THE EAST AFRICAN COMMUNITY

BILLS SUPPLEMENT

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THE EAST AFRICAN COMMUNITY

THE EAST AFRICAN COMMUNITY PROTECTION OF PEOPLE WITH ALBINISM BILL, 2017

MEMORANDUM

The object of this Bill is to prohibit the discrimination against people suffering with albinism and to ensure affirmative action in their favour. Persons with albinism have continually been discriminated against in regards to employment and access to educational, social and financial services.

There is increased systematic violence, brutal attacks on and maiming of persons with albinism who are highly targeted for ritual killings due to the myths and misconceptions that their body parts are a source of wealth and good charms.

The national Constitutions of the EAC Partner States recognise the fundamental human rights and freedoms, and the enjoyment of these rights without discrimination.

The Partner States must realise that specific interventions need to be urgently instituted and an appropriate legal and institutional framework developed to curtail the ritual killings and discrimination against Persons with Albinism in a bid to restore their dignity and guarantee the enjoyment of their rights and freedoms;
This Bill therefore impresses upon the Partner States to urgently prioritise affirmative action for persons with albinism by coming up with enhanced interventions that will guarantee the protection and enjoyment of the rights and freedoms of persons with albinism, including guarantees for access by persons with albinism to quality and free or affordable sun screen lotion, low vision assistive devices, and proper health services, in particular early skin cancer detection and prevention as well as eye care services.

HON. SHY-ROSE SANDRUDIN BHANJI,
Member, East African Legislative Assembly.

ARRANGEMENT OF CLAUSES

Clause

1. Short title.
2. Interpretation.
4. Prohibition from discrimination for persons with albinism.
5. Equal opportunities in the provision of services for persons with albinism.
6. Offences.
7. Penalties.
8. Regulations.
THE EAST AFRICAN COMMUNITY PROTECTION OF PERSONS WITH ALBINISM BILL, 2017

A Bill for an Act

ENTITLED

THE EAST AFRICAN COMMUNITY PROTECTION OF PERSONS WITH ALBINISM ACT, 2017.

An Act to prohibit the discrimination against persons living with albinism, to ensure affirmative action in their favour and to provide for other related matters.

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

1. This Act may be cited as the East African Community Protection of Persons with Albinism Act, 2017.

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

"albinism" means an inherited condition present at birth, characterized by a lack of pigment that normally gives colour to the skin, hair and eyes;
“Community” means the East African Community established by Article 2 of the Treaty;

“Council” means the Council of Ministers established by Article 9 of the Treaty;

“disability” means a physical or mental impairment that has a substantial and long term effect on a person’s ability to do daily activities;

“discriminate” means an act of denying rights, benefits, justice, equitable treatment or access to facilities available to all others, to an individual or group of people because of their race, age, gender, handicap or other defining characteristic;

“Partner States” means the Partner States of the Community provided for under Article 3 of the Treaty;


3. The objectives of this Act are to—

(a) promote dignity and equal opportunities for persons with albinism;

(b) develop and promote participation of people with albinism in all aspects of life as equal citizens of the Community;

(c) eliminate all forms of discrimination against persons with albinisms on grounds of their disability;

(d) promote affirmative action for persons with albinism;
4. (1) A Partner State shall not implement policies and programs that seek to discriminate against persons with albinism.

(2) A person shall not discriminate against people with albinism.

5. The Partner states shall promote the enjoyment of the range of social services to each and every citizen with albinism through—

(a) the elimination of repugnant customs and beliefs against persons with albinism in the communities they live in;

(b) the formulation and design of polices and projects that promote the special needs and requirements of persons with albinism;

(c) the establishment of specialized units where inclusive participation of persons with albinism in the enjoyment of service is designed;

(d) affirmative action in favor of people with albinism;

(e) the provision of special care items to promote the health and well-being of persons with albinism.

6. (1) A person who discriminates against persons with albinism commits an offence.

(2) A person who knowingly aids another person to commit an offence under subsection (1) shall, on conviction, be deemed to have committed the offence.
7. Any person who commits an offence under section 6 shall be liable on conviction to such penalties as the penal laws of the Partner state may prescribe.

8. The Council may make regulations generally for giving effect to the provisions of this Act.