



EAST AFRICAN COMMUNITY

**EAC POLICY ON PERSONS WITH
DISABILITIES**

**EAC SECRETARIAT
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Acronyms

AU	African Union
CRC	Convention on the Rights of the child
CSOs	Civil Society Organizations
DPOs	Persons with Disability Organizations
EAC	East African Community
EACJ	East African Court of Justice
EADC	East African Disability Conference
EAFOD	East African Organization for Disability
EALA	East African Legislative Assembly
FBOs	Faith based Organizations
FBOs	Faith based Organizations
FVPO	First Vice President's Office
HRC	Human Rights Commission
ICBL	International Campaign to Ban Landmine
LC	Local Council
MDGs	Millennium Development Goals
MKUKUTA	Mkakati wa Kukuza Uchumi na Kupunguza Umaskini Tanzania
MKUZA	Mkakati wa Kupunguza Umaskini Zanzibars
NCPWDs	National Councils for Persons with Disabilities
NGOs	Non Governmental Organizations
OAU	Organization of Africa Union
PDOs	Persons with Disabilities Organizations
PWDs	Persons with Disabilities
UN	United Nations
UNCRPD	UN Convention on Rights of Persons with Disabilities

UNCCPR	UN Convention on Civil and Political Rights
UNEB	Uganda National Examination Board
USD	US Dollar
VUP	Vision 2020 Umurenge Programme
WHO	World Health Organization

Executive Summary

Under the Provisions of Article 120 (c) of the Treaty for the Establishment of the East African Community, the Partner States undertake to closely co-operate amongst themselves in the field of social welfare with respect to, among others, **the development and adoption of a common approach towards disadvantaged and marginalized groups, including children, the youth, the elderly and persons with disabilities through rehabilitation and provision of, among others, foster homes, healthcare, education and training.**

Article 39 of the Common Market Protocol signed in November 2009 provides for the harmonization of social policies by Partner States in the following areas:

- I. Good governance, rule of law and social justice;
- II. Promotion of equal opportunities and gender equality;
- III. Promotion and protection of the rights of marginalized and vulnerable groups;
- IV. Promotion of unity and cohesion among the people in the Community.

Aware of the UN Resolution 61/196 of the Convention on the Rights of Persons with Disabilities;

Also conscious of the Assembly's adoption of a Resolution urging Partner States to ratify the Convention; in addition to the motion seeking a Resolution of the Assembly urging EAC Partner States to implement the provisions of the said Convention passed by EALA on the 29th day of July 2009 in the 1st meeting of the 3rd session held in Dar-es-salaam in The United Republic of Tanzania) ; the EAC Secretariat together with the East African Legislative Assembly have developed a regional EAC Policy on Persons with Disabilities (PWD's).

This policy has emerged after a series of meetings and consultations the first one being the meeting of Experts on PWDs that took place from 3rd to 4th December, 2009 in Kampala. At that meeting, a preliminary analysis of the national legislations and policies, and the implementation of the UN Convention on the Rights of Persons with Disabilities was made. Delegates also identified the gaps, challenges of including Disability in the Millennium Development Goals (MDGs) and the current social protection initiatives in EAC Partner States. The meeting also identified common and emerging issues that were to be deliberated upon in the East African Disability Conference.

The policy will promote a framework for;

- i. Enhancing the recognition of the roles, contributions and potentials of PWDs in the development process.
- ii. Strengthening/developing the informal and formal community based support systems and actions for PWDs.
- iii. Recognizing that disability is not inability and providing special safety nets for PWDs.
- iv. Ensuring and improving access to rehabilitation, education, training and community sports
- v. Guiding, coordinating and harmonizing interventions for PWD's by stakeholders.
- vi. Promoting and protecting disability rights as human rights.
- vii. Promoting research on issues of PWD's
- viii. Promoting the self representation of people with disabilities in all public decision - making structures.

This policy is consistent with the following international Instruments for promotion of human rights and these are;

- i. United Nations Universal Declaration of Human Rights (1948)
- ii. International Convention on economic, social and cultural Rights (1966)
- iii. United Nations Convention on Civil and Political Rights (1966)
- iv. Convention on Elimination of all Forms of Discrimination against Women (1979)
- v. The UN Standard Rules on Equalization of Opportunities for PWD (1993)
- vi. The Convention on the Rights of PWD's (2006)
- vii. The African Charter on Human and People's Rights (1981)
- viii. Continental Plan of Action for PWD in Africa (2002)
- ix. Windhoek Declaration (2008)
- x. Common Market Protocol (2009)

The EAC policy on PWDs will promote and contribute to ensuring equality and equity. The policy will be used as a yardstick to inform other policies, programmes and sectoral plans among the EAC Partner States.

1.0. Introduction

1.1 Background

The Treaty establishing the East African Community recognizes the importance of addressing and responding to the challenges that confront persons with disabilities. Article 120(c) of the Treaty clearly spells out that the EAC Partner States shall closely cooperate in the field of social welfare with respect to among others, the development and adoption of a common approach towards the disadvantaged and marginalized groups, including children, the youth, the elderly and persons with disabilities through rehabilitation and provision of, among others, foster houses, health care, education and training. In addition, Article 102(2) also makes reference to collaboration by the Partner States in putting in place education and training programmes for people with special needs and other disadvantaged group.

The first meeting of Experts on Persons with Disabilities which took place from 3rd to 4th December, 2009 in Kampala, Uganda was a preliminary process towards the East African Disability Conference (EADC).

The meeting of Experts, organized in collaboration with the EALA General Purpose Committee, was called to provide an initial ground for delegates from Partner States 's Organs and organizations in order to make a preliminary analysis of their national legislations and policies, and the implementation of the UN Convention on the Rights of Persons with Disabilities. Delegates also identified the gaps, and challenges of including Disability in the Millennium Development Goals (MDGs) and the current social protection initiatives in EAC Partner States.

The meeting identified common and emerging issues to be deliberated upon in the East African Disability Conference.

The overall goal of the Conference was for the relevant departments of the EAC Secretariat, EALA Members, Partner States, Civil Society, Organizations of Persons with Disabilities and Experts on the rights of Persons with Disabilities **to put into place a mechanism for engagement** towards the improvement of the status of PWDs in the region.

2.0. Situation Analysis

2.1 Socio- Economic Analysis

2.1.1 Economic

The majority of people with disabilities live in an economic quagmire and constitute a big segment of those who live below the poverty line and unable to afford the basic necessities of life.

It is clear that poverty and disability are closely linked. Disability is both a cause and a consequence of poverty. Disability in majority of cases exposes people to limited livelihood opportunities, which consequently lead them into a state of chronic poverty and vulnerability.

Many times PWDs are excluded or unable to benefit from socio-economic programmes that would otherwise alleviate their poverty.

2.1.2 Social

According to the World Health Organisation (WHO) and the World Bank estimates of 2011, Persons with Disabilities constitute at least 15% of the global population. In the context of the EAC region, this percentage would translate into at least 18 million persons with disabilities. However, this average percentage could in fact be higher in Africa because of conflict-induced disability. More acutely for Africa, people with disability tend to belong to the poorest strata in society. It is estimated that on average, less than 2% of People with Disability in Africa enjoy primary school education and that there are no real opportunities for rehabilitation.

As a consequence, people with disabilities are invariably marginalized and excluded from both the formal and informal job market. At the same time, women with disabilities are particularly vulnerable to gender based violence. In this light, the challenge confronting policy and law formulation to promote, protect and safeguard the rights of persons with disabilities needs to be viewed in a broader context beyond a single piece of legislation. The AU was able to appreciate this fact when it adopted the Protocol on the Rights of Women in Africa which came into force in November, 2006. The Protocol provides a legal basis for broad protection for women's human rights including sexual and reproductive rights.

Persons with Disabilities are usually assumed not to have any legal rights. There are themselves ignorant of the existence of such rights. Others purports to act on behalf of PWDs, which at times lead to exploitation, abuse or misrepresentation of their interests. In fact, the judiciary and law enforcement Agencies are insensitive to the needs and concerns of PWDs due to lack of training. Therefore, there is a need to sensitize and educate the public, especially the Judiciary, Law Enforcement Agencies and Legal practitioners on the rights of PWDs.

2.1.3 Environment

A person's environment has a huge impact on the experience and extent of disability. Inaccessible environments create disability by creating barriers to participation and inclusion. Examples of the possible negative impact of the environment include:

- a Deaf individual without a sign language interpreter
- a wheelchair user in a building without an accessible bathroom or elevator
- a blind person using a computer without screen-reading software.

Health is also affected by environmental factors, such as safe water and sanitation, nutrition, poverty, working conditions, climate, or access to health care. As the World Health Organization (WHO) Commission on Social Determinants of Health has argued, inequality is a major cause of poor health, and hence of disability.

The environment may be changed to improve health conditions, prevent impairments, and improve outcomes for persons with disabilities. Such changes can be brought about by legislation, policy changes, capacity building, or technological developments leading to, for instance:

- accessible design of the built environment and transport;
- signage to benefit people with sensory impairments;
- more accessible health, rehabilitation, education, and support services; and
- more opportunities for work and employment for persons with disabilities.

Environmental factors include a wider set of issues than simply physical and information access. Policies and service delivery systems, including the rules underlying service provision, can also be obstacles to PWDs.

2.2 The Continent and Beyond

Whilst the EAC has lagged behind in promoting a regional policy and law to govern people with disability, both United Nations and the African Union have made significant headway in the direction. It has been recognized internationally and within the African Union framework that persons with disabilities have equal human, civil, political, social, economic and cultural rights. "People with disability" have also received an extensive definition covering disability by physical, intellectual and sensory impairment, medical conditions and mental illness. These conditions may be either permanent or transitory in nature.

In this context the United Nations General Assembly in 1975 adopted a Declaration, which defined the term "disability" and conferred social, economic, civil and political rights on people with disability. In addition, the UN has adopted several Declarations and Conventions which encapsulate disability rights and protection of persons with disabilities against discrimination. The UN Convention on the rights of persons with disabilities was adopted in December, 2006.

At the level of the African Union, the 1981 African Charter on Human and Peoples Rights provides under Article 18(4) that disabled persons have the right to special measures of protection, and under Article 16(1) the Charter spells out that every individual shall have the right to enjoy the best attainable state of physical and mental health.

On 3rd December, 1999 the then OAU declared the African Decade of Persons with Disabilities (1999 – 2009). A Continental Plan of Action was drawn up in Addis Ababa in 2002 to serve as a guideline for African Union Member States in the formulation of their programmes on disability issues. The Action Plan outlined 12 objectives which the African states' governments in cooperation with civil society were to implement during the decade.

In 2003, the Secretariat for the Decade of Persons with Disabilities was established by the AU the African Rehabilitation Institute and a number of continental disability organizations and hosted by the South African Government, with a mandate of facilitating the AU Continental disability organization for the disability decade. The mission of the Secretariat is to empower governments, Disability Steering Committees, Disabled Peoples' Organizations and development institutions to work in partnership to include disability and persons with disabilities into policies

and programmes cutting across all sectors of societies in Africa. The Decade was recently extended for another ten years (2009 -2019).

Additionally, it is significant to note that African Ministers responsible for Social Development met in Windhoek on 31st December, 2008 and adopted the Windhoek Declaration, which extended the AU Continental Decade of Persons with Disabilities that calls upon all AU Members States to empower and provide persons with disabilities with equal opportunities, safeguarding their rights and enlisting their participation and mainstreaming them in all development programmes.

2.3 Regional Analysis

While all the Partner States have either a policy or law on the rights of PWDs, the EAC and the East African Legislative Assembly (EALA), both recognize the importance of developing a regional policy and law to promote and protect the rights of PWDs. This is also in line with the UN Convention on the Rights of PWDs (herein referred to as the Convention) at the international level. The interests of the PWDs have also been taken into consideration at the Africa regional level by the Organization of African Union (OAU) declaration of the African Decade of Persons with Disabilities (1999-2009). This was followed by the development by the African Union (AU) of the Continental Plan of Action in 2002, to serve as a guideline for AU Member States in the formulation of programmes on disability issues.

2.3.1 Tanzania

Efforts to address the needs of persons with disabilities have a history in Tanzania. Since independence in 1961, Tanzania has been striving through different ways, to provide services to people with disabilities. It was not until 1975, when the ruling party (TANU) in its circular addressed to all Regional Commissioners directed that services to people with disabilities should be provided in their communities, except where persons with disabilities had no supportive

relatives. Following, the socio-economic and political changes in 1981, the government recognized the importance and necessity of adopting special measures for persons with disabilities particularly in towns, for those who had no family or community on which they could depend on. A bulk of responsibility was vested with the department of Social Welfare – Tanzania mainland and in Zanzibar, since 2004 disability issues were regarded as a human right issue and transferred to the First Vice President’s Office (FVPO).

According to the National Bureau of Statistics (2008), the total population of Tanzania was estimated to be 40.6 million , up from 12.3 million and 34.5 million in 1967 and 2002 respectively. Up to 3.2 million Tanzanians (7.8%) of population aged 7 years and above have some form of activity limitation and up to 5.4 million (13.2%) are affected with one form of disability or another. The prevalence is higher in rural areas (8.3%) than in urban areas (6.35) and tends to increase with age. Disability prevalence in Tanzania mainland is higher (13.3%) than Zanzibar (9.3 %).

Subsistence agriculture and self employment is the mainstay of people with disability. Up to 72.3 percent of households headed by persons with disabilities depend on income from subsistence agriculture and 14.5 percent depend on self employment compared to 65.0 percent and 21.3 respectively for those without. With this statistics, Persons with disabilities are likely not to benefit from the implementation of Common Market Protocol. Other major challenges facing the group of people with disabilities are access to transport, information, problems with attitudes of others at home, school and at work, inaccessibility to public services/ premises, poverty and inadequate representation.

a. Legislation:

- The constitution of the United Republic of Tanzania;
- The Protocol of the UN Convention has been signed and ratified;
- The Disabled Persons Employment Act of 1982;

- Zanzibar Persons with Disabilities (Rights and Privileges) Act No.9 of 2006; The Act established Zanzibar National Council for Persons with Disabilities (ZNCPWDs); which is an autonomous body responsible for disability issues.
- The Disabled Persons (Care and Maintenance) Act of 1982;
- Persons with Disabilities Act of 2010 which came in as a result of Tanzania signing and ratifying UNCRPD in 2006;
- The Government also gives official recognition to the Disabled Persons Organizations DPOs; and
- The Government Notice No. 464 of 1995 Disabled (Employment) Regulations.

b. Policies/Strategies:

- National Strategy for Growth and Poverty Reduction, 2010- 2015 (MKUKUTA II);
- Zanzibar National Growth and Poverty Reduction Strategy, 2010- 2015 (MKUZA II);
- National Disability Policy of 2004 and the Cabinet Paper No. 19 of 1981;
- The Zanzibar Disability Development Policy of 2004;
- The Zanzibar Education Policy: Transition Towards Inclusive Education of 2006; and
- National Disability Mainstreaming Strategy; 2010- 2015.

c. Programmes:

- The National Steering Committee on the Africa Decade was established in 2008, to ensure that issues of PWDs and other groups are taken into consideration in the development process.
- The Government has reviewed cost sharing guidelines to ensure a positive environment for PWDs to access health services.

- The Mother to Child Health Programme is in place as an early intervention initiative for children with disabilities.
- The Local Government authorities have embarked on raising awareness and changing attitudes about albinos, using Social Welfare Officers in the regions and districts.
- Vocational Training and entrepreneurship skills are under taken to empower people of various categories of disabilities, to engage in productive life and access micro credit.
- The Social Welfare Institute in Tanzania trains social welfare Officers responsible for PWDs.
- There are programs on community based care which involve the provision of seed money for income generation; assistive devices and the resettlement of PWDs who are able and willing to be integrated in the community, are in place.
- There are 43 Rehabilitation Centers which offer Treatment and Care for PWDs in the country. These include the Lions Club and the Comprehensive Community Based Rehabilitation in Tanzania;
- Education Development Programme;
- The Zanzibar Disability Development Fund;
- Muslim Teachers' Training College, inclusive Education Department;
- Inclusive Education Programme; Zanzibar;
- Special Needs Teachers' Training College of Patandi, Arusha; and
- There are Focal Points in every Ministry in Zanzibar for Coordination of PWDs issues.

d. Challenges

- Inadequate participation of the PWDs in planning and decision making processes;
- High rate of poverty among PWDs particularly in rural areas;
- Traditional practice of begging by some PWDs especially in urban areas;
- Poor implementation of the existing laws and policies regarding disability issues;
- Stigmatization and discrimination of PWDs;
- Lack of awareness on disabilities issues to parents, communities, law enforcement Agencies and decision makers;
- Inadequate capacity building of PWDs and staff working with PWDs;
- Inaccessible environment (poor infrastructure, buildings, transport);

- Inadequate employment opportunities and education;
- Inadequate funds to coordinate disability issues;
- Lack of adequate data and information on disability issues;
- Stigma of PWDs both in rural and urban areas;
- Lack of access to information in appropriate format; and
- High illiterate rate among PWDs.

e. Recommendations

- Government to provide sufficient funds and human resources for addressing disabilities issues.
- Self representation of PWDs in disabilities issues at all levels including those of decision making processes.
- Enhance awareness campaigns on PWDs to the communities, Families, care givers, Professionals, leaders including decision makers
- Advocate for inclusive society.
- There is need for a coordination mechanism for the implementation of policies and legislation. This will help in the institutionalization and the mainstreaming of disability concerns.
- The Government should conduct disability surveys for evidence based planning.
- Identify issues of disability and mainstream them in policies and projects of EAC

2.3.2 Rwanda

a. Legislation

- Constitution provides for the creation of National Council of Pwd's,
- Parliament enacted law for establishment of the Council (2011)
- Prime Minister's decree put in place organization structure of the Council (2011)
- The adoption of the Law to Protect the Rights of PWDs (2007);
- The UN Convention on the Rights of PWDs (December 2008) has been ratified.

b. Policies and strategies

The following are in place;

- A national policy for PWDs;
- A policy on Special needs Education;
- Economic Development and Poverty Reduction Strategy: PWDs are included;
- A social Protection Strategy: PWDs are included;
- A comprehensive Policy of Special Needs Education has been developed and focuses on 'Inclusive Education' as an ideal educational model,

c. Programmes

- Disabled people are integrated in the national development programmes such as Ubudehe Programme and Vision 2020 Umurenge Programme (VUP). VUP and Ubudehe are the programmes aiming to reduce poverty and accelerate development.
- PWDs receive vocational training and they are trained in income generating activities;
- Affirmative action in institutions of higher learning;
- Vulnerable PWDs receive medical insurance free of charge.
- They also benefit from housing programs for the most poor;
- They are also encouraged to participate in cooperatives;
- PWDs are represented in National Assembly and EALA;

d. Challenges

- Mindset and social attitudes towards PWDs ;
- Lack of self-esteem of PWDs;
- Lack of sufficient financial and human resources to execute the programmes;
- People with visual and hearing impairment continue to lack access to information;
- Some children with disabilities miss out on education because of the ignorance of their parents.

Recommendations

- Promote social entrepreneurship targeting vulnerable people, particularly PWDs in order to promote active participation of PWDs in national development;
- Set up strategies and mechanisms on building self-esteem and on fighting a bad behavior of begging among PWDs;
- Promote partnership and cooperation between organizations representing PWDs in Partner States;
- Demonstrate and celebrate the abilities and achievements of PWDs in order to build more confidence and self-esteem, and to reduce marginalization;

2.3.3 Kenya

In February 2010, Kenya inaugurated the African Rehabilitation Institute which is an African Union specialized Agency for Disability prevention and Research in the Continent – the East African Region Office serves 12 countries that include; Uganda, Kenya, Tanzania, Rwanda, Burundi, Sudan, Djibouti, Ethiopia, the Comoros, Somalia, Seychelles and Eritrea. The office provides a unified approach to issues of disabilities in all aspects such as the exchange of information, organising for products in the field of rehabilitation, disability prevention and the analysis of national policies and laws for PWDs.

There are 7 million PWDs as per the Kenya National Disability Survey of 2008. The PWDs are disproportionately represented among the poor and tend to be poorer than their counter parts without disabilities.

a. Legislation:

- Kenya was the 27th Country to ratify the Convention on the Rights of Persons with Disabilities (CRPD) on the 19th May, 2008;
- The Constitution of Kenya, 2010 provides a firm foundation for policy and legislation on disability in accordance with the universal standards for the promotion and protection of fundamental human rights and freedom for PWDs.

- The PWDs Act of 2003 was enacted in December 2003 and came into effect on 16th June 2004.
- The Act established the National Council for Persons with Disabilities; which is an autonomous public body responsible for disability issues. The Act similarly established the National Development Fund for Persons with Disabilities which was operationalised in November, 2009. The Government appoints the Board of Trustees to the National Development Fund for Persons with Disabilities and funds it to channel out financial support to individuals and institutions in accordance to the Persons with Disabilities Act of 2003.
- In addition, the Government is endeavor to mainstream issues of disability in National Development; in 2009 it introduced Disability Mainstreaming Indicator for the Public Sector Performance Contracting Guidelines.
- There are also regulations that provide for the PWDs "access compliance" for all buildings in the next five years and for all public vehicles with effect from January 2010.
- There is the Children's Act No. 8 of 2001 and the Employment Act of 2007 both of which outlaw discrimination against PWDs.
- The Sexual Offences Act of 2006 extends special protection to PWDs.

b. Policies:

The following policies are currently in place to provide for the wellbeing of PWDs;

- National Strategy for Development, Vision 2030;
- The National Children's Policy of 2007;
- National Policy on Special Needs Education of 2007;
- The National Policy on Ageing and older persons of 2007; and
- The National Policy on PWDs of 2006.

c. Programmes:

- With the creation of a National Development Fund for PWDs, the Government availed 2.7m USD to the Fund in FY 2009/2010, which has increased to 7.9 million USD in FY 2011/2012 and will continue to increase in the future;
- The Programme on Special Protection was piloted in 33 districts and targets the elderly persons, including those with disabilities. In addition, the Government has specifically inaugurated a Programme for Cash Transfer to persons with severe disabilities in all Constituencies irrespective of age;
- One of the oldest Trust Fund in Kenya established in 1981, the National Fund for the Disabled of Kenya, whose patron is the president, currently receives 0.8 million USD annually from the Government to enhance provision of appliances, equipment, economic empowerment and institutional infrastructure for PWDs;
- Voluntary Testing and Counseling Services providers are trained to be sensitive to PWDs;
- There are 14 National Rehabilitation Centers established throughout the Country to provide training to PWDs in Vocational Skills; and
- In 1986 Kenya Institute for Special Education for the training of teachers for special needs education was established.

Challenges:

- There is low awareness and education on disability which results in low attitudinal change;
- There is limited access to affordable devices and services;
- There is a contrast between the rural and urban PWDs, in terms of access to resources and the standard of living;
- Women with disabilities have been sidelined from the mainstream women's movement and as a result services like reproductive health are inaccessible and wanting;

- The access to free education for all has not been realized by Children with Disabilities because of the disability costs that they face in terms of travel, access to appropriate teaching materials and accessibility to buildings;
- Generally the public transport sector poses a big challenge to PWDs both in towns and rural areas as most of them are privately owned and not disability friendly;
- The judiciary and the Law enforcement Agencies generally, are insensitive to disability concerns of access to justice;
- Unemployment is very high amongst the youth with disabilities, whether they are literate or illiterate; and
- The implementation of the policies and legislation has been found to be wanting, because of lack of representation of PWDs at the formulation stages and lack of education and awareness on disabilities.

Recommendations:

- There is need for a coordination mechanism for the implementation of policies and legislation. This will help in the institutionalization and the mainstreaming of disability concerns;
- The three arms of the Government should all be involved in the mainstreaming of PWDs. The emphasis has been on the legislature and Executive, but the Judiciary has been left out. The Courts are inaccessible and the Judicial Officers are not trained on disability matters and laws;
- With the existing devolved Governments at the Counties, resources both human and financial should be tricked down in order to provide services to the PWDs in rural areas.
- Budget allocations and other resources (human/ technical), affecting disability are very minimal. Development partners need to integrate the mainstreaming of PWDs as a priority development agenda, to facilitate effective implementation;
- There should be regular Census updated data, on PWDs including the categorization of disability; and
- There is need to have Disability Focal Points in strategic positions in all the Government Ministries and Departments.

2.3.4 Uganda

The Current population of PWDs in Uganda is 3.3million which is 10% of the general population. It therefore calls for recognition and inclusion of PWD's into the development process of the country. The policy and legal instruments addresses mainstreaming disability issues in different national programs.

a. Legislation:

- The 1995 Constitution makes provision for PWDs.
- The People with Disabilities Act 2006.
- Children's Statute of 1996 which emphasizes the non discrimination of children with disabilities.
- Parliamentary Elections Statute of 1996 provides for 5 representatives of PWD's in Parliament; at least one of whom should be a woman, and the use of a sign language where applicable.
- The Uganda Communications Act of 1997 provides for development of techniques and technologies that facilitate accessibility to communications services by PWD's.
- The Land Act of 1998 provides that any transactions on customary land that discriminates on PWD's shall be null and void.
- The Foundation of the Blind Act of 1959.
- The Local Government Act Cap 1997 gives PWDs seats at all levels of Local Governments.
- The Equal Opportunities Act 2008.
- The Uganda Truck and Road safety Act of 1989 – PWDs should not be denied driving permits on the basis of disability.

b. Policies:

- Uganda ratified the UN Convention on the rights of PWDs in 2008, therefore the Disability Act. Of 2003 is to be reviewed in line with this Convention;

- Uganda developed a National Policy on Disability in 2006 to meet the concerns of PWDs. The policy is in line with the international instruments and the ILO Convention 159;
- The policy on Universal Primary Education prioritises for children with disabilities ; and
- The Universal Secondary Education policy also provides for PWDs.

c. Programmes:

- Training in Vocational Rehabilitation targeting the youth and adults who are non-literates.
- The National Community Based Rehabilitation uses a comprehensive approach that targets PWDs and their families and communities.
- A special programme on Victims' assistance to cater for land mine and explosives survivors.
- There is a coordination mechanism which brings together all the organizations working with PWDs to streamline their work.
- There is a Disability Desk in the Ministry of Health
- There is a department in charge of PWDs in the Ministry of Gender, Labor and Social Development and the Minister of State in charge of disability and elderly persons.
- The Special Needs Education response in UNEB in place.
- The Government also provides for affirmative action for PWDs entering higher institutions of learning under which they are given 1.5 extra points.
- Special grants for PWDs
- Literacy program for PWDs.
- The guidelines for Civil works has been developed and distributed to all stakeholders to implement the Act.

d. Challenges

- The Vocational Rehabilitation is limited in capacity and expensive to maintain.
- Negative attitudes on disability still prevail and parents still hide children with disabilities.

- Inaccessible environment standards as a hindrance to PWD's.
- The Building Control bill is being discussed.
- There is limited awareness on disability issues
- PWDs cannot access employment quite easily.

e. Recommendation

Uganda would like to propose a structure to be put in place at the East African Region to follow up these matters and ensure that the policies and laws are properly implemented.

2.3.5 Burundi

With regard to Burundi, there are no reliable and updated figures of persons with disabilities. However the recent general census has estimated that people with severe disabilities are 4.5% of the total population. It is worth noting that even though the country has not ratified the UN Convention on the Rights of PWD's, it has signed it and the process of its ratifications is on track.

a. Legislation:

- The Constitution prohibits discrimination of any kind and emphasizes on equal opportunities for all. Currently, there are plans to amend the existing Constitution to make the necessary provisions for marginalized groups.
- The Government signed the UN Convention on PWDs and its optional protocol in April, 2007 and it is now in the process of being ratified. Plans are underway to ensure the domestication of this Convention once it is ratified
- The Government officially recognizes Persons with Disability Organizations.
- The Universal Primary Education Act makes enrollment mandatory to school for all children including children with disabilities.
- The Act establishing Independent Human Rights Commission provides for HRC to follow on issues of PWD's.

b. Policies/Strategies:

- Vision 2025 highlights disabilities needs among other Vulnerable persons;
- Action Plan of African Decade of PWDs has been developed and National Steering Committee was established in 2008.
- National Policy on Orphans and other Vulnerable Children takes into account Disabled Children.
- Action Plan of Community Based Rehabilitation has been developed to integrate PWDs in the Community.
- National Action Plan on Landmine and other Explosives victim's Assistance; which uses a comprehensive approach that targets also PWDs, their families and the community.
- National Strategy on Socio-economic Rehabilitation of conflict affected persons includes also conflict induced disabilities
- National Strategy on Street Children targets children with disabilities and other street beggars with disabilities.
- Poverty Reduction and economic Growth Strategic Framework takes into account PWDs

c. Programmes:

- The Ministry of Social Affairs provides programs for PWDs through the Department of Social Integration;
- There exists a coordination mechanisms which brings together PWDs, DPO's, Line Ministry, PWDs Centers to network.
- There are institutions, both public and private, that provide apprenticeship training for PWDs in dress making, welding, painting and joinery;

- There is a Center that makes prosthesis and other mobility equipment to help the PWDs readapt to life. PWDs get them free of charge.
- There are also plans to establish a national multi functional centre for all categories of PWDs;
- The Government has also increased the budgetary allocation on PWDs by five times to support their programs among others vocational trainings and entrepreneurship to allow PWDs to engage in productive life and access to micro credit and housing;
- To organize PWDs in cooperative for income generating activities;
- HIV&AIDS intervention strategies targeting specifically PWDs;
- A program to support those with sensory disabilities (the deaf, blind and dumb) is underway.
- Free Pre-natal and Post-natal vaccination and consultation services
- DPO's and centers for PWD's receive annual budgetary allocations as subsidies in addition to settlement of their water and energy bills.

Challenges

- The non ratification of UN Convention on PWDs has delayed the enactment of the law for PWDs as well as the development of the national disability policy.
- Some children with disabilities miss out education because of the ignorance of their parents;
- Negative attitude on disability still prevails and parents still hide children with disabilities;
- There is little awareness on disability issues to the communities and leaders at all levels including decision – makers.

Recommendations

- To conduct the Disability Survey/ Census which includes the categorization of disabilities;

- Burundi should ratify the UN Convention on the rights of PWDs;
- To set up strategies on building self-esteem and fighting the behavior of begging among PWDs; and
- Capacity building and awareness raising on issues of Disabilities towards Policy-makers, leaders, communities and PWDs themselves

3.0. Rationale

Including disability in mainstream society and mainstream development programmes has the result that persons with disabilities are no longer dependent on caregivers but (deemed) capable of making their own decisions for life. It is important to include the opinions of several groups of persons with disabilities in the stages of the development process to find out in what way their needs would be served best. Increased participation in designing and implementing services and providing information by persons with disabilities and DPOs leads to more effectiveness, ownership and sustainability.

Of course, the ultimate goal is empowerment, so that people with a disability can stand up for themselves.

The EAC policy on PWDs promotes and contributes to ensuring the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities and to promote respect for their inherent dignity. The policy will inform other policies, programmes and sectoral plans among the EAC countries. It will promote a framework for;

- Enhancing the recognition of the roles, contributions and potential s of PWD in the development process.
- Strengthening/developing the informal and formal community based support systems and actions for PWDs.
- Recognizing that disability is not inability and providing special safety nets for PWDs.
- Ensuring and improving access to justice, rehabilitation, education, training and community sports
- Guiding, coordinating and harmonizing interventions for PWD's by stakeholders.
- Promoting and protecting disability rights as human rights.
- Promoting research on issues of PWD's

- Promoting the self representation and participation of people with disabilities in all public decision making structures.

- This policy is consistent with the following international Instruments for promotion of human rights and these are;
 - United Nations Universal Declaration of Human Rights (1948)
 - International Convention on economic, social and cultural Rights (1966)
 - Convention on Elimination of all Forms of Discrimination against Women (1979)
 - The UN Standard Rules on Equalization of Opportunities for PWD (1993)
 - The Convention on the Rights of PWD's (2006)
 - The African Charter on Human and People's Rights (1981)
 - Continental Plan of Action for PWD in Africa (2002)
 - Windhoek Declaration (2008)
 - Common Market Protocol (2009)
 - The Convention on the Rights of the Child (1989)
 - The UN Convention on Civil and Political Right (1966)

4.0. Guiding Principles

4.1 Human Rights Based Approach

In implementing this policy, the Human Rights Based Approach shall be used. This will ensure that all legislation and programming at the Secretariat and partner states will enhance the rights of PWD's

4.2 Non-discrimination

Underlying this process is the conscious departure from the ethos of charity to human rights and development approach to disability concerns. Whereas humanitarian interventions cannot be ruled out from time to time, human rights based approach demands that disability be considered as a planning tool in our development agenda and not to be left to charity. The approach provides for protection from discrimination based on real or apparent grounds.

4.3 Participation

PWD's and their care givers shall be fully involved in the decision making process at the formulation, implementation of policies and legislations that directly affect their well being and inclusion in society, at the monitoring and evaluation level of their programmes.

4.4 Mainstreaming

Persons with disabilities are part and parcel of the society. They should be fully included in all aspect of life and their special needs be met within their communities instead of being isolated by institutional service delivery approaches.

4.5 Accessibility

The provisions of this policy call for consideration of accessibility as a cross cutting concern. Accessibility should remain an underlying consideration in the built environment, public transport, communication and information services.

4.6 Equalization of Opportunities

Persons with disabilities have throughout history been disadvantaged by limitations imposed by their impairment. They have not benefited from available opportunities like the rest of society. Although it is difficult to fully compensate their lost capacities, measures provided in this policy document ensure that they are accorded opportunities on an equal basis with others, including through affirmative action.

4.7 Gender responsiveness

The Secretariat will ensure that issues that affect both men and women PWD's, girls and boys youth and the elderly with disability are included in planning and implementation of programmes. The policy will ensure that affirmative action be applied where imbalances exist.

4.8 Dignity and Respect

PWD's shall be treated with dignity and respect by their families and service providers irrespective of their sex, age, social-cultural and economic status.

4.9 Multi-sectoral approach

This will involve building and strengthening partnerships and networks with different sectors, private sectors, CSO's DPOs and development partners for effective and efficient service delivery to PWD's at all levels.

4.10 Equity and Social Choice

Recognition that all persons are equal before the law; and are entitled to equal treatment and benefits for the laws.

4.11 The Governments of EAC

The State Parties shall ensure that families and care givers for PWDs are provided with basic needs such as food, clothing, housing, education, health, love and care and other basic services that promote and protect the rights of PWD's.

4.12 Good Governance and Accountability

This principle will promote effective governance through democratic processes at all levels. PWD's shall be able to demand and hold service providers accountable on matters that affect them and the communities at the same time be held responsible for their actions.

4.13 Capacity Building

The capacity of PWD's, DPOs, families, care givers, communities and service providers shall be enhanced for effective planning, implementation, monitoring and evaluation of programmes at all levels.

5.0. Vision, Mission, Values and Objectives

5.1 Vision

A society that is fully inclusive and provides equal opportunities and access to services for all persons with disabilities.

5.2 Mission

To provide an enabling environment for the empowerment of PWDs to enable them effectively participate in and benefit from the development initiatives.

5.3 Goal

To achieve equal treatment , social inclusion and empowerment of PWDs

5.4 Values

1. Human dignity, equity, social justice, inclusiveness and protection of the minority and marginalized.
2. Consultative, participatory and consensus based
3. Gender and disability sensitivity
4. Innovative and specialized
5. Transparency, accountability and cost effectiveness

5.5 Objectives

The objectives of this policy are;

- i) To provide a framework for legislation, co-ordination and programming for PWD's
- ii) To establish a regional coordination forum
- iii) To mainstream issues of PWDs in programs, policies, plans and M & E systems
- iv) To establish mechanisms for promoting community based support systems

- v) To provide opportunities for strengthening capacities of PWD's and their families, care givers and DPOs to harness their maximum potential
- vi) To establish a sustainable funding mechanism for PWDs at the EAC level
- vii) To influence the ratification of the UNCRPD by all Partner States and the EAC as a block

5.6 Strategies

The policy will be operationalised through the following strategies;

- i) The rights of persons with disabilities are enshrined in the EAC treaty and protected by appropriate legislation on disability.
- ii) Review all existing EAC legislation to ensure that they are disability focused
- iii) Research, documentation and dissemination on best practices and experiences for replication and scaling up interventions by all actors at all levels;
- iv) Sensitize all stakeholders and policy makers via mass media, reports, publications and any other communication strategy to enhance awareness on PWDs issues including gender, children, youth and elderly concerns;
- v) Evidence based lobbying and Advocacy to all sectors and policy makers to appreciate and address the concerns of PWDs;
- vi) Mainstreaming PWDs issues in national, regional policies and affirmative action
- vii) Capacity building, enhancing skills development and social support systems so that PWD's participate in and effectively contribute to socio-economic development
- viii) Enhancing networking, partnerships, linkages and collaboration with all stakeholders

6.0. Policy Priority Areas

This policy focused on the priority areas that seek to improve on the quality of life as well as the inherent potentials of PWDs. The policy also strives to provide a framework for protection and promotion of PWDs.

The policy priority areas will, therefore, include the following: -

6.1 Elevating Disability Sector to a high Profile Ministry for Visibility

6.2 Training and Education (Capacity Building)

(i) Often times, PWDs lack equitable access to opportunities for training (skilling) and education. For this reason, the policy will strive to ensure that PWDs have equitable access to capacity building interventions at all levels. Through this policy, EAC will implement the following interventions:

- -Promoting special needs education at all levels and including apprenticeship, vocational, functional education and life-long multi-skilling and training.
- Equipping service providers with disability-friendly skills and knowledge for effective service delivery and management.
- Establishing centres for special programmes designed for PWDs empowerment
- Promoting EAC Country Specific Networks to promote best practices and learning among EAC member states.

6.3 Economic Empowerment

Although poverty is a common phenomenon within the East African Community, PWDs tend to be more affected than others. This policy therefore will pursue recommended the following interventions:-

(i) Establishing a Regional Disability Development Fund to cater for special needs of the PWDs

- (ii) Promoting centres for Special programs for PWDs
- (iii) Promoting Research documentation and dissemination on strategies that have worked in economic empowerment of PWDs
- (iv) Promoting affirmative action for employment of people with disabilities.

6.4 Accessibility to physical facilities and services

PWDs are adversely affected by the conventional design of infrastructure and many social amenities and facilities and services. EAC shall through this policy ensure that the following interventions are taken:-

- (i) Promote development/establishment of disability user-friendly facilities and infrastructure including education, health, judiciary, transport including air transport.
- (ii) Promote the use of sign language, Braille, tactile at EAC level including EAC conferences.
- (iii) Establish a tax-free regime on all equipments that facilitate PWDs including equipments and motor vehicles.

6.5 Social Protection

PWDs are often more hit than other people due to lack of social protection safety nets. This policy will ensure that PWDs have special social protection safety nets to shield them from the vagaries of nature and other unfortunate incidences. Through this policy, the following interventions will be applied:-

- (i) Establish disability oriented budget for safety nets
- (ii) Establish mechanisms that are disability responsive in situations of humanitarian emergencies, risks, armed conflicts, and occurrence of natural disasters

- (iii) Design and implement special psychosocial and counseling initiatives for PWDs;
- (iv) Establish an EAC machinery on social protection which will address disability issues of the children, youth, gender and elderly
- (v) Mainstream social protection of PWDs in all EAC development programmes and interventions
- (vi) Carry out research documentation and dissemination of best social protection strategies for PWDs

6.6 Participation and Representation of PWDs

Exclusion of PWDs in the design and implementation of programmes and strategies, renders many programmes ineffective in addressing PWDs' issues.

To this end, this policy will promote the following interventions:-

- (i) Establish a disability desk at the EAC
- (ii) Ensure mainstreaming disability in the EAC decision making process
- (iii) Ensure that PWDs participate in designing, implementing /managing and monitoring and evaluation of programmes that affect them
- (iv) Support and strengthen disabled people's organizations that among others sharpen their civil competence, create exposure and confidence; and generally empower PWDs;
- (v) Organize regular conferences for PWDs;
- (vi) Establish networks and promote regular exchange programmes
- (vii) Ensure that PWDs do effectively and fully participate in political and public life

6.7 Care and Support

Care and support will include provision of guidelines and basic physical and psychosocial needs of PWDs. Intervention to this end will include;

- (i) Developing standard guidelines for service delivery to PWDs in the EAC
- (ii) Increasing awareness on the needs and rights of PWDs especially among the EALA members , Heads of state and other policy-makers ;
- (iii) Promoting positive attitude and cultural values that protect and benefit PWDs in EAC.
- (iv) Promoting capacity building of families, caregivers, guardians and professionals providing services for the PWDs.
- (v) Promote the conformity of international standards of the assistive devices used by the PWDs
- (vi) Promote the provision of health services needed by PWDs specifically because of their disability, and as close as possible to their community
- (vii) EAC to develop measures and incentives to support employment and self employment activities for PWDs

6.8 Research and Management Information systems

EAC will put in place mechanisms to collect, analyze, document and disseminate comprehensive information on PWDs. The interventions will include among others;

- a) Conducting disability related research
- b) Creating a full disaggregated data bank for PWDs in terms of the category, gender, age, education and socioeconomic status and other variables
- c) Establish information channels (media programmes, films, documentaries, documentation of best practices, web sites etc)
- d) Establish Management Information and Monitoring and Evaluation systems on PWDs

6.9 Sensitization and awareness creation

Interventions will include;

- a) Creating effective publicity mechanisms and channels including using all organs of the media to portray PWDs in a positive manner
- b) Promote positive perception and greater social awareness towards disability and PWDs
- c) Promote fundamental basic rights and freedoms such as education, training and rehabilitation through lobbying and advocacy
- d) Promote recognition of the skills, merits and abilities of PWDs
- e) Fostering at all levels an attitude of respect for the rights of PWDs

6.10 Affirmative action

This will include establishing a mechanism whereby access to basic social services is mainstreamed through affirmative action. This will involve designing and developing appropriate interventions by stakeholders at all levels. The interventions will include; Promoting:

- a) Access to universal free education for all and training
- b) Access to quality health care including sexual and reproductive health
- c) Access to clean, safe water and sanitation
- d) Access to decent shelter (Housing)
- e) Access to proper food nutrition and food security
- f) Access to justice
- g) Access to disability user friendly facilities

7.0. Coordination and Networking

In order to ensure frugal utilization of resources at the same time maximize benefits from the various stakeholders including CSOs, NGOs, Faith-based Organisations and development partners, the policy provides for;

- i. Establishment of a prudent coordination mechanisms at EAC level
- ii. A common platform portal for sharing information
- iii. Promote exchange and sharing of information, experiences, and best practices
- iv. Promote regional and international cooperation and partnership with relevant organizations, and civil society in particular, organizations of persons with disabilities

7.1 Gender and disability

This policy is gender responsive in its entirety

The interventions will include;

- a) Establishing mechanisms that will promote equal access of resources and benefits to both men and women; and
- b) Active involvement/ participation of PWDs in leadership and decision –making processes about policies and programs that affects their daily lives.

8.0. Implementation Framework

Issues of disability are multi-dimensional and multi-sectoral in nature; therefore, this policy is a multi-pronged and multi-inclusive in its approach at EAC (Secretariat), East Africa Legislative Assembly (EALA), and East African Court of Justice (EACJ) : national and community level.

8.1 EAC Secretariat

The EAC Secretariat shall be the lead agency and will spearhead and manage the coordination mechanism in the implementation of the policy.

8.2 Governments of the EAC

- (i) EAC Partner states shall be responsible for effective implementation of the relevant aspects of the policy through their relevant Ministries' mandates. It is the duty of government to ensure the full realization of the rights of PWDs.

- (ii) Ensure enactment of national laws and policies for PWDs with a consultative role from the Disabled Persons Organizations, the community, Parents, Families and other care-givers, Persons with Disabilities, the Private Sector, Community Based Organizations, Faith-based organizations, Civil Society Organizations and Development Partners

8.3 National Disability Councils

The national Disability Councils in Partner States will have the role of:

- (i) Resource mobilization;
- (ii) Play an advocacy and watch-dog role in ensuring that governments comply with the standard requirements for effective delivery of services; and
- (iii) Monitor and evaluate the impact of policy and programme implementation

9.0. Participatory Monitoring and Evaluation Arrangement

Participatory monitoring and evaluation that involves all stakeholders will be carried out to identify the efficiency and effectiveness of the interventions for PWD's. It shall entail developing and establishing the following mechanisms;

- a) Developing verifiable monitoring indicators for every activity;
- b) Establishing evaluation structures
- c) Producing and disseminating reports on regular basis;
- d) Reviewing the policy every five (5) years

10.0. Financing of the Policy

Financing of the policy will be done in line with existing funding mechanism of the EAC