

**THE EAST AFRICAN COMMUNITY**

**THE EAST AFRICAN COMMUNITY PERSONS WITH  
DISABILITY BILL, 2015.**

**MEMORANDUM.**

The object of this Bill is to provide a comprehensive legal framework for the protection of the rights of persons with disability in the Community.

This Bill is premised under the provisions of Article 120 (c) of the Treaty for the establishment of the East African Community, under which the Partner States undertook to closely co-operate amongst themselves in the field of social welfare with respect to, among others, the development and adoption of a common approach towards disadvantaged and marginalized groups, including children, the youth, the elderly and persons with disability through rehabilitation and provision of, among others, foster homes, healthcare, education and training.

The principles proclaimed in the Charter of the United Nations recognize the inherent dignity and worth and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world. Furthermore, the United Nations, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, has proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind.

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

The Partner States have over the years enacted laws, rules and regulations protecting the rights of persons with disability in their territories. However, these laws fall short of uniformity in content and therefore don't apply uniformly. This is disadvantageous to the beneficiaries who would wish to receive similar treatment across the whole Community.

This Bill is therefore aimed at uniformalising the laws, rules and regulations which recognize, observe and protect the rights of persons with disability in the Community.

HON. DR. JAMES NDAHIRO,  
*Member, East African Legislative Assembly.*

*East African Community  
Persons with Disability Bill, 2015*

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**THE EAST AFRICAN COMMUNITY PERSONS WITH  
DISABILITY BILL, 2015.**

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*Clause*

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**THE EAST AFRICAN COMMUNITY PERSONS WITH  
DISABILITY BILL, 2015**

A Bill for an Act

ENTITLED

**THE EAST AFRICAN COMMUNITY PERSONS WITH  
DISABILITY ACT, 2015**

**An Act to provide a legal framework for the protection of  
the rights of persons with disability in the Community and  
to provide for other related matters.**

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

**PART I—PRELIMINARY**

1. This Act may be cited as the East African Community  
Persons with Disability Act, 2015 and shall come into force on  
such date as the Council may, by notice published in the  
Gazette appoint.

Short title  
and  
commence-  
ment

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

Inter-  
pretation

“Board” means the Board of Directors established  
under section 28;



“Commission” means the East African Community Commission for Persons with Disability established under section 26;

“discriminate” means to accord different treatment to different persons solely or mainly as a result of their disability and includes using words, gestures or caricatures that demean, scandalize or embarrass a person with a disability;

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

“Executive Director” means the executive Director appointed under section 33;

“persons with disability” include those who have long-term physical, mental, intellectual, developmental or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others;

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

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

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

3. The objectives of this Act are to—

Objectives

- (a) harmonize services rendered to persons with disability in the Community;
- (b) facilitate education services in the Community; and
- (c) coordinate the provisions of the international conventions on persons with disability.

4. The United Nations Convention on the Rights of Persons with Disability shall inform decisions taken in the administration of this Act.

Governing principles

## PART II—GENERAL OBLIGATIONS

5. (1) The Partner States shall take all appropriate and effective measures, including policy, legislative, administrative and budgetary steps, to ensure, protect and promote the rights and dignity of persons with disability, without discrimination of any kind on the basis of disability.

Protection of rights and dignity

(2) In particular, the Partner States shall—

- (a) adopt all appropriate policy, legislative, administrative and other measures for the implementation of the rights recognised in this Act;

- (b) take all appropriate measures to modify or abolish existing policies, laws, regulations, customs and practices that constitute discrimination against persons with disability;
- (c) modify, outlaw, criminalise or campaign against any custom, tradition, cultural, religious or other harmful practice applied to persons with disability that is inconsistent with the rights, duties and obligations contained in this Act;
- (d) take all appropriate measures to eliminate discrimination on the basis of disability by any person, organisation or private enterprise;
- (e) refrain from engaging in any act or practice that is inconsistent with this Act and to ensure that public authorities and institutions act in conformity with this Act; and
- (f) provide or encourage the provision of assistance or services as appropriate to enable realisation of the rights set out in this Act.

### PART III—EQUALITY AND NON-DISCRIMINATION

Equality  
before the  
law

**6. (1)** The Partner States shall recognise that all persons, including persons with disability, are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law.

(2) The Partner States shall prohibit all discrimination on the basis of disability and guarantee to persons with disability equal and effective legal protection against discrimination on all grounds.



(3) In particular, the Partner States shall recognise that persons with disability are subject to multiple discrimination, including on account of their birth, age, gender, sex, economic status and social status, and they shall not be discriminated on the basis of such differences.

(4) Persons with disability have the right to recognition everywhere as persons before the law and shall have the right to protection and benefit of the law on an equal basis with others.

(5) The Partner States shall take all appropriate measures to ensure that—

- (a) persons with disability enjoy legal capacity on an equal basis with others in all aspects of life;
- (b) persons with disability are provided with the support they may require in exercising their legal capacity;
- (c) appropriate and effective safeguards are put in place to protect persons with disability from abuses that may result from measures that relate to the exercise of legal capacity by persons with disability;
- (d) persons with disability have the equal right to own or inherit property, to control their own financial affairs and to have equal access to bank loans, mortgages and other forms of financial credit; and
- (e) persons with disability have effective access to justice on an equal basis with others in order to facilitate their effective role as participants in all legal proceedings.

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Promotion  
of equality

7. The Partner States shall take steps to ensure that special measures as appropriate, including reasonable accommodation and support measures, are provided to persons with disability, in order to promote equality and eliminate discrimination.

PART IV—LIFE AND SECURITY OF PERSONS WITH DISABILITY

Right to life

8. The Partner States shall reaffirm that persons with disability have the right to life, the right to respect for their integrity and the right to security of person.

Inhuman  
and  
degrading  
treatment

9. (1) The Partner States shall prohibit the perpetration of cruel, inhuman and degrading treatment or punishment on persons with disability.

(2) The Partner States shall take appropriate and effective measures to ensure that persons with disability, on an equal basis with others—

- (a) have effective exercise of the right to life, including their survival, protection and development;
- (b) enjoy the right to liberty and security of person;
- (c) are not deprived of their liberty unlawfully or arbitrarily;
- (d) are not subjected to torture or cruel, inhuman or degrading treatment or punishment;
- (e) are not subjected without their free consent to medical or scientific experimentation;
- (f) are not, without their free consent, sterilised; and

- (g) are protected, both within and outside the home, from all forms of exploitation, violence and abuse.

**10.** (1) The Partner States shall take special measures to ensure that persons with disability have access to facilities and aides which ensure effective enjoyment of their right to life.

Access to facilities

(2) The Partner States shall take legislative, judicial, educational and other measures to ensure protection of persons with disability whose lives may be under particular threat on account of cultural, social or economic reasons, and in particular, shall ensure protection of persons with albinism and persons with high support needs.

**11.** The Partner States shall combat through legal sanctions, educational and advocacy campaigns practices such as witchcraft, taboos and bad omens used to justify the killing, abandonment or other mistreatment of persons with disability.

Elimination of taboos and practices

**12.** The Partner States shall take all necessary measures to ensure the protection and safety of persons with disability in situations of risk, including situations of armed conflict, humanitarian emergencies and natural disasters.

Protection during risky situations

**PART V—LIVING IN THE COMMUNITY,  
ACCESSIBILITY AND MOBILITY**

**13.** (1) Persons with disability have, on an equal basis with others—

Right to belong and reside

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

(2) The Partner States shall take effective and appropriate measures to facilitate full enjoyment by persons with disability of these rights, including by ensuring that—

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

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

- (a) rural and urban settings and shall take account of population diversities, including peasant farmers and pastoralists, fisherfolk, workers, artisans and professionals;
- (b) buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;

- (c) information, communications and other services, including electronic services and emergency services; and
- (d) quality and affordable mobility aids, devices, assistive technologies and forms of live assistance and intermediaries.

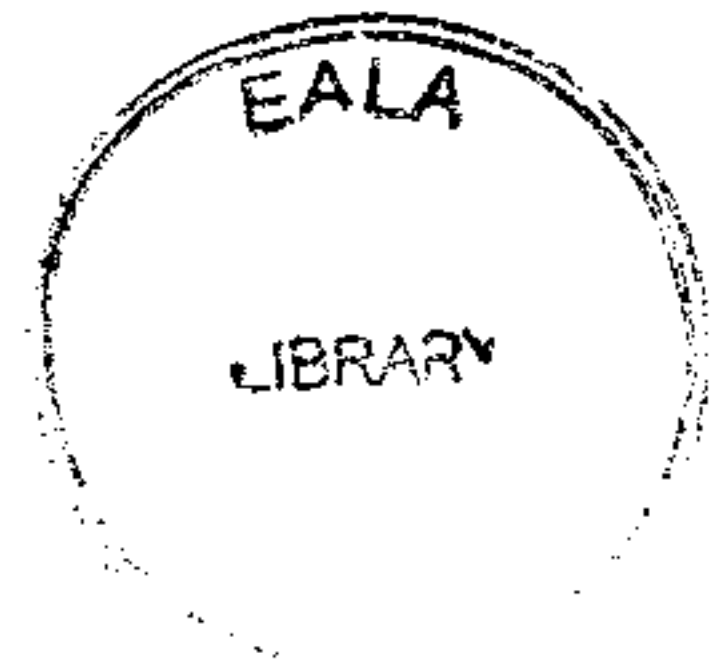
PART V — EMPLOYMENT OF PERSONS WITH DISABILITY

**14.** (1) Persons with disability have, on an equal basis with others, the right to decent and productive work, to just and favourable conditions of work, to protection against unemployment, and to protection from forced or compulsory labour.

Right to  
employment

(2) The Partner States shall take effective and appropriate measures to facilitate full enjoyment by persons with disability of this right, including by—

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



- (d) employing persons with disability in the public sector, including by reserving and enforcing minimum job-quotas for employees with disability;
- (e) promoting the employment of persons with disability in the private sector through appropriate policies and measures, including through the use of special measures such as tax incentives;
- (f) ensuring that reasonable accommodation is provided to persons with disability in the workplace.

Equal work  
for equal  
pay not to  
apply

**15.** (1) The Partner States shall take steps to ensure that the principle of equal work for equal pay is not used to undermine the right to work for persons with disability, and in particular, the Partner States shall take appropriate measures to recognise the social and cultural value of the work of persons with disability.

(2) A person who employs a person with disability shall make reasonable accommodation for him or her, and provide appropriate facilities required by the person for the efficient performance of the functions required by the employment.

Accessibility  
to facilities  
and services

**16.** (1) The Partner States shall ensure that the physical environment, transportation, information and communications and other facilities and services open or provided to the public, both in urban and rural areas accord personal mobility with the greatest possible independence for persons with disability including—

- (a) facilitating the personal mobility of persons with disability in the manner and at the time of their choice, and at affordable cost;

- (b) facilitating access by persons with disability to quality mobility aids, devices, assistive technologies and forms of live assistance and intermediaries;
- (c) providing training in mobility skills to persons with disability and to specialist staff working with persons with disability; and
- (d) encouraging entities that produce mobility aids, devices and assistive technologies to take into account all aspects of mobility for persons with disability.

(2) The Commission shall, in consultation with the other stake holders responsible for transport, works and communication, prescribe minimum standards and guidelines for the accessibility of facilities and services open or provided to the public, by persons with disability.

(3) Entities which offer facilities and services open or provided to the public shall take into account all aspects of accessibility for persons with disability, including—

- (a) signage in Braille and in easy to read and understand forms;
- (b) forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters to facilitate accessibility to buildings and other facilities open to the public;
- (c) appropriate forms of assistance and support to persons with disability to ensure their access to information and communications technologies and systems, including the internet; and



- (d) the design, development, production and distribution of accessible information and communications technologies and systems at an early stage.

**PART VII—EDUCATION OF PERSONS WITH DISABILITY**

Right to  
education

**17.** (1) Persons with disability have, on an equal basis with others, the right to education.

(2) The education of persons with disability shall be directed to—

- (a) the full development of human potential, sense of dignity and self-worth;
- (b) fostering respect for human diversity, human rights and fundamental freedoms, with particular reference to those set out in the provisions of various international conventions on the rights of persons with disability;
- (c) the development by persons with disability of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential;
- (d) enabling persons with disability to participate effectively in a free society; and
- (e) the preservation and strengthening of positive East African morals, traditional values and cultures.

Inclusive  
education

**18.** (1) The Partner States shall take appropriate and effective measures to ensure that the goal of inclusive education for persons with disability is realised.



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

- (a) persons with disability access free, quality and compulsory primary and secondary education;
- (b) persons with disability are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others, including ensuring the literacy of persons with disability above compulsory school age;
- (c) reasonable accommodation of the individual's requirements is provided, and that persons with disability receive the support required to facilitate their effective education;
- (d) effective individualised support measures are provided in environments that maximise academic and social development, consistent with the goal of full inclusion;
- (e) appropriate schooling choices are availed to persons with disability who may prefer to learn in particular environments; and
- (f) persons with disability learn life and social development skills to facilitate their full and equal participation in education and as members of society.

#### PART VIII—HEALTH

**19.** (1) Persons with disability have, on an equal basis with others, the right to enjoy the highest attainable standard of health. Right to health

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

- (a) providing persons with disability with the same range, quality and standard of free health care and programmes as provided to other persons;
- (b) providing particular health services required by persons with disability specifically because of their disability;
- (c) prohibiting discrimination of persons with disability in the provision of health insurance and life insurance; and
- (d) prohibiting any form of treatment without consent on the basis of one's disability.

PART IX—PARTICIPATION IN POLITICAL AND PUBLIC LIFE

Participation  
in politics  
and public  
life

**20.** (1) Persons with disability have the right to participate in political and public life, including the governance process, without discrimination and on an equal basis with others.

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

- (a) undertaking or facilitating systematic and comprehensive civic education to encourage full participation of persons with disability in democracy and development processes;

- (b) ensuring that persons with disability, on an equal basis with others, can effectively participate in political and public life including as voters and holders of political and public offices; and
- (c) putting in place reasonable accommodation measures, other support measures and ensuring accessibility for persons with disability to enable effective participation by persons with disability in political and public life.

**PART X—ADEQUATE STANDARD OF LIVING AND SOCIAL PROTECTION**

**21.** (1) Persons with disability have the right, without discrimination, to an adequate standard of living for themselves and their families, including adequate food, access to safe drinking water, housing, sanitation and clothing, to the continuous improvement of living conditions, and to social protection.

Standard of living

(2) The Partner States shall take effective and appropriate measures to facilitate full enjoyment by persons with disability of this right, including by—

- (a) ensuring that persons with disability access appropriate and affordable services, devices and other assistance for disability-related needs, including accessible housing and other social amenities, mobility aids, and carers;
- (b) ensuring access by persons with disability to social protection programmes, including retirement benefits; and

- (c) putting financial measures in place to cover disability-related expenses, including through the use of tax exemptions or concessions, cash-transfers, duty waivers and other subsidies.

PART XI—WOMEN, CHILDREN AND OLDER PERSONS WITH  
DISABILITY

Women  
with  
disability

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

(2) The Partner States shall recognise equality between women and men.

(3) The Partner States shall incorporate a gender perspective and sensitivity in all policy, legislative, programmatic and other efforts to promote the full enjoyment of human rights and fundamental freedoms by women with disability.

Children  
with  
disability

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

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

(3) The Partner States shall ensure the rights of children with disability by taking policy, legislative and other measures aimed at—

- (a) ensuring that the best interests of the child are a primary consideration in all actions concerning children with disability;
- (b) ensuring that children with disability have the right to express their views freely on all matters affecting them, their views being given due weight in accordance with their age and maturity, on an equal basis with other children;
- (c) providing children with disability, disability and age-appropriate assistance to realise their rights;
- (d) ensuring that children with disability are registered immediately after birth;
- (e) taking special measures to protect children with high support needs;
- (f) ensuring that children with disability have effective access to training and to recreational opportunities in settings most conducive for them to achieve the fullest possible social inclusion, individual development and cultural and moral development;
- (g) fostering in all children from an early age, an attitude of respect for the rights of persons with disability;
- (h) protecting children with disability from exploitation, violence and abuse within family, institutional and other settings; and

- (i) ensuring that under no circumstances may children on account of their disability be sterilised.

Older  
persons  
with  
disability

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

(2) The Partner States shall ensure the rights of older persons with disability by taking policy legislative and other measures including for—

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

#### PART XII—RESPONSIBILITIES OF PERSONS WITH DISABILITY

Responsi-  
bilities

**25.** Persons with disability have responsibilities to other individuals, their families and to the communities to which they belong.

(2) The responsibilities under subsection (1) include—

- (a) respecting and giving consideration to others without discrimination on any ground, and maintaining relations aimed at promoting, safeguarding and reinforcing mutual respect and tolerance;
- (b) raising awareness on and educating others on persons with disability;
- (c) playing active social, economic, political and other roles as full members of their families, communities and States; and
- (d) preserving and strengthening positive African cultural values in their relations with other members of society, and contributing to the promotion of the moral well being of society.

#### PART XIII—INSTITUTIONAL ARRANGEMENTS

**26.** (1) There is established a Commission known as the East African Community Commission for Persons with Disability. Establishment of Commission

(2) The Commission shall be a body corporate with perpetual succession and a common seal, and shall in its corporate name be capable of suing and being sued, and acquiring, holding and disposing of movable and immovable property.

**27.** (1) The Commission shall propose and evolve policies and strategies to enable persons with disability enter and participate in the mainstream of the regional development process. Functions of Commission



(2) Without prejudice to the generality of subsection (1) the Commission shall—

- (a) monitor and evaluate disability policies and programmes;
- (b) formulate strategies for broad-based inter-sectoral, interdisciplinary involvement and participation in the implementation of the regional disability policy;
- (c) produce an organizational manual on the operations of the Commission and its secretariat;
- (d) coordinate disability activities in the Community;
- (e) advise the Secretariat on disability issues for submission to the Council;
- (f) coordinate activities of organizations of persons with disability, and international organizations and nongovernmental organizations that deal with disability;
- (g) promote studies and research on issues of disability and provide education and information to the public on issues of disability;
- (h) create and maintain a database of persons with disability, and institutions, organizations and associations which provide rehabilitation, services or support for persons with disability;



- (i) play an advocacy role on disability issues at all levels; and
- (j) perform other functions that are necessary for the attainment of the objectives of this Act.

28. (1) For the performance of the functions of the Commission there shall be a Board of Directors which shall be the governing body of the Commission.

Board of  
Directors

(2) The Board shall consist of the following members—

- (a) the Chairperson;
- (b) one representative from the National Councils on Persons with Disability from each Partner State;
- (c) one member from each Partner State representing the Minister with a mandate of disability affairs; and
- (d) one representative from other special interest groups on persons with disability each Partner State.



(3) The Chairperson of the Board shall be one of the representatives of the Ministers under paragraph (2) (b), and the position of Chairperson shall be held in rotation for a term of one year.

(4) The Chairperson of the Board shall preside at all meetings of the Board and in his or her absence, the next person in the line of rotation shall act as Chairperson.

Functions of  
the Board

**29.** (1) The functions of the Board shall be to exercise general control of the performance and affairs of the Commission and to give general directions on the implementation and achievement of the objectives and functions of the Commission.

(2) Without limiting the generality of sub section (1), the Board shall—

- (a) consider reports submitted to it by the Executive Director and the technical committees;
- (b) propose staff terms and conditions of service for approval by the Council;
- (c) implement the decisions of the organs of the Community as may be addressed to it;
- (d) recommend to the Council the suitable candidate to be appointed as the Executive Director and appoint senior staff of the Commission and review their performance as well that of the Executive Director;
- (e) approve the annual programme of activities and budget estimates of income and expenditure for the Commission for submission to the Council for consideration;
- (f) approve the annual accounts of the Commission for submission to the Council for consideration;
- (g) approve the annual report of the activities of the Commission for submission to the Council for consideration;

- (h) exercise such other powers and perform such other functions as may be conferred on it by the Treaty or that may be necessary for the proper implementation of this Act.

**30.** (1) The Board shall meet at least once in every three calendar months and may hold extraordinary meetings as and when necessary. Meetings of the Board

(2) The quorum for any meeting of the Board shall be a simple majority of the members of the Board.

(3) Decisions of the Board shall be by consensus.

(4) Subject to this section, the Board shall determine its own rules of procedure including the convening of meetings and for the conduct of business at the meetings and the recording of its decisions and minutes.

**31.** (1) The Board may establish technical committees as may be necessary for specific areas of the Commission's functions. Technical committees

(2) The composition and functions of the technical committees shall be specified by the Board.

(3) Without prejudice to the generality of subsection (2), the technical committees shall be responsible for the preparation of comprehensive implementation programmes and the monitoring of the implementation of those programmes.

(4) The technical committees shall meet as often as is necessary for the proper discharge of their functions

Secretariat

**32. (1)** The Commission shall have a Secretariat whose headquarters shall be determined by the Council.

(2) The Secretariat shall perform the following functions—

- (a) coordinate all the activities within the scope of this Act;
- (b) carry out the administrative and financial management of the Commission;
- (c) prepare for the approval of the Board, an annual programme of activities and budget for the Commission, at least six months before the end of the financial year;
- (d) prepare working papers and reports on activities of the Commission for consideration by the Board;
- (e) implement the programme of activities and budget approved by the Board;
- (f) exchange such information as is necessary with the Partner States;
- (g) manage the delivery of technical support to Partner States through the pooling of specialist technical resources;
- (h) carry out such other duties within the scope of this Act as may be directed by the Board or the Council from time to time.

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**33.** (1) There shall be an Executive Director who shall be appointed by the Council on recommendation of the Board and on such terms and conditions as the Council may determine.

Executive  
Director

(2) The Executive Director shall—

- (a) be the chief executive officer of the Commission;
- (b) implement the work of the Commission in accordance with the policy and decisions of the Commission;
- (c) submit reports on the work of the Secretariat as well as the audited accounts to the Commission;
- (d) be the accounting officer of the Commission;
- (e) carry out such other functions as are conferred on him or her under this Act, or as may be directed by the Commission from time to time.

(3) The office of the Executive Director shall be filled on a competitive basis, under the principle of rotation among the Partner States.

(4) The Executive Director shall serve for a period of five years and shall not be eligible for re-appointment.

**34.** (1) There shall be such other officers and staff in the service of the Commission as may be determined by the Council.

Other  
officers and  
staff

(2) All officers and staff of the Commission shall be appointed on contract and in accordance with staff rules, regulations, terms and conditions of service of the Community.

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(3) The terms and conditions of Service of the Commission shall be similar to those of other officers and staff of the other institutions of the Community.

**PART XIV—PERSONS WITH DISABILITY FUND**

Establish-  
ment of  
Fund

**35.** (1) There is established a Fund known as the East African Community Persons with Disability Fund.

(2) The Fund shall be utilized to support persons with disability.

Sources of  
funds for  
the Fund

**36.** The sources of funds for the Fund shall constitute—

- (a) contributions to the Fund from the Partner States;
- (b) donations from the private sector;
- (c) donations and grants from development and humanitarian partners and the international community; and
- (d) other sources approved by the Council.

Manage-  
ment of the  
Fund

**37.** (1) The Secretary General shall manage the Fund and ensure mobilization of resources for the Fund

(2) The Commission shall develop guidelines on the management of the Fund.

**PART XV—MISCELLANEOUS PROVISIONS**

Compliance

**38.** (1) Each Partner State shall take appropriate measures within its competence, including the adoption of laws and regulations, administrative actions and enforcement measures, to ensure compliance with this Act.

(2) Each Partner State shall draw the attention of other Partner States to any activity which in its opinion affects the implementation of the purposes and provisions of this Act.

**39.** The Council may make Regulations generally for Regulations giving effect the provisions of this Act.

**40.** This Act shall take precedence over other laws in the Act to take Partner States to which its provisions relate. precedence

