

Assessment of the realization of older persons' right to healthcare in Tanzania

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ABSTRACT

This study assesses the realisation of older persons' right to healthcare in light of international human rights standards on older persons' right to healthcare. Specifically, it examines Tanzania's international human rights obligations towards realising older persons' right to healthcare; assesses the adequacy of the legal, policy, and other measures taken to realise older persons' right to healthcare; and explores international human rights avenues for enhancing the realisation of older persons' rights. Data was collected through documentary review and field research. Documentary review involved examination of relevant human rights instruments and published scholarly materials on the right to healthcare while field research was aimed at collecting information on the other measures taken to realise older persons' right to healthcare. In terms of policy measures, the findings of the study show that government policies, including the National Ageing Policy of 2003 and the National Health Policy of 2007, commit the government to ensuring access to healthcare services by all needy older persons. The main efforts taken to implement the policies include the provision of free health insurance to indigent older persons, supporting older persons in designated government and private residences, promoting preferential treatment for older persons and increasing healthcare facilities across the country. The legal framework on older persons' right to healthcare is inadequate in part because the right to healthcare is not justiciable under the Constitution of the United Republic of Tanzania and the absence of specific legislation on older persons. Based on these findings, the study concludes that Tanzania has not taken adequate legal, policy and other measures to realise older persons' right to healthcare. To address the situation, there is a need to: review the National Ageing Policy of 2003; enact specific legislation on older persons; protect the rights of older persons in the Constitution, and make the right to healthcare constitutionally justiciable. Moreover, international human rights monitoring mechanisms, particularly state reporting, should be used to enhance the realisation of older persons' rights in the country. The Government is also advised to fully implement African and global human rights treaties which guarantee the right to healthcare and ratify and domesticate key African Union treaties on older persons' rights namely; the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa.