ADVANCE UNEDITED VERSION

UNITED NATIONS

UN CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

Uganda's Initial Status Report 2010



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ACRONYMS

ADD	Action on Disability and Development
CBR	Community Based Rehabilitation
CSO	Civil Society Organisation
CRPD	Convention on the Rights of People with Disabilities
DPO	Disabled People's Organisation
MoES	Ministry of Education and Sports
MGLSD	Ministry of Gender, Labour and Social Development
MoH	Ministry of Health
NAADS	National Agricultural Advisory Services
NCD	National Council for Disability
NDP	National Development Plan
NUDIPU	National Union of Disabled Persons of Uganda
NUSAF	Northern Uganda Social Action Fund
PWD	Person(s) with disabilities
UNAB	Uganda National Association of the Blind
UNAD	Uganda National Association of the Deaf
USDC	Uganda Society for Disabled Children

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INTRODUCTION

The geography

1) Uganda is located in Eastern Africa, west of Kenya and east of the Democratic Republic of the Congo. It is in the heart of the Great Lakes region, and is surrounded by three of them, Lake Edward, Lake Albert, and Lake Victoria. While much of its border is lakeshore, Uganda is landlocked with no access to the sea.

2) The country occupies a total area of 236 040 km² of which 199 710 km² is covered by land and 36 330 km² is covered by water. A total of 10,000 km^2 of Uganda's surface is forest. The remaining surface is mainly open grassland, giving way to semi-desert in the north-eastern region of Karamoja.

Demographics

3) According to the last census (2002), Uganda had a population of 24.4 million people with an annual population growth rate of 3.3%. The projected 2010 mid-year population stands at 31.8 million. The sex ratio is 95 males per 100 females. In 2002, children below 15 years constituted 49% of the population. The population is unevenly distributed among regions and districts of Uganda. The Central region had 27% of the population in 2002 followed by the Western Region (26%), and Eastern region (25%). The Northern region is least populated with 22%. This distribution pattern of the population among the regions has remained the same since 1991 *(UBoS, 2010, Statistical Abstract).*

Demographic and socio-economic indicators

Total population (2010 mid-year)*	31.8 million
Percentage urban (2010 mid-year)*	14.8 percent
Population of Kampala district (2010 mid-year)*	1.66 million
Sex ratio of total population (2002 census)	95 males per 100 females
Population density (2002 census)	123 persons/km^2
Infant Mortality rate (2002 census)*	76 per 1000 live births
Life Expectancy at birth (2002 census)*	50.4 years
Male	48.8 years
Female	52.0 years
Pupil Teacher ratio (Primary 2010)	49
Pupil Classroom ratio (Primary 2010)	68
Student Teacher ratio (Secondary 2010)	18
Student Classroom ratio (Secondary 2009)	35

*Note: * Demographic estimates were based on the Census 2002 final results.*
Only population of gazetted city, municipalities and towns was considered as urban population.

Source: UBoS: 2010 Statistical Abstract

Labour force, employment and earnings

4) The total labour force increased by 11 percent from 9.8 Million persons in 2002/3 to 10.9 million persons in 2005/6. 70 percent of the working population is in the agricultural sector. The average size of the civil service decreased by 5 percent in 2009 compared to 2008. *(UBoS, 2010, Statistical Abstract).*

5) The monthly household expenditure increased by eleven percent between 2002/3 and 2005/6. The per capita expenditure increased by 10 percent in between 2002/3 and 2005/6. In 2005/06, 8.4 million Ugandans lived in poverty. The proportion of the poor population reduced from 39 percent in 2002/3 to 31 percent in 2005/6. Nationally, on average, the income inequality decreased from 0.428 in 2002/3 to 0.408 in 2005/6 *(UBoS, 2010, Statistical Abstract).*

Governance

6) Uganda is a presidential republic, in which the President is both head of state and head of government. Uganda is currently under a multi-party system which was ushered in by a constitutional referendum held in July 2005 which cancelled the 19-year ban on multi-party politics. The system is based on a democratic parliamentary system with universal suffrage for all citizens over 18 years of age.

7) Executive: The head of state in Uganda is the President, who is elected by a popular vote to a five-year term. This is currently Yoweri Museveni, who is also the head of the armed forces. The last presidential elections were in February 2006. The cabinet is appointed by the president. The prime minister, currently, assists the president in the supervision of the cabinet. The Cabinet of Uganda, according to the Constitution of Uganda, *"shall consist of the President, the Vice President and such number of Ministers as may appear to the President to be reasonably necessary for the efficient running of the State."*[1]

8) The Parliament of Uganda derives its mandate and functions from the 1995 Constitution, the Laws of Uganda and its own Rules of Procedure. The Constitution contains articles which provide for the establishment, composition and functions of the Parliament of Uganda and empowers Parliament "to make laws on any matter for the peace, order, development and good governance of Uganda" and "to protect the Constitution and promote democratic governance in Uganda". The term of Parliament is five years from the date of its first sitting after a general election.

9) The Judiciary is a distinct and independent arm of Government entrusted with judicial authority, and mandated to administer and deliver justice to the people of Uganda. It plays a fundamental role in the promotion of law and order, human rights, social justice, morality and good governance.

Local government

10) The local government system is based on the district (see Annex 1 for a map of Uganda's Districts) as a unit under which there are lower local governments and administrative units. Local government councils in a district are:

- the District or City Council
- the Municipal Council
- the City Division Council
- the Municipal Division Council
- the Sub-County Council
- the Town Council
- Administrative unit councils in a district are:
- the County Council
- the Parish or Ward Council
- the Village Council

11) There are distinct differences between local government councils and administrative unit councils. A local government council is a body corporate with perpetual succession and a common seal. It may sue or be sued in its corporate name. Each local government council has a directly elected chairperson, directly elected councilors representing demarcated electoral areas, two councilors (one male, one female) representing the youth, two councilors (one male, one female) representing persons with disabilities and women councilors forming one third of the council. Additionally, every lower local government council has two elderly persons (one male, one female) above the age of fifty five years nominated by the respective executive committee for approval by the respective council. A speaker, elected from among the members presides at council meetings.

12) Every local government council is obliged to appoint an executive committee, which committee is chaired by the Chairperson. It is the responsibility of the executive committee to initiate and formulate policy for approval by the council; monitor and oversee the implementation of policies and programmes; and recommend to the council persons to be appointed members of statutory commissions, boards and committees. Local government councils also have standing committees, which make detailed consideration of proposals and recommendations.

13) An administrative unit council is not a corporate body. Its functions are to resolve problems or disputes monitor the delivery of services and assist in the maintenance of law, order and security. Administrative unit councils at the county level consist of all members of the sub county executive committee in the county; at the parish level, all members of the village executive committees in the parish; and at the village, all persons of eighteen years of age or above residing in the village.

14) In addition, administrative unit councils have ex-officio members - at the county, all district councilors representing electoral areas in the county and at the parish, all sub-county councilors representing electoral areas in the parish. Meetings of an administrative unit council, unlike the meetings of a local government council, are presided over by the Chairperson. The village and parish administrative units are required to have an executive committee. A county council cannot, however, establish or appoint an executive committee in its true meaning. Instead, the county council elects a Chairperson and Vice-Chairperson from among its members.

Government Finance

15) Government revenue increased by 15.1 percent in FY 2008/09 compared to an increase of 4.5 percent in FY 2007/08. The overall share of tax revenue declined to 80.7 percent in FY 2008/09, while the share of non-tax revenue increased marginally to 19.3 percent in FY 2008/09. The Education, General Public Administration and Health contributed the highest percentage share of 86.5 to the local government recurrent expenditure in 2008/09.

16) More background information about the country is presented in Uganda's Core Document forming part of the reports of the States Parties; 03/07/1996 (HRI/CORE/1/Add.69).

Preparation of the report

17) Uganda ratified the UN Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol on 25th September 2008 without reservations. By so-doing, Uganda committed itself to accord the same rights to persons with disabilities like all other citizens. After two years of implementation, Government of Uganda is honored to report on the extent to which its laws and practices comply with the human rights and obligations encapsulated in the Convention.

18) The National Council for Disability (NCD) is the Government Institution assigned to spearhead the coordination and monitoring processes geared at domestication and implementation of the Convention. The NCD therefore spearheaded process and worked with KOIS Development Consultants Ltd to compile this report.

19) Government of Uganda has a number of general laws and policies that contain clauses on disability. The country also has disability-specific legislation. The compilation of the report therefore depended heavily on the review of policy and legislative documents.

20) Interviews were also conducted with key officials in government line ministries and departments at National and Local Government levels, Disabled People's Organisations (DPOs), other Civil Society Organisations (CSOs) as well as people with disabilities in various communities in the East, West, Central and Northern parts of the country. Two validation workshops were conducted with representatives of all the aforementioned stakeholders before the compilation of the final report for submission to the UN Committee of Experts.

Lay out of the report

21) The report is presented in three main parts as per the harmonized guidelines for reporting under international rights treaties. Part A of the report presents the status of implementation of Articles 1-4 of the CRPD; Part B presents the status of specific rights in Articles 5&8-30; Part D presents the situation of children and women with disabilities in Articles 6 and 7; and finally, Part C presents the status of Articles 31-33.

PART A: ARTICLES 1-4

Definition of disability in Uganda

22) The Persons with Disabilities (PWD) Act 2006 defines disability as "a substantial functional limitation of daily life activities caused by physical, mental or sensory impairment and environmental barriers resulting in limited participation".[1] By recognizing that disability is the result of the interaction between impairment and external barriers, the PWD Act aligns the legal definition of disability in the Ugandan law to that enshrined in the CRPD,[2] implying a significant paradigm shift away from the medical/charitable models, to understanding disability as a social phenomenon. Furthermore, of particular value is the recognition that physical, mental and sensory impairments, can all result in a disability.

23) The government of Uganda is aware that some pieces of legislation, , particularly those which were enacted before the PWD Act of 2006, for example the 2000 Worker's Compensation Act,[3] the 2006 Employment Act[4] and the 1985 National Social Security Fund Act[5] contain varying definitions of disability, and, which are not in tandem with the CRPD.

Disability Demographics in Uganda

24) According to the Uganda Population and Housing Census Report 2002, 16% of the population are persons with disabilities. Statistics further indicate that the prevalence of disability has been gradually increasing and the increase is higher among older persons (18%) compared to children (2%). The most commonly observed disabilities are loss and limited use of limbs (35.3%), spine injuries (22.3%), hearing difficulties (15.1%), seeing difficulties (6.7%) and mental retardation. The same census results also showed differences in prevalence rates by region. The Northern Region has the highest incidence of disability (4.4%) while the Western Region has the lowest (2.9%). Eastern and Central regions have rates of 3.6% and 3.1% respectively.

25) The recent National Household Survey 2005/2006 estimated that 7% of Uganda's population had a disability. Physical impairments account for the highest form of disability (34%),

[1] Persons with Disabilities Act, Article 2 "Interpretation"

[2] CRPD, Article 1 "Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others"

[3] The Workers' Compensation Act, chapter 225, defines a person with disability as a person "who experiences a restriction or lack of ability to perform any activity in the manner or within the range considered normal for human beings within the cultural context".

[4] The 2006 Employment Act interprets "disability" as "any permanent: a) physical disability or impairment; b) physical illness; c) psychiatric illness; d) intellectual or psychological disability or impairment; e) loss or abnormality of physiological, psychological or anatomical structural functions; f) reliance on guide dog, wheelchair or any other remedial means; g) presence in the body of organisms capable of causing illness.

[5] The National Social Security Fund Act, chapter 222, does not contain a definition of disability. Article 22 states only that a person who has a physical or mental disability that makes such person totally or partially incapacitated with the result that such person is "unable by reason of that disability to earn a reasonable livelihood".

followed by visual impairments (22%) and hearing difficulties (15%). Other impairments include mental, speech and learning disabilities.

26) The variation in disability statistics is common in many countries and illustrates how definition of disability and method of collecting data can affect survey results.

27) The lack of authentic statistics is a challenge that keeps emerging in subsequent articles in this report. There are no readily available statistics desegregated by gender, disability and region to back up most of the efforts government has made towards the promotion of the rights of persons with disabilities. Government through the Ministry of Gender, Labour and Social Development and the National Council for Disability will henceforth make efforts to progressively build data banks to track statistics on all articles of the Convention.

Legal and policy framework

28) The Constitution of the Republic of Uganda (1995) recognizes the rights of persons with disabilities and provides the basis for the enactment of laws and development of policies that address their concerns. The Constitution provides for fair representation of marginalized groups on all constitutional and other bodies, recognition of the rights of Persons with disabilities to respect and human dignity, and promotion of the development of a Sign Language for the Deaf. Furthermore, it requires the State to take affirmative action to redress the imbalances that exist against persons with disabilities.

29) The following are some of the sections which make direct reference to the respect and promotion of persons with disabilities' rights in the Constitution of Uganda (1995). Under the national objectives and directive principles of state policy, the Constitution of Uganda 1995 provides that:-

- Objective vi: The State shall ensure gender balance and fair representation of marginalised groups on all Constitutional and other bodies;

- Objective xvi: The State and society shall recognise the rights of persons with disabilities to respect and human dignity;

- Objective xxiv: The state shall promote the development of Sign Language for the Deaf;

- Article 21(1) all persons are equal before and under the law in all spheres of political, economic and social and cultural life and in every other respect and shall enjoy equal protection of the law;

- Article 21(2) Without prejudice to clause one of this Article, a person shall not be discriminated against on the basis of sex, race, colour, ethnic origin, tribe, birth, creed or religion or social economic standing, political opinion or disability;

- Article 32(1) the state shall take affirmative action in favour of groups marginalised on the basis of gender, age, disability or any other reasons created by history, tradition or custom for the purpose of addressing imbalances which exist against them.

- Article 32(2) Parliament shall make appropriate laws, including laws for the establishment of an equal opportunities commission for the purpose of giving full effect to clause 1 of this Article.

- Article 35 (1) Persons with disabilities have a right to respect and human dignity and the state and society shall take appropriate measures to ensure they realize their full mental and physical potential;

- Article 35(2) Parliament shall enact laws appropriate for the protection of Persons with Disabilities.

30) Subsequently, in 2006, the Uganda National Policy on Disability was enacted, and in the same year the rights were translated into The Persons with Disabilities Act. The Act ensures legal protection and equal opportunities for persons with disabilities, emphasizing a rights-based approach to disability.

31) Since 2009, there has been debate between the Government and DPOs on whether to annul or amend the Persons with Disabilities Act 2006. On the one hand, Government argues that the law was not well written and needs to be annulled and replaced with a new law; while on the other, DPOs argue the law should only be amended to rectify the loopholes in it. This dialogue is still on-going, and Government of Uganda views it as an opportune channel for further domestication of the Convention on the Rights of Persons with Disabilities.

32) This notwithstanding, the Persons with Disabilities Act 2006 in its objects[6] fully encapsulates the CRPD general principles of respect of disability as part of human diversity, dignity of the individual, participation as equal citizens, elimination of all forms of discrimination on grounds of disability, full inclusion of persons with disabilities in all programs, and the promotion of positive attitudes towards persons with disabilities.

33) In order to give full effect to Article 32 of the Constitution, an Equal Opportunities Commission Act was enacted by Parliament and assented to by the President in 2008. The Commission was appointed in 2009 with one of its five members being a woman with disability. The Commission, with a fully-fledged Secretariat, has embarked on its work of promoting equal opportunities for marginalised groups, persons with disabilities inclusive.

34) In order to operationalise the local legislation on disability, Government in 2009 embarked on developing guidelines to translate the PWD policy of 2006 into tangible and coordinated action.[7] The guidelines (now in their final stages) were developed through a consultative process that involved representatives from multiple sectors and DPOs and in close reference

[6] The PWD act, 2006 'part 3: Objects of the Act"

[7] Guidelines for the implementation of the national policy on disability, Ministry of Gender, Labour and Social Development

to the CRPD, as well as the Joint Community Based Rehabilitation (CBR) Guidelines by the World Health Organisation (WHO), International Labor Organisation (ILO) and the United Nations Education and Scientific Cultural organisation (UNESCO).[8]

35) To further guide planning and budgeting, the government also developed the National Program and Plan of Action on Disability[9] with the following focus areas:
- Accessibility to Basic Services;
- Physical Environment and Information;
- Capacity building;
- Conflict and Humanitarian emergencies;
- Livelihoods and Employment;
- Research and Documentation;
- Monitoring and Evaluation.

Institutional framework

36) Disability is the overall responsibility of the Department of Disability and Older Persons under the Ministry of Gender, Labor and Social Development headed by a Commissioner under the political supervision of a State Minister.

37) Uganda Human Rights Commission in 2004 also established a Vulnerable Persons' Unit to address issues raised by vulnerable groups – including people with disabilities. The issues raised by people with disabilities for the attention of the commission center on education, transport, employment and accessibility to basic services.

38) The Ministry of Education and Sports has a Department of Special Needs Education and Career Guidance with 14 staff positions headed by a Commissioner.

39) The Ministry of Health has the Disability Prevention and Rehabilitation section.

40) All Ministries are responsible for mainstreaming of disability in all their activities.

41) At the District and Sub County levels, disability issues are also provided for in the Local Government Act (1997), and are handled under the Department of Community Development. The position of District Inspector of Schools in Charge of Special Needs Education also exists in the District Local Government structure.

42) In order to promote, protect, mainstream and monitor the rights of persons with disabilities, a National Council for Disability was established through the National Council for Disability Act, 2003. The objectives of the National Council for Disability are to: A) promote the implementation and the equalisation of opportunities for persons with disabilities; B) to monitor and evaluate the impact of policies and programmes designed for equality and full participation of persons with disabilities; C) advocate for and promote effective service

[8] Draft CBR guidelines

[9] National Program and Plan of Action on Disability, 2009-2013, Ministry of Gender Labour and Social Development, Government of Uganda

delivery and collaboration between service providers and persons with disability; D) advocate for the enactment of laws and the reviewing of existing laws with a view to complying with the equalisation of opportunities as stipulated in the United Nations Standard Rules on the Equalisation of Opportunities for persons with disabilities, the Constitution and other laws and international legal instruments.

43) In order to cope with current international and national legal reforms, the NCD Act is undergoing amendment to strengthen its monitoring and policy influence work.

The role of civil society

44) Since 1998 the Government has created an enabling environment for the civil society organizations to participate in the promotion and protection of human rights.

45) In 1987 the Government enacted the NGOs Statute to facilitate registration of NGOs. As a result of that policy framework many international and national NGOs have registered in Uganda. Among others those specifically engaged in disability work are; the National Union of Disabled Persons of Uganda (NUDIPU); Uganda National Association of the Blind (UNAB); Uganda National Association of the Deaf (UNAD); Mental Health Uganda; Epilepsy Support Association of Uganda; Uganda National Action on Physical Disabilities (UNAPD); National Union of Women with Disabilities of Uganda (NUWODU); Uganda Parents of Children with Learning Disabilities (UPACLED); Spinal Injury Association of Uganda (SIA) and Legal Action on People with Disabilities (LAPD); National Union of the Deafblind in Uganda (NADBU); Uganda Society for Disabled Children; Action on Disability and Development; Sightsavers International; Katalemwa Leonard Cheshire Home, and BasicNeeds UK in Uganda. Mention will be made in the subsequent articles on the contribution of some of these NGOs.

Reasonable accommodation

46) The Uganda legal framework lacks a direct reference to the duty to provide reasonable accommodation because provision for this is neither in the Constitution nor the PWD Act or any other Statute.

47) Whilst not mentioned in the domestic legislations, the State has taken effort to ensure reasonable accommodation through modification of new public building designs to ensure easy access by persons with disabilities. This practice has been adopted by Local Governments as well in the awarding of tenders for the construction of public buildings. A number of Local Governments have rumps in public schools and health centres. Government has also made provision to ensure that students with disabilities in public universities who need extra support have guides (particularly for blind students and students in wheel chairs).

48) Government will undertake to enforce building plans – particularly of public buildings, and encourage private investors to adopt universal designs.

49) Government will also include clauses on reasonable accommodation in the appropriate laws; particularly the PWD Act which is due for amendment.

Critical rights in the CRPD implemented to-date

50) Since the ratification of the Convention, Government of Uganda has taken some specific measures in relation to particular Articles as illustrated in Table 1.1

Table 1.1 Critical actions since the ratification of the Convention

Article	Critical Actions
Article 8 - Awareness-raising	Government ministries, the National Council for Disabilities, DPOs and NGOs have been using information materials, media and training workshops to sensitise their staff and the general public on the different disability legislations and programs. Modules on disability are included in training for professionals - including health workers.
Article 11 - Situations of risk and humanitarian emergencies	Uganda was one of the first countries in the region to become party to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction. Uganda Launched The National Mine Action Programme (NMAP) in July 2005 with overall responsibility under the Office of the Prime Minister (OPM) to address cross-cutting issues and develop an integrated approach for all thirteen (13) districts known to be affected by landmines and explosive remnants of war (ERW). In 2008, the government launched the first comprehensive plan on victims' assistance intended to address the rights and needs of land mine survivors, enable the government to establish a framework of rapid response to support landmine survivors, other persons with disabilities and older persons who are in emergency and conflict situations to enable them participate and re-integrate into the development process and raise awareness on Uganda's obligations. The plan of action is premised on the thematic areas as agreed by the states parties, including understanding the extent of the challenges faced for example through appropriate data collection; Emergency and continuing medical care; Physical rehabilitation, including physiotherapy, prosthetics and assistive devices; Psychological support and social reintegration; Economic reintegration; and, The establishment, enforcement and implementation of relevant laws and public policies.
Article 20 - Personal mobility	Through the National CBR program, which is delivered through a tripartite ministerial arrangement – Ministry of Gender, Labor and Social Development, Ministry of Health and Ministry of Education and Sports, the government is distributing mobility devices both at the community level and in schools. As part of the Victim Assistance program for people affected by land mines in the affected areas of Uganda, The Ministry of Gender, Labour and Social

	Development provided assistive devices especially walking aids to more than 1000 persons with disabilities from 2008. In addition, orthopedic workshops have been established/renovated at regional referral hospitals including Gulu in the north, Kumi in North East, Buluba in the East and Fort Portal in the western region, which was supported by International Committee of the Red Cross. Positions of orthopedic technicians have been established at the regional referral and district hospitals and are fully remunerated by government to ensure that the appropriate service is provided.
Article 24 - Education	The Universities and Other Tertiary Institutions Act, as amended; provides for affirmative action during admission of persons with disabilities and this has increased the number attaining higher education. A 1995 Act, established the Uganda National Institute of Special Education, mandated with the functions of training education personnel in special needs education, conducting research, developing materials and so on.[10] Education Assessment and Resource Services are established in 45 districts each furnished with an office block and three staff houses; six homes for children with hearing impairments;[11] and 15 resource rooms.[12] Classrooms with specialized equipment and educational materials where children with special learning needs can be withdrawn for extra-specialized teaching based on their needs were also established. 45 double cabin pickup trucks were also purchased to facilitate coordination of special needs education in the respective districts. A fully-fledged department named Special Needs Education/Guidance and Counseling has been established and staffed. The single staff that it had in 1983, now has been replaced by a team of fourteen - including Commissioner, Assistant Commissioner, Guidance and Counseling Officer, Two Principal Education Officers, Two Senior Education Officers, Two Education Officers, One personal secretary, One Steno Secretary, One copy typist, One Office Messenger and One driver. Through the School Facility Grant and the School Completion Fund, structural modifications have been made in all schools that have benefited

[10] Uganda National Institute of Special Education Act, chapter 138.

[11] The six small homes for children with hearing impairments are located at Kapchorwa Demonstration School, Rutsya P/s in Mbarara, Laroo P/s in Gulu, Ojwina P/s in Lira, Toroma Girls P/s in Katakwi, and Rukoki Model P/s in Kasese.

[12] Schools where resource rooms were established include Tukore Invalids Salvation Primary School in Mbarara, Arua primary school in Arua, Badadiri P/s in Mbale, Father Hilders P/s in Soroti, Nakatunya P/s in Soroti, Mpondwe P/s in Kasese, Agururu P/s in Tororo, Kyambogo P/s in Kampala, Entebbe children's welfare unit in Entebbe, Gulu Prison's in Gulu, Luwero Boys P/s in Luwero, Iganga Demonstration School in Iganga Buckley High school in Iganga and Magale P/s in Mbale.

	from the facilities to cater for the needs of children with disabilities. Provisions include the provision of ramps, larger doors and accessible toilet facilities. From 2008 to date, the Ministry of Education has been preoccupied with the adaptation of the thematic curriculum to take into consideration the learning needs of children with disabilities. The curriculum has been adapted with special features for sign language users as well as those who use tactile methods. The position of a personnel with knowledge of special needs education was established at the National Curriculum Development Centre to guide the development of accessible curriculum while a similar position was established at the Uganda National Examination Board (UNEB) to guide on the development of assessment methods that take into consideration the learning potentials and challenges of learners with disabilities.
Article 26 - Habilitation and rehabilitation	Since 1991, the Government of Uganda adopted community based rehabilitation (CBR) as the main strategy for delivery of rehabilitation services and ensuring full - participation in poverty eradication programs with the overall goal to achieve full inclusion of persons with disabilities in the mainstream of society. The CBR program is designed with mechanisms to ensure early identification, assessment and referral to promote access to relevant interventions using and building on available local resources. The current CBR programmed focuses on creating awareness, building capacity of communities, improving livelihoods of Persons with disabilities and their families and influencing legislations in favor of Persons with disabilities. In order to affect this, the program thrives on a network of professionals, associations of Persons with disabilities, other NGOs, family members backed by volunteers at the community level. With effect from the financial year 2008-09, the government of Uganda fully funds the CBR program and significantly, while the government in 2008-09 provided Ush 490,000,000 (four hundred ninety million) for CBR in 4 districts, the CBR program to date (2009-10 to 2013) is to be implemented in 16-18 districts hence indicating a significant budgetary increase. (Note this is not inclusive of districts where CBR is being provided by NGOs as this data is not readily available and collated by the government department).
Article 27 - Work and employment	Over the years, the government of Uganda has been facilitating a vocational training program to equip persons with disabilities with employable skills to promote their access to employment. There are currently eight vocational training centers spread in different parts of Uganda : Mpumudde Vocational Rehabilitation Centre in Jinja District; Ruti Vocational Rehabilitation Centre in Mbarara District; Ogur Rehabilitation Centre in Lira District; Lweza Vocational Rehabilitation Centre in Wakiso District; Ocoko Rehabilitation Centre in Arua District; Kireka Rehabilitation Center in Wakiso District; Jinja Sheltered Workshop in Jinja District and Mbale Sheltered Workshop in

	Mbale District. The centers provide training in carpentry, cookery, knitting, tailoring and shoe repair among others. Every year, about 280 people with disabilities graduate from these centers. However, several studies have persistently pointed out that these programs are limited in scope and no longer meet current market employable skill-requirements. The PWD Act 2006 provides that any company that employs 10 persons with disabilities would get a tax waiver of 10%. However, this was found not to necessarily beneficent persons with disabilities as it denied government significant income that in turn affected its revenue base to provide relevant services, yet the income accruing to persons with disabilities from the employment thereby created was not commensurate to the revenue forfeited by government. This clause has been amended by the income tax amendment of 2009 providing that a company which employs persons with disabilities up to 10% of its total work force will be entitled to a tax waiver up to 2 %.
Article 28 - Adequate standard of living and social protection	There are special disability grants put in place by government that are meant to help people with disabilities lead a dignified life. The grant is sent to districts for the persons with disabilities to access through the office of the District Community Development Officer. It is targeted to organized groups of persons with disabilities in the district. The grants are meant to support entrepreneurship and improve the livelihoods of persons with disabilities. Each district receives Uganda Shillings 30,000,000 (thirty million) per year. In the financial year 2009-010 government released 1,500,000,000 (one billion five hundred million) which covered 45 districts and in the financial year 20010-11 the amount has been doubled to cover 90 districts. The guidelines for these grants include the principle of gender equity - which both men and women with disabilities should benefit from the program.

Government plans for full realisation of Articles 1-4

51) The Government of Uganda will undertake the following to realize the Articles:-

- The Government will consult with persons with disabilities and DPOs, to fully provide for measures of reasonable accommodation in the regulations of the NCD Act and PWD Act of 2003 and 2006, as well as the guidelines of the disability policy 2006.
- The Government will make it a priority to review the laws of Uganda in comparison to the CRPD and identify any gaps and inconsistencies so as to eliminate any hindrances to the full implementation of the CRPD.
- All legislation to be enacted in the future and with reference to disability will incorporate the interpretation of disability as enshrined in the CRPD.
- Finalize the development of regulations and guidelines for the full implementation of all domestic laws in close reference to the CRPD.

- Government will strengthen its monitoring role to ensure that disability programmes are implemented as per the work plans at the various levels.

PART B: SPECIFIC RIGHTS; ARTICLES 5 & 8 - 30

Article 5 - Equality and non-discrimination

Non-discrimination under the law

52) The Constitution of Uganda under Article 21 recognizes that all persons are equal before and under the law in all spheres of political, economic, social and cultural life and prohibits discrimination on the ground of sex, race, colour, ethnic origin, tribe, birth, creed or religion, or social or economic standing, political opinion or disability. The provision is in line with Article 5 of the UN Convention on the Rights of Persons with Disability which states that all countries agree that everyone is equal under the law. The framing of this language implies that all persons with disabilities and those caring for Persons with disabilities are all entitled to protection under this Article if they suffer discrimination on grounds of disability.

53) Article 21 of the Uganda Constitution provides the legitimacy upon which policy and programs aimed at redressing social, economic, educational or other imbalances in society are premised."[13] Article 32 of the Constitution further implores the Government to ensure there is affirmative action in favor of marginalized groups, including groups marginalized on the basis of disability for the purpose of redressing imbalances which exist against them.[14]

54) All these Constitutional provisions are sufficient to domesticate the CRPD Article of equality and non discrimination. This is equally in line with another Constitutional provision in Article 21 (4) that empowers parliament with authority to enact laws that are necessary for implementing policies and programs or making Constitutional provisions to that effect.

55) The provisions of the Uganda Constitution of non-discrimination are further legislated in the PWD Act[15] and various Statutes that give effect to the duties encapsulated in Articles 21 and 32 of the Constitution of Uganda. These include the 1997 Local Government Act, the 2001 Parliamentary Elections Act, the 2001 Universities and Other Tertiary Institutions Act, the 1997 Uganda Communications Act and the 2005 Access to Information Act. The positive measures adopted in such legislation include "positive discrimination measures" such as the allocation of a certain number of seats in elective political bodies to persons with disabilities.[16]

Non-discrimination in government programs

56) The government has come out aggressively to ensure that persons with disabilities are not discriminated against in government programs. For instance, the National Agricultural Advisory Services (NAADS) program treats Persons with disabilities equally as other

[13] Constitution of Uganda, 1995, Article 21 (2) (3) and (4)
[14] Constitution, Article 32 (1)
[15] PWD Act, 2006 "part 3 subsection (d) to eliminate all forms of discrimination of persons with Disabilities on ground of their disabilities"

[16] Local Government Act 1997 and 2005 Parliamentary Elections Act

members of the community. Under the NAADS program, PWD households must be among the selected beneficiaries of NAADS funding for a parish to be eligible for the grant. This has helped to create inclusion of Persons with disabilities in government programs.

57) The Northern Uganda Social Action Fund (NUSAF) program emphasized the election of Persons with disabilities in groups and associations. During group formation, groups that had Persons with disabilities were given priority to benefit from the program. This resulted in greater involvement of disabled persons in community groups.

58) In addition, the Peace and Recovery Development Program for Northern Uganda had a component that dealt with marginalized groups such as the widows, women and people with disabilities. The program focused on empowering marginalized groups through education in order to ensure that they become active to participate in the development programs of the community.

59) The Uganda Traffic and Road Safety Act of 1998 also has provision that ensures persons with disabilities are not discriminated against or prohibited from enjoying their right to drive automobiles. The provision is very explicit that persons with disabilities should be given driving permits like other people if their disability does not hinder or affect their ability to drive.

60) Furthermore the policy on mainstreaming disability in health and education programs has been widely advocated by government and as a result NGOs are now including persons with disabilities in their programmes. Government also hails efforts by DPOs to ensure non-discrimination of persons with disabilities while accessing HIV/AIDS and sexual reproductive health services provided by a number of service providers.

61) The Universal Primary Education (UPE) policy gives priority to children with disability and their inclusion in schools. There is ongoing effort and commitment to treat disabled children equally as the other children in schools. For instance, under the School Facility Grant, modifications have been made to the school environment and infrastructure to cater for the physical accessibility needs of disabled learners.

62) The Constitution of the Republic of Uganda (1995) and the Local Government Act (Amendment 2000) mandate Local Governments to make bye-laws to respond to situations within their locality. Local Governments have in many instances across the country made bye-laws to ensure the Persons with disabilities enjoy access to public places. For instance, in Gulu District (Northern Uganda), guidelines and regulations were set for the construction of public buildings where it is stated that all buildings which are constructed for public utilisation should be made accessible for Persons with disabilities. These guidelines have enabled Persons with disabilities to enjoy equal access to Gulu police station, Gulu District Council, Standard Chartered Bank and Centenary Bank.

63) Government of Uganda provides for affirmative action for people with disabilities to benefit from university and tertiary education; as well as to occupy electoral offices. On the other

hand there are 5 members of parliament representing persons with disabilities, yet there are also some members with disabilities representing general or other constituencies.

64) Affirmative action was boosted when representation of persons with disabilities was introduced on the Boards of Public Universities. The university admission points for students with disabilities were maintained at 4.5 points additional points at Makerere University Kampala, as compared to 1.5 extra points for girls. Advocacy for other universities to follow suit has been carried out by different actors.

Article 8 - Awareness-raising

65) The National Council for Disability (NCD) has among its functions those that directly relate to creating public awareness about disability and persons with disabilities. These include acting as a body at a national level through which the needs, problems, concerns, potentials and abilities of persons with disabilities can be communicated, carry out or commission surveys and investigations into different matters or incidents and identify and give guidelines to organisations working for persons with disabilities.[17]

66) The National Council for Disability organized a national stakeholders coordination meeting on October 29th 2009 that was attended by several Government Ministries and Civil Society Organisations under the theme: " Progress in the implementation of the CRPD one year after the government ratification" and came up with vital recommendations which are progressively being implemented.

67) Both the National Council and District Councils for disability conducted numerous public awareness campaigns to popularize the CRPD and the general concerns of persons with disabilities. Notably, the NCD organized a peaceful public demonstration on the day Uganda ratified the CRPD and its Optional Protocol to raise public attention to the newly ratified international law.

68) The NCD and the District Councils use both public and private media to further sensitize the public on the CRPD. The NCD also plans to support drama activities to raise awareness on issues related to persons with disabilities. Drama is particularly important in mobilizing communities at the grassroots to recognize the rights of persons with disabilities.

69) The Uganda Human Rights Commission has also done substantial work in promoting awareness on the rights of persons with disabilities. The Commission through the Vulnerable Persons' Unit has the following priorities:[18]
   a) Raising awareness about the importance of self-help programmes for persons with disabilities
   b) Empowering women and children with disabilities
   c) Creation of awareness about their rights among people with disabilities themselves and the public
   d) Access to information and communication

[17] NCD act, 2003 "Functions of the council"
[18] Uganda Human Rights Commission (2009); Report on Disability in Uganda

e) Promotion of a rights based approach to disability
f) Strengthening community based approaches to the prevention of causes of disability, rehabilitation and empowerment of persons with disabilities
g) Monitoring the implementation of the CRPD and the Disability Act, 2006

70) The Local Government structure has a position of a Senior Community Development Officer in charge of Disability. Among the roles of the post holder is to serve as a mouthpiece on issues of persons with disabilities within the local government framework. They provide the link between persons with disabilities and government.

71) The work of Disabled People's Organisations (DPOs) is commendable in popularizing the CRPD both at the national and district levels. National Union of Disabled Persons of Uganda (NUDIPU), National Union of Women with Disabilities of Uganda (NUWODU) and the Uganda Child Rights NGO Network (UCRNN) formed a coalition (funded by the Disability Rights Fund) that aims to create awareness about the importance of alternative reporting and subsequently coordinate the DPOs and civil society in preparation of the alternative report.

72) The coalition has trained the DPOs on the monitoring process and instruments, to be able to systematically collect the data needed for preparing the alternative report. The DPOs are grouped in six clusters on visual, hearing, physical impairments, mental and intellectual challenges and multiple impairments and the clusters are compiling information on the different thematic areas as they relate to their specific disability and will be collated into the alternative report.

73) The coalition recognizes as government support the creation of the coordination mechanisms under the National Council for Disability, the provision of information and regular consultation opportunities.

74) Even without direct reference to disability, the Uganda Broadcasting Corporation (UBC) Act, 2005 can be read and interpreted in tandem with Article 8 of the CRPD. The Act outlines as its objectives: - To provide radio and television broadcasting services and programs that contribute to socio-economic development with emphasis on national unity in cultural diversity, ensuring a sustainable system of gathering, analyzing, storage and dissemination of information to the public and ensuring accurate, timely and reliable reporting of events and presentation of programs.

Government Plans for full realisation

75) Government plans to strengthen coordination of both its activities and those of other stakeholders through the creation of an inter-ministerial committee, a national steering committee and thematic working groups on disability to bring together all the Ministries, government sectors/departments and civil society for regular discourse on disability matters.

Article 9 – Accessibility

76) In line with the CRPD's requirement of States parties to the Convention to take appropriate measures to ensure that persons with disabilities have access on an equal basis with others to the physical environment, transportation, information and communications and services, Part IV of the PWD Act 2006 makes provision for accessibility to buildings, information, public transport, roads and highways. The design specifications are contained in the Regulations of the PWD Act developed in 2009.

77) The Uganda National Roads Authority (UNRA) in its principle C)[19] is required to ensure that its operations are designed for the delivery of the best service to its customers, while maintaining a high degree of responsiveness to their needs. In compliance with this principle, the UNRA is required to consult widely with stakeholders, including persons with disabilities during the design, construction, upgrading and maintenance of the road network.

78) The Government of Uganda is aware that most persons with disabilities are adversely affected by the conventional design of infrastructure and other facilities which often hinder access to and utilisation of facilities and services.

79) Consequently, the government has committed itself to progressive full realisation through:- Putting in place laws and by-laws for promoting user friendly facilities and infrastructure for the benefit of persons with disabilities; Promoting use of Sign Language, Braille, tactile communication among parents, service providers and communities; Media campaigns on accessibility; Provision of assistive devices and services to persons with disabilities; and Building alliances and networks in information, communication and technology.[20]

80) All newly constructed public buildings such as schools and health facilities have to cater for the needs of persons with disabilities. Uganda National Action on Physical Disability in conjunction with MGLSD have developed, disseminated and are popularizing accessibility standards.[21] As a result, ramps and elevators (as one of the accessibility requirements where staircases exist) are being constructed in a number of public buildings. However, this has mainly been pursued and realized in districts where the Disability Union is active. For example, Gulu district has put in place and is overseeing the implementation of guidelines and regulations for the construction of public buildings, where all buildings which are constructed for public utilisation should be made accessible for everybody, particularly persons with disabilities. These guidelines have enabled persons with disabilities to enjoy equal accessibility to these buildings. Furthermore, the district instructed the district planner to only approve plans that cater for accessibility for persons with disabilities. It is now a requirement for all contractors to present their bills of quantities and designs for all facilities that cater for persons with disabilities to the district planner before their plans can be approved. This was highly emphasized beginning in 2008 after relevant laws came in place.

[19] Uganda National Roads Authority Act, 2006 "Article 3 Principles"

[20] The National Policy on Disability in Uganda, 2006

[21] UNAPD and Ministry of Gender, Labour and Social Development (2010); Accessibility Standards – A practical guide to create a barrier-free physical environment in Uganda

81) The Information and Communications Act spells out that information should be accessible to persons with disabilities. It therefore recognizes the use of Sign Language Interpreters and Brailling of public information.

82) Some Sub-Counties across the country have included a budget that caters for the provision of assistive devices for persons with disabilities in their 3-year development plans and budgets.

83) Government has also collaborated with other stakeholders in improving accessibility for persons with disabilities. Under the accessibility program, government implored upon organisations like World Vision and AVSI to make public places such as schools accessible to persons with disabilities. Consequently, ramps have been set up to make the classrooms and toilets accessible, toilets that cater for the needs of persons with disabilities have also been constructed especially in post-war parts of Northern Uganda. The water and sanitation project which was carried out by AVSI in 2009 has helped to make water accessible for persons with disabilities by designing disability-friendly boreholes which have been placed in some schools and Sub-Counties in Northern Uganda.

Challenges

84) The prevailing challenges have been:-

- Less attention has been given to some facilities, such as talking-elevators and road-crossing signs for visually impaired persons.
- There are no Sign Language Interpreters in most public places such as hospitals.
- Most districts and government institutions do not have sufficient funds to redesign all the old public buildings that do not cater for accessibility for persons with disabilities.
- Some sectors have been slow in embracing necessary realignments to ensure accessibility for persons with disabilities. Some of these important sectors include the hospitality sector specifically hotels and shopping malls.

Government Plans for full realisation

85) Information will be made accessible to persons with disabilities like the deaf and blind when carrying out various campaigns such as health campaigns.

86) Government will progressively ensure that public facilities such as transportation and buildings are accessible.

Article 10 - Right to life

87) Article 22 of the Constitution of the Republic of Uganda guarantees all persons a right to life and states that no person shall be deprived of life intentionally nor terminate the life of an unborn child except and as may be authorized by law[22]

[22] The Constitution of the Republic of Uganda, Article 22 (1) , (2)

88) Government through the Uganda Human Rights Commission upholds this Article of the right to life through on-going campaigns and sensitisation programs conducted on radio and public rallies.

89) The work of the police in keeping law and order has a deterrent value on any would-be offender against persons with disabilities' lives. As a result, the lives of persons with disabilities are not at risk under all normal circumstances.

90) Uganda ratified with reservation the Maputo Protocol. The reservation was on two provisions under Article 14 on Health and Reproductive Rights – "women's right to control their fertility and authorization of abortion in specific circumstances." The right to life is guaranteed even to unborn babies even when they are known to have a disability.

Article 11 - Situations of risk and humanitarian emergencies

91) The Constitution of Uganda Article 35 prohibits discrimination against persons with disabilities. This prohibition logically extends to situations of risk including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters as required by Article 11 of the Convention. This is in line with Section XXIII of the Uganda Constitution on "Natural disasters that requires the State to institute effective machinery for dealing with any hazard or disaster arising out of natural calamities or any situation resulting in general displacement of people or serious disruption of their normal life".

92) The draft Uganda National Disaster Risk Reduction and Management Policy recognizes the need to focus on persons with disabilities besides other vulnerable groups in programs for disaster preparedness.[23]

93) The National IDP policy states that the district disaster management committees, created under the Office of the Prime Minister and the Department of Disaster Preparedness and Refugees, must "ensure registration of IDPs … paying particular attention to the most vulnerable, widows, the elderly, children and the disabled who may require special assistance." Humanitarian Agencies have in many cases made special provisions for vulnerable groups during the distribution of humanitarian aid.

The Uganda Comprehensive Plan of Action on Victim Assistance: 2008 – 2012

94) Uganda was one of the first countries in the region[24] to become party to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, or as it is more commonly known, the Ottawa Convention or the Anti-Personnel (AP) Mine Ban Treaty.

[23] The National Disaster Risk Reduction and Management Policy, available at http://www.ugandaclusters.ug/dwnlds/0502Programs/DisasterPrep/UgandaDRRMPolicy.pdf

[24] Uganda Signed the AP Mine Ban Treaty on 3rd December 1997 and Ratified the AP Mine Ban Treaty on 25th February 1999.

95) Following on, Uganda launched the National Mine Action Programmed (NMAP) in July 2005 with overall responsibility under the Office of the Prime Minister (OPM) to address cross-cutting issues and develop an integrated approach for all thirteen (13) districts known to be affected by landmines and explosive remnants of war (ERW).

96) In 2008, the government launched the first comprehensive plan on victims' assistance intended to address the rights and needs of land mine survivors. It was also intended to enable the government to establish a framework of rapid response to support landmine survivors, other persons with disabilities and older persons who are in emergency and conflict situations to enable them participate and re-integrate into the development process.

97) Through this action plan, the Government of Uganda reiterates its obligations to stop all use, production and transfer of antipersonnel landmines; clear all mined areas within 10 years of entry into force of the treaty; destroy all antipersonnel mines in stockpiles within four years of entry into force; provide mine awareness programs; and assist the victims of landmines.

98) The plan of action is premised on the thematic areas as agreed by the states parties, including Understanding the extent of the challenges faced for example through appropriate data collection; Emergency and continuing medical care; Physical rehabilitation, including physiotherapy, prosthetics and assistive devices; Psychological support and social reintegration; Economic reintegration; and, The establishment, enforcement and implementation of relevant laws and public policies.

99) According to the strategic plan, a landmine victim is understood to be "those who either individually or collectively have suffered physical or psychological injury, economic loss or substantial impairment of their fundamental rights through acts or omissions related to mine utilisation." A broad approach to what is considered a landmine victim includes the individual, their family, and the community, but with a clear understanding that the majority of attention must be focused on providing assistance to those individuals directly impacted by landmines.

100) A National Mine Action Steering Committee was established consisting of eight Ministries and the Uganda Mine Action Centre was operationalised. The National Mine Action Steering Committee is responsible for strategic planning and budgeting, mine action coordination and donor relations. The Uganda Mine Action Centre is responsible for managing, tasking, accreditation, monitoring/evaluation, maintaining the national mine action database, quality assurance/quality control and certification of released land.

101) The Ministry of Gender, Labour and Social Development is responsible for Social rehabilitation and reintegration of landmine survivors and Victims, using the Community Based Rehabilitation Strategy, while the Ministry of Health is responsible for medical rehabilitation of landmine victims using the surveillance network. [25]

[25] National comprehensive plan on land mine victim support acting plan 2008-2012

102) A baseline to establish the incidence and needs of survivors was conducted in Gulu, Amuru, Pader, Oyam, Lira and Kasese (6 out of the 13 affected districts). A data base using the IMSMA (Information Management System on Mine Action) has been created.

103) In order to address the limitations of the IMSMA, a CBR assessment instrument was developed to assess and determine the social needs of land mine survivors and the gaps in the services. The Office of the Prime Minister has produced the final draft of the disaster management policy which is already before cabinet, which will give way to the creation of the national and district Disaster response committees to develop the capacity of government and communities to respond and manage emergencies. The six districts where the survey was conducted have an established referral system, with a functional emergency evacuation service to ensure that land mine victims can access the most appropriate service in a minimum turnaround time-frame.

104) As part of the Victim Assistance program for people affected by land mines in the affected areas of Uganda, The ministry of Gender, Labour and Social Development provided assistive devices especially walking aids to more than 1000 persons with disabilities from 2008.

Article 12 - Equal recognition before the law

105) Article 21 of the National Constitution as amended in 2005 guarantees the right of all persons to equality before and under the law, to enjoy equal protection of the law[26] and not to be discriminated against on grounds of disability among other prohibitions.

106) However, government is aware that there are sections in some pieces of legislation which appear discriminatory with respect to the legal capacity of persons with certain disabilities. Such provisions could prevent persons with disabilities to be elected to Parliament,[27] to be appointed and hold positions in financial institutions of national interest[28] or other structures of government[29] and to participate in legal proceedings as lay personnel.[30]

107) Furthermore, there are also sections of legislation which appear to deprive persons with disabilities of their legal capacity to act and thus transfer their legal capacity to act to a third party. This is the case of the provisions regulating the appointment of a manager for the estate of persons with a mental or intellectual disability[31] or provisions preventing persons with disabilities from making a will and other inheritance related issues.[32]

Government Plans for full realisation

[26] Constitution, Article 21 (1)
[27] Constitution, Article 80 (2) (a), Presidential Elections Act, Article 4 (4) (a)
[28] Bank of Uganda Act, Chapter 51,
[29] Land Act, Chapter 222, Article 57 (2) (b)
[30] Trial on Indictment, Chapter 23, First Schedule, the Assessors Rules, No. 2
[31] Administration of Estates of Persons of Unsound Mind, Chapter 155, Article 10 (1) (b)
[32] Succession Act, chapter 162, Article 36

108) Government, and in consultation with a consortium of DPOs led by the Mental Health Uganda – an association of users and survivors of psychiatry is in the process of reviewing the Mental Health Act, 1964 to ensure that it is in line with the CRPD provisions.

109) Significantly, during the amendment of the Mental Health Act, presumption of incapacity of persons with disabilities will be replaced by a presumption of capacity, including capacity to act, on an equal basis with others. Additionally, the right of persons with disabilities to the support they might require in exercising their legal capacity will be recognized as a positive right in legislation.

110) Government will also undertake to review all the afore-mentioned legislations to identify inconsistencies with the Convention, and amend them accordingly.

Article 13 - Access to justice

111) The various entities of the justice system – including police and courts- are covered by the provisions of Part V of the PWD Act. Discrimination in relation to goods, services and facilities as clarified by the inclusion of services provided by "any local or other public authority" in the Second Schedule of the Act. Section 25 of the PWD Act prohibits such entities to exclude a person with disability from accessing the services, including by refusing to provide the service to the person or by making it impossible or unreasonably difficult for the person to use the service.[33] In addition, the Act provides positive duties for service providers, both in terms of physical accessibility of the service as well as a duty to provide auxiliary aid or services to enable a person with a disability to use the service.[34]

112) Section 118 of the Evidence Act allows witnesses with speaking disabilities to give their testimony in writing or in signs.

113) The government has increased persons with disabilities' access to justice services through increased information-sharing, advocacy and sensitisation done by different arms of government including the community development services and District Councils that conduct sensitisation campaigns, seminars and workshops at community level.

114) The Uganda Human Rights Commission, mindful that persons with disabilities lacked a forum through which to articulate issues that affect their wellbeing conducted a public inquiry starting in 2000 – focusing on the situation of persons with disabilities. The public hearing was aimed at: raising public awareness about disability rights; providing people with disabilities a forum to express their concerns; examining the adequacy of existing laws, policies and practices; as well as promoting the rights of people with disabilities.[35]

115) Government has engaged the District Local Governments to sensitize persons with disabilities on their own rights. As a result, many of them are empowered to demand for these rights as enshrined in the Convention. There is also room for arbitration by the

[33] PWD Act, Article 25
[34] PWD Act, Article 26 and 27
[35] Uganda Human Rights Commission (2009); The Report on Disability in Uganda

Rehabilitation and Probation Officers and where necessary, referral is done to police or courts of law.

116) The government efforts are being reinforced by the DPOs and NGOs through organized training programs for persons with disabilities to understand their rights and demand for them. This is done through radio talk shows, public rallies and development of Information, Education and Communication (IEC) materials. NGOs have also supported community awareness; leading to most of human rights violators being brought to book and tried in courts of law where persons with disabilities have won cases.

Challenges to full realisation

117) The prevailing challenges include:

- Limited access to and understanding of the disability policy and the CRPD by some critical stakeholders like police and court officials.
- Limited skills and communication options between persons with disabilities and different service providers has robbed many persons with disabilities of redress.
- Most persons with disabilities like many poor Ugandans cannot access justice due to lack of legal representation.
- Government is resource-constrained to provide free legal representation to Ugandans that cannot afford to pay for the services. Nevertheless, lawyers are also expected to provide free legal services to a specific number of marginalized groups each year.

Government Plans for full realisation

118) Government will take steps to ensure that law enforcers - local councilors, police and prison staff understand and implement the CRPD. This will be through the use of mass media and focused education meetings.

Article 14 - Liberty and security of the person

119) The government is cognisant of some aspects of national legislation that need to be amended or repealed to align national law and practice to the CRPD provisions geared towards the protection of the right of persons with disabilities to enjoy liberty and security of persons.

120) Amendments are needed in both the civil and criminal commitment procedures. Article 23 (1) (f) of the Constitution lists mental disability, or suspicion of mental disability as one of the permissible exceptions to the right to freedom from deprivation of personal liberty where such deprivation is for the purpose of the care or treatment of the person or the protection of the community needs to be amended.

121) Similarly, Section 45 (3) of the Trial on Indictment Act, Cap 23, that allows the presiding Judge the possibility to indefinitely postpone criminal proceedings while ordering the

incarceration of an accused as a criminal lunatic in a mental hospital or other place of detention needs review to create clarity to guide decisions made.

122) Another section that needs revisiting to align it to the CRPD is Section 48 (2) of the Act, which states that a person found not guilty by reason of insanity shall be kept in custody as a criminal lunatic in such place and in such manner as the Judge may direct, with any decision as to the release or continued detention of such person left to be taken with the Minister.[36]

Article 15 - Freedom from torture or cruel, inhuman or degrading treatment or punishment

123) Uganda ratified the UN Convention Against Torture and has been making effort to eliminate all forms of torture as defined by the Convention.

124) Article 24 of the Constitution of Uganda states that no person shall be subjected to any form of torture or cruel, inhuman or degrading treatment or punishment. The PWD Act of 2006 further legitimizes the Constitutional provisions under Article 24 in the context of Persons with disabilities by prohibiting a person or an institution from subjecting a person with a disability to cruel, inhuman or degrading treatment".[37] It should be further noted that in the Uganda legal framework acts subjecting a person with disability to medical or scientific experiment without consent[38] are qualified as a cruel, inhuman or degrading treatment.

125) The 2006 Prisons Act in Article 57 recognizes the right of a prisoner to be treated with respect due to his inherent dignity and value as a human being and therefore expects the right of all persons deprived of their liberty to be treated with humanity and respect.[39] In addition, while disability is not explicitly listed as a prohibited ground of discrimination, it is implied in as a status covered under the "any other status" clause of Article 57 (b) of the Prisons Act, with the result that persons with disabilities in prisons are hereby entitled not to be differentiated negatively in the prison environment. The Prison Act further specifies that persons with mental or intellectual disabilities shall not be detained in prison and provides for their removal to a mental health hospital.

Article 16 - Freedom from exploitation, violence and abuse

126) Several Articles of the 1995 Constitution (and amendment of 2005) and which have to be read as applicable to persons with disabilities as provided for by the respective Articles provide for the protection of all people of Uganda against exploitation. Article 25 prohibits exploitation by forbidding slavery and servitude, and this freedom is expressed to be non-derogable in terms of Article 44 (b). Article 34 (4) provides that children are entitled to be protected from social or economic exploitation and shall not be employed in or required to

[36] Section 48 (5); See also Sections 113-117 of the Magistrates Courts Act, Cap 16, which contain similar provisions.
[37] PWD Acts, Article 34 (1)
[38] PWD Act, Article 34 (2)
[39] ICCPR, Article 10

perform work that is likely to be hazardous or to interfere with their education or to be harmful to their health or physical, mental, spiritual, moral or social development. Further, under Article 40 (1) Parliament is mandated to enact laws to provide for the right of persons to work under satisfactory, safe and healthy conditions; to ensure equal payment for equal work without discrimination; and to ensure that every worker is accorded rest and reasonable working hours and periods of holidays with pay, as well as remuneration for public holidays.

127) In addition, the Penal Code Act, Cap 120, criminalizes any sexual violence through rape (Section 123), indecent assault (Section 128) and defilement (Section 129) of women and girls respectively. This is a specific legislative measure aimed at preventing the exploitation of women, which also effectively applies to women with disabilities. In addition, the Penal Code specifically protects women and girls with mental disabilities from sexual exploitation (Section 130).

128) Specifically, the PWD Act 2006 requires governments to adopt rehabilitation measures to help Persons with disabilities regain their functional ability to enhance social and economic life,[40] and further recognizes the payment of less remuneration to Persons with disabilities compared to other employees at work as a ground for discrimination.[41]

129) The Police are engaged in sensitizing people about their rights and by extension making persons with disabilities aware of their rights and freedom as stipulated in the CRPD. This is done through the community liaison affairs department in police. This department exists in all police stations up to Sub-County level as a matter of policy.

130) Some districts have set up a sector working group called the district rehabilitation coordination group which meets once a week and reports concerning children with disabilities from groups such as the parents support group are presented during these meetings. The cases of children that are presented in these meetings are cases of torture, exploitation, abuse, illness among others. Disabled child in need of assistance are normally linked to agencies providing rehabilitative services by the sector coordination group.

131) Through education, persons with disabilities are now so sensitive about their rights and they know what their rights are and hence they keep referring cases of abuse to the relevant authorities. Persons with disabilities within elected councils are in touch with other persons with disabilities and often raise cases of abuse of their constituents during council sessions.

Challenges to full realisation

132) Most stakeholders especially at districts have not received adequate sensitization about the CRPD and this has affected the effective implementation of the convention.

133) Law enforcement departments such as Police are understaffed. In spite of all Police stations having in place a department of community liaison affairs, the officers assigned to that department are few or lacking the technical competence to handle such cases.

[40] Section 10 (a)
[41] Section 12 (2) (d)

134) There is lack of coordination between the law enforcement departments and the associations of persons with disabilities. As a result, there are many instances where the law enforcement institutions are not aware of what is happening to persons with disabilities while in some instances, some organisations are reluctant to fully involve the law enforcement institutions in resolving violations and abuses faced by persons with disabilities.

135) Government will undertake to train law enforcement personnel on the CRPD with the purpose of empowering them to uphold the right to freedom from torture for persons with disabilities.

Article 17 - Protecting the integrity of the person

136) Objective XVI of the National Objectives and Directive Principles of State Policy in the 1995 Constitution requires the state and the society to recognize the right of persons with disabilities to respect and human dignity. This obligation is reiterated in Article 35 (1) of the Constitution to the effect that Persons with disabilities have a right to respect and human dignity and therefore obliges the state and society to take appropriate measures to ensure that they realize their full mental and physical potential. In addition, the PWD Act 2006 in Section 3 (a) expresses one of its objects as being to promote and protect the dignity of persons with disabilities. All the provisions of the Act are to be taken as being in furtherance of this broad object and purpose.

Article 18 - Liberty of movement and nationality

137) Government has identified for review some sections of the legislation that would impede the full enjoyment of the right of movement and nationality in Uganda. For instance, the 2005 Citizenship and Immigration Control Bill lists unsoundness of mind as a condition forbidding acquisition of dual citizenship. The government will lead the amendment of such provisions to protect the right of persons with mental and intellectual disabilities to citizenship and nationality on an equal basis with others.

Article 19 - Living independently and being included in the community

138) The PWD Act 2006, provides as one of its objects under Section 3 (b) the development and promotion of participation of Persons with disabilities in all aspects of life as equal citizens of Uganda. This provision is in line with Article 19 of the Convention. The core values of the disability policy[42] are understanding and empowerment of persons with disabilities to enable them lead independent and productive lives. This is reflected in the objectives of the policy which among others seeks to create a conducive environment for participation of persons with disabilities.

Article 20 - Personal mobility

[42] National policy on disability, 2006 "Core values of the policy"

139) Uganda's commitment to ensuring that persons with disabilities have access to mobility tools is affirmed in the PWD Act which stipulates that "equipment relating to disabilities shall be exempted from tax, duties, surcharges or levies"[43] and government plans to operationalise this legislation as shown in the Draft PWD Act Regulation 10 of 2009 which specifies that import of materials/equipment is subject to tax exemption.

140) Through the National CBR program, which is delivered through a tripartite ministerial arrangement – Ministry of Gender, Labor and Social Development, Ministry of Health and Ministry of Education and Sports, the government is distributing mobility devices both at the community level and in schools.

141) As part of the Victim Assistance program for people affected by land mines in the affected areas of Uganda, The Ministry of Gender, Labour and Social Development provided assistive devices especially walking aids to more than 1000 persons with disabilities from 2008. In addition, orthopedic workshops have been established/renovated at regional referral hospitals including Gulu in the north, Kumi in North East, Buluba in the East and Fort portal in the western region, which was supported by International Committee of the Red Cross. Positions of orthopedic technicians have been established at the regional referral and district hospitals and are fully remunerated by government to ensure that the appropriate service is provided.

142) District local governments have budget allocations, and further collaborate with the nonprofit agencies to make mobility devices available; For example, The Lions club of Bushenyi (Western Uganda) provided the visually impaired with white canes while the Rotary Club supported physically impaired persons with wheel chairs, and provided funds to construct ramps in schools and other public facilities to improve physical accessibility.

143) The government policy facilitates International Agencies/Charities to augment local efforts towards ensuring access to mobility equipment. On Sunday 26 October 2008 the Minister of State for Disaster Preparedness and Refugees presided over a ceremony during which over 700 children with disabilities received wheelchairs worth $250,000 donated by the Church of the Latter-Day Saints[44] and in 2009, the Free Wheel Chair Mission Organisation of California, USA donated wheel chairs.

144) Several Disabled Peoples' Organisations are taking advantage of government policy to solicit and provide mobility appliances to disabled persons. Mobility Appliances by Disabled Women Entrepreneurs (MADE) is a non-profit manufacturing organisation, established with the primary objective of providing means of mobility to persons with physical disabilities particularly - by involving disabled women in the design and manufacture of wheelchairs. MADE has enhanced the mobility of more than 5000 people with disabilities through the provision of wheel chairs that are customized for the terrine, climatic condition and social economic activities of different geographical regions of Uganda.

[43] PWD Act, Article 7 (2)
[44] http://www.newvision.co.ug/D/8/13/656570

145) The Uganda National Association of the Blind in collaboration with the Ministry of Health, SightSavers Uganda and other development partners organizes White Cane Day and World Sight Day cerebrations on annual basis, to underscore the importance of the white cane as a symbol of independence for visually impaired persons; but also to mobilize and urge Ugandans to fight avoidable causes of sight loss. The Organisations distribute more than 1000 white canes, eye glasses and conduct free medical eye check-up on an annual basis.

146) In order to make white canes more affordable, government supports white cane production at Kyambogo University, which has helped to produce less costly and customized white canes to meet local conditions. Since 1998, Kyambogo University has trained more than 200 orientation and mobility instructors, who in turn work with visually impaired persons to empower them with mobility and other life skills in the community.

147) The Uganda Society for Disabled Children, Community Based Rehabilitation Services – Uganda as well as Katalemwa Cheshire Home for Rehabilitation have provided rehabilitation and mobility appliances to children, and within the period have supported more than 10,000 children.

148) The government is aware that the distribution of mobility items by the government system is not adequate to reach all those who need them, while those available on the private market, despite government's waiver of taxes are expensive for the affordability of majority Ugandans. Government therefore intends to expand the coverage of its programs to reach more persons with disabilities, as well as collaborating with the nonprofit sector to coordinate distribution.

Article 21 - Freedom of expression and opinion, and access to information

149) The right of all Ugandans to expression is generally protected under Article 29 (1) (a) of the Constitution which is to the effect that every person shall have the right to freedom of speech and expression which includes freedom of the press and other media. Article 29 (1) (b) for its part protects the right of every person to freedom of thought, conscience and belief which includes academic freedom in institutions of learning. In addition, Article 41 of the Constitution recognizes the right of every citizen to access "information in the possession of the State or 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 the privacy of any other person". In addition and significantly, the Constitution provides for the promotion of Sign Language as a cultural objective.[45]

150) Article 21 of the PWD Act establishes the obligation of government at all levels to promote persons with disabilities' access to information through the use of accessible format.[46] The guarantees of the Act extend to all public institutions and at public functions. For emphasis, the PWD Act highlights Sign Language (for the Deaf) and Braille (for the blind) among the alternative formats in which the information must be provided. The PWD

[45] Constitution, Preamble, XXIV Cultural Objectives
[46] PWD Act, Article 21 (1) (a) and (b)

Act further compels public and private providers of communication services such as television and telephones to provide their services including in accessible forms of communication,[47] in line with the CRPD. Sign Language interpretation during the National News broadcast was revived and strengthened.

151) The provisions of the PWD Act must be read in conjunction with relevant provisions of the 2005 Access to Information Act, which makes specific reference to the duty of the service provider to "take reasonable steps to make the record available" in a format accessible by the person with disabilities "unless the making of the alternative format is considered outrageously expensive compared to the information required".[48] It appears that the clause is compatible with the undue burden limit to provision of reasonable accommodation. Furthermore, the Information Act includes the criteria of timeliness and no additional cost required by the CRPD.[49]

152) Kyambogo University runs certificate and diploma courses for Sign Language Interpreters and these Interpreters have been hired for Deaf people in government institutions and Parliament. Kyambogo University and the Uganda National Examination Board have Braille presses to facilitate the transcription of information in Braille.

153) NGOs, especially the Uganda National Association of the Deaf which conducts Sign Language training and provides Sign Language Interpreters to Deaf people are also augmenting government efforts. Uganda National Association of the Blind, Blind but Able and Enabling Services Uganda Ltd also have Braille production units and help to avail information in Braille and other alternative formats.

154) However, positions of Sign Language Interpreters do not exist at all points of service delivery, neither is all public information available in Braille.

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[47] PWD Act, Article 21 (2) (a) and (b).

[48] Access to Information Act, Article 20(5) "access and forms of access"

"Where a person with a disability is prevented by that disability from reading, viewing or listening to the record concerned in the form in which it is held by the public body concerned, the information officer shall, if that person so requests, 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.

(6) Where access to a record is to be given to a person with a disability and the person requests that access to be given in an alternative format, a copy of the record shall be given in an alternative format -

(a) immediately, if the record exists in the alternative format that is acceptable to that person; or

(b) Within a reasonable period to allow the public body to prepare or cause to be prepared the alternative format, unless the making of the alternative format is considered outrageously expensive compared to the information required.

(7) Where a record is made available in accordance with subsection (5), the person shall not be required to pay an access fee which is more than the fee which that person would have been required to pay, but for the disability.

(8) Where a record is made available in terms of this section to a person for inspection, viewing or hearing, that person may make copies of, or transcribe the record using his or her equipment, unless to do so would.

(a) interfere unreasonably with the effective administration of the public body concerned;

(b) be detrimental to the preservation of the record; or

(c) Amount to an infringement of copyright not owned by the State or the public body concerned.

[49] CRPD, Article 21 (a)

155) Government plans to introduce units on alternative communication modes – Sign Language and Braille for all front line service providers – teachers, health workers and others.

Article 22 - Respect for privacy

156) The Uganda Constitution stipulates the right of persons to "privacy of the person, home or other property", and prohibits unlawful searches and interferences with a person's home, correspondence, communication or other property.[50] The PWD Act buttresses the clause of the Constitution clarifying that "persons with disabilities including those living in institutions shall not be subjected to arbitrary or unlawful interference with their privacy".[51]

157) To further reinforce the realisation of Article 22 of the CRPD, government, and in consultation with the disability fraternity under the leadership of the Mental Health Uganda is in the process of reviewing the Mental Health Act of 1964 to amend the provisions which appear to limit the right to privacy of persons with mental and intellectual disabilities admitted into mental hospitals as they relate for example to supervised visiting rules and prohibition of "presents from visitors". [52]

Article 23 - Respect for home and the family

158) The Ugandan legal framework is in line with the Convention regarding the right of persons with disabilities in relation to marriage, family and parenthood. The right of persons with disabilities in Uganda to marry and found a family is Constitutionally protected under Article 31 (1) which is to the effect that men and women of the age of eighteen years and above have the right to marry and to found a family and are entitled to equal rights in marriage, during marriage and that its dissolution.

159) Article 36 of the PWD Act recognizes the right of persons with disabilities to marry and found a family and to decide the number of and spacing of children. Reference to reproductive health services for women with disabilities is contained in Article 8 "Special Health Services" of the PWD Act.

160) The PWD Act also recognizes the right of persons with disabilities to guardianship, trusteeship and adoption of children[53] and provides for supportive child care services[54] to render appropriate assistance to persons with disabilities in the performance of their child rearing responsibilities.[55] In this area, in fact, the PWD Act establishes higher standards than the Convention in the area of sexual relationships, by stating the right of persons with disabilities to "experience his or her sexuality and to have sexual or other intimate relationship"[56]

[50] Constitution, Article 27
[51] PWD Act, Article 35
[52] The MTA, Rules, 3 and 5
[53] PWD Act, Article 36 (1) (e)
[54] PWD Act, Article 28 (d)
[55] CRPD, Article 23 (2)
[56] PWD Act, Article 36 (1) (a)

161) Furthermore, in terms of Section 36 (3) of the Act, a child with disability may not be separated from their family or a person entitled to bring them up except in accordance with the law.

Article 24 - Education

162) According to the Ministry of Education and Sports, in 2008, there were 183,537 children with disability in primary schools countrywide, and 11,145 students in secondary schools countrywide.[57]

163) The right to education is granted to all persons in Uganda by virtue of Article 30 of the Constitution which provides that all persons have a right to education. For children, Article 34 (2) of the Constitution further clarifies that every child is entitled to basic education which shall be the responsibility of the state and the parents of the child.

164) These provisions are further legislated in the context of Persons with disabilities in different statutes: The 1996 Children Act requires parents and State to afford children with disabilities equal opportunities in education, subject to progressive realisation.[58]

165) The Universities and Other Tertiary Institutions Act of 2001, as amended; provides for affirmative action for persons with disabilities during admission to public universities. The same Act also provides for self-representation of PWDs on the governing councils of public universities. Currently, there is a representative for PWDs on the Council for Higher education and in addition, PWDs are represented not he governing boards of three public universities. Students-leaders' bodies for the three public universities also have a Students' Guild minister in charge of students with disabilities.

166) The PWD Act prohibits discrimination against persons with disabilities in education. Section 6 foresees and outlaws various conducts of direct discrimination against persons with disabilities, both in access as well as during education.

167) In addition, it should also be noted that Uganda, while embracing the need to provide for inclusive education at all levels, still promotes the twin track approach by providing for both special schools and inclusive education, in promotion of the right of persons with disabilities to education where special schools might still be required for learners with confounding disability.

168) Subject to progressive realisation as all economic, social and cultural rights, the draft PWD Regulations are instrumental in furthering inclusive education by linking the

[57] Ministry of Education and Sports, Disabled Students 2008

[58] Children Act, Article 10

prohibition to discriminate against persons with disabilities in admission[59] to the duty to "provide an inclusive education environment".[60]

169) Uganda is a signatory to various international instruments that aim to promote education for all, with emphasis on learners with special needs. These include among others the Jomitien Agreement of 1990 according to which world leaders pledged to provide all children with an appropriate education regardless of their individual differences. The 1994 Salamanca Agreement was further impetus to the provision of special needs education.

170) Uganda's commitment to providing special needs education dates back to a modest start in 1983, when a one-staff section for special needs education was established in the Ministry of Education. In 1987 the government established the *'Kajubi Commission'* to review the entire education sector; and its report of 1989 emphasized the need for government to prioritize special needs education; a recommendation which was adopted in the 1992 government White Paper on Education.

171) In 1992, the Government of Uganda signed an agreement with the Government of Denmark to provide both technical and financial support to improve the provision of special needs education. Resulting from this bilateral cooperation, an Education Assessment and Resource Services (EARS) programme was established in Uganda's 45 districts at the time, each furnished with an office block and three staff houses; six homes for children with hearing impairments;[61] and 15 resource rooms.[62] Classrooms with specialized equipment and educational materials where children with special learning needs can be withdrawn for extra-specialized teaching based on their needs were also established. 45 double cabin pick up tracks were also purchased to facilitate coordination of special needs education in the respective districts.

172) With restructuring of the Ministry of Education and Sports in 1999, a fully-fledged department named Special Needs Education/Guidance and Counseling was established. In 2009, following another Ministry of Education and Sports structural review, the department of Special Needs and Inclusive education emerged with a staff complement of fourteen - including a Commissioner, Assistant Commissioner Special Education, Assistant commissioner inclusive education, five education officers for special education, five education officers for inclusive education and support staff.

[59] Draft Regulations, No. 4 (2)
[60] Draft Regulations, No. 4 (3)
[61] The six small homes for children with hearing impairments are located at Kapchorwa Demonstration School, Rutsya P/s in Mbarara, Laroo P/s in Gulu, Ojwina P/s in Lira, Toroma Girls P/s in Katakwi, and Rukoki Model P/s in Kasese.

[62] Schools were resource rooms were established include Tukore Invalids Salvation Primary School in Mbarara, Arua primary school in Arua, Badadiri P/s in Mbale, Father Hilders P/s in Soroti, Nakatunya P/s in Soroti, Mpondwe P/s in Kasese, Agururu P/s in Tororo, Kyambogo P/s in Kampala, Entebbe children's welfare unit in Entebbe, Gulu Prison's in Gulu, Luweero Boys P/s in Luweero, Iganga Demonstration School in Iganga Buckley High school in Iganga and Magale P/s in Mbale.

173) Following the education sector review of 2001, the department of Special Needs Education and career guidance and counseling was tasked to develop a costed policy to guide the delivery of an appropriate education system for 'educationally' disadvantaged children. To this end, three studies were conducted and five consultative workshops to solicit views of stakeholders. The department of Special Needs and Inclusive Education has come up with the draft Special Needs Education Policy (first Draft 2010) which seeks to provide a regulatory framework for coordinating, financing and regulating the provision of Special Needs education on the principles of Respect and care; equal opportunities for all; self reliance and good quality of life for all;

174) All government programs for promoting education – Universal Primary education (UPE), Universal Secondary Education (USE) and Business and Vocational Technical Training are all embedded with affirmative action for learners with disabilities. The Business, Technical, Vocational Education and Training (BTVET) Act, No. 12, 2008, promotes equitable access to education and training for all disadvantaged groups, including disabled people.

175) In order to promote physical accessibility to the learning/teaching environment in schools, the ministry of education and Sports developed the Infrastructure Accessibility Standards Tool of 2009, and through the School Facility Grant and the School Completion Fund, structural modifications have been made in all schools that have benefited from the facilities to cater for the needs of children with disabilities. Provisions include the provision of ramps, larger doors and accessible toilet facilities.

176) In line with the twin track approach – promoting both inclusive education and special needs education where it is needed, all the 21,000 schools in Uganda practice Inclusive Education by admitting learners with special Education needs. In addition, there are 138 special education units in the country (49 for those with Hearing Impairments, 38 for those with Mental/intellectual impairments, 8 for those with physical impairments and 43 for learners with visual impairments). Further, the government constructed four regional special needs education schools: a primary school in Gulu for children with hearing disabilities, another in Mukono for children with visual impairments, and two secondary schools for the Deaf in Wakiso and Mbale Districts. School surveys point to 350 children with special needs in all the primary schools throughout the country

177) In addition to the Department of Inclusive and Special Needs Education in the Ministry of Education and Sports, the position of Inspector of Schools in charge of special needs education exists in the District Local Governments and this is augmented by Special Needs Education Coordinators at the Sub-County level. In order to facilitate the functioning of the Special Needs Education Coordinators, the Ministry has so far distributed 1653 (one thousand six hundred and fifty three) bicycles for the respective teachers.

178) In order to promote sports and physical exercise for learners with special needs, sports materials including show-down tables and goal balls have been purchased and distributed to schools, as well as training of instructors for adapted sports and physical activities for people with disabilities.

179) From 2008 to date, the Ministry of Education has been preoccupied with the adaptation of the thematic curriculum to take into consideration the learning needs of children with disabilities. The Primary 1:3 thematic curriculum and the transitional curriculum for Primary 4 has been adapted and provided in alternative formats including brail and large print for the blind and visually impaired. The position of a personnel with knowledge of special needs education was established at the National Curriculum Development Centre to guide the development of accessible curriculum while a similar position was established at the Uganda National Examination Board (UNEB) to guide on the development of assessment methods that take into consideration the learning potentials and challenges of learners with disabilities.

180) The Education Ministry budget has significantly considered items that ease learning and teaching of Children with disability. Beginning FY 2010-2011 the budget increased to 300 million for training; up from 40 million for SNE related training in the previous year. Subvention grant increased to 600 million in 2010-2011 up from 150 million in the previous year. Procurement of instructional materials increased to 1 billion up from less than UGX 500,000,000 in the previous year.

181) Text books have been transcribed into Braille, more than 600 Braille kits and 1000 kits for vocational training have also been purchased. There are budget provisions to continue providing these on an annual basis.

182) An Education Management Information system was designed by ministry of Education and Sports to track data of children including those with special needs who are in the educational system.

183) Regarding manpower development, the Faculty of Special Needs Education and Rehabilitation has evolved from a department that was established in 1988 in the defunct Institute of Teacher Education Kyambogo. In 1998 it was inaugurated as an independent institute of Special education (UNISE) while in 2003, its status was revoked and instead merged to Kyambogo University as the Faculty of Special Needs and Rehabilitation. Currently the university runs a number of courses that aim to produce specialized personnel to provide special needs services both in the school and the community including diploma, graduate and post graduate studies in Community Based rehabilitation, diploma, undergraduate and post graduate studies in Special needs education, Certificate in Special Needs education as well as Proficiency courses in Special Needs Education Management and Supervision, remedial work, peripatetic delivery, Braille, Sign Language, Speech and Language difficulties.

184) Uganda has a National Council for Higher Education - a watchdog for quality and relevant higher education established under "The Universities and Other Tertiary Institutions Act, 2001" for: (a) regulating and guiding the establishment and management of institutions of higher learning, and; (b) regulating the quality of higher education, equating of higher education qualifications and to advise government on higher education issues.

185) The Council consists of eighteen persons, the majority of whom are representatives of various social constituencies including public and private universities, religious organizations, commerce, industry, agriculture, the general public, the Ministry of Education and people with disabilities. The Council members are appointed under Section 7 of the Universities and Other Tertiary Institutions Act, 2001. Therefore, people with disabilities have a representative to ensure quality tertiary education for them.

186) Several NGOs are commendable for their role in augmenting government's efforts to provide education to children with special needs. These NGOs including among others the Uganda Society for Disabled children, SightSavers International, the Uganda National Association of the Blind, AVSI International, the Lillian Foundation, World Vision, the Christophel Blinden Mission and Sense international have provided support in areas of additional learning materials, refresher trainings for special needs education teachers, building additional resource rooms and bursaries for children with disabilities.

187) Every year the government provides under a merit based sponsorship scheme a bursary for 4000 students who join public universities out of which sixty four students with disability benefit to attend a public university.

188) Affirmative action further provides redress to ensure that learners with disabilities joining higher institutions of learning receive additional points as well as equipment and personal assistance such as guides, readers and Sign Language Interpreters which has significantly led to an increase in the number of disabled learners in high institutions of learning. In 2010 alone, 240 students with disabilities were admitted to various public universities to pursue a cross section of degree courses.

189) Government also supports the students with disabilities admitted to Public Universities with a stipend to buy learning materials such as Braille paper. Government pays an allowance to mobility guides for blind students and sign language interpreters for students with hearing impairments.

Challenges

190) However, government is conscious that special needs education is still plagued with a number of challenges including:

- Government efforts towards inclusive education have also often been criticized and accused of putting children with disabilities among able bodied children without adequate modifications to the teaching and learning environment, and with inadequate specialized teachers.[63]
- There is no clear policy to support the recruitment of support staff such as sighted guides for the blind and sign language interpreters to assist teachers and pupils in the area of special needs education in schools.

[63] Foundation for Human Rights Initiative (2009); Disability is not inability Report

- There is only one university in Uganda (Kyambogo) with programmes for training SNE teachers and other personnel working in the field of special needs and rehabilitation to cater for all kinds of persons with disabilities in those with other learning needs
- Despite the numerous teachers who have been trained at the university, a number of SNE teachers are still required to realize the desired ratio of 1:1 for the deafblind and other children with multiple disabilities, 1:3 for the deaf and 1:10 for the blind but their development is not deliberately planned and guided by policy.
- The available training for special needs education teachers only targets primary school teachers; therefore children with learning needs in secondary school do not have appropriately prepared teachers to provide for their needs.
- Despite the development of the Infrastructure Accessibility Standards Tool of 2009, most schools have not adhered to the accessibility standards therefore the learning/teaching environment in most schools does not address the accessibility issues of individual needs of all learners;
- While the thematic curriculum has been adapted to the learning knees of children with special needs, the Vocational training programmed has not been adapted to guide teachers to train children with special needs, hence they cannot benefit from the mainstream vocational training programmes.
- There is no policy to provide for early childhood development and preschool learning for children with special education needs, which is further exacerbated by the practice that most of the early childhood programmes are privately run.

Steps towards progress relaisation

191) The government, through the 2010 special needs education policy currently under development is committed itself to improve quality and access to special needs and Inclusive education by undertaking the following:-

- In order to improve the quality and number of teachers qualified in Special needs education, Kyambogo university will expand its in-service programme, to benefit and empower more in-service teachers to acquire the necessary skills to support children with disabilities. Furthermore, Primary teachers colleges are being supported to incorporate the component of SNE in their curriculum.
- In order to promote the availability of special instructional materials, equipment and services, the ministry of education will set standards for materials, equipment and software, provide information on the development, production, utilization, maintenance and storage of relevant special needs materials, equipment and soft ware at all levels; Government will exempt all special needs education materials, equipment and software from taxation;
- In order to promote inclusive education, the government Will organize appropriate induction on mainstreaming disability for all teaching and none teaching personnel in all schools and education institutions; Integrate SNE into educational and other professional courses at all levels, Ensure mandatory in-service training for teachers, instructors and lecturers in special needs education to pursue continuous professional training in specialized skills and knowledge given the uniqueness, dimension and diversity in special

needs education; and Mainstream special needs education training for the purpose of inclusive education service delivery;

- The Ministry will adapt all curricula in primary, secondary and vocational training to suit special needs, and will avail it in alternative formats for the blind in Brail, sign language symbols for the deaf and tactile for the deafblind;
- In order to improve the motivation of special needs education teachers and to ensure retention of their services, the department of inclusive education will lead the process of Establishing standards for certification and recognition of teachers, instructors, lecturers and other none teaching personnel in SNE. Government will ensure that teachers with special needs education training are deployed, posted and transferred in line with the teacher pupil ratio. Furthermore, Government will ensure that specialized special needs education personnel are paid at a salary scale at the level of their qualification, and teachers handling learners with special needs will attract a science and responsibility teacher allowance; thus an additional monetary reward;
- In order to increase financial resources for special and inclusive education, the government will ensure that not less than 10 percent of all education budgets in accordance with the PWD Act (part V Section V (I) and this will be reflected at all institutions and school levels.
- In order to ensure placement of children with special education needs in the appropriate supportive environment, Government will establish a system that will ensure the screening of every learner for functional ability in order to identify special learning needs and make referral where further assessment is required at the time of enrollment;
- To ensure that learners, teaching and none teaching staff with special education needs receive appropriate assistive devices and specialized assistance like that of sighted guides for the blind and sign language interpreters for the deaf, The government will develop guidelines for specialized support services for all education institutions and will ensure the establishment of an institute responsible for training relevant special needs education support services e/.g sign language interpreters, brail transcribers, physio and occupational therapists. The government will father Oversee the initiation of relevant specialized support services in the structure of semi autonomous education institutions /organizations that provide education services;
- The department of special education and inclusive education will Improve support supervision, monitoring and evaluation services at all levels to enhance accountability and effectiveness in the delivery of special needs education;
- Furthermore, the department of special and inclusive education will Support the development of documentation centers at the various levels so as to broaden the information base on special needs and inclusive education; and will ensure dissemination of information on special needs education to all stakeholders at all levels. The department will advocate for the integration of research on special needs education into the research and development programmed of research institutional and curriculum development centers;
- Government will also seek international budget support towards modification of school environments and adequate supply of teaching and learning materials for special needs education.

Article 25 - Health

192) In the Constitution of Uganda, the right to health is contained in Section XIV of the Preamble providing that all Ugandans must have access to health services.

193) The PWD Act recognizes the right of persons with disabilities to enjoy the same rights with other members of the public in all health institutions including general medical care.[64] Section 7 of the Act exempts the purchase, importation, transfer or gift of health materials or equipment relating to disabilities from tax; and requires government to ensure that Sign Language is introduced into the curriculum for medical personnel, that interpreters are included in hospital organisation structure; and that labels on drugs are pre-Brailled.

194) Section 8 goes on to provide for the duty of the government to provide special health services required by Persons with disabilities including providing access to reproductive health services which are relevant to WWDs; enforcing user friendly hospital materials for use by Persons with disabilities visiting hospitals; and encouraging population based public health programmes relevant to Persons with disabilities. In addition, Section 34 (2) of the Act emphatically states that no person or institution shall subject a PWD to medical or scientific experimentation without the free and informed consent of the person concerned.

195) Several critical bills relating to the furthering of the access to the right of health for all Ugandans are before parliament for debate, and government commits to ensure that they will sufficiently provide for the promotion of the right to health by Persons with disabilities. The bills among others include: The amendment of the Mental Health Bill, Environmental Health Bill, Health Services Bill, Uganda National Health Research Bill, and Uganda Medicines Control Authority Bill, Pharmacy Practice and Profession Bill and HIV/AIDS Bill.

196) The health care infrastructure is divided into four main levels: national referral hospitals, regional referral hospitals, district health services and health sub districts. Different health services of particular importance to persons with disabilities exist especially at national referral and regional referral hospitals as well as district health services. These include ophthalmology, pre-prosthetic remodeling, mental health services, orthopedic workshops staffed with technicians, physiotherapy services, Ear Nose and Throat services, injury and trauma management, provision of basic assistive devices.

197) The Ministry of Health has a Disability Prevention and Rehabilitation Section responsible for developing policies and guidelines for reducing the incidence of disability, providing rehabilitation and promoting access to health services by Persons with disabilities. The core functions of the section include increasing provision of assistive devices to persons with disabilities who need them; To reach 80% of the population with messages on disability prevention and rehabilitation; Strengthen orthopedic workshops for production of assistive devices; Disseminate guidelines on the handling of trauma, disabilities and rehabilitation; Enhance collaboration with the Social Development Sector with respect to the Community Based Rehabilitation initiative; and Improve documentation and data availability on indicators regarding persons with disability including landmine survivors. The Section is in

[64] PWD Act, Article 7 (1)

the final stages of developing a disability prevention and rehabilitation policy which will enhance government planning, budgeting and coordination of such programs.

198) The government has implemented several programs including distribution of assistive devices like wheel chairs and prevention of blindness. Aspects of disability and managing disability from the social perspective are being included into the training curriculum of health workers.

199) Some gaps in Government efforts to ensure access to health by persons with disabilities include; inaccessible health facilities, inadequate translation of public health information into accessible formats, limited human resource (e.g. psychiatrists, ophthalmologists, neurologists, ENT specialists, etc) for addressing specific health needs of persons with disabilities and limited funds to meet the health needs of people with disabilities.

200) Government will continue to invest in human resource development in these areas. Government will also continue to enforce universal building designs to ensure accessibility of health facilities and public health information. Government will seek international support towards budget support for disability-related health services.

Article 26 - Habilitation and rehabilitation

201) Article 35 (1) of the Constitution envisages the right to habilitation and rehabilitation insofar as it obliges the state to ensure that Persons with disabilities realize their full mental and physical potential.

202) In addition, Section 10 of the PWD Act specifically obliges the government to adopt measures of rehabilitation to help Persons with disabilities regain functional ability to enhance their participation in social and economic life; promote the research, exploration and application of new rehabilitation technology so as to provide more effective rehabilitation service for persons with disabilities; establish medical rehabilitation departments or sections in hospitals, special institutions of rehabilitation and carry out clinical practice and training, scientific research, personnel training and work of technical guidance in the field of rehabilitation; provide various forms of technical training for personnel engaged in rehabilitation work, popularize knowledge of rehabilitation among persons with disabilities, their family members, relevant staff and volunteers and teach them methods of rehabilitation; and ensure that medical institutions and other relevant educational institutes offer curricula and specialties on rehabilitation.

203) Section 11 of the PWD Act goes on to oblige the government to take vocational rehabilitation measures to develop the skills and potentials of Persons with disabilities to enable them compete favorably for available productive and remunerative employment opportunities in the labour market.

204) Draft PWD act Regulation 14, assigns to the Ministry responsible for disability affairs to set up, equip and maintain vocational training institutions for persons with disabilities.

205) Since 1991, the Government of Uganda adopted community based rehabilitation (CBR) as the main strategy for delivery of rehabilitation services and ensuring full - participation in poverty eradication programs with the overall goal to achieve full inclusion of persons with disabilities in the mainstream of society.

206) The CBR program is designed with mechanisms to ensure early identification, assessment and referral to promote access to relevant interventions using and building on available local resources. The current CBR programmed focuses on creating awareness, building capacity of communities, improving livelihoods of Persons with disabilities and their families and influencing legislations in favor of Persons with disabilities. In order to affect this, the program thrives on a network of professionals, associations of Persons with disabilities, other NGOs, family members backed by volunteers at the community level.

207) Notably, the government initiated the CBR program with funding from the Norwegian Association of the Disabled (NAD) in 1991 with the provision that the government of Uganda would finally take over the full funding for the program. With effect from the financial year 2008-09, the government of Uganda fully funds the CBR program and significantly, while the government in 2008-09 provided 490,000,000 UGX (four hundred ninety million shillings) for CBR in 4 districts, the CBR program to date (2009-10 to 2013) is to be implemented in 16-18 districts hence indicating a significant budgetary increase. (Note: This is not inclusive of districts where CBR is being implemented by NGOs as this data is not readily available and collated by the government department).

208) Funds are directly remitted to the districts (as per government's decentralisation policy to place services in the control of local communities) to finance CBR. The budget for monitoring CBR by the Ministry of Gender Labour and Social Development – to ensure consistence with guidelines has been increasing from 109,000,000 (one hundred nine million shillings) in 2007-08 to 192,000,000 (one hundred ninety two million shillings) in 2008-09 and now 325,000,000 (three hundred twenty five million shillings) for each of the next three financial years.

209) Among the key achievements of the CBR program in 2008-09 was the establishment of the CBR Information Management System, jointly developed by the Ministry of Gender Labor and Social Development in collaboration with the Uganda Bureau of Statistics in consultation with DPOs and other stakeholders. The CBR IMS was piloted by conducting a household survey of persons with disabilities in two districts of Busia and Tororo, and when it is rolled out nationally, it will provide for a national data base on the statistics and other forms of data about Persons with disabilities to facilitate planning and budgeting for resource allocation.

210) Equally important is the establishment of the National CBR steering committee, Chaired by the Minister in charge of disability, meeting quarterly to bring together stakeholders from a multi disciplinary background to monitor the progress of CBR initiatives.

211) The Ministry of Gender, Labour and Social Development provided assistive devices especially walking aids to more than 1000 persons with disabilities from 2008. In addition,

orthopedic workshops have been established/renovated at regional referral hospitals including Gulu in the north, Kumi in North East, Buluba in the East and Fort Portal in the western region, which was supported by International Committee of the Red Cross. Positions of orthopedic technicians have been established at the regional referral and district hospitals and are fully remunerated by government to ensure that the appropriate service is provided.

212) Networks of peer counselors have been established in all the districts to provide psycho-social support while mental health units have been established in all regional referral centers, and Psychiatric health workers exist in all health center (iii) units.

213) Social/livelihood support has been provided in form of bicycles to improve transport, training of family members in life skills, provisions of startup capital to family members to initiate income generating ventures, Schools have been provided with sports equipment to promote participation and inclusion of land mine surviving children in school activities. District and Sub-County landmine survivors' associations as well as community groups have been developed in all affected districts and have led to the formation of the national land mine survivors association which is a critical factor in the victim support interventions. [65]

214) Coordination challenges notwithstanding, the partnership between the government and NGOs/DPOs is commendable, and several nonprofit agencies are augmenting government's effort of providing rehabilitation services.

215) *Comprehensive Rehabilitation Services in Uganda (CoRSU)* – a hospital for People with Disabilities officially opened on 27 March 2009 and to date provides orthopedic services, plastic/reconstructive services, and therapy services through facility based and community outreach services. From 2009 to date, CoRSU has operated/treated 613 limb deformities, 356 clubfoot, 412 osteomylitis/infections, 278 fractures/traumas, and 99 other orthopedic conditions, 189 burns, 459 cleft lip/cleft palate, 365 other plastic surgeries; thus a total of 2,771 surgeries/treatments.

216) *Katalemwa Cheshire Home (KCH)* - was established in 1970 and provides comprehensive medical and social rehabilitation as an avenue to fulfill the rights of children with disabilities. In 2009 KCH provided services to 52610 children with disabilities.[66]

Article 27 - Work and employment

217) The right to work for all citizens of Uganda is primarily protected under Article 25 of the Constitution, which prohibits slavery and other forms of servitude, as well as by Article 40 which guarantees the right to every worker to form and join a trade union of their choice, to collectively bargain and to withdraw their labour according to the law.

218) The PWD Act, in section 12 prohibits discrimination in employment on the grounds of disability and details the grounds that are considered to constitute discrimination.[67] In section

[65] Workshop for the review of the national comprehensive plan for land mine victim assistance
[66] KCH annual report 2009
[67] PWD act 2006, section 12

13, the act legislates that Persons with disabilities have a right to practice their professions and to carry on any lawful occupation, trade or business of their choice and subsequently provides that the Government shall encourage all government and private sectors to promote the right to empowerment of persons with disabilities, including those who acquire disability during the course of their employment, to work on an equal basis with others and to earn a living by work.

219) Section 13 of the PWD Act[68] legislates steps to be taken to realize this right, including a quota system, guidelines for job advertisements, obligations for modifications of the work environment and the proviso for tax exemption on the cost of the modification and the requirement for progress report on the state of employment for Persons with disabilities by the minister in charge of disability.

220) The provisions of the PWD Act 2006 on employment of Persons with disabilities are further provided for in the 2006 Employment Act and the Income Tax Act that is reviewed annually.

221) However, the government has identified some inconsistencies in the three Acts, and this forms the basis for review, with the possibility of amendment to ensure uniformity first in the three acts, and overall compliance with the CRPD.

222) Workers who are injured or disabled through industrial accidents are given compensation through the Workers' Compensation Act 2000. This Act makes no provision for rehabilitation or retraining. The Act defines a disabled person as a person who experiences a restriction or lack of ability to perform any activity in the manner or within the range considered normal for human beings, within the cultural context'.

223) In 2003, the Ministry of Gender, Labour and Social Development proposed to table a Bill to Parliament, providing for affirmative action in favour of persons with disabilities. The provisions addressing employment of disabled persons in the Bill include anti-discrimination measures and quotas in relation to disabled workers.

224) Government has also taken efforts to employ persons with disabilities in Public Service. In the Financial Year 2009-2010 the Education Service Commission carried out special recruitment for graduate teachers targeting qualified graduate teachers with disability who were encouraged to apply. Out of the 144 graduate teachers who applied 54 graduate teachers with disability who applied were short-listed, interviewed and approved for appointment.

225) The District Local Government Public Service Commissions that are responsible for recruiting employees for the Districts have a representative for persons with disabilities

Vocational Training for Persons with disabilities

226) Over the years, the government of Uganda has been facilitating a vocational training program to equip persons with disabilities with employable skills to promote their access to

[68] PWD act, section 13 on employment of persons with disabilities

employment. There are currently six vocational training centers spread in different parts of Uganda. However, several studies have persistently pointed out that these programs are limited in scope and no longer meet current market employable skills requirements.

227) With effect from the financial year 2008-09, government launched a program to review the curriculum of the vocational training institutes to provide more demand driven trainings. Notably, an adapted computer training program for the blind has been introduced in addition to courses like cosmetology and others that are in tandem with current consumer taste and demand.

228) Government is working very closely with a number of DPOs and other agencies supporting programs of persons with disabilities, notably the Uganda National Association of the Blind, (UNAB), Uganda Society for Disabled Children (USDC) and the Uganda National Association of the Deaf (UNAD) to finance and develop the appropriate curricula. Additionally, government has increased financial allocation to the vocational institutions[69] by 10 percent progressively from $68,180[70] in 2007-08 going forward.

Incentives to employers

229) Government has also started a program to sensitize employers to recruit qualified and skilled persons with disabilities. Consequently, a number of persons with disabilities have got stable employment in the private sector.

230) The PWD Act 2006 provides that any company that employs 10 or more persons with disabilities would get a tax waiver of 15%. However, this was found not to necessarily beneficent persons with disabilities as it was on the verge of denying government of significant income that in turn would affect its revenue base to provide relevant services; yet the anticipated income accruing to persons with disabilities from the employment secured was not commensurate to the revenue forfeited by government. This clause has been amended by the Income Tax Act amendment of 2009 providing that a company which employs persons with disabilities up to 10% of its total work force will be entitled to a tax waiver up to 2%.

Special grants for Persons with disabilities

231) With low levels of education and limited skills, people with disabilities find accessing employment a major challenge. Most employers are not willing to give a chance to PWDs to compete for employment even where they have the necessary qualifications and experience. The majority of people with disabilities are therefore unemployed. Although Government is providing tax exemptions for companies that employ people with disabilities, they are normally given low cadre jobs that attract low pay.

[69] Vocational institutions receiving funding from government include: Lweza, Kireka, Ruti, Ochoko, Mpumudde and Masaka.
[70] Using an exchange rate of 2200 Uganda Shillings to the US Dollar

232) The twin problem of poverty and unemployment led Government to establish a Special Grant for Persons with Disabilities. The special grant encompasses two interlocking objectives namely, the promotion of income generating activities and doing this with the aim of increasing employment for persons with disabilities, improve their income status and ultimately, improve their quality of life.

233) The grant targets the most vulnerable people with disabilities that have formed groups. The thrust of the grant is to improve incomes of people with disabilities through employment creation and increased productivity in agricultural production; agro-processing; trade; micro-credit savings and loans associations; micro and small scale industries; and any other viable income generating initiatives.

234) During Financial Year 2009/2010, the Ministry of Gender, Labour and Social Development initially awarded grants to forty eight districts (12 districts per region) totaling Uganda Shillings one billion four hundred and forty million. Each district received a maximum of thirty million shillings. Sixty million shillings was retained at the Ministry for management, coordination and monitoring of the grant.

235) The National Guidelines for the Utilisation of the Special Grant for Persons with Disabilities (2010) specified that each district was to award on average six (6) groups with grants ranging from two to five million depending on the membership of the group and the viability of the proposed activities.

Microfinance

236) Government has encouraged public-private partnership in micro-finance; which has promoted development for persons with disabilities on different fronts. One model savings and credit cooperative was created for persons with disabilities in Iganga district/Eastern Uganda. It was launched in early 2008 at a function officiated by the Minister for Microfinance as a step towards improving household incomes of persons with disabilities.

237) These efforts notwithstanding, access to employment has been undermined by limited skills and low education levels of persons with disabilities. Government will continue to ensure that vocational training centers provide training in marketable skills. Government investment in education for people with disabilities will also continue to be of paramount importance.

Article 28 - Adequate standard of living and social protection

238) The right to an adequate standard of living and to social protection in Uganda has its foundation in the 1995 Constitution, in the National Objectives and Directive Principles of State Policy which state that all efforts shall be made to ensure that all Ugandans enjoy rights and opportunities and access to pension and retirement benefits.

239) In addition, the PWD Act 2006 has as one of its objects, under Section 3 (e), to encourage all sectors of government and community to promote and include disability issues into all economic, political and social development policies and programs.

240) The Act additionally obliges government in Section 28 to provide supportive social services to Persons with disabilities through acquisition of assistive devices, medical specialty and assistance in personal services; as well as specialized training to improve functioning, counseling, rehabilitation and orientation to improve their self-image; as well as child care services for the children of Persons with disabilities.

241) Further to the above, Disability related benefits are payable under the 1985 National Social Security Fund Act[71] to a member of the fund who becomes fully or partially incapacitated to work because of a physical or mental disability.[72] And, The 2000 Workers' Compensation Act requires employers of workers who are injured or disabled through industrial accidents to pay a sum of money as compensation.[73]

Social Assistance Grants

242) Government (led by MGLSD) has introduced/launched a Social Assistance Grant for Empowerment programmes starting this year FY 2010/2011-targeting households headed by persons with disabilities, older persons, orphans, etc. The programme is intended to benefit the chronically poor segments of the community as a way of fighting poverty (MDG 1) and also addressing the rights of persons with disabilities. The grant beneficiaries are to receive $9 (21,000 Uganda shillings) per month. The donors have already released 32,000,000 pound sterling for the 5-year project to be piloted in three districts of Kyenjojo, Kiboga and Nakapiripirit.

Article 29 - Participation in political and public life

243) The Constitution of Uganda recognizes in Article 59 the right to vote of every citizen above 18 years of age. Article 38 recognizes the right of **e**very Uganda citizen to participate in the affairs of government, individually or through his or her representatives in accordance with law. Article 36 also reaffirms the right of all minorities (who according to the Constitution include Persons with disabilities) to participate in decision-making processes, and to have their views and interests taken into account in the making of national plans and programmes.

244) Article 59 (4) of the Constitution of Uganda provides that "Parliament shall make laws to provide for the facilitation of citizens with disabilities to register and vote". The Constitution of Uganda provides that Parliament consist including of a certain number of representatives of persons with disabilities as the law might determine.[74] The Parliamentary Elections Act

[71] National Social Security Fund, chapter 222
[72] National Social Security Fund, chapter 222, art 22
[73] The Workers' Compensation Act, Chapter 225, Article 5 and 6
[74] Constitution, Article 78 (c)

establishes such number at five, of which at least one should be a woman.[75] This affirmative action approach to political representation of persons with disabilities represents a higher standard of protection than required by the Convention.

245) The 2005 Parliamentary Elections Act contains provisions making a general reference to the opportunity "as far as possible" to locate polling stations in areas of convenient access "such as to facilitate access by persons with disabilities and the aged",[76] and in the case of voters who are visually disabled, for example, the Act provides for assistance in fixing the mark to be provided to such person by a person of his or her choice.[77] The clause contained in Article 54 (1) of the 1995 Electoral Law which prevented persons of "unsound mind" from voting[78] is not any longer present in the more recent Electoral Commission Act.[79]

246) The PWD act of 2006 stipulates the right of Persons with disabilities to vote and be voted in any political office, to vote by secret ballot, [80] fully participate and take part in decision-making, and the Article is reinforced by the provisions on participation of persons with disabilities in public life, on accessibility, right to auxiliary aid or services, and access to information all provided for by the same act.

247) Section 37 of the PWD Act 2006 further obliges government to ensure that PWD realize the rights stated above by ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use; Protecting their right to vote by secret ballot in elections and referendums without intimidation and to stand for elections; and (Allowing assistance in voting by a person of their own choice, on request and facilitating the use of assistive and new technologies where appropriate).

248) Despite the above provision, the Electoral Commission has not yet taken pro-active efforts to ensure that persons with disabilities enjoy the right to universal adult suffrage.

249) By law and in practice, there is at least one person with a disability at each of the five levels of local councils, and at the top three levels, there must be at least one woman with a disability.

250) The Local Governments Act 1997 amended in 2002 and 2005 provides for the election of two PWD councilors at the local council III (Sub-County), LC V (district), a representative on the district public service commission and a representative on the district tender board and district contracts committee.

[75] Parliamentary Elections Act, Article 8 (2) (d)
[76] Parliamentary Elections Act, Article 29 (1)
[77] Parliamentary Elections Act, Article 37 (1)
[78] The Electoral Law, Article 54 (1) read "the following persons might be registered as voters and their names might remain in the voters registers and voters roll in their respective polling divisions but shall not be qualified to and shall not vote at an election …(b) every person whose liberty of movement is lawfully restrained or who is lawfully deprived of management of his or her property by reasons of being of unsound mind"
[79] Electoral Commission Act, Chapter 140
[80] PWD Act, Article 37 (4) (b)

251) The Local Government Act also provides that government facilitates the National Union of Disabled Persons in Uganda (NUDIPU) to form structures for the election of representatives of Persons with disabilities in the different local councils.

252) In response to the above provision, out of a total of 1901 elected District Councilors in the 69 districts during the 2006 elections, 138 were elected representatives of PWDs (69 Female PWD representatives, and 69 Male PWD representatives). At Sub County Level, out of 3292 elected councilors for special interest groups, 1507 (659 female and 848 male) were elected representatives of persons with disabilities.[81]

253) The NCD[82] has among its functions, to assist the Electoral Commission to ensure the conducting of free and fair elections of representatives of persons with disabilities to Parliament and Local Government Councils.

254) Government has continued to maintain the active participation of 5 MPs representing PWDs in parliament (1 for PWDs in Central Region; 1 for Eastern Region; 1 for women with disabilities; 1 for Northern Region and 1 for Central Region). It has also maintained one Minister of State for Disability and Elderly within the MGLSD, and providing support to District Community Development Officers (DCDOs) in all districts-serving as Executive Secretaries to District Councils for Disability. Government has also continued to maintain the PWD leadership structures at all levels (male and female PWD Councilors from Village to District Levels).

255) Over and above representation of persons with disabilities in elective politics, modifications have not yet been made to ensure that polling centers and polling materials are accessible to persons with disabilities.

256) To address the above, Government through the Ministry of Gender, Labour and Social Development, as well as the National Council for Disability will work closely with the Electoral Commission to ensure a more accessible electoral process. This will include ensuring the election manifestos of the different political candidates at all levels are produced in accessible formats, campaign activities are accessible, polling materials are produced in accessible formats and polling centers are physically accessible to persons with disabilities.

257) Through the National Council on Disability, Government will also undertake to learn from best practices by other countries that have succeeded in making universal adult suffrage accessible by persons with disabilities.

Article 30 - Participation in cultural life, recreation, leisure and sport

258) The Constitution of Uganda under Article 35 (1) recognizes the rights of persons with disabilities to respect and human dignity, and obliges the state to take appropriate measures to ensure that they realize their full mental and physical potential. Objective XVII of the National Objectives and Directive Principles of State Policy enjoins the state to promote

[81] Electoral Commission, 2006 Election results
[82] NCD ACT, 2003, (part 6 functions of the council)

recreation and sports for the citizens of Uganda as well as with Article 37 of the Constitution which guarantee the right of every person to belong to, enjoy, practice, profess, maintain, and promote any culture, institution, language, tradition, creed or religion in community with others. It is also important to note that the Constitution has expressly recognized that Sign Language is a distinct culture that deserves protection and promotion by the state. This recognition is contained in Objective XXIV (Cultural Objectives) of the National Objectives and Directive Principles of State Policy, under which the state is obliged to promote the development of a Sign Language for the Deaf.

259) The PWD Act also contains an extensive enumeration of the right to sports and recreational activities. Under Section 30 (1) of the Act, government is required to promote the rights of Persons with disabilities to participate in recreational, leisure and sporting activities and to take appropriate measures to enable Persons with disabilities to:- participate in mainstreaming sporting activities at regional, national and international levels; to organize and participate in sporting activities receiving necessary instructions, training and resources that are available to other participants; to have access to sporting and recreational venues and to have access to the services of organisations responsible for specific sporting activities.

260) Section 30 (2) of the Act goes on to provide that no person shall exclude any person from a sporting activity or recreational activity in which they can participate on the ground of their disability.

261) In addition, in terms of Section 30 (4) of the Act, government is required to use at least ten percent of all funds it commits to sports for the development of the recreation and sports of Persons with disabilities.

262) The Act also recognizes in Section 38 the right of Persons with disabilities to fully participate in the cultural life of their community and to develop and utilize their creative, artistic and intellectual potential for the enrichment of their community as well as to have access to broadcasting, films, theatres and other cultural activities.

263) Persons with disabilities also have access and state facilitation to participate in the Special Olympics.

PART C: SITUATION OF BOYS, GIRLS AND WOMEN WITH DISABILITIES – ARTICLES 6 – 7

Article 6 - Women with disabilities

264) Article 21 of the Constitution forbids discrimination including on the grounds of sex and disability. Article 32 "Affirmative action in favour of marginalized groups" establishes the duty of the State to take affirmative action in favour of groups marginalized on the basis of gender and disability with the purpose of redressing imbalances which exist against them.

265) Article 33 "Rights of Women" recognizes the equal dignity of women with men and their right to equal treatment, establishes the State's duty to contribute to women's potential and empowerment and recognizes women's right to affirmative action.[83] A 2005 amendment of the Constitution provides emphasis that laws, cultures, customs or traditions which are against the dignity, welfare or interest of women *or any other marginalised group* … or which undermines their status, are prohibited by this Constitution.[84]

266) In the field of political participation, both the 1997 Local Government Act and the 2001 Parliamentary Elections Act reserve seats for women with disabilities.[85] In addition, the PWD Act refers to the need to pay particular attention to the "requirements of the girl child in rural areas"[86] and establishes the duty of Government to promote access to "health services which are relevant to women with disabilities".[87] Article 35 of the PWD Act reinforces the right of a person with a disability (thus includes women with disabilities) to "experience his or her sexuality and to have sexual and other intimate relationship".[88]

267) One of the biggest challenges of incorporating an understanding of disability-specific gender and women with disabilities' empowerment in Ugandan institutions (ministries, parastatals, NGOs, etc.), is lack of disability-specific gender mainstreaming know-how. Although many multilateral, bilateral, government and non-governmental organisations have invested in training to increase staff skills in gender analysis, nothing much has been invested to increase skills in disability-specific gender analysis. Whereas guidelines, checklists and gender action plans have been developed to assist staff in programming, disability-specific gender action plans are yet to be developed.

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[83] Constitution, Article 33 "Rights of women" "(1) Women shall be accorded full and equal dignity of the person with men. (2) The State shall provide the facilities and opportunities necessary to enhance the welfare of women to enable them to realise their full potential and advancement. (3) The State shall protect women and their rights, taking into account their unique status and natural maternal functions in society. (4) Women shall have the right to equal treatment with men and that right shall include equal opportunities in political, economic and social activities. (5) Without prejudice to Article 32 of this Constitution, women shall have the right to affirmative action for the purpose of redressing the imbalances created by history, tradition or custom.
(6) Laws, cultures, customs or traditions which are against the dignity, welfare or interest of women or which undermine their status, are prohibited by this Constitution.

[84] Article 32 (2), as amended by Section 11 of the Constitutional Amendment Act, No.1 of 2005

[85] one of the two seats reserved for persons with disabilities at local government level and one of the five seats reserved in Parliament for representatives of PWDs, respectively

[86] PWD Act, Article 6 (c)

[87] PWD Act, Article 8 (a)

[88] PWD Act, Article 36 (1)(a)

Article 7 - Children with disabilities

268) **Distribution of children with disabilities by region and school grade**

Region	P.1	P.2	P.3	P.4	P.5	P.6	P.7	Total
Northern	816	7,045	7,972	7,248	5,877	4,557	3,415	45,930
Eastern	10,007	7,764	9,030	8,742	7,331	5,341	3,956	52,161
Central	17	4,540	4,916	4,635	4,070	3,256	2,392	30,826
Western	10,429	7,278	7,660	6,710	5,296	3,991	2,862	44,226
Total	**37,269**	**26,627**	**29,578**	**27,335**	**22,574**	**17,145**	**12,615**	**173,143**
Dropout rate 4.7%	**1,752**	**1,251**	**1,390**	**1,285**	**1,061**	**806**	**593**	**8,138**
Repetition rate 10%	**3,727**	**2,663**	**2,958**	**2,734**	**2,257**	**1,715**	**1,262**	**17,314**

Source: EMIS Computation from Basic Education Policy and Education Framework for Educationally Disadvantaged Children (Ministry of Education and Sports)

269) Uganda is a signatory to the UN Convention on the Rights of Children. However, prior to the ratification of the CRPD, there was limited visibility of children with disabilities. Government efforts were targeted at all persons with disabilities, regardless of age and gender.

270) The above notwithstanding, children with disabilities in Uganda enjoy protection both generally and specifically. At the first level, they are protected from discrimination under the general quality clause in Article 21 of the Constitution[89] as well as the provisions in the PWD Act which protect all PWDs (including children) from discrimination in the areas of education[90], health[91] as well as access to goods, services and facilities.[92]

271) At the second level, children with disabilities are protected by Section 5 (c) of the PWD Act, which obliges government to formulate policies that give children with disabilities access to relevant education at all levels, paying particular attention to the girl child and children in rural areas; by Section 5 (e) which places a duty on government to include a module on teaching children with special needs in the curricula of teacher training courses; as well as by Section 36 (3) which provides that a child with disability shall not be separated from their family or a person entitled to bring them up except in accordance with the law.

272) The PWD Act also introduces a preventive obligation on the government insofar as it imposes a duty on the state to devise a system of early identification of disabilities and strengthening of existing systems to minimize disabilities among children.[93] In addition, Section 9 of the Children Act, Cap 59 is to the effect that parents of CWDs and the state shall take appropriate steps to ensure that these children are assessed as early as possible as to the

[89] OHCHR, *Op. Cit*., at p.7.
[90] Sections 5 and 6
[91] Sections 7 and 8
[92] Section 25
[93] Section 9 (d)

extent and nature of their disabilities, are offered appropriate treatment and are afforded facilities for their rehabilitation as well as equal opportunities to education.

273) Uganda has taken a number of efforts to ensure access to health and education for children with disabilities as already presented in progress on Articles 24 and 25.

PART D: SPECIFIC OBLIGATIONS; ARTICLES 31-33

Article 31: Statistics and Data collection

274) Despite the joint efforts of the Ministry of Gender, Labour and Social Development, Ministry of Health, Ministry of Education and Sports and the Uganda Bureau of Statistics (UBOS) to collect comprehensive data on Persons with disabilities, data is scattered in various ministries, NGOs, DPOs and CBOs. Structures of the Council on Disability and those of DPOs exist up to the Sub-County level and below, but are not yet comprehensively used for data collection. Current data is predominantly estimates. The data captured by the Uganda Bureau of statistics is too general and may not sufficiently guide planning. The data is also available in different formats and is not disaggregated.

275) In 2008-09 however, the CBR Information Management System was jointly developed by the Ministry of Gender Labor and Social Development in collaboration with the Uganda Bureau of Statistics in consultation with DPOs and other stakeholders. The CBR IMS was piloted by conducting a household survey of persons with disabilities in two districts of Busia and Tororo, and when it is rolled out nationally, it will provide for a national data base on the statistics and other forms of data about Persons with disabilities to facilitate planning and budgeting for resource allocation.

276) Government will take deliberate steps to establish data banks to compile statistics on the different articles of the Convention so as to inform disability programming, and to guide subsequent reporting on the CRPD.

Article 32 - International cooperation

Participation of people with disabilities

277) The National Development Plan (NDP) is the primary Government national strategic plan and the anchor for Government fiscal strategy, and lower level or sectoral plans. The NDP also defines areas of International Cooperation and indeed has a number of Development Partners financing its implementation. To ensure ownership of the plan and to support the realisation of its objectives, the preparation of this NDP took an iterative, consultative, and participatory process. It involved bottom-up and top–down approaches to ensure adequate participation at the Central and Local Government levels, civil society groups and the private sector.

278) The National Council for Disability worked with DPOs to develop a position paper on disability issues to be included in the National Development Plan. These ideas were passed on to the Secretariat of the National Planning Authority and the disability movement lobbied further for their inclusion.

Disability funding

279) ODA provided by partner governments and international organisations to Uganda has played an important role in supporting the country's recovery, growth, and poverty eradication efforts. Over the 2003 to 2007 period, 43 different DPs disbursed aid to Uganda. This included 29 bilateral DPs and 14 multilateral DPs, of which eight were UN agencies and two were Global Program Funds. The key development partners funding disability programmes in Uganda are Disabled People's Organisation Denmark (DPOD) with support from DANIDA, and Norwegian Association of the Disabled (NAD) with support from NORAD.

280) Within Government circles, which also affect civil society and the private sector, there is established the Ministry of Ethics and Integrity, the Inspector-General of Government and the Parliamentary Public Accounts Committee. Government also has a Leadership Code to which all public servants adhere - by among others, declaring their wealth so that the rate at which more wealth is accumulated can be compared with personal income for purposes of gauging whether the two are commensurate.

Development assistance

281) The Government's position on Official Development Assistance (ODA) has been set out in the "Partnership Principles between the Government of Uganda and its Development Partners" (DPs) of 2003. Further, Uganda and its main Development Partners are signatories to the Paris Declaration on Aid Effectiveness (2005)24 and the Accra Agenda for Action (2008).

Disability in MDG implementation

282) In line with the Millennium Development Goals, Uganda has through its National Development Plan (NDP) provided for the mainstreaming of disability in all sectors. Notably, in eradicating extreme poverty (MDG 1), the NDP provides for cash transfers to the elderly and persons with disabilities. The NDP also has a number of agricultural improvement programmes designed to benefit the poor – including persons with disabilities. With regard to Universal Primary Education (MDG 2), the NDP and the Education Sector Strategic Plan provide for inclusive education and special needs education as well as human resources, instructional materials and infrastructure improvements to accommodate the needs of children with disabilities. The empowerment of women (MDG 3) caters for the needs of women with disabilities – many of who have access to electoral positions, as well as affirmative action in institutions of higher learning.

Collaboration with UN bodies

283) Regarding the CRPD, Government has worked closely with the Office of the United Nations High Commissioner for Human Rights towards the popularization of the convention; as well as training DPOs on monitoring the convention.

Article 33 - National implementation and monitoring

284) The National Council for Disability Act (No. 14), 2003 mandates the National Council for Disability to monitor and evaluate the implementation of disability policies in the country, as well as the CRPD.

285) Government increased funding to the National Council for Disability in Financial Year 2009-2010 from $61,818 (UGX 136,000,000) to $243,636 (536,000,000 UGX) to boost training and monitoring activities and to increase the performance and visibility of the Council.

ANNEX 1: DISTRICT MAP OF UGANDA

