

**A RIGHT TO INCLUSIVE EDUCATION FOR PERSONS WITH DISABILITIES IN
UNIVERSITIES IN UGANDA**

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APPROVAL

This dissertation has been submitted for examination with my approval as University Supervisor

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DEDICATION

I dedicate this dissertation with love and gratitude to my family. To my father, Dr. Emong Paul, whose wisdom and endless support guided me every step of the way. To my mother, Isakuny Evaline Ogole, whose presence gave me the strength to keep going. To my siblings, for their love, belief in me during the toughest moments. And to myself for the perseverance, I poured into the journey.

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To the persons with disabilities, I acknowledge your everyday fight for an inclusive society. May this dissertation serve as a contribution and offer guidance in advancing your cause for an inclusive education.

ABSTRACT

Uganda has progressive laws and policies that promote inclusive education at all levels. This dissertation examines the realization of the right to inclusive education for persons with disabilities in universities. The study uses desktop research to look at legal documents, policies, and academic writings. The study finds that some public universities have made efforts like creating disability support centres and admitting students with disabilities through an affirmative action scheme. However, most private universities fall short of this practice. Generally, in both public and private universities, students with disabilities are experiencing exclusion due to inaccessible buildings, a lack of support services, and limited awareness among university staff. This dissertation recommends staff training on disability inclusion, increasing funding, modifying infrastructure, adapting ICT and library services, and implementing disability policies to realize disability inclusion in universities.

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CHAPTER ONE

GENERAL BACKGROUND

1.0 Introduction

1.1 Background of the Study

Education is a fundamental human right, a key to social and economic development, and an enabling right. Paulo Freire focuses on education as a tool for social liberation and empowerment, challenging oppressive structures.¹ Inclusive education ensures all learners, irrespective of their diversities and backgrounds, should be accorded equitable and quality education in their communities.² Inclusive education is a system of education where a learner with a disability is taught together with the other learners, in the same environment, and where, if required, extra support is given to the learner with a disability.³ The right to inclusive education for persons with disabilities is recognized under various international, regional, domestic legal, and pragmatic frameworks, emphasizing equality and nondiscrimination in education.

In Uganda, the right to inclusive education for persons with disabilities is enshrined in the Constitution,⁴ The Universities and Other Tertiary Institutions Act⁵ and the

¹Paulo Freire: Education for Liberation. Available at <https://www.folkhighschool.com/pioneers/freire/> (accessed on 16 May 2025)

²The Oxford Review, Inclusive Education-Definition and Explanation. Available at <https://oxford-review.com/the-oxford-review-dei-diversity-equity-and-inclusion-dictionary/inclusive-education-definition-and-explanation/> (accessed on 16th May 2025)

³ Persons with Disabilities Act, Sec. 6(10)

⁴ Infra in chapter 3

⁵ Infra in chapter 3

Persons with Disabilities Act.⁶ These legal instruments mandate institutions of higher learning to ensure a conducive, accessible, and equitable learning environment for persons with disabilities.⁷ Despite these legal provisions, many universities in Uganda still find it challenging to realize inclusive education.⁸ Thus, leaving students with disabilities at a disadvantage.

1.2 Problem Statement

Inclusive education was originally focused on learners in lower levels of education. However, over time, due to progress by learners with disabilities from lower levels of education to higher education, there is a growing need for inclusive education in universities.⁹ However, many Ugandan universities lack the necessary infrastructure, assistive technologies, and support systems to cater to students with disabilities.¹⁰ Abdu, W.J., Okech, J.B., & Yuwono, (2020), observe that “Issues such as inaccessible lecture halls, limited learning materials in braille, inadequately trained staff, and negative social attitudes continue to hinder disability inclusion in universities.”¹¹

⁶ Infra in chapter 3

⁷Special Needs & Inclusive Education-Ministry of Education and Sports. Available at <https://www.education.go.ug/special-needs-inclusive-education/> (accessed on 16 May 2025)

⁸ Emong, P., Eron, L. (2016), “Disability Inclusion in Higher Education in Uganda: Status and Strategies”, 5 *African Journal of Disability* Available at <http://dx.doi.org/10.4102/ajod.v5i1.193> accessed on (1st May,2025)

⁹Moriña, A. (2017) “Inclusive education in higher education: challenges and opportunities”, 32 *European Journal of Special Needs Education*, 3-17

¹⁰ Emong P. & Anica Z, 2023. "Exploring equality and non-discrimination of disabled students in policy and practice in public universities in Uganda," Chapters, in: Sally Robinson & Karen R. Fisher (ed.), Research Handbook on Disability Policy, chapter 36, pages 421-436, Edward Elgar Publishing

¹¹ Abdu, W.J., Okech, J.B., & Yuwono, I (2020) “Challenges Faced by Students with Special Needs in Universities: Implications on their Retention” 7 *European Journal Molecular and Clinical Medicine* 888-899

Considering the above, it is crucial to examine the realization of disability inclusion in Ugandan universities. particularly the legal provisions on disability inclusion, how universities are applying those legal provisions, and to propose measures for enhancing inclusive education in universities.

1.3 Research Objectives

1.3.1 General Objective

The general objective of the study is to examine the realization of a right to inclusive education for persons with disabilities in universities in Uganda.

1.3.2 Specific Objectives

1. To analyze the legal and policy framework governing disability inclusion for persons with disabilities in Ugandan universities.
2. To assess the challenges faced by students with disabilities in accessing and participating in university education.
3. To evaluate the effectiveness of existing measures and interventions aimed at promoting inclusive education in Ugandan universities.

1.4 Research Questions

1. What are the legal and policy frameworks governing inclusive education for persons with disabilities in Ugandan universities?
2. What are the challenges faced by students with disabilities in assessing and fully participating in university education?

3. How effective are the existing measures and interventions aimed at promoting inclusive education in Ugandan universities?

1.5 Significance of the Study

This study is significant as its findings have contributed to highlighting the state of disability inclusion in Ugandan universities. The findings are also beneficial to policymakers, university administrators, disability rights activists, and students with disabilities by showcasing areas that require policy reforms and practical interventions. The study has also provided recommendations for realizing disability inclusion in universities. To me, as a researcher, the study has enabled me to gain knowledge and skills in legal research and has contributed to my earning a Bachelor of Laws degree.

1.6 Scope of the Study

This study focused on both public and private universities' compliance with the legal and policy framework of inclusive education for persons with disabilities. The research covered policies and practices from the past 10 years, assessed programs, and identified gaps in implementation.

1.7. Literature Review

1.7.1 Introduction

This section reviewed relevant literature on the right to inclusive education for persons with disabilities in universities. It assessed literature on access to and

participation of students and institutional interventions on disability inclusion. The review highlights the best practices that Ugandan universities can adopt to improve inclusivity in higher education, and addressed gaps in implementation.

1.7.2 The Concept of Inclusive Education

Inclusive education is a teaching approach that aims to ensure that all students, regardless of their background, have equal opportunities in education and learning within their communities. According to UNESCO (2009), inclusive education is key to achieving equal opportunities and eliminating educational discrimination. Scholars like Mel Ainscow argue that inclusivity aims at the reduction of barriers in learning, full participation of all students, and an increase in the school's ability to accommodate all students regardless of their differences.¹² However, many institutions globally struggle to implement comprehensive, inclusive education systems due to financial and structural limitations, as argued by Lani Florian.

1.7.3 Challenges Facing Students with Disabilities in Ugandan Universities

A comprehensive study on Challenges faced by students with special needs in universities: implications on their retention¹³ which identified barriers, assessed the impact on academic continuity, and proposed interventions. The challenges emphasized were accessibility barriers to support the students with disabilities,

¹² Ainscow, M. (2020). Promoting inclusion and equity in education: lessons from international experiences. *Nordic Journal of Studies in Educational Policy*, 6(1), 7-16.

<https://doi.org/10.1080/20020317.2020.1729587> (accessed on 21st May,2025)

¹³ Supra note 11

limited support services, negative attitude and stigma that affect their self-esteem and motivation, policy and implementation gaps, and financial constraints.

1.7.4 Evaluating the Effectiveness of Existing Measures and Institutional Responses

Several Ugandan universities have attempted to promote inclusive education: Makerere University's Disability Support Centre aims to create an inclusive environment for students with disabilities, ensuring they have access to the resources and support they need to succeed academically. This is seen through initiatives like the MakRun 2024. Alternatively, the university has directed attention to ensuring accessible and comfortable accommodations for students with Disabilities by having designated accessible hostels and rooms. The University provides salaries, lodging, and meals for helpers who assist students with disabilities.¹⁴ Kyambogo University's Special Needs Education Department trains teachers in inclusive education. The institution also hosted the first East African Disability-Inclusive Education Conference in November 2024 to explore strategies for advocating disability inclusive education.¹⁵

However, evaluations of these programs indicate significant short comings: Limited reach: Makerere Disability Support Centre serves only a fraction of students with disabilities and funding constraints limit its expansion, Lack of integration while Kyambogo University trains teachers in inclusive education, most universities do not

¹⁴Prof.Nawangwe calls for Increased Government Sponsorship for Students with Disabilities. By Mak Editor <https://news.mak.ac.ug/2024/11/prof-nawangwe-calls-for-increased-government-sponsorship-for-students-with-disabilities/> (accessed on 16th May 2025)

¹⁵Kyambogo Hosts First East African Disability-Inclusive Education Conference by Salmah Nawanje (2024). Available at <https://nilepost.co.ug/news/226451/kyambogo-hosts-first-east-african-disability-inclusive-education-conference> (accessed on 16th May 2025)

make disability training mandatory for lecturers and ineffective policy implementation; some universities have policies on inclusive education but lack clear action plans or monitoring mechanisms to ensure compliance.

Comparative studies suggest that Uganda could learn from countries like Kenya, which has integrated disability friendly learning management systems in universities, and South Africa, where legislation mandates disability officers in all higher education institutions. (Larsen & Gash, 2020).

1.7.5 Research Gaps

While several studies have examined inclusive education in Uganda, most focus on primary and secondary education. There is limited research on the actual implementation of inclusive education policies at the university level. Additionally, few studies evaluate the effectiveness of interventions, making it difficult to determine best practices for Ugandan universities. This study seeks to fill these gaps by critically examining Ugandan universities' practices in disability inclusion by evaluating policy implementation and proposing measures to enhance inclusivity.

1.7.6 Conclusion

This chapter reviewed literature on the challenges and institutional responses to inclusive education for students with disabilities in Ugandan universities. While Uganda has progressive legal provisions, implementation gaps persist, limiting access to higher education for students with disabilities.

1.8 Methodology

1.8.1 Introduction

This chapter outlines the methodology used to guide the research on the right to inclusive education for persons with disabilities in universities in Uganda. Given the nature of the study, qualitative desktop research has been adopted.

1.8.2 Theoretical Framework

A theoretical framework studies existing theories, concepts, or models related to the topic. It connects the research problem to the established theories.

1.8.3 Conceptual framework

This centers on “inclusive education” as shaped by several interacting elements such as physical accessibility, academic support, institutional structures, and social environment. These factors influence whether students with disabilities can fully participate in university life.

1.8.4 Justification of the Methodology

The conceptual framework is best suited for this study because it shifts attention from the limitations of the students to the failures of the institutions to adapt. The conceptual framework details the structural and social necessities for effective inclusion.

1.9 Limitations

This study is limited by its exclusive reliance on existing literature and does not cover the real-life experiences of students with disabilities who face new challenges every day. Despite this, this study remains valuable by integrating existing academic literature and generating informed recommendations.

1.10 Conclusion

Inclusive education in Ugandan universities remains a significant challenge. Most of the challenges are attributed to physical inaccessibility, lack of academic support, untrained staff on disability inclusion, and weak implementation of legal commitments to disability inclusion. The study recommends that universities adopt a systematic approach to inclusion that simultaneously addresses key disability barriers.

CHAPTER TWO

NON-LEGAL ASPECTS OF INCLUSIVE EDUCATION

2.0 Introduction

Inclusive Education is a social concept that recognizes diversity in learners and calls for equal opportunities in an educational institution to attain educational outcomes of all learners irrespective of their diversity and backgrounds. It seeks to eliminate exclusion that results from barriers to education based on diversity in learning needs. This chapter discusses the non-legal aspects influencing the realization of inclusive education for persons with disabilities in Ugandan universities. The chapter highlights social, institutional, infrastructural, and attitudinal factors impacting disability inclusion.

2.1 Conceptualizing Inclusive Education and Disability

Inclusive Education and Disability are concepts that have developed significantly over time due to legal and pragmatic approaches requiring an equitable society. Understanding how disability is conceptualized in society and how inclusive education is applied is fundamental to framing the right to inclusive education for persons with disabilities in Ugandan universities.

Inclusive education is an educational approach that ensures that all learners, regardless of their backgrounds, abilities, or disabilities, have equal access to quality

education within their communities.¹⁶ This emphasizes equality, nondiscrimination, and social justice. Thus, inclusive education is not merely a placement issue of learners with disabilities in educational institutions, but requires a systematic reform of the whole education system to promote equity and participation. Globally, the Salamanca Statement (1994), on Special Needs Education, calls for restructuring ordinary schools to accommodate learners with special education needs.¹⁷ It calls for a learner-centered approach, flexible, and adaptable to every child's needs and potential. In Uganda, the Ministry of Education and Sports guides that, inclusive education involves changing attitudes, behavior, adapting curriculum and teaching methods, modifying the environment, and allocating human and financial resources to meet the educational needs of all learners.¹⁸ It also involves restructuring educational institutions' culture, policies, and practices to accommodate all learners, regardless of their disability (UNESCO,2009).¹⁹

Similarly, in the university setting, inclusive education entails adaptations in teaching methods and assessment mechanisms, physical environments, and social support structures for equitable access and participation of students with disabilities.²⁰ Given the increasing number of students with disabilities joining universities,²¹ Inclusive

¹⁶Inclusive Education: Embracing Diversity and Empowering Every Learner (2023) <https://www.educationadvanced.com/blog/inclusive-education> (accessed on 16th May 16, 2025)

¹⁷ UNESCO, The Salamanca Statement and Framework for Action on Special Needs Education (UNESCO 1994) para 2

¹⁸Special Needs & Inclusive Education- Ministry of Education and Sports. Available at <https://www.education.go.ug/special-needs-inclusive-education> (accessed on 10th May 2025)

¹⁹ UNESCO, Policy Guidelines on Inclusion in Education (UNESCO 2009) 8

²⁰ Nizeyimana, P., Kagambe,E., Kasiita,T., Kitembo,M., Aturinda,J & Kang'ahi,M. (2024) "Assessment and Participation of Students with Special Needs in Public Universities" 7 *East African Journal of Vocational Studies* 463-478

²¹ Supra note 8

Education challenges universities to be proactive rather than reactive in ensuring disability inclusion.

Like the meaning of inclusive education, the meaning of disability has also evolved. Today, disability is conceptualized in four main ways referred to as models of disability:²² the medical, charity, social, and human rights models.²³ Under the medical model, disability is viewed as a problem to be cured, treated, or managed.²⁴ Historically, leading to segregation, marginalization of people with disabilities from mainstream services. The charity model perceives people with disabilities as charity objects requiring sympathy. This view perpetuates dependency among people with disabilities.²⁵ Over time, disability shifted to be viewed as a social and human rights issue, attributing that disability is a result of the interaction between a person's impairment and the environment a person lives.²⁶ Similarly, in education, as far as the social and human rights models of disabilities are concerned, discrimination against students with disabilities is largely based on the institution's discriminatory environment rather than the student's impairment. It calls for higher education institutions and adapted ICT to accommodate persons with disabilities.

²² Oliver, Mike. (2013). The social model of disability: Thirty years on. *Disability & Society*, 28(7), 1024-1026

²³ Berghs M, Atkin K, Graham H, et al. Implications for public health research of models and theories of disability: a scoping study and evidence synthesis. Southampton (UK): NIHR Journals Library; 2016 Jul. (Public Health Research, No. 4.8.) Chapter 3, Scoping models and theories of disability. Available from: <https://www.ncbi.nlm.nih.gov/books/NBK378951/> (accessed on 10th May, 2025)

²⁴ Tom Shakespeare, 'The Social Model of Disability' in Lennard J Davis (ed), *The Disability Studies Reader* (3rd edn, Routledge 2010) 266

²⁵ Griffo, G. (2014) 'Models of disability, ideas of justice, and the challenge of full participation', *Modern Italy*, 19(2), pp. 147-159. doi:10.1080/13532944.2014.910502

²⁶ Supra note 22

Inclusive education and Disability inclusion must therefore be grounded in a broader understanding of social justice, equity, and institutional transformation. This challenges universities to move beyond tokenistic inclusion towards genuine reform that values diversity and ensures equal opportunities for all learners.²⁷ In Uganda, some universities have taken steps to adopt inclusive education practices through implementing affirmative action in admissions and providing some reasonable accommodation in teaching and assessment.²⁸ However, these efforts are often fragmented, underfunded, and dependent on individuals' discretion rather than systematic university commitment.²⁹

2.2 Attitudinal Barriers

Attitudinal barriers are deeply rooted in societal, institutional, and cultural perceptions that often view disability through a lens of deficit, dependence, and even stigmatize it. As such, persons with disabilities face stigma right from the family level to the community level as they are often treated as 'special' or 'different'.³⁰ Such perceptions influence how they are supported to pursue higher education. In universities, they manifest in social interactions, institutional policies, academic expectations, and administrative practices, and they influence how disability is addressed by university leadership. As such, inclusion efforts are often treated as acts

²⁷ Mugo, S., Puplampu, K.P. Beyond tokenism and objectivity: theoretical reflections on a transformative equity, diversity, and inclusion agenda for higher education in Canada. *SN Soc Sci* 2, 209 (2022). <https://doi.org/10.1007/s43545-022-00509-2> (accessed on 16th May 16, 2025)

²⁸ Supra note 8

²⁹ Supra note 8

³⁰ <https://nudipu.org/wp/wp-content/uploads/2023/10/Disability-Rights-in-Uganda-Dec-2019.pdf> (accessed 16th May 16, 2025)

of good service rather than as rights-based obligations. Disability inclusion is commonly left to the discretion of individual staff or departments rather than being embedded in institutional strategy.

Most university staff lack awareness about disability and the related learning needs of these students, leading to limited practice of inclusive education.³¹ This perception creates a climate of exclusion, where students may be physically present in the university but remain marginalized.

This marginal status is reflected in the invisibility of disability related-issues in university policies, staff training, and student activities.³² Morina, L., and Carballo, R., argue that disability awareness in universities is key to minimizing some of the barriers faced by students with disabilities.³³ For example, it enhances peer-to-peer interactions relevant in group work, social events, or student leadership positions. The absence of structured peer support mechanisms, such as mentorship programs or inclusive student unions, leads to social exclusion.

Studies in disability inclusion suggest attitudinal change realized through disability awareness programs.³⁴ This may lead to a change of policy, practices, a change of mindset set and disability mainstreaming in the university community.

³¹ Sikoyo, L., Ezati, B., Nampijja, D., Asimwe, J., Walimbwa, M., & Okot, D. (2023). "Staff Capacities for Inclusive Teaching and Learning of Students with Visual Impairment: A Case of Public Universities in Uganda", 6 *East African Journal of Education Studies*, 174-191

³² Supra note 8

³³ Morina, L., Carballo, R., (2017). "The Impact of Faculty training program on inclusive education and disability", 65 *Evaluation and Program Planning*, 77-83

³⁴ UNESCO, 'Guide for Ensuring Inclusion and Equity in Education' (UNESCO 2017) 24

In conclusion, addressing attitudinal barriers requires not only legal mandates but also deliberate cultural and institutional transformation driven by university leadership and disability advocacy.

2.3 Environmental and Infrastructural Barriers

Environmental and Infrastructure barriers refer to the physical and technological conditions that limit or prevent equitable access and participation limit and prevent equitable access and participation for persons with disabilities from accessing and participating equally in education. They include the built environment, information, and communication technologies. While Uganda's legal and policy frameworks mandate accessibility, in practice, most institutions of higher learning remain physically and technologically ill-equipped to support students with diverse abilities. The lack of disability-friendly infrastructure and non-adapted ICT limits access to buildings and information, reinforcing the exclusion of students with disabilities in universities.³⁵

In Uganda, most universities were not designed with universal accessibility in mind. Therefore, in the old buildings, lecture halls, administrative buildings, halls of residence, libraries, sanitary facilities, and dining, often lack basic features such as ramps, elevators, handrails, tactile guides, or wide doorways. As a result, students with physical impairments face significant challenges in navigating campus facilities, and students in wheelchairs are forced to depend on others to carry them up

³⁵ Supra note 8

staircases. These everyday experiences illustrate how inaccessible physical environments can undermine academic participation and psychological well-being.

In some instances, while lecturers are on the ground floor, they can remain exclusionary to students using wheelchairs because of fixed seats, raised platforms, or narrow spaces between seats; this is a hindrance for mobility-impaired students from positioning themselves comfortably.

Access to information in accessible formats for the blind and those with low vision, such as braille, large print, or audio, and a limited supply of assistive technologies, including screen readers, text magnifiers, and captioning software, contributes to the exclusion of these students in universities. Similarly, for the deaf, a lack of sign language interpreters excludes them from most of the university programmes.

However, there is increasing digitization of higher education following the COVID-19 pandemic lockdown that popularized online teaching and learning. Online learning platforms have developed, but they have not fully adapted to be accessible to some categories of disabilities. Also, university websites, learning management systems, and e-resources are rarely designed with accessibility standards such as the Web Content accessibility Guidelines (WCAG) in mind.³⁶ Generally, students with visual impairments face difficulties navigating online teaching platforms, accessing recorded lectures, or participating in online assessments.³⁷ In addition, there is a significant

³⁶World Wide Web Consortium (W3C) 'Web Content Accessibility Guidelines (WCAG) 2.1' <https://www.w3.org/TR/WCAG21/> (accessed 4th May, 2025)

³⁷ Amin, A. S, Sarnon,N., Akhir,N. M, Zakaria, S M & Badri, R.N.F.R.Z (2021) "Main Challenges Faced by Students with Visual Impairment at Higher Education Institutions", 10 *International Journal of Academic Research in Business and Social Sciences*,734-747

lack of awareness among institutional planners regarding the principles of universal design, and even while awareness exists, implementation is inconsistent.³⁸ The absence of inclusive design guidelines, accessibility audits, or penalties for non-compliance means that accessibility remains a low institutional priority.

To address these barriers, universities must institutionalize accessibility through deliberate infrastructure planning, budgetary allocations, and technical training. This requires universities to identify the physical-related challenges experienced and modify some of the furniture. Accessibility should not be treated as an add-on-but as a core requirement of quality education. Only through systematic transformation of the learning environment can universities fulfill the right to inclusive education for all students.

2.4 Institutional Practices and Capacity Gaps

Universities' institutional practices and capacity gaps on disability significantly influence the extent to which universities promote inclusive education for people with disabilities. Institutional practices are the establishment of the institution to promote disability inclusion. In Ugandan universities, these institutional practices include policies, guidelines, and established organs and procedures on disability inclusion. Capacity gaps include knowledge of staff on disability, resources, adapted ICT, disability support personnel like the sign language interpreters and sighted guides, and devices for disability assessment and support. The capacity gaps affect

³⁸ Olodeolu, M., Alokun, A., Alagbe, O., Egwabor, J., & Buseri, J. (2024) "Exploring Universal Design Principles in the Built Environment: An Empirical Review", 16 *African Journal of Environmental Sciences and Renewable Energy*, 84-98

policy implementation and administrative coordination to create an inclusive university environment for people with disabilities.

Establish organs on disability inclusion: Some universities, such as Makerere,³⁹ Kyambogo and Makerere University Business School (MUBS) have disability support centers, while other universities support students with disabilities under the dean of students. The role of these support centres, as it can be drawn from Kyambogo University Support Centre is to; undertake overall coordination of all matters of inclusion, plan all programs that come up with disability inclusion, mobilisation of students with disabilities, assess the students with disabilities to determine their learning needs and present them to academic units for management, support the students with disability allowance to meet their disability related needs and provide the disabled with disability assistive devices. While some universities have disability resource centres, “The support services for students with disabilities are only in public universities, and even then, it is for the students supported by the government.”⁴⁰ Disability resource centres have inadequate budgets and are understaffed.

People with disabilities are represented in Universities' institutional decision-making structures, such as the University Councils and Students Guild Representative Councils and Cabinets. However, they lack meaningful participation from people with disabilities, as their voice is not heard.

³⁹Makerere University, ‘Disability Resource Centre Report 2021’ (Makerere DRC, 2021) <https://drc.mak.ac.ug/reports> (accessed 4th May, 2025)

⁴⁰Supra note 8

Institutional Policies on disability: A university policy on disability is the institution's political commitment to disability inclusion,⁴¹ as it operationalizes the national laws and policies relating to disability, such as the Persons with Disabilities Act. Government universities and as well as some private universities, have adopted disability policies. However, there is considerable variation in how universities interpret and implement inclusion, often leaving staff and students with disabilities vulnerable to exclusion. In universities where policies do not exist, implementation is typically ad hoc and most often at the discretion of individuals.⁴²

Institutional gaps on disability inclusion: The absence of reliable data on staff and students with disabilities - disaggregated records indicating the number, types, and needs of students with disabilities. "Kyambogo University, as per its report in 2024, had a total of 158 students with disabilities. The report also highlighted the challenges the students faced, which limit inclusive education.⁴³ The failure to collect such data undermines planning, budgeting, and service delivery, and often results in the invisibility of students with disabilities in institutional reporting and academic planning. Without accurate data, universities are unable to identify gaps, allocate resources appropriately, or monitor progress towards inclusive education goals.

Most academic staff have not trained in inclusive pedagogy, consequently, lectures, assessments, and course materials are often delivered in formats that do not

⁴¹Nampewo, Z., & Musoke, H. D. (2019). *Baseline Survey on Disability in Makerere University*. Kampala, Uganda

⁴²Emong P. & Anica Z, 2023. "Exploring equality and non-discrimination of disabled students in policy and practice in public universities in Uganda," Chapters, in: Sally Robinson & Karen R. Fisher (ed.), *Research Handbook on Disability Policy*, chapter 36, pages 421-436, Edward Elgar Publishing

⁴³Kyambogo University, Disability Support Services Center (2024). "Technical Assessment of the Learning Needs of Students with Disabilities & Other Special Needs"

accommodate learners' disabilities. Thereby excluding blind or deaf students from content delivery, and similarly in examinations and other assessments.

Some academics express uncertainty in supporting students with disabilities, if the provision of reasonable accommodation and affirmative action might compromise academic standards or lead to favoritism. This also influences the way disability is included in academic programmes.

Limited finances: Universities in Uganda operate under tight financial constraints, with most public institutions dependent on government support that is often insufficient to meet even core academic and operational needs.⁴⁴ Within such constrained environments, inclusive education rarely features as a line item in institutional budgets. The acquisition of assistive devices and, development of accessible materials is often regarded as a luxury rather than an institutional obligation. This reliance leads to unsustainable disability inclusion efforts.

Technological barriers are equally formidable. Assistive technologies are critical to enabling students with disabilities to participate fully in academic life. These include hardware (such as refreshable braille displays, adapted keyboards, or hearing aids) and software (such as screen readers, voice recognition tools, and captioning systems). However, most universities in Uganda lack institutional frameworks for acquiring, maintaining, and supporting such technology. Where assistive devices are available, they are often outdated, shared among many users, or incompatible with

⁴⁴Ministry of Education and Sports, Education and Sports sector Annual Performance Report 2022/23 (MoES 2023) 15

university IT systems. In addition, institutional IT departments often lack training in accessible technology deployment. Few staff are familiar with international accessibility standards such as the Web Content accessibility Guidelines (WCAG), nor are there internal audits to assess whether university systems meet these standards. This leads to persistent inaccessibility of digital resources, including university websites, student portals, and library databases.

To address these challenges, universities must incorporate disability inclusion into their financial planning and technology strategies. The government must play an active role in financing inclusive education by increasing capitation grants to universities, establishing dedicated disability funds, and offering tax exemptions on imported assistive technology.

2.6 Summary of the Conceptual and Contextual Framework

This chapter has examined the conceptual and contextual dimensions of inclusive education for persons with disabilities in Ugandan universities, focusing on definitions, barriers, and systematic gaps. At the conceptual level, inclusive education is understood not merely as the physical presence of learners with disabilities in mainstream academic settings but as a commitment to equity, participation, and individualized support.⁴⁵ The chapter explored how the social model of disability, which shifts attention from individual impairments to structural and attitudinal barriers, forms the basis for the right to inclusive education.

⁴⁵General comment no.4 of the CRPD

Within the Ugandan context, however, a range of deeply entrenched obstacles continues to impede the realization of this right. Attitudinal barriers perpetuate stigma and low expectations, often discouraging the participation of persons with disabilities in higher education. These barriers are compounded by infrastructural challenges, as many university facilities are inaccessible to students with mobility, sensory, or cognitive impairments. Financial constraints limit access to necessary support services and resources. Meanwhile, students with disabilities bear additional costs that are seldom offset by targeted government support. In addition, institutional practices are hampered by limited capacity, policy gaps, and insufficient data on disabled students, leading to ad hoc and unsystematic responses to inclusion.⁴⁶ The absence of inclusive digital platforms and inadequate training in accessible technologies further isolates these students, particularly in an era of blended and online learning.

Together, these intersecting barriers create a context in which the right to inclusive education remains largely aspirational. Legal and policy frameworks such as the Persons with Disabilities Act⁴⁷ have laid an important normative foundation, but implementation at the university level is weak and uneven. Inclusion is often treated as a charitable initiative or isolated intervention rather than a core component of university governance, pedagogy, and budgeting.

Therefore, any serious effort to advance inclusive education must adopt a multi-sectoral and systematic approach. Universities need to embed inclusion in all

⁴⁶Supra note 8

⁴⁷Infra in chapter 3

dimensions of their operations- policy, planning, infrastructure- while the government must ensure that inclusive education is adequately financed and monitored. Only then can Ugandan universities move from rhetoric to realization in fulfilling the rights of persons with disabilities.

This chapter sets the stage for the analysis in Chapter 3, which will explore the legal and policy frameworks governing inclusive education in Uganda. It will assess the adequacy, coherence, and enforceability of existing laws in promoting access, participation, and equality for persons with disabilities in universities.

CHAPTER THREE

LEGAL FRAMEWORK GOVERNING INCLUSIVE EDUCATION FOR PERSONS WITH DISABILITIES IN UGANDAN UNIVERSITIES

3.0 Introduction

This chapter analyzes the legal regime governing the right to inclusive education for persons with disabilities at the international, regional, and domestic levels. It explores how they collectively define and guarantee the right to inclusive education, particularly in the context of universities. The chapter also examines the implementation of the legal obligations on a right to inclusive education in universities. Relevant statutes, cases, and institutional mechanisms are examined to evaluate how well the legal framework promotes disability inclusion in universities.

3.1 International Legal Framework

3.1.1 Universal Declaration of Human Rights (UDHR) and International Covenant on Economic, Social and Cultural Rights (ICESCR)

The Universal Declaration of Human Rights (UDHR) is an international customary human rights instrument that made human rights universal values. Though the UDHR is not binding on states, it outlines the fundamental human rights that states should strive to achieve. A right to education is one of these fundamental rights, prescribed in Article 26⁴⁸. Article 26⁴⁹ guarantees everyone the right to education, and that

⁴⁸UDHR, Article 26, 1948

higher education, which includes universities, should be accessible based on merit. While the UDHR doesn't explicitly mention inclusive education, its affirmation that everyone has a right to education implies a right to inclusive education, including for people with disabilities.

Article 13 of the International Covenant on Economic, Social and Cultural Rights (CESCR) recognizes the right of all persons to education. For higher education, the article requires a country to provide every appropriate means to make it equally accessible by the progressive introduction of free education.⁵⁰ Its general comment, General Comment No.13 of CESRs, guides that the right to receive education means education as a service should be available, accessible, acceptable, and adaptable.⁵¹ To ensure the right to inclusive education, universities should ensure their services are accessible and adaptable to people with disabilities to ensure an inclusive learning environment. To achieve that, among other things, universities are to provide disability specialized learning and teaching materials, adapt teaching methods that respect diversity in learners, avoid stereotypes or discrimination based on disability, train their staff on disability inclusion, ensure ICT are adapted to be accessible, and adapt and modify physical environments to be accessible. Without which, universities risk marginalizing persons with disabilities, despite legal guarantees. Uganda ratified the CESCR in 1987, therefore, Uganda is bound to adhere to the standards in the treaty and the guidance provided in General Comments arising

⁴⁹ibid

⁵⁰ICESR Article 13(2)(c)

⁵¹Para. 6 of General Comment 13 of the CESCR

from the interpretation of treaty provisions on how to realize human rights provided for by the ICESCRs.

3.1.2 United Nations Convention on the Rights of Persons with Disabilities

Uganda ratified the United Nations Convention on the Rights of Persons with Disabilities (CRPD) in 2008 without any reservations. The CRPD is a UN Treaty that exclusively guarantees, protects, and promotes the rights and freedoms of people with disabilities, and promotes respect for their inherent dignity.⁵² The CRPD explains that people with disabilities include those who have long-term physical, mental, intellectual, or sensory impairments which, with interaction with various barriers, may hinder their full and effective participation in society on an equal basis with others.⁵³ On education, Article 24 generally guarantees persons with disabilities the right to education without discrimination based on equal opportunities, and to ensure an inclusive education system at all levels of education and lifelong learning.⁵⁴ To achieve that, the CRPD requires persons with disabilities: not be excluded from general education based on disability; access an inclusive, quality, and free basic education; provided with reasonable accommodation to meet the individualized requirements; receive support required to facilitate their learning and be provided with effective individualized support measures in environment that maximizes academic and social development. Article 24 (3) mandates learning of appropriate modes of communication with the blind, deaf, and deafblind to deliver teaching and

⁵² CRPD, Art. 1

⁵³ Ibid, Art.2

⁵⁴ Ibid, Art.24(1)

learning in the most appropriate means. It also requires employing teachers qualified in special needs and inclusive education, and training of staff to meet diverse needs.⁵⁵

Similarly, on higher education, Article 24(5) requires a country to ensure persons with disabilities access to general tertiary education-this includes university education without discrimination based on equal opportunities, and be provided with reasonable accommodation in the institutions of education.⁵⁶

From Article 24 of the CRPD, it is also important to explain discrimination based on disability and reasonable accommodation. The explanation of the two concepts is provided for in Article 2⁵⁷ and further explained by General Comment No.6.⁵⁸

Discrimination based on disability means:

“Any distinction, exclusion or restriction based on disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including denial of reasonable accommodation.”

In General Comment No. 6, it states that there are four known forms of discrimination in human rights. They are direct discrimination, indirect discrimination, harassment,

⁵⁵ Ibid, Art.24(3)

⁵⁶ Ibid, Art 24(5)

⁵⁷ Ibid, Art.2

⁵⁸ General Comment 6 of the ICESCR

and failure denial of reasonable accommodation.⁵⁹ Literature points out that persons with disabilities in universities experience those forms of discrimination.⁶⁰ Universities should know how those forms of discrimination manifest and minimize them for disability inclusion in universities. One of the ways of minimizing discrimination by universities is to provide reasonable accommodation to persons with disabilities. Reasonable accommodation is explained “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.⁶¹” once reasonable accommodation is provided to a person with disability who needs it, it leads to non-discrimination of that person by the institution. In a university, examples of reasonable accommodations include modifying and adjusting facilities, adapting information to accessible to the individual with a disability, modifying equipment, adjusting curricula, teaching and learning materials, and assessment, providing disability support personnel.

Drawing from General Comment No.4, the concept ‘a right to education without discrimination and based on equal opportunities’ in Article 24, can be interpreted to mean a Right to Inclusive Education. Because the concept ‘based on equal opportunities’ connotes the recognition and removal of disabling barriers in

⁵⁹ Para. 18 of General Comment No. 6 of the CRPD.

⁶⁰ Supra note 42

⁶¹ Supra, note 53, Article 2

education,⁶² leading to inclusion. Inclusion entails the full and meaningful participation of all learners within the general education system, supported by comprehensive structural reforms and individualized support mechanisms. Removal of disabling barriers in education requires an in-depth transformation of the education system in the legislation, policy and mechanisms for financing, administering, designing, delivering, and monitoring education.⁶³

Drawing from General Comment No. 13, the Committee identifies features that make up a strong inclusive education system.⁶⁴ They include a whole-system approach, where all education policies and resources focus on inclusion. The entire educational environment should promote inclusivity. Education to follow a whole-person approach, meaning it should consider the unique abilities and needs of each student. Staff must be supported with training in inclusive teaching methods and the resources they need to help all students with disabilities. Universities' Academic units should show respect for diversity in disability, valuing the different learning needs of students with disabilities. The lecture rooms should provide a safe and welcoming space for students to feel included. Promoting collaboration in disability inclusion and monitoring systems to track progress, identify challenges, and ensure that inclusive practices are being followed.

Uganda has domesticated these international treaties in education, and they are reflected in national legislation. While not education specific, in *Centre for Health,*

⁶² Para.4 of General Comment No.4 of the CRPD.

⁶³ Ibid, para.10

⁶⁴ General Comment no.13 of the CESCR

Human Rights and Development (CEHURD) & Ors v Attorney General,⁶⁵The Court acknowledged international instruments to bolster constitutional rights.

3.2 Regional Legal Framework

The three regional legal frameworks analysed here are the African Charter on Human and Peoples' Rights (ACHPR), the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa, and the East African Policy on Disability.

The ACHPR was adopted in 1981 and ratified by Uganda in 1986. While the Charter does not explicitly mention inclusive education for persons with disabilities, it includes provisions with significant educational access and non-discrimination. Article 2⁶⁶, enshrines the principle of non-discrimination, while Article 17(1)⁶⁷ guarantees the right to education for every individual. Both Articles' provisions have implications for the State to ensure no one is denied equal educational opportunities, including persons with disabilities, the right to inclusive education.

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa, also known as the African Disability Protocol, was adopted in 2018 and was ratified by Uganda. It aligns with the United Nations Convention on the CRPD. Article 16⁶⁸ of the protocol provides that the right to education shall be on an equal basis with others and calls for the provision of

⁶⁵ Constitutional Petition No. 16 of 2011

⁶⁶ ACHPR, Article 2

⁶⁷ Ibid, Article 17(1)

⁶⁸ African Disability Protocol, Article 16

reasonable accommodation, the elimination of discrimination, and the training of teachers in inclusive pedagogical practices.

The East African Policy on Disability, in Section 6.4⁶⁹ requires East African Community Member countries to ensure accessibility to physical services and facilities and to promote the use of sign language, braille and tactile to ensure accessibility for persons with disabilities.

In conclusion, while Uganda's domestic legal and policy frameworks remain the main tools for the implementation of inclusive education, regional legal instruments provide crucial normative reinforcement, strengthening the right of persons with disabilities to inclusive education and offering benchmarks for evaluating Uganda's progress in meeting its obligations under regional human rights law.

3.3 Domestic Legal Framework

Uganda's domestic legal framework on education directs the government, government organs, educational institutions, society, and individuals to recognize the dignity of persons with disabilities and their rights to education. It also requires policies and practices on education that dehumanize persons with disabilities to be abolished. With specific reference to disability inclusion in higher education, the analysis is on provisions of the Constitution of the Republic of Uganda, the Universities and Other Tertiary Institutions Act, and the Persons with Disabilities Act to point out how these

⁶⁹ East African Policy on Disability, Sec.6.4

collectively define and guarantee the right to inclusive education, particularly in the context of universities.

3.3.1 The Constitution of the Republic of Uganda, 1995

The Constitution is the supreme law of the land.⁷⁰ In education, it provides a strong normative foundation for inclusive education, both through express guarantees and implied obligations.

Objective XVI⁷¹ states that the society and the state shall recognize the rights of persons with disabilities, and objective XVIII (ii)⁷² requires the state to ensure appropriate measures to enable all persons with disabilities equal opportunity to attain higher education.

Article 30⁷³ guarantees the right to education to all persons in Uganda. ‘All persons’ includes persons with disabilities in their respective disability categories. Article 30 should be read together with Article 20, Article 21, Article 32(1), and Article 35 because they express how a right to education for persons with disabilities can be realized. Article 20⁷⁴ recognizes that fundamental rights and freedoms of the individual guaranteed in the Constitution are inherent and not granted by the state; one of these rights is the right to education. Article 21⁷⁵ directs that rights guaranteed in the Constitution shall be respected, upheld, and promoted by the

⁷⁰ Republic of Uganda, Constitution of the Republic of Uganda, Art.2(1)

⁷¹ Ibid, objective no. XVI

⁷² Ibid, objective no. XVIII (ii)

⁷³ Ibid, Art.30

⁷⁴ Ibid, Art.20

⁷⁵ Ibid, Art.21

government, all organs of government, society, and all individuals. This confers obligations to universities, their staff, and students within a university to respect, uphold and promote a right to education for people with disabilities. In this way, universities will be practicing inclusive education. Article 32⁷⁶ directs taking affirmative action in favour of marginalized groups on the basis, among others disability to readdress imbalances which exist against them. Article 35⁷⁷ recognizes in dignity of persons with disabilities and directs government and society to take appropriate measures to ensure persons with disabilities realize their full mental and physical potential. This article confers an obligation to both the government and universities to ensure a favorable and conducive environment for persons with disabilities so that they can maximize their full potentials, both in academic and co-curriculum activities like games and sports. This forms part of inclusive education.

3.3.2 The Universities and Other Tertiary Institutions Act, 2001 (as amended)

This Act establishes the National Council for Higher Education (NCHE) to regulate higher education institutions and provides for other matters relating to higher education in Uganda. It recognizes a right to education for persons with disabilities in higher education through its provisions on affirmative action for the marginalized as follows:

- i. It provides for one representative for persons with disabilities in NCHE governing Council.⁷⁸

⁷⁶ Ibid., Art.32

⁷⁷ Ibid., Art.35

⁷⁸ The Universities and other Tertiary Institutions Act, Section 7(1)(i)

- ii. It gives opportunity for seeking higher education to do so, including people with disabilities and requires universities to ensure accessible facilities.⁷⁹
- iii. To take into consideration affirmative action in admission of students from the marginalized groups, including persons with disabilities.⁸⁰
- iv. Provides for two (2) representatives of persons with disabilities in the University Council.⁸¹

Out of those mandates:

- i. NCHE's Five-Year Strategic Plan 2020/2011- 2024/ 2025 recognizes disability as one of the equity issues.⁸²
- ii. Every academic year, 64 students with disabilities are admitted to public universities on an affirmative action scheme through direct entry from 'A' Level by the Public Universities Joint Admission Board (PUJAB).
- iii. Some universities have adopted disability policies or guidelines for disability inclusion.

3.3.3 The Higher Education Financing Act, 2014

The Act establishes the Higher Education Students Financing Board (HESFB) to manage and administer the government student loan scheme. The purpose of the scheme is to increase equitable access to higher education in Uganda and also support qualified students who may not afford higher education. However, the targeted programmes

⁷⁹ Ibid, 24(1)(a) and (b)

⁸⁰ Ibid, Section 28(3)

⁸¹ Ibid, Section 38(1)(r)

⁸² Para. 4.3 of the National Council of Higher Education Strategic Plan, 2020/2021 - 2024/ 2025

include science, technology, engineering, ICT, health, and medical-based disciplines. The scheme covers tuition fees, functional fees, and aids/appliances for persons with disabilities. One of the key priorities for this loan scheme is students with disabilities. Unlike other students without disabilities, students with disabilities can choose to apply for the loan to study any course of their choice. The Accreditation is by the National Council for Higher Education (NCHE).

3.3.4 The Persons with Disabilities Act, 2020

The Persons with Disabilities Act is Uganda's principal statute for the realization of the rights of persons with disabilities. It domesticates aspects of the CRPD, implements the provisions on disability and education in the constitution. Therefore, in general, the Act guarantees and promotes inclusive education through several express provisions; in particular, Section 6⁸³ on non-discrimination in the provision of education services. It prohibits institutions of education from discriminating against persons with disability and sets out conditions amounting to discrimination based on disability. Section 6(3) prescribes that an institution of learning discriminates against a learner with a disability by⁸⁴:

- i. Refusing to accept an application for admission made by the learner with a disability who is otherwise qualified for admission;
- ii. Setting the conditions for admission that will exclude the admission of learners with disabilities;

⁸³ The Persons with Disabilities Act, 2020, Sec.6

⁸⁴ Ibid, Section 6(3)

- iii. Denying or limiting access of a learner with a disability to the available facilities and services;
- iv. Expelling a learner with a disability, based on the disability; or
- v. Subjecting the learner with a disability to any unfair treatment based on the disability.

The Act directs an institution of learning that enrolls a learner with a disability to provide an inclusive education system for the learner; and to make the buildings accessible for learning by making necessary structural adjustments to the institution's buildings and premises within three months from the date of admission of the learner.⁸⁵ It also directs government institutions of learning with learners with disabilities provide sign language services, learning instructional materials, and assistive devices, suitable for the learner and required for examinations. Also, an institution of learning that enrolls a learner with a disability to provide sports facilities and equipment specific to the needs of the learner and measures to facilitate these learners' participation in sports and other cocurricular activities.⁸⁶ These conditions in in the Act, if effectively implemented by universities will lead to persons with disabilities attaining a right to inclusive education. The Act explains inclusive education as a system in education where a learner with a disability is taught together with the other learners, in the same environment, and where, if required, extra support is given to the learner with a disability.⁸⁷ It imposes an obligation on both government and educational institutions to ensure that persons

⁸⁵ Ibid, Section 6(4)

⁸⁶ Ibid, Section 6(8)

⁸⁷ Ibid, Section 6(10)

with disabilities are not only admitted to but also supported within mainstream education settings, including universities.

3.4 Case Law on Inclusive Education in Uganda

Judicial enforcement of disability rights in education is still nascent. However, select cases provide useful insights:

- *Legal Action for Persons with Disabilities v Attorney General, Kampala Capital City Authority, and Makerere University*⁸⁸ in this case, the applicants sought orders that a declaration be made that the failure by the respondents to make their premises and buildings easily accessible for persons with disabilities violates their fundamental right to have access to a barrier-free physical environment. The court held that it cannot order prompt enforcement of the provisions of the law because of the hardship it involves, but shall encourage whoever is responsible. The respondents are to ensure continued compliance with the law as required. The court encouraged that any plans for new buildings by the respondents should consider the right to easy access for persons with disabilities. One of the challenges exhaustively stressed is the inaccessibility of buildings and premises in universities, this case shows that accessibility of buildings and premises in both public and private places is key to achieving any right for persons with disabilities, which in this case is inclusive education. A key point highlighted by the court is that new buildings to be constructed and approved must be accessible to persons with disabilities.

⁸⁸ Misc. Cause No. 146 of 2011

UNAPD asserts that an accessible barrier-free environment creates equal opportunities not only for persons with disabilities but for all persons in society, as it enables individuals to access every public place with dignity and independence.⁸⁹

- *Nyeko Okello & Santo Dwoka v Centenary Rural Development Bank*⁹⁰ In this case, both applicants were persons with disabilities and customers of the bank. They sued the bank because it had limited access for persons with disabilities to the main hall. That before the suit, the bank had been notified about the lack of ramps to facilitate their access to the bank. Afraid of the costs of the litigation, the respondent constructed ramps. The court held that since the breach had already been remedied, the matter needed to be settled out of court. The key point here is that litigation causes positive change in the cause for persons with disabilities. However, for that positive impact to happen, persons with disabilities need to know their rights.⁹¹
- *Candia Emmanuel v Attorney General*,⁹² Mr. Candia, an advocate of the High Court with a disability using a wheelchair, presented that in his practice as an advocate, he found the High Court Circuits of Uganda inaccessible to people with disabilities using wheelchairs, crutches, among other mobility appliances. The experience shows that exclusive court environments limit the right of such

⁸⁶ACCESSIBILITY STANDARDS. A practical guide to create a barrier-free physical environment in Uganda. Produced by Uganda National Action on Physical Disability (UNAPD) in collaboration with the Ministry of Gender, Labour and Social Development. Available at <https://unapd.org/wp-content/uploads/2021/01/Accesssibility-standards-.pdf> (accessed on 20th May, 2025)

⁹⁰ Civil suit no. 23/2008

⁹¹ Judicial Decisions Relating to Persons with Disabilities in Uganda: A Case Digest. August 2017. Publication No.1 Commissioned by the Network of Public Interest Lawyers [NETPIL] School of Law, Makerere University.

⁹²Miscellaneous Cause No. 158 Of 2018

an advocate to effectively practice their profession. Similar experiences in universities limit the realization of inclusive education. This case violates the rights of persons with disabilities to accessible environments enshrined in Article 9,⁹³ right to work in a conducive and favorable environment in Article 40⁹⁴ Section 7,⁹⁵ among others. Justice Phillip Odoki declared that the failure by the government to provide accessibility for persons with disabilities violates their rights to practice their profession and the right to equality and freedom from discrimination.⁹⁶ The Court ordered the government to take reasonable steps for the progressive realization of the rights of persons with disabilities insofar as access to justice is concerned.

Courts in Uganda have increasingly shown a willingness to support the rights of persons with disabilities and to refer to international law, especially when domestic law is silent or ambiguous. This jurisprudential trend supports the view that inclusive education can be enforced, thus implementing constitutional rights.

3.6 Conclusion

Uganda's legal framework, guided by international, regional, and domestic norms, recognizes the right to inclusive education. However, the gap between legal provisions and institutional practice is significant. The legal obligations are commendable, but enforcement remains weak. A lack of binding standards for universities, minimal oversight by the NCHE, and inadequate judicial enforcement

⁹³ CRPD, Art.9

⁹⁴ Supra note 70, Art.40

⁹⁵ The Persons with Disabilities Act, 2020, Sec.7

⁹⁶ Supra note 70, Art.21(1), (2)

contribute to the exclusion of many students with disabilities from equitable higher education. To make inclusive education a reality, there must be concerted efforts by the government, universities, courts, and oversight bodies to translate legal norms into institutional practice.

CHAPTER 4

SUMMARY OF FINDINGS, CONCLUSION, AND RECOMMENDATIONS

4.0 Introduction

This chapter summarizes the findings from the previous chapters, draws conclusions on implementing inclusive education for persons with disabilities in Ugandan universities, and offers legal and practical recommendations.

4.1 Summary of Findings

Existence of progressive legal and policy frameworks on disability⁹⁷ There are provisions on disability in the Constitution of the Republic of Uganda, other Acts of Parliament like the Universities and other Tertiary Institutions Act, and the Higher Education Financing Act. These legislations require universities to provide inclusive education for people with disabilities, by, among others, applying affirmative action, providing reasonable accommodation, ensuring accessibility, and creating awareness. In addition, Uganda has ratified⁹⁸ international and regional human rights treaties, among others, the Convention on the Rights of Persons with Disabilities. This means that Uganda is bound to integrate such laws into the national law.

Universities' disability inclusion strategies: Most of the public universities in Uganda have adopted disability policies to focus on inclusive education for students with

⁹⁷Nizeyimana Pamela (2018), Overview of Inclusive Education Programmes, Policies and Requirements for Improvement at the National Victim Assistance Stakeholders Dialogue, Conference Paper, 10th October, 2018

⁹⁸Supra note 70 Art.123

disabilities. Three public universities, Makerere University, Kyambogo University, and MUBS, have disability resource centres to coordinate activities, create awareness, and mobilize for disability inclusion in the universities. They also provide support to students with disabilities, including providing sign language interpreters and sighted guides, among others. Some private universities have also adopted policies on disabilities. Universities that have not established disability resource centres, the office of the dean of students coordinates activities on disability. Public universities in Uganda have 2 students with disabilities in the guild representative council and 2 representatives of students with disabilities in the university council.

Admission of Students with disabilities: In public universities, most students with disabilities are admitted through the disability affirmative action scheme. Where government allocates 64 slots for students with disabilities to join public universities. Some students with disabilities also join the government loan scheme for higher education. Whereas the loan scheme targets only admission to STEM (Science, Technology, Engineering, Health and Medicine Disciplines), Students with disabilities who qualify for this loan scheme are allowed to join any discipline of their choice, including law, arts, and social sciences. The loan scheme also supports them to finance their required devices. However, other than admitting students with disabilities through affirmative action by public universities, there is limited evidence of applying equal opportunity measures in other institutions of higher learning.⁹⁹ ‘Other institutions of higher learning’ in this case means private universities. Achieving the right to inclusive education goes beyond admitting persons with

⁹⁹ Supra note 8

disabilities. Merely admitting them without universities practicing what is required by law and the university policies is like denying persons with disabilities the right to education.

Challenges universities experience in realizing inclusive education for people with disabilities: Most of the studies focus on the challenges that persons with disabilities face while studying in universities. The overall findings indicate that the universities themselves are facing challenges in realizing inclusive education for persons with disabilities. For as long as the universities keep facing these challenges, people with disabilities will continue facing exclusion, discrimination, and inequalities in accessing university services. Universities are faced with limited awareness, knowledge, and skills to support (reasonably accommodating) students with disabilities on an equal basis with others. They are limited in identifying, assessing, and meeting the needs of students in lectures, examinations, and assessments. Implementation of policies that guide inclusive education is very low in universities. Attitudes towards disability are also, to some extent, negative. Making universities inclusive of people with disabilities is considered expensive and requires a lot of resources, which universities are unable to raise; this is also observed in the case of *Legal Action for Persons with Disabilities v Attorney General, Kampala Capital City Authority, and Makerere University*.¹⁰⁰ It was noted that restructuring old buildings to accommodate disabled people or students requires a lot of funds, which are not readily available. The applicants ought to know that the enjoyment of their rights is not absolute; they must consider the rights of others as well as public interest. It is important to note that in

¹⁰⁰ Misc. Cause No. 146 of 2011

this case, it was highlighted that the new building must be accessible to persons with disabilities.

Lack of data on disability: There is a general lack of data on students with disabilities in higher education in Uganda. Similarly, most universities do not have data on students with disabilities. Universities like Makerere University, Kyambogo University, and MUBS have some data on students with disabilities because they have disability resource centres.

4.2 Conclusion

The right to inclusive education in public universities is slowly being embraced by universities, but mostly public universities, because they get funding for disability inclusion from the government. Affirmative action on admission of students for marginalized groups, like persons with disabilities, is making universities see a growing enrollment of persons with disabilities.

However, the right to inclusive education in Ugandan universities remains unfulfilled, not due to a lack of legal provisions but because of systemic implementation failures of the progressive disability laws. Therefore, the intentions of these laws have not been translated into institutional practice by most universities, especially private universities. In Ugandan universities, disability inclusion is too often treated as optional, discretionary, or charity-driven, rather than a right legally protected by enforceable obligations.

4.3 Recommendations

Create awareness and training of staff on disability inclusion: as stated by one of the professors during the Makerere staff training on the importance of disability inclusion, “Inclusivity is extremely important and starts with us as individuals. It is important for fulfilling the University’s mission and core values, and each one of us, regardless of our shortcomings, has a contribution to make. We must therefore be intentional on diversity and inclusion and must always practice fairness and justice in our pursuit of inclusivity.”¹⁰¹ When university staff are aware of persons with disabilities and the importance of inclusion, it gets easier to integrate persons with disabilities in the education society and the right to inclusive education is achieved.

Universities should adopt disability policies to implement the intentions of the Constitution, the Persons with Disabilities Act, regional and international treaties, particularly the CRPD. The adopted policies should be practiced, for instance, by adopting an inclusive curriculum even for practical courses.

Universities should strengthen internal mechanisms like disability resource centres and, office of the dean of students for effective realization of inclusive education for persons with disabilities.

Universities need to recognize disability in their plans and budgets. Increase funding for disability education such that all the needs of persons with disabilities are met without any serious challenges.

¹⁰¹Mak Staff trained on the importance of Diversity and Inclusion (2022) by Hasifa Kabejja. Available at <https://news.mak.ac.ug/2022/08/mak-staff-trained-on-the-importance-of-diversity-inclusion/> (accessed on 17th May, 2025)

Universities should modify buildings to be accessible to persons with disabilities. As has been discussed in chapter 2 that one of the challenges persons with disabilities face is accessibility of buildings. Section 6(4) provides that an institution of higher learning, which in this case shall be universities, shall provide an inclusive education system for the learner and make necessary adjustments to buildings and premises in the institution.¹⁰² Making such adjustments may be expensive for an institution, and that's why, these days, new buildings in institutions are made accessible even for persons with disabilities.

Universities should adapt ICT resources and libraries so that e-resources and library services are accessible to persons with disabilities.

Where there is a deaf student/ blind student/student with severe mobility challenges, the university must provide disability supportive personnel, i.e., sign language interpreters, guides, and mobility research assistants.

¹⁰² [Act 3 of 2020](#) (accessed on 19th May, 2025)

REFERENCES

STATUTES/ CHARTERS

- African Charter on Human and Peoples' Rights (adopted 27 June 1981, entered into force 21 October 1986) OAU Doc CAB/LEG/67/3 Rev 5
- Constitution of the Republic of Uganda, 1995
- East African Policy on Disability
- Higher Education Students' Financing Act, 2014 (Uganda)
- Persons with Disabilities Act, 2020 (Uganda)
- Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities (adopted 29 January 2018)
- The Universities and Other Tertiary Institutions Act, 2001 (as amended)
- UN Committee on the Rights of Persons with Disabilities (CRPD), General comment No. 4 (2016), Article 24: Right to inclusive education, CRPD/C/GC/4, 2 September 2016
- UN Committee on the Rights of Persons with Disabilities (CRPD), General comment No. 6 (2018), Article 5: Right to equality and non-discrimination, CRPD/C/GC/6, 24 April 2018
- UN Economic and Social Council, General Comment No. 13: The Right to Education (Art. 13 of the Covenant), E/C.12/1999/10, UN Committee on Economic, Social and Cultural Rights (CESCR), 8 December 1999
- UN General Assembly, Convention on the Rights of Persons with Disabilities: resolution / adopted by the General Assembly, A/RES/61/106, 24 January 2007

- UN General Assembly, International Covenant on Economic, Social and Cultural Rights, United Nations, Treaty Series, vol. 993, p. 3, 16 December 1966
- UN General Assembly, Universal Declaration of Human Rights, 217 A (III), 10 December 1948

CASE LAW

- Candia Emmanuel v Attorney General 2024 UGHCCD 40
- Centre for Health, Human Rights and Development (CEHURD) & Ors v Attorney General Constitutional Petition No 16 of 200 (Constitutional Court of Uganda)
- Legal Action for People with Disabilities v Attorney General, Kampala Capital City Authority and Makerere University [2014] UGHCCD 76
- Nyeko Okello & Santo Dwoka v Centenary Rural Development Bank Limited Civil Suit No. 23/2008 (unreported)

BOOKS AND BOOK CHAPTERS

- Emong P and Anica Z, 'Exploring Equality and Non-Discrimination of Disabled Students in Policy and Practice in Public Universities in Uganda' in S Robinson and K Fisher (eds), Research Handbook on Disability Policy (Edward Elgar 2023).
- Shakespeare T, 'the Social Model of Disability' in Lennard J Davis (ed) The Disability Studies Reader (3rd edn, Routledge 2010).

JOURNAL ARTICLES

- Abdu, W.J., Okech, J.B., & Yuwono, I (2020) “Challenges Faced by Students with Special Needs in Universities: Implications on their Retention” 7 *European Journal Molecular and Clinical Medicine* 888-899
- Amin, A. S, Sarnon,N., Akhir,N. M, Zakaria, S M & Badri, R.N.F.R.Z (2021) “Main Challenges Faced by Students with Visual Impairment at Higher Education Institutions”, 10 *International Journal of Academic Research in Business and Social Sciences*,734-747
- Griffo, G. (2014) ‘Models of disability, ideas of justice, and the challenge of full participation’, *Modern Italy*, 19(2), pp. 147-159. doi:10.1080/13532944.2014.910502.
- Moriña, A. (2017) “Inclusive education in higher education: challenges and opportunities”, 32 *European Journal of Special Needs Education*, 3-17
- Morina, L., Carballo, R., (2017). “The Impact of Faculty training program on inclusive education and disability”, 65 *Evaluation and Program Planning*, 77-83
- Nizeyimana, P., Kagambe,E., Kasiita,T., Kitembo,M., Aturinda,J & Kang’ahi,M. (2024) “Assessment and Participation of Students with Special Needs in Public Universities” 7 *East African Journal of Vocational Studies* 463-478
- Oliver, Mike. (2013). The social model of disability: Thirty years on. *Disability & Society*, 28(7), 1024-1026
- Olodeolu, M., Alokun, A., Alagbe, O., Egwabor, J., & Buseri, J. (2024) “Exploring Universal Design Principles in the Built Environment: An Empirical

Review”, 16 *African Journal of Environmental Sciences and Renewable Energy*, 84-98

- Sikoyo, L., Ezati, B., Nampijja, D., Asiimwe, J., Walimbwa, M., & Okot, D. (2023). “Staff Capacities for Inclusive Teaching and Learning of Students with Visual Impairment: A Case of Public Universities in Uganda”, 6 *East African Journal of Education Studies*, 174-191

WEBSITES

- Abimanyi-Ochom, J, & Mannan, H, 2014, “Uganda’s disability journey: Progress and challenges”,3 *African Journal of Disability* Available at <http://dx.doi.org/10.4102/ajod.v3i1.108> (accessed on 1st May,2025)
- ACCESSIBILITY STANDARDS. A practical guide to create a barrier-free physical environment in Uganda. Produced by Uganda National Action on Physical Disability (UNAPD) in collaboration with the Ministry of Gender, Labour and Social Development. Available at <https://unapd.org/wp-content/uploads/2021/01/Accesssibility-standards-.pdf> (accessed on 20th May, 2025)
- Ainscow, M. (2020). Promoting inclusion and equity in education: lessons from international experiences. *Nordic Journal of Studies in Educational Policy*, 6(1), 7-16. <https://doi.org/10.1080/20020317.2020.1729587>

Berghs M, Atkin K, Graham H, et al. Implications for public health research of models and theories of disability: a scoping study and evidence synthesis. Southampton (UK): NIHR Journals Library; 2016 Jul. (Public Health Research,

No. 4.8.) Chapter 3, Scoping models and theories of disability. Available from: <https://www.ncbi.nlm.nih.gov/books/NBK378951/> (accessed on 10th May, 2025)

- Emong, P., Eron, L. (2016), “Disability Inclusion in Higher Education in Uganda: Status and Strategies”, 5 *African Journal of Disability*. Available at <http://dx.doi.org/10.4102/ajod.v5i1.193> (accessed on 1st May, 2025)
- <https://nudipu.org/wp/wp-content/uploads/2023/10/Disability-Rights-in-Uganda-Dec-2019.pdf> accessed (16th May 16, 2025)
- Inclusive Education: Embracing and Empowering Every Learner (2023) <https://www.educationadvanced.com/blog/inclusive-education> (accessed 16th May 16, 2025)
- Kyu hosts First East African Disability - Inclusion Conference By Salmah Nawanje (2024) <https://nilepost.co.ug/news/226451/kyambogo-hosts-first-east-african-disability-inclusive-education-conference> (accessed on 16 May 2025).
- Lawson, A., & Beckett, A. E. (2021). The social and human rights models of disability: toward a complementarity thesis. *The International Journal of Human Rights*, 25(2), 348-379. <https://doi.org/10.1080/13642987.2020.1783533>
- Mak staff trained on the importance of Diversity & Inclusion (2022) by Hasifa Kabejja. <https://news.mak.ac.ug/2022/08/mak-staff-trained-on-the-importance-of-diversity-inclusion/> (accessed on 17th may, 2025)
- Makerere University, ‘Disability Resource Centre Report 2021’ (Makerere DRC, 2021) <https://drc.mak.ac.ug/reports> (accessed 4 May 2025)

- Mugo, S., Puplampu, K.P. Beyond tokenism and objectivity: theoretical reflections on a transformative equity, diversity, and inclusion agenda for higher education in Canada. *SN Soc Sci* 2, 209 (2022). <https://doi.org/10.1007/s43545-022-00509-2> (accessed on 16th May 16, 2025)
- Paulo Freire: Education for Liberation. <https://www.folkhighschool.com/pioneers/freire/> (accessed on 16 May 2025)
- Prof.Nawangwe calls for Increased Government Sponsorship for Students with Disabilities. By Mak Editor. <https://news.mak.ac.ug/2024/11/prof-nawangwe-calls-for-increased-government-sponsorship-for-students-with-disabilities/> (accessed on 16 May 2025)
- Special Needs & Inclusive Education- Ministry of Education and Sports. <https://www.education.go.ug/special-needs-inclusive-education> (accessed on 10th May 2025)
- The Oxford Review. Inclusive Education-Definition and Explanation. <https://oxford-review.com/the-oxford-review-dei-diversity-equity-and-inclusion-dictionary/inclusive-education-definition-and-explanation/> (accessed on 16th May 2025)
- World Wide Web Consortium (W3C) 'Web Content Accessibility Guidelines (WCAG) 2.1' <https://www.w3.org/TR/WCAG21/> (accessed 4th May, 2025).

OTHER SECONDARY SOURCES

- Judicial Decisions Relating to Persons with Disabilities in Uganda: A Case Digest. August 2017. Publication No.1 Commissioned by the Network of Public Interest Lawyers [NETPIL] School of Law, Makerere University
- Kyambogo University, Disability Support Services Center (2024). “Technical Assessment of the Learning Needs of Students with Disabilities & Other Special Needs”.
- Ministry of Education and Sports, Education and Sports sector Annual Performance Report 2022/23 (MoES 2023) 15
- Nampewo, Z., & Musoke, H. D. (2019). *Baseline Survey on Disability in Makerere University*. Kampala, Uganda.
- Nampewo, Z., & Musoke, H. D. (2019). *Baseline Survey on Disability in Makerere University*. Kampala, Uganda.
- Nizeyimana Pamela (2018), Overview of Inclusive Education Programmes, Policies and Requirements for Improvement at the National Victim Assistance Stakeholders Dialogue, Conference Paper, 10th October, 2018
- NUDIPU. (2021). Impact of Affirmative Action Policy for Disabled People Joining Public University Education and their Employment after Studies in Uganda. Kampala, Uganda.
- Para. 4.3 of the National Council of Higher Education Strategic Plan, 2020/2021 - 2024/ 2025.

- UNESCO, 'Guide for Ensuring Inclusion and Equity in Education' (UNESCO 2017)
24
- UNESCO, The Salamanca Statement and Framework for Action on Special Needs Education (UNESCO 1994) para 2.