January 24, 2019

Comments Presented to the Uganda Communications Commission

On

ACCESS AND USAGE OF INFORMATION AND COMMUNICATIONS TECHNOLOGIES (ICTS) BY PEOPLE WITH DISABILITIES (PWDS) IN UGANDA DRAFT REPORT

The Collaboration on International ICT Policy for East and Southern Africa (CIPESA) welcomes the opportunity offered by the Uganda Communications Commission (UCC) to provide comments and feedback to the *Draft Report on Access and Usage of Information and Communications Technologies (ICTs) by People With Disabilities (PWDs) in Uganda*.

In particular, CIPESA is providing inputs which could help the Commission and other relevant Uganda government ministries, departments and agencies (MDAs) to devise strategies that can help to meaningfully improve access to and usage of ICT by people with disabilities. Moreover, these recommendations could also assist different actors in the country in leveraging the findings of the present study to fulfil high-level objectives contained in national legislation such as the Persons With Disabilities Act, 2006 (Disability Act), the Constitution of the Republic of Uganda, 1995 and the National IT and Disability Policy, as well as in international instruments to which Uganda is party, such as the Sustainable Development Goals (SDGs) and the United Nations Convention on the Rights of Persons with Disabilities (CRPD).

We stand ready to provide any clarifications to the comments which we are hereby submitting. In addition, we look forward to working with the UCC and other actors, state and non-state, in improving access to and usage of ICT by people with disabilities.

<h1 style="text-align:center;color:red">General Comment</h1>

The Draft Report presents a good starting point for designing and implementing measures necessary for an all-inclusive society free from discrimination of PWDs including the more vulnerable PWD segment such as women and girls. If the recommendations of the Report are implemented, it would go a long way in facilitating the realisation of SDGs, *inter alia*: Goal 1 on ending poverty; goal 3 on good health and well-being; goal 4 on quality education; goal 5 on gender equality; goal 8 on decent work and economic growth; goal 10 on reduced inequalities; and goal 16 on peace, justice and strong institutions.

Realising the above goals will require that the underlying principles such as those laid down in the ***ICT for Disability Policy, 2017*** under ***paras 3, 3.1 - 3.1.4*** on *inter alia*, the guiding principles including universality, affordability, availability and equal participation and self-representation are implemented. The implementation of the above principles is entirely on commitment by UCC, other government MDAs and in collaboration with other stakeholders.

If implemented, the Recommendations in this Report – buttressed by a few additional ones in this submission, will be a fulfilment of state duties and obligations as laid out in the CRPD and [Resolution 175](#) of the International Telecommunication Union's mandate on ICT Accessibility for Persons with Disabilities and Persons with Specific Needs to which Uganda is a member since [March 8, 1963](#).

<h2 style="text-align:center;color:red">Specific Observations and Recommendations</h2>

1. Disaggregate results by type of disability. People with disabilities are not a homogeneous group; they have different types of disabilities and the nature of disability influences how they may perceive, be able to access and to use ICT. For this reason, the Report ought to provide Results and Analysis that speak directly to different categories of PWDs. Subsections on 'awareness and use of ICT/ computers/ social media by disability type;' 'ownership of devices', 'access to ICT by PWDs in school', 'financial inclusion and use of mobile money by PWDs', 'barriers to use of ICT by PWDs' and many others, needs to present results that do not consider people with disabilities as one homogenous group but as consisting of different groups of individuals with different types of disabilities that require different means to access and use ICT.

The Draft Report already does a good presentation of results by other variables other than type of disability. See the example of "Table 36: Awareness of low tech assistive technologies by gender, location, regions". This is precisely the type of results that need to be reported throughout the Results section and also reflected clearly in the Analysis/ Recommendations sections. Providing these more granulated findings will make it easier to use the Report's findings in planning to address the distinct needs of different categories of PWDs.

2. Give Comparative national access/ usage figures. It is good to see in the Report, access and usage figures for PWDs (e.g. 69.4% mobile phone ownership; 3.9% had laptop computers and 1% desktop computers; 15% of households had access to the internet). What would be a useful

addition is providing context to these figures by giving the overall comparative national (non-aggregated) statistics, which can be derived from previous studies done by UCC, NITA, and UBOS. This then would give a view of the state of PWDs compared to the average Ugandan, thereby being instructive in devising remedial actions.

3. Fast-track implementation of Policies/ Guidelines. The Ministry of ICT and National Guidance has championed the development of ICT and Disability Policy, and also last year drafted Accessible Publishing Guidelines and an Accessible ICT Procurement Policy. Ahead of their implementation, relevant government bodies, which may include the Ministry of ICT and National Guidance, UCC and NITA-U, should conduct baseline studies to establish the current state of play and what measures are needed to ensure swift and effective implementation of these policies.

4. The taxes deepening exclusion of PWDs. The Report has found that major social media applications used by PWDs include Whatsapp and Facebook. But this needs to be read along with the high poverty levels among most PWDs and the exclusion which introduction of Over The-Top (OTT) services and the tax on mobile money transactions is entrenched. As CIPESA has previously found, whereas social media and mobile money platforms had eased the lives of PWDs, the increased cost of accessing these platforms due to the new taxes has reversed these gains. Platforms like WhatsApp were, for instance, helping in disseminating critical information among people with hearing difficulties before the added cost of using social media rendered them unaffordable to many members of these groups, who already faced challenges in finding employment and often relied on financial support from others. In line with this previous finding, the current Draft Report states: *It is obvious that given the observed poverty likelihood amongst PWDs, if not exempted from the daily UGX 200 ($0.052) for use of Over The-Top (OTT) services and the tax on mobile money transactions, the progress made in advancing financial inclusion of this financially excluded people using ICTs may be reversed.*

We welcome that the Report has highlighted this issue and recommend that it is buttressed in the analysis and in the Recommendations. For UCC and other relevant Uganda Government institutions, we propose that this information is not taken lightly and that it should inform policy in this area.

5. Raising awareness and usage of Assistive Technologies
Assistive technologies (e.g. "*manual Perkins Brailler, magnifiers (hand held), Hand frames/Slates and Communication boards*") are important for equal opportunities, improved functional capabilities, easy learning and equal access to educational opportunities as correctly noted in the Report. A very concerning finding in the Report is that that 76% of PWDs were not aware of the low costs Assistive Technologies which are "products, devices, or equipment, used to maintain, increase, or improve the functional capabilities of individuals with disabilities." Usage of the technologies is even lower. Issues of awareness of the technologies, cost of the technologies, and availability of the technologies, are apparent. A pertinent question here is whether PWDs are actually aware of the existence of assistive technologies and whether they can actually use them if they were made available. The underlying factors to the foregoing questions would then be used to address challenges to access and usability of assisted technologies. Relevant government, private sector and civil society actors need to work together to increase awareness. Government

needs to work towards eliminating any taxes that keep the technologies out of reach for majority of PWDs. And UCC should offer subsidies for assistive technologies, using universal access funds from the Rural Communications Development Fund (RCDF).

6. Pro-active assessment and tracking of government and private entities' compliance
Relevant government MDAs, which include the Ministry of ICT and National Guidance, the Equal Opportunities Commission, UCC, and NITA, should proactively assess and track how public and private entities are complying with their obligations on engendering inclusiveness and accessibility for PWDs.

As the Uganda Government works to implement an ICT and Disability Policy, and in line with the Report's recommendation for the ICT Ministry to "Develop and fast track the implementation of Web Accessibility Guidelines (WAG) in Uganda", we recommend that, as an immediate starting point, the Ministry and NITA-U should conduct an audit of compliance with the 'Guidelines for Development and Management of Government Websites' and issue sanctions against any non-compliant government MDA. It would be important to assess the extent of compliance by government agencies in ensuring social inclusion of PWDs in their digital services especially in light of *para 3.1.3 of the NITA Guidelines for Development and Management of Government Websites, 2014,* on information requests and feedback. Moreover, the *ICT for Disability Policy, 2017, para 2.5 (i-xiii)* requires government to promote web accessibility by PWDs by ensuring that all its websites measure up to international standards and facilitate PWDs easy access and usage.

Meanwhile, UCC should assess all ICT licenced operators to ensure that they are in compliance too. If necessary, UCC could develop guidelines specifically to take private ICT actors through the steps needed to ensure they are compliant.

The Equal Opportunities Commission, working with other relevant entities, should require MDAs and private enterprises which offer public services to prepare annual statements in which they report on how they have worked towards increasing accessibility and inclusiveness for PWDs.

Ensuring compliance with their obligations will require growing national capacity to comply with the CRPD and national laws and obligations in improving access and inclusion and equality and non-discrimination for PWDs. The Ministry, UCC and NITA need to spearhead the developing of that capacity, particularly in compliance with Article 9 of the Convention on ICT access and use by people with disabilities.

7. The Report lacks the aspect of data protection and privacy. There is no assessment of the PWDs awareness of their **privacy and digital security rights** and needs while using ICT. The right to privacy is a core entitlement for every individual under article 27 of the Uganda Constitution. In specific reference to PWDs, the Persons With Disabilities Act, 2006, section 35 protects PWDs from arbitrary or unlawful interference with their privacy. This information needed to be integrated as it is goes to the root of use of ICT. It would have also been important to assess knowledge of PWDs on their digital rights. This would have been important for assessing whether they use ICT in full knowledge that it is their right or not.

8. While the Report rightly observes, among others, that there is a digital divide in access and usage of ICT by PWDs, including limited access to information, it does not specifically suggest a solution to solving the problem of limited access to information such as the enforcement of the universal design and government MDAs' strict compliance with the **NITA Guidelines for Development and Management of Government Websites**, *2014 but generally relays what could be done to address related aspects in regards to information access* . The <u>ICT for Disability Policy</u> **para 4.1** provides for improvement of access to ICT by PWDs and improved access to information is specifically mentioned. Similarly, the Report does not present particularised findings on the subject of access to information by PWDs and neither does it point to ways of improving PWDs access to information.

Consequently, this falls short of <u>article 21</u> of the Constitution of the Uganda Constitution on non-discrimination, specifically on grounds of disability and article 41 on access to information. Further, it falls short of *article 9 (2) (f)* of the CRPD which provides for the promotion of appropriate forms of assistance and support to PWDs to ensure access to information. Further, it contravenes article 21 of the CRPD on freedom of expression and access to information as well as the concept of universal design under <u>article 2 para 6</u> and <u>article 4 (1) (f).</u>

9. In relation to the above, the Report does not acknowledge that while the *NITA Guidelines for Development and Management of Government Websites, 2014,* <u>para 1.4</u> provides for universal access to all irrespective of disability, it does not highlight the aspects of access and easy usage of websites especially government websites by PWDs. The paragraph provides, "*The term 'Universal Accessibility' refers to making a website accessible to ALL irrespective of technology, platforms, devices or disabilities of any kind. In other words, all Government MDAs should consider the needs of a broad spectrum of visitors, including general public, specialised audiences, people with disabilities, those without access to advanced technologies, and those with limited English proficiency and ICT skills. Guidelines to address these needs have been given in various sections of this document. Most pertinent guidelines have been marked as mandatory while others have been made advisory or voluntary. Following the mandatory guidelines shall ensure compliance to W3C Web Content Accessibility Guidelines (Level A)*"

The Report presents aspects of awareness, access and usage. In light of these, 23.1% of the business institutions supporting PWDs had websites. Further, of the total business institutions, 76% were aware of low-tech technologies with usage being low at 44%. Among others, the Report also observes that part of the use of computers accessed by PWDs was posting work on websites. However, there is no explanation in the Report as to whether these websites for business institutions supporting PWDs and existing government MDAs websites have assistive technologies for PWDs such as frames and screen readers.

It would be important therefore to accordingly analyse these findings so as identify solutions to bridging existing gaps, which would in turn pave way for enforcement of minimum guidelines and standards for universal access.

10. The **Sustainable Development Goals (SDGs) by Agenda 2030** adopted in 2015 make reference to 11 out of 17 goals in regards to rights of PWDs. For the next 15 years, starting

September 2015, sustainable development at global and national level will be guided by all-inclusive policies. In implementing the access and usage of information and communications technologies (ICT) by people with disabilities in Uganda, it is imperative that specific reference is made to SDGs and how PWDs are catered for in Uganda.

The Report however **ONLY** makes reference to SDGs in the acronyms section. There is no other mention of SDGs in the report.

Recommendation

It is imperative that the report refers to SDGs and how these are catered for in addressing the rights of PWDs in access and usability of ICT. This will show Government commitment to an all-inclusive ICT sector that is not only centered on access and usage for sections of society but promotes the full realisation of the rights of PWDs.

It will also show that the sector and government are committed to ensuring equality and non-discrimination under *article 5* of the CRPD and *article 21* of the Uganda Constitution; *article 6* of the CRPD on ensuring that all women and girls with disabilities enjoy all human rights and fundamental freedoms in an equal manner; *article 7* of the CRPD on children's enjoyment of all human rights and fundamental freedoms; article 9 of the CRPD on access and participation by PWDs in all aspects of life; and *article 31* of the CRPD on collection and disaggregation of data on PWDs to enable policy formulation and implementation.

It will further show how Uganda is up to speed with ensuring that the rights of PWDs are respected, protected and promoted in line with <u>article 35</u> of the Uganda Constitution.

11. The Uganda Constitution promulgated in 1995 makes effort to address equality and non-discrimination under *article 21*. Further, it speaks for the rights of PWDs under article 35 and *objective XVI* of the National Objectives and Directive Principles of State Policy; prescribes their participation in the composition of the national parliament and regional parliament under article 78 and article 178 respectively; and provides for affirmative action in favour of marginalised groups where PWDs are specifically mentioned under article 32.

To fulfill its mandate in relation to PWDs, the Parliament of Uganda in light of article 35(2) enacted the National Council for Disability Act, 2003 which laid down the roles of the National Council for Disability in the promotion of the rights of PWDs. The Parliament further enacted the Persons With Disabilities Act, 2006 which inter alia seeks to address the legal protection of PWDs including equality and non-discrimination in all spheres of life.

While these laws attempt to address common challenges affecting the realisation of all rights by PWDs, PWDs have in many aspects remained marginalised. For instance section 21 of the Persons With Disabilities Act, 2006 requires government to promote the rights of PWDs to access information such as through development and use of sign language, tactile, sign language interpreters in all public institutions and at public functions and brailing of public information. These have not been implemented. The Report should ideally show how these gaps have affected the rights of PWDs and how they ought to be closed.

Additionally, in addition to the provision of sensitisation materials in Braille by the UCC as recommended in the Report, ***there should be deliberate effort by all Government Ministries, Agencies and Departments to braille all public information. This will promote universal access to information***.

12. The Report presents in an articulate manner, the barriers to use of ICT by PWDs including high costs, limited education opportunities, lack of affirmative action, limited awareness at the individual level and high costs, lack of awareness and information, limited training and knowledge and absence of suitable technologies at business level. These factors are also enumerated in ***para 2.7 (a - h)*** of the ICT for Disability Policy, 2017. This presents an opportunity for UCC together with other relevant Government bodies to tackle common challenges to PWDs usage of ICT with a primary aim of facilitating access, usage and maximisation of the benefits by PWDs.

11. Possible additional recommendations

- ❖ The government should promote public-private partnerships as well as partnerships within private institutions if accessibility and digital and social inclusion are to be achieved.

- ❖ As part of the recommendations, the Report categorizes and lays down the roles of different institutions in promoting PWDs access and use of ICTs
- ❖ This Report should emphasise a collaborative approach by various Government institutions and key stakeholders in promoting access and usage of ICT by PWDs. Joint efforts will swiftly facilitate access and usage of ICT in an equitable and non-discriminatory manner. It will also directly facilitate SDG 17 on partnerships for the goals while in special interest for PWDs.
- ❖ Uganda should pick good practices from countries such as Canada, the United States of America, Brazil and Argentina that have successfully implemented social and digital inclusion of PWDs and apply the same in Uganda.