

**FUNDAMENTAL HUMAN RIGHTS AND GUARANTEES IN UGANDA. A CASE
STUDY OF PEOPLE LIVING WITH DISABILITIES IN LIRA DISTRICT IN
NORTHERN UGANDA.**

**BY:
OMIKE SHARON LINDA
LLB/35295/123/DU**

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DECLARATION

I Omiike Sharon Linda, declare that, this research on 'The Fundamental Human Rights and guarantees. A case study of People living with disabilities in Northern Uganda, Lira District' is my entire effort and has not been submitted to any other institution of learning for any form of award.

OMIKE SHARON LINDA

LLB/35295/123/DU

(STUDENT)

Signature.....


Date.....th10.08.2016..

APPROVAL

This piece of work on 'The Fundamental Human Rights and guarantees. A case study of People living with disabilities in Northern Uganda, Lira District', has been supervised by me, and is ready for submission.

KOMUHANGI CATHERINE

(SUPERVISOR)

Signature: 

Date: 10-08-2016

DEDICATION

I dedicate this piece of work to my dear parents Dr Omiike Alengo and Rose Alengo, brothers, sisters, relatives and friends for their great care, spiritual guidance and financial support in my academic life.

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First and foremost, in a very special way I want to thank the almighty God for providing, protecting and guiding me through out my stay and study and more specifically for the completion of this research work.

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Last but not least, I appreciate all respondents who were able to respond positively within the shortest notice, to avail me with useful information that enabled me to compile this work successfully.

God Bless you All.

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LIST OF ACRONYMS

CBO:	Community Based Organization
DPO:	Disabled people's Organizations
KIU:	Kampala International University
NCD:	National Council for Disability
NGO:	Non Government Organization
NUDIPU:	National Union of Disabled Persons of Uganda
PSVs:	Public Service Vehicles
PWDA :	Persons with Disabilities Act, 2006
PWDs:	Persons with Disabilities
PWPDs:	Persons with Physical Disabilities
Sec:	Section
UDHR:	Universal Declaration of Human Rights
UHRC:	Uganda Human Rights Commission
UN:	United Nations
UNAPD:	Uganda National Action on Physical Disability
USAID:	United States Agency For International Development

ABSTRACT

The study was conducted in Lira District, Northern-Uganda and it focused on the effects of people living with disabilities in accessing social services. The main objectives of this study are; finding out the rights of people with disabilities which are being violated in accessing social services in Uganda, establishing the causes and effects of discrimination of people with disabilities in accessing social services in Uganda, making a comparison between the treatment of people with disabilities in Uganda, and making recommendations for possible improvements or reforms.

The researcher employed both quantitative and qualitative research design, simple random sampling to obtain appropriate samples from the entire population and frequency distribution tables to analyze data.

The findings indicated that people PWDs, are still discriminated in areas of health, education, employment opportunities, housing, transport and communication and their rights are still being violated due to a number of factors like their disability, poor implementation of existing laws, negative and discriminatory societal attitudes and mistrust by the society. It can therefore be concluded that if the laws and policies in place are well implemented, civil society organization are well empowered and facilitated and public is created and enhanced by the stakeholders to the general public, the discrimination of PWDs' rights will be seriously reduced.

Data was collected from the general public and specifically the PWDs, the UHRC and UNAPD. The study is also based on secondary data from past literature on the subject, from the above civil society organization and NGO as well as libraries and primary data where information was collected from the field.

CHAPTER ONE

1.0 Introduction.

Disability is the umbrella term used to refer to impairments, activity limitations and participation restrictions. In our society one in every five individuals has a disability of some kind, whether it is a visual impairment, mental disability, hearing impairment or any physical disability. Some will be born with these disabilities while others become disabled due to sicknesses, disease, accidents or any other unfortunate circumstance, Festinger L.A.

The preamble of the UN Convention on the Rights of People with Disabilities acknowledges that disability is 'an evolving concept,' but also stresses that 'disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinder their full and effective participation in society on an equal basis with others'

1.1 Background

The study indicates that a big proportion of the world population comprise of 600 million people with permanent and substantial function limitations caused by physical, cognitive and sensory impairments that limits them from participating in mainstream activities.¹ The majority of this population lives in developing countries. The world Bank predicts that this population is likely to increase because of two trends: increased ageing and violent conflicts both of which are highly correlated with disability. Developing agencies such as World Bank; and USAID have developed a policy which places special attention on including persons with disabilities in their development cooperation. USAID policy on disability is geared to avoiding discrimination against people with disabilities in programs which USAID funds and to stimulate an engagement of host countries counterparts, governments, implementing against and equal opportunities for persons with disabilities, hence all people are equal [equality]² USAID places emphasis on inclusion of persons with disabilities in its entries program.

In a recent Joint Parliamentary Assembly of the Africa; Caribbean; Pacific; and the European countries that convened in Brussels, Belgium in 2001 on the rights of the disabled people and

¹ Festinger, L.A Theory of cognitive Dissonance. Stanford. University Press 1957

² Article 21 of the Uganda Constitution 1995

older peoples participants: “Called upon the council of the European and the European commission to include persons with disabilities and older persons in all relevant cooperation policies and programs on the basis of the UN Standard Rules on the equalization of Opportunities for people with Disabilities.”³

Disabled people in Uganda, like most developing countries, face extreme condition of poverty; have limited opportunities for accessing education, health, suitable housing and employment opportunities. In most cases persons with disabilities are not aware of their rights. During the colonialism, persons with disabilities in Uganda were objects of charity and institutionalization that disconnected them from their families practice that was rampant in the 1990s and 1960s. By keeping disabled people in institution, to religious and charity organization were constantly reminding them that what they were doing the disabled people a big favour as their basic needs were being met as compared to those who were on the grounds; they were labeled according to a particular diagnosis and isolated from the public depending on the seriousness of the disability for example the mentally ill and the ‘lepers’ were conveniently, became total dependants of these institutions. Those who were lucky never left the on fines of their families and were integrated members of their community.

Inspired by the UN decade of Disabled Persons of 1983-1992 and the world program of Action concerning Persons with Disabilities, disabled people in Uganda came together to form NUDIPU in order to have a united voice to tackle the imbalances in society. At that time there were small motivated by a local Ugandan saying that “Italic awamu ge galuma enyama” with a literal meaning that it is the teeth that are together that can bite the meat⁴

³ Un Standard rule

⁴ Ndeezi, Alex (1999) The Disability movement in Uganda : progress and challenges with constitutional and legal provision on disability Ndeezi Alex (1999) ; and The Disability movement in Uganda: progress and challenges with constitution and legal provision on disability NUDIPU “HIV/AIDS and Disability” nudipu’s experience; A paper presented by Murangira Ambrose, Member National Youth Committee of the national union of disabled persons of Uganda(NUDIPU), at the Round table discussions in Washington DC, November 2004. Page 3-5

1.2 Problem statement.

According to the 2002 population and Housing Census of Uganda, it was revealed that, at least 4 out of every 25, or 16 per cent of the population, are disabled”⁵. This disability is either physical, mental, intellectual or sensor impairments. Applying this to Uganda’s population today (approximately 34 million) would indicate that they may be some 5 million disabled people in the country. Disabled people in Uganda, as in most developing countries in the world, face extreme conditions of poverty, have limited opportunities for accessing education, health, suitable housing and employment opportunities⁶ Despite effort made by government via enactment of various laws and policies pertaining to people with disabilities including their right to productive and decent work and basic services, they are still being discriminated and the researcher is of the view that it could be due to ignorance, inadequate education and outreach and unchallenged social attitudes among the people of Uganda to be the major causes behind all this saga. It is from this background that the researcher decided to conduct a study on discrimination of people with disabilities in accessing social services in Uganda.

1.3 Purpose of the study

The purpose of this study is geared towards investigating the cause and effect relationship that exists between discrimination of people with disabilities in accessing social services in Uganda. From this study, people with disabilities will get to know the rights that they are entitled to, how they are being denied equal access to goods and services and repercussion that may result in case of any infringement of such rights and the possible recommendations the concerned persons can zero on to minimize the said discrimination.

1.4 Objectives of the Study

The study will be guided by the following general and specific objectives

⁵ Uganda Bureau of statistics (2006). Uganda population and Housing census Report 2002. Kampala Uganda bureau of statistics page14

⁶ Smith,2010

1.4.1 General objective;

- I. To examine the impact and the effectiveness of the laws on the rights of people with disability in Uganda.

1.4.2 Specific objectives;

1. To find out the rights of people with disabilities which are being violated in accessing social services in Northern Uganda?
2. To establish the causes and effects of discrimination of people with disabilities in accessing social services in Northern-Uganda
3. To examine the treatment of people with disabilities in Uganda.
4. To make recommendations for possible improvements or reforms on the laws on the rights of persons with disability in Uganda.

1.5 Research Questions

1. What rights of people with disabilities are being violated in accessing social services in Uganda?
2. What are the causes and effects of discrimination of people with disabilities in accessing social services in Uganda?
3. How have people with disabilities been denied equal services?
4. What are the possible recommendable solutions on the discrimination of the people with disability in accessing social services?

1.6 Scope of the study

This section basically specifies the boundaries of the study that are categorized under;

1.6.1 Content scope

This is limited to the impact and the effectiveness of the laws on the rights of people with disability, violation of their rights in accessing social services, the causes and effects of discrimination in accessing social services, the treatment offered to people with disabilities and

to make recommendations for possible improvements or reforms on the laws on the rights of persons with disability in Uganda.

1.6.2 Geographical scope

The study was carried out in areas around Northern Uganda especially in Lira District

1.6.3 Time scope

The study was conducted between February 2016 —August 2016. The researcher finds this time to be opportune because she would be through with her full time class work and would be left with research work. This therefore means that much of his time will be channelized only towards research work.

1.7Chapterization

Chapter one

This chapter gives the general scope of the subject matter. It lays down the background of the study, the aims and objectives of the study, the statement of the problem, the justification of the study, and the methodology to be used in the study.

Chapter two

This chapter focuses on the literature review and the legal frame work on the study with an in-depth analysis of the literature and the studies available on the plight of disabled persons in accessing social services.

Chapter three

This chapter focuses on presentation and analysis of data related to the rights, causes and effects of discrimination of people with disabilities in accessing social services in Northern-Uganda. The researcher analyzed his data in line with the research objectives. The analysis employed frequency distribution tables, relevant pie charts, Bar graphs and Ex post-facto which eased the whole process of data presentation and analysis.

Chapter four

Chapter five gives the Findings, recommendations and the conclusion thereto.

CHAPTER TWO

THE LEGAL FRAME WORK

2.0 Introduction

Literature review

This was focused on literature related on discrimination of people with disabilities, law and practice in Uganda. The study will basically picture out the theoretical review, conceptual framework, examine how people with disabilities have been denied equal access to different goods and services, the causes and effects of unequal employment opportunities to people with disabilities and the position of the law and practice in Uganda and the rights that people with disabilities are legally entitled to in Uganda.

Disability is the umbrella term used to refer to impairments, activity limitations and participation restrictions. In our society one in every five individuals has a disability of some kind, whether it is a visual impairment, mental disability, hearing impairment or any physical disability. Some will be born with these disabilities while others become disabled due to sicknesses, disease, accidents or any other unfortunate circumstance.

The preamble of the UN Convention on the Rights of People with Disabilities acknowledges that disability is 'an evolving concept,' but also stresses that 'disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinder their full and effective participation in society on an equal basis with others'

Most MFIs aim to be financially sustainable. This requires an interest level on loans is high enough to cover all costs, pre-screening of clients to select the best business cases, close monitoring of borrowers and strict enforcement of repayments from defaulters. Considering the general misunderstanding within society that persons with disabilities are destitute and without the knowledge, skills and opportunities to successfully operate business, it is no wonder that MFIs practicing their sustainable business model shy away clients with disabilities.

However, in doing so they miss an important business opportunity, and fail to practice the double bottom line policy of reaching both financial and social objectives, which nearly all MFIs claim.⁷

The idea of providing better access to microfinance services for persons with disabilities is not new. Several projects have been initiated, but most have provided persons with disabilities with a combination of training and subsidized credit from non-financially-specialized organizations like community Based Organizations (CBOs) or Disabled Peoples Organizations (DPOs) Handicap international, (2006). The results from these efforts have been mixed. In some cases, the results for persons with disabilities have been positive, but very few approaches have been sustainable. Thus, when the donor support ends, the provision of services is discontinued,⁸

A side from Thomas (2000) and Lewis (2004), the academic literature on microfinance and disability published in peer-reviewed journals is basically non-existent. Thankfully, some reports like Handicap International (2006), MIUSA (1998), Dyer (2003), WHO Community Based Rehabilitation Guidelines (forthcoming) and Mersland (2005) provide guidelines, conceptual frameworks, basic knowledge, and when available, some statistics. Most of the literature concerns the need to include persons with disabilities in microfinance efforts, but few studies provide evidence-based insights. Only Handicap International (2006) provides solid data to support the analysis. There is a considerable gap in the literature, particularly when it comes to empirical evidence of the market size, market served, exclusion mechanisms, and the effect of different intervention efforts.⁹

This research will help to fill part of the above void by sharing lessons learned from concrete efforts, and by providing some initial empirical evidence on the results of the efforts. This will be done by investigating why people with disabilities in Uganda are continuously being denied access to services like banks and microfinance services which has resulted into their lagging

⁷ United Nations, 2006; Helms, 2006

⁸ Lewis, 2004; Handicap international, 2006

⁹ Fravia Nakabuye Bwire Project Officer Association of Microfinance Institutions in Uganda (AMFIU), George Mukasa Project Officer National Union of Disabled Persons of Uganda (NUDIPU); Access to Mainstream Microfinance Services for Persons with Disabilities — Lessons Learned from Uganda. Page 4

behind and not accessing financial services to respond to the government programs of Eradication of poverty which is to resultantly change their well being.

For instance, Uganda has a disability policy and planning framework — including the People with Disabilities Act.

The country is also signatory to the Convention on the Rights of Persons with Disabilities which calls for protection of the rights of people living with disabilities. And this is also emphasized in the Uganda Constitution. But there are no deliberate efforts to rate reproductive health services into such legislation.

LEGAL FRAMEWORK

2.1 Introduction

Equality and human rights are now universally acknowledged as the supreme principles and as absolute norms in any organized society. Evidence of discrimination in accessing social services and in gaining access to employment directly contradicts this premise and serves as a violation of the rights of persons with disabilities.

This chapter focuses on the legal framework governing the right to accessing social services for persons with disabilities. It will examine both national and international legislations that cater for and ensure this right.

2.2 National legal framework

2.2.1 The 1995 Constitution of Uganda

The principal law in Uganda, the 1995 constitution of Uganda recognizes the rights of persons with disabilities. The constitution of Uganda was adopted in 1995 and amended in 2005. It includes the Bill of Rights which contains dedicated provisions on the rights of marginalized groups, the women, children and persons with disabilities.¹⁰ The introductory section of the constitution entitled, ‘National Objectives and Directive Principles of State Policy’ provides for

¹⁰Tobias Pieter Van Reenen, Helene Combrink, *the UN Convention on the Rights of Persons with Disabilities in Africa: Progress After 5 Years*.

Principles that are intended to guide all organs and agencies of the state, citizens and all other bodies and persons in applying or interpreting the constitution or any other law and in implementing policy decisions.¹¹

Under the heading of Social and Economic Objectives' the directive principles stipulate that society and the State shall recognize the right of persons with disabilities to respect and human dignity.¹² Under the 'Cultural Objectives' there is a provision that the state shall promote the development of a sign language for the deaf,¹³ this is an effort to promote sign language as a national language.

It is worth noting that while these National Objectives and Directive Principles of State Policy provide guidance, they are not justifiable.¹⁴

Chapter four of the constitution provides for the 'Protection and Promotion of Fundamental and Other Human Rights and Freedoms.' **Article 20**¹⁵ is to the effect that fundamental rights and freedoms of the individuals are inherent and not granted by the State and shall be respected, upheld and promoted by all organs and agencies of Government and by all persons.

Article 21 provides for equality and freedom from discrimination. **Article 21(1)** provides that all persons are equal before and under the law in all spheres of political, economic, social and cultural life in every other respect and shall enjoy equal protection of the law. **Article 21(2)** provides that a person shall not be discriminated against on the ground of sex, race, color, ethnic origin, tribe, birth, creed or religion, social or economic standing, political opinion or disability and **Article 21 (3)** provides a definition of discriminate to mean to give different treatment to different persons attributable only or mainly to their respective descriptions by sex, race, color, ethnic origin, tribe, birth, creed or religion, social or economic standing, political opinion or disability.

Article 32 (1) provides for affirmative action in favor of marginalized groups and provides that 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, custom, for the purpose of redressing imbalances which exist against them. **Article 32 (2)** prohibits any laws, cultures, customs and traditions which are against the dignity, welfare or interest of any marginalized group. **Article 32**

¹¹ Ibid

¹² Principle XVI, National Objectives and Directive Principles of State Policy, Constitution of Uganda 1995

¹³ Principle xxiv

¹⁴ Ibid

¹⁵ The Constitution of Republic of Uganda 1995

(3) and (4) provide for the establishment of the Equal Opportunities Commission and that parliament shall make laws for the purpose of giving full effect to **Article 32** of the Constitution.

Article 35 provides for the rights of persons with disabilities. It provides that persons with disabilities have a right to respect and human dignity and the State and society shall take appropriate measures to ensure that they realize their full mental and physical potential and that parliament shall enact laws appropriate for the protection of persons with disabilities.

Article 40 (1) provides for economic rights of Ugandan workers, inclusive of persons with disabilities. It provides that parliament shall enact laws to provide for the right of persons to work under satisfactory safe and healthy conditions, to ensure equal payment for equal work without discrimination and that every worker is accorded rest and reasonable working hours..

2.2.2 Labor legislation

2.2.3 The Employment Act No.6 of 2006

The principle legislation for employment in Uganda is the Employment Act 2006. **Section 3**¹⁶ is to the effect that the Act applies to all employees employed under a contract of service. This would include all employees, whether working in the civil service or in the public service¹⁷.

Section 2, 3(2) (b) define an employee to mean any person who has entered into a contract of service or an apprenticeship contract, including, without limitation, any person who is employed by or for the Government of Uganda, including the Uganda Public Service, a local authority, a parastatal organization but excludes a member of the Uganda People's Defense Forces.

Section 2 defines an employer as any person or group of persons, including a company or a corporation a public, regional, or local authority, a governing body of an unincorporated association, a partnership, parastatal organization or other institution or organization whatsoever for whom an employee works or has worked under a contract of service and includes the heirs, successors, assignees and transferees of any person or group of persons for whom an employee works, has worked, or normally works.

¹⁶ Employment Act 2006

¹⁷ Ayebare Tumwebaze: *The Uganda Employment Law and the Employment Act 2006*

Section 6 (2) places a duty on all parties to fight discrimination by guaranteeing equality of opportunity for all persons whether as migrant workers or members of their families or otherwise, lawfully within Uganda. This section calls upon employers to employ staff in accordance with laid down standards and procedures. These normally relate to academic competence, relevant experience, familiarity with the corporate culture of the employer and other relevant factors such as mobility, linguistic ability, among others.

Section 6 (3) defines discrimination to include any distinction, exclusion or preference made on the basis of sex, religion, tribe, nationality, race, color, social origin, political opinion, national extraction, HIV status or disability.

Section 6(6)(7) is to the effect that non discrimination also means that the employer pays equal remuneration to employees for work of equal value both male and female, **Section 6(4)** provides that any distinction, exclusion or preference based on the inherent requirements of the particular job shall not be deemed to be discrimination.

2.2.4 The Workers' Compensation Act, Chapter 225

The Act is for workers who are injured or disabled through industrial accidents. The Act defines a disabled person as a person who experiences a restriction or lack of ability to perform any activity in the manner or within the range considered normal for human beings within the cultural context.

2.3 Other legislation concerning persons with disabilities

2.3.1 The Income Tax Act, Chapter 340

This Act gives a 2% reduction for any company hiring at least 5% of their full staff as persons with disabilities.

2.3.2 Persons with Disabilities Act 2006

Article 3 gives the objectives of the Act to include inter alia the promotion of dignity and equal opportunities to persons with disabilities encouraging the people of all sectors of Government and society to recognize, respect and accept differences and disability as part of humanity and human diversity and promoting a positive attitude towards and image of persons with disabilities as capable and enabling members of society.

Article 4 (1) and (2) states that the disability coding in its Schedule 1 will determine whether impairment has a substantial function limitation of daily activities or whether impairment has a long term effect on a person. In addition a medical officer and any relevant organization of or for persons with disabilities must be consulted.

Section 19 and 20 talk about access to premises and the duty to provide access to buildings. The Act also provides a 10% tax reduction to companies employing more than 15 persons with disabilities. The tax was reduced to 2% and persons with disabilities are given an annual special grant of 30 million for each district to support the socio- economic development and employment of persons with disabilities. Part VI of the Persons with Disabilities Act, requires the national level, 5 members of parliament with disabilities and additional 5 members elected by National Union of Disabled Persons (NUDIPU) Board, represent disabled persons in the Movement National Conference. There is one representative of NUDIPU in the National Executive Committee of the movement.

2.3.3 The National Institute of Special Education Act, Chapter 138

This Act establishes the National institute of Special Education (UNISE) which provides for training of teachers and of community workers to work with and support persons (adults and children) with disabilities.

2.3.4 The Children's Act, Chapter 59

Section 10 of the Children Statute requires parents of children with disabilities to take appropriate steps to see that the children will be assessed as early as possible, offered early treatment and afforded facilities for their rehabilitation and equal opportunities to education.

Section 11 states that a Local Government Council shall keep a register of disabled children within its area of jurisdiction and give assistance to them to enable them to become self reliant.

2.3.5 The Universities and Tertiary Institutions Act 2001

It provides for affirmative action in the form of extra points to students with disabilities in the admission procedures of higher education institutions. The Act creates a National Council for Higher Education with a disabled persons' representative. It also requires tertiary learning institutions to ensure their buildings are physically accessible.

2.3.6 The Uganda Communications Act, Chapter 106

Section 5 of the Act provides for the promotion of research into the development and use of new communications technologies including those which promote the access of hearing impaired people to communication services.

2.4 International Legislation

2.4.1 The United Nations Convention on the Rights of Persons with Disabilities 2008

The Convention on the Rights of Persons with Disabilities is an international human rights instrument of the United Nations intended to protect the rights and dignity of persons with disabilities. Parties to the Convention are required to promote, protect, and ensure the full enjoyment of human rights by persons with disabilities and ensure that they enjoy full equality under the law.

The Convention follows the civil law tradition, with a preamble, in which the principle that all human rights are universal, indivisible, interdependent and inter related” of Vienna Declaration and Program of Action is cited, followed by **50 articles**. The Convention adopts a social model of disability, and defines disability as including those who will 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.

2.4.2 Principle of “reasonable accommodation”

The Convention defines “reasonable accommodation” to be “necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms” at the **Article 2** and demands this all aspects of life including inclusive education.

2.4.3 Prevention of discrimination

Article 8 of Convention stresses the raising of awareness to foster respect for the rights and dignity against discrimination, to combat stereotypes, prejudices and all harmful practices, to initiate and maintain effective public awareness campaigns, to encourage all organs of the media to portray persons with disabilities in a manner consistent with the convention and to promote awareness training programs regarding persons with disabilities and their rights.

2.4.4 Accessibility

The Convention stresses that persons with disabilities should be able to live independently and participate fully in all aspects of life. To this end, States Parties should take appropriate measures to ensure that persons with disabilities have access, to the physical environment, to transportation, to information and communications technology, and to other facilities and services open or provided to the public.

2.4.5 Work and employment

Article 27 requires that States Parties recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labor market and work environment that is open, inclusive and accessible to persons with disabilities, And that States Parties shall safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation, to inter alia, prohibit discrimination on the basis of disability with regard to all matters concerning employment, to protect the rights of persons with disabilities on an equal basis, to ensure the persons with disabilities are able to exercise their trade union rights, to provide effective access to general technical and vocational guidance programs and other vocational training, to promote employment opportunities and career advancement for persons with disabilities, to promote opportunities for self employment, to ensure reasonable accommodation is provided, to promote acquisition of work experience in the open labor market and to promote vocational and professional rehabilitation, job retention and return to work programs for persons with disabilities.

2.4.6 The United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities

Rule 1. Awareness-raising

‘States will take action to raise awareness in society about persons with disabilities, their rights, their needs, their potential and their contribution.’

Rule 4. Support services

‘States will ensure the development and supply of support services, including assistive devices for persons with disabilities, to assist them to increase their level of independence in their daily living and to exercise their rights.’

Rule 5. Accessibility

‘States will recognize the overall importance of accessibility in the process of the equalization of opportunities in all spheres of society. For persons with disabilities of any kind, States should

- (a) Introduce programs of action to make the physical environment accessible; and
- (b) Undertake measures to provide access to information and communication.

Rule 7. Employment

‘States will recognize the principle that persons with disabilities will be empowered to exercise their human rights, particularly in the field of employment. In both rural and urban areas there will be equal opportunities for productive and gainful employment in the labor market.

2.4.7 The International Labor Organization Convention concerning Vocational Rehabilitation and Employment (Disabled Persons), 1983 (No. 159)

This convention specifically deals with disability. It requires that Governments develop a national policy on vocational rehabilitation and employment promotion in consultation with employers and workers organizations. Such a policy is based on equal opportunity and equal employment. The Convention was ratified by Uganda in 1990.¹⁸

2.5 Organizations providing training/employment to disabled persons

2.5.1 Disability movement

The National Union of Disabled Persons (NUDIPU) is an umbrella organization that represents all disability groups in Uganda. The general principle of NUDIPU is ‘nothing for us without us’. Its mission is to advocate for the equalization of opportunities, involvement and participation of disabled persons in the policy planning and implementation of disability programs, in close

¹⁸ International Labor Office, *Employment of People with Disabilities: The Impact of Legislation (East Africa)*, March 2004

coordination with Government and NGOs. Its main aim is to influence change in the provision of services to persons with disabilities in Uganda. NUDIPU has a Gender and Development program to ensure that women with disabilities are fully involved. Its appliance services help to satisfy the demand for orthopedic assistance, and its Business Development program offers support for people with disabilities who will be trying to generate income.

2.5.2 People with visual disabilities

The Uganda Foundation for the Blind (UFB) and the Uganda National Association of the 'Bun (UNAB) provide training for persons with disabilities in Uganda. UFB was established in 1950's. The foundation pioneered agricultural education, training and resettlement for adult blind people UNAB was founded in 1970. Its major objective is to improve the general life situation of people with visual disability by enhancing public awareness, education and employment. In 2000 UNAB established a committee referred to as the Hi-Tech, Employment and Jobs for Visua Impaired Persons Stakeholders' Committee. The main purpose of the committee is to enable persons with visual impairment to use modern technology.

2.5.3 People with hearing disabilities

Uganda National Association of the Deaf (UNAD), which has sub-branches all over the country, provides training for hearing impaired persons in Uganda.

2.5.4 Women with disabilities

Uganda is one of the first African southern countries to create an organization - the National Union of Women with Disabilities of Uganda (NUWODU) - run by and for women with disabilities. It provides leadership and training for emerging women's organizations in other countries and focuses on economic development projects. It will make economic self-sufficiency a priority and develops strategies for the empowerment of women with disabilities.

The Disabled Women Network and Resource Organization (DWNRO) advocates for the economic empowerment of women with disabilities and their inclusion in micro-credit programs. The Uganda Disabled Women's Association operates a revolving loan scheme with the goal of initiating small businesses. Mobility Appliances by Disabled Women Entrepreneurs (MADE) builds locally appropriate wheelchairs.

2.5.5 People with intellectual disabilities

The following organizations provide services for persons with mental disabilities: Uganda Association of Mentally Handicapped and the Uganda Parents Care for the Mentally Handicapped.

2.5.6 People with physical disabilities

Uganda National Action on Physical Disability focuses on issues related to persons with physical disabilities, such as mobility and awareness rising. The organization acts as an umbrella for organizations of/for people with physical disabilities in Uganda¹⁹.

2.6 Institutional framework

In 1998, the Government appointed a Minister of State for Disabled Persons. A Department for Disabled Persons also exists under the Ministry of Gender, Labor, and Social Development. To date, these bodies and positions have been allocated limited funding to undertake or support any initiatives.

2.6.1 Ministry of Gender, Labor and Social Development

The Department for Disabled Persons of the Ministry of Gender, Labor and Social Development has the primary responsibility for registration, vocational rehabilitation and coordination of employment for persons with disabilities,

The Employment Exchange Service within the Ministry facilitates the placement of disabled persons to employment, and provides vocational rehabilitation and resettlement services. One mobile unit exists for vocational rehabilitation of women with disabilities, providing training for women with disabilities around the *country*.²⁰ The Employment Exchange Service also operates sheltered workshops. The Service has been decentralized to cater for all employees, including disabled persons.

The Ministry of Gender, Labor and Social development coordinates the Uganda Community-Based Rehabilitation Program²¹ since its establishment in 1992. At the community-level, the

¹⁹ Ibid

²⁰ International Labor Conference, *Vocational Rehabilitation and Employment of Disabled Persons*, ILO, 1998

²¹ CBR programs have so far been set up in 16 of the 56 districts in Uganda.

CBR services encourage local employers to facilitate resettlement and selective employment of people with disabilities. This is done in consultation with the National Union of Disabled Persons of Uganda NUDIPU).

One imperative for satisfactory and effective rehabilitation is that personnel are adequately trained. In Uganda, training, seminars and workshops are conducted from time to time for Government staff involved in disability services. By 1998, 270 Community Development Assistants had received training under the CBR program.²² The Government provides training for teachers of disabled persons as well as for Government staff. A diploma course in community-based rehabilitation is also offered and advisory and supervisory services are delivered to those handling disability issues at various levels (community, district and national).

²² Ibid

CHAPTER THREE

PRESENTATION AND ANALYSIS OF DATA, AND THE RESOLUTION OF ISSUES

3.0. Introduction

This chapter focuses on presentation and analysis of data related to the rights, causes and effects of discrimination of people with disabilities in accessing social services in Northern-Uganda. The researcher analyzed his data in line with the research objectives. The analysis employed frequency distribution tables, relevant pie charts, Bar graphs and Ex post-facto which eased the whole process of data presentation and analysis.

3.1 The rights of people with disabilities which are being violated in accessing social services in Northern-Uganda

The first objective was geared towards investigating the rights of people with disabilities which are being violated in northern Uganda. To obtain information about this objective, respondents were asked to highlight the rights of disabled people which are highly being violated and the following rights were highlighted upon; the right to education, right to employment, right to health services, right to good standards of living and the right to transport and communication.

Table 1: 3.1. (a) The extent to which the right to education of people with disabilities is being violated in Lira District Northern-Uganda

The right of people with disabilities to education is being violated in Lira District	Frequency (fx)	Percentages (%)
Strongly agree	3	12
Agree	2	8
Strongly disagree	7	28
Disagree	13	52
Total	25	100

Source: Primary Data (2016)

The analysis clearly indicates that though in some parts of Uganda the right to education of people with disabilities is being violated, great improvement has been made as justified by the majority respondents 13 (or 52%) who disagreed by saying that disabled people equally have access to education just like any other able bodied person in Uganda.

The respondents some of whom were people with disabilities and those from the public (able-bodied persons) said that most of PWDs have access to education that is to say from primary level to secondary level.

To achieve this objective, ex post-facto was also used to collect data from the Uganda Human Rights Commission regarding the right to education whereby one of its reports on education reveals that the inquiry found that the universal primary Education has had the most impact on access to education for persons with disabilities. At that time of the inquiry, enrolment was found to be 150, 559 of whom 82,537 were male and 68,022 female with hearing, visual, mental and physical impairments. It was generally noted that the government's Universal Primary Education policy provides for the educational rights of children with disabilities and also addresses gender bias and discrimination (against PWDs) which originates from negative and economic norms²³. This was also brought out by the Uganda National Action on Physical Disability²⁴, where it stated that objective XVIII (II) of the Constitution of the Republic of Uganda mandates the state appropriate measures to offer every citizen equal opportunity to attain the highest educational standards possible. Article 30 of the constitution of the republic of Uganda avails a right of education to all persons in Uganda. Therefore this implies that all study opportunities given to students/children without disabilities to access education should equally be given to students/children with disabilities without any discrimination.

Results from table 3.1(a) were also elaborated using a bar graph and figure 4.1. (i) Clearly illustrates it.

Figure 1: 3.1(1) showing the extent to which the right to education of people with disabilities has been violated in Northern part of Uganda.

²³ The Uganda Human Rights Commission Report on disability in Uganda, Launched on its 12th Annual Report on at Protea Hotel, Kampala Friday 15th October 2010

²⁴ Publication of Selected Legal Provisions in Domestic and International Laws on Physical Accessibility. Pg.11.

Figure 1: The Right education of PWD in Lira District Northern Uganda

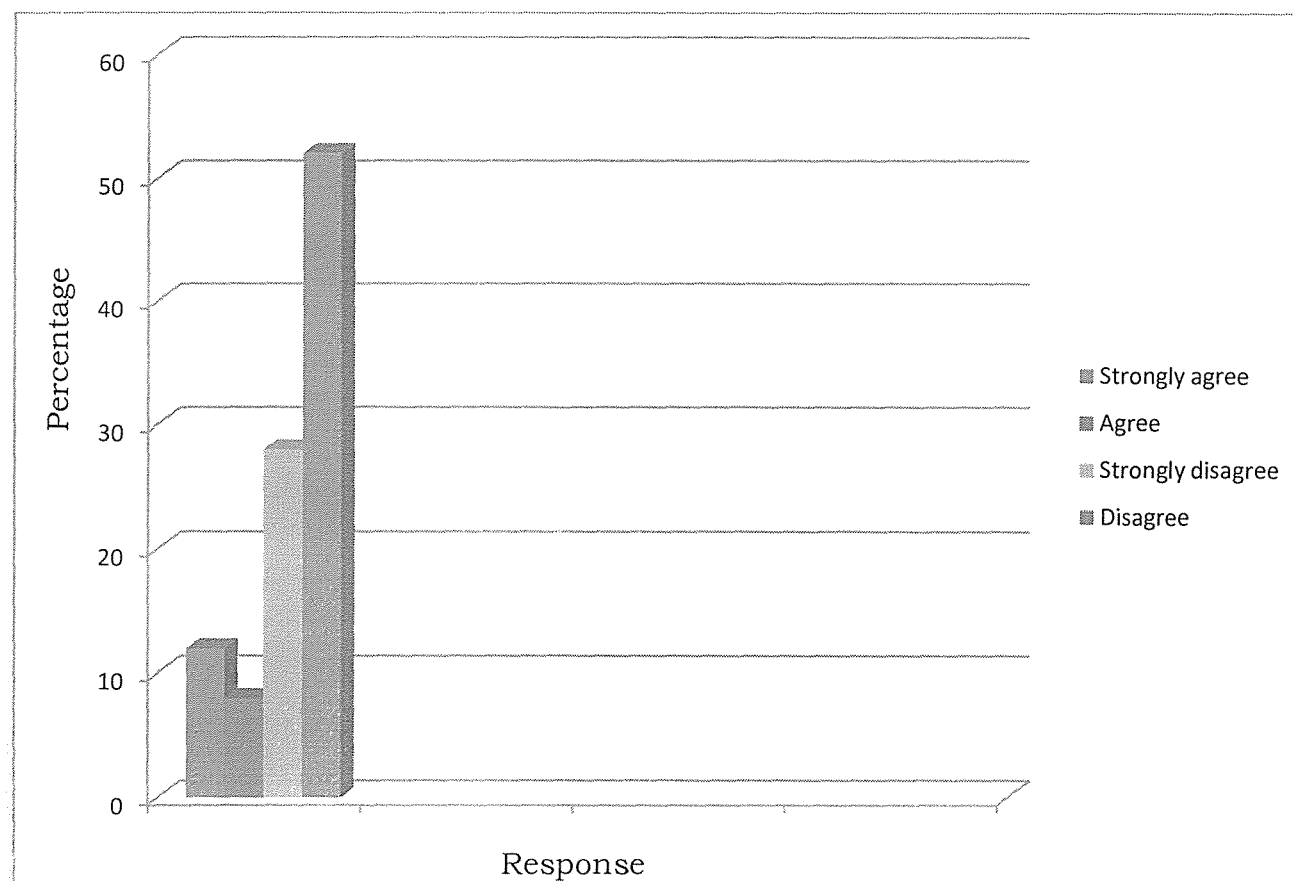


Table 2: 3.1(b) The right to employment of people with disabilities in Lira Northern Uganda

The right to employment of people with disabilities is being violated in Lira District	Frequency (fx)	Percentage (%)
Strongly agree	12	48
Agree	11	44
Strongly disagree	-	-
Disagree	2	8
Total	25	100

Source: Field survey (2016)

The findings above indicate that the right to employment of people with disabilities is highly being violated in Northern - Uganda as revealed by 12 (or 48%) and 11 (or 44%) who strongly agreed and agreed respectively, that the right of people with disabilities to obtain employment in various sectors of the economy is being infringed upon.

To achieve this objective ex post-facto was also used to get information from the Uganda Human Rights Commission regarding the right to employment. Report notes that on the social security of the PWDs, the (PWDs) are often denied employment because of their disabilities even when they are qualified while many employers are unwilling to risk incurring extra costs of maintaining them on the job even when the disability was a result of a work related accident.

In the report, the commission points out the need to domesticate the UN standards rules on the Equalization of opportunities for PWDs right to employment, the report discusses the legal and policy framework regarding the provision for equal opportunities and non-discrimination for PWDs in employment. It is noted that the findings of the inquiry established that employment opportunities for PWDs are very limited as they compete with able-bodied people for limited openings.

Data was also collected from UNAPD using ex post facto whereby it was stated in its Publication of Selected Legal Provisions in Domestic and International Laws on Physical Accessibility that Article 40 of the constitution of the Republic of Uganda provides that every person in Uganda has the right to practice his or her profession and to carry on any lawful occupation, trade or business. It gives powers to parliament to enact laws to ensure that work is done under satisfactory safe and healthy conditions, with equal payment for equal work without discrimination.

The Article allows all Ugandans including PWDs to put their academic and acquired skills to practice in business or trade without any unlawful restrictions. This also means that PWDs have the right to directly get involved in business and to be given jobs in private and public sectors, provided that they have the qualifications. The working premises including the general outside environment should be accessible.

It can therefore be deduced that law enforcing agents, civil society organizations, organization of the disabled and other organs still have a lot to do to ensure and show the public that there is need for fair treatment and equality among all people regardless of their physical nature as the saying “disability is not inability.”

Results from table 3.1(b) were also elaborated using a bar graph and figure 3.1 (ii) clearly illustrates it.

Figure 2: 3.1 (ii) showing the extent to which the right to employment of people with disabilities has been violated in Lira.

Figure 2: The right to Employment of people with disabilities is being violated in Lira District

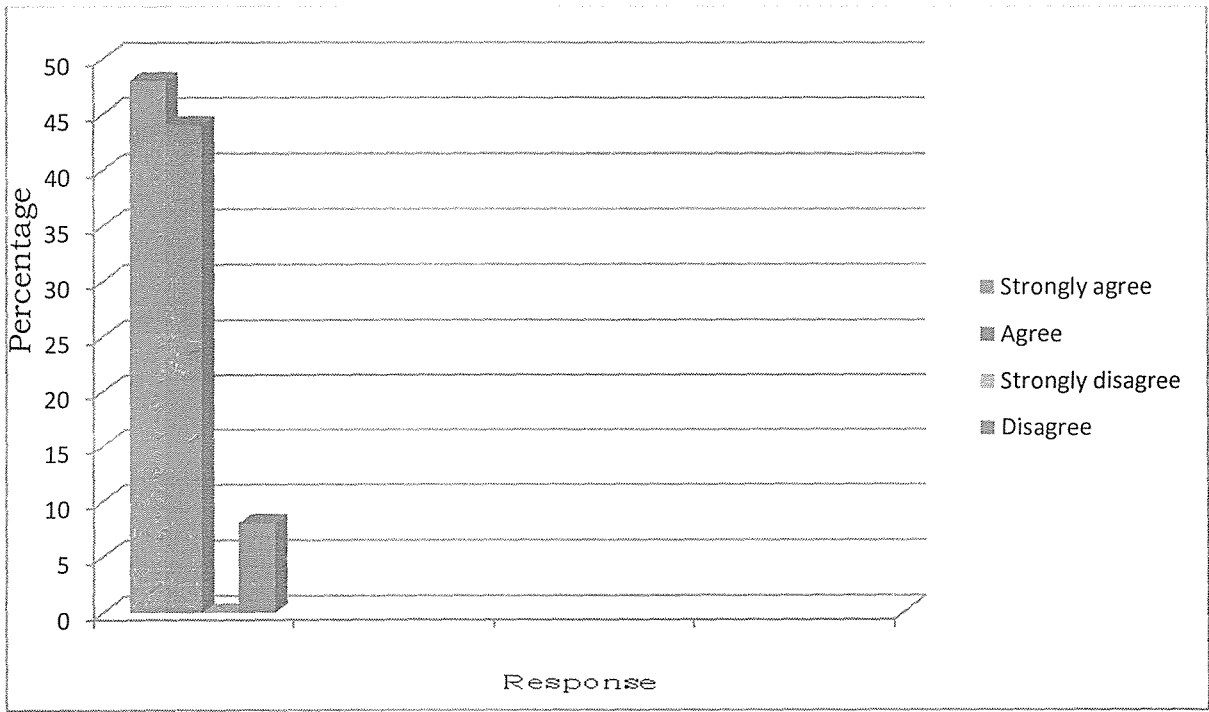


Table 3: 3.1 (c) The right of people with disabilities to health services in Lira District Northern-Uganda

The right of people with disabilities to health services are being violated in Lira District	Frequency (fx)	Percentage (%)
Strongly agree	14	56
Agree	9	36
Strongly disagree	-	-
Disagree	2	8
Total	25	100

Source: Questionnaire output

The findings in the table above show excessive inaccessibility of health services by PWDs. Some of the respondents said that in most situations when disabled women are going through labour pain, the hospital beds are so high for them to climb, nurses are cruel to them and that they sometimes fail to be attended to by the nurses because of their physical nature.

With the use of ex post facto in data collection, it was confirmed by the inquiry report of the Uganda Human Rights commission that disability was indeed a multi-dimensional issue as it is not only a health problem but a social one too. On one hand, poor health can lead to disability and on the other hand, disability can attract health problems. The report notes that according to the world Health Organization findings, only 15 to 20 percent of the PWDs in Uganda receive actual health services.

UNAPD's Publication of Selected Legal Provisions in Domestic and International Laws on Physical Accessibility stated that Objective XX²⁵ mandates that state to take all practical measures to ensure the provision of basic medical services to the population. Therefore it is the duty of the state to avail basic medical services to PWDs including disability related needs for polio survivors, people living with rheumatism, and brain injury among others.

²⁵Constitution of the republic of Uganda 1995 as amended

Section 7²⁶ provides that PWDs are entitled to equal rights in all health institutions including medical care.

This implies that among the equal rights they are entitled to, is the right to physically access different sections of a given medical unit like laboratories, maternity wards and toilets among others.

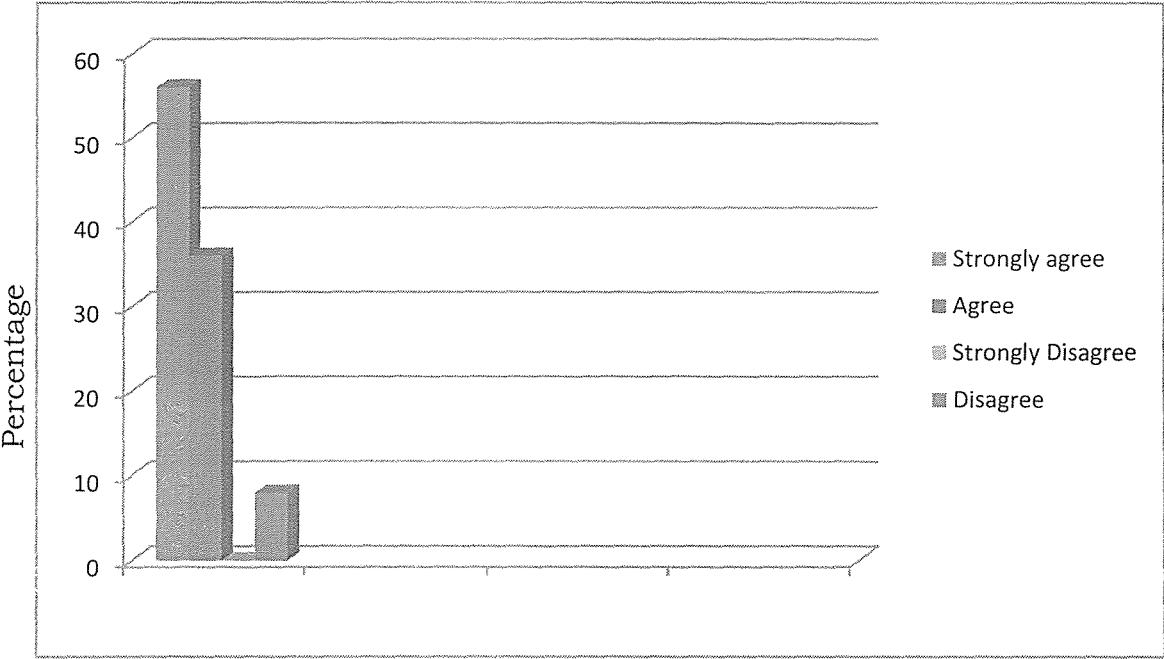
Section 8 further provides that government shall promote special health services required by PWDs through;

- a) Providing access to reproductive health services which are favorable to women with disabilities.
- b) Provision to health care materials easy to use by PWDs.
- c) Promotion of community health campaigns in a way favorable to PWDs, this implies that it is the duty of government to provide special disability-related health services in hospitals like accessible delivery beds for mothers with physical disabilities, among others.

Results from **table 3.1(c)** are elaborated using a *bar graph* under figure 3.1 (iii) as **illustrated below:**

²⁶ Persons with Disabilities Act, 2006

Figure 3: The Right of people with disabilities to health services is being violated in Lira District Northern Uganda



Response rate

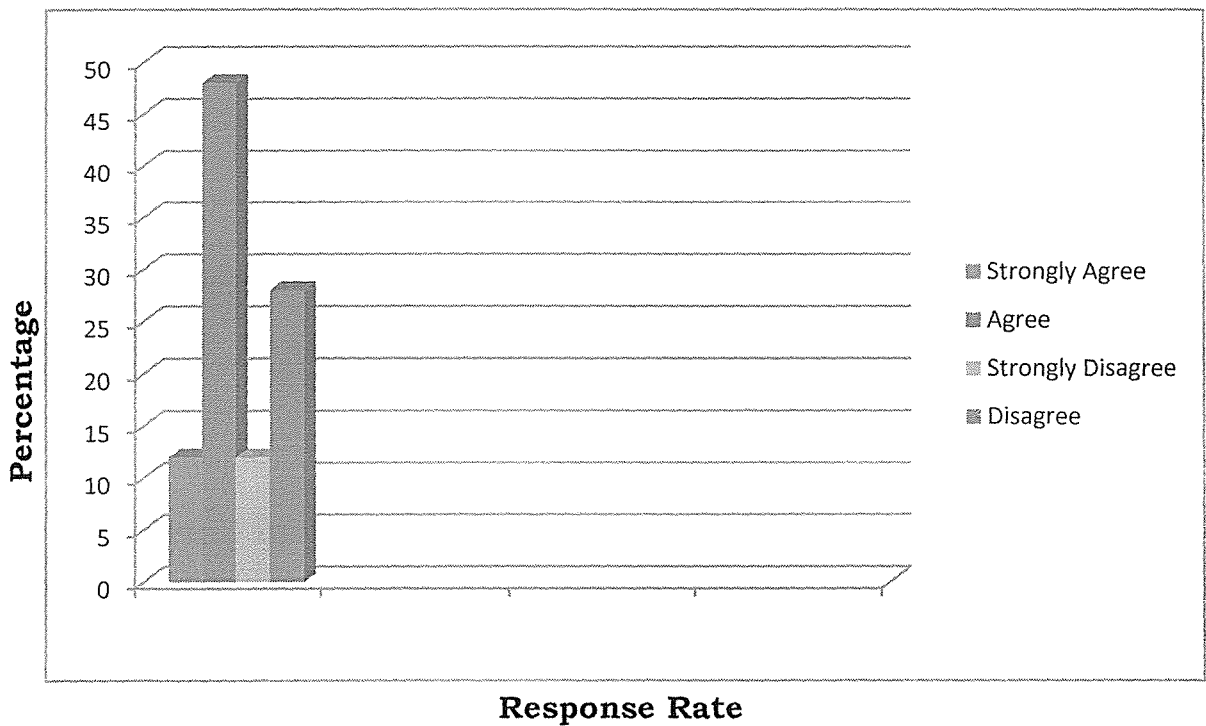
Table 4: 3.1.2 (d) The right to good standard of living of people with disabilities in Lira District Northern-Uganda

The right to good standard of living of people with disabilities is being violated in Lira District	Frequency (fx)	Percentage %
strongly Agree	3	12
agree	12	48
strongly disagree	3	12
Disagree	7	28
Total	25	100

Source: Field survey

Results from table 3.1.2 (d) are elaborated using a bar graph under figure 3.1.2 (iv) as illustrated below;

Figure 4: The right to good standard of living of people with disabilities being violated in Lira District Northern Uganda



The findings above reveal that most of the PWDs are being exposed to poor standards of living in Northern and yet it is for every Ugandan as per the law to enjoy good standards of living regardless of their physical or mental nature. Most of the respondents agreed that this right is being violated since some of them said that some PWDs stay on roads to beg for what to eat, some mend shoes for a living and some others do not have shelter for themselves. This is total violation since under the social and economic objectives of the Constitution of the Republic of Uganda, it is stated under XIV (b) that the state shall endeavor to fulfill the fundamental rights of all Ugandans to social justice and economic development and shall, in particular ensure that all Ugandan enjoy rights and opportunities and access to education, health services, clean and safe water, work decent and retirement benefits.

This implies that since the PWDs are part and parcel of all Ugandans as provided for in the constitution, they are entitled to enjoy their right to good standard of living and therefore the government should not leave them out because of their physical or mental nature.

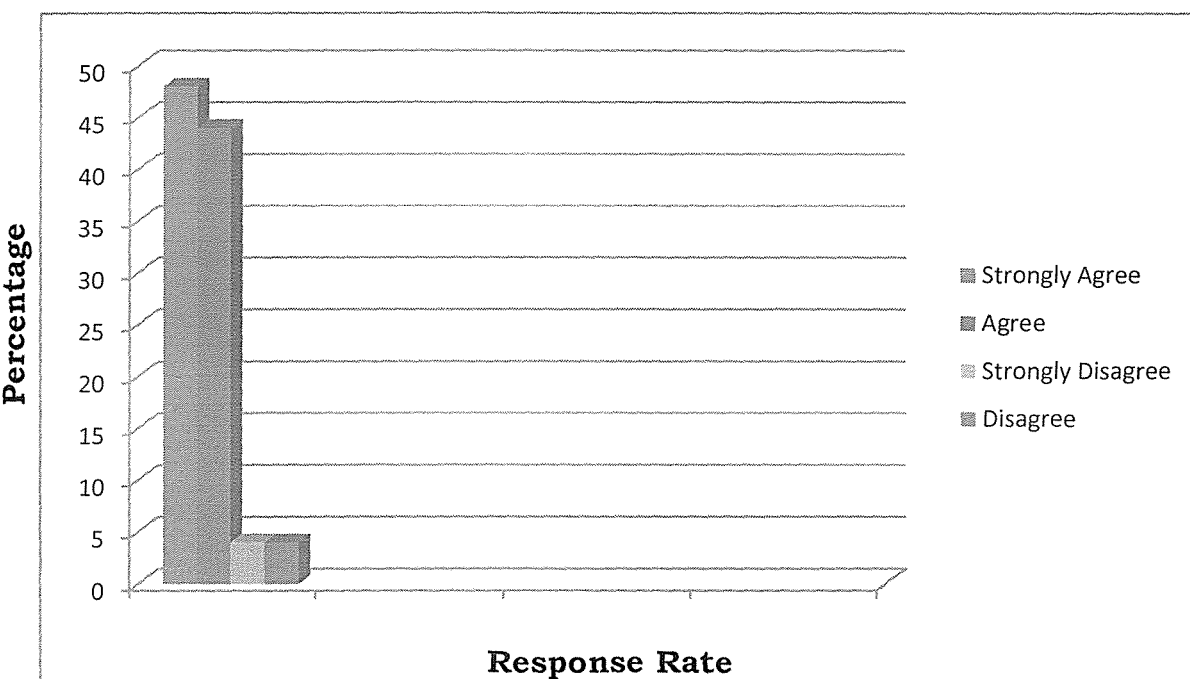
Table 5: 3.1.3 (e) The right to housing, transport and communication of people with disabilities

The right to housing, transport and communication of PWDs is being violated in Lira District	Frequency (fx)	Percentage (%)
Strongly Agree	12	48
Agree	11	44
Strongly Disagree	1	4
Disagree	1	4
Total	25	100

Source: Field survey

Results from table 3.1 (e) are elaborated using a bar graph below in figure 4.1(v)

Figure 5: The Rights of housing, transport and Communication of PWDs is being violated in Lira District Northern Uganda



The findings above reveal that the rights do access housing transport and communication of PWDs is being violated. This is seen where the respondents who strongly agreed and agreed were 12 (or 48%) and 11 (or 44%) respectively compared to those who disagreed. Some of the respondents said that most of the storage houses built do not cater for the PWDs as there are no elevators to enable them to move to other floors, other respondents said the transport sector is unfair to them since the tax operators normally charge them more for their wheel chairs and crutches. This is quite unfortunate.

The researcher also managed to use ex post facto in the collecting of his data from the Uganda Human Rights Commission's report regarding the above right; on accessibility to housing, transport and communication, the inquiry, according to the report noted that the three sectors are essential for addressing basic needs for all persons and yet they pose significant difficulties for the PWDs. The inquiry established that there is lack of planning in regard to incorporation of the

PWDs needs related to transport, communication and housing. It is for instance found out that at district levels, planning for the needs of the PWDs is still ad hoc although there is good will to adjust some facilities for their (PWDs) benefit. It was pointed out in the Report that there is need to consult PWDs and their organizations during the process of law reform, policy formulation and programme design, so as to ensure that their needs are adequately catered for.

According to UNAPD's Publications of Selected Legal Provisions in Domestic and International Laws on Physical Accessibility, it stated that the Persons with Disability Act, 2006,²⁷ makes it the responsibility of all organs in the public or private institutions to provide suitable entrances and exits for PWDs and universal standards or designs for public toilets. This implies that all public or private institutions/buildings should have wide doors that can easily be accessed by persons with physical disabilities especially wheelchair users, all toilets, latrines whether public or private should comply to the accessibility standards developed by UNAPD in collaboration with other stakeholders.

It also stated that **Section 20** puts a duty to every person who constructs a building for public use to ensure that PWDs have access through provision of:

- a) Accessible and easy to find building entrances, with accessible pathways to indoor or outdoor parking areas, local public transit stops accessible elevators.
- b) Safe and accessible urinals and bathrooms.
- c) Safe and well dimensioned stair cases, ramps, adequate rails and well dimensioned elevators, which serve all floors normally reached by the public. Platform lifts are also encouraged where installation of a ramp is difficult or was unforeseeable.

The above provisions show that the law recognizes that entrances and pathways linking to the buildings, parking and elevators/lifts should all be wide enough and accessible to PWDs using all types of wheel chairs, urinals in men's toilets should also be wide enough with non-slippery floor tiles.

UNAPD also stated that **Section 22** of the same Act requires availability of accessible transport services of PWDs who use mobility devices such as crutches and/or calipers, or wheelchairs.

²⁷ Section 19

This implies that transport systems like aeroplanes, trains, taxis, buses and motorcycles should be accessible to PWDs.

UNAPD, under its Publication stated that **Section 132** (paragraph 0) states that there should be adequate safety for cyclists, pedestrians and PWDs on the roads, by particularly constructing a track or ramp for special use by PWDs. This depicts that all roads with heavy traffic should have safe crossing points and accessible pathways for PWDs.

3.2. The causes and effects of discrimination of people with disabilities in accessing social services in Lira District Northern-Uganda

The second objective to this study investigated the causes and effects of discrimination of people with disabilities in Northern. To obtain findings from this objective, the researcher requested the respondents to explain the major causes of discrimination in their respective areas and the effects that emanate from such causes. Some of the major causes that the respondents stated are; the disability, poor implementation of laws, negative and discriminatory societal attitudes and mistrust by the society. The responses to the above questionnaire are analyzed as seen below;

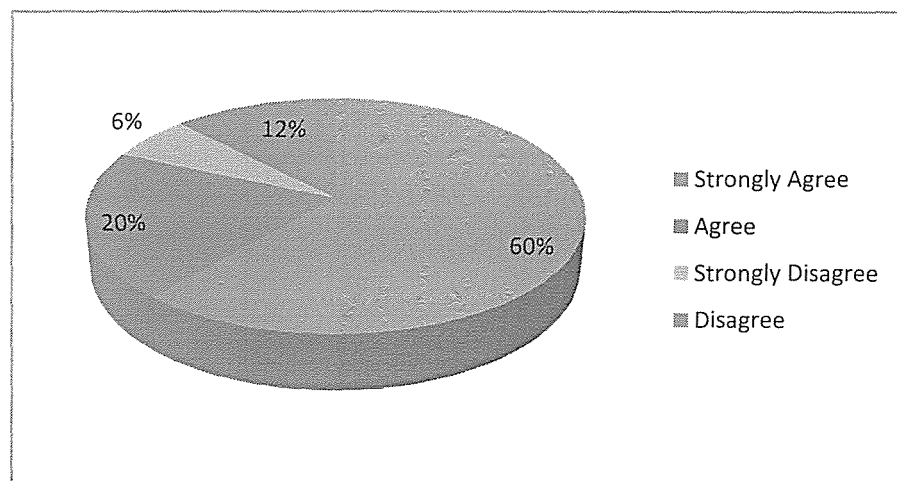
Table 6: (a) Disability is the cause of discrimination of people with disabilities for instance in the employment sector.

People with disabilities are discriminated against because of their disabilities for instance in employment sector in Lira District Northern Uganda	Frequency (fx)	Percentage (%)
Strongly agree	15	60
Agree	5	20
Strongly disagree	2	6
Disagree	3	12
Total	25	100

Source: Primary Data

The results in the table 4.2 (a) are elaborated below in the pie chart

Figure 6: Disability is the cause of discrimination against PWD for instance in employment sector in Lira



The table and pie chart above reveal that people with disabilities are discriminated against because of their disability. The majority respondents, that is, 15 (or 60%) who strongly agreed that disability is the cause of this discrimination said that this cause is mostly depicted in the employment sector where inability is and therefore to employ a disabled person would be incurring more liabilities. That is why even a person with a disability is qualified; he or she cannot be offered any job because employers are unwilling to risk incurring extra costs of maintaining them on the job.

This is quite unfortunate and absurd in that according to them (the respondents), this affects them in their daily lives in that some of them end up being very poor as beggars on streets cobblers and also do other types of work yet they might be having the qualifications to be employed in any sector. To achieve this objective, the researcher also used ex post facto whereby he got information from the Uganda Human Rights Commission Report under which the commission points out the need to domesticate the UN standard rules on the equalization of opportunities for PWDs so that they (rules) become part of the ongoing employment within the public and private sectors in Uganda.

This discrimination based on disability is also in contravention of the law. The Constitution of the Republic of Uganda 1995, as amended²⁸ provides that every person in Uganda has the right to practice his or her profession and to carry on any lawful occupation, trade or business. It gives powers to parliament to enact laws to ensure that work is done under satisfactory, safe and healthy conditions, with equal payment for equal work without discrimination. Therefore, the employers should not discriminate PWDs due to their disabilities since they (PWDs) are entitled to a right to directly get involved in business and to be given jobs both in private and public sectors, provided that they have the qualifications. The working premises including the general outside environment should be accessible.

Table 7:(b) Poor implementation of the law has caused discrimination of people with disabilities

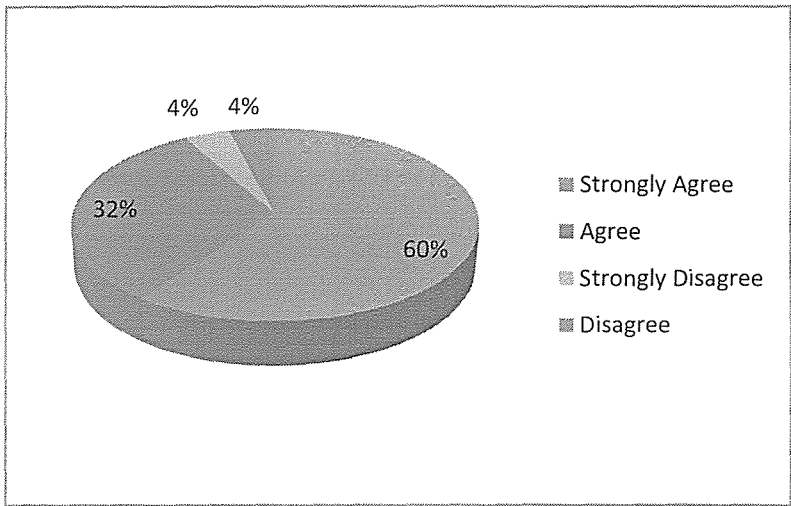
Poor implementation of the law is the cause of discrimination against people with disabilities in Lira District	Frequency (fx)	Percentage (%)
Strongly Agree	15	60
Agree	8	32
Strongly Disagree	1	4
Disagree	1	4
Total	25	100

Source: Primary Data

The results in table 4.2 (b) are illustrated in the pie chart below;

²⁸ Article 40

Figure 7: Poor implementation of the law is the cause of discrimination against PWDs in Northern



The findings above reveal that majority respondents, strongly agreed and agreed, that is, 15 (or 60%) and 8 (or 32%) respectively that the poor implementation of the existing laws is the cause of discrimination against people with disabilities. Some respondents sighted out the education sector where some people with disabilities do not have access to education and those who have access, find it so hard while studying because of the inaccessibility of the facilities for example the storage classrooms, sloppy environment among others, yet all these are provided for under the law. For instance The Constitution of the Republic of Uganda²⁹ avails a right of education to all persons in Uganda. This implies that all study opportunities given to students/children without disabilities to access education should equally be given to students/children with disabilities without any discrimination.

The persons with Disability Act³⁰, also mandates Government to promote education of PWDs through encouragement of inclusive education and formulating educational policies that promote special needs and requirements of PWDs.

An inclusive educational system is where able-bodied children study together with children with disabilities. The schools should be accessible with wide door entrances, ramps, accessible

²⁹ Article 30

³⁰ Section 5

latrines/toilets and with a relatively flat environment. They should also have special teaching aids and facilities for P'WDs and special needs teachers. The above cause affects the PWDs in that most of them are unable to go to school and this leads to the high illiteracy rate among the PWDs.

Therefore there should be emphasis on the implementation of the existing laws to promote the rights of the people with disabilities. This should be done through the sensitization of both the public and private sector to make them abide by these laws whereby failure to do so would earn one a penalty.

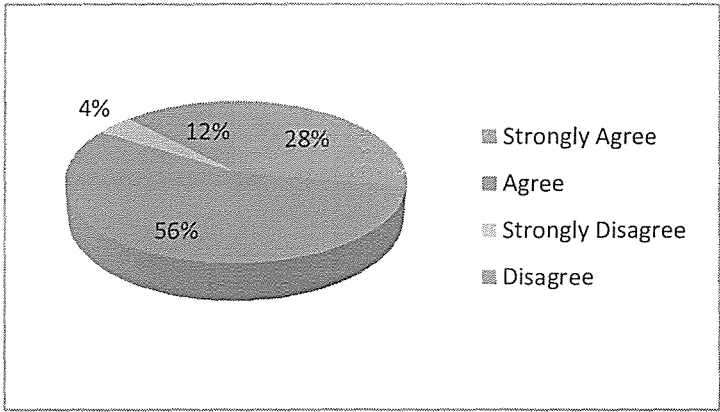
Table 8: (c) Discrimination of people discriminatory societal attitudes

Discrimination of PWDs has been caused by negative and discriminatory societal attitudes in Lira District Northern Uganda	Frequency (fx)	Percentage (%)
Strongly Agree	7	28
Agree	14	56
Strongly Disagree	1	4
Disagree	3	12
Total	25	100

Source: Primary Data

The results in table 4.2 (c) are illustrated in the pie-chart below;

Figure 8: Negative and discriminatory societal attitudes has caused discrimination of PWDS in Northern



According to the above findings majority of the respondents, that is, 14 (or 56%) agreed that PWDS are discriminated because of the negative and discriminatory societal attitudes. One of the respondents said that the society looks at them as non-performers in that they cannot do anything for themselves and the society at large. A certain section of the respondents (the public) confirmed this by stating that a person with a disability who cannot move him or herself from one place to another there is no way he or she can assist a society. This is a poor perception about PWDS by the society because despite of what they are, they are endowed with certain qualities and characters that could be beneficial to the respective societies they belong to. Due to these negative and discriminatory societal attitudes, the PWDS are affected in that they lose their self-esteem, they feel neglected and some others end up committing suicide.

The results in table 4.2(d) are illustrated in the pie chart below;

Mistrust by the society is among the causes of discrimination of PWDS in Northern.

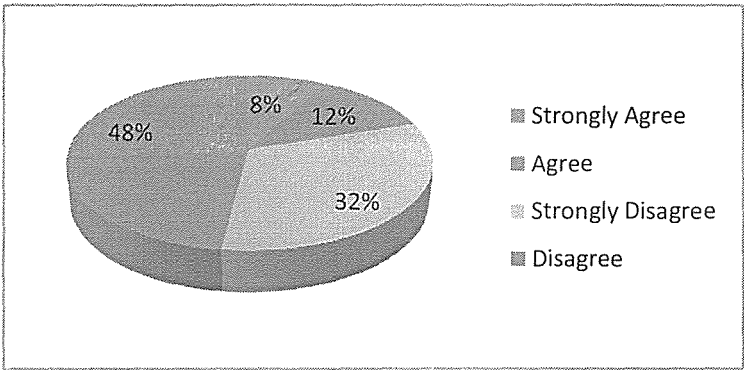
Table 9: (d) Mistrust by the society is Northern-Uganda

Mistrust by the society is among the causes of discrimination of PWDs in northern	Frequency (fx)	Percentage (%)
Strongly agree	2	8
Agree	3	12
Strongly Disagree	8	32
Disagree	12	48
Total	25	100

Source: Primary Data

The results in table (d) are illustrated in the pie chart below;

Figure 9: Mistrust by the society is among the causes of discrimination of PWDs in Northern Uganda



According to the above findings, though 8% and 12% of the respondents strongly agree and agree respectively that mistrust by the society could be among the causes of discrimination of PWDs in Northern Uganda 32% and 48% of the respondents strongly disagreed and disagreed respectively that mistrust is among the causes of discrimination of PWDs. Therefore, this depicts that though society discriminates against PWDs due to several causes, mistrust is not wholly among them.

3.3. The possible reforms to prevent discrimination of PWDs

The third objective requested the respondents to suggest any possible reforms that should be made to prevent the discrimination of PWDs. To obtain the possible reforms to be made, the researcher asked some of the respondents to make suggestions of what should be done to prevent this discrimination. Below are some of the reforms suggested by the respondents?

The public and private sector should be sensitized about how productive the PWDs to the Social, Economic and Political sectors more so for those (PWDs) who have the required qualifications.

The government of Uganda should facilitate and empower the enforcing organs/agents like police with enough skills through offering them educational trainings and refresher courses on matters pertaining the law to get enough knowledge on how to curb discrimination and implement the existing laws and policies in order to eradicate the implementation gap.

The government of Uganda should also embark on national sensitization programmes for all members of the public to create awareness of the need for respecting the rights of people with disabilities.

Government should strengthen community based approaches for the prevention of disability, rehabilitation and empowerment of the PWDs.

Government should allocate more resources for special needs education and for the health of PWDs.

Political representation and participation should be improved so that PWDs are well represented and their participation should be paramount.

Government should develop a policy of public transport that caters for the needs of PWDs.

Government should ensure that all PWDs can access public services and information by providing among other things facilities for sign language and Braille.

Efforts should be made to strengthen habilitation and rehabilitation mechanisms.

CHAPTER FOUR

SUMMARY OF THE FINDINGS, CONCLUSION AND RECOMMENDATIONS

4.0 Introduction

This chapter focuses on summary, conclusion and recommendations related to the rights, causes and effects of discrimination of people with disabilities in accessing social services in Northern Uganda.

4.1 Summary of findings

The study indicates that though there are many rights which the people with disabilities are entitled to, which are being violated in Northern Uganda at large, the most violated and painful are:

The right to education, though according to the findings, under Chapter Four, 52% of the respondents disagree by stating that people with disabilities equally have access to education just like any other able bodied person in Uganda, a lot is desired to cover up the gap of those who are unable to have access to education and this can be done in regard to the recommendations stated below.

The right to employment, according to the findings, under Chapter Four, 48% and 44% of the respondents strongly agreed and agreed respectively that the right to employment of people with disabilities is being violated in the various sectors of the economy. This clearly indicates that there is a lot lacking for this right to be realized to its fullest and this can be done through the use of some of the recommendations stated below.

The right to health services, according to the findings under chapter four, 56% and 36% of the respondents strongly agreed and agreed respectively that the right to health services is being violated since there is excessive inaccessibility of health services by people with disabilities. This depicts that the government has a lot to do to make the PWDs to realize this right and this can be done in regard to the recommendations stated below.

The right to good standard of living, the findings under chapter four clearly shows that most of the PWDs are being exposed to poor standards of living and yet it is for every Uganda as per the law to enjoy good standards of living regardless of their physical or mental nature; Therefore the government should do something to improve the living standards of the PWDs by using some of the recommendations stated below.

The right to housing, transport and communication, according to the findings, people with disabilities do not wholly enjoy this right as it was stated by 48% and 44% of the respondents who strongly agree and agreed respectively that there is excessive inaccessibility of housing facilities, transport and communication. Therefore the government has a lot to do in this sector so as to realize this right and this can be done in regard to the recommendations stated below. The main causes behind the rampant violation of rights of people with disabilities in Northern Uganda and Uganda at large are;

Disability, PWDs is discriminated due to their disability as seen in the findings (chapter four). 60% of the respondents strongly agreed that disability causes discrimination and this is mostly depicted in the employment sector where employers still have the perception that disability is mobility. Therefore the government has a lot to do to erase this perception and this can be done in regard to the researchers' recommendations stated below and other measures the government can put in place.

Poor implementations of the existing laws, PWDs are discriminated due to the poor implementation of the existing laws. According to the findings though there is existence of the laws protecting all Ugandans without any discrimination, some of the law enforcers do not abide by what is stated in the statutes thereby discriminating against PWDs.

The negative and discriminatory societal attitudes, this causes discrimination against PWDs according to the findings under chapter four. The respondents (PWDs) stated that the society looks at them as non-performers in that they cannot do anything for themselves and the society at large. Therefore the government has a lot to do to change this perception of the society and this can be done in regard to some of the researchers' recommendations below.

The effects related to discrimination of people with disabilities are that they are poverty stricken, loose self esteem, they feel neglected and some others end up committing suicide.

4.2. Conclusion

The study sought to test a null hypothesis that “people with disabilities are not discriminated in accessing social services in Northern-Uganda” which according to the findings is rejected and an alternative hypothesis accepted that PWDs are discriminated in accessing social services.

In the final analysis, it can be asserted that the public and private sector employers in Northern Uganda violate the rights of disabled people due to the fact that majority of them still have a false mentality and a wrong perception about disabled people, thinking that their disability definitely means inability. However, this false mentality and wrong perception that the employers and other people have towards disabled people is attributed to nothing else other than the failure of the government and other duty bearers to do enough to ensure adequate promotion and protection of the rights of PWDs.

4.3 Recommendations

The government should ensure that all study opportunities given to students/children without disabilities to access education should equally be given to students/children with disabilities without any discrimination.

Affirmative action should be taken whereby special treatment is given to PWDs to aim at covering up for a long period that PWDs have been left out of main activities. This would depict that physical access to services by PWDs is the key to redressing imbalances.

PWDs must be given the same opportunities as any other students, as regards access to all the institutions’ facilities like lecture rooms, halls of residence, libraries and recreation facilities.

The government should ensure that special treatment is given to PWDs by the admissions committees of universities bearing in mind that PWDs, usually face numerous challenges in schools which certainly affect their academic performances and therefore the need for some special consideration.

The government should make an affirmative action and the relevant incentives (like tax holidays) to be extended to local and foreign investors as an encouragement to create conducive environment that cater for the needs of PWDs. This can lead to the reduction on the cost of materials used in making the changes at their work place.

The government should ensure that every employer puts up ramps and rails on all their buildings, make their toilets latrines wide enough and carryout similar changes on their work premises, for easy use of such facilities by PWDs.

The government should also ensure that PWDs are not mistreated or disrespected in trade unions, industrial courts and a minister responsible for labour has a duty to promote such equality.

Employers should ensure that work premises should not be limiting employees with disabilities from accessing any parts of facilities at the work place.

The government of Uganda should intervene to facilitate enjoyment of PWDs right to health services through the expansion of the scope of health services and the needs to provide at least one full-fledged center per district to cater for the whole range of disabilities in health service delivery, provision of special disability-related health services in hospitals like accessible delivery beds for mothers with physical disabilities, among others.

The government should provide health services in accessible health units/structures which can be easily reached by PWDs to avoid secondary disabilities.

The government should do all it can to enable PWDs to live independently, through availing them with mobility appliances like wheel barrows, crutches, calipers and an accessible environment where such appliances can be easily used.

Standards and policies should be developed and accessibility audits undertaken to promote the progressive accessibility of public facilities and services, and in turn the full participation of PWDs in all aspects of life.

There should be a call for the development of a comprehensive policy to regulate the transport sector by giving a requirement for all PSVs to have reserved places for people with disabilities, space for their assistive devices, access ramps and designated stops.

For communication, the government should sponsor/employ sign language interpreters in all major public offices to facilitate communication by putting in place Braille or talking watches, white comes and wheelchairs for the PWDs.

The entrances and pathways linking to the buildings, parking and elevators/lights should all be wide enough and accessible to PWDs.

The government should ensure that transport systems like aeroplanes, trains, taxis, buses and motorcycles should be accessible to PWDs.

The government should promote the availability of knowledge on use of assistive devices and technologies designed for persons with disabilities, as they relate to habilitation and rehabilitation.

The government should facilitate and empower the enforcing organs/agents like police with enough skills through offering them educational training and refresher courses on matters pertaining the law to get enough knowledge on how to curb discrimination and implement the existing laws and policies in order to eradicate the implementation gap.

The government should also embark on national sensitization programmes for all members of the public to create awareness of the need for respecting the rights of people with disabilities with the assistance of UHRC and NCD.

4.4. Areas for further study

Despite the efforts put in by the researcher in tacking this topic, he cannot convince himself that he has exhausted it 100%. This therefore gives room for further study by anyone who might be interested in areas like history of human rights, fundamental human rights, statistics of violation of human rights among others, human rights violation in the rest of the districts of Uganda and other parts of the world.

BIBLIOGRAPHY

TEXT BOOKS

The Universal Declaration of Human Rights, 1948

The constitution of the republic of Uganda, as amended 1995

The persons with Disabilities act, and the related acts on disability 2006

The Employment Act 2006

The Occupational Safety and Health Act, 2006

Maria Kangere, A paper presented at an expert meeting for Inclusion disability in Dutch Development Cooperation Policy and Practice, September 16th 2003

Amin, M.E social science research conception methodology and analysis. Kampala Makerere University 2005.

Brehn, J & Cothen, A. Exploration in Cognitive Dissonance. New York Wiley 1962

Festinger, L. A Theory of Cognitive Dissonance. Stanford. Ca Stanford University Press 1957.

Wick land, R and Brehm, J. Perspectives on Cognitive Dissonance. NY1976:

International Labour Organization, A report on Discrimination at work places
<http://www.ilo.org/global/lang-en/index.htm>.

NUDIPU.HIV/AIDS and Disability” NUDIPU’S experience: A paper presented by Murangira Ambrose, Member National Youth Council and National Youth.

DICTIONARIES

Ndeezi, Alex, The Disability Movement in Uganda: Progress and Challenges with constitutional and legal provision on disability. NUDIPU. 1999.

JOURNALS.

Festinger , L. & Carlsmith, J.M. Cognitive Consequences of Forced Compliance. Journal of Abnormal and Social Psychology, 58, 203-210. 1959.

WEBSITE:

Lance Armstrong Foundation (<http://www.livestrong.com/article/14729-handling-discrimination/#ixzzldemwrumx>); (accessed 18/11/2009)