
Assessing the Barriers to
**Accessing ICT by People
with Disability in Uganda**

January 2021



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Introduction

1.1. Introduction

Including persons with disabilities in all aspects of society is one of the remaining challenges of the global development agenda despite the existence of legal and policy frameworks at national and international level that recognise disability rights. The adoption of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) in 2006 was a major step forward in advancing the inclusion of persons with disabilities, turning their socio-economic exclusion into a human rights issue. Similarly, the Sustainable Development Goals (SDGs) clearly recognise disability as a development concern, in their pledge of leaving no one behind including in the use of Information and Communications Technology (ICT).

Despite the expression of commitment to the above instruments, access and use of ICT by persons with disabilities is still a major challenge. For example, persons with visual impairments may require different assistive devices to use the computer with minimal assistance from a third party. These devices may include screen reading software and screen magnifiers. These devices are expensive and this cost may deter an employer from hiring a person with visual impairment.

On the other hand, research has found that providing computers, internet access and basic computer education was a necessary but not sufficient condition for reducing the digital divide experienced by poor people and persons with disabilities in urban areas.¹ This is because digital inequalities intersect with structural inequalities such as a lack of access to quality education and poverty.

The 1995 Constitution of the Republic of Uganda in article 35 recognises the rights of persons with disabilities and obliges the State to make laws for the protection of these rights. As a result of this provision, specific laws such as the Persons with Disability Act of 2006 and the National Council of Disability Act of 2003 (as amended in 2013) were passed with legal provisions designed to promote rights of persons with disabilities.

¹ Kim, T. and Doh, S. (2006). *Analysis of the Digital Divide between Disabled and Non-Disabled People in South Korea. The Asia Pacific Journal of Public Administration*, 28 (2): pp. 231-261.

In Uganda, persons with disabilities have been recognised as a vulnerable group which requires special measures of protection. This is because of the various challenges they face that make it impossible or hard for them to access the same opportunities as other members of society. The 2014 Population and Housing Census Report found that 12.4% of the Ugandan population live with some form of disability.²

In order to improve the utilisation of ICT and to ensure universal access, the Ministry of ICT and National Guidance has drafted the ICT and Disability Policy as an intervention to close the gaps in the use of ICT by persons with disabilities. Although the legal and policy frameworks provide several opportunities, these have not been fully employed by the government or the relevant private entities. On the other hand, the framework has glaring gaps in its design and implementation. The gaps and the untapped potential of the legal and policy framework provide opportunities to advance advocacy work for the realisation of the right of persons with disabilities to access ICT.

1.2. Study Aim

The study sought to examine the barriers to accessing ICT by persons with disabilities in Uganda, and to make recommendations towards improving digital accessibility for persons with disabilities.

1.3. Methodology

The study employed a qualitative approach. It entailed desk review of literature on ICT and disability, including legal and policy analysis. Additionally, purposive interviews were done with key informants. The literature review and interviews focused on barriers to ICT access by persons with disabilities in Uganda. The key informants were drawn from government agencies including the Ministry of Information, Communication, Technologies and National Guidance and civil society organisations working with disabilities, specifically Disabled Peoples' Organisations (DPOs). The civil society organisations include the Uganda National Association of the Blind (UNAB), Uganda National Association of the Deaf (UNAD), Legal Action for Persons with Disabilities (LAPD), National Union of Women with Disabilities Uganda (NUWODU), National Association of the Deaf Blind Uganda (NADBU) and National Council for Disability (NCD). The ICT sector actors included the ICT Association of Uganda and the Internet Society – Uganda Chapter.

² Uganda Bureau of Statistics 2016, *The National Population and Housing Census 2014 Report Kampala, Uganda*.

2. The Legal and Policy Framework

This section provides an overview of international and regional human rights instruments as well as national laws and policies relevant to access to information, ICT, and persons with disabilities. It highlights key provisions that positively or negatively affect the right of persons with disabilities to access information and use ICT in Uganda.

2.1. International Laws Relating to Disability, ICT and Access to Information

Uganda is a party to numerous international and regional instruments that promote access to information and in particular access to ICT for persons with disabilities. These instruments are not only guidelines for states, but also lay down obligations that require governments to reform their laws, policies, and practices to realise human rights for all.

The CRPD clearly identifies the need to ensure the accessibility of ICT and usage of assistive technologies for persons with disabilities. As such, accessibility is one of eight fundamental principles in the CRPD. It is defined as a precondition for persons with disabilities to enjoy all rights and fundamental freedoms, including the rights to life and liberty, education, employment, cultural materials, sports and entertainment, political participation, and movement.

The CRPD also carries several articles addressing accessibility of ICT. For instance, article 2 gives an inclusive definition of communication in which accessible ICT and multimedia are categorically mentioned. Article 4(1)(f), (g) and (h) carry even more explicit provisions on accessible ICT as part of the general obligations of the state, by making research and development of universally designed goods, services, equipment and facilities, including ICT and assistive technologies, a specific undertaking.

Article 9 echoes the right of persons with disabilities to access information and communication, including ICT, on an equal basis with others both in urban and rural areas. Hence this article requires all content, communication, hardware, software, and interfaces to be accessible. Specifically, the convention states that persons with disabilities should be given access to new information and communications technologies and systems, including the internet;³ and Article 9(2)(h) recognises promoting the design, development, production and distribution of accessible information and communications technologies and systems at an early stage, so that they become accessible at minimum cost.

³ Article 9(2)(g)

Also, Article 21 obligates states to take appropriate measures to ensure that persons with disabilities can seek, receive, and impart information and ideas on an equal basis with others and through all forms of communication of their choice. More importantly, it urges private entities that provide information services to the general public, especially through the Internet, to do so in accessible and usable formats for persons with disabilities. This certainly includes persons with visual impairments, who constantly require modifications to the way they engage in computer-mediated communication.

It should be emphasised that accessibility provisions include general ICT accessibility requirements as provided in Article 9 as well as domain-specific accessibility stipulations found in different articles. It is argued that these can be implemented by Uganda through the adoption of a variety of measures targeted on holistic solutions both by framing and amending policies to make them inclusive, and by formulating specific policies to emphasise the need for accessibility.⁴ For instance, on the one hand the National Policy for Information and Communication Technology or e-governance should include a provision which identifies accessibility as one of the principles of the policy with specific strategies to address accessibility. On the other hand, Member States may also formulate a separate policy which addresses in detail various aspects of ICT accessibility such as website or content accessibility, and clearly adopts standards and mandates adherence to the rights of persons with disabilities.⁵

2.2 National Laws and Policies relating to Disability, ICT and Access to Information

i. The 1995 Constitution of Uganda

The Constitution of the Republic of Uganda guarantees the right to equality and freedom from discrimination. In this regard, the Constitution under article 21 prohibits discrimination based on several enumerated grounds including disability. The Constitution also, in article 32(1), embraces the notion of substantive equality by requiring the state to take affirmative action in favour of groups that are marginalised, amongst others, on the basis of disability. Specific provision is made within the Constitution under article 35 for the protection of the rights of persons with disabilities. The article provides as follows:

1) Persons with disabilities have the right to respect and human dignity, and the State and society shall take appropriate measures to ensure that they realise their full mental and physical potential;

2) Parliament shall make laws appropriate for the protection of persons with disabilities.

Regarding access to information, Article 41 states that every citizen has a right of access to information in the possession of the state or of any other organ or agency of the state, except where the release of the information is likely to prejudice the security or sovereignty of the state or interfere with the right to privacy of any other person.

⁴ United Nations Division on Social Policy, *Tool kit on Disability for Africa, ICT and Disability*, Found at: <http://www.un.org/esa/socdev/documents/disability/Toolkit/ICTandDisability.pdf>

⁵ *Ibid.*

ii. The National Council for Disability Act, 2003

The National Council for Disability Act makes provision for the establishment of the National Council for Disability with a mandate to promote the rights of persons with disabilities as “set out in International Conventions and Legal Instruments, the Constitution and other Laws.” The Council is established as the body through which the needs, problems, concerns and potentials and abilities of persons with disabilities can be communicated to government and its agencies for action.⁶ In the Act, the objectives and functions of the Council are set out to include the promotion of the implementation and equalisation of opportunities for persons with disabilities. This is in addition to advocating for the enactment of laws and reviewing existing laws with a view to complying with the equalisation of opportunities for persons with disabilities as stipulated in the UN Standard Rules on Equalisation of Opportunities for persons with disabilities, the Constitution and other laws.⁷

However, other than merely referring to the Standard Rules, and the Constitution as standards that should guide the Council, the Act does not define the rights of persons with disabilities. One would have expected a more comprehensive law to legislate for the establishment of the Council and comprehensively define the rights of persons with disabilities as was done in Kenya. Nonetheless, the reference to the Standard Rules could as well be used to import into the domestic legal system the standards in the Rules.

iii. The Uganda Foundation for the Blind Act

The Uganda Foundation for the Blind Act⁸ is not any different from the National Council for Disability Act. Other than establishing the Foundation for the Blind as a trust, the Act does not define any rights of the blind and obligations of the state and private establishments towards them. All the Act does is to establish the Trust and give it mandate to administer trust property in such manner as to make provision for the promotion of the welfare, education, training and employment of blind persons and for the prevention and alleviation of blindness.⁹ Besides not defining the right to ICT of the visually impaired, there is not even a vague indication in the Act that the state owes an obligation to, for instance, contribute to the trust property. This Act is an indication of a legislative approach that avoids using human rights.

⁶ Section 6(1).

⁷ Section 5.

⁸ Chapter 58, Laws of Uganda.

⁹ Section 2.

iv. The 2006 Disability Policy

In February 2006 the government, through the Ministry of Gender Labour and Social Development (MoGLSD), developed the National Policy on Disability in Uganda (Disability Policy). The Disability Policy is aimed at promoting equal opportunities for enhanced empowerment, participation, and protection of the rights of persons with disabilities irrespective of gender, age and type of disability. The Policy recognises that persons with disabilities can perform to their full potential given the same conditions and opportunities.¹⁰ The Policy takes note of the fact that due to their vulnerability, persons with disabilities have inadequate access to services, information, resources as well as limited participation in the development process.¹¹

The Disability Policy requires that the policy framework for responding to the concerns and needs of persons with disabilities be guided by the principles set out in the Policy. Amongst these is the Human Rights Based Approach (HRBA), which is to the effect that programming should seek to minimise stigmatisation and discrimination, which act as barriers to persons with disabilities in accessing services. To this end, the Policy provides that “promotion and protection of the rights of persons with disabilities will be upheld at all times by all service providers”.¹² The Policy also defines what it calls “policy priorities” to include accessibility.¹³

Through these provisions, the government commits to removing barriers that hinder access to and utilisation of facilities and services and to promoting user-friendly facilities and infrastructure designs for the benefit of persons with disabilities. Interventions in this regard include putting in place laws and by-laws for promoting user-friendly facilities; promoting the use of sign language, Braille and tactile among parents, service providers and communities; and provision of assistive devices and services to persons with disabilities.¹⁴ The Policy also sets out care and support to include the provision, amongst others, for the basic physical needs of persons with disabilities and their caregivers, as a priority area with interventions in this regard including advocating for the availability and utilisation of affordable assistive devices and appliances.¹⁵ The Policy provides that the priority areas transcend the realms of a single sector, and that each sector will come up with relevant plans of action for intervention within its area of mandate and focus.¹⁶

¹⁰ Para 1.1.

¹¹ Para 1.4.2

¹² Para 2.2.

¹³ As above.

¹⁴ Para 4.1.

¹⁵ Para 4.6.

¹⁶ Para 7.0.

v. The 2006 Persons with Disability Act

The Persons with Disabilities Act of 2006 is to the effect that disability “means a substantial functional limitation of daily life activities caused by physical, mental or sensory impairment and environmental barriers resulting in limited participation”.¹⁷ Although the Act appreciates that disability is a social phenomenon that arises out of an interaction between impairment and external barriers,¹⁸ it only recognises environmental barriers and not attitudinal ones which are also covered by the CRPD.

Furthermore, the Act provides that fundamental rights and freedoms enshrined in Chapter Four of the Constitution shall be respected, upheld and promoted by all organs and agencies of government and by all persons in respect to persons with disabilities.¹⁹ It further provides that affirmative action should be pursued by the government in favour of persons with disabilities for the purpose of redressing imbalances that exist against them.²⁰ However, there has not been actual implementation of the Act.

Section 21 of the Act mandates the government to develop and use sign language, tactile, and sign language interpreters in all public institutions and at public functions;²¹ as well as to braille public information such as government documents, government newspapers and other publications.²² In addition, the Section requires any person who owns a television station to provide sign language inset or subtitles in at least one major newscast programme each day and in all special programmes of national significance²³ and further requires owners of telephone companies to provide special telephone devices for the hearing-impaired.²⁴

vi. The 2005 Access to Information Act

Uganda’s 2005 Access to Information Act provides for the rights of persons with disabilities to request and access information. Under section 11(3) of the Act, persons with disabilities are among those exempted from making the mandatory written information requests as they can do it orally. It provides that “... a person who, because of illiteracy or disability is unable to make a request for access in accordance with subsection (1) may make that request orally.” Additionally, under section 20, information officers are required to take reasonable steps to make the record available in a form in which it is capable of being read, viewed or heard by that person (subsection 5) or in an alternative format (subsection 6). Persons with disabilities are also exempted from paying an additional charge in turning the required records into disability-friendly formats (subsection 7).

¹⁷ *Persons with Disabilities Act, section 2 “Interpretation”*

¹⁸ *Office of the High Commissioner for Human Rights (OHCHR), A Review of the Ugandan Legal Framework relevant to Persons with Disabilities: Comparative Analysis to the Convention on the Rights of Persons with Disabilities, at p.2.*

¹⁹ *Section 32.*

²⁰ *Section 33.*

²¹ *Section 21 (1) (a).*

²² *Section 21 (10) (b).*

²³ *Section 21 (2) (a).*

²⁴ *Section 21 (2) (b).*

vii. The Uganda Communications Act 2013

The Uganda Communications Commission is mandated under section 5 of the Act to promote research into the development and use of new technologies, including those which promote accessibility to communications service for persons with disabilities and other members of society. This provision brings out the human rights approach to disability by ensuring that all persons in Uganda equitably use modern technologies.

viii. The National Information and Communications Technology Policy (2014-2019)

The National Information and Communications Technology Policy of 2014 (ICT Policy) was formulated by the Ministry of ICT and it focuses on the following three areas: Information as a resource for development; Mechanisms for accessing information; and ICT as an industry, including e-Business, Software development and manufacturing. The guiding principles of the ICT Policy include: “ensuring universal access to basic ICT infrastructure and services” and “addressing cross-cutting issues in ICT such as sustainability, gender, youth and persons with disabilities”.²⁵ The ICT Policy seeks, among other things, to promote value added services, access to information and service needs to all sectors of society especially the underserved sections of society (rural or low income communities and persons with disabilities).²⁶

In respect to mainstreaming persons with disabilities issues, subsection 4.6.1.1 of the ICT Policy states that the successful penetration of ICT within the existing social and economic structures of a country depends on its people. However, persons with disabilities are at times marginalised in many activities yet they constitute an important segment of society. Therefore, there is a need to address them as special groups in society that can positively contribute to the growth of ICT, as well as the use of ICT as empowerment tools in their daily activities.

xii. Draft Policy on ICT for Disability²⁷

The main objective of this Policy is to use ICT as a measure for reducing the marginalisation of persons with disabilities and for creating equal opportunities by closing the gaps in access and use of ICT tools. This policy will also act as a planning framework and guide in the development and supply of accessible ICT in Uganda as well as ensuring that persons with disabilities have access to all government electronic facilities, resources and services. The guiding principles of the policy include accessibility, affordability, availability, equal participation and self representation.

²⁵ Clause 1.4 (b) and (f) of the National Information and Communications Technology Policy available at http://www.ict.go.ug/sites/default/files/Resource/ICT_Policy_2014.pdf (Accessed on 4th June 2018).

²⁶ Policy Objective IV of the National Information and Communications Technology Policy available at http://www.ict.go.ug/sites/default/files/Resource/ICT_Policy_2014.pdf (Accessed on 4th June 2018).

²⁷ <https://www.ict.go.ug/wp-content/uploads/2018/06/ICTs-for-Disability-Policy-Draft.pdf>

This section discusses the findings of the study. The study reviewed the existing legal and policy framework on disability, access to information and in particular access to ICT. The study also sought to map the challenges in line with the realities that persons with disabilities face in accessing ICT in Uganda.

3.1 Trends and Opportunities - Legal and Policy Framework

Uganda has relatively progressive laws on disability, ICT, and access to information for persons with disabilities. Unfortunately, these laws are poorly implemented mainly because of financial constraints and limited political will on the part of government. For instance, the Access to Information Act is clear on the provision of information to requesters in friendly formats. The same spirit is provided in the UCC Act that requires different TV stations to implement sign language. Whereas all this is in place, the government has not laid a whip on the defaulting stations.

On the issue of universal access, the National Information and Technology Authority-Uganda Act (2009) aims “to promote access to and utilisation of information technology by special interest groups”.²⁸ On a similar note, strategy 11 of the IT Human Resource Development priority in the Information Technology Policy for Uganda (2010) states thus: “Ensure equal opportunity in basic IT training at all levels taking into consideration special interest groups namely; women, youth and persons with disabilities.” The spirit of these provisions is echoed in objective 4 of the Telecommunications Policy (2011), which states thus: to promote the delivery of high level information and service needs to all sectors of society, especially the marginalised sections of society (rural or poor communities, women and persons with disabilities). However, all this promises little since they do not mention persons with visual impairments in categorical terms.

Most respondents interviewed for the research noted that the legal and policy framework was adequate with few concerns around their implementation. According to an official from the Ministry of Information, Communications and Telecommunications and National Guidance: “...there are a number of laws which provide for the right to access ICTs by persons with disabilities, particularly Access to Information Act which generally caters for the needs of Persons with Disabilities.”

²⁸ Objective (f) of the Act.

3.2 Challenges in Digital Accessibility

Poor Implementation of Enabling Laws and Policies

Despite having some progressive laws and policies, there has been laxity in implementing them. Although access to information laws in Uganda require information to be provided in friendly formats, this requirement only addresses the demand side and places no obligation on the supply side to engage in proactive disclosure in accessible formats. Secondly, only a handful of television stations have incorporated sign interpreters in their programmes, despite the legal requirement under the Disability Act 2006. Media managers are reported to have expressed reservations about provisions in the amended Persons with Disability Act 2018 which requires all newscasts on public and private television stations to have a Ugandan sign language interpreter.²⁹ On October 19, 2018, UCC issued a notice which stated that effective January 1, 2019, it “shall not renew” licenses of any television operators not compliant with the provisions of the Persons with Disabilities Act, 2006.³⁰

Inaccessible Government Websites and e-Services

In the last few years, several government ministries, departments, and agencies have embraced digital technologies, setting up an online presence and providing online services including filing of tax returns and online banking. Unfortunately, results from a study on web accessibility in Uganda found that 100% of the government websites whose webmasters responded to the survey were not accessible to users with visual disabilities.³¹ The National Information Technology Authority developed guidelines for the management of government websites that set out requirements for accessibility for audio, visual and speech impaired users, as well as compatibility with assistive technologies and devices.³² Unfortunately, these guidelines remain unimplemented and unenforced.

²⁹ *The Independent*, Media managers express reservations over the new PWD law, <https://bit.ly/2OKA5fd>

³⁰ *Promoting Accessible ICT in Uganda*: <https://cipesa.org/2018/12/promoting-accessible-ict-in-uganda/>

³¹ *Web Accessibility in Uganda: A study of Webmaster Perceptions*

http://www.cit.mak.ac.ug/iccir/downloads/SREC_07/Rehema%20Baguma,%20Tom%20Wanyama,%20Patrick%20Ovan%20Bommel%20and%20Patrick%20Ogao_07.pdf

³² *Guidelines for development and management of government websites*, <https://www.nita.go.ug/publication/guidelines-development-and-management-government-websites>

Expensive Assistive Technologies (AT) and Lack of Awareness of AT

Assistive technology enables and promotes the inclusion, participation and engagement of persons with disabilities.³³ Indeed, article 20 of CRDP calls for effective measures to facilitate access to quality assistive devices and technologies, delivered at affordable cost and in the manner and at the time of choice of persons with disabilities. In Uganda, majority of people that need these technologies do not have access to them and many are not aware of such technologies and their functionalities. A 2018 study by the Uganda Communications Commission found that about 76% of persons with disabilities were not aware of the low-cost assistive technologies like manual Perkins Braille, hand-held magnifiers, hand frames/slates and communication boards.³⁴ Screen readers, text-to-speech software and Augmentative and Alternative Communication (AAC) devices can cost more than \$1,000 each, and not everyone is aware of the financing or grant opportunities in their country.³⁵

Lack of Appropriate ICT Knowledge and Skills by Persons with Disabilities

Many persons with disabilities lack the basic and specialist training for them to meaningfully use the available assistive devices. This has been occasioned by the lack of enough training facilities and trainers to provide the required training. For example, the limited adoption of screen readers and screen magnifiers was partly a result of insufficient training in ICT for persons with visual impairments in the country. Training was available only at the UNAB Hi-Tech Project and was restricted to those who could afford paying for it. The situation could be improved tremendously if there were other institutions around the country offering similar trainings. However, the overall diffusion of ICT in the country was still undermined by the inadequate supply of computers and the requisite software,

³³ CRDP 2008 note

³⁴ UCC (2017) Access and Usage of ICTs by Persons with disabilities in Uganda <https://bit.ly/34hzMPF>

³⁵ What is the digital divide and how it does affect persons with disabilities <https://bit.ly/33mQMml>

4. Conclusion and Recommendations

Conclusion

Although the Uganda government has enacted a number of progressive laws that provide for the rights of access to information and use of ICT by persons with disabilities, the majority have largely remained on paper as key provisions are not being implemented or enforced.

Additionally, the lack of regular, updated, and comprehensive disaggregated data on persons with disabilities, including the specific challenges that they face in accessing information and using ICT have negatively impacted on the design and implementation of interventions that would improve their access. Moreover, assistive technologies are out of reach for large numbers of persons with disabilities. For persons with disabilities to meaningfully access and use available ICT, different stakeholders, including government ministries, communication regulators, telecom operators and other ICT companies must take deliberate efforts to enact and implement disability-friendly laws that bind service providers such as telecom and other ICT operators to cater for the needs of persons with disabilities.

Recommendations

Many of the obstacles and challenges faced by persons with disabilities in accessing information, education and employment can be mitigated through equitable access to ICT. Legislators, public policy makers and regulators need to take decisive steps in terms of the development, production, cost and availability of certain requirements and equipment.³⁶

Government

- Government should undertake relevant measures to ensure that progressive legislation and policy on ICT accessibility are developed and/or implemented.
- Government should ensure that all e-government, e-services and emergency services comply with international web accessibility standards and are accessible to persons with disabilities including having accessible interfaces and content, in line with the web content accessibility guidelines (available, affordable, adaptable and accessible).
- ICT accessibility must be ensured in all public services offered through ICT such as disaster warnings and communications, welfare services, and financial services.
- Government should foster innovation and local manufacturing through public-private partnerships to support the creation and delivery of locally and culturally relevant ICT accessibility tools and content.

Disability Persons Non-Governmental Organisations:

- NGOs should prioritise their funding towards training persons with disabilities in the field of ICT since the world is going digital.
- Advocate for the implementation of progressive disability legal provisions. Specialised NGOs like UNAB, UNAD and NADBU should increase their training sessions to build capacity of persons with disabilities to meaningfully access and use the ICT.
- If adoption of assistive technologies is to be encouraged among persons with disabilities in Uganda, more efforts should be directed towards females and rural areas. Females are perceived to suffer double discrimination, both as women and persons with disabilities; and rural areas benefit less from cosmopolitan channels of communication that are known to bring in new ideas.

Private companies

- Licensed service providers should ensure that they deliver accessible services such as audio description, audio subtitles, closed captions and signing across all programmes to ensure access for persons with disabilities

³⁶ITU, *Regional ICT Accessibility Assessment Report for the Americas Region*, <https://bit.ly/2OKCxm1>



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