

**EAST AFRICAN COMMUNITY**

**EAST AFRICAN LEGISLATIVE ASSEMBLY**

**MOTION FOR A RESOLUTION SEEKING LEAVE OF THE ASSEMBLY TO INTRODUCE AN EAST AFRICAN COMMUNITY PERSONS WITH DISABILITIES BILL**

*(Moved under Articles 49(1), 59(1) and 120(c) of the Treaty and Rule 26of the Rules of Procedure of the Assembly)*

**WHEREAS**under Article 120 (c) of the Treaty for the Establishment of the East African Community, the Partner States undertook to develop and adopt a common approach towards the disadvantaged and marginalised groups including persons with disabilities;

**AND WHEREAS** Partner States are party to the United Nations Convention on the Rights of Persons with Disabilities and the African Union instruments which provide for the universality of human rights and affirmative action to empower persons with disability;

**AWARE** that following regional conferences on the matters affecting persons with disabilities in the Community held in Kampala in 2010 and Nairobi in 2014, the regional stakeholders agreed that a there is need to strengthen the policy and law to address challenges facing persons with disabilities in the Community and to empower them to fully participate in the Community integration agenda;

**RECALLING** that a Persons with Disabilities Bill was introduced into the Assembly in 2015 and was duly passed by the Assembly.

**RECOGNIZING** that the purpose of this Bill was to provide a comprehensive legal framework for the protection of the rights of persons with disability in the Community and to facilitate persons with disability to participate in programmes and activities of the Community;

**NOTING** that although the EAC Persons with Disabilities Bill was returned to the Assembly in March 2017 with comments and reservations on assent from the Republic of Kenya, the Assembly was not able to reconsider the Bill before the expiry of the term of the 3rd Assembly in June 2017 and as such the Bill lapsed;

**RECALLING** that although the 18thExtra-Ordinary Meeting of the Council of Ministers held on 22ndOctober 2008 in Kampala, Uganda directed the Secretariat to formulate a Comprehensive Policy for persons with disabilities working at the EAC this Policy has not yet been adopted by the Council;

**CONCERNED** that the absence of policy and a law to strengthen the commitments of the Partner States and the Community on matters relating to the rights and participation of persons with disabilities in the Community adversely affects persons with disabilities and undermines their efforts to fully enjoy their universally accepted rights and to participate in the programmes and activities of the Community;

**FURTHER AWARE** that under Article 59(1) of the Treaty any member may propose any motion or introduce any Bill in the Assembly;

**RECOGNIZING** that rule 64 (5) of the Rules of Procedure of the Assembly requires that a Private Member’s Bill shall be introduced first by way of Motion to which shall be attached the proposed draft of the Bill;

**NOW THEREFORE BE IT RESOLVED BY THE ASSEMBLY AS FOLLOWS: -**

**THAT** in accordance with Article 49(1) and 59(1) of the Treaty and Rule64 (5) of the Rules of Procedure of the Assembly, the Assembly grants leave to **Hon Alex Bahati** to introduce a Bill entitled the East African Community Persons with Disabilities Bill to provide a legal framework for the protection of the rights of persons with disabilities in the Community.

**Moved by:**

**Hon Alex Bahati**

**Seconded by:**

**Hon Wanjiku Muhia**