

**STATE OBLIGATION: ASSESSING THE IMPACT OF ARTICLE 4 OF THE UN  
CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES ON THE  
PROMOTION AND PROTECTION OF THE RIGHTS OF PWDs IN UGANDA,  
2008-2016.**

**BY**

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## DECLARATION

I, Nalule Safia Jjuuko, hereby declare that the work on which this dissertation is based is original and has never been submitted for another degree at this or any other university, institution for tertiary education or professional examining body. To the best of my knowledge, where the work of others has been referred to, it has been duly acknowledged.

Signature:  Date 20<sup>th</sup> April 2022

**Nalule Safia Jjuuko,**

## APPROVAL

This is to certify that this dissertation has been submitted for examination under my supervision and approval.

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Kaszi-Mutaawe, PhD

## **DEDICATION**

This work is dedicated to my children, Abdul Bulega, Adam Nasser Kiyimba, Adil Mulumba, Jasmine Bulega and my family members who gave me a lot of support to undertake this course. I too dedicate this work to my parents, my father the late Moses Lule Boss and my mother Mrs. Jane Lule, who gave me education against all odds of educating a child/girl with a disability.

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## **LIST OF ACRONYMS**

|       |  |
|-------|--|
| ACHPR | African Charter on Human and Peoples' Rights                           |
| ACTV  | The African Centre for Treatment and Rehabilitation of Torture Victims |
| ASF   | Avocats Sans Frontieres  |
| CSO   | Civil Society Organizations  |
| FDGs  | Focus Group Discussion   |
| HRAPF | Human Rights Awareness and Promotion Forum-Uganda                      |
| ICCPR | International Covenant on Civil and Political Rights                   |
| ICPS  | International Centre for Prison Studies                                |
| IHRL  | International Human Rights Law   |
| NGO   | Non-Government Organizations   |
| NHRIs | National Human Rights Institutions                                     |
| NRM   | National Resistance Movement   |
| PWDS  | People with disabilities   |
| TI    | Transparency International   |
| UDHR  | Universal Declaration of Human Rights                                  |
| UHRC  | Uganda Human Rights Commission   |

## **ABSTRACT**

The study pursued to examine the impact of the UN Convention on the Rights of Persons with Disabilities in Uganda. The study emphasized Article 4 of the CRPD which requires active and comprehensive strategies from state parties in regard to the rights of people with disabilities. The UN Convention on the Rights of Persons with Disabilities (CRPD) was adopted to guarantee the protection and fulfillment of the rights of PWDs. Uganda ratified the UN Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol on 25th September 2008 without reservations (Uganda's Initial Status Report 2010). Apart from ratifying CRPD and formulating national laws like Disability Act of 2006, Uganda has also included disability aspects in the National Development Plan and Vision 2040. 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. This was a cross-sectional study because it focused on a cross-section of districts (districts of Kampala, Luwero, Mbarara, Masaka and Mpigi) and it also involved observing variables without influencing them. Cross-sectional study was used because it was inexpensive and easy to conduct and useful for establishing preliminary evidence in planning a future advanced study (Amin, 2015). The study employed qualitative design because it aimed at exploring what and how the government of Uganda has done in compliance with Article 4 of the UNCRPD to promote the rights of PWDs. A number of legal and institutional frameworks were mentioned but key among these are the parliament, EOC, NCD and the UHRC. These include; parliament of Uganda, Ministry of Gender labour and Social Development, Equal Opportunities Commission, Ministry of Finance Planning and Economic Development, Civil Society Organisations, National Planning Authority, Office of the Prime Minister, Uganda Bureau of Statistics, Ministry of Education and Sports and the Ministry of Health. This monitors and promotes the gender and equity compliance of government ministries and other institutions. The second objective showed that only 29.4% of the PWDs surveyed were aware of UNCRPD. Even fewer than this, were those who were aware of article 4 on state obligation which obliges government to take practical steps to promote both legal and institutional reform geared towards protecting and promoting the rights of PWDs. The roles and responsibilities of partner ministries should be clearly outlined; inter-ministerial coordination in the area of disability should be improved; safeguards should be introduced to ensure that decentralization promotes the human rights of PWDs; innovative approaches to promote the human rights of PWDs have to be piloted before embarking on nationwide implementation; and training of public servants on how to design and implement human rights-based disability policies, budgets and program should be conducted.

## **CHAPTER ONE;**

### **GENERAL INTRODUCTION AND BACKGROUND**

#### **1.0 Introduction to the Study**

The study sought to examine the impact of the UN Convention on the Rights of Persons with Disabilities in Uganda. The study emphasized Article 4 of the CRPD which requires active and comprehensive strategies from state parties in regard to the rights of people with disabilities. Article 4 also means that governments has to review nearly the entire corpus of existing law for lacunae ignoring the needs of People with Disabilities (PWDs), from signage on buildings and making public information available through assistive technologies to specialized training for social services employees and the provision of cultural materials and sports activities in accessible formats, (Reiss, 2011). In assessing the impact of article 4 of the UN convention on the rights of persons with disabilities on the promotion and protection of the rights of PWDs, article 4 of the UN convention will be treated as the independent variable while promotion and protection of the rights of PWDs will be treated as the dependent variables. Chapter one presents the background to the study, statement of the problem, purpose of the study, objectives of the study, research questions, theoretical framework, scope of the study, justification of the study, significance of the study. It also provides a basis on which other chapters are built.

#### **1.1 Background to the Study**

The Convention on the Rights of Persons with Disabilities, like the other United Nations human rights conventions, (such as the International Covenant on Civil and Political Rights and the Convention on the Elimination of All Forms of Discrimination against Women) resulted from decades of activity during which group rights standards developed from aspirations to binding treaties (Pyaneandee & Coomara 2019).

The adoption of the Convention on the Rights of Persons with Disabilities by the UN General Assembly in December 2006 set off the process of signing and ratifying by UN Member States and entities such as the European Union as well as subsequent application and implementation at the national level (Schulze, 2010). 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 (Uganda's Initial Status Report 2010). To date, 177 states have ratified the document. Of these states, 92 also ratified an optional protocol that allows the monitoring committee to investigate complaints related to alleged violations (UN, 2018)

According to Flowers (2012), the adoption of the CRPD provides new entry points into human rights advocacy and the broader human rights movement for advocates with disabilities and their representative organizations. Consequently, this means that the government of Uganda has an obligation to respect, protect, and fulfill the rights of PWDs.

However, the UN Convention on the Rights of Persons with Disabilities (UN CRPD) is a human rights treaty which was adopted in 2006 by Uganda and came into force in 2008. It is both a development and human rights instrument as it promotes the full and effective participation and inclusion of persons with disabilities within society. The Convention on the Rights of Persons with Disabilities (CRPD) does not define disability, but instead describes persons with disabilities to “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.”

Article 4 of CRPD on general obligations, clearly defines the specific actions governments must take to ensure that the rights of persons with disabilities are respected, protected, and fulfilled. The article states that “States Parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability. To this end, States Parties undertake:

- a) To adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention;
- b) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities.” The study used CRPD Article 4 as a benchmark when examining the state obligation of the Government of Uganda in helping PWDs realize their human rights.

Looking at the global perspective, WHO estimates that approximately 15% of the world's populations are persons with disabilities, 80% of whom live in developing countries (World Report on Disability 2011). Approximately 426 million people with disabilities in developing countries live below the poverty line and are often among the 15 to 20% most vulnerable and marginalized poor in such countries. Of these, a high proportion live in poverty, on the margins of society, and their rights are all too often breached. The prevalence of disability is predicated to increase in the future due to ageing populations and an increase in chronic health conditions hence the need to urgently deal with global disability (World Health Organization & World Bank 2011). Despite their high numbers, persons with disabilities belong to the most vulnerable and marginalized groups in society.

The Uganda National Household Survey of 2009/2010 estimated disability to be at 16% of Uganda's then 30.7 million populations. This survey followed a substantial functional limitation approach rather than an impairment based model to identify disability. According to the 2002 Population and Housing Census, at least one out of every 25 people, or 4% of Uganda's then 24.4 million people were disabled. However, later studies revealed a higher prevalence of disability in Uganda. According to the Uganda National Household Survey in 2010, the estimated disability population was 16% or 5,088,000 persons out of Uganda's then estimated 31.7 million populations, (National Household Survey, 2010).

In order to respond to issues of PWDs, Uganda established the Department of Elderly and Disability Affairs in the Ministry of Gender, Labor and Social Development and the National Council for PWDs that spearheads the preparation and submission of the National Report on the CRPD. Uganda submitted its first CRPD Country Report in March, 2013 though it was due in 2010. In addition to this, in 2006 Uganda also passed into law the Disability Act.

The Uganda National Plan on PWDs notes that "PWDs are still vulnerable by virtue of their impairment and negative societal attitudes arising from fear, ignorance, superstitions, neglect and lack of awareness. As a result, PWDs have inadequate access to services, information, resources as well as limited participation in the socio-economic development process. Consequently, the

majority depend on their families and communities for survival,” (National Policy on Disability: pg. 7)

Despite the legal protection of their rights enshrined in the CRPD and Constitution of the Republic of Uganda, 1995, PWDs continue to be marginalized (Mafabi, D. C 2016). The Parliament fulfilled its mandate under Articles 35 and 32 of the 1995 Constitution of Uganda, which recognize the right of PWDs to inherent dignity and affirmative action respectively, by enacting the PWDs Act, 2006 which makes provision for respect, protection and realization of human rights of PWDs. However, most of these rights are provided in the laws but with limited implementation hence the need to examine Article 4 of the UN Convention on the Rights of Persons with Disabilities on the promotion and protection of their rights in Uganda.

In addition, despite the availability of article 4 of the UN convention on the rights of persons with disabilities face difficulties in accessing education, health and sports facilities, places of employment, cultural sites and other physical infrastructure. They are denied access to most buildings such as schools, hospitals, courts of laws. This is due to the fact that many buildings do not have facilities such as ramps and lifts. The existing lifts do not have talking devices to enable the blind to access information. Roads do not have facilities for PWDs. In most cases, PWDs cannot access information provided by both electronic and print media. Government has put in place mechanisms to improve and enhance access of services through policies, plans and programs. They also continue to experience physical barriers, inadequate information, rehabilitation and unfriendly services in addition to social exclusion.

The UN Convention on the Rights of Persons with Disabilities (CRPD) was adopted to guarantee the protection and fulfillment of the rights of PWDs. Uganda ratified the UN Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol on 25th September 2008 without reservations (Uganda’s Initial Status Report 2010). In addition, Uganda has been praised as one of the champions in Sub-Saharan Africa for advocating for the rights of persons with disabilities, (Katsui & Kumpuvuori 2008; Lang & Murangira 2009:18–24), with their rights incorporated in the national legal framework. Internationally, Uganda is a signatory to several international instruments of legislation advocating for the rights of persons with disabilities including the 2008 United Nations Convention on the Rights of Persons with Disabilities and 1983 International Labor Organization Convention on Vocational Rehabilitation and



Employment of Disabled Persons (ILO 2004:8; Lang & Murangira 2009:5).The CRPD is in essence a bill of rights for the disabled community, reaffirming that impairments do not negate fundamental protections accorded to persons by virtue of their basic human dignity (Reiss, 2011).

Apart from ratifying CRPD and formulating national laws like Disability Act of 2006, Uganda has also included disability aspects in the National Development Plan and Vision 2040. 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.

Likewise, whereas improvements in attitudes and services to persons with physical and sensory disabilities have somewhat improved in the past years especially through construction of facilities and infrastructure, many PWDs in Uganda are still unaware that they have rights and unaware of the opportunities that exist to combat inequality and bring about positive change.

Moreover, the Human Rights Watch (2010) Report *“As If We Weren’t Human”*, noted that PWDs were not benefiting from government key programs in Northern Uganda, the National Agricultural Advisory Services (NAADS) and the Northern Uganda Social Action Fund (NUSAF). Despite progressive legal instruments 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, (SIDA, 2014). Though human rights activists have impacted on the policy making organs to come up with legislations, they have failed to provide any more guidance on how these policies are to be implemented and this has contributed to continued violations of the rights of PWDs. This study therefore assessed the state obligation in relation to Article 4 of CRPD and the level of awareness of human rights among PWDs.

## **1.2 Statement of the Problem**

Despite progressive legal instruments and policy documents and ratification of Article 4 of the CRPD, Uganda shows limited progress for persons with disabilities, due to a significant implementation gap (DFID, World Bank, 2014). People with Disabilities (PWDs) in Uganda face discrimination and barriers

in accessing equal opportunities which deprives them the full enjoyment and realization of their human rights and fundamental freedoms (Mafabi, D. C. 2016). There are also differing statistics on the prevalence of disability in Uganda mostly due to the use of different definitions of disability and improvement in data gathering methods (Tsitsi *et al.* 2011:6). This makes targeted disability interventions difficult especially in terms of age, gender, type of disabilities, location and prevalence (Lang & Murangira 2009:16). This study made assess if such scenarios are associated with the way Article 4 of the UN Convention on the Rights of Persons with Disabilities in Uganda is being implemented in an attempt to enhance the promotion and protection of their rights in Uganda.

### **1.3 Objectives of the Study**

#### **1.3.1 General Objective**

The general objective of the study was to examine Article 4 of the UN Convention on the Rights of Persons with Disabilities on the promotion and protection of their rights in Uganda

#### **1.3.2 Specific Objectives**

The study specifically set out;

1. To examine the extent to which the institutional and legal frameworks in Uganda embrace Article 4 of the UN Convention to enhance promotion and protection of rights of PWDs.
2. To assess the level of awareness among people with disabilities of their rights especially in relation to UNCRPD Article 4.
3. To generate practical and strategic national mechanisms to operationalize the provision of Article 4 of UNCRPD for the benefit of PWDs.

### **1.4 Research Questions**

1. To what extent do the institutional and legal frameworks in Uganda embrace Article 4 of the UN Convention to enhance promotion and protection of rights of PWDs?
2. What is the level of awareness among people with disabilities of their rights especially in relation to UNCRPD Article 4?
3. What are the practical and strategic national mechanisms to operationalize the provision of Article 4 of UNCRPD for the benefit of PWDs?

## **1.5 Scope of the Study**

### **1.5.1 Content Scope**

The study focused on the extent to which the institutional and legal frameworks in Uganda embrace Article 4 of the UN Convention to enhance promotion and protection of rights of PWDs and the level of awareness among people with disabilities of their rights especially in relation to UNCRPD Article 4. In addition, the study generated practical and strategic national mechanisms to operationalize the provision of Article 4 of UNCRPD for the benefit of PWDs.

### **1.5.2 Time Scope**

The time frame of the study was between 2008 and 2016. The year 2008 is when Uganda ratified the UNCRPD and its optional protocol without reservations and was therefore used to examine what has been done since then in an effort to protect the rights of PWDs. 2016 was the most current year for the study especially in relation to government reports.

### **1.5.3 Geographical Scope**

The study was conducted in the districts of Kampala, Luwero, Mbarara, Masaka and Mpigi. Kampala region was chosen since it is where the ministries and the parliament that that formed the area of study are located. These include Ministries of Education and Sports, Ministry of Science and Technology, and Ministry of Finance and Economic Development, Non-Government Organizations (NGOs) for PWDs, individual PWDs and some institutions and community leaders. However, district officials and PWDs from Luwero, Mbarara, Masaka and Mpigi were interviewed during the study.

## **1.6. Significance of the Study**

It is hoped that the study will help government identify its strengths and weaknesses in promoting the rights of PWDs. The study will also contribute to research on people with disabilities and it is hoped that it will help in generating data and more information that will be used for advocacy for the rights of PWDs. It is also hoped that the study will also serve as a basis for making more informed legislation especially in relation to increasing of PWDs in politics and their active participation in the life of society.

## **1.7 Justification of the study**

The study comes at a time when government needs to re-evaluate especially on its obligation towards promoting the rights of PWDs. As it moves to submit its CRPD Report, there is need to assess its achievements so far and find better means to promote and protect the rights of people with disabilities.

## **1.8 Theoretical Framework**

### **Human Rights Based Approach**

OHCHR, (2004) observes that the human rights based approach is based on the four principles namely; participation, non-discrimination, openness and transparency and accountability. It is noted that human rights-based approach to disability challenges outmoded understandings of disability as belonging to medical or charitable spheres of action. OHCHR, (2004) has provided a helpful analysis of the rights-based approach, stressing the following elements: First, a human rights approach asks what the long-term or underlying reasons are and why a particular group is or is not included in national programs. Secondly, a human rights approach provides strategies based on international human rights law to address these root causes of discrimination.

According to Flowers (2012), the rights based approach identifies persons with disabilities as rights holders and subjects of human rights law on an equal basis with all persons; recognizes and respects a person's disability as an element of natural human diversity, on the same basis as race or gender, and addresses the disability specific prejudices, attitudes, and other barriers to the enjoyment of human rights; and places the responsibility on society and governments for ensuring that the political, legal, social, and physical environments support the human rights and full inclusion and participation of persons with disabilities.

Consequently, drawing on the OHCHR framework, the following ideas capture a rights-based approach to disability: Empowerment: A human rights approach to disability aims to empower persons with disabilities to make their own choices, to advocate for themselves, and to exercise control over their lives. Enforceability and Remedies: A human rights approach to disability means that persons with disabilities should be able to enforce their rights at the national and international levels. Indivisibility: A rights-based approach to disability must protect the civil and political rights, as well as the economic, social, and cultural rights of persons with

disabilities. Participation: A human rights approach to disabilities says that persons with disabilities must be consulted and participate in the process of making decisions that affect their lives.

The human rights based approach to disability was applied to the study because persons with disabilities need first and foremost to be defined as right holders and subjects of human rights law on an equal basis with others. This is a powerful approach to changing perceptions and attitudes, as well as providing a system for ensuring the human rights of persons with disabilities. In addition to this, a human rights approach identifies minimum legal standards necessary for persons with disabilities to participate freely in society. It holds certain actors, such as government and the private sector, responsible for respecting those standards and requires that individuals have access to justice in cases where those standards are not respected.

However, support for the international human rights framework has started to diminish over the past few years. Many practitioners have lost faith in the implementation value of human rights, whilst various authors such as Douzinas (2000) and Hopgood (2013) have questioned the moral and/or legal foundation of this grand notion of entitlements. This theory is relevant in the sense that while the Human Rights Based Approach advocates for Human participation, non-discrimination, openness and transparency and accountability just like Article 4 of the UN Convention, there was need to assess the extent to which the institutional and legal frameworks in Uganda embrace Article 4 of the UN Convention to enhance promotion and protection of rights of PWDs and the practical and strategic national mechanisms to operationalize the provision of Article 4 of UNCRPD for the benefit of PWDs.

## **CHAPTER TWO**

### **LITERATURE REVIEW**

#### **2.0 Introduction**

This chapter is devoted to the review of available literature related to the study. The chapter is laid out in relation with the three objectives of the study, that is, the extent to which the institutional and legal frameworks in Uganda embrace Article 4 of the UN Convention to enhance promotion and protection of rights of PWDs, level of awareness among people with disabilities of their rights especially in relation to UNCRPD Article 4, and the practical and strategic national mechanisms to operationalize the provision of Article 4 of UNCRPD for the benefit of PWDs.

#### **2.1.1 Institutional Framework in Uganda that Promote the Rights of PWDs**

The CRPD obligates State Parties to go beyond the mere provision of non-discrimination legislation and address the full enjoyment of civil, political, economic, and social rights through the lens of disability. Underlying principles animating the Convention explicitly include individual autonomy, and “full and effective participation and inclusion in society (CRPD, Art. 3). This should be done through formulating policies and building of institutions and facilities to cater for PWDs.

As obliged by the CRPD, the Government of Uganda has a number of general laws and policies and different ministerial departments that contain clauses on people with disability. There are other specific laws on PWDs as well. The Department on Disability (the Department of Elderly and Disability Affairs in the Ministry of Gender, Labor and Social Development) the National Council for Disability was instead directed by government to spearhead the preparation and submission of the national report on the CRPD resulting into submission its Uganda’s CRPD country report in March 2013.

Hoffmann, (2014) notes that the disability movement in Uganda has been spearheaded by the National Union of Disabled Persons Uganda (NUDIPU) which was established in 1987. NUDIPU represents all disability groups in Uganda including women with an objective of advocating for equal opportunities and involvement of PWDs in policy development and implementation of programs addressing disability

In addition, Uganda has a strong training focus on Community Based Rehabilitation (CBR) programs, established in 1992 under the Ministry of Gender, Labour and Social Development with assistance from the Norwegian Association of the Disabled (NAD). CBR follows WHO strategy for involving PWDs in developing their communities through equal access to community resources including health, education, rehabilitation and employment, and ensure social inclusion of PWDs, (Hoffmann, 2014).

Uganda has established a number of offices and departments for PWDs. Among these include the national council for PWDs that was established under an ACT of parliament in 2003, a commissioner at the Equal opportunities commission, a department of special needs in the Ministry of Education and Sports, a total number of 5 Members of Parliament to represent PWDs, as well as representatives of PWDs at different leadership levels within the local government.

### **2.1.2 Legal Framework in Uganda that promote rights of PWDs**

Lang and Murangira (2009) criticize Uganda's National Policy on disability which does not explicitly elaborate on how interventions relating to disability would be funded but does mention the fact that disability is multi-sectoral and hence the need of each sector to deal with disability in its area of mandate and focus, (Republic of Uganda 2006). This makes commitment to disability interventions difficult, leading to lack of coordination between the different ministries concerning disability (Lang & Murangira 2009).

The Constitution of the Republic of Uganda, 1995 (as amended, 2005) contains provisions that directly address disability. The following are some of the constitutional provisions which make direct reference to the protection and promotion of persons with disabilities in Uganda: National Objective XVI and National Objective xxiv(C) that provides that the state shall recognize the

rights of persons with disabilities to respect and human dignity and provides that the state shall promote the development of sign language for the deaf. Article 21 of the Constitution provides for equality and prohibits discrimination against all persons and specifically includes persons with disabilities while Article 32 the state shall take affirmative action in favor of marginalized groups including persons with disabilities and shall make laws including laws to establish Equal Opportunities Commission for the fulfillment of this clause.

Apart from the constitution, Uganda also formulated the Persons with Disabilities Act, 2006 which is the primary legislation for the protection of human rights for persons with disabilities. It makes provisions for the elimination of all forms of discrimination against persons with disabilities and calls for the equalization of opportunities. The Mental Treatment Act 21 enacted in 1938 (revised in 1964) is still applicable in Uganda today. The Act itself is primarily related to persons with mental disabilities and follows the old medical model approach to addressing issues. It provides for the declaration of unsound mind by the court and subsequent compulsory detention and treatment and/or rehabilitation.

Uganda also established the Uganda National Policy on Disability in 2006. The Policy provides the basis for national interventions and programs in favor 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, socioeconomic security, research, communication (sign language, tactile and Braille literacy) and budgeting. Other aspects considered in this national policy include the protection and promotion of the rights of persons with disabilities in spheres of health including HIV/AIDS interventions, education, social security, employment and access to basic human rights services for example access to justice.

Abimanyi-Ochoml & Mannan in their article *“Uganda’s disability journey: Progress and challenges”* note that Uganda continues to register a gap between laws, policies and practice. The implementation gap is about negative cultural attitudes towards disability, poor funding, inadequate training in inclusive education and limited access to accessible information and assistive mobility devices. The implementation gap makes monitoring progress difficult and



discourages prioritizing resource allocation to disability (Lang & Murangira 2009; Uganda Bureau of Statistics 2011). Most importantly, there is a lack of benchmarking of policies and indicators of equity in access to health, education, and social protection for persons with disabilities.

According to Noran (2012), although Uganda has excelled in developing a comprehensive body of legislation that uphold disability rights particularly through affirmative action, many of these have not been implemented. The government's commitment to disability compared to other cross-cutting issues like gender remains low in terms of implementation. His research revealed that implementation of a majority of targeted and mainstreamed interventions categorized persons with severe cognitive or intellectual disabilities as 'all disabilities', marginalizing these individuals within most projects.

## **2.2 Rights of PWD in policy making in Uganda**

Article 4 of CRPWD states that “in the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations,” (UN CRPD, 2006). Article 4 (3) of the Convention continues to demand that PWDs are consulted for effective participation in decision and during process of implementation in general.

Lang & Murangira (2009) note that disabled people's organizations (DPOs) and their national umbrella organizations and representatives are referred to and consulted the most. The slogan 'Nothing about us without us' relies on the principle of participation and presents the belief that no decision shall be made affecting persons with disabilities without their full and active involvement. In Uganda, the practical enactment of the aforementioned laws includes the election of PWDs at all levels of political life from the village to Parliament, making Uganda one of the countries with the highest numbers of elected representatives with a disability in the world (World Health Organization & World Bank 2011:171).

Noran (2012) in agreement also notes that government representatives, non-governmental organizations, PWDs and other stakeholders should all be involved in the process of implementation of the CRPD. There is need therefore, to increasingly consult persons with disabilities in order to make the implementation of the UN CRPD as inclusive and all-embracing as possible.

Despite Uganda's active history of disability activism and legislation specific to disability, societal and cultural negative attitudes and perceptions have been indicated as the greatest obstacle to disability inclusion. Such negative attitudes have been reported to prevent genuine consideration of disability within the national development agenda including the Poverty Reduction Strategy Papers (Tsitsi *et al.* 2011). However, the inclusion of persons with disabilities and their representatives is not self-evident or a matter of course. The scarcity of resources also reflects in a more or less prevalent government will to implement the UN CRPD. It is associated with the distribution of funds, which hinders not only the amendment and adoption of laws and regulations regarding the protection of human rights but also the participation of PWDs.

Abimanyi-Ochom & Mannan, (2014) observe that compared to other developing countries, Uganda lacks disability data for monitoring and evaluating disability interventions' policy. Consequently, care and support of persons with disabilities in Uganda is still poor and this has been made worse by the lack of a national social assistance program specifically for people with disabilities (Chireshe *et al.* 2010). However, similar to gender equity in health and education systems, funds need to be earmarked to disability for interventions to effectively address inequities due to disability. This would require disability specific budgeting across government departments (Payne 2009).

In conclusion therefore, Uganda has made steps to ensure that PWDs participate in policy making in Uganda for instance through reserving them seats as members of parliament and consultation with DPOs during the law making processes. However, this has been limited by many factors including limited funds and infrastructure to enable the PWDs to participate fully in policy making processes in Uganda. In addition, the lack of people with specialized skills like

sign language to interpret for PWDs especially at the district level makes it hard for PWDs to actively be involved.

### **2.3 Human Rights Awareness among PWDs**

Uganda has made attempts to increase awareness of human rights and other services to the PWDs. One of such mechanisms has been through establishment of Uganda National Institute of Special Education (UNISE). UNISE, an institute of higher learning with specialized programs to address professional teacher development was established in 1991 by the Government of Uganda (ILO 2004:10; Kyambogo University 2014). UNISE trains teachers and community workers to support and work with PWDs including children with disabilities (ILO 2004:10; Kyambogo University, 2014).

In addition to this, Uganda also adopts a human rights based approach especially since the ratification of CRPD in 2008. The human rights based approach to disability in Uganda highlights the importance of attaining the full potential of persons with disabilities in both physical and mental terms. However, implementation of interventions that would ensure this has been slow or non-existent. Research in Uganda has indicated limited use of accessible information especially within education and health service provision (Action on Disability and Development Commissioned Study 2005; Lang & Murangira 2009). Examples of accessible information include sign language, and the use of electronic communications aids that allow the user to picture symbols, letters, and/or words and phrases to create messages (American Speech-Language-Hearing Association 2014).

Likewise, ensuring adequate availability of assistive technologies for mobility is important since such technologies have been found to create greater community participation in Uganda, especially in education and employment (Hunt *et al.* 2004). However, within the education sector, most mainstream schools do not provide accessible information and persons with disabilities admitted to higher education institutions may have to pay out of pocket for any communication service they need (Foundation for Human Rights Initiative 2009).

Yet as Flowers (2012) notes, there are a number of barriers to the right to access information by the PWDs which limits their awareness of their rights. Both the form and content of information

can constitute barriers to access for persons with disabilities. For example, television programs that do not include captioning, subtitles, or in-set sign language interpretation are inaccessible to persons who are deaf. Similarly, television programming may also be inaccessible to persons who are blind unless audio description is available. Information that is not provided in audio format, Braille, or other appropriate tactile forms may be inaccessible to persons who are blind. In addition to form, the content of information is also of critical importance. For example, information that is not provided in plain language may not be accessible to persons with intellectual disabilities.

A lack of accessible information in schools has been indicated as one of the reasons for high dropouts in school and poor literacy rates for persons with disabilities (Lang & Murangira 2009; World Bank 2009), resulting in limited employment opportunities. The limited number of accredited educational institutions for training in accessible information exacerbates the problem, making it impossible to meet the demand for such services in Uganda; as a result, children with disabilities (CWDs) lag behind (Republic of Uganda 2006).

In conclusion therefore, as Swedish International Development Agency in its policy brief “disability as a human right issue: conducting a dialogue” notes that there is need for governments to increase disability awareness in general and invest in disability awareness trainings for local authority officials, administrators and field functionaries. There is need also for government to support organizations that promote rights of PWDs especially in raising awareness of human rights issues among PWDs.

### **3.0 Practical and strategic national mechanisms to operationalize the provision of Article 4 of UNCRPD for the benefit of PWDs**

The evidence from literature suggests a number of practical and strategic national mechanisms to operationalize the provision of Article 4 of UNCRPD for the benefit of PWDs. First, implementing Article 4 of UNCRPD for the benefit of PWDs requires involving different sectors, that is, health, education, social protection, labour, transport, housing and different actors, that is, governments, civil society organizations (including disabled people’s organizations), professionals, the private sector, and people with disabilities and their families. It

is essential that countries tailor their actions to their specific contexts. Where countries are limited by resource constraints, some of the priority actions, particularly those requiring technical assistance and capacity-building, can be included within the framework of international cooperation (Convention on the Rights of Persons with Disabilities, 2006)

For example, in relation to the above, in November 2008 the Australian Government launched its strategy “Development for all: towards a disability inclusive Australian aid program”. The strategy marks a significant change in the way Australia’s aid is designed and delivered. Development for All is about improving the reach and effectiveness of development assistance by ensuring that people with disabilities are included, contribute and benefit equally from development efforts. In preparing the strategy AusAID, the Australian government’s development aid agency, conducted consultations in most of the developing countries where AusAID works, involving people with disabilities, their families and caregivers, government representatives, nongovernmental organizations, and service providers. Almost 500 written submissions were received in the process (Convention on the Rights of Persons with Disabilities, 2006).

There are also different approaches to disability which can be used to operationalize the provision of Article 4 of UNCRPD for the benefit of PWDs. The charity approach treats persons with disabilities as passive objects of kind acts or of welfare payments rather than as empowered individuals with rights to participate in political and cultural life and in their development. What characterizes this approach is that persons with disabilities are not considered able to provide for themselves because of their impairment. Consequently, society provides for them. No environmental conditions are considered under this approach; disability is an individual problem. From this perspective, persons with disabilities are the target of pity and they depend on the goodwill of society. In addition, persons with disabilities depend on duty bearers: charity houses, homes, foundations, churches, to which society delegates policies on disability and responsibility towards persons with disabilities. Under this model, persons with disabilities are disempowered, not in control of their lives and have little or no participation (UN, 2014).

The human rights approach to disability builds on the social approach by acknowledging persons with disabilities as subjects of rights and the State and others as having responsibilities to respect these persons. It treats the barriers in society as discriminatory and provides avenues for persons

with disabilities to complain when they are faced with such barriers. Consider the right to vote. A person who is blind has the right to vote just as anyone else in society. Yet, if voting material is not in accessible formats such as Braille and the person cannot take a trusted individual into the voting booth to help indicate her preferred candidate, the person who is blind cannot vote. A human rights approach to disability recognizes the lack of voting material and the inability to have assistance in voting as discriminatory, and places a responsibility on the State to ensure that such discriminatory barriers are removed. If not, the person should be able to make an official complaint (UN, 2014)

A rights-based approach to disability is not driven by compassion, but by dignity and freedom. It seeks ways to respect, support and celebrate human diversity by creating the conditions that allow meaningful participation by a wide range of persons, including persons with disabilities. Instead of focusing on persons with disabilities as passive objects of charitable acts, it seeks to assist people to help themselves so that they can participate in society, in education, at the workplace, in political and cultural life, and defend their rights through accessing justice (Ibid).

In relation to the above, development efforts should be based on the principles of equality of opportunity, nondiscrimination and accessibility. Reasonable accommodation provisions should be required as a regular feature of international technical cooperation. In developing poverty reduction and development strategies that are inclusive of persons with disabilities, guidance can be drawn from disability-specific standards and standards applying to the general population that make specific reference to persons with disabilities, or deal with job creation or poverty reduction. In addition, effective consultation with persons with disabilities and their representative organizations as well as other key stakeholders should take place at the outset when development programs are being designed and implementation plans drawn up, so that relevant issues are appropriately taken into account (UN Human Rights Council, 2012).

In order to promote human rights awareness among PWDs, capacity building should be provided for those involved in developing laws and policies and providing services that are inclusive of or targeted to persons with disabilities, in particular those involving vocational guidance, vocational training, placement and the development of employment opportunities for persons with disabilities to ensure that they are aware of issues relating to disability inclusion and the rights of persons with disabilities. Attention should be paid to gathering reliable,

internationally comparable data, on the labour market situation and living standards of persons with disabilities both through on-going labour market surveys, censuses and other data gathering approaches, working both nationally and internationally with the relevance agencies. This will enable monitoring of progress toward meeting the development targets set and provide a basis for future reforms (UN Human Rights Council, 2012)

The ILO Declaration on Social Justice for a Fair Globalization of 2008 emphasizes the need to tackle the high rates of inequality, continuing high levels of unemployment and poverty and growth of unprotected work and the informal economy that have emerged alongside the high rates of economic growth and employment creation in some countries enabling them to absorb many of the rural poor into the modern urban economy (ILO, 2012).

In order to further operationalize the provision of Article 4 of UNCRPD for the benefit of PWDs, it is important for member states to the Convention on the Rights of Persons with Disabilities (CRPD) as a priority. The CRPD and its Optional Protocol (OP) 2 provide the normative framework for member states to address the rights of persons with disabilities and to ensure that they are included in all development efforts. The Convention is a legally-binding international treaty that comprehensively clarifies the human rights of persons with disabilities as well as the corresponding obligations on States Parties. It has an explicit, socio-economic development dimension that recognizes the importance of development to the full realization of the rights in the CRPD, and the role of international cooperation in support of national efforts to implement the CRPD (article 32). Its principles and provisions need to be translated into the everyday planning and implementation processes of the United Nations Country Teams (UNCTs) that should help Member States to implement their commitments (UN, 2011)

## **CHAPTER THREE**

### **RESEARCH METHODOLOGY**

#### **3.0 Introduction**

Research methodology is a systematic way of solving a problem. This section describes the procedures that were followed in conducting the study. It gives details regarding research design, population of the study area, sample and sampling techniques, a description of data collection instruments that were used, as well as the techniques for data analysis

#### **3.2. Research Design**

Research design is used to structure the research. It's used as a framework to show how the entire major parts of research project, the sample, work together in addressing research questions (Kothari, 2004). This was a cross-sectional study because it focused on a cross-section of districts (districts of Kampala, Luwero, Mbarara, Masaka and Mpigi) and it also involved observing variables without influencing them. Cross-sectional study was used because it was inexpensive and easy to conduct and useful for establishing preliminary evidence in planning a future advanced study (Amin, 2015). The study employed qualitative design because it aimed at exploring what and how the government of Uganda has done in compliance with Article 4 of the UNCRPD to promote the rights of PWDs.

#### **3.3 Study Area**

The study was carried out in Kampala, the capital and business center of the country as well as carrying out interviews in the districts of Luwero, Mbarara, Masaka and Mpigi. These areas were chosen because of their accessibility to the researcher and but also because they contained the targeted respondents of the study that included MPs, various policy makers and implementers, NGOs and PWDs.



### 3.4. Study Population

The study population involves the respondents the researcher used to obtain necessary data as required by the study. The study population comprised various policy makers and implementers like Ministers and Members of Parliament and Members of Civil Society Organizations involved in promoting the rights of PWDs. The study population also involved PWDs themselves. A total population of 130 respondents was targeted for the study.

### 3.5. Sampling Procedure

A sample can be defined as a smaller group or sub set of a total population in such a way that knowledge gained is representative of the total population under study (Creswell, 2007). The sampling technique used was purposive sampling because the respondents were handpicked on the basis of their possession of knowledge of CRPD and their involvement in the promotion and protection of PWDs' human rights. Individuals that are involved in policy making in Uganda.

### 3.4 Sample Size

A sample is part of the accessible population that has been procedurally selected to represent it. (Oso & Onen, 2008). Using Krejcie and Morgan (1970) table for determining sample size, the sample size of the study comprised 97 respondents. Out of these, 55 policy makers and implementers drawn from Members of Parliament, Ministers and district committees (CAO, District planners and District LC chairpersons). These were drawn from the districts of Luwero, Kampala, Mpigi and Masaka. 20 Respondents were drawn from civil society organizations particularly working on issues of PWDs like NUDIPU and HURIWD. 22 PWDs also participated in the study. The table below shows the breakdown of the study sample size.

**Table 1: Sampling Frame**

| Categories  | Sample Size | Sampling Method    |
|---|-------------|--------------------|
| Policy makers (MPs, Ministry officials and District committees) | 55          | Purposive Sampling |
| PWDS  | 20          | Random Sampling    |
| NGO staff   | 22          | Purposive Sampling |
| <b>Total</b>  | <b>97</b>   |                    |

Source: (Researcher, 2018)

### **3.3 Sources of Data**

#### **3.3.1 Primary Data**

The primary data of the study was collected using questionnaires and Interview guides.

#### **3.3.2 Secondary Data**

The researcher also consulted several secondary sources such as journals, documents, NGO reports, published dissertations, Uganda Human Rights Commission Reports, news and media articles published in the various newspapers and any other literature with information related to rights of PWDs. Other specific secondary resources were drawn from; District and National programs, policies and budgets, Budget framework papers, Ministerial policy statements from the MOH, MOE and MGLSD, parliamentary committee reports from Health, Education, Trade, Gender, PACO reports, Acts of parliament, UNCRPD as well as Gender and Equity compliance certificates.

### **3.4 Data Collection Methods**

#### **3.4.1 Interviews**

Interviews guides were used to collect information that cannot be directly observed or is difficult to put down in writing. An interview guide that was designed by the researcher and consisted of similar items as those in the questionnaire was used to help the researcher collect data and its results triangulated with the ideas from the questionnaires.

#### **3.4.2 Survey Method**

The questionnaire consisted of both closed and open ended questions. This was given to the selected respondents to fill. The questionnaire was mainly administered to those that had no time for interview in order to fill them at their discretion. Kothari (2008) observes that questionnaires are used because they are free from bias of the interviewer's presence. Respondents freely give their own opinions and have adequate time to give well thought views.

### **3.5 Data Quality Control**

Data quality control entailed ensuring acceptable levels of validity and reliability of the questionnaires and interview guide used for data collection

### **3.5.1 Validity**

Validity of an instrument is the extent to which an instrument purports to measure. Validity of research instruments was ensured by the researcher by giving some questionnaires and interview guide to his fellow post-graduate students, lecturers and supervisor for corrections and clarifications. This assisted the researcher to adjust the research instruments in order to eliminate ambiguous questions and add those which are relevant to the study objectives. The researcher also chose two experts outside the above category and gave them the research instruments to evaluate based on 4 scales: very relevant - 4, quite relevant - 3, somewhat relevant- 2 and not relevant -1 and then content validity index was used to determine the validity as follows

$$CVI = \frac{\text{Items rated as 3 or 4 by both experts}}{\text{Total number of items in the tool}} \times 100$$

Total number of items in the tool

The instruments were valid since their corresponding CVIs calculated was within the accepted range of 0 to 1 and 70%. The CVI of the study was 63%.

### **3.5.2 Reliability**

Reliability is the dependability, stability, consistency and accuracy of the research instruments. To ensure reliability the researcher did pilot test the questionnaires and interview guide with some respondents which did not form part of study sample. This in turn helped in the restructuring of the questionnaires and interview guide.

### **3.6 Data Analysis**

Data analysis involves different stages as Kakinda-Mbaaga (2001) states that data editing is the process by which obvious errors on completed answer schedules are removed. The main challenge with qualitative data analysis is that there are no clear guidelines for analysis. Non quantifying methods were used to analyze the data. Data from the field was coded and put in themes and presented in tabular form.

### **3.7 Ethical Considerations**

The respondents were fully informed about the aim of the research and voluntary nature of the participation. The researcher was sure that other ethical issues like confidentiality, punctuality to appointments, sensitivity to respondents feeling and value free judgment was adhered to.

### **3.8 Limitations of the study**

The researcher faced the following limitations while carrying out her research;

Lack of cooperation among the respondents that led to difficulties in getting valid data.

Limited funds which limited the movement of the researcher around the areas where the research was conducted since some districts like Mbarara and Luwero are far.

Limited time also left small room for data collection such as limited time available for interview.

## CHAPTER FOUR

### PRESENTATION, ANALYSIS AND INTERPRETATION OF DATA

#### 4.1 Introduction

This chapter presents the findings of the study and is laid out in two sections. Section A gives the background information of the respondents while section B presents the findings of the study based on the objectives of the study. The research was based on the following research objectives.

#### SECTION A

#### 4.2 Background Information of the Respondents

##### 4.2.1 Response Rate

**Table 4.1: Response Rate**

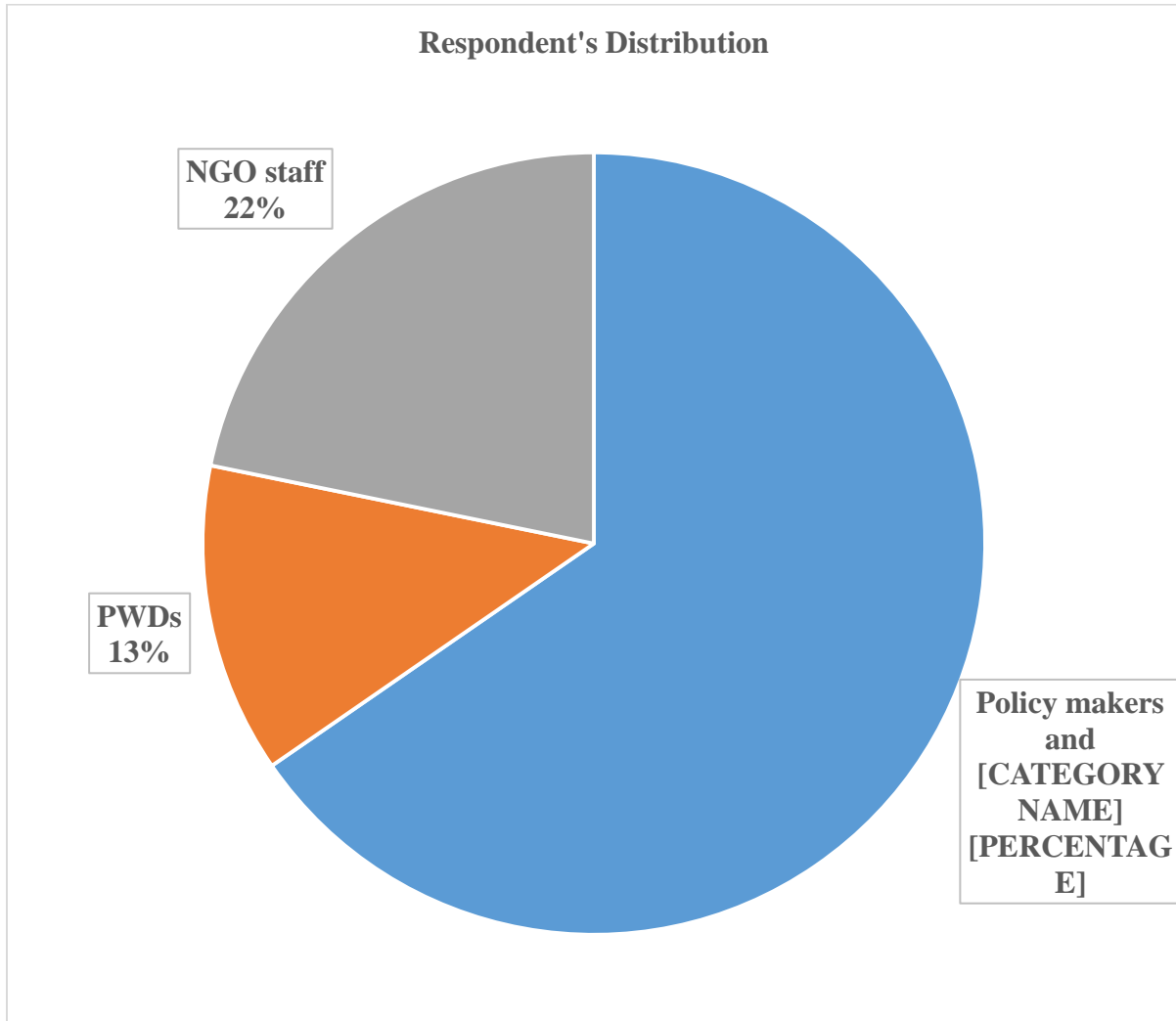
|  | Frequency | Percentage |
|--|-----------|------------|
| <b>Number of Questionnaires administered</b> | 97        | 100        |
| <b>Number of Questionnaires returned</b>     | 78        | 80.4%      |

*(Source: Primary Data, 2018)*

Table 4.1 shows the response rate. A total number of 97 questionnaires were administered to various sections of the respondents. A total of 78 were returned hence making a response rate of 80.4%. The researcher also carried out a total of 8 key informant interviews with leaders at both the policy makers- at district level (Councillors) and at that national level (MPs) but also Technical people who do the actual implementation at the district including LC chairpersons, Chief Administrative Officer (CAO) and District planners in Luwero, Mbarara, Masaka and Mpigi. Other implementers interviewed were ministry officials from MOH, MOE, MOF and

MGLSD. It also included Budget committee of parliament, Presidential advisory committee on budget (PACO).

**Figure 2:** Distribution of Respondents



*(Source: Primary Data, 2018)*

As noted in figure 4.1 above, the study included a range of respondents drawn from PWDs themselves, MPs and councillors who are the law makers both at the national level and the district/sub-county level as well as implementers especially at the district level like CAO, District planners and LC chairpersons. Other implementers included ministry officials from the Ministries of Education, Finance, Health and MGLSD. NGOs were also included among the implementers since their work is both activism and implementation in nature. Therefore the

study reached 51 law makers and implementers who made up 65 % of the respondents, 10 NGO staff who formed 13% and 17 PWDs who formed 22% of the total respondents. It can be concluded therefore that the study was widely consultative and inclusive in nature, giving it reliable and generalizable conclusions and recommendations.

#### 4.2.2 Respondents by Gender

**Table 2: Respondents by Gender**

| Category            | Gender | Frequency | Percentage |
|---------------------|--------|-----------|------------|
| <b>Implementers</b> | Male   | 30        | 58.8       |
|                     | Female | 21        | 41.2       |
| <b>NGO Staff</b>    | Male   | 7         | 70         |
|                     | Female | 3         | 30         |
| <b>PWDs</b>         | Male   | 7         | 41.2       |
|                     | Female | 10        | 58.8       |

*(Source: Primary Data, 2018)*

Table 4.2 shows the gender of the respondents as per the categories selected for the study. Majority of the implementers that participated in the study were male who made up 58.8% while the female counterparts made up 41.2%. Majority of the NGO staff that participated in the study were also male composing 70% as compared to 30% who were female. However, majority of the PWDs that participated in the study were female 58.8%. This can be attributed to the fact that those that were readily accessible during the study were female PWDs leaders especially councillor who are active. However, all these gender disparities did not have any great impact on the study outcomes.

**Table 3: Respondents According to Age**

| <b>Category</b>     | <b>Age Bracket</b> | <b>Frequency</b> | <b>Percentage</b> |
|---------------------|--------------------|------------------|-------------------|
| <b>Implementers</b> | 20 years and below | 2                | 3.9               |
|                     | 21-30 Years        | 5                | 9.8               |
|                     | 31-40 years        | 29               | 56.9              |
|                     | 41 and above       | 15               | 29.4              |
| <b>NGO staff</b>    | 20 years and below | 1                | 10                |
|                     | 21-30 years        | 3                | 30                |
|                     | 31-40 Years        | 5                | 50                |
|                     | 41 years and above | 1                | 10                |
| <b>PWDs</b>         | 20 years and below | 0                | 0                 |
|                     | 21-30 years        | 10               | 58.8              |
|                     | 31-40 years        | 6                | 35.3              |
|                     | 41 years and above | 1                | 5.9               |

*(Source: Primary Data, 2018)*

Table 4.3 above shows the age brackets of respondents who participated in the study. Accordingly, majority 56.9% of implementers surveyed fell in the age bracket of 31-40 years,



followed by 29.4% that fell in the category of 41 years and above. Majority of the PWDs surveyed 58.8% were between 21-30 years. This is so because majority of the population in Uganda is young and this explains why most of the PWDs surveyed fell in that category. For the case of the NGO staff, majority of those surveyed 58.8% were between 31-40 years while for the leaders 50% were between 31-40 years while 30% were between 21-30 years.

#### 4.2.4 Education Levels of the Respondents

**Table 4. Education levels of the Respondents**

| Category            | Education                 | Frequency | Percentage |
|---------------------|---------------------------|-----------|------------|
| <b>Implementers</b> | Secondary level and below |           |            |
|                     | Diploma/degree            | 46        | 90.2       |
|                     | Masters level and above   | 5         | 9.8        |
| <b>NGO Staff</b>    | Secondary Level and below | 0         | 0          |
|                     | Diploma/degree            | 8         | 80         |
|                     | Masters level and above   | 2         | 20         |
| <b>PWDs</b>         | Secondary Level and below | 13        | 76.5       |
|                     | Diploma/Degree            | 2         | 11.8       |
|                     | Masters                   | 2         | 11.8       |

*(Source: Primary Data, 2018)*

The study also sought to assess the education levels of the respondents who participated in the study. Out of the 51 leaders and implementers who participated in the study, 90.2% of these had bachelor/diploma the while the remaining 9.8% had a Master's degree or above. This was the same in the category of NGO staff where 80% of the NGO staff who participated in the study had a degree/diploma. This is because to be a leader or an NGO staff requires a certain level of education especially a degree or diploma. For the case of PWDs surveyed, 76.5% had reached secondary school level or below while on 11.8% had a diploma/degree level education and another 11.8% with a Master's degree. This figure could be attributed to the low education opportunities accorded to the PWDs which explains majority of them having only a secondary level education.

### 4.3 Role of institutional and Legal Frameworks in promoting the rights of PWDS

The study sought to understand the institutional and legal frameworks which Uganda has established in order to better promote and protect the rights of PWDS. In order to answer this first objective, both primary data from the field was used as well as secondary data which included reports from CBM<sup>1</sup>, district and national program, policies and budgets, Budget framework papers, Ministerial policy statements from the MOH, MOE and MGLSD, parliamentary committee reports from Health, Education, Trade, Gender, PACO reports, Acts of parliament, UNCRPD as well as Gender and Equity compliance certificates. For this objective, the study considered UN report on SDG and Uganda Development Plan. In order not to be so redundant, the study analyzed only those reports produced between 2015 and 2017.

The initial idea was to name the available legal and institutional frameworks in Uganda. This question was put to all the respondents who participated in the study. Therefore, when asked to name first the legal and then the institutions that the government of Uganda has established to help in promoting and protecting the rights of PWDS, majority of respondents were able to name a number of such institutions as shown in the table below.

**Table 5: Available Legal frameworks in Uganda**

| <b>Examples of legal frameworks</b>                     | <b>Frequency</b> | <b>Percentages</b> |
|---|------------------|--------------------|
| Disability Act, 2006                                    | 70               | 89.7               |
| BTVE Act 2008?  | 32               | 41.0               |
| The constitution of the Republic of Uganda, 1995        | 72               | 92.3               |
| Ministry of Gender, Labour and social development Act   | 23               | 29.5               |
| The National Council for disability Act, 2003           | 45               | 57.7               |
| The Equal Opportunities Commission Act                  | 57               | 73.1               |
| The Local Government Act, 1997                          | 21               | 26.9               |
| Employment Act,   | 12               | 15.4               |
| The Uganda National Institute of Special Education Act, | 26               | 33.3               |
| The United Nations Convention for Rights of People      | 57               | 73.1               |

<sup>1</sup> CBM, Bensheim/Germany. 2004. The future is inclusive: How to make international development disability inclusive. Series on Disability-inclusive Development

|                                     |    |      |
|-------------------------------------|----|------|
| with Disabilities (UNCRRPD), 2007   |    |      |
| Public Finance Management Act, 2015 | 17 | 21.8 |
|                                     |    |      |

*(Source: Primary Data, 2018)*

As noted in the table above, a number of legal frameworks were able to be mentioned by respondents. The most mentioned legal frameworks were the constitution of the republic of Uganda that was mentioned by 92.3% of the 78 respondents surveyed, followed by the disability Act mentioned by 89.7% of the respondents. The Equal Opportunities Commission Act and The United Nations Convention for Rights of People with Disabilities were also mentioned by a majority of people each forming 73.1% of the total population. It can be noted therefore that the respondents that participated in the study were quite knowledgeable of the available legislations in Uganda who promote and protect the rights of PWDs.

It can be observed however that few respondents 21.8% mentioned the Public Finance Management Act, Employment Act mentioned by 15.4% and the Local Government act 26.9%. This could be attributed to the fact that these legislations are not specifically talking about PWDs. This also depended on the respondents involved as well the fact that Public finance management Act is a recent Act and has not been popularised. However, since they relate to issues of financial management and employment, these are vital to PWDs who also need to be productive and contribute to the development of the economy.

Once the respondents identified the available legal frameworks, they were asked to identify institutional frameworks since these are the institutions which aim to operationalize the laws. Therefore, below are examples of institutional frameworks in Uganda identified by the respondents that promote and protect the rights of PWDs especially in relation to article 4 of the UNCRRPD.

**Table 6: Available institutional frameworks according to the respondents**

| <b>Institutional frameworks and programs</b>      | <b>Frequency</b> | <b>Percentages</b> |
|---|------------------|--------------------|
| Parliament of Uganda                              | 70               | 89.8               |
| Ministry of Gender, labour and social development | 34               | 43.6               |

|   |    |      |
|---|----|------|
| Ministry of Education (special needs education program) | 23 | 29.5 |
| Equal opportunity commission                            | 67 | 85.9 |
| The National Council for Disability                     | 62 | 79.5 |
| Youth Livelihood, women empowerment programs            | 37 | 47.5 |
| Disability grant  | 23 | 29.5 |

*(Source: Primary data, 2018)*

It should be noted however that majority of the institutions mentioned were those that protect human rights in general with only few specifically targeting the rights of PWDs. As shown in the table above, the parliament of Uganda is mentioned by majority of respondents forming 89.8%, followed by the Equal opportunity commission (EOC) 85.9% and the National council for disability 79.5%. These were the most known to the respondents. The National Equal Opportunities Policy (2006) which emphasizes promotion of equal opportunities by addressing issues and concerns of marginalization, discrimination, injustice, exclusion, unfairness and inequality in access to resources, services and benefits was also mentioned together with the EOC. Parliament ranks high because of being a legislative body and PWDs participate in electing MPs including their representatives. EOC was also mentioned by majority of respondents because together with the MOF, they issue certificates of gender compliance and also the EOC is at the forefront of gender equality and disability activism and sensitization. The national council for disability provides structures through which PWDs can vote for their councillors and is therefore known by a number of people.

It can be observed that there are national policy frameworks which also relate to issues of gender and equity as well as protection of PWDs. Among these include the Equal opportunities policy already mentioned, the Uganda Gender Policy 2007 which situates itself as the overall guiding framework for gender mainstreaming in Uganda, the National Development Plan II 2015/16-2020/21 that feeds into the Vision 2040 which is very pronounced on inclusive growth, the National Youth Policy 2001, the National Disability Policy 2006, the National Orphans And Other Vulnerable Children's Policy 2004 and the National Policy for Older Persons.

However, as one respondent noted “the issues of PWDs cuts across all sectors of life and all ministries within the government. Therefore, all government ministries have a role to play in protecting and promoting the rights of PWDs as spelled out in article 4 of the UNCRPD.”

For instance, the Uganda Human Rights Commission has started producing Braille versions of its annual Human Rights Reports, a move aimed at increasing accessibility to knowledge for the benefit of blind, visually impaired, and otherwise print disabled (VIPs).

The study also sought to understand the role of parliament in protecting and promoting the rights of PWDs. According to one MP representing PWDs, *“the role of parliament is to make laws and pass budgets. Parliament is also mandated to hold other government bodies accountable.”* Therefore, in regards to PWDs, the MP noted that *“As parliament, we have passed laws to help and protect the rights of PWDs. For instance, in 2006, parliament passed the disability Act which then became the major legislation in Uganda that protects and promotes the rights of PWDs.”*

In 2003, the parliament also passed the National Council for Disability Act, (amended 2013, being repealed in 2019) which would provide for the establishment of the National council for disability. The national council is the overall channel that connects the needs of PWDs to the government and its agencies. It is also responsible for monitoring and evaluating the extent to which government and other players meet the needs of the PWDs.

On the international scene, Uganda signed the CRPD and its optional protocol on 30<sup>th</sup> March, 2007 and ratified both instruments on 25<sup>th</sup> September 2008. The purpose of the UNCRPD is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity. Article 4 of the CRPD which requires active and comprehensive strategies from state parties in regard to the rights of people with disabilities. Article 4 also means that Governments will have to review nearly the entire corpus of existing law for lacunae ignoring the needs of People with Disabilities (PWDs), from signage on buildings and making public information available through assistive technologies to specialized training for social services employees and the provision of cultural materials and sports activities in accessible formats, (Reiss, 2011).

The UN CRPD mandates the government of Uganda to put in place infrastructures and an enabling environment for PWDs to enjoy their human rights. UNCRPD also mandates the government to take active steps in ensuring that PWDS enjoy their rights. The UNCRPD is the single most important development to take place in the area of disability. Its adoption by the UN in 2006 reflected a shift in thinking on disability that was emerging at both national and international level. (Reiss, 2011). It is also the first comprehensive human rights treaty of the 21<sup>st</sup> century and is the first human rights convention that bridges both human rights and development. As an international level framework, the UNCRPD combines both civil and political rights on one hand and economic, social and cultural rights on the other hand especially under the overarching theory of non-discrimination and equal access to opportunities.

In 2015 when the Public Finance and Management Act (PFMA) was being discussed, Hon. Safia Nalule, National women Member of Parliament representing PWDs advocated for article 6 to be included in the law. Article 6 (part 9) of the Public Finance Management act demands that the governments has to ensure that national budgets are gender and equity sensitive; where equity caters for concerns for PWDs among others. Hon. Safia also advocated for the need for certificate of gender and equity compliance before the national budget framework paper of a financial year is approved by parliament. The certificate is intended to ensure allocation of resources to all sectors including disability issues are implemented in all sectors. This was a novel idea and had not been started in any other country except in Uganda. According to the PFMA;

- (6) The minister shall, in consultation with Equal Opportunities Commission, issue a certificate-
- (a) Certifying that the budget framework paper is gender and equity responsive; and
  - (b) Specifying measures taken to equalize opportunities for women, men, persons with disabilities and other marginalized groups.

The innovation of certificate has implication like inclusion, participation of PWDs in the local government and national budget process as per the budget calendar as provided for in the Budget Act and the PFMA.

As one implementer noted;

*“Uganda should have no excuse for unavailability of budget or budget information for PWDs. This is because once the parliament passed the Public Finance Management Act and the requirement for the gender and equity compliance, then all categories of people including women and PWDs had to be catered for before the budget is passed. That is why the minister has to present a certificate of Gender and equity compliance before the national budget is passed.”*

It was however noted that though the requirement for the certificate of gender and equity compliance is being followed and strictly observed by the minister of finance, how the budget benefits women and PWDs is still missing. Another Member of Parliament noted;

*“Yes, the certificate of gender and equity compliance is now a requirement and is widely appreciated, but the information given in those certificates does not actually tell us how women and PWDs will benefit from the budget. The information presented is just too general.”*

The government of Uganda should however be applauded for the establishment of the Equal Opportunities Commission whose function include among others to; to monitor, evaluate and ensure that policies, laws, plans, programs, activities, practices, traditions, cultures, usage and customs of organs of State at all levels, statutory bodies and agencies, public bodies and authorities, private businesses and enterprises, non-governmental organizations, and social and cultural communities, are compliant with equal opportunities for all and affirmative action taken in favor of groups marginalized on the basis of sex, age, race, color, ethnic origin, tribe, birth, creed or religion, health status, social or economic standing, political opinion or disability or any other reason created by history, tradition or custom. The commission assess the gender compliance of government ministries and institutions.

The government is also applauded for promoting the rights of PWD through promotion of the local Act, 1997 that provides for representation of PWDs at local government councils, the 1995 Constitution and Parliamentary Elections Act which provides for the election of PWDs and other laws like the BTVET Act that also provides for representation of PWDs at different levels.

The Parliament of the Republic of Uganda has the mandate to pass the National Budget. Under their respective committees, Ministries, Departments and Agencies of Government are required by Parliament to present a certificate of compliance with gender and equity as a precondition for budget approval. Uganda has taken steps to make sure that the budgeting process in Uganda is participatory and inclusive. For instance, PWDs are invited to participate in the annual regional budget consultative workshops organized by the ministry of finance,

planning and Economic development (MFPED). These are meant to collect views from all categories of people to inform on the national budget. In addition, even at district levels, some PWDs are invited to participate in the budget making process and workshops that are held at the district level. For instance, the Assistant CAO of Mbarara district noted that;

*“When we are having consultative meetings during the making of the district budget, we send out invitation letters to all categories of people including women, youth and PWDs. We make sure that the whole process is as inclusive as possible. Therefore, the PWDS also participate in the process though we have no special numbers to include but we invite them and their leaders.”*

However, invitation is out of lobbying by the Woman MP and PWD representatives. Even so, despite participation of some PWDs in this budget making process, during prioritization, the needs of PWDS are dropped and the budgets of these ministries continue to consider gender issues that are only given priority because of the need for having their budgets certified. There is need therefore for more sensitization and call for participation in the budgeting process by PWDs.

The district leadership of Mbarara however noted that PWDs have challenges of participating in these budget making processes by nature of their disabilities and because the districts lack resources to make the workshops accessible. *“For instance the district cannot have a sign language interpreter during such meetings because we do not have resources for that. Additionally, the budget drafts that are discussed are not available in braille, which means PWDs that are visually impaired cannot access them.”* These same problems were also noted in Luwero, Masaka and Mpigi where the research was carried out. In addition, PWDs and their helpers/guides/assistants are not facilitated when they participate in the budget making process.

According to the district leadership therefore, however much they would love to make the budget making process as inclusive as possible which they actually do, the actual participation of PWDs is still hindered by many factors including lack of resources, inaccessibility of workshop rooms and buildings by people with physical disability as well as having few PWDs that are knowledgeable about the budget making process. And yet the participation of PWDS ensure inclusion of disability issues and needs in the budget is key to operationalization of article 4 of the CRPD.



However as one councilor for Kampala Central Division noted;

*“The participation of PWDs in the budgeting process still needs a lot of work. For instance, in Kampala, the KCC (now KCCA) used to make budgets for the divisions, but now they come from the headquarters where we do not have any special votes for people with special needs. In this budget, PWD’s issues though cross cutting in nature are included only in the gender department which is allocated 4% yet it is heavily loaded with issues of women, youth, the old and others.”*

In her opinion, there is need for PWDs to be given a special category so that they are allocated budgets as a special category as compared to being categorized under gender with women, youth and the Old.

As already noted the institutions noted above that have been established have registered some success, but still have challenges to overcome. The table below summarizes the success and challenges noted by the study;

**Table 7: Achievements and challenges registered by institutional frameworks**

| <b>Examples of Institutional frameworks</b>                      | <b>Success registered</b>   | <b>What is still missing</b>  |
|--|---|---|
| MOE  | Has created special needs education department  | Though Disability Act obliges 10 % of its budget allocated to CWDs, this is lacking                         |
| Ministry of Gender, labour and social development                | Employs PWDs<br>EOC<br>Disability grant   | Should have a minister of state for disability, but is lacking.   |
| Youth Livelihood, women empowerment programs<br>Disability grant | Uplifted women and youth with skills and funds.   | The programs are still inaccessible for PWDs.<br>Lack of funding  |
| Parliament of Uganda   | Created the disability fund, passed laws, 5 MPs PWDs that chair committees. Passed mental health Bill | There is need to increase the disability fund. Need to pass the persons with Disabilities Bill, Albino law. |
| Equal opportunity Commission Act                                 | Has advocated the need to protect and promote fundamental Human Rights and freedoms in Uganda for     | Most of the advocacy is largely on paper with limited implementation.                                       |

|                                     |  |  |
|-------------------------------------|--|--|
|                                     | sustainable development.   |  |
| The National Council for Disability | It is a national body charged with monitoring the extent to which Persons with Disability (PWDs) benefit from existing legislation, policies and programs. In its work, the NCD monitors Government institutions, civil society and the private sector. This is made possible through its structure that runs from the national to the district and sub-county levels. | The National Council for Disability has not yet been felt on the grassroots/ rural communities |
| Ministry of health                  | Department for disability  | Lacks budget for reproductive health, appliances   |
| Uganda Human Rights Commission      | Oversight on human rights issues   | It effectiveness reduced by political interference   |

*(Source: Primary data, 2018)*

However, the question of participation of PWDs in the making of all these laws and institutions as well as formulating and answering questions on disability still needs to be streamlined so that there is active and full participation of PWDs at all levels of governance.

#### **4.4: Human rights awareness especially in relation to article 4 of the UNCRPD**

The second objective of the study was to assess the level of human rights awareness among people with disabilities. The objective also intended to measure how responsive the government of Uganda has been to the UNCRPD. This is because article 4 (g-h) of the CRPD mandate the government to take appropriate steps to ensure that PWDs have access to information. State parties undertake;

“(g) To undertake or promote research and development of, and to promote the availability and use of new technologies, including information and communications technologies, mobility aids, devices and assistive technologies, suitable for persons with disabilities, giving priority to technologies at an affordable cost;

(h) To provide accessible information to persons with disabilities about mobility aids, devices and assistive technologies, including new technologies, as well as other forms of assistance, support services and facilities”

To begin with, the researcher sought to find out the level of awareness of Human rights by PWDs among the respondents from the different institutions/organizations. The results are indicated in Table 4.7 below.

**Table 8: Level of awareness of human rights by PWDs**

When asked if they were aware of the concept of human rights or issues of human rights, implementer’s response was as follows:

| <b>Response</b> | <b>Frequency</b> | <b>Percent</b> |
|-----------------|------------------|----------------|
| <b>Yes</b>      | 48               | 94.1           |
| <b>No</b>       | 3                | 5.9            |
| <b>Total</b>    | 51               | 100            |

*(Source: Primary Data, 2018)*

It can be observed that majority of respondents 94.1% among the implementers who were leaders including MPs, Ministry officials and District officials, were conversant with human rights. It was only a small minority of 5.9 % that had not heard of this international human rights instrument. Therefore it can be observed that the study surveyed implementers who had knowledge of human rights and had a lot of experience to share in regards implementation of issues around human rights in Uganda.

Respondents especially PWDs were also asked if they were aware of Article 4 of the UN Convention on the Rights of Persons with Disabilities (UN CRPD) that obliges the government to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that promote discrimination of PWDs. Their responses were captured in the table below.

**Table 9: Awareness of article 4 of UNCRPD**

| <b>Response</b> | <b>Frequency</b> | <b>Percentages</b> |
|-----------------|------------------|--------------------|
|                 |                  |                    |

|     |    |      |
|-----|----|------|
| Yes | 5  | 29.4 |
| No  | 12 | 70.6 |

*(Source: Primary Data, 2018)*

As the table above shows, majority 70.6% of the PWDs surveyed had not heard of UNCRPD or article 4 of UNCRPD. It was only a small portion 29.4% that had heard about UNCRPD. However, even these few had limited knowledge of what actually article 4 of UNCRPD says. On the contrary, respondents from the other categories surveyed including the NGO and implementers had knowledge of what UNCRPD is. It should be noted that the other categories of people that participated in the study were aware of article 4 of UNCRPD as already noted above.

As already noted in objective one, there is general lack of awareness among PWDs of the role of institutions like parliament and the role it plays in promoting and protecting the rights of PWDS. When analysing how PWDs participate in the budget making process so that they can better demand for their needs, it was observed that this was limited because they lack knowledge on the laws, budgeting cycle and the budget making process. Other challenges limiting their participation in this process have already been analysed above. However, one issue that needs to be emphasized here is that this lack of awareness should be seen as part of a bigger problem that PWDs face which is accessibility to education, health and economic sectors of Uganda. From the time PWDs are young, they are not given opportunities to exercise their rights to decision making, freedom of speech, movement and association as their non-disabled counterparts.

They also get limited access to education opportunities which makes them less literate as compared to the other kids. When they grow up, since they are less educated, they cannot access other opportunities like economic opportunities and jobs. This lack of education also makes them less knowledgeable of general issues. Therefore, even their participation in leadership and other decision making processes including the budget making process is limited because there are few PWDs that are educated and knowledgeable.

According to one official in the ministry of Education, there is need to look at PWDS in a holistic manner; as a vulnerable group in all aspects. According to him “if you study the PWD issues from one aspect like health, or education, then you are missing the whole point because these are just minor aspect of the bigger problem.” He argues that we need to take affirmative

action to include PWDs in all aspects of society, beginning with education. “We need to make sure that all PWDs are educated and employable so that we turn them into active earners for the economy. PWDs should not be dependants. We therefore need to begin by financing schools for people with special needs, then increase awareness campaigns and programs for the rest of the PWDs.” In his opinion, there is no need to call PWDs to come for consultative workshops or meetings if they are ignorant and will not actively participate.

#### **4.4: Generating practical and strategic national mechanisms to operationalize the provisions of Article 4 of UNCRPD for the benefit of PWDs.**

The third objective of the study aimed at generating practical and strategic mechanisms on how to operationalize the provisions of article 4 of the UNCRPD. In order to answer this question, the study asked respondents to make suggestions on how to implement article 4 of the UNCRPD for instance how to better involve PWDs in the budget making process thereby making their needs to be known and what else needs to be done by the government in order to better protect and protect the rights of PWDs especially as mandated by article 4 of the UNCRPD.

One respondent noted that Uganda still has a long way to go regarding physical accessibility of our roads, buildings and general infrastructure. “Access to services does not imply only physical services. IN Uganda, the overwhelming majority of buildings, including government institutions are not accessible to PWDs, which restricts their opportunities to exercise their rights in many areas.”

Therefore, there is need to seriously implement the Building Control Act, 2013. For instance according to article 9 (b) the functions of the board include to; “ensure that the design and construction of buildings and utilities to which the public is to have access cater for persons with disabilities”

Another respondent noted that “Multiple barriers still exist in access to employment, education, housing, health, political participation, and cultural expression, entertainment, and leisure activities. Inaccessibility and prejudices in society make life difficult and prevent access to basic rights and services such as participating in political process, gaining access to justice, and engaging in meaningful economic and social activity”

#### **4.5 Conclusion**

It should be noted that most implementers including the councilors for PWDs that were surveyed had knowledge of the presence of these institutions as well as their roles. However, few PWDs themselves knew about the availability of these legal and institutional framework. This lack of knowledge among PWDs can be explained by many factors though chief among them is the fact that PWDs are segregated when it comes to education and accessibility of knowledge. Most PWDs are also left out of sensitization programs by both the government and civil society. It is under special circumstances for instance during programs/projects that specifically target PWDs that PWDS will be actively engaged and asked to participate.

## CHAPTER FIVE

### DISCUSSION OF FINDINGS

#### 5.1 Introduction

This chapter presents the discussion of the findings of the study.

#### 5.2 Discussion of findings

In this section a discussion of findings is presented according to the objectives that guided this action research.

##### 5.2.1: Role of institutional and Legal Frameworks in promoting the rights of PWDs

Objective one of the study assessed the legal and institutional framework in Uganda as well as their role in promoting and protecting the rights of PWDs in Uganda especially in relation to article 4 of the UNCRPD. A number of legal and institutional frameworks were mentioned but key among these are the parliament, EOC, NCD and the UHRC. Together, these institutions are the backbone of the disability advocacy and implementation in Uganda.

According to the Assessment Report on Compliance of Ministerial Policy Statements with Gender and Equity Requirements for the financial year 2018/2019, the EOC and MOF received 142 Ministerial Policy Statements for Gender and Equity compliance assessment. Based on the Gender and Equity guidelines and the assessment tools developed, the ministerial policy statements were subjected to comprehensive assessment for compliance with Gender and Equity requirements. The overall national compliance with Gender and Equity requirements for the FY 2018/2019 was 55 % as compared to 50% in the FY 2017/2018.

Article 4 obliges states to formulate laws and domestic laws that seek to promote rights of PWDS. Apart from the legal and institutional frameworks that were mentioned by the respondents, it should be noted that Uganda is signatory to several international conventions and declarations that provide for gender and equity and should be included among legislations that aim at promoting and protecting the rights of vulnerable groups including PWDs. Among these include;

- i. Convention on Elimination of All Forms of Discrimination against Women (CEDAW, 1985)

- ii. The United Nations Declaration on Violence against Women (DEVAW, 1993),
- iii. The Convention on the Rights of the Child (CRC, 1990)
- iv. The Sustainable Development Goals (2030).
- v. The African Union Gender Policy (2009).

In relation to Article 32 of the UNCRP, Uganda needs to recognise the importance of international cooperation and make sure issues of PWDs are considered as these relations with International community progress. There is need to include the voices of PWDs in conferences/meeting at international level. In addition, the composition of these legal and institutional frameworks need to have representation of PWDS who are legal and able to actively contribute to policy formulation and implementation.

In discussing the role of institutional frameworks, there is need to make mention of the National Task force on Gender and Equity which was created at inception to provide support to the process of inclusion. Membership is drawn from the various state institutions. These include; parliament of Uganda, Ministry of Gender labour and Social Development, Equal Opportunities Commission, Ministry of Finance Planning and Economic Development, Civil Society Organisations, National Planning Authority, Office of the Prime Minister, Uganda Bureau of Statistics, Ministry of Education and Sports and the Ministry of Health. This monitors and promotes the gender and equity compliance of government ministries and other institutions.

In order to overcome the challenges of lack of definition on disparity, the parliament is in the process of amending the disability law to reflect a common

### **5.2.2: Human rights awareness especially in relation to article 4 of the UNCRPD**

The second objective of the study sought to analyze the level of human rights awareness among respondents especially in relation to article 4 of the UNCRPD. Study findings showed that only 29.4% of the PWDs surveyed were aware of UNCRPD. Even fewer than this, were those who were aware of article 4 on state obligation which obliges government to take practical steps to promote both legal and institutional reform geared towards protecting and promoting the rights of PWDs.

It can be observed that most of the respondents were aware of the existence of both the judiciary, the Ugandan parliament, and most ministries that help protect the rights of PWDs. However



these are institutions that are there to promote the rights of all Ugandans. Some respondents lacked knowledge of institutions that have been established specifically to front PWD's issues. Such institutions like the Department of Elderly and Disability Affairs in the Ministry of Gender, Labor and Social Development and the National Council for Disability. These are the specific departments that handle issues related to PWDs. The awareness of the existence of these specific departments and institutions is vital for PWDs in order to hold them accountable as well as enable them access services that they offer to enable PWDS to participate in the design and implementation of these institutions and developments.

The study argues that in order to increase awareness of human rights among PWDs as well as better demand what UNCRPD obliges states to do, there is need to focus on education of children with disabilities in order to have a generation of PWDs that are educated, civically aware and able to contribute to the development of the economy. It is estimated that 98% of children with disabilities (CWDs) in developing countries do not attend school, while the rates of adults with disabilities is estimated to be as low as 3% and in some other countries going as low as 1% for women with disabilities, (Chataika, T., et. al., 2011). Therefore, disability is highly associated with illiteracy especially among women with disabilities, yet philosophy puts it that there is nothing in the native capacity of a woman which makes her different from a man.

According to the Organization for Economic Co-operation (OECD), disability rates are significantly higher among groups with lower educational attainment in the countries of the OECD and development. On average, 19% of less educated people have disabilities compared to 11% among better educated people. In addition, gender and equity certificate as well as mass representation of PWDS is available in Uganda only.

In conclusion therefore, the UN Convention on the Rights of the Persons with Disabilities (CRPD) provides a unique normative framework and an effective legal tool for States to end all discrimination and violation of the rights of persons with disabilities. However this can happen only if it is implemented effectively and supported by policies, budgets and programs to promote the active inclusion of this population. In the case of Uganda, there is slow implementation of state obligation as stipulated in article 4 of UNCRPD. However, there are commendable steps being done as discussed above.

### **5.2.3: Generating practical and strategic national mechanisms to operationalize the provisions of Article 4 of UNCRPD for the benefit of PWDs.**

Following ratification of CRPD, governments as “duty-bearers” have to ensure implementation of the commitments undertaken and mainstream human rights of PWDs into their sectorial policies. Specific interventions can include treaty bodies and special.

Procedures of the UN recommendations to advance the disability agenda. The recommendations developed by the UN bodies in the area of disability should inform development and implementation of advocacy, policy and program interventions at the national level. They can also be used as a common platform to coordinate efforts of all development partners in promoting the disability agenda. These interventions also include aligning legislation and policies, programs and budgets with CRPD requirements and supporting effective operationalization of the existing programs.

There is therefore need to strengthen the capacity of the public service. The roles and responsibilities of partner ministries should be clearly outlined; inter-ministerial coordination in the area of disability should be improved; safeguards should be introduced to ensure that decentralization promotes the human rights of PWDs; innovative approaches to promote the human rights of PWDs have to be piloted before embarking on nationwide implementation; and training of public servants on how to design and implement human rights-based disability policies, budgets and program should be conducted.

Likewise, the government of Uganda needs to consider supporting interventions promoting accessibility. Accessibility is not only about physical accessibility of buildings – PWDs face barriers at the levels of institutions, policies, and attitudes. It is about creating an environment in which systemic barriers to the full participation of PWDs are reduced or eliminated so that they have equal access to the constructed environment, transport, information, communication and services;

There are some legislations that need to be repelled in Uganda because they use derogatory language for instance referring to people who have mental health challenges as “idiots, Embicels” Some of these legislations in Uganda include the Penal Code Act under the sexual

offences chapter, the Successions Act and the constitution of Uganda. The language used in these laws needs to be revised to be more positive to PWDs.

In addition, Uganda has not signed in order to domesticate the Marrakesh treaty was adopted by the Member States of the World Intellectual Property Organization (WIPO) on June 27, 2013, to address this problem, commonly referred to as the global book famine. The Marrakesh Treaty aims to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled. This will help in making reading materials accessible to the visually impaired people in Uganda.

In addition, the making of all laws related to PWDS should inclusive and participatory especially by having PWDs themselves actively take part in the process.

## **CHAPTER SIX**

### **CONCLUSIONS AND RECOMMENDATIONS**

#### **6.0 Introduction**

This chapter makes conclusions based on the findings of the study. This chapter also presents relevant recommendations drawn from the study findings, as well as respondents that were interviewed during the study. Therefore, the study makes recommendations to different stakeholders related to issues of PWDs. Finally, the chapter concludes with areas to consider for future study.

#### **6.1 Conclusions of the Study**

Based on the findings of the study and the proceeding discussion, the study makes the following conclusions;

Regarding the first objective of the study, the study concludes that Uganda has taken positive strides to create legal and institutional frameworks to protect and promote the rights of PWDs. In addition, Uganda is also creating persons with disabilities Law which will specifically address the issues of PWDs. Likewise, the creation of the national council of disability, Equal opportunities commission as well as Uganda Human rights commission helped in increasing awareness to rights of PWDs but also practically impact on the lives of PWDs by including them in both social and development agenda.

The second objective of the study assessed the level of awareness especially in relation to UNCRPD article 4. The study found that few PWDS were aware of UNCRPD and even less aware of article 4 that puts obligation on states to take practical steps to ensure that PWDS enjoy their rights. Therefore, without this knowledge of state obligations, PWDs cannot effectively demand and advocate for their rights. However, the implementers that participated in the study were well versed with UNCRPD and government obligations and willing to share what the government was doing to this end. Therefore, though there was lack of awareness on the side of PWDs, it can be concluded that this affects service delivery to only a little extent since the legal and institutional framework demands that PWDs needs are institutionalised and recognised nevertheless.

The third objective of the study sought to make practical and strategic national mechanism to operationalize the provisions of article 4 of the UNRCPD. The study findings indicate that there are a number of government institutions that need to be engaged in order to create a holistic mechanism that will protect all the aspects of PWDs rights including social, economic, sexual, and developmental. The study concludes that there is need to strengthen the capacity and coordination of major institutions like the EOC and NCD that can lead on the advocacy and awareness raising of PWDs rights within all the other government institutions.

## **6.2 Recommendations of the study**

1. On the legislation part, there is need to pass the persons with Disability Bill which is currently being discussed in parliament. This will help centralise the legal aspect regarding to PWDs and help give a direction for those in advocacy for PWDs rights.
2. There is need for the government of Uganda to support the National council for disability to engage in awareness raising for PWDs.
3. There is need to increase the money allocated to the Disability grant which currently stands at 3 Billion Uganda shillings annually for the whole country. Suggestions have been made to increase this amount to 12 Billion so that the four regions of Uganda can each access 3 Billion.
4. There is need to take affirmative action in favor of PWDs which is also a cardinal Principal under Gender and Equity Budgeting. The need to advance affirmative action in favor of marginalized groups is a key principle under inclusive growth and development. Article 32 (1) of the Constitution of Uganda states that; “Notwithstanding anything in this Constitution, the State shall take affirmative action in favor of groups marginalized on the basis of gender, age, disability or any other reason created by history, tradition or custom, for the purpose of redressing imbalances which exist against them”.
5. In order to ease accessibility of PWDs to books and other sources of knowledge, there is need to domesticate the Marrakesh Treaty which requires that Contracting Parties fulfill two main obligations when implementing the Treaty at the national level, although they may do so according to their own legal systems. The first is to provide for a limitation or an exception to copyright in order to allow “beneficiaries” and “authorized entities” to undertake any changes needed to make a copy of a work in an accessible format for persons with a print disability. The second is to allow the exchange across borders of

those accessible copies produced according to the limitations and exceptions provided in the Marrakesh Treaty, or in accordance with the operation of law.

6. There is also need to harmonize the definition of disability in all Uganda's legislations so that the right PWDs can benefit from the government programs.
7. In order to help ease accessibility to information, there is need to provide interpreters and sign language interpreters on all national televisions to help the deaf and those with hearing impediment. Currently, though Uganda has many Television Channels, it is only Uganda Broadcasting Corporation (UBC) that has a sign language interpreter for its programs.
8. There is need to promote the training of professionals and staff working with PWDS in the rights recognized under UNCRPD so as to better provide assistance and services guaranteed by these rights.
9. The PWDS need to be aware of the budget making process, budget calendar and how they can participate in this process actively so as to their needs to be known.

### **6.3 Areas for Further Research**

Based on the research findings and conclusions of the study, there is need for more research in the following areas;

1. There is need for mapping and gathering of statistics relating to PWDs in their specific category of disability.
2. There is need for more research on how government initiatives including Disability Fund has impacted PWDs in different regions of Uganda
3. There is also need to document how the disability movement in Uganda has fared on and the success the movement has registered so far.

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**APPENDIX I: SAMPLE SIZE DETERMINATION TABLE**

| <b>N</b> | <b>S</b> | <b>N</b> | <b>S</b> | <b>N</b> | <b>S</b> |
|----------|----------|----------|----------|----------|----------|
| 10       | 10       | 220      | 140      | 1200     | 291      |
| 15       | 14       | 230      | 144      | 1300     | 297      |
| 20       | 19       | 240      | 148      | 1400     | 302      |
| 25       | 24       | 250      | 152      | 1500     | 306      |
| 30       | 28       | 260      | 155      | 1600     | 310      |
| 35       | 32       | 270      | 159      | 1700     | 313      |
| 40       | 36       | 280      | 162      | 1800     | 317      |
| 45       | 40       | 290      | 165      | 1900     | 320      |
| 50       | 44       | 300      | 169      | 2000     | 322      |
| 55       | 48       | 320      | 175      | 2200     | 327      |
| 60       | 52       | 340      | 181      | 2400     | 331      |
| 65       | 56       | 360      | 186      | 2600     | 335      |
| 70       | 59       | 380      | 191      | 2800     | 338      |
| 75       | 63       | 400      | 196      | 3000     | 341      |
| 80       | 66       | 420      | 201      | 3500     | 346      |
| 85       | 70       | 440      | 206      | 4000     | 351      |
| 90       | 73       | 460      | 210      | 4500     | 354      |
| 95       | 76       | 480      | 214      | 5000     | 357      |
| 100      | 80       | 500      | 217      | 6000     | 361      |
| 110      | 86       | 550      | 226      | 7000     | 364      |
| 120      | 92       | 600      | 234      | 8000     | 367      |
| 130      | 97       | 650      | 242      | 9000     | 368      |
| 140      | 103      | 700      | 248      | 10000    | 370      |
| 150      | 108      | 750      | 254      | 15000    | 375      |
| 160      | 113      | 800      | 260      | 20000    | 377      |
| 170      | 118      | 850      | 265      | 30000    | 379      |
| 180      | 123      | 900      | 269      | 40000    | 380      |
| 190      | 127      | 950      | 274      | 50000    | 381      |

|     |     |      |     |        |     |
|-----|-----|------|-----|--------|-----|
| 200 | 132 | 1000 | 278 | 75000  | 382 |
| 210 | 136 | 1100 | 285 | 100000 | 384 |

**Krejie and Morgan's (1970)**

## APPENDIX 2: QUESTIONNAIRE FOR PEOPLE WITH DISABILITY

Dear respondent, I am Safia Nalule Juuko, a student of Master of Arts in human rights of Makerere University. I am carrying out a research study titled *State Obligation: Assessing The Impact Of Article 4 Of The Un Convention On The Rights Of Persons With Disabilities On The Promotion And Protection Of The Rights Of PWDS In Uganda, 2008-2016*. The researcher considers your position and knowledge to be helpful in this study. Therefore you are kindly requested to fill in the questionnaire as instructed. All the information given, will be handled with utmost confidentiality and used for the purpose of this study only.

### Section A: Bio data

(Please tick appropriately)

1. Gender:                      Male                                       Female

#### 2) Age

20 and below     21-30                       31-40                                       41 and above

3 Level of education (please tick one box)

|                      |                          |
|----------------------|--------------------------|
| O' Level and below   | <input type="checkbox"/> |
| A' Level             | <input type="checkbox"/> |
| Certificate          | <input type="checkbox"/> |
| Diploma              | <input type="checkbox"/> |
| Degree               | <input type="checkbox"/> |
| Masters Degree above | <input type="checkbox"/> |

**Please answer the questions below by writing short and precise responses.**

Are you are aware of the idea of human rights? Explain

.....  
.....  
.....  
.....

Mention some examples of human rights that you know of.

.....  
.....  
.....  
.....

Have you ever heard of the UN Convention on the Rights of Persons with Disabilities (UN CRPD)?

.....  
.....  
.....  
.....

In your opinion, what Ugandan laws protect your human rights as a person with disabilities?

.....  
.....  
.....  
.....

Article 4 of the UN Convention on the Rights of Persons with Disabilities (UN CRPD) obliges the government to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that promote discrimination of PWDs. In your opinion, has the government abolished discrimination against PWDS?

.....  
.....  
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.....  
.....  
.....

In what ways are you discriminated as a PWD?

.....  
.....  
.....  
.....

In your opinion, what laws/legislations are discriminatory to PWDs?

.....  
.....  
.....  
.....



In what ways do you think the government can protect and promote your right as a person with Disabilities?

.....

.....

.....

.....

## **APPENDIX 3: INTERVIEW GUIDE FOR MEMBER OF PARLIAMENT AND NGO STAFF**

Dear respondent, I am Safia Nalule Juuko, a student of Master of Arts in human rights of Makerere University. I am carrying out a research study titled *State Obligation: Assessing The Impact Of Article 4 Of The Un Convention On The Rights Of Persons With Disabilities On The Promotion And Protection Of The Rights Of PWDS In Uganda, 2008-2016*. The researcher considers your position and knowledge to be helpful in this study. Therefore you are kindly requested to fill in the questionnaire as instructed. All the information given, will be handled with utmost confidentiality and used for the purpose of this study only.

Name (optional).....

Organization/institution.....

Position .....

### **Section A: Role of institutional and legal frameworks**

1. What institutions have been established to promote the right of PWD?
2. What is the role of parliament in promoting and protecting the rights of PWDs?

### **Section B: level of awareness of human rights**

3. Do you think PWDs are aware of their rights?
4. Are PWDs aware of Article 4 of the UN Convention on the Rights of Persons with Disabilities (UN CRPD) that obliges the government to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that promote discrimination of PWDs
5. In your opinion, what Ugandan law protects your rights as a person with disabilities?
6. In your opinion, what laws/legislations are discriminatory to PWDs?
7. In what ways do you think the government can protect and promote rights of PWDs?

### **Section C: practical and strategic national mechanism to operationalize the provision of article 4 of UNCRPD for the benefit of PWDs.**

8. What has the government done to include the needs of PWDs in the national budget?

9. In your opinion, what more can the government do to help PWDs?