

NATIONAL UNION OF DISABLED PERSONS OF UGANDA
JOINT SUBMISSION ON UNIVERSAL PERIODIC REVIEW FOR UGANDA

Executive Summary:

1. **NUDIPU** is an indigenous umbrella NGO of persons with disabilities (PWDs) that brings together all disability categories including sensory, physically and mentally impaired persons -with the vision of having a dignified Society for all. Formed in November 1987, NUDIPU exists to work as a unifying voice for PWDs for the full realization of their rights and inclusive development.

2. **NUDIPU as lead agency of the PWDs cluster under the UPR for Uganda coordinated likeminded organizations working on issues of PWDs to meaningfully participate in the review process for Uganda. This is a joint submission in relation to over 25 single disability organizations participating in the consultations and data collection on the drafting of this report. These include;**
 1. **Action on Disability and Development**
 2. **Blind but Able**
 3. **Community Based Rehabilitation Alliance**
 4. **Epilepsy Support Association Uganda**
 5. **Iganga Development Women's Association**
 6. **Katelemwa Cheshire Home**
 7. **Katutandike Uganda**
 8. **Mental Health Uganda**
 9. **National Association of the Deaf Blind in Uganda**
 10. **National Union of Women with Disabilities of Uganda**
 11. **Sense International**
 12. **Sign Health Uganda**
 13. **Spinal Code Injuries Association**
 14. **The Able Disabled Association.**
 15. **Uganda Albino Association**
 16. **Uganda Federation for the Hard of Hearing**
 17. **Uganda Foundation for the Blind**
 18. **Uganda National Action on Physical Disability**
 19. **Uganda National Association of the Blind**
 20. **Uganda National Association of the Deaf**
 21. **Uganda Parents Association of Children with Learning Difficulties**
 22. **Uganda Society for Disabled Children**
 23. **United Deaf Young Women's Group**
 24. **Wakiso District Union of PWDs**
 25. **Youth with Disabilities Development Forum**

Introduction

Background to Disability in Uganda

3. The World Health Organizations Estimates 10% of the world's population to be disabled and the National Census of 2002 estimates that 4 out of every 25 persons in Uganda have disabilities, thus making it a development concern. Some of the common disabilities in Uganda include visual impairments; physical disabilities; hearing impairment; multiple disabilities; mental and psycho socio disabilities; intellectual disabilities and albinism. The major causes of disability include but are not limited to communicable diseases, congenital abnormalities and injuries.

International Obligations

4. Uganda is a state party to the Convention on the Rights of Persons with Disabilities (CRPD) ratified in September 2008. The CRPD obliges government to respect, fulfill and protect the rights of PWDs basing on the Human rights principles of equality and non discrimination, effective participation and inclusion in communities; respect for inherent dignity and autonomy; equality between women and men and respect for the evolving rights of children with disabilities; Article 4 of the CRPD outlines the general obligations of government:

Progress by government:

5. At the national level, a number of legal framework and policies were enacted by the government to promote and protect PWDs against various forms of discrimination and human rights infringements. Some of them include;

The Constitution of Uganda; Local government Act, Traffic and Road Safety Act, Communications Act, Universities and other tertiary Institutions Act, Land Act etc. These are general laws with provisions on disability rights. Government enacted disability specific laws and policies to guide planning, implementation of disability programmes. Among others are; The National Council for Disability (NCD) – which provides a monitoring framework for equalization of opportunities for PWDs in the country. It also empowers the NCD to investigate into human rights violations and take appropriate action. The PWD Act 2006 provides for the specific rights for PWDs and sanctions to whoever contravenes the provisions therein. The Act domesticates the CRPD

6. The National Policy on Disability 2006- provides a policy framework to guide resource allocation and the sort of interventions necessary to enable PWDs explore their full potential. It calls for a multi sectoral approach to addressing the vulnerability of PWDs in the country. The Equal Opportunities Commission Act establishes a body to monitor equity and equalization of opportunities among marginalized groups including disability.

Challenges affecting progressive realization of rights

PWDs having hearing impairment

7. Despite government enacting very good laws and policies, PWDs continue to be marginalized in mainstream development. Their rights to access equitable and quality education, health, public infrastructure, information and other community services are not adequately addressed. Some of the specific challenges are detailed below;
8. The constitution of Uganda elevates sign language as one of the three spoken languages in the country. The Act on access to information provides that citizens have a right to access information; the PWD Act aluminates the need to include sign language in the training curriculum of health workers; The PWD Act provides that every television station must provide information accessible for persons with hearing impairment by providing interpretation services and sub titling.
9. The highest number of persons with hearing impairments lacks the knowledge of sign language and can hardly communicate in sign language. Government has got no clear measures in place to address the development of the language to ease communication amongst themselves and the public.
10. Many persons have graduated from higher institutions of learning as sign language interpreters however, government does not recognize them in the public service structure yet deaf persons cannot access information in health centers, courts, police, prisons, schools e.t.c. There is overwhelming negative attitude towards persons with hearing impairments and disability in general and this erodes them of their fundamental rights and freedoms.

Recommendations

- Government through its relevant ministry should develop a comprehensive programme to train persons with hearing impairment sign language within their communities to improve on the communication abilities of deaf persons
- Public service should incorporate sign language interpreters in the government employment structure and recruit them in the respective public offices to facilitate communication between deaf persons and the other persons.
- The Ministry of Health in partnership with Ministry of gender, labour and social development should mainstream disability in their awareness campaigns in order to reduce on the negative attitude exhibited in most health centers towards PWDs

Physical accessibility to public infrastructure

11. Persons with physical disabilities and mobility challenges face serious challenges in accessing most of the public buildings and roads due to lack of ramps, lifts, rails etc. This denies them the right to movement, living independently in communities and contributes to exclusion from participation in community activities.
12. Government through the ministry of health is managing orthopedic centers to facilitate PWDs with assistive devices which are expensive to be affordable to PWDs.

Recommendations

- Ministry of works should adopt the accessibility standards developed by UNAPD (an organization for persons with physical disabilities in Uganda) as a standard measure for improving the accessibility of all public and private structures;
- The provisions of the traffic and road safety Act on disability should be enforced
- Ministry of finance should allocate resources to orthopedic workshops to subsidize the costs of assistive devices
- Ministry of health should purchase adjustable beds and distribute them in health centers right from health centre 3 in order to promote the dignity of women with disabilities

Mental impairment

13. Uganda is one of the countries around the world that do not recognize the legal capacity of persons with mental disabilities as stipulated in the CRPD. The Constitution of Uganda and other statutory laws and Acts present mental disability as one of the criteria for removal in a public office. Some banking laws deny people with visual impairment to access loans and other financial related matters basing on their disability
14. Communities continue to be ignorant on the rights of persons with mental and intellectual disabilities relating it to cultural beliefs and superstitions. Consequently, these persons are locked up in houses, tied on trees, denied shelter and food, etc.

Recommendations:

- Parliament should speed up the process of amending the mental health Act in order to improve on the lives of persons with mental and intellectual disabilities. The revision of the Act must also take into consideration the fundamental rights and freedoms alluded to in the CRPD
- Ministry of Health should develop and implement awareness programmes on mental and intellectual disabilities highlighting their rights and freedoms that subject them to be human

Visual impairment

15. Access to information by visually impaired persons is still a big challenge. Government has no Braille production unit to transcribe print literature into Braille. This makes it difficult for visually impaired persons to access any kind of information in Uganda whether public or private depriving them the right to information.

Recommendations

- The GoU should employ adaptive technology is one of the measures to curb the information challenges faced by visually impaired persons.
- Ministry of information should implement the provisions in the PWD Act and the CRPD on access to information by visually impaired persons.

- GoU should instruct all government bodies and private institutions to Braille or record salient information for PWDs to access. It should also ensure that all resource centers have access technology for the blind/low vision
- GoU should be in place adequate measures to help women with disabilities to identify suspects/culprits who abuse them sexually. This should be done by incorporating disability concerns in the department for community liaison officers to sensitize the communities about the vulnerability of PWDs.
- Awareness campaigns on the white cane should be incorporated in all the line ministries to increase knowledge on the relevancy of the Cane.

Multiple disabilities

16. Children with multiple disabilities lack the necessary support from their parents and guardians. This is attributed to limited knowledge and skills by parents to look after their children. It should also be noted that there are few physio therapists in health centers to assist such children. Many of them have lost their lives as a result of neglect while others have developed secondary disabilities.

Recommendations

- GoU should recruit Physio therapists and deploy them in the lower health units to support persons with multiple disabilities
- Government to provide funds for home based care to enable parents learn skills to look after their children. This will reduce on the high prevalence of death for children with multiple disabilities

PWDs in General

17. Whereas the Evidence Act recognizes the rights of deaf and dumb persons as competent witness in court, sign language interpreters are not provided during court hearing and interrogation at police. As a result, many deaf persons have been denied justice due to communication barriers.

18. The Police and other institutions of the justice sector have no clear measures of tracking and attending to the special needs of PWDs. The case in point is the registration forms for suspects have no provision for disability. This has effects like long detentions, or even refusal to register the suspect. NUDIPU conducted a survey in 2009 in the prisons and police cells in central region to establish the status of PWD prisoners. It was found that; there was at least one to seven PWDs in all the places visited.

19. PWDs like other citizens commit crimes and are taken to places of detention including police cells, remand homes and prisons. Whereas PWDs do not demand special treatment but rather the need to recognize the special nature and needs of PWDs once placed in these detention centers. Some of the human rights abuses akin to PWDs in detention centers range from unequal access to prison facilities and services to poor treatment and in some cases discrimination. Some persons get the disabilities while in prisons resulting from practices such as torture and poor conditions in prisons.

20. Persons with mental illness are another vulnerable group that need protection especially while in detention centers. It should be noted that mainstreaming mental disability rights has not been into the regular human rights agenda. Persons with mental disabilities need procedural protections during psychiatric commitment and protection of rights such as the rights to informed consent, rights to dignity, affirmative action and reasonable accommodation, Prevention of inhuman & degrading treatment, Liberty & Security of the Person while in psychiatric centers.

Recommendations

- Training of Security and Prisons wardens on dealing with PWDs in detention; Protection of the rights of persons with mental illnesses during psychiatric commitment;
- Introducing a specific form for disabled people for easy identification at all police stations;
- Advocating for Sign Language Interpreters in detention centers for purposes of easing communication with deaf persons;
- Monitoring the implementation of the Convention on the Rights of persons with disabilities to fulfill Article 13 on access to justice for persons with disabilities.

Political rights;

- 21.** PWDs have a right to participate in civil and political life on an equal basis like any other person. Whereas the government has provided for representation on all levels of administration from village to national level, there are a number of challenges restricting PWDs in this area. The Electoral Commission does not fund the elections of PWDs at lower levels i.e. LC 5 to village levels. This gives opportunity to only leaders “who are rich” and able to facilitate the delegates.
- 22.** Access to information is a right but the EC is still hesitant to Braille ballot papers for the visually impaired who are Braille literate. The Commission alleges that very few people can read Braille yet it is very costly to process. This subjects visually impaired persons to depend on guides/readers to cast their votes who might not be very reliable
- 23.** Persons with mental and intellectual disabilities are not allowed to vote or to contest on the belief that they are mentally unsound.

Recommendations;

- EC to provide reasonable accommodation in relation to the specific needs of each disability category
- The electoral laws to be amended to allow survivors of psychiatry to participate in civil and political rights by voting and being voted.

Education

24. There are no special needs teachers in inclusive schools yet the government of Uganda promotes inclusive education. Similarly, there are limited teaching aids for the blind and hardly any materials for other disability categories. This makes it difficult for children with disabilities to get quality education and in most cases; it has resulted to high school dropout rates for Children with Disabilities.

25. The curriculum design does not consider the specific needs of children with mental and intellectual disabilities, deaf and blind. There are no special incentives given to special needs teachers to motivate them to remain in school to support children with disabilities. Research has shown that on average a school has one special needs teacher in a unit of over 20 students. Universal Secondary Education is not specific on the promoting affirmative action of students with disabilities yet most families are poor to afford the ever increasing school fees.

Recommendations;

- GoU should promote affirmative action for children/ students with disabilities to enable them access quality education.
- GoU should recruit more special needs teachers in all primary and secondary schools to provide meaningful incentives to motivate them, and train more to reduce on the teacher- pupil ratio.
- GoU should review the Universal Secondary Education policy to provide for affirmative action to increase on the numbers of PWDs in higher institutions of learning throughout the country.