December 3, 2020

Dr. Ally Yahaya Simba,
Executive Secretary,
The East African Communications Organisation (EACO),
Kigali, Rwanda

Dear Sir,

RE: THE STATE OF RIGHTS OF PERSONS WITH DISABILITIES IN THE DIGITAL SPACE IN EAST AFRICA

Please accept my regards on behalf of the Collaboration on International ICT Policy for East and Southern Africa (CIPESA), a leading centre for research and analysis of information aimed at enabling policy makers in Africa to understand international Information and Communications Technology (ICT) policy issues. Since its inception in 2004, CIPESA has worked to develop the capacity of African stakeholders to contribute effectively to inclusive decision making on ICT and ICT-related products and services, and to build multi-stakeholder policy-making capacity in African countries.

We write to you on the occasion of the International Day of Persons with Disabilities (IDPD), observed every December 3 since 1992, which this year takes place under the theme of "Building back better: towards an inclusive, affordable, accessible and sustainable post COVID-19 world by, for and with persons with disabilities". The day presents an opportunity for the East Africa Communications Organisation (EACO) members to reflect on their duties, obligations and commitments to respect, protect and promote human rights and, in particular, the rights of persons with disabilities in East Africa. Accordingly, CIPESA would wish to bring to your attention the situations and issues in the region that have a critical human rights dimension for persons with disabilities in the context of ICT.

We are encouraged by the commitment of EACO members to protect the rights of persons with disabilities enshrined in the African Charter on Human and Peoples' Rights, the United Nations' Convention on the Rights of Persons with Disabilities and its Optional Protocol, the Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled (the Marrakesh Treaty); the 2030 Agenda for Sustainable Development Goals (SDGs); and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa (the Protocol).

The Protocol is a critical instrument for the promotion and effective protection of the rights of persons with disabilities in Africa. It calls upon African Union (AU) Member States to take "effective and appropriate measures to facilitate full enjoyment by persons with disabilities of the right to access "Information, communications, sign language and tactile interpretation services, braille, audio and other services, including electronic services and emergency services." It also calls upon States to ensure that persons with disability have access to quality and affordable

mobility aids and assistive devices or technologies". Further, it requires member states to put in place policy, legislative, administrative and other measures to ensure that "Every person with a disability has the right to freedom of expression and opinion and the right to access information."

Article 120(c) of the Treaty for the Establishment of the East African Community calls upon East African Community (EAC) Partner States to closely cooperate amongst themselves in the field of social welfare with respect to, among others, the development and adoption of a common approach towards disadvantaged and marginalised groups, including persons with disabilities, through rehabilitation and provision of, among others, foster homes, healthcare, education and training. Likewise, the EAC Policy on Persons with Disabilities aims to provide an enabling environment by Partner States for the empowerment of persons with disabilities to facilitate their effective participation in and their eventual benefit from development initiatives.

Whereas ICT has the potential to make significant improvements in the lives of persons with disabilities through enabling their access to information, and enhancing their social and economic integration in communities by enlarging the scope of activities available to them, many persons with disabilities in East Africa still find it hard to access and use digital technologies. They continue to face inequality in accessing assistive technologies such as screen readers, screen magnification software, text readers, and speech input software. In addition, the majority are unable to use digital technologies because the available technologies lack "digital accessibility", namely the ability of a website, mobile application or electronic document to be easily navigated and understood by a wide range of users, including those with visual, auditory, motor or cognitive disabilities.

This situation has been aggravated during the COVID-19 pandemic, where critical messages regarding the pandemic disseminated by authorities have not reached persons with disabilities. Furthermore, for the most part the telecommunications industry in the region is yet to develop mobile communications products and services that are accessible to persons with disabilities.

We hope that EACO will prioritise and act on the following human rights issues, which CIPESA has documented in recent years. In this regard we call on EACO Members to:

- Support the implementation of the International Telecommunications Union (ITU) Resolution 175 on Telecommunication/information and communication technology accessibility for persons with disabilities and persons with specific needs.[1]
- Support the implementation of the EAC Policy on Persons with Disabilities.
- Ensure that information on COVID-19 is inclusive and is provided in accessible and appropriate formats and languages, whether it is in SMS, audio, visual or document form.
- Support the development, implementation and enforcement of relevant and enabling national policies and legislation on accessible communication products and services

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[1] ITU Resolution 175
https://www.itu.int/en/ITU-D/Digital-Inclusion/Documents/Resolutions/RESOLUTION%20175%20(REV.%20DUBAI,%202018).pdf

such as disability laws, Codes of Practice, consumer rights regulations, and ICT and disability policies.
- Support innovation and investment in accessible telecom products and services, such as software solutions and accessible handsets and mobile devices tailored to the needs of persons with disabilities.
- Promote the awareness on, and access of persons with disabilities to specialist devices / assistive technologies such as manual Perkins Brailler, hand-held magnifiers, hand frames/slates and communication boards, screen readers, text-to-speech software and Augmentative and Alternative Communication (AAC).
- Promote the participation of persons with disabilities in decision-making and policy development processes at national level.
- Ensure the systematic collection, analysis, storage and dissemination of national statistics and data covering disability to increase the availability of high-quality, timely and reliable disaggregated data by disability, in order to facilitate the protection and promotion of the rights of persons with disabilities.
- Promote multi-stakeholder cooperation between governments, the private sector, civil society and other relevant actors to incorporate diverse perspectives and promote the rights of persons with disabilities in accordance with the Protocol.

Please find additional information about these issues in the annexed report.[2] We hope that these recommendations will inform the efforts by EACO as it works to fulfill its commitment to improve the lives of persons with disabilities in the region as part of its mission to coordinate the development of the communications sector through harmonisation of policy and regulatory frameworks in the East African Community.

CIPESA looks forward to continued and constructive dialogue with the EACO to promote effective ICT policy making, respect for human rights, and telecom services provision that leaves no one behind.

Yours sincerely,

Dr. Wairagala Wakabi

Executive Director

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[2] Access Denied: How Telecom Operators in Africa are Failing Persons With Disabilities
https://cipesa.org/?wpfb_dl=360