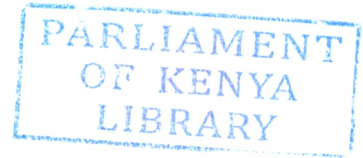


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THE EAST AFRICAN COMMUNITY  
**BILLS SUPPLEMENT**

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THE EAST AFRICAN COMMUNITY

**THE EAST AFRICAN COMMUNITY PERSONS WITH  
DISABILITIES BILL, 2022**

**MEMORANDUM**

The object of this Bill is to provide a regional framework to enhance the protection and enjoyment of the rights of persons with disabilities in the Community and to provide for related matters.

Article 120 (c) of the Treaty for the Establishment of the East African Community, espouses the commitment of the Partner States to develop and adopt a common approach towards the disadvantaged and marginalised groups including persons with disabilities.

In 2010 and 2014, through the regional conferences held in the Community on the matters affecting persons with disabilities in the Community, the regional stakeholders agreed that there is need to strengthen the policy and law to address challenges facing persons with disabilities in the Community and to empower them to fully participate in the Community integration agenda.

*East African Community Persons With Disabilities Bill, 2022*

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The Bill seeks to provide a framework for the realisation of the commitments of the Partner States relating to the universality of human rights and the necessary affirmative action required to empower persons with disability to effectively participate in the programmes and activities of the Community.

The Bill is anchored on the universally recognised and inherent dignity of every human being and the principles of equality of persons and seeks to provide mechanisms for persons with disabilities to fully enjoy their rights and participate as full members in the programmes and activities of the Community.

HON. ALEX BAHATI  
*Member*  
*East African Legislative Assembly*

THE EAST AFRICAN COMMUNITY PERSONS WITH  
DISABILITIES BILL, 2022

ARRANGEMENT OF CLAUSES

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3. Objective

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23. Responsibilities of persons with disabilities

PART IX—GENERAL

24. Report on implementation of Act
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*East African Community Persons With Disabilities Bill, 2022*

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A Bill for an Act

Entitled

**THE EAST AFRICAN COMMUNITY PERSONS WITH  
DISABILITIES ACT, 2022**

**An Act of the Community to provide a regional framework to enhance the protection and enjoyment of the rights of persons with disabilities in the Community and to provide for related matters.**

Enacted by the East African Community and assented to by the Heads of State.

PART I—PRELIMINARY

1. This Act may be cited as the East African Community Persons with Disabilities Act, 2022. Short title.

2. In this Act, unless the context otherwise requires—

“Community” means the East African Community established under Article 2 of the Treaty;

“Council” means the Council of Ministers established under Article 9 of the Treaty;

“discriminate” means to accord different treatment to different persons solely or mainly as a result of

Interpre-  
tation.

their disabilities and includes using words that demean, scandalize or embarrass a person with a disability;

“discrimination on the basis of disability” means any distinction, exclusion or restriction on the basis of disabilities which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field and includes all forms of discrimination, including denial of reasonable accommodation;

“legal capacity” means the ability to hold rights and duties under any written law, and to exercise these rights and duties;

“live assistance” means services needed by persons with disabilities and rendered by designated and qualified persons inclusive of sign language, interpreters, teachers and guides for the blind, intermediaries and other life assisters, parents and care-givers;

“inclusive education” means educating students with disabilities in chronologically age-appropriate education in schools with least restrictive environments to ensure that they receive specialized instruction delineated by their individualized education programmes within the context of a core curriculum and general class activities regardless of the types or severity of their disabilities, to the maximum extent possible;

“persons with disabilities” include those who have long-term physical, mental, intellectual, developmental

or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others;

“reasonable accommodation” means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to assure persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms;

“Secretary General” means the Secretary General of the Community appointed under Article 67 of the Treaty;

“Treaty” means the Treaty for the Establishment of the East African Community.

3. The objective of this Act is to facilitate persons with disabilities to enjoy the universally recognised and inalienable rights of every human being and to participate in the programmes and activities of the Community as full members, in accordance with the protection and rights enshrined in the regional, continental and international instrument relating to the protection and rights of persons with disabilities which have been adopted by the Partner States and the Community. Objective.

#### PART II—PROTECTION OF RIGHTS OF PERSONS WITH DISABILITIES

4. The protection of the rights of persons with disabilities in the Community shall be implemented in accordance with the principles enshrined in the Constitution of each Partner State, the Treaty and the United Nations Convention on the Rights of Persons with Disabilities. Principles guiding the protection of rights of persons with disabilities.

*East African Community Persons With Disabilities Bill, 2022*

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Equality  
before the  
law.

5. (1) All persons in the Community, including persons with disabilities, are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law on an equal basis as other persons in society.

(2) The Community recognises persons with disabilities as persons before the law who enjoy the protection and benefit of the law on an equal basis with others.

(3) Every person with disability shall have effective access to justice on an equal basis with others in order to facilitate their effective role as participants in all legal proceedings.

Protection  
of legal  
capacity of  
persons with  
disabilities

6. Every Partner State shall through legislative or administrative measures develop and implement specific appropriate and effective safeguards to protect persons with disabilities from abuses that may result from measures that relate to the exercise of legal capacity by persons with disabilities;

Protection  
from  
harmful  
social and  
cultural  
practices

7. (1) Each Partner State shall through specific legislative, judicial, educational or administrative measures, ensure that persons with disabilities, including persons with albinism and persons with high support needs, are protected from harmful cultural, social or economic practices and threats.

(2) The Secretary General shall develop and implement educational and advocacy campaigns aimed at raising awareness against the elimination of harmful cultural, social or economic practices and threats against persons with disabilities including witchcraft, taboos and bad omens used to justify the killing, abandonment or mistreatment of persons with disabilities.



*East African Community Persons With Disabilities Bill, 2022*

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8. Every Partner State shall take all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and natural disasters.

Protection of persons with disabilities during conflict and emergencies.

9. (1) Every person with disabilities has the right, without discrimination, to an adequate standard of living for themselves and their families, including adequate food, access to safe drinking water, housing, sanitation and clothing, to the continuous improvement of living conditions, and to social protection.

Standard of living and social protection.

(2) Every Partner State shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right, including by—

- (a) ensuring that persons with disabilities access appropriate and affordable services, devices and other assistance for disabilities-related needs, including accessible housing and other social amenities, mobility aids, and carers;
- (b) ensuring access by persons with disabilities to social protection programmes, including retirement benefits; and
- (c) putting financial measures in place to cover disabilities-related expenses, including through the use of tax exemptions or concessions, cash transfers, duty waivers and other subsidies.

PART III—LIVING IN THE COMMUNITY, ACCESSIBILITY  
AND MOBILITY

10. (1) Every person with disabilities has, on an equal basis with others—

Right to belong and reside

*East African Community Persons With Disabilities Bill, 2022*

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- (a) the right to live in the society, with choices equal to others;
- (b) the right to access the physical environment, transportation, information and communications, and other facilities and services open or provided to the public.

(2) Each Partner State shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of the rights referred to in subsection (1), including by ensuring that—

- (a) persons with disabilities have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others;
- (b) persons with disabilities have access to a range of in-home, residential and other support services necessary to support living and inclusion in the society;
- (c) services and facilities for the general population, including health, social and educational services, are available on an equal basis to persons with disabilities and are responsive to their needs;
- (d) persons with disabilities have personal mobility with the greatest possible independence.

(3) The measures which the Partner States may take towards realisation of these rights shall, among other things, apply to—

- (a) rural and urban settings and shall take into account population diversities, including peasant farmers and pastoralists, fisherfolk, workers, artisans and professionals;

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- (b) buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;
- (c) information, communications and other services, including electronic services and emergency services; and
- (d) quality and affordable mobility aids, devices, assistive technologies and forms of live assistance and intermediaries.

**11.** (1) Each Partner State shall ensure that persons with disabilities have access to facilities and aides which ensure effective enjoyment of their rights. Access to facilities and services.

(2) Each Partner State shall ensure that the physical environment, transportation, information and communications and other facilities and services open or provided to the public, both in urban and rural areas accord personal mobility with the greatest possible independence for persons with disabilities including—

- (a) facilitating the personal mobility of persons with disabilities in the manner and at the time of their choice, and at affordable cost;
- (b) facilitating access by persons with disabilities to quality mobility aids, devices, assistive technologies and forms of live assistance and intermediaries;
- (c) providing training in mobility skills to persons with disabilities and to specialist staff working with persons with disabilities;

- (d) encouraging entities that produce mobility aids, devices and assistive technologies to take into account all aspects of mobility for persons with disabilities.

(3) The Council shall prescribe the minimum standards and guidelines for the accessibility by persons with disabilities to facilities and services open or provided to the public.

(4) Without prejudice to subsection (2), every entity providing facilities and services open or provided to the public shall take into account all aspects of accessibility for persons with disabilities, including—

- (a) signage in Braille and in easy to read and understand forms;
- (b) forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters to facilitate accessibility to buildings and other facilities open to the public;
- (c) appropriate forms of assistance and support to persons with disabilities to ensure their access to information and communications technologies and systems, including the internet; and
- (d) the design, development, production and distribution of accessible information and communications technologies and systems at an early stage.

Reasonable  
accommo-  
dation.

**12.** Each Partner State shall—

- (a) take steps to ensure that special measures as appropriate, including reasonable accommodation

and support measures, are provided to persons with disabilities, in order to promote equality and eliminate discrimination;

- (b) provide or encourage the provision of assistance or services as appropriate to enable a person with disability to realise and enjoy their rights as a human being.

PART V—EMPLOYMENT OF PERSONS WITH DISABILITIES

**13.** (1) Every person with disabilities has, on an equal basis with others, the right to decent and productive work, to just and favourable conditions of work, to protection against unemployment, under-employment and to protection from forced or compulsory labour. Right to employment.

(2) Each Partner State shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right, including by—

- (a) prohibiting discrimination on the basis of disabilities with regard to all matters concerning all forms of employment, including employment opportunities, vocational training, conditions of recruitment or hiring and employment, continuance of employment, career advancement and safe and healthy working conditions;
- (b) protecting the rights of persons with disabilities, on an equal basis with others, to just and favourable conditions of work and the right by persons with disabilities to exercise their labour and trade union rights;

- (c) promoting opportunities for persons with disabilities to initiate self-employment and entrepreneurship;
- (d) promotion of employing persons with disabilities in the public sector, including by reserving and enforcing minimum job-quotas for employees with disabilities;
- (e) promoting the employment of persons with disabilities in the private sector through appropriate policies and measures, including through the use of special measures such as tax incentives;
- (f) promoting the employment of persons with disabilities in the private sector including reserving and enforcing minimum job-quotas for employees with disabilities.

Equal work, equal pay not to apply to persons with disabilities.

**14.** (1) The principle of equal work for equal pay shall not be applied to undermine the right to work for persons with disabilities.

(2) Every employer shall recognise the social and cultural value of the work of persons with disabilities.

#### PART IV—EDUCATION AND TRAINING OF PERSONS WITH DISABILITIES

Education and training.

**15.** (1) Every person with disability has, on an equal basis with others, the right to education as guaranteed by the Constitution of each Partner State.

(2) The education and training of persons with disabilities shall be directed to—

- (a) the full development of human potential, sense of dignity and self-worth;

- (b) fostering respect for human diversity, human rights and fundamental freedoms;
- (c) the development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential;
- (d) enabling persons with disabilities to participate effectively in a free society; and
- (e) the preservation and strengthening of positive East African morals, traditional values and cultures.

**16.** (1) Every Partner State shall take appropriate and effective measures to ensure that the goal of inclusive education and training for persons with disabilities is realised.

Inclusive education and training.

(2) For the purposes of subsection (1), each Partner State shall ensure that—

- (a) persons with disabilities access free, quality and compulsory primary and secondary education;
- (b) persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others, including ensuring the literacy of persons with disabilities above compulsory school age;
- (c) reasonable accommodation of the individual's requirements is provided, and that persons with disabilities receive the support required to facilitate their effective education and training;

- (d) effective individualised support measures are provided in environments that maximise academic and social development, consistent with the goal of full inclusion;
- (e) appropriate schooling choices are availed to persons with disabilities who may prefer to learn in particular environments;
- (f) persons with disabilities learn life and social development skills to facilitate their full and equal participation in education and training and as members of society; and
- (g) competent teachers, staff and equipment is made available for learners with disabilities in an inclusive setting.

PART V—HEALTH

Enjoyment  
of highest  
attainable  
health.

17. (1) Every person with disability shall enjoy, on an equal basis with others, the right to the highest attainable standard of health.

(2) Each Partner State shall take all appropriate measures to ensure that persons with disabilities access health services, including sexual and reproductive health by—

- (a) providing persons with disabilities with the same range, quality and standard of free health care and programmes as provided to other persons;
- (b) providing particular health services required by persons with disabilities specifically because of their disabilities;



- (c) prohibiting discrimination of persons with disabilities in the provision of health insurance and life insurance; and
- (d) prohibiting any form of treatment without consent on the basis of one's disabilities.

PART VI—PARTICIPATION IN POLITICAL AND  
PUBLIC ACTIVITIES

**18.** (1) Persons with disabilities have the right to participate in political and public programmes and activities, including governance processes, without discrimination and on an equal basis with others.

Participation  
in politics  
and public  
activities.

(2) The Partner States shall take all appropriate policy, legislative and other measures to ensure this right, including through—

- (a) undertaking or facilitating systematic and comprehensive civic education to encourage full participation of persons with disabilities in democracy and development processes;
- (b) ensuring that persons with disabilities, on an equal basis with others, can effectively participate in political and public life including as voters and holders of political and public offices; and
- (c) putting in place reasonable accommodation measures, other support measures and ensuring accessibility for persons with disabilities to enable effective participation by persons with disabilities in political and public life.

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Participation in development and implementation of policies on persons with disabilities.

**19.** The Secretary General shall ensure that when developing, adopting and implementing policies, laws and programmes relating to persons with disabilities, there is direct engagement, consultation and involvement of persons with disabilities through their recognised representatives.

PART VII—WOMEN, CHILDREN AND OLDER PERSONS  
WITH DISABILITIES

Women with disabilities.

**20.** (1) Women and girls with disabilities have full enjoyment of human rights and fundamental freedoms without discrimination on an equal basis with other persons.

(2) Each Partner State shall recognise and incorporate gender perspectives and sensitivity in all policy, legislative, programmes and other efforts in order to promote the full enjoyment of human rights and fundamental freedoms by women with disabilities.

Children with disabilities.

**21.** (1) Children with disabilities have full enjoyment of human rights and fundamental freedoms on an equal basis with other children.

(2) The Community and every Partner State shall respect the evolving capacities of children with disabilities, and their right to their identities and to enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the society.

(3) Each Partner State shall ensure the rights of children with disabilities by taking, administrative and legislative and other measures aimed at—

- (a) ensuring that the best interests of the child are a primary consideration in all actions concerning children with disabilities;

- (b) ensuring that children with disabilities have the right to express their views freely on all matters affecting them, their views being given due weight in accordance with their age and maturity, on an equal basis with other children;
- (c) providing children with disabilities, disabilities and age-appropriate assistance to realise their rights;
- (d) ensuring that children with disabilities are registered immediately after birth;
- (e) taking special measures to protect children with high support needs;
- (f) ensuring that children with disabilities have effective access to training and to recreational opportunities in settings most conducive for them to achieve the fullest possible social inclusion, individual development and cultural and moral development;
- (g) fostering in all children from an early age, an attitude of respect for the rights of persons with disabilities;
- (h) protecting children with disabilities from exploitation, violence and abuse within family, institutional and other settings; and
- (i) ensuring that under no circumstances may children on account of their disabilities be sterilised.

**22.** (1) Older persons with disabilities have full enjoyment of human rights and fundamental freedoms on an equal basis with other older persons.

Older persons with disabilities.

*East African Community Persons With Disabilities Bill, 2022*

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(2) Each Partner State shall ensure the rights of older persons with disabilities by taking policy legislative and other measures including—

- (a) ensuring that older persons with disabilities access social protection programmes on an equal basis with others;
- (b) taking account of age-related aspects of disabilities in programming and resourcing in accordance with this Act;
- (c) ensuring that older persons with disabilities exercise their legal capacity on an equal basis with others, and that appropriate measures and safeguards are put in place to provide older persons with any support they may require to exercise their legal capacity;
- (d) ensuring that older persons with disabilities have access to services that respond to their needs within their communities.

PART VIII—RESPONSIBILITIES OF PERSONS  
WITH DISABILITIES

Responsi-  
bilities of  
persons with  
disabilities.

**23.** (1) The responsibilities of persons with disabilities to other individuals, their families and to the communities to which they belong include—

- (a) respecting and giving consideration to others without discrimination on any ground, and maintaining relations aimed at promoting, safeguarding and reinforcing mutual respect and tolerance;

*East African Community Persons With Disabilities Bill, 2022*

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- (b) raising awareness on and educating others on persons with disabilities;
- (c) playing active social, economic, political and other roles as full members of their families, communities and States; and
- (d) preserving and strengthening positive African cultural values in their relations with other members of society, and contributing to the promotion of the moral well-being of society.

PART IX—GENERAL

24. The Council shall report to the Assembly annually on the measures and progress made by the Community to implement this Act. Report on implementation of Act.

25. The Council may make Regulations generally to give effect to the provisions of this Act. Regulations.