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The situation of persons with disabilities

According to the official 2002 Uganda Population and Housing Census, disability prevalence was estimated at 4 per cent. Identification and measurement of disability prevalence was then based on a narrow, medical model.

In contrast, the Uganda National Household Survey of 2009/2010 estimated disability to be at 16 per cent of Uganda's then 30.7 million population. This Survey followed a functional limitation approach rather than an impairment based model to identify disability. The variation in data presentation illustrates how the definition of disability and the method of collecting data affect survey results. This means that there are around 5 million persons with disabilities in Uganda. 12 percent were reported to have "some difficulty" in at least one of the six functional domains while three percent had "a lot of difficulty" and about one percent were unable to perform at all using at least one of the six functional domains.

The Northern Uganda Survey of 2004 (Uganda bureau of statistics) estimated that about 80 per cent of people with disabilities live in conditions of long-term poverty with limited access to education, health facilities, sustainable housing and employment. A report from Human Rights Watch in 2010 describes frequent abuse and discrimination by strangers, neighbours, and even family members against women and girls with disabilities in the north. (*As if we weren't Human, 2010*). Such abuse is reported among women with disabilities in general and women with intellectual disabilities in particular.

While improvements in attitudes and services to persons with physical and sensory disabilities have somewhat improved in the past years, persons with psycho-social disabilities (mental health problems) are still stigmatised and exposed to torture and ill treatment, both in families and in hospitals, as shown

in two reports released by Mental Health Uganda in 2014. Medication and proper treatment is inaccessible to most. Other specifically vulnerable disability groups are persons with intellectual disabilities and persons with albinism.

The 5-year National Development Plan for 2010/11–2004/15 was launched in April 2010. Persons with disabilities were neither involved, nor mentioned in the initial plan. However, they were briefly consulted in connection with the first revision and during preparation of the third version they were consulted via the NGO Forum in Uganda, allowing the movement to make a coordinated contribution.. The subsequent NDP and Vision 2040 have included disability aspects. The National Development Plan has some specific targets for PWD in the area of trade, education, health and social security. Furthermore, the Gender and Equity Budgeting initiative is an effort to make different sectors focus on issues related to equity - disability being one such issue.

Despite progressive legal instruments (except in mental health) and policy documents, Uganda shows limited progress for persons with disabilities, due to a significant implementation gap, according to studies by DFID, World Bank and others. This is also confirmed by Uganda's own reports to the UN (e.g. CRC and CRPD). Moreover monitoring and evaluation mechanisms and capacity is limited in the government and civil society organisations (CSOs). As decisions and budgets are decentralised to many districts, disability organisations and accountability mechanisms struggle to develop capacity to be able to raise awareness and monitor policy implementation at this level.

The general human rights situation in Uganda is also complex. Many laws have been passed in conflict with the Constitutional provisions, for example the Public Order Management Act, the Anti-Pornography Act, the Anti -Homosexuality Act the

NGO Amendment Bill and the HIV and Aids control bill. The first infringe on freedom of expression and association and requires that groups of three or more people receive prior police approval before gathering to discuss any government actions, failures, or policies. In order to promote and monitor human rights Uganda Human Rights Commission was established in 1996. Despite this framework democracy and human rights are far from a reality.

Legal and policy framework

The government of Uganda has taken a number of legislative and policy steps that indicate commitment to advancing the rights of persons with disabilities. In terms of **international instruments**, these steps include:

- Signing and ratifying (in 2008) the United Nations Convention on the Rights of Persons with Disabilities (CRPD) and the optional protocol, the first international, legally binding treaty aimed at protecting the human rights of persons with disabilities. The Convention is available at www.un.org/disabilities/convention/conventionfull.shtml. An initial State party report to the UN Committee on the Rights of Persons with Disabilities was delivered by Uganda in 2013 (due in 2010), including a range of commitments for future action. The civil society has developed an alternative Report.
- Signing and ratifying the Mine Ban Treaty (2001)
- Signing and ratifying other treaties that advance the rights of people, including those with disabilities, for example the UN Convention on the Rights of the Child, the African Charter on Human and People's Rights, the Convention on the Elimination of All Forms of Discrimination against Women – all of which make some reference to protecting the rights of persons with disabilities to fair treatment, appropriate care, inclusion and full participation in society.
- Committing to the East African Policy on persons with Disabilities (2012) outlining joint policy commitments in line with the CRPD and country level recommendations.

- Adopting a National Plan of Action for the African Decade of Persons with Disabilities already in 2005, with a budget of 1.8 million Uganda shillings.

The African Commission on Human and Peoples' Rights has drafted a Protocol on the Rights of Persons with Disabilities. It was released for comment in April 2014 and once finalised, is likely to become part of Uganda's policy framework for advancing disability rights. Other important upcoming tools in 2014 are the CRPD Toolkit for Africa and the Accountability Framework for Africa which is part of the Common African position for Post 2015 Development.

In terms of **national laws and policies**, the following have the most direct bearing on the rights of persons with disabilities:

The Uganda Constitution of 1995 recognises the rights of persons with disabilities and outlines these rights in quite detail. It stipulates that the State shall promote the development of sign language for the deaf, provide education for all (art 20) and include and affirmative action representation of persons with disabilities in the Parliament (article 75).

It provides for equality and prohibits discrimination against all persons and specifically includes persons with disabilities (article 21). It further stipulates that the State shall take affirmative action in favour of marginalised groups (including persons with disabilities) and shall make laws for the fulfilment of this clause, including laws to establish an Equal Opportunities Commission (article 32). Furthermore it provides for the rights of persons with disabilities to respect and human dignity. It also imposes a duty on the state to make laws appropriate for the protection of persons with disabilities (article 35).

The Persons with Disability Act entered into force in 2006 ensures legal protection and equal opportunities of persons with disabilities, stating a rights-based approach. It also provides for representation of PWD in decision-making bodies (reserved seats) in all administrative levels, including local councils. The National Policy on Disability in Uganda 2006 was adopted to ensure that implementation of the Disability Act. In 2009 the

government tried to annul the 2006 Disability Act, as certain parts have costly implications allowing considerable tax reduction: 10 per cent to companies employing more than 15 persons with disabilities. The tax was reduced to 2 per cent and persons with disabilities given an annual special grant of 30 million for each district to support the socio-economic development and employment. In March 2012, civil society launched a comprehensive Proposal to Amendments of the Persons with Disabilities Act of 2006 in order to ensure full domestication of the CRPD. The proposal was spearheaded by the Uganda National Association of the Deaf (UNAD), Legal Action for Persons with Disabilities (LAPD) and Mental Health Uganda (MHU). The proposal is pending.

Other relevant laws and policies include:

- *The Mental Treatment Act* enacted in 1938 (revised in 1964) is still applicable.
 - *The National Council for Disability Act, 2003* establishes the National Council for Disability, its key function a national coordination body through which the needs, problems, concerns of persons with disabilities can be communicated to the government and its agencies.
 - *The Employment Act, 2006* provides for the protection and equality of all persons employed in the work place including persons with disabilities.
 - *The Equal Opportunities Commission Act.* The Commission was appointed in 2009 with one of its five members being a woman with a disability. The Commission, with a fully-fledged secretariat, has embarked on its work of promoting equal opportunities for marginalised groups, persons with disabilities included.
 - *The Business, Technical, Vocational Education and Training Act 12 of 2008,* promotes equitable access to education and training for all disadvantaged groups, including disabled people.
 - *The Local Government Act, 1997* provides for representation of disabled people at the various Local Council levels.
 - *The Parliamentary Elections Statute, 1996:* Section 37 of the Parliamentary Elections Statute provides for five seats in parliament for representatives of persons with disabilities.
 - *The Traffic and Road Safety Act, 1998,* prohibits the denial of a driving permit on the basis of disability.
 - *The Uganda Communications Act, 1998* provides for the promotion of research into the development and use of new communications techniques and technologies, including those which promote accessibility of hearing-impaired people to communication services.
 - *The Uganda National Institute of Special Education Act, 1998* provides for the establishment of the Kyambogo National Institute of Special Education, training of teachers for children with special needs as well as special education teachers.
 - *The Workers' Compensation Act, 2000,* provides compensation to workers who are injured or disabled through industrial accidents.
 - *The Equal Opportunity Act, 2006* and the *Employment Act 6 of 2006* both prohibit discrimination of persons in employment based on disability.
 - *The Universities and Other Tertiary Institutions Act, as amended,* provides for affirmative action during admission of persons with disabilities to public tertiary institutions.
 - *The Uganda National Policy on Disability 2006,* which provides the basis for national interventions and programmes in favour of persons with disabilities in all government departments and activities. The priority areas of focus are accessibility, participation, capacity building, awareness raising, prevention and management of disabilities, care and support, socio-economic security, research, communication (sign language, tactile and Braille literacy) and budgeting.
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Implementing Agencies

Disability is the overall responsibility of the *Department of Disability and Elderly under the Ministry of Gender, Labour and Social Development*. The different sector ministries are responsible for mainstreaming of disability in their respective activities.

In order to promote, protect and monitor the rights of PWD a *National Council for Disability* was established in 2003. It holds wide-ranging power, but is reported to function ineffectively. For a long time it has concentrated on establishment of Disability Councils at district level, which means that today about one third of the districts has a council.

The Ministry of Education is responsible for education of children with disabilities as stipulated in the Disability Act. Currently, the Government uses a twin track approach to provision of education for people with disabilities that is promoting both inclusive education and special needs education. The draft Special Needs and Inclusive Education Policy (2011) provides for a number of approaches for delivering special needs education. These include home based care programs, special schools where children with severe and often multiple impairments receive specialised support in methodology, instructional materials and assistive devices. Others include Units/Annexes where children are integrated within regular schools but targeting learners with particular disabilities and inclusive schools where children with special needs including but not limited to children with disabilities study with other children. According to Ministry of Education and Sports official records, 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 Intellectual impairments, 8 for those with physical impairments and 43 for learners with visual impairments). In addition, the government has constructed four regional special needs education schools: one in Gulu for children with physical disabilities, Mukono for children with visual impairments and two secondary schools for the Deaf in Wakiso and Mbale Districts respectively.

Despite these efforts, very few children with disabilities access education and huge problems remain, including inappropriate teaching materials, unqualified teachers, stigma and discrimination in families and communities and lack of support to girls with disabilities to manage their personal hygiene. Although 40 000 children with disabilities are starting their first year in primary school every year, only 12 000 complete their primary education. Around 3 000 of them continue to secondary education and 800 complete these studies (Uganda Bureau of Statistics, 2010 figures). In October 2014, students in one of the schools for the deaf publicly protested against the appalling situation in their school.

The Uganda's National Development Plan (NDP), 2010/11-2014/15 indicates that 10% of school-going age children in Uganda have special needs thus requiring Special Needs Education (around 1.3 million children). However, the UNICEF (2012) Annual Report indicated that that only 5% of the children with disabilities are able to access education within an inclusive setting of the regular schools whereas 10% access education through special schools and annexes. This means a total of 15% of children with disabilities are attending school, which is confirmed by the Uganda bureau of statistics showing that a total of 218 000 children with special needs were enrolled in 2010. As mentioned above very few of these complete their studies.

The Disability Act of 2006 states that persons with disabilities shall enjoy the same rights as other members of the public. Government shall promote special health services required by persons with disabilities. *The Ministry of Health* has included management of disability as an essential part of the National Minimum Health Care Package. The disability management policies set out minimum levels for staffing services, equipment and supplies, management and support to enable districts to develop strategic plans. The policies are intended to streamline, strengthen and extend medical rehabilitation services to all districts in line with the National Health Policy of 2009. Still access to health services is limited for persons with disabilities, due to poverty, lack of accessible information and negative attitudes of health staff.

A *National Community Based Rehabilitation (CBR) program* was implemented in cooperation with Norwegian donors some ten years ago. It is still operational in some districts, where it has been taken over by the local authorities. The programme focuses on awareness, capacity building, livelihoods, access to basic services and inclusion in local development programmes. Currently it is being implemented in the districts of Mbarara, Bushenyi, Mbale, Kabale, Mukono, Iganga, Kamuli, Ntungamo, Rukungiri, Butaleja, Busia and Kayunga.

The National Landmine Victim's Assistance programme was launched in 2008 to raise awareness of Uganda's obligation as a state party to the Mine Ban Treaty and the CRPD. The plan provides for the establishment of a framework for rapid response to support landmine survivors and other persons with disabilities and older 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 Income Tax Act and amendment from 2009 is giving a 2 per cent tax reduction for any company proving that at least 5 per cent of their full time staff are persons with disabilities. According to the commissioner of domestic taxes, no company has so far applied for the tax reduction, mainly because they are unaware of the possibility.

Accountability mechanisms

The National Human Rights Commission has the mandate to address all human rights violations including those relating to persons with disabilities. According to the Uganda Human Right Commission Act, the Commission has adjudicatory powers to investigate on its own initiative or by complaint made to it any alleged human rights violation. In October 2004, the Commission established the Vulnerable Persons Unit to address issues raised by vulnerable groups including people with disabilities. The Unit amongst its functions, monitors government compliance with its human right obligations to vulnerable persons. It was unclear whether the Commission has handled any cases relating to violations against persons with disabilities. However,

the issues raised by people with disabilities for the attention of the Commission are centred on education, transport, employment and accessibility to basic services.

The Equal Opportunities Commission has the mandate to investigate and inquire into matters on its own initiative or by a complaint made to it by persons belonging to marginalised groups including persons with disabilities where discrimination in relation to opportunities has occurred.

The Inspectorate of Government does not specifically handle matters relating to persons with disabilities. Its primary functions involve the promotion of natural justice, fairness, efficiency and good governance in the administration of public offices. The Inspectorate could potentially be used by persons with disabilities.

The National Council for Disability is mandated to monitor and evaluate Government and non-Governmental organisations to ensure that policies and programs designed are offering quality service and promoting full participation of persons with disabilities. Research studies are commissioned to get deeper insights of the situation at hand. The Council produced a report on the access to education for women with disabilities in Uganda to the 58th session of the CEDAW committee, 2014.

Main Civil Society Actors

The disability movement is one of the most vibrant in Africa, and has played a key role in the promotion of disability rights on the continent. The structure of the movement is rather complex though. The *National Union of Disabled Persons of Uganda (NUDIPU)* is an umbrella organisation representing the interests of all persons with disabilities. In 2014 it had presence in 112 districts and nine member organisations:

- *Uganda National Association of the Blind (UNAB)*,
- *Uganda National Association of the Deaf (UNAD)*,
- *Uganda National Action on Physical Disability (UNAPD)*,
- *National Association of Deaf-blind persons in Uganda (NADBU)*, *Epilepsy Support*
- *Association Uganda (ESAU)*,
- *Mental Health Uganda (MHU)*,

- *Uganda Albino Association (UAA)*,
- *Little People of Uganda*, and
- *Uganda Parents of Persons with Intellectual Disabilities (UPPID)*.

NUDIPU remains the most preferred channel through which government chooses to address disability issues. The organisation has struggled to find its role as a cross disability organisation for individuals in districts and as an umbrella of the various disability organisations. The politicisation of the organisation has also been an issue.

National Union of Women with Disabilities of Uganda (NUWODU) represents the interests of women with disabilities, but is not a member of NUDIPU. Other significant DPOs are *Uganda Parents of Children with Learning Disability UPACLED* and *Spinal Injury Association (SIA)*.

Several disabled people's organisations from Nordic countries, including the umbrella organisation *Atlas Alliance of Norway* and *Disables People's Organisations* of Denmark have provided substantial support to development of the disability movement in Uganda. Since 2012, the disability organisations have also been supported by *The Disability Rights Fund (DRF)*, which is a collaboration between donors (UKAID, Open Society and philanthropists) and the disability community to advance the new UN Convention on the Rights of Persons with Disabilities (CRPD).

Other disability specific organisations working in Uganda are *Handicap International*, *Christoffel Blindenmission (CBM)*, *Action on Disability and Development (ADD International)* and *Leonard Cheshire International*.

What Sweden can do – 8 questions to discuss

Within the broader context of the Swedish results strategy for Uganda, with particular focus on strengthening of civil society capacity, rule of law and access to justice, economic empowerment of women and youth, access to social security, basic health and SRHR services and combatting of gender based violence - Sweden has a great opportunity to include issues related to the rights of persons with disabilities. Questions to discuss:

- Could Sweden do more to keep up-dated with the developments within the area of disability rights and follow up on the UN comments to the county's CRPD report?
- Could Sweden do more to include disability organisations in social and professional events and networks and in capacity building programmes for civil society/human rights organisations?
- Could Sweden do more to support development of accountability mechanisms in the area of disability (e.g. reform of laws, access to legal aid, capacitating of HR institutions, systematising of monitoring methods)? Monitoring tools can be downloaded [here](#).
- Could Sweden do more to ensure accessibility to services in the basic health system for men, women, girls and boys with various disabilities, including mental health?
- Could Sweden do more to promote inclusion of persons with disabilities and their families in the supported social security systems and initiatives? Especially in the development of social protection and safety nets for children?
- Could Sweden do more to ensure accessibility for persons with various disabilities to economic empowerment programmes such as micro-credits, loans, vocational/skills training, agricultural and rural livelihood programmes and literacy programs - particularly for women and youth with disabilities? Examples of tools can be found [here](#).
- Could Sweden do more to include women with disabilities in women networks, economic empowerment and in SRHR/GBV initiatives?
- Could Sweden do more to build strategic alliances and bring a disability perspective into joint donor planning meetings with bilateral and multilateral agencies, taking into consideration that article 32 of the CRPD requires donors to do so? What support would staff need to take such initiative? Download a Guide to Disability in development for inspiration [here](#).

Links to Disability organisations

Action on Disability and Development (ADD International): <http://www.add.org.uk/uganda> and <http://www.add.org.uk/our-partners-uganda>

Atlas Alliance: <http://www.atlas-alliansen.no/English>

Christoffel Blindenmission (CBM): <http://www.cbm.org/Uganda-253091.php>

Disabled Peoples Organisations – Denmark (DPOD): <http://www.disability.dk/partner-countries/uganda>

Disability Rights Fund (DRF) <http://www.disabilityrightsfund.org/node/1495>

Epilepsy Support Association Uganda (ESAU): <http://www.epilepsy.org.ug/>

Handicap International: http://www.handicap-international.org.uk/where_we_work/africa/uganda

Leonard Cheshire International: <http://www.leonardcheshire.org/international/where-we-work/east-and-north-africa#.VLGtnRA5Cjs>

Little People of Uganda <https://www.facebook.com/littlepeopleinuganda>

Mental Health Uganda (MHU)

Mental Disability Advocacy Centre <http://www.mdac.info/en/en/uganda>

National Association of Deaf-blind persons in Uganda (NADPU)

National Union of Disabled Persons of Uganda (NUDIPU): <http://nudipu.org/>

National Union of Women with Disabilities of Uganda (NUWODU)

NGO Forum in Uganda: <http://www.ngoforum.or.ug/>

Spinal Injury Association (SIA)

Uganda Albino Association (UAA)

Uganda National Action on Physical Disability (UNAPD): <http://www.unapd.org/>

Uganda National Association of the Blind (UNAB)

Uganda National Association of the Deaf (UNAD): <http://www.unadeaf.org/> and <https://www.facebook.com/unadug>

Uganda Parents of Children with Learning Disability (UPACLED) <http://www.upacled.org/>

Uganda Parents of Persons with Intellectual Disabilities (UPPID)

References

- African Disability Rights Yearbook, 2014 <http://www.adry.up.ac.za/index.php/2014-2-section-b-country-reports/uganda>
- Aids prevalence 2013: <http://www.unaids.org/en/Regionscountries/Countries/Uganda>
- Amnesty International, 2014 report: <http://www.amnesty.org/en/library/asset/AFR59/006/2014/en/aa50ac80-a17e-4534-8979-3ba8ed114172/afr590062014en.pdf>
- Freedom House country report: <https://freedomhouse.org/report/freedom-world/2014/uganda#.VLKdLRA5Cjs>
- Human Rights Watch report (2010): <http://www.hrw.org/reports/2010/08/24/if-we-weren-t-human>
- National Development Plan for Uganda: <http://npa.ug/>
- The Northern Uganda Survey of 2004, Uganda Bureau of Statistics
- Uganda Human rights commission: <http://www.uhrc.ug/>
- Sida's tools on disability: Disability as a human rights issue – conducting dialogue: http://www.sida.se/English/publications/Publication_database/publications-by-year1/2012/june/disability-as-a-human-rights-issue-conducting-a-dialogue/
- DRPI East Africa Report: <http://drpi.research.yorku.ca/Africa/resources/EACDisabilityPolicy/Page2/Part4>
- Situational Analysis on the Rights of Children with Disabilities in Uganda - UNICEF Uganda: <http://capacity4dev.ec.europa.eu/disability-and-development-network/document/situational-analysis-rights-children-disabilities-uganda-unicef-uganda>
- African Disability Rights Yearbook, 2014; http://www.adry.up.ac.za/images/adry/volume2_2014/adry_2014_2_uganda.pdf
- “Disability Rights Movement in East Africa”, Corina Hoffman, Max Planck Institute for Social Law and Social Policy, 2014: <http://ecpr.eu/filestore/paperproposal/60b58c73-a93a-44ab-92db-0fb846577fd8.pdf>
- Torture and ill-treatment in Ugandan Psychiatric Hospitals, 2014: <http://www.mdac.info/en/news/torture-and-ill-treatment-endemic-ugandan-psychiatric-hospitals-and-communities>
- Uganda Initial CRPD Report to the Commission on the Rights of Persons with Disabilities: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fUGA%2f1&Lang=en
- Disability Rights in Uganda Research blog http://disability-uganda.blogspot.se/2012_02_01_archive.html
- The state of access to education by women and girls with disabilities, The Case of Uganda, A paper submitted to the 58th session of the UN Committee of CEDAW, 2014: [National Council for Disability, Uganda](#)
- Ugandas Disability Journey: Progress and Challenges, J. AbinayiOchom, 2014

The human rights of persons with disabilities are a Swedish government priority. As a service to staff, briefs have been prepared to provide basic information about the situation of this (often forgotten) group and inspire discussions on what Sweden could do to better include disability rights in diplomacy and programming.