoring mechanisms to ensure compliance within the FinTech sector. Achieving genuine financial inclusion for persons with visual disabilities in Tanzania requires more than just policy acknowledgment it demands a comprehensive legal and regulatory framework that transforms inclusive financial principles into tangible, enforceable rights and obligations for all stakeholders in the digital financial ecosystem.

5 Conclusion and recommendations

5.1 Conclusion

While Tanzania has taken significant steps by ratifying international conventions and formulating inclusive policies, its failure to translate these commitments into enforceable laws and regulations has left persons with visual disabilities financially marginalised. Drawing insights from Kenya's approach and other countries such as UK, USA and Australia, Tanzania must prioritise institutional frameworks that mandate FinTech

accessibility, ensuring that disability inclusion in financial services is not merely a voluntary effort but a legal and regulatory obligation.

While Tanzania has a general legal framework supporting digital financial inclusion, it lacks specific, enforceable regulations mandating FinTech accessibility for persons with visual disabilities. The Constitution, Disability Act, and Financial Inclusion Framework provide broad protections, but weak enforcement and regulatory gaps leave persons with visual disabilities at risk of digital financial exclusion. Strengthening legal mandates, enforcing accessibility standards, and fostering multi-sector collaboration will be essential for ensuring inclusive FinTech services in Tanzania's digital economy.

5.2 Recommendations

To bridge the gap between Tanzania's strong human-rights commitments and the lack of enforceable obligations on FinTech accessibility, the following measures are proposed:

- (a) Undertake legislative reform, particularly by amending the Persons with Disabilities Act, 2010, and relevant financial sector statutes, to explicitly require digital accessibility across all financial services, in conformity with the CRPD and WCAG accessibility standards.
- (b) Enact binding regulations under the Electronic and Postal Communications Act, 2010, and the Electronic Transactions Act, 2015, mandating that mobile banking platforms, FinTech applications, ATMs, and payment systems comply with minimum accessibility requirements.
- (c) Integrate disability-specific consumer protection measures and accessibility compliance into the supervisory mandates of the Bank of Tanzania, including routine accessibility audits and the imposition of sanctions for non-compliance.
- (d) Establish formal coordination mechanisms involving the Bank of Tanzania, TCRA, organisations of persons with disabilities, and FinTech providers to collaboratively design, implement, and monitor accessible financial solutions.
- (e) Strengthen capacity through targeted training for FinTech developers and regulators on inclusive design principles, while introducing regulatory incentives to encourage early and sustained compliance with accessibility standards.