



EAST AFRICAN COMMUNITY

2ND EAC CONFERENCE ON PERSONS WITH DISABILITIES

REPORT OF THE CONFERENCE

**19th – 20th June, 2014
Hotel Inter-Continental, Nairobi- Kenya**

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**EAC Secretariat,
Arusha, Tanzania.
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**2ND EAST AFRICAN COMMUNITY CONFERENCE ON PERSONS WITH
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REPORT OF THE CONFERENCE – FIRST DRAFT**

1.0 INTRODUCTION

The 2nd EAC Conference on Persons With Disabilities was held from 19th to 20th June, 2014 at Hotel Inter- Continental Nairobi under the theme “*Empowerment: The Disability Concern in the EAC Regional Integration Agenda*”. The Conference was opened by Hon. Kazungu Kambi, Cabinet Secretary, Ministry of Labour, Social Security and Services on behalf of H.E Uhuru Kenyatta, President of the Republic of Kenya. The aim of the Conference was to ensure that disability concerns are mainstreamed in laws and policies at both regional and national level; Specific objectives of the Conference among others were to;

- i) Review the existing national employment policies on how they cater for disability empowerment;
- ii) Assess the current status of Partner States implementation of the UN Convention on the Rights of Persons with Disabilities
- iii) Assess how the EAC Partner State have attained the Millennium Development Goals in relation to People with disability" and participation the post 2015 agenda.
- iv) Explore opportunities for ensuring accessibility for and inclusion of persons with disabilities in all aspects of development and giving due consideration to all persons with disabilities in the emerging post-2015 United Nations development agenda.”
- v) Assess the extent to which the disability concern has been mainstreamed in policies, strategies and practice at national and regional level.

2.0 OFFICIAL OPENING OF THE CONFERENCE

Master of Ceremony: *Hon. Jesca Eriyo, Deputy Secretary General Productive and Social Sector, EAC Secretariat*

2.1 Welcome Remarks by Hon Isaac Mwaura- Member of Parliament, Republic of Kenya

The Hon. Member of Parliament welcomed delegates to the Conference and underscored the importance of this moment for persons living with disabilities in the region. He observed that a lot of reforms had been championed by PWDs both at national, regional and sub-regional level.

He observed that although PWDs had always been considered to have peripheral potential, this Conference was evidence that they play an important role in socio-economic development and can shape the policy making process. He stressed the need to be mindful of the thousands of PWDs that continue to live below the poverty line and the over 80% that remain without education, limited access to health care and other basic requirements in life.

He urged members to take advantage of the opportunity available to give input into the Post 2015 sustainable development goals at all levels and mainstream PWD issues in the policy making processes. He implored members to learn lessons from the women movement, HIV Movement and other movements that had realized tremendous achievements amidst challenges. Borrowing from the famous speech of Dr. Martin Luther King; he imagined an East Africa where people are not judged by the colour of their skin, the way they walked or talked but by the content of their character.

2.2. Welcome Remarks by Hon. Amb. Richard Sezibera, Secretary General of the East African Community delivered by Hon. Jesca Eriyo-Deputy Secretary General Productive and Social Sectors

On behalf of the EAC Secretary General, management and staff of the EAC Secretariat the Deputy Secretary General Productive and Social Sector welcomed delegates to the 2nd EAC Conference of Persons with Disabilities under the theme “**Empowerment: The Disability Concern in the EAC Regional Integration Agenda**”. She thanked the Guest of Honour for gracing the opening of the Conference and expressed great appreciation to the Government and People of the Republic of Kenya for the warm hospitality accorded to all the delegates and the excellent support in the preparation for and actual hosting of the Conference.

She recalled that the First Conference on Persons with Disabilities in EAC was held in February 2010 in Kampala Uganda, under the theme: **Towards a Policy and Law to address Challenges facing PWDs in the East African Community (EAC) Region**. The first Conference laid a foundation for the establishment of a representative regional forum to monitor the implementation of the UN Convention on PWDs by Partner states and made recommendations for the creation of a coordinating office for disability affairs in the EAC structure and further set a foundation for a policy and strategy for PWDs. She reported that the EAC Policy on People with Disabilities (2012) was adopted by Council and currently under implementation.

The Deputy Secretary General re-affirmed the commitment of EAC to improving the lives of people with disabilities and creating an accessible and barrier free environment to their participation in the EAC as provided for by Article 120 of the Treaty for the Establishment of the East African Community and broadly covered in the EAC Development Strategy 2011-2016 and the Policy on Persons with Disabilities 2012;

She highlighted the progress so far realized under the social sector where the PWD function is handled as follows;

- (i) A Sectoral Council of Ministers responsible for all matters related to family promotion, gender, youth, children, persons with disabilities, social welfare, social protection and community development.
- (ii) Adoption of an EAC Policy on persons with disabilities
- (iii) Adoption of the EAC Strategic Plan on Gender, Youth, Children, Persons with Disabilities, Social Protection and Community Development (2012-2016).
- (iv) Adoption of the Final Draft EAC Social Development Framework which includes a full component on PWDs; and
- (v) Adoption of the Consultative Dialogue Framework for Private Sector, Civil Society and Other Interest Groups in the EAC integration process. The Forum of PDWs has been highlighted as part of the Consultative Dialogue Framework.

Citing the World Bank statistics on percentage of Persons with Disabilities placed at 15%, she noted that this global percentage would translate into at least 21,150,000 persons with disabilities in the EAC. She re-iterated that the Conference was further proof of the EAC's readiness and preparedness to march forward in the attainment of the objectives to place a critical segment of the population at the forefront of the regional integration and development effort. She hoped that participants would make use of this forum to identify challenges and make recommendations that would add on the foundation to provide for better coordination and collaboration on addressing issues impacting on the lives of people with disabilities in the region.

2.3. Welcome remarks by Ms. Mwanamaka Mabruki Amani, Principal Secretary, Ministry of East African Affairs, Commerce and Tourism, State Department of East African Affairs, Republic of Kenya

In her opening remarks, the Principal Secretary welcomed the delegates to the Republic of Kenya. She thanked the East African Community Secretariat for choosing Kenya as the host Country. She noted that the conference theme and the choice of participants was a deliberate campaign to ensure

that the issues of Persons with Disabilities are adequately addressed in the EAC integration agenda.

The Principal Secretary further highlighted the plight of Persons with Disabilities who happens to be the world's largest and most disadvantaged minority and account for about 15% of the global population. In many countries they constitute the poorest segment of the population due to their limited access to health, education, training and employment opportunities.

She called upon the EAC to develop a comprehensive regional framework for Persons with Disabilities in line with the current global post-2015 partnerships, trends and, shared responsibilities to guarantee the rights of PWDs and ensure they benefit from socio-economic development.

In her concluding remarks she, emphasized the need to uphold the rights of persons with disabilities as a priority for national and regional policies that aims at guaranteeing equal access to social services and the job markets.

2.4 Statement by Rt. Hon. Margaret N. Zziwa, Speaker, East African Legislative Assembly(EALA) delivered by the Chairperson of the Committee on General Purpose, Hon Dr. Martin Nduwimana

On behalf of the Rt. Hon Speaker Hon. Nduwimana thanked all delegates for having found it worthy to attend and participate in the 2nd EAC Conference on People with Disabilities (PWDs). She congratulated the EAC Secretary General and his team for putting together the Conference.

He noted that empowerment of Persons with Disabilities (PWDs) within the East African region could not be over-emphasized and called for mainstreaming of PWD concerns in laws and policies across board.

He lauded the immense efforts been undertaken at the global, continental, regional and national levels to institute initiatives and policies catering for PWD concerns. He urged participants to believe in the allegory that; **disability is not inability** and advocate for their needs to take centre focus in the dispensation as examples have shown their significant contribution to development and leadership.

The Chair General purpose Committee recalled that the International Disability Alliance (IDA) plays an important role in advancing human rights for PWDs at global level. He reminded participants that in 2002, the African Union developed a key continental Plan of Action that serves as a guideline in the formulation of programmes on disability issues for AU Member States and urged EAC States to deliberately take concrete steps to transform plans and strategies into actions and deed.

In addition socially, inaccessible environments often impede PWDs by creating barriers to their full participation and inclusion and cited a few examples of; an individual with hearing impairment with no access to a sign language interpreter; a wheelchair user in a building without an accessible bathroom or elevator; a person with visual impairment using a computer without screen-reading software.

He informed the Meeting that EALA had continued to prioritize concerns of the PWDs in all its current as well as future programmes and policies as enshrined in the Treaty which provides for the formulation of appropriate legislation on disability which is a key role of EALA. He added that EALA was in the process of considering a Bill on Disability and was happy to note that the draft bill is on the agenda of the Conference.

She informed that EALA had proposed interventions to support PWDs including

- i. conducting disability related research;
- ii. creating full disaggregated data banks for PWDs in terms of the category, gender, age, education and socioeconomic status and other variables
- iii. establishing information channels (media programmes, films, documentaries, documentation of best practices) and;
- iv. Establishing a Management Information System as well as Monitoring and Evaluation systems on PWDs.
- v. Establishing centres for special programmes designed for PWDs' empowerment and enhancing capacity building
- vi. Promoting EAC Country specific Networks to promote best practices and learning among EAC Partner States

In his concluding remarks, he pledged EALA's continued building and strengthening of partnerships and networks with different sectors including Private Sector, CSO's and Development Partners for effective and efficient service delivery to PWD's at all levels.

2.5 Keynote Address by H.E Uhuru Kenyatta, President Republic of Kenya delivered by Hon. Kazungu Kambi, the Cabinet Secretary, Ministry of Labour, Social Security and Services

The President was represented by Hon. Kazungu Kambi, the Cabinet Secretary, Ministry of Labour, Social Security and Services. In his opening remarks, the President of the Republic of Kenya who is also the Chairman of the Summit of EAC Heads of State welcomed the delegates to Nairobi and wished them a nice stay.

The President applauded the EAC Secretary General and his team of experts choosing Kenya as the host. He noted that the theme of the Conference;

“Empowerment: The Disability Concern in the EAC Regional Integration Agenda” was premised on the fact that Persons With Disabilities have a right to social wellbeing which can be enjoined through development and adoption of a common approach to provision of basic needs such as health care, housing, education and training.

He stressed that upholding the rights of People with disabilities was a universal obligation acknowledged through the adoption by the United Nations General Assembly of the Convention on the Rights of Persons with Disabilities on 13th December, 2006 which came into force on May 3rd, 2008.

The Chair of Summit emphasized that the Conference was being held in full cognizance of the potential benefits of the comparative advantage principle of coming together to pool resources as a region and sharing best practices to address issues impacting the lives of people with disabilities.

He urged the delegates at the Conference, to take advantage of the forum to identify challenges and make policy recommendations that would lay the foundation for future collaboration and partnerships geared towards addressing issues impacting the lives of people with disabilities in the region.

He pledged EAC commitment in providing enabling environment to empower people with disabilities to live full and productive lives as well as ensure that the concerns for Persons with Disabilities are mainstreamed in the EAC Integration agenda.

He wished the delegates fruitful deliberations. *The full keynote address is attached as Annex VII.*

3.0 MINISTERIAL SESSION

SESSION 1: STATEMENT BY HON. MINISTERS FROM RESPECTIVE PARTNER STATES

Session Chair: *Mr. Kennedy Nyambati, Deputy Director, Ministry of East African Affairs, Commerce and Tourism, State Department of East African Affairs, Republic of Kenya*

Statement by Hon. Sulaiman Madada, Minister of State for Gender, Labour and Social Development (Disability and Elderly), Republic of Uganda

The Minister opened his remarks by first thanking the EAC Secretary General and the East African Legislative Assembly (EALA) for considering "disability" as one of the key areas of focus and for convening the 2nd

Conference on Persons with Disability. He also thanked the Republic of Kenya for the hospitality accorded to all delegations since their arrival in Nairobi, Kenya. The Minister pointed out this consideration by the EAC was one of the ways of reminding and committing Partner States to fulfil their obligations under the Convention on the Rights of Persons with Disabilities (CRPD). He noted that disability issues were not clearly articulated in the current Millennium Development Goals which made the convening of the 2nd Conference a positive step towards inclusion and empowerment of persons with disabilities in the post 2015 agenda.

He shared Uganda's commitment to the promotion and protection of the rights of persons with disabilities embedded in the objectives of the Constitution of the Republic of Uganda (1995) xvi, xxiv and also in Articles 21 and 32. He reported that Uganda ratified the CRPD in 2008 and carried out a House Hold Survey in 2009/10 which indicated that approximately 5.2 million people (16 percent) of the total population are PWDs.

The Government of Uganda was implementing legislation, strengthening administrative structures and development of policies and programs for persons with disabilities. For example about 5600 PWDs are represented in decision making arenas at all levels, Social Protection programs are being implemented where cash transfers have been made to 15 districts, amendment of the Building Control Act is on-going to incorporate the accessibility standards and guide on accessibility to physical environment and the PWD Act 2006 is under review to address issues of inclusive education, employment and health among others.

In addition, the Uganda Communication Act 1998 provides for research into development and use of communication techniques and technologies to provide accessibility of hearing impaired people. He concluded by emphasizing the need for concerted efforts of all stakeholders at country, regional and international levels and called upon EAC Partner States to ensure that policy, legal and program frameworks are disability sensitive and can make a positive change in the lives of persons with disabilities.

Statement by Minister of National Solidarity, Human Rights and Gender, Republic of Burundi delivered by Madam Godeleive NININHAZWE, Permanent Secretary

On behalf of the Minister of National Solidarity, Human Rights and Gender, the Permanent Secretary thanks the EAC Secretariat for organizing the 2nd

Conference on PWDs which was a good opportunity for discussing on the issues of PWDs.

She pointed the efforts made by the Government of Burundi to address PWDs' Concerns and the good collaboration with Organizations of PWDs. She noted that since 2009, his Excellence Pierre NKURUNZIZA, President of the Republic of Burundi has increased five times the budget concerns PWDs which allow their empowerment. There was also integration of PWDs especially according to Women with Disabilities in National Forum of Women and to Youth with disabilities in the Youth National Forum.

She added that Burundi has already ratified the UN Convention on Rights of PWDs and is in the process of developing a law that covers the rights of PWDs.

She wished these two days to be an occasion for analyzing together policy development and sharing experiences from respective Partners States and invited the participants to have a fruitful deliberation.

Statement by Hon. Kazungu Kambi, Minister for Labour, Social Protection and Services Republic of Kenya delivered by Mwakio Righa, Director Social Sectors

The Director reported that, the number of Persons with Disabilities in Kenya stands at 1,330,312 out of which people with physical disabilities is the largest at 4133,698, followed by visual impairment 331,594 (2009 census). The government had made remarkable progress in developing enabling policy and legislation that respond to the development needs of persons with disabilities, e.g. the Children Act that seeks to abolish discrimination on grounds of disability, the employment Act that that makes it unlawful for an employer to discriminate persons with disabilities while hiring personnel, the sexual offences Act extends special protection to persons with disabilities and The National land policy that provides for land rights of vulnerable groups persons with disabilities.

Economic Empowerment Programmes

The government has initiated the following five cash transfer programmes meant to address the needs of PWD, namely; the older persons, persons with severe disabilities, urban food subsidy, orphans and vulnerable children and the hunger safety net programme. All these programmes consider the presence of persons with disabilities as direct beneficiaries. These programmes aim at mitigating the poor against effects of poverty. The beneficiary gets a monthly stipend of Kenya Shilling two thousand (2,000).

To ensure disability concerns are addressed at national level, the government has made it mandatory for all government Ministries and agencies to mainstream disability in the planning and budgeting process, and a component of the of the Performance contracting every year. To ensure PWDs access quality and relevant education, and training, the government has established twelve (12) vocational rehabilitation centers that offer market oriented enterprise skills to persons with disabilities in order to enable them gain employment.

At the International level, and in pursuant to the implementation of the Convention on the Rights of Persons with Disabilities, Kenya ratified the convention in 2008. At the national level, the Constitution of Kenya, domesticated the United Nations convention for Persons with Disabilities, by virtue of Article 2 that states that, any convention that Kenya has ratified, becomes part of the Laws of Kenya under the Constitution. He concluded by re-iterating Kenya's commitment to pursuing programmes that will address the social economic needs of PWDs in the region as per the EAC Treaty.

Statement by Minister for Community Development and Social Affairs; delivered by Hon. Rusiha Gastone-Member of Parliament, Republic of Rwanda

On behalf of the Minister Hon. Rusiha was happy to participate in the Conference and give a general remark on the status of PWD in his Country. He noted that a detailed presentation would be done by the Executive Secretary of National Council for Disabilities (NCPD), and would highlight the major progress registered by Government of Rwanda in as far as PWDs are concerned.

Prior to the tragic events of 1994, PWDs in Rwanda were not clearly structured. In the years that followed, the government of National Unity took measures to address the situation including developing and adopting comprehensive disability policy (2003). The policy is in the process of revision. In 2003, the Constitution of Rwanda was revised and included the creation of NCPDs in Art. 188 (b) (i) in 2007, the GoR enacted a law to protect the PWDs in general, as well as to protect ex-war combatants with disability. In 2008, the government ratified the UNCRPD and the Optional Protocol.

The Hon. Rusiha also reported that there is representation of PWDs from the grass root to the national level in all decision making at the National Parliament and EALA. The EDPRS (2010) recognized disability as a cross-

cutting issue. The categorization process started in early 2014 and is expected to run until December 2014. The aim is to implement provisions of the laws. In addition the Government of Rwanda is working closely with CSOs on the disability issues, which include the DPOs and the umbrella National Union of Disabilities' Organizations of Rwanda (NUDOR).

Current challenges include:

- Lack of awareness of specific disability issues especially among parents, communities, law enforcement agencies, decision makers etc.
- Inadequate capacity among PWDs themselves
- Inaccessible environment (Infrastructure, transport etc)
- Inadequate employment opportunities for PWDs.
- Other pertinent issues include inadequate funds, stigma, availability, lack of data, access and information, illiteracy etc.

Rwanda believes that collective and concerted efforts with the other EAC Partner States will address these challenges. He concluded by assuring the meeting of the full cooperation of the GoR towards the realization of the rights of PWDs in EAC.

Statement by the Minister for Health and Social Welfare United Republic of Tanzania delivered by Ms. Beatrice Guido Fungamo, Assistant Commissioner for Social Welfare.

In her remarks Mrs Fungamo noted that disability is one of the most devastating consequences of health inequity in the world and Tanzania is no exception, disability prevalence is high mainly in rural and remote areas. According to the National Bureau of Statistics -Tanzania disability survey in 2008, 2.4 Million people equivalent to 7.8 % of the Tanzania population aged 7 years and above had some form of activity limitation.

The Commissioner reported that the United Republic of Tanzania in November 2009 Tanzania ratified CRPD. These commitments have also been articulated in the Disability Specific Legislation, Persons with Disability Act which was passed in 2010. The Act focuses on promotion and protection of the rights to accessibility rehabilitation, education, employment and anti-discrimination measures.

URT has also developed a National Disability Mainstreaming Strategy (NDMS-2010-2015) whose objectives among others are, Promoting and protecting human rights for all, particularly for poor women and children with disabilities and improving people with disabilities access to basic rights and social Services especially in health, education, employment, microfinance and public Information.

The government had also been providing technical and financial support to 10 Disabled Persons Organizations (DPOs) including; the National African Decade for Persons with Disabilities Secretariat, Human Rights Committee on People with Disabilities Rights and the National Council for Persons with Disabilities. At The Regional Level Tanzania is implementing the African Continental Plan of Action.

Other actions include; development of regulations and guidelines, adoption of WHO Wheelchairs and CBR Guidelines and workers with disability technical devices guideline. Campaigns have been undertaken during international commemoration days.

On the other hand, Zanzibar is currently reviewing its Disability Policy and has developed a Strategic Plan, on disability development. In addition it has developed a Research Master plan in order to inform decision making and planning. 21 persons with Disabilities are in the special Constitution Parliament to ensure that issues of person with disabilities are included in the reviewed URT Constitution. The National Census of 2012 had disability questions mainstreamed.

Advocacy campaigns are ongoing and ICT materials have been developed. The Government encourages media and other public information providers to give access to persons with disabilities including text on television, news in sign language, interpretation in sign language of other programs, text telephones for the deaf and interpretation of vocational training in sign language.

Despite these progresses, challenges remain including how to effectively mainstream the disability perspective into the international development agenda and reducing stigma towards people with Disabilities; among others.

4.0 COUNTRY PRESENTATIONS

SESSION 2: PRESENTATIONS BY REPRESENTATIVES OF RESPECTIVE NATIONAL COUNCILS ON DISABILITY

Republic of Burundi

Aware of the problems of vulnerable groups, the Government of Burundi has put in place a structure to provide remedies through the Ministry of National Solidarity, Human Rights Human Rights and Gender.

In this Ministry, there is a Directorate General of the National Solidarity which deals with vulnerable groups including orphans and other vulnerable

children, people with disability, widows, and the elderly, just to mention few. A Department of Social Integration was created for this purpose. Instead of National Council of PWDs there is a National Steering Committee of the African Decade for Persons with Disabilities.

Current situation

- The number of people with disabilities is not known in Burundi.
- Taking into account the report of the World Bank and World Health Organization in 2011, between 15% and 20% of the population are people with disabilities
- This means that between 1.2 million and 1.6 million of Burundian are people with disabilities on a population of 8,000,000 inhabitants
- Data from general population census of 2008 indicates that 4.5% is the population of major or severe disability.
- In Burundi, there are: Centers for people with disabilities; Centers which formed a network of Associations for people with disabilities; Associations Network of Associations for people with disabilities and the union of persons with disabilities in Burundi.

Current Status of Implementation of the United Nations Convention on the Rights of Persons with Disabilities

- Burundi has signed the Convention on the Rights of Persons with disabilities and its Optional Protocol on 26/4/2007 while it is ratified on 26/03/2014 and is currently at the stage of developing a law that covers the rights of people with disabilities. Thereafter it will develop a National Policy for the protection of Persons with Disabilities and its national action plan.
- **Regarding education**, there are centers for special education that are supported by the Ministry of National Solidarity, Human Rights and Gender but their programs are to comply with primary education
- A budget line within the Ministry with primary and secondary education in his duties was created as part of inclusive education.
- Currently with the support of Handicap International, some primary schools have started inclusive education approach in the secondary schools: e.g Lycée Notre Dame de la Sagesse de Gitega since last year started hosting the Blind and Deaf.
- **Regarding employment**, the national social protection policy makes measures to promote access to employment for vulnerable groups including people with disabilities.

- Similarly, a draft National Employment Policy is at the table of government for its adoption. Thus, the axis of said project highlights the access to employment of persons with disabilities.
- **Relating to affirmative action:**
Even though there is not even proportions quota reserved for persons with disabilities in various sectors of national life, we consider the following actions as positive:
 - The awareness of non-discrimination and stigmatization of people with disabilities;
 - Centers and associations of people with disabilities are funded by the Ministry of National Solidarity, Human Rights Human Rights and Gender according to the formulated projects .
 - Learning career and provision of reintegration kit according to the career learned;
 - Free mobility equipment acquisition;
 - Construction of their houses;
 - Free care for physical rehabilitation for children under 5 years.

Current status of the MDGs in the partner states of the East African Community

- The various MDG targets have been implemented by Burundi regardless of specific groups including people with disabilities;
- Our proposal is that the new MDG contain at least one goal addressing specifically the issue of persons with disabilities

Integration of persons with disabilities in the process of planning and budgeting in the respective partner states.

- Involvement of people with disabilities in the development of CSLPII, Sectoral Medium Term Expenditures(SMTE) and 2025 vision as well as other strategic documents;
- Center networks and associations for people with disabilities are associated in the planning and budgeting of the major activities for people with disabilities;
- Plans to have all strategic planning documents mainstreaming the needs of people with disabilities;

Conclusion

- Recognition of Albinism as physical and visual disabilities;
- General census about PWDs is needed as well as the assessment of their needs;
- People with disabilities experience many problems.
- Few stakeholders are interesting in this category of vulnerable people.
- Few centers support people with disabilities;

- Construction of others centers for PWDs is needed;
- These centers are poorly equipped and lack of enough qualified personnel.
- Burundi has now signed and ratified the Convention on the Rights of Persons with disabilities.

Republic of Kenya

The National census of 2009 puts the population of Persons with Disabilities at 1,330,312 that is 3.5% of the total population. This prevalence is predicted to increase because of ageing populations, the increased risk of disability in elderly people and the worldwide rise in chronic diseases such as cancer, diabetes and mental illnesses. The government of Kenya recognizes that disability cuts across all sectors of development and should be an integral part of all national planning.

The NCPWD is a government agency created by the disability Act 2003, mandated to enforce and oversee implementation of rights of Persons with Disabilities. In an effort to achieve the said mandate, it formulates and develops measures and policies designed to among others, achieve equal opportunities for Persons with Disabilities by ensuring to the maximum extent possible that they obtain education and employment, and participate fully in sporting, recreational and cultural activities and are afforded full access to community and social services; and advise the Minister on the provisions of any international treaty or agreement relating to the welfare or rehabilitation of Persons with Disabilities and its benefits to the country.

Kenya had made progress in addressing the needs of PWDs. Among these the creation and implementation of sunscreen lotion programme for Persons with Albinism ; economic empowerment for PWDs Self Help Groups to reduce poverty levels among PWDs where 461 such groups have been supported; assistive & supportive devices and services (mobility, hearing aids, brailers) where 14,157 PWDs have been provided with the devices; and provision of Cash Transfers and business start-up funds to persons with disabilities.

The Kenyan Government has also extended taxation waivers for employers who engage the services of Persons with Severe Disabilities in a bid to encourage private sector players to take on employees with disabilities. Closely linked is also the exemption from payment of income tax of up to an income of Kshs 150,000 per month and are also exempted from paying duty on motor vehicles for use by persons with disabilities to ease their mobility.

Republic of Rwanda

Prior to the tragic of 1994 the disability movement in Rwanda was not clearly structured. In the years that followed, the government of national unity of Rwanda established mechanisms of addressing specific challenges that have been emerging as a result of the genocide and war of liberation and this also included person with disabilities. In this case, different laws and policies at all levels were adopted which includes the following;

A comprehensive Disability Policy has been developed and adopted. This was a time when persons with disabilities were getting organized in different forms of associations and coalitions that were partially supported by the Government of Rwanda.

In the same year 2003, the National Constitution was revised and included an article of establishing the National Council of Persons with Disabilities (Article 188). This council was supposed to be a fully fledged government entity that addresses the issues of persons with disabilities at the grassroots to the national level (the coordinator at each level is a member of the council, which is decision making organ). Its executive secretariat (technical organ) is composed by 22 staff and 1 permanent staff in charge of Disability affairs in the District.

Inclusion of PWDs in national programs

Rwanda is currently implementing a 5 year development plan entitled Economic Development and Poverty Reduction Strategies “EDPRS”. Vision 2020 is also under implementation and has programmes like Umurenge Programme, provision of Mutual Health Insurance, Free 12 years basic education, Development of a Rwanda Sign Language Dictionary, Provide technical and financial support to special school and centers that care of Children with disabilities among others. Persons with disabilities issues have been mainstreamed in the EDPRS.

Data and statistics

According to the second national household survey conducted in 2012, persons with disabilities in Rwanda are estimated to be 446,453 (4.2%) 225,303 females and 221,150 males (NISR, 2012 Population Census data)

Early 2014, the government of Rwanda is conducting the categorization of persons with disabilities based on the degree of impairment of a person. This exercise follows a specific categorization conducted for Ex-combatants with disabilities. It is expected that by the end of December 2014, the whole 30 districts of Rwanda shall be covered. This categorization shall enable the government to implement the already adopted 11 Ministerial Orders and also developing and revising existing ones to suite the individual and general

needs of persons with disabilities in sectors of education, health, employment, transport and communication etc.

Economic empowerment and capacity building

The national council provides every year funds to support Cooperatives of persons with disabilities through NCPD.

Vocational training and cooperatives development:

- ▶ **2011-2013** : 10 vocational training centers were made accessible to PwDs and 2.625 were able to train in various skills development;
- ▶ All the trainees were given starter kits and grouped into cooperatives;
- ▶ 118 cooperatives initiated by PwDs are operational;

Employment

Convention No. 159 of ILO encourages member states to take measures for the professional rehabilitation and integration of PWDs into the employment scheme. In the National Employment Policy, the strategies for the creation of employment of persons with disabilities are provided. In this context, the National Employment Policy has been revised and both NCPD and organizations of PWDs have given their inputs.

About the employment data of PwD's, the recent census conducted in 2012 show that 52.3% of PWDs at a working age are employed or self employed. Number of challenges identified is channeled to different stakeholders for action.

Accessibility and promoting inclusion

Several instruments and incentives have been developed to ensure equal access to program and services as listed below:

- ▶ Access to infrastructure and communication
- ▶ Use the media to sensitize PWDs to abandon the habit of begging;
- ▶ Awarding the institutions that employs PwDs;
- ▶ Awarding the model cooperatives of PwDs;
- ▶ Technical and financial support to the PwDs business;
- ▶ Facilitate access to all public buildings and other infrastructure;
- ▶ Facilitate work in every service and to acquire the necessary equipment so that PWDs can work in every place and avoid discrimination during recruitment;

United Republic of Tanzania

The United Republic of Tanzania has put a number of initiatives to ensure PWDs are part and parcel of development process in the Country. Initiatives among other include;

- ▶ Conducting Survey for PWDs for example according to the National Bureau of Statistics (Tanzania) disability survey in 2008, where sex, and age disaggregated data was considered, 2.4 Million people

equivalent to 7.8 % of the Tanzania population aged 7 years and above had some form of activity limitation;

- ▶ The Persons with disabilities (Rights and Privileges) Act no. 9,” was approved in Zanzibar while in Tanzania Mainland, the Employment Act of 1982 was reviewed and a new Specific Act for persons with disabilities Act No 9 was enacted in 2010. These laws are complemented by other laws and policies such as the Social Protection Policy, Inclusive Education Policy, Child Act of 2011(ZN) and the Law of the Child Act No 21 on 2009 (TZ), others are labour laws and Criminal Offence Act 2004;
- ▶ Tanzania is implementing the Continental Plan of Action, where a National African Decade Steering Committee was set up to monitor its implementation this body is fully funded by the government;
- ▶ Disability councils have been established in both the mainland and Island;
- ▶ In 2008 through “The Persons with disabilities (Rights and Privileges) Acts, the Zanzibar Disability Fund and the National Disability Fund for Tanzania Mainland were established;.
- ▶ Ministry of Education and Vocational training introduced inclusive education in 2004 (IE) in (Zanzibar) and Developed a Five Years Strategic Plan for Inclusive Education in Mainland as means of mainstreaming of disability issues;
- ▶ 158 Districts Councils have placed Inclusive Education Officers to monitor and supervise the exercise of ensuring all general schools are inclusive;
- ▶ In Zanzibar also there has been a steadily annual increase in the number of schools that are providing inclusive education, from 46 schools in 2007 to 86 schools by 2009. Similarly, pupils with disabilities enrollment has increased from 3,509 in 2007 to 3,883 in 2009 (Mkuza Report 2007 – 2010) currently there are 119 Inclusive Education schools, 70 in Unguja and 47 Pemba;.
- ▶ The main challenge in employment is that PWDs neither have permanent jobs nor are self-employed. This situation makes the lives of PWDs and their families very difficult. The challenge continues to persist despite some efforts to address it. For example, while the Public Service Act Number 2 of 2011 requires public institutions to allocate 2percent of jobs to qualified PWDs its enforcement and impacts have been rather limited.

Republic of Uganda

- The National Council for Disability (NCD) is a public institution that was established by Act of Parliament in 2003 and inaugurated in August 2004 as a National Monitoring and Evaluation Mechanism for Disability policies and programs.
- The presentation gives status on policy development, legislation, employment, education, affirmative action, status of implementation of the UN Convention on the rights of persons with disabilities and the mainstreaming of disability in development programs
- PWDs constitute 16 percent of the population of the 33 million (Household survey report of 2009-2010).
- On policy and legal framework, the country has put in place a number of policies pieces of legislation to empower PWDs some of which include: Policy on Disability (2006), The 1995 Constitution of the Republic of Uganda, The Local Government Act (1997), Traffic and Road safety Act (1998), The National Council for Disability Act 2003, The Domestic Violence Act (2013), The Persons with Disabilities Act (2006).
- On **education**, Uganda is implementing a twin track approach in promoting education of PWDs which entails inclusive education alongside special needs education. Official records indicate that all the 21,000 schools in Uganda practice inclusive education. Special education units are also in place to cater for those with hearing impairments, mental/intellectual impairments, physical impairments and visual impairments.
- As regards **employment**, specific programs to advocate for mainstreaming of issues of PWDs in existing programs to promote employment of PWDs are in place and they include: Special Grant for PWDs in the informal sector, Vocational Rehabilitation Centres to train PWDs in employable skills. Laws have also been enacted to promote employment such as The Income tax Act and the Employment Act.
- On **affirmative action**, the Government has enacted a number of laws to promote participation of PWDs in socio-economic development. Examples are The constitution of the Republic of Uganda (1995), The Local Government Act (1997), Parliamentary elections Act (1996) and this has enabled PWDs to be represented in Parliament and other structures such as Local government Councils, Boards, Commissions, University Councils, School Management Committees.
- The country **signed and ratified the UN Convention on the rights of persons with disabilities (CRPD) in March and September 2008** respectively. The Initial report on the implementation of the CRPD has also been submitted to the Committee of Experts on the UNCRPD in

2013 and is waiting for examination by the Committee. Relevant laws are being aligned to CRPD.

- Disability issues continue to be mainstreamed through establishment of sections, desks or liaison persons responsible for disability in various Ministries.
- However, a number of challenges exist such as lack of clear targets and indicators in most of the Government program documents, non-realization of planned budgets to fund disability programs, classifying disability under unfunded priorities.
- **In conclusion**, the empowerment of PWDs should focus on the barriers that impede the implementation of programs in Partner States and find ways of eliminating them. These include negative societal attitudes, lack of awareness of rights of persons within disabilities, limited capacity in management of resources, poverty, meager resources, physical and communication barriers among others;

5.0 PRESENTATIONS

SESSION 3: EMPOWERMENT OF PEOPLE LIVING WITH DISABILITIES

Chair: *Hon. Dr. James Ndahiro, Member of East African Legislative Assembly*

Presentation: *Empowerment for Employment (with emphasis on Education skills and affirmative action) by Dr. Sam Kabue, Chairperson East African Forum on Disability*

Discussant: *Hon. Alex Ndeezi, Representative PWD-Uganda Parliament*

Dr. Sam Kabue noted that there has been tremendous effort towards the expansion in the provision and improvement of education in Africa especially following the declaration of Education For All (EFA) initiative whose Goal was among other things to ensure that by 2015, all children, particularly girls, those in difficult circumstances and those belonging to ethnic minorities, have access to and complete, free and compulsory primary education of good quality. The Millennium Development Goals-MDGs were subsequently developed, giving emphasis to issues of universal primary education (UPE) and gender parity among other goals.

He noted that despite these, there is an oversight on concern for disability as these goals did not however provide for affirmative action to formulate a particular strategy in relation to the children with special educational needs. He further observed that learning outcomes and completion rates for learners with special needs are very low, there is lack of data on special needs learners in most countries and that UPE does not address the preparation for persons with disabilities to enter job market or the productive sectors the society. Adoption of inclusive education for as a

strategy for children with disabilities to address the prevailing challenges is compounded by the low pupil/teacher ratios in many countries, as well as a shortage of teachers with adequate qualifications.

He recommended that Specific needs of children with special needs education should be considered to encompass the rights and needs of these children on an equal basis with the rest of the children. With all the five EAC partner States having ratified the UN Convention on the Rights of Persons with Disabilities (Article 24), inclusive education should be provided so as to accommodate all kinds of learners, meet their specific needs and requirements to enable them to fully participate on an equal basis with the rest of the citizens. The school curriculum also ought to include basic rights and responsibilities of citizens; quality education beyond primary schooling; the development of entrepreneurship skills, life skills and vocational and technical training to respond to labour market demands; the provision of information and technology skills; and the introduction of age-appropriate and comprehensive sexual and reproductive health education for all, including PWDs. He concluded that specific attention in both education planning and employment is a prerequisite for design and implementation of development and enabling PWD to live a competitive, fulfilling and productive life.

He emphasized that the African Union in the Common African Position released early this month (June 2014) has committed itself to achieve excellence in human resources capacity development through an improvement in the quality of education and training. He recommended the concept of inclusion in all aspect of societies, review of the curriculum and empowerment of the most vulnerable members of the society

Discussant

The discussant brought out the following issues;

- Focus on education should go beyond primary education level, as completion of primary education does not guarantee employment for PWDs.
- Affirmative Action is essential for empowerment, and though education is one approach, there is need to explore other critical factors, such as areas in which to institute affirmative action, and incentives such as tax exemptions in the private sector for employment of PWDs.
- Inclusive policies: There is need to provide adequate resources to meet costs of inclusiveness
- Commitment by governments to implement actionable strategies was still limited

- Advocacy: There is need to strengthen advocacy through research and data collection
- Enhancement of the protection of freedom and rights for the PWD in education and employment in the EAC.
- Plan of Action: There is need for time based plans, indicators and targets in the EAC plans for promoting education and employment of PWDs.
- Budgetary allocations: Resources for the PWD programmes should be allocated in the budgetary estimates for implementation of activities.
- Affirmative action: it is necessary to set quotas for employment in each Partner States and at the EAC for PWDs

Plenary/ Emerging issues

- there is over-reliance on foreign sources of information, as there is no regional or localised database of information. To this end, disaggregated data on disability such as the disability index, by sector and gender level of education in the region should be routinely collected and distributed among the member states.
- recommendations on empowerment of PWD should go beyond discussions and focus on outlining a shared plan and targets.
- the delegates' Conference should be institutionalized so that the recommendations arising from the proceedings are adopted and implemented.
- there is need for preventative measures across all states to address the occurrence of disability; and mitigation mechanisms to facilitate the provision of the necessary tools to empower the PWD to be economically independent.
- PWD are imbued with the potential, talent and capacity to effectively participate in the socio-economic and political activities of their respective countries.
- There is need for a specialised curriculum suited for people with special needs, which should go beyond an academically oriented education programme
- Conference should also look at the causes of disability like poor nutrition of mothers and institute mitigating measures

Recommendations

- a) **For effective and quality education, Partner States should establish individualized *delivery systems* that suit the needs of individual children with disabilities in their individual circumstances.**

- b) **EAC Partner States should provide clear policies and guidelines to define *Inclusive Quality Education* in the context of PWD, with clear bench marks**
- c) **EAC Partner States should generate scientific disaggregated data and establish national data banks on PWDs issues to inform planning and policy development at country and regional levels;**
- d) **EAC Secretariat to develop a regional framework with clear indicators to facilitate evaluation of regional and national policies, legislations and programmes on PWDs**
- e) **Deliberate effort to foster Inclusivity of PWD in income generating programmes at national and regional level should be undertaken**
- f) **Partner State should explore inclusion/election/representation of a Person with Disabilities as a member of East African Legislative Assembly (EALA);**
- g) **PWDs should be considered for appointment in key public positions and decision making processes to influence policy at high level.**
- h) **Governments should institute incentives such as employment quotas, tax rebates for the private sector at national and regional levels, to ensure PWDs are given equal opportunities in recruitment, skills development and promotion;**
- i) **Review the existing education curriculum to include basic rights and responsibilities of citizens; Emphasis should be put on quality, relevance and skills based education beyond primary schooling including;**
 - i) **the development of entrepreneurship skills, life skills, vocational and technical training to respond to labour market demands and take into consideration the needs of PWDs;**
 - ii) **the provision of information and technology skills to accommodate the needs of PWDs; and the introduction of age-appropriate comprehensive sexual and reproductive health education for all**
- j) **Implement empowerment programmes for PWDs including (women, children, the elderly, youth, with disabilities, rural populations, displaced persons and migrants), through improved**

access to social protection and promotion of measures that ensure that no individual remains below the poverty line; and

- k) Innovate home-grown solutions that are able to address service delivery requirements specific to the needs of PWDs, including quality and efficiency of public services, high-tech services, culture, e-commerce, tourism and health-related services**

SESSION 3: POST MILLENNIUM DEVELOPMENT GOALS 2015

Chair: *Hon. Sulaiman Madada, Minister of State for Gender, Labour and Social Development (Disability and Elderly), Republic of Uganda*

Topic: *status of realization of millennium development goals in regards to people with disability by Mr. Ali Hersi, Ag. Director, Society for International Development (SID)*

Discussant: *Dr. Regina Mwatha, Commissioner, Ombudsman Office, Kenya*

Mr. Hersi explained that the World Programme for Action concerning Disabled Persons laid the foundation for a new approach to disability in 1982 with the goal of ensuring full participation and equalization of opportunities for persons with disabilities. The programme also reinforced the role of persons with disabilities as both agents and beneficiaries of development. He added that another milestone was the Convention on the Rights of Persons with Disabilities adopted in 2006 which placed emphasis on equal access for persons with disabilities to opportunities to contribute to, and share in, on an equal footing with others, the rewards of social and economic progress.

He observed that the issue of disability was not included in either the MDGs or in their related targets and indicators, and that there are no specific policy commitments and accountability mechanisms for ensuring that persons with disabilities are included in efforts to reach the goals. He noted the existence of challenges such as lack of data to track progress, pursuit of disability programs separately from mainstream development policies and programmes as well as little evidence of progress.

He noted that in Africa, the AU had established new legal, programmatic and institutional components for disability through the Continental Plan of Action of the African Decade of Persons with Disabilities (2010-2019) and the African Disability Forum.

Mr. Hersi noted that through the MDGs, success had been achieved in areas such as reduction in extreme poverty and school enrolment; however, the world was confronted with growing inequalities and little inclusion of PWD

in development activities. He expressed concern over the fact that disability is absent from most development programs, and the perception that it is an individual, specialized, problem or considered as a medical or welfare issue. He suggested that there is need to see disability as interplay between person's impairment and environmental, institutional and attitudinal barriers, and that the passing of the UN CRPWD was an important step. Further, Mr. Hersi stated that it is of necessity to address discrimination and exclusion; to ensure deliberate focus on inclusive development; ensure access to PWDs; set up dedicated units to address PWDs in all UN agencies and commitment from bilateral donors for resources. In the Post 2015, he noted that there should be specific targets to help reduce deep rooted inequalities leading to better development outcomes overall as well as consistent monitoring of progress against the targets.

In his conclusion, Mr. Hersi recommended that there ought to be focus on equality, equity and non-discrimination; ensuring the full participation of PWDs in drawing of the post 2015 development agenda, promotion of disability inclusive development, ensuring adequate measuring of the targets set and encouraging governments and development partners to budget for inclusion of PWDs.

The discussant brought out the following;

- ✓ The EAC has made progress in relation to PWD through the development of a framework and legislation. At the MDG level, there is need for a stand-alone goal with clear targets and measurable indicators. There is also need to mainstream disability, secure financial commitments at the UN level and gathering of reliable data.
- ✓ At the regional level, the discussant noted the necessity for mainstreaming disability and affirmative action across all sectors and levels, including health, security, education, employment, services, public transport, and architecture focus should go beyond the present to the mid and long term.
- ✓ There is also need to commit resources at both local and regional levels.
- ✓ Elective and appointive positions ought to be allocated to PWD for them to take part in the national and regional agenda.
- ✓ Need for EAC Partner States to further invest in education of PWDs for empowerment, and concern extended to the differential needs of different PWDs such as men, women, rural, urban, children and adults.

- ✓ It was also noted that there is need to promote uniformity of policies across the member states so as to ensure a common voice in policies and legislation.
- ✓ Data on PWD should be updated and disaggregated by gender, category of disability and age.
- ✓ Another area of focus should be cultural challenges confronting PWDs, going beyond numbers and addressing issues of quality as well as ensuring that PWD deserve services in an efficient and dignified manner.
- ✓ Affirmative action ought to look into budgetary allocations for education of children with disability, provision of quotas for PWDs in government employment and even tax rebates for the private sector where PWDs are employed.

Plenary

- Need to develop Post 2015 agenda sectoral guidelines across all levels of development
- formation of a working committee at the regional level to work on the Post 2015 Agenda, and to harmonize the various emerging frameworks and approaches.
- determining the roles of each partner state and determining the focus of mainstreaming strategies
- domestication of the Post 2015 Agenda in each partner state
- representation of the PWDs across all sectors and levels of development
- need to always adopt a common position for presentation at the meeting of State Parties

Recommendations

- a) **EAC Secretary General to ensure that the EAC Partner States ratifies the UN Convention on the Rights of Persons with Disability (CRPD);**
- b) **deliberate focus should be put on inclusive development to ensure persons with disabilities are included in all mainstream programs or initiatives from the consultation process through to design, implementation and monitoring**
- c) **Establish an EAC Working Committee with representatives from EAC Partner States' stake holders to champion, guide and monitor the implementation the regional initiatives on PWDs.**

- d) **The EAC Secretariat should coordinate efforts in all Partner States to generate a common position on the post 2015 development agenda for PWD**
- e) **The EAC secretariat to lobby the Africa group to advocate for a standalone Development Goal on PWD in the post 2015 development agenda;**
- f) **EAC Partner States to mainstream disability concerns in all post MDGs and international sustainable development frameworks spheres such as education, Health (reproductive health issues), infrastructure, agriculture and employment (architecture of services , building etc);**

SESSION 5: TOWARDS AGENDA 2063;

Chair: *Dr. Martin Nduwimana, Chair General Purpose Committee, East African Legislative Assembly*

Topic: inclusion of disability concerns in Agenda 2063

By Dr. Godwin Murunga; Ag. Executive Director, African Leadership Centre

Discussant: *Mrs. Josephine Lyengo, United Republic of Tanzania*

Dr. Murunga explained that the two key aspects of the Agenda 2063 are that it provides an opportunity for prospective thinking in Africa and the success of this agenda ultimately depends upon its popular anchoring; implementation using African resources, and inclusion of all African diversities. He noted that the Agenda was jointly developed by the AU, UNECA, AfDB and NEPAD agency. He identified the key questions to be whether the Agenda 2063 enjoys popular anchoring it aspires to; what the role of EAC in the realisation of its popular anchoring is in the regions, whether its objectives be realised if the resource base for its implementation is not discussed and guaranteed and how inclusive it is in respect to all diversities including the Persons with Disability.

While providing a prospective look to Agenda 2063, Dr. Murunga explained that the Agenda provides a refreshing commitment to planning, based on the key elements of the agenda, but regretted that none of the 8 core areas of intervention focuses directly on social justice or inclusion; or even the PWDs specifically. He further identified the main shortcomings of the Agenda 2063 as the challenge of nation state-centrism; lack of inclusivity;

infrastructure and the PWD issues; resource challenge; roles of the regional economic communities.

A copy of the presentation on inclusion of disability concerns in Agenda 2063 is here to attached as Annex I.

Discussion: The discussant brought out the following;

- A prosperous Africa based on good governance and peaceful coexistence is necessary in order to foster sustainable development.
- People driven issues must integrate an inclusive agenda that brings PWD on board
- Challenges of inclusion and mainstreaming of PWD across all sectors of the social, economic and development agenda must be addressed and measures to deal with these put in place
- Issues of resources and infrastructure in relation to the disability agenda require attention.
- need to focus on important issues in relation to the PWD in the Agenda 2063

Plenary/ emerging issues

During the plenary session, the following issues were raised:

- Issues of peace and stability in the region must be reviewed so as to foster the achievement of the agenda.
- There is need to entrench a culture of scientific research; and for this to be done, budgetary allocations must be provided for studies and research activities in relation to how the Agenda influences PWD. Reliance on out-dated statistics affects implementation programmes.
- Advocacy for all-inclusive approaches that tackle discriminatory policies should be enhanced.
- It was noted that there are varied terms used across different states to refer to common concepts related to PWD e.g diversity, marginalization, inclusion and minorities. There is need to harmonise policies and the terms used in laws and policies across the region so as to promote a common understanding and agreement on the issues related to PWD in the Agenda.
- Resources are needed for implementing the Agenda, and there is need to bring on board the development partners and agencies that have continued to provide various forms of support to the respective states through expertise and resources.

- There is concern on the extent to which the youth have been or will be incorporated in the conceptualization, process, implementation, monitoring and evaluation of the Agenda to make it all inclusive.
- Agenda 2063 should not only factor in mitigation mechanisms for PWD, but also address strategies of prevention of the occurrence of disability, such as nutritional measures for pregnant mothers.

Conclusion

While Agenda 2063 is still under development, recommendations from PWD are needed through their participation, lobbying and contributing suggestions on how to best incorporate their agenda on the plans.

Recommendations

- a) **Review and document the success of the OAU strategy and use the findings to inform the development and implementation of the new agenda 2063,**
- b) **EAC should lobby the African Union to consider and adopt an 8th pillar in Agenda 2063 which should focus on special interest groups including PWDs**
- c) **EAC Partner States should popularize Agenda 2063 and ensure inclusion and participation of young people in the conceptualization and ownership of the agenda as well as in the implementation, monitoring and evaluation.**
- d) **harmonise policies and the terms used in laws and policies across the region so as to promote a common understanding and agreement on the issues related to PWD in the Agenda.**
- e) **Enhance partnerships and collaborations with development partners and other agencies so as to mobilize expertise and resources for the implementation of the agenda**

SESSION 6: PERSPECTIVES OF EAC POLICY ON PERSONS WITH DISABILITIES 2012

Chair: *Hon. Minister of Health and Social Welfare, United Republic of Tanzania*

Topic: *EAC Policy on Persons with Disabilities; Un- packaging the Policy contents by Ms. Mary Makoffu, Director Social Sectors, EAC Secretariat*

Discussant: *Hon. Dr. Odette Nyiramilimo, Member East African Legislative Assembly*

The Director Social Sectors informed the meeting that the EAC Policy on PWDs promotes and contributes to ensuring the full and equal enjoyment of all human rights and fundamental freedoms by PWDs and promote respect for their inherent dignity by informing other policies, programmes and sectoral plans among the EAC Partner States. the EAC Policy on Persons with Disabilities was adopted by the 25th Meeting of the Council of Ministers in August 2012 in line with the provisions of Article 120 (c) of the Treaty for the Establishment of the East African Community, and collaboration by the Partner States in putting in place education and training programmes for people with special needs and other disadvantaged groups in Article 102(2); as well as Article 39 of the EAC Common Market Protocol which provides for the harmonisation of Social Policies; in addition to the recognition of the UN Resolution 61/196 on the CRPD. The Policy was developed through intensive consultations at both national and regional levels.

Ms. Makoffu explained that poverty and disability are closely linked, and the latter exposes people to limited livelihood opportunities, thus PWDs tend to belong to the poorest strata in society due to socio-economic marginalization resulting in chronic poverty and vulnerability due to their exclusion from socio-economic programmes.

Although the global percentage of PWDs currently is at 15%, The proportion of PWD in Africa could be higher than the global average because insecurities and diseases. The EAC Policy on Disabilities therefore, establishes a framework for enhancing the recognition of the roles, contributions and potentials of PWDs in the development process; strengthening community based support systems, recognizing that disability is not inability and providing special safety nets for PWDs. She further noted that the Policy is Anchored and Consistent with various international charters, conventions, protocols and rights.

Mrs. Makoffu outlined the guiding principles, mission, vision, objectives and values in the policy. She averred that the mission of the policy is to provide an enabling environment for the empowerment of PWDs to enable them effectively participate in and benefit from the development initiatives; while the vision is to attain a society that is fully inclusive and provides equal opportunities and access to services for all persons with disabilities.

The presentation further expounded on the Strategies for implementing the Policy, including mainstreaming PWDs issues in national, regional policy frameworks and affirmative action; capacity building; enhancing skills development and social support systems so that PWD's participate in and

effectively contribute to socio-economic development; enhancing networking, partnerships, linkages and collaboration with all stakeholders; research, documentation and dissemination on best practices and experiences for replication and scaling up interventions by all actors at all levels.

In her conclusion she enumerated the priority policy areas comprising training and education; economic empowerment; accessibility to physical facilities and services; social protection; participation; research and management information; affirmative action as well as coordination and networking.

A copy of the EAC Policy on PWDs and the presentation are attached hereto as Annexes II and III.

Discussion; the discussant highlighted the following issues;

- ✓ the policy was initiated in February, 2010 during the First Conference on PWDs and Article 120 of the Treaty on promotion of rights of the marginalized groups and the disadvantaged including PWDs
- ✓ The goal of the policy is to achieve equal treatment and social inclusion; Need to clearly indicate how achievement will be measured as well as amendments, enforcement
- ✓ Need for provision of foster homes for PWDs with no families and where they can be assisted and capacity built
- ✓ What are the health care, education and training aspects for PWDs that need to be dealt with? Health issues should go beyond taking into account comprehensive health and reproductive health
- ✓ Implementation of the policy will be undertaken at individual Partner States level there's therefore need to harmonise curricula and determination of quotas for PWDs in employment and political commitment for implementation of the policy is paramount
- ✓ Need for a biennial Conference to review progress and approve action. These conferences should comprise of CSOs, national councils and MPs in the Disability Council so as to ensure recommendations are followed through and the meeting of ministers adopt the ideas which should eventually be shared with the heads of the EAC states
- ✓ All the Conference participants are potential advocates of the dynamic policy. They should therefore popularize as widely as possible

Recommendations

- a) **The policy should have definition of terms, so that disability is not generalized, but goes to the extent of specifying the different categories of disabilities**
- b) **The Policy should capture the challenges that impact on PWDs at the local level including issues of exclusion in socio economic development programmes**
- c) **Step up efforts to enact basic laws on PWDs and disseminate the Policy to the public**
- d) **The General Purpose committee at the EAC should liaise with similar committees in the national parliaments so that a harmonized framework is developed for implementation in the respective partner states.**
- e) **Strengthen the reporting mechanisms through establishing of a committee with representatives from the national councils of the Partner States for purposes of rolling out the plan, undertaking advocacy and awareness**

SESSION 7: THE YOUTH AND GENDER PERSPECTIVES OF PERSONS WITH DISABILITIES

Chair; *Hon Minister Republic of Rwanda represented by Hon. Rusiha Gastone (MP)*

Topic; *Disability and Women's Empowerment by Hon. Safia Nalule Jjuko, Member of Parliament PWDs, Uganda*

Topic; *Mainstreaming Youth with Disability concerns in legal and policy frameworks by Alucheli Fredrick Ouko, Executive Director Action Network for the Disabled*

Hon. Safia Nalule began by observing that PWDs, especially women and girls with disabilities were increasingly taking charge over their lives by setting their own agenda, gaining skills and exposure, building self-confidence, solving problems, and developing self-reliance. She added that it is needful to probe whether any empowerment had taken place since the last Kampala conference; and what the critical issues of concern to women and girls with disabilities were. She noted that indeed in East Africa, the combination of poverty, gender discrimination and the lack of opportunity affects women with disabilities negatively in many aspects of life, including in the access to health services; education; income levels; rights to own property ; access to

finance ; heavy household work burden; ability to secure employment or be self –employed .

Hon. Nalule went on to critically outline what the critical issues on what had been done and what needed to be done to ensure empowerment of women and girls with disabilities. She explained that acceptance or rejection of children with a disability begins at the home based on social and cultural constructs, which may result in multiple discrimination against them or even death in some extreme cases.

In the education sector, a majority of girls and women with disabilities are denied education due to lack of political will to address disability issues, absence of policies, programmes and budgets for SNE; and the absence of reliable data on women and children with disability in the region. However, tremendous progress had been made in some of the Partner States such as Kenya and Rwanda where comprehensive programmes were in place to provide special needs education (SNE).

In the health sector, she identified challenges facing WCWD as including negative perceptions that women and girls with disabilities are asexual, insensitivity among medical personnel towards the PWD, inaccessible terrain and healthcare environments, forceful sterilization, lack of mobility appliances, vulnerability to rape and defilement resulting in unwanted and unplanned pregnancies or HIV as well as communication barriers especially by deaf and blind women.

Further, Hon. Nalule identified barriers relating to access to employment and economic empowerment of PWDs as comprising of factors such as negative attitudes, perception of PWDs as economic dependants, inaccessibility to loans, denial of education and exposure leading to lack of requisite skills and experience to qualify for formal or informal employment, and even where they have the relevant qualifications, they face entry barriers. However, she observed that the Constitution of the Republic of Uganda has designated seats for MPs with disabilities, thus providing them with a chance to participate in national and local government political decision making, as well as influence legislation and governance. She recommended that in order to realize comprehensive empowerment of PWDs and more so women and girls with disabilities, it is imperative for the EAC Partner states to form a Women With Disability (WWD) forum to advocate for disabled women and girls' rights; ensure inclusion of disability and gender issues in the Post 2015 MDG agenda; to enhance long term planning in government programmes for PWDs; to develop a disability and sensitive checklist to guarantee that all laws or programmes in the region are

disability and gender sensitive as well as to allocate of adequate financial resources in the regional and national budgets to ensure implementation of disability and gender sensitive programmes.

A copy of the presentation on Disability and Women's Empowerment is attached hereto as Annex IV.

Topic; Mainstreaming Youth with Disability concerns in legal and policy frameworks

Mr. Fredrick Ouko reviewed the strategies legislators could consider in order to ensure that the CRPD convention is incorporated into national law, and explained that the first step would entail the recognition of civil, cultural, economic, political and social rights of women, men and children with disabilities in the supreme law of the Partner States. To do this, he suggested that the following set of steps would warrant consideration:

- i. Revision of existing provisions in the Constitution or basic law and granting protection to PWD;
- ii. Including a general guarantee of equality;
- iii. Prohibiting the use of disability as a ground of discrimination;
- iv. Including specific provisions on the rights of persons with disabilities;
- v. Revising the language used to refer to persons with disabilities.
- vi. Adopting a national law incorporating the content of the Convention, or even its entire text, specifying that the law is enforceable before the courts; and
- vii. Adopting additional implementing legislation.

Mr. Ouko further explained that depending on existing legislation, each the Partner States may consider adopting or amending comprehensive, general discrimination law, including the prohibition of using disability as a ground of discrimination in public and private life; non-discrimination laws in different sectors, such as work, education and access to justice, including disability as a prohibited ground of discrimination; and/or disability-equality law, prohibiting discrimination based on disability and establishing a broad framework to address disability.

In his conclusion, he emphasized the need to ensure that there is a mechanism for consultations with PWDs, and/or their representative organizations, at the law-making level, as well as revision of the language used to refer to persons with disabilities in all existing and new legislation.

A copy of the presentation on Mainstreaming Youth with Disability concerns in legal and policy frameworks is attached hereto as Annex V.

Recommendations

Women

- i. EAC, Partner States to develop indicators to show the commitment to the progressive realization of the UN Disability rights especially on girls and Women with Disabilities in line with UNOCHR**
- ii. States Parties should take all appropriate measures to ensure access to health and education services that are gender and disability sensitive, including health-related rehabilitation, for mothers with disabilities, fistula, scholastic materials, sanitary pads, including SNE teachers; among others**

Youth

- i. Mainstream the involvement of young men and women PWD in the development of the EAC including formulation and implementation of laws and programmes as they form the largest stakeholder group of PWD.**
- ii. Address barriers especially facing Youth with disabilities on a day-to-day to deal with the exclusion that they encounter. Barriers facing access to education among Children With Disabilities should be removed through focused action towards elimination of all forms of challenges in access and participation**

SESSION 8: REGIONAL AND INTERNATIONAL LEGAL INSTRUMENTS ON PERSONS WITH DIISABILITIES

Chair: *Minister for National Solidarity & Gender, Republic of Burundi*

Topic: *The EAC Disability Bill by Hon. Dr. James Ndahiro & Hon. Abubakar Zein Abubakar -Members East African Legislative Assembly*

The Draft EAC Disability Bill was presented by Hon. Zein Abubakar, Member, EALA. The presenter focused on the background, context and process of the development of the EAC bill on disability. They noted that the bill is intended to institute a departure from past injustices and adopt a rights based and responsibility approach, deconstruct the past, reconstruct the present and construct a future devoid of injustices against PWDs. He

added that the bill sought a transformative approach that is based on comprehensive, multi-dimensional laws anchored on existing frameworks. He added that there is need to rid the policy of legislative legalities and develop a just bill that is enactable. He emphasized the need for specific mechanisms to make the bill realistic, specific and objective, and added that PWDs are expected to champion the bill, advocate for it, discuss it and make it as inclusive as possible.

He further stressed that the process should be participatory and include framework for interpretation and implementation, such as issues to do with the access and use of the law as well as a reporting and evaluation framework.

He outlined the structure as comprising of different parts. Part one is a preamble in locating the bill on best-practice based on international laws, interpretation of clauses, objectives, scope as well as guiding principles. Part two locates the obligations of the partner states in the legislation, protection and implementation of the rights of the PWDs; while the rest of the parts address specific thematic areas in relation to PWDs.

A copy of the draft bill is attached here to as Annex VI.

Plenary and emerging issues;

- ✓ during the discussions, members expressed optimism that the EAC would categorically support the enactment of the policy.
- ✓ the EAC Council of Ministers to be requested to fast-track the adoption of the bill at the EALA, and the bill will also be prepared in braille so as to make it as inclusive as possible.
- ✓ the need to simplify the bill and domesticate to reflect local realities
- ✓ need for consultations at respective Partner States level to facilitate ownership
- ✓ PWDs are still left out in terms representation in the EAC
- ✓ procedures should be outlined on how PWD access the justice system.
- ✓ developing a checklist of the targets to facilitate follow up of progress of implementation at the local levels
- ✓ procedures should be outlined on how PWD access the justice system
- ✓ issues of representation of the PWDs at both national and regional level should clearly be articulated

Recommendations

- a. **The EAC Draft Bill on Disability should provide for flexibility for Partner States to design and develop domestic content and solutions with regards to applicable local/sub regional solutions to PWD issues that can be solved at that level without being legislated.**

- b. EALA in collaboration with national Parliaments should conduct country consultation on the bill to facilitate input from all stakeholders**
- c. The Bill should include an Article that provides for PWDs to be represented in all organs and institutions of the Community**
- d. The bill should outlaw cruelty against PWD eg killing of persons living with Albinism**

Topic; *Making International Legal Instruments work at National and Regional levels by Hon Lady Justice Monica Mbaru.*

Discussant: *Martin Okiyo, African Region Coordinator, International Council for Education of People with Visual Impairment (ICEVI)*

Hon. Lady Justice Monica Mbaru began by noting that the human rights journey from standard-setting to effective implementation depends, in large measure, on the availability of appropriate tools for policy formulation and evaluation, and that this process enhances accountability and empowerment, especially for people who are most vulnerable and marginalized. She further noted that human rights standards and principles as a value based, prescriptive narration, essentially anchored in the legalistic language of the treaties, are not always directly amenable to policymaking and implementation, and for that reason have to be transformed into a more tangible and operational form. The Lady Justice Mbaru explained that human rights are universal legal guarantees protecting individuals and groups against actions and omissions that interfere with fundamental freedoms, entitlements and human dignity; and they are inherent in all human beings and are founded on respect for the dignity and worth of each person. In addition, she said that they stem from cherished human values that are common to all cultures and civilizations.

She reflected on the prospects of human rights at the EAC through the creation of cross-cutting norms such as non-discrimination and equality, participation, access to justice, access to information, accountability, the rule of law and good governance. The participants were informed that the CRPD-which all the EAC states had ratified- created the conceptual framework within which disability concerns can be addressed at the international, regional and national levels. This is because the convention reaffirms the right of every person with a disability to self-determination, autonomy, equality and dignity, besides outlining the steps that governments and public bodies must make to ensure that people with

disabilities have their human rights protected, promoted and fulfilled. She suggested that at the national level, State parties should focus on the extent to which the Convention has been domesticated through reform of existing laws to align them with the CRPD, or the adoption of a comprehensive ‘omnibus’ disability law.

At the international level, Lady Justice Mbaru advised that State parties should seek greater representation in the CRPD Committee, that civil society should not only lobby states to support the process, but also prepare ‘shadow reports’ and monitor the process of domestic implementation. She also observed that the challenge – and opportunity – for EAC states is to explore the potential of appropriating the CRPD for Africa. Besides, she added, there is a Special Rapporteur on Disability at the UN, tasked to monitor the implementation of the United Nations Standard Rules for the Equalization of Opportunities of Persons with Disabilities; and to establish direct dialogue with stakeholders.

In Africa, she noted that there are instruments such as the ‘African human rights system’ which is a set of norms and institutions comprised in the core pan-continental human rights treaties adopted under OAU/AU; the African Charter; African Children’s Charter, African Women’s Protocol and the African Youth Charter all of which potentially implicitly include persons with disabilities within their ambit. Others cited included Art. 120 EAC Treaty, Art. 6(2) SADC Treaty, Art. 9 SADC Protocol on Gender and Development, as well as the national Statutes.

In conclusion Lady Justice Mbaru reiterated the rights of PWDs across all sectors of society, and the critical role of EAC States/Member parties including legislative, administrative, judicial and other practical measures in the pursuit of respect, protection and fulfilment of the rights of PWDs before the law.

A draft copy of the presentation on Making International Legal Instruments work at National and Regional levels is here to attached as Annex VII.

Emerging issues

- ✓ Need for State parties to seek greater representation in the CRPD Committee, that civil society should not only lobby states to support the process, but also prepare ‘shadow reports’ and monitor the process of domestic implementation
- ✓ EAC should establish linkage with the Special Rapporteur on Disability at the UN, whose task is to monitor the implementation of

the United Nations Standard Rules for the Equalization of Opportunities of Persons with Disabilities; and to establish direct dialogue with stakeholders.

- ✓ Need for State parties to focus on domestication and alignment of the national laws with the CRPD, or the adoption of a comprehensive ‘omnibus’ disability law
- ✓ Support of candidature of Africans at the Conference of State parties was minimal by African States
- ✓ Implementation of the Commitments of the CRDP were still slow
- ✓ The CRDP did not clearly articulate peculiarities eg the killing of people living with albinism in East Africa

Recommendations

- a) **Develop an implementation framework building upon existing structures to compel state parties to report to the EAC on implementation of the CRDP, other Treaties and obligations specific to PWD issues**
- b) **Lobby for the Expansion of African representation at the Conference of State Parties**
- c) **State parties to focus on domestication and alignment of the national laws with the CRPD, or the adoption of a comprehensive ‘omnibus’ disability law**
- d) **Develop a checklist of the targets to facilitate follow up of progress of implementation at the local level**
- e) **An Article of the CRDP needs to expressly cover issues of deprivation of life for persons with Albinism in the East African region that these killings be outlawed and a penalty recommended for offenders**

SESSION 9: GENERAL RECOMMENDATIONS/ WAY FORWARD

- a) **EAC Partner States to domesticate the UN Convention on the Rights of Persons With Disabilities (CRPD) into laws and policies to foster greater awareness about issues and needs of PWD at EAC and Partner States’ Level**

- b) Strengthen efforts by the movement of PWDs and governments to teach the wider population about the “Disability culture, Disability language, and ways of PWD”.**
- c) A status report on implementation of recommendations/resolutions from previous Conferences should always be the first item on the agenda for presentation during the subsequent Conferences.**
- d) EAC Secretariat to develop a compendium of international and regional laws, frameworks and policies on disabilities for ease of reference**
- e) EAC Secretariat should develop a regional framework for harmonization of existing national legislations, policies and frameworks for PWDs to facilitate their harmonisation by all EAC Partner States**
- f) EAC to institutionalize the PWD Conference biennially and include PWDs organizations and representatives at national level during the initiation and planning process for future Conferences**
- g) Contiously share best practices on PWDs e.g Republic of Uganda’s mainstreaming of PWD in the next housing and population census should be benchmarked by other Partner States**
- h) Need for the development of a Standardized Kiswahili braille code for use in all Partner States especially in the pursuit for regional integration. EAC Secretariat should lead the process of developing this braille code with the involvement of all five Partner States. Currently each country, possibly each school is using its own Kiswahili code**
- i) Include Development Partners in the 3rd Conference on PWD for effective planning and implementation of the proposed recommendations / interventions**
- j) The Conference supported the formation of the East African Parliamentary Disability forum with membership drawn from the national Parliaments and EALA**

SESSION 10: CLOSING OF THE CONFERENCE

Remarks by Mrs. Phyllis Kandie Cabinet Secretary East African Affairs, Commerce and Tourism during the closing of the 2nd EAC Conference on Persons With disability

The Cabinet secretary and Chair of the EAC Council of Ministers expressed her gratitude to the EAC for creating a platform to address the needs for PWDs which is one of the most important issues in the society today. She called upon the EAC and Partner States to develop a comprehensive implementation framework with clear time lines and measurable outcomes to ensure that the resolutions of the Conference are fully implemented.

She called upon the Partner States, EALA, Civil Society Organizations, the private sector and Development Partners to take the responsibility of checking the progress of implementation of the resolutions arising from this conference in all EAC Partner States.

She urged all Partner States to carry out reviews of existing policies, legal and structural frame works to ensure that meaningful progress is made and avail sustainable access to equal economic and social development to PWDs across East Africa which should be everyones' goal and responsibility and their right. She thanked the Conference organizers for choosing Nairobi as the venue.

In her conclusion, she reminded the delegates that the guiding principle in the East African Community has and will always been **“ONE PEOPLE ONE DESTINY”**.