

**ASSESSING THE EFFECTIVENESS OF THE LAW AND POLICIES ON DISABLED
PERSONS UNDER EMPLOYMENT LAWS IN UGANDA**

HAPPY KYOSHABIRE

**A DISSERTATION SUBMITTED TO THE SCHOOL OF LAW, IN PARTIAL FULFILLMENT OF THE
REQUIREMENTS FOR THE AWARD OF A DEGREE OF BACHELOR OF LAWS OF UGANDA
CHRISTIAN UNIVERSITY**

May, 2024



**UGANDA CHRISTIAN
UNIVERSITY**

A Centre of Excellence in the Heart of Africa

DECLARATION

I so certify that, with the exception of instances in where appropriate attribution has been made in the text, this research proposal is original, the product of my efforts, and represents my knowledge. It has never been submitted for any kind of recognition to any higher education establishment.

Signature.....

Date.....

KYOSHABIRE HAPPY

Sign.....

Date.....

SUPERVISOR

MS. KANYAGO CAROLINE

ABSTRACT

This research discusses the effectiveness of the law and policies on disabled persons under employment laws in Uganda. There have been many laws enforced in regards to employment of disabled in Uganda but no implementation of such laws.

The thesis further discusses different laws and policies both national and international regarding disabled persons and assesses how these laws are effective in regards to employment of these disabled persons.

This research also discusses the challenges that affect the effective implementation of these laws in regards to employment of disabled persons. And as well lays down recommendations to different stakeholders to increase on the number of employed disabled persons in the formal sector.

DEDICATION

I dedicate this study proposal to my God given Guardians, Mr. Frank Tumwebaze and Mrs. Florence Kabiibi, who allowed me to reach this level of education through their unwavering financial support and unending prayers during my academic path. Also to my friend Irene for her care, love and advice throughout the research journey.

ACKNOWLEDGEMENT

This work can only be completed with outside direction and assistance from several individuals. In light of this, I would want to express my profound gratitude to my professors, fellow students, and friends for their care and support as I completed this research.

First and foremost, I thank God Almighty for his Grace and Might that enabled me complete this research proposal and reaching this far. I thank Him for the strength, wisdom and zeal and love for the disabled persons in me.

I would like to thank my family for the support, love and the encouragement they gave me throughout the journey of my education. I thank Pastor Samuel in a special way for his consistent prayers, calls of uplifting and his visits to make sure that I never give up on this journey of education. God bless you.

My sincere thanks goes to my supervisor Ms. Caroline Kanyago for the great and consistent help she has given me and making sure that I do this research to the best of my ability. Your guidance and advice made me think more critically and out of the box to accomplish this research.

Contents

DECLARATION	2
ABSTRACT	3
DEDICATION	4
ACKNOWLEDGEMENT	5
ABBREVIATIONS	8
CHAPTER ONE	9
1.0 INTRODUCTION	9
1.1 PROBLEM STATEMENT	11
1.2 GENERAL OBJECTIVE	13
1.3 SPECIFIC OBJECTIVES	13
1.4 RESEARCH QUESTIONS	14
1.5 SIGNIFICANCE OF THE STUDY	14
1.6 JUSTIFICATION OF THE STUDY	14
1.7 SCOPE OF THE STUDY	15
Time scope	15
1.8 METHODOLOGY	15
INTRODUCTION	15
RESEARCH DESIGN	16
DATA COLLECTION INSTRUMENTS	16
CONCLUSION	16
1.9 CHAPTER SYNOPSIS	17
CHAPTER TWO	18
LITERATURE REVIEW	18
2.1 INTRODUCTION	18
2.2 INDIRECT DISCRIMINATION THEORY	19
2.3 GENDER AND DISABILITY	24
2.4 COST AND INCLUSION	26

2.5 CONCLUSION	33
CHAPTER THREE.....	34
LEGAL AND POLICY FRAMEWORK ON THE RIGHT TO EMPLOYMENT OF PERSONS WITH DISABILITY.....	34
3.1 INTRODUCTION.....	34
3.2 INTERNATIONAL INSTRUMENTS.....	35
3.3 REGIONAL INSTRUMENTS.....	39
3.4 NATIONAL LEGAL FRAME WORK OF UGANDA.....	40
3.5 CONCLUSION	46
CHAPTER FOUR.....	48
FINDINGS	48
4.1 INTRODUCTION.....	48
4.2 SUMMARY OF FINDINGS	48
4.3 CONCLUSION	59
CHAPTER FIVE.....	60
CONCLUSIONS AND RECOMMENDATIONS	60
5.1 CONCLUSIONS	60
BIBLIOGRAPHY	64

ABREVIATIONS

PWDs - People with Disabilities

CAD - Constituent Assembly Delegates

NRM - National Resistance Army Government.

NUDIPU - National Union of handicapped Persons in Uganda

UBOS - Uganda Bureau of Statistics

ILO - International Labor Organization

UNCRPD -UN Convention on the Rights of Persons with Disabilities

DAPDPA - Discrimination Against Persons with Disabilities (Prohibition) Act

UNICEF - United Nations Children's Fund

LMICs - Low and Middle Income Countries

UNDIS - UN Disability Inclusion Strategy

IASC - Inter-Agency Standing Committee

CRPD - Convention on the Rights of Persons with Disabilities

UDHR - Universal Declaration of Human Rights

ICESCR - International Covenant on Economic, Social and Cultural Rights

ICCPR -International Covenant on Civil and Political Rights

ACHPR - African Charter on Human and Peoples' Rights and its Protocols

EOC - Equal Opportunities Commission

UHRC - Uganda Human Rights Commission

CHAPTER ONE

1.0 INTRODUCTION

Industrial relations, or the interaction between an employer and employees at work, is the subject of employment law, often known as labor law. Any anyone who has signed a contract of employment is considered an employee, including, but not limited to, those working for the Ugandan government or any member of the Uganda Peoples' Defense Forces.¹ The need for improved working conditions and the freedom to organize, coupled with company efforts to limit employee unionization and minimize labor expenses, gave rise to employment law. Employers may not agree with worker organizations like trade unions since they have the ability to go beyond simple labor conflicts and acquire political power. Therefore, conflicts between various social interests—particularly, the power dynamics between employers and employees on the social and political fronts—are both the cause and the result of the condition of labor law at any given time. Since the industrial revolution, labor rights have played a crucial role in social and economic growth. Other elements, such as

¹ Employment Act, 2006, section 2

parliamentary or legislative intervention, have an impact on Ugandan employment law due to industrial relations.

PWDS rights are protected by Article 21(2) of the Constitution, which states that no one shall be subjected to discrimination on the basis of sex, race, color, ethnic origin, place of birth, social or political viewpoint, or handicap. Affirmative action is permitted for marginalized groups under Article 32.² In a similar vein, Article 14 of the National Objective and Directive Principles of State Policy mandates that the state make every effort to uphold the fundamental rights of all Ugandans to social justice and economic development. Specifically, this means that all Ugandans must be granted access to education, health care, clean and safe water, employment, decent housing, appropriate clothing, food security, and pensions and retirement benefits. This is specifically stated in clause (XIV) (b).

The Employment Act of 2006 is one of Uganda's most important pieces of law. It centers on the relationship between the employer and employee, as demonstrated by a service agreement. The Act defines a contract of service as any written or verbal agreement between an individual and an employer wherein the parties agree to work together for compensation, including an apprenticeship. It also lays out the broad guidelines for not treating employees differently on the basis of their race, color, sex, HIV status, or disability if doing so will undermine or negatively impact their treatment at work. Consequently, there are many different kinds of disabilities, and the Persons with Disabilities Act covers them. These types of disabilities include intellectual, psychological, visual, hearing, and physical impairments.

On February 14, 2020, the Persons with Disabilities Act, 2020 was also published in the Uganda Gazette 10, ensuring that the fundamental rights and freedoms of those with disabilities are respected and upheld. According to this legislation, a disability is defined as a significant functional limitation of an individual's everyday activities brought on by environmental barriers and physical, mental, or sensory impairment, which results in limited participation in society on an equal basis with others.³

² Constitution of the Republic of Uganda 1995, Article 21 and Article 32

³ The Persons with Disabilities Act, 2020, Section 1.

Furthermore, an employer is prohibited from discriminating against an individual with a disability based on that individual's disability and, where appropriate, in job advertisements. They must also encourage individuals with disabilities to apply for positions and make reasonable accommodations for them to perform their duties or attend job interviews.⁴

Legislation pertaining to employment law that compensates workers for illnesses and injuries sustained while on the job is also codified in the Workers Compensation Act (CAP 225). When an injury leaves a worker permanently incapacitated, the employer is responsible for paying damages. In this sense, it might be considered a disability as the worker is unable to perform any job that they were capable of performing prior to the accident.

Despite the laws and policies that have been put in place to effect the disabled persons to freely undertake and also apply for employment in Uganda, an estimated 12.4% of the Uganda's population have a disability from the Uganda Bureau Census report.⁵ yet, 1.3% of the formal sector workforce have people with disabilities⁶

Therefore, the goal of this research is to determine how effective these laws and policies are for disabled people working in the formal sector, taking into account the various stakeholders who may be involved in raising awareness of these laws and the benefits that these employees enjoy, ultimately leading to the promotion of these employees' employment.

1.1 PROBLEM STATEMENT

The problem to be addressed in this research project is the effectiveness of laws and policies aimed at implementing the employment of disabled persons in the formal sector as well as, ascertaining the involvement of different multi-stakeholders in implementing these laws in the employment sector.

⁴ The Persons with Disabilities Act, 2020, Section 9

⁵<https://disabilityin.org/country/uganda/#:~:text=From%20the%20Uganda%20Bureau%20of,is%20living%20with%20a%20disability.>

⁶ https://uganda.unfpa.org/sites/default/files/pub-pdf/disability_inclusion_-_factsheet._final.pdf

People with disabilities had access to sheltered workshops and vocational rehabilitation facilities in the 1960s and 1970s, which allowed them to gain employment possibilities and vocational training. Later, they disappeared mostly as a result of the political unrest that prevailed before the economic stability imposed by the National Resistance Army [NRM] Government. Since the National Union of Handicapped Persons in Uganda [NUDIPU] was established in 1987 as a representative organization for handicapped people, the NRM government has fought for the rights of those with disabilities. The 1994-1995 Constituent Assembly Delegates [CAD], a group that ratified the Republic of Uganda's 1995 Constitution, included representatives with disabilities.

Currently, there are stereotypes and misconceptions which the society tends to focus on, the limitations rather than recognizing the unique skills and abilities that the disabled persons hence resulting in missed opportunities for talented individuals to contribute meaningfully in the workforce and, stigmatization hindering their inclusion in employment. Yet this is in the contravention with the prohibition of inhuman and degrading for persons with disabilities.⁷

Also absence of proper support and accommodations in workplaces, like physical infrastructure of workplaces, technology. Therefore, disabled people may face difficulties in navigating the workplaces, assessing necessary tools and participating in meetings and events.

The difficulty of the task has been brought to light by recent studies and statistical data, despite the fact that the law has been improved to safeguard PWDS in employment. The estimated number of disabled people in Uganda is 3.4 million, although the country is thought to have one of the finest documented legislative and policy frameworks in sub-Saharan Africa.⁸

⁷ Person with Disability Act, 2020, section 5

⁸ "Uganda Has Best Persons with Disability Laws, No Implementation" - New Vision Official' <<https://www.newvision.co.ug/category/news/uganda-has-best-persons-with-disability-laws-146259>> accessed 2 May 2024.

Despite Uganda's disability legislative and policy framework, there is significant gap between what is written on paper and what is being done on the ground, particularly around funding, enforcement, implementation of programs and policy awareness. In addition, many people are unaware of these rules, even government employees tasked with putting them into practice. How can you enforce the law if you don't know what it says?

If this challenge is not addressed, there shall be persistent discrimination against disabled persons under employment law in Uganda and thus, will continue to suffer in silence. This research aims at assessing the adequacy of the existing laws, policies as well as multi-stakeholder approach beyond legislation in addressing the above issue, identifying any gaps in legislation and making recommendations and, promoting awareness regarding the existing laws to the disabled persons and lastly, ensure that all victims have access to the protection and the support they need under employment in Uganda.

1.2 GENERAL OBJECTIVE

This study project's main goal is to evaluate how well Uganda's laws and policies regarding the hiring of disabled people in the labor market are working.

1.3 SPECIFIC OBJECTIVES

- a) To assess the level of awareness of laws and policies on employment of disabled persons in the employment sector among employers and employees?
- b) To examine the extent to which different stakeholders have implemented the laws and policies on employment of disabled persons in the employment sector in Uganda?
- c) To identify the challenges and barriers that prevent the effective implementation of these laws and policies about employment of disabled persons in the employment sector?
- d) To develop recommendations for improving awareness rising efforts and effective implementation of laws and policies about employment of disabled persons in the employment sector?

1.4 RESEARCH QUESTIONS

- a) What is the level of awareness of laws and policies on employment of disabled persons in the employment sector among employers and employees?
- b) To what extent have different stakeholders implemented the laws and policies on employment of disabled persons in the employment sector in Uganda?
- c) What are the challenges and barriers that prevent the effective implementation of these laws and policies on employment of disabled persons in the employment sector?
- d) What are the recommendations for improving awareness to rise efforts and effective implementation of laws and policies on employment of disabled persons in the employment sector?

1.5 SIGNIFICANCE OF THE STUDY

The goal of this study is to enhance and grow the proportion of disabled workers in the workforce. This study is to also to advocate for the awareness of the laws on disabled persons and their privileges provided in the law which will reduce on the level unemployed disabled persons hence enhancing the employment sector. It will also identify the gaps in the implementation of laws and policies aimed at addressing the employment of disabled persons in employment sector in Uganda.

This will help to ensure that disabled persons are catered for and the laws are implemented so that they are taken as normal employees thus advancing the knowledge and understandings of this issue.

1.6 JUSTIFICATION OF THE STUDY

The justification for this study is to come to the realization that employment of disabled persons is a serious problem in the employment sector that has been neglected due to the stereotypes of different employers even the organizations that are responsible for protecting employees' rights in the formal sector. While the laws and policies exist to protect these disabled persons in the employment sector, they are often poorly enforced due to lack of awareness and understanding among the stakeholders which include law enforcement, and wider community.

In regards to the impact of awareness on the effective implementation of laws and policies on employment of disabled persons in the employment sector, the research can provide a valuable insight into the extent to which awareness affects the response of stakeholders and the implementation of laws and policies aimed at addressing this issue.

1.7 SCOPE OF THE STUDY

The efficiency of laws and regulations pertaining to the employment of disabled people in the formal sector is the focus of this study. The purpose of the study is to examine the various laws pertaining to the employment of disabled people and the protections afforded to them during their employment. It also aims to identify any shortcomings or inadequacies in Uganda's laws regarding the employment of disabled people and the impediments or difficulties that prevent the implementation of these laws in the formal sector.

Time scope

This study will cover a time frame of laws enacted under the 1995 Constitution of the Republic of Uganda, as all statutes derive their power from it, including labor laws statutes like the Employment Act, 2006. This study will also cover the international conventions relating to the rights and freedoms of disabled persons in employment.

This study shall be purely doctrinal, covering employment of disabled persons in the formal sector.

1.8 METHODOLOGY

INTRODUCTION

This chapter describes the different methods the researcher used to carry out the study. The methods included data collection, selection, research designs, sample size, area and population study, data processing, presentation and analysis, ethical issues. Thus, this section deals with the research instruments used in investigating the problem. It involved the ways in which the respondent was selected; it also contains the methods and procedures used to analyze data.

RESEARCH DESIGN

The researcher used desktop research review method of data collection. The study is completely doctrinal in nature, a combination of the desktop research method and qualitative method of data collection. The research involved primarily the content of legislation and content analysis of already existing articles. This study included a desk review of theories and policies that govern employment of disabled persons in the employment sector as well as, the level of awareness in the implementation of the employment laws and policies of disabled persons. Desktop research refers to the secondary data that can be collected without going to the field, in this, the researcher uses published reports and statistical instruments.

The researcher also included online surveys in Uganda and already existing experiences of disabled person in employment sector in different articles. The researcher also collected data from specialized and general libraries.

This method of desktop research method was the best method because it cost less money in form of budgeting and was not time consuming since it did not involve any physical movements to get information since all the information was done on desktop and already existing material. Lastly, the researcher also chose this method because it helped to get information of the people the researcher could not meet.

DATA COLLECTION INSTRUMENTS

The researcher used desktop and qualitative methods as the data collection method. The desktop review method of research focused on the data pertaining the effective laws and policies on the employment of disabled persons. The researcher reviewed various reports, articles, laws, books, case law which established the topic or study that established whether disabled persons have been employed in the formal sector, respected and upheld.

CONCLUSION

In the collection of data, the research therefore, implored both qualitative and desktop review research approaches which involved review of doctrinal literature.

The research findings from scholarly materials, laws, journals provided a clear understanding of the effectiveness of the laws and policies on employment of disabled persons in the formal sector.

1.9 CHAPTER SYNOPSIS

This proposal is divided into four chapters.

The first chapter assesses the background of the problem for instance the problems disabled persons go through in employment, assesses the statement of the problem that is, the reality, ideal situation and consequences. This chapter also stipulates the objectives, justification and significance of the study. It also contains the methodology that will be used while conducting this research.

Chapter two will examine the literature review of the study. The literature review entails the already existing work about the employment of disabled persons in the articles, journals and books. Under this, the researcher will analyze other scholars' literature and assess whether the problem has been solved or not.

Chapter three will discuss the legal and policy framework on the right to employment of disabled persons.

Chapter four shall be a summary of findings, which shall entail the barriers and challenges that affect the effective implementation of laws and policies on employment of disabled persons in the formal sector.

Chapter five will entail the recommendations of the research on how to effect the implementation of employment laws and policies on disabled persons in the formal sector.

CHAPTER TWO

LITERATURE REVIEW

2.1 INTRODUCTION

There is a wide range of literature on the topic of law and the persons with disabilities, given that it is highly contested topic all over the world, different people have completely different views in light to whether the laws most importantly the employment laws have the impact which is ought to be had on the Persons with Disabilities, and whether the multi stakeholders have duly executed the roles which they are expected to execute as far as the implementation of those laws is concerned.

Many and different scholars, individuals and institutions have their perceptions as to whether the laws in place that regulate the incorporation of PWDs in the work force are duly enforced. The views in this literature review are mostly centered or dominated by Indirect discrimination, Gender and Disability and finally Costs of inclusion. My review of this literature maps out the various discriminations that PWDs go through mostly at work, in the community, at schools and in the society due to the unreasonable stereotypes and unfermented ideas about the persons with disabilities. The review will categories the above challenges mostly into three themes as already cited out. I present these themes in the order of their mention above and lastly I will draw a conclusion on them.

2.2 INDIRECT DISCRIMINATION THEORY

Since Uganda showed a strong political will by passing disability laws and ratifying international conventions that seem to protect the interests, rights and benefits of the PWDs, their implementations should be more strenuously followed up. Today in Uganda and other jurisdictions, PWDs are left vulnerable to poverty and most of them are surviving on subsistence farming and petty trade, this can be attributed to the massive discriminatory practices and manifestations coupled with inaccessible and unfriendly work environments. As to the 2002 census, 4.2% of Uganda's population is classified as PWDs. 7% of Ugandans were found in the 2005 National Household Survey, and 18% were found in the 2006 Uganda Demographic Health Survey.⁹

Discrimination in the employment arena arises when an employer treats an applicant for a job or employee adversely, or less favorable on the grounds that he or she has a disability, where the disability has no or hardly any effect on the job performance¹⁰. This form of discrimination takes various forms that is to the Direct discrimination, Indirect Discrimination and the multiple discrimination.

The majority of frequently visited websites, such as the University of Cambridge website, prominently declare that indirect discrimination is a legal term used to characterize circumstances in which policies, practices, or procedures are implemented that, while appearing to treat everyone equally, actually treat those who possess a particular protected characteristic less fairly.¹¹ It also happens when an ostensibly impartial circumstance, rule, or procedure really leads to the unfair treatment of those who possess particular traits. It happens when everyone is subject to the same rules, regulations, or standards, but certain people are disproportionately affected harshly because of particular traits.¹² Or that it can be defined to mean, when a working practice, policy or rule is the same for everyone

⁹ Uganda Society for Disabled Children, "A directory of National and District Organizations of and for persons with disability." < [https://afri-can.org/empowerment/USDC%20Directory_A5\[1\].pdf](https://afri-can.org/empowerment/USDC%20Directory_A5[1].pdf) > accessed on March 17, 2024.

¹⁰ United Nations Division for Social Policy Development (DSPD) Department of Economic and Social Affairs (DESA), On the Rights of Persons with Disability to work.

¹¹ < <https://www.equality.admin.cam.ac.uk/> >

¹² Supra n9

but has a worse effect on someone because of a protected characteristic¹³. The protected characteristics talked of are age, disability, gender reassignment among other things. What provisionally stands out is that this element of disability, puts some persons at a disadvantage and the employment cannot justify the course of action. That implies that the disabled person is singularly categorized as person with a special character, hence this sort of discrimination is manifestly on them in this regard.

Some of the scholars in the Uganda reports such as Uganda Bureau of Statistics (UBOS) state that the major cause or reason for indirect discrimination is the assumption that an “able body” is a requirement for work. Since there are no unemployment benefits in Uganda, all able bodied persons attempt to work (emphasis added)¹⁴. However, such kind of assumption is contrary to the current focus on the principles of equality of opportunities embodied in the anti-discrimination laws. Note that all people are considered to be equal before and under the law. So, the indirect discrimination of whatever nature is being done illegally and hence, a violation of a constitutional right to PWDs.

There is limited employment opportunities of disabled persons in Uganda. For instance, the UBOS, (2007) notes that Uganda`s unemployment rate stands at 5% in the general population¹⁵. However national statistics do not explicitly include the unemployment status of PWDs. A report from the International Labor Organization (ILO) notes that other studies show that the majority of PWDs who are of working age are unemployed.¹⁶ Also Patrick Ojok, a renowned scholar states in his statistical data that employment is the least mentioned source of income among households headed by the PWDs (21%), followed by subsistence farming (25%) and pretty trade (27%).¹⁷ But all this has a basis from the requirement of able bodied

¹³Acas working for everyone < <https://www.acas.org.uk/discrimination-and-the-law/indirect-discrimination> >

¹⁴ Patrick Ojok “beyond Legislation: Implementing the Employment Provisions of the Persons with Disabilities Act of Uganda 2006< <https://afri-can.org/wp-content/uploads/2016/08/Ojok-2013-Beyond-Legislation.pdf> > accessed on March 17, 2024.

¹⁵ Ibid note 14

¹⁶ Supra note 14

¹⁷ Supra note 14

persons to be attributable to work requirements which in one way or the other is a kind of discrimination. In general, notes from the Hogeveen, that PWDs participate less in employment and more likely to be self-employed than non-disabled persons. This is so because PWDs most of them lack the necessary qualifications as far as fitting in the job market is concerned. The rationale being that most of the PWDs have not gone through the necessary academic training to be fully equipped for such opportunities hence justifications for the above rates due to the high level of discrimination either direct or indirect in schools.

There is also discrimination in recruitment of disabled persons in employment sector. They are looked at as incompetent people judging them by their appearance rather than by qualification. A case in point is the story of Agaba, when Chris Agaba was called for an interview in one of the organizations in Kampala, he noticed the people on the interview panel were shocked at the sight of his condition. *“I remember one of the people on the panel asking me whether I would manage to work considering my condition,”* he shares. Agaba is a person with a disability(PWD) on the leg and uses crutch. He is a certified accountant and can work as efficiently as any other person with his skills. He holds a Bachelor of Commerce degree, with a specialty in finance from Makerere University. He also has a certificate in Public Accounting. He learnt from an insider that he was the better candidate. However, sadly he was not taken on because of his condition¹⁸. Just like Agaba, many people today with Disabilities are facing a lot of discrimination at different places of work or during the selection processes which actually pushes them to resort to self-less earning employments which pushes them to live below their standards.

On the contrary to other scholars, Hassan Waddimba, a programmer associate for East Africa Centre for Disability Law and Policy, notes that many people today with disabilities are well educated and are qualified with different skills. However, despite their qualifications, many of them are still facing challenges of

¹⁸ Monitor.co.ug/Uganda/magazine/jobs-and carrier/giving people with special needs chance in the workplace, reported Thursday, January 17, 2019- updated on January 08,2021

unemployment. This can be attributed to the direct and indirect discrimination which most times is not intended but basing on the demands of the competition as to delivery of services, some organizations end up indirectly discriminating the PWDs unknown to them that they could ever perform better than the able bodied men if a chance to work is granted to them.

Additionally, the Ministry for Gender, Labor and Social Development explicitly acknowledges that, discriminatory practices are coupled with in accessible work and retain employment as they are often the last to be hired and the first to be fired. Furthermore, discrimination arises when an employer treats an applicant for job or employee adversely or less favorable on the grounds that he or she has disability, where the alleged disability has no adverse or negative impacts on either the work or job performance or efficiency or probably rises competence questions as to the work performance of the disabled person. Important to note is the undisputable fact that the indirect discrimination requires no intention for it to suffice as discrimination or prove that actually someone has been discriminated against on the basis of disability.

Surprisingly, a variety of stakeholders are heavily involved in these matters pertaining to people with disabilities throughout the nation. These include the Ministry of Gender, Labor, and Social Development, the National Union of Disabled Persons of Uganda (NUDIPU), which was founded in 1987 and was successful in lobbying for and representing PWDs at the 1994 Constitutional Assembly, which is how the rights of PWDs are protected by the constitution¹⁹, equal opportunities commission, the Human Rights commission and many civil society organizations, that are directly responsible for the equal and fair treatment of the PWDs in their work places, simply because most companies and probably over work places in Uganda, have their force demands and goals which must be met for them to remain in business, that is to the market demands and qualifications, which sets the standard higher that to include the kind of manual labor that these work places

¹⁹ Patrick Ojok “beyond Legislation: Implementing the Employment Provisions of the Persons with Disabilities Act of Uganda 2006, < <https://afri-can.org/wp-content/uploads/2016/08/Ojok-2013-Beyond-Legislation.pdf>>

should consider, that implies where for the purposes of the a particular company to secure a tender for trade in a particular business, its required to have better and more able bodied men and women, this will drive such work places to make able bodied personnel a qualification for application and eligibility purposes for that job opportunity, and hence will from the look of the things be an indirect discrimination to the PWDs since they cannot meet the required ability qualifications so as to keep the business of the company in the go and meeting its market demands. This clearly means that the indirect discrimination to the PWDs mostly at the work places whether intended or not should be treated with utmost legal response.

To draw a conclusion on this, discrimination at whatever level is discrimination and un accepted as the constitution is clear on such matters, so the issues of discrimination and the disability is rampant and a challenge in various sectors that is education, employment among others, regardless that there are multiple legislations and policy consideration for ensuring that the rights of the PWDs are not violated or that the PWDs are not subjected to any kind of discrimination, this seems to be falling on a deaf ear as the rate of discrimination whether direct or indirect of the persons with Disabilities whether in the work places is escalating. Its worthy noting that, the PWDs are equally abled bodied persons as the nature of work today is more simplified by use and embracing of technology advancements tools, this means that the rest of the remaining work is more inclined to one`s ability to work or cope up with the technology so as to keep in business, the PWDs can easily compete in the various fields of work and employment, since the principle of Able bodied persons is of less relevance, but who has the ability to use the modern technologies to keep the business or company in the business. additionally, the literature on gender and disabilities majorly looks at the women leaving out the other gender which I from the look of things is discriminatory in nature, because whether male or female as long as disabled they are under a same category. There are no recommendable solutions suggested to over these challenges.

2.3 GENDER AND DISABILITY

According to Ms. GUZU Beatrice's paper submitted to the UN Committee of the Convention on the Rights and protection of persons with disabilities in Geneva, the gender desk was established within the umbrella organization of people with disabilities in Uganda in 1993, marking the beginning of the country's efforts to improve the lot of women and girls with disabilities.²⁰ Around 1999, women formed an organization during the second forum of women with disabilities that brought together representatives from the 45 districts of Uganda.

For this particular theme my focus is on the gender of women. From the look of things women are classified as part of the marginalized groups of people that are subjected to probably double marginalization that is the formal marginalization provided for under the above constitutional provisions and the marginalization that arises as a matter of fact that they are disabled. They are technically subjected to a sort of double discrimination.

According to statistics, Guzu writes that while the study she carried out covered roughly 2000 PWDs, 75% of them seemed to be women, with 47.8% of them having physical disabilities, 14.9% having vision impairments, 12% having aural impairments, and 11.4% having mental disorders. Although women and girls with disabilities are entitled to all human rights and development norms and standards, they have not yet fully experienced these rights on an equal footing with others. As was previously said, women and girls with disabilities (W&GWD) are likely to face double discrimination, which includes marginalization, abuse, and violence based on gender.²¹ Therefore, in comparison to men with disabilities, women with disabilities have a little larger chance of being disadvantaged in the workplace because of their nature and disability; nevertheless, keep in mind that this article exclusively pertains to women with disabilities. The UN women recommend that

²⁰ Ms. GUZU Beatrice, "Experience of Gender based violence against women and girls with disabilities" (case study of Uganda) <
https://www.ohchr.org/sites/default/files/Documents/HRBodies/CRPD/DGD/2013_Submissions/5.NUWDUganda.doc> accessed on March 23, 2024.

²¹ United Nations on "Addressing gender equality in the context of disability" (input from the UN Women)

gender equality be listed as a major challenge in the High Level meeting's conclusion document on disability and development. It should also be a fundamental component of all other major difficulties, such as those involving the age and sex-disaggregated statistics and data.

Unfortunately, our constitution and other legislations don't elaborately provide for what disability mean, however in this case am inclined to borrow the position stated in UBOS²², that a right based approach understands disability as an evolving concept, based on a dynamic interaction between a person`s long term physical, mental, intellectual or sensory impairment and environmental, attitudinal and other barriers that hinder their full and effective participation in society on the an equal with others. Furthermore, disability does not only look at the physical impairment such being deaf, lame, blind among other forms of deformities.

Disability can stretch to even the invisible disability, which most often is geared by social challenges such as Illness like HIVs, poverty among other social challenges. These make a person disabled in the sense that they cause some sort of social pressures which can't be handled since the demands go high to meet such desires which makes it hard for such persons, in the reverse they become psychologically disabled. This kind of disability is to both women and men.

However, the literature on the links between gender and disability highlights that women with disabilities tend to experience more stigma and discrimination than women without disabilities and men whether with or without disabilities. From the UN report of 2018, its notable that gender disability therefore intersects, and women with disabilities can face double or triple discrimination,²³ that is to say, already its common knowledge that there`s a bias on the female gender, so, the worst case scenario appears where that woman is disabled mostly physically, the discrimination suffered in such a situation is way worse because besides the fact

²² UBOS "Situation Analysis of persons with disability in Uganda, <https://www.developmentpathways.co.uk/wp-content/uploads/2020/09/Webready-DP1294-ESP-Disability-Uganda-Sept-2020.pdf> accessed on March 23, 2024.

²³ UN, "The Sustainable Development Goals Report (2018) <https://unstats.un.org/sdgs/files/report/2018/thesustainabledevelopmentgoalsreport2018-en.pdf> accessed on March 23, 2024.

that she`s a woman by gender and nature, she`s disabled and therefore she`s not able bodied.

Globally, women with disabilities are more likely than their peers to experience sexual violence. Furthermore, women with disabilities are twice as likely to be unemployed, twice as likely to have unmet health care needs, twice as likely to be illiterate, and twice as likely to have less access to the internet.²⁴ Ms. Guza Beatrice notes that forced marriages, denial of justice, psychological violence, forced family planning mostly on women with intellectual disabilities, like those with epilepsy and many others, denial of property or theft of property and money, this is mostly by the relatives and not allowed to inherit property from their families because of their gender and disabilities situation.²⁵ Social expectations and conventions are greatly influenced by gender, and gender-based issues are prevalent in Uganda, which is still predominantly a patriarchal society where men and women value their own views and the many rules they hold, such as the idea that women are less valuable than males.

2.4 COST AND INCLUSION

Following the historic UN Convention on the Rights of Persons with Disabilities (UNCRPD) adoption, ratifying nations committed to advancing the full inclusion of disabled individuals in all spheres of society.²⁶ Despite the fact that many countries have found it difficult to move forward with the convention's commitments. Therefore, when compared to the general population, PWDs continue to face significant disparities on practically every measure of social, political, cultural, and economic participation. Many Low and Middle Income Countries (LMICs) have limited resources, leading to the widespread belief that inclusive treatments are not financially possible, according to the International Center for Evidence in

²⁴ [http://www.un.org/development/desa/disabilities/wpcontent/uploads/sites/15/2020/01/Gender](http://www.un.org/development/desa/disabilities/wpcontent/uploads/sites/15/2020/01/Gender_Equality_Brief_Final_20191203.pdf) Equality Brief Final 20191203.pdf.

²⁵ Supra n21.

²⁶ International Centre for evidence in Disability, "Summary Report: The Economic Costs of Exclusion and Gains of Inclusion of People with Disabilities", (summary Report of 2014) < https://www.lshtm.ac.uk/sites/default/files/2020-03/Summary%20Report_Costs%20of%20Exclusion_print.pdf> accessed on March 23, 2024.

Disability. A thorough economics-based argument has not been thoroughly stated, despite the fact that research by other people have evaluated the costs of exclusion and potential benefits from inclusion in sectors like job or education. With this theme, the major focus is on the cost of both inclusion and exclusion of PWDs in basically two areas that is education and work. There is not much information/literature on the cost of inclusion of PWDs but majorly am going to look at basically two survey reports that will make a review on.

Exclusion from employment leads to lower employment and earning potential among people with disabilities, which actually makes them vulnerable to poverty, and also limits national economic growth. This was emphasized by Lena Morgan Banks and Sarah Polack.²⁷ For instance from other jurisdictions such as, Bangladesh, reductions in wage earnings attributed to lower levels of education among people with disabilities and their child caregivers were estimated to cost the economy US\$54 million per year.²⁸ However, increasing access to education can also have positive impacts in areas such as crime, control of population growth, health among others states. However, this includes sectors such as employment among others, so since the government has always labored to bare costs for this category of citizens, the better to have them better equipped with the necessary knowledge, skills so as to compete favorably on the Uganda Job market and therefore reducing on the cost that the government incurs in taking care of these categories of people.

The government of Uganda has offered some vocational training programs to equip PWDs with employable skills and promote their access to employment .²⁹ However these programs are limited in scope and no longer meet current labor market

²⁷ Lena Morgan Banks and Sarah Polack, “The economic Costs of exclusion and gains of inclusion of people with disabilities” (Evidence from low and Middle income countries)” <
https://www.cbm.org/fileadmin/user_upload/Publications/Costs-of-Exclusion-and-Gains-of-Inclusion-Report.pdf>
accessed on March 23, 2024.

²⁸ Ibid 20

²⁹ Supra n21

requirements.³⁰ Patrick Ojok states more eloquently that in Uganda “we have Government owned schools at all level that have been only designated for children with disabilities like the Salaam School of the Blind in Mukono, one in Gulu for Children with physical disabilities and two secondary schools for the deaf in Wakiso and Mbale District. Patrick further notes that in Uganda`s struggle to preclude these discriminatory practices it enacted laws that seemed to eliminate such practices against the PWDs. But yet in actual sense, discriminatory practices still exist in the contemporary society.

Firstly, with the cost of inclusion, this basically looks at the financially implications as a result of bringing the persons with disabilities on board either for purposes of education or having them employed or deployed in the work force. The UNICEF Disability Inclusive Humanitarian Toolkit³¹, gives a brief guide on the UNICEF staff to estimate the costs associated with inclusion of persons with disability in humanitarian action. The brief guide is primarily concerned with response planning and resource mobilization and should be consulted when³²;

1. Developing a resource mobilization strategy within emergency preparedness.
2. Developing a country office (CO) response plan, appeals, emergency Program budget review (PBRs) and Program Documents (PDs). Among other guides.

EDUCATION

Discrimination against children with impairments is a risk. Practical obstacles in the form of limited accessibility imposed by school building infrastructure and a dearth of inclusive education teacher training exacerbate this in the context of education. Children with impairments are about twenty times more likely to be in lower grades and to have repeated a grade in the Northwest Cameroon region, according

³⁰ Government of Uganda, “Uganda`s initial status Report 2010 to the CRPD” (Advanced Copy) (United Nations, 2010) < https://webapps.ilo.org/wcmsp5/groups/public/---ed_emp/---ifp_skill/s/documents/publication/wcms_107862.pdf

³¹ UNICEF, “Budgeting and Mobilizing resources for disability inclusion in humanitarian actions”< <https://www.unicef.org/media/124156/file/Budgeting%20and%20mobilizing%20resources%20for%20disability%20inclusion%20in%20humanitarian%20actions%20%20.pdf>> accessed on March 20, 2024.

³² Ibid n32

to Thomas Engels, Ian Jones, and Lauren.³³ Now here what outstandingly comes out for me is the fact that, in the education sector from other jurisdictions such as Cameroon as the report clearly indicates, there are multiple challenges that in one way or the other hinder proper inclusion of the Children with Disabilities in the education sector, because the factors rightly there cannot allow or permit, or the lack of a better to use are not environmental friendly for such scholars to be admitted in those schools that have such barriers. Furthermore, in Cameroon Thomas notes in the report that, results show that the total expenditure of the inclusive education pilot project was AXF 300.5 million (USD 523,425) over four years (2017-2020).³⁴ This frankly indicates that the education sector could be one the most affected as far as the PWDs are concerned and the cost of having them fully involved in the education program.

In addition, discrimination against children with disabilities is a concern in the educational system. Practical obstacles including lack of inclusive education teacher preparation and school building infrastructure that limits accessibility exacerbate this. Thus notes Thomas Engels (Oeconomia Expertise)³⁵ Light for the Word states that every child has a right to inclusive, quality education. However, this requires so-specially trained workforce to meet these rights because not that any teacher can meet the demands of the Children with disabilities since they are highly distinct from other students in schools by the nature of their needs. The worst case scenario where most education institution, they can't afford the cost of training such personals, maintenance of such students at school is way costly than maintaining the normal students since they need least special care. Additionally, the consensus report of 2002 indicated that 98% of children with disabilities drop out of primary education and only 2% complete post-secondary education. So most

³³ Thomas Engels, Ian Jones and Lauren Leclercq "Cost and Budget impact analysis of inclusive education for children with disabilities, in Cameroon, (September 2022)" < <https://research.sightsavers.org/wp-content/uploads/2022/09/Cost-and-budget-analysis-impact-of-inclusive-education-for-children-with-disabilities-cameroon-report-english.pdf>> accessed on March 22, 2024.

³⁴ Supra n32

³⁵ Supra n34

PWDs in schools don't complete studies the major factor being the cost of inclusion.³⁶

There is widespread exclusion from schooling. Lena Morgan elaborates that in the majority of low-income countries, children with disabilities are significantly less likely than their peers without disabilities to complete primary school and have fewer years of education, despite widespread ratification of the UNCRPD and the introduction of other similar national policies.³⁷ According to a recent worldwide study, children with disabilities (CWDs) enrolled in sponsorship programs were frequently ten times less likely to attend school than children without disabilities across 30 (thirty) nations. They have a lower level of education for their age and a higher dropout rate than any other vulnerable group. It's important to remember that the goal of the Millennium Development Goal—universal access to primary education—will not be achieved without the participation of children with disabilities in the education sector.³⁸

There are numerous ways to categorize exclusion, but to begin, let's talk about exclusion caused by physical or verbal obstacles. One essential first step in facilitating the education of children with disabilities is providing them with physical access to schools. Inclusion is hampered by certain pre-existing environments in many schools. In other words, it is difficult for children with disabilities to attend school because of tiny hallways, a large number of stray animals without ramps or elevators, and inaccessible restrooms especially true for people with mobility impairments. In a mode of solution, its suggested in the decision of Legality for Person `s with disability v Ag and 2 others, that all structures basically for employment purposes, and education should as a mandate make provisions in their structure setting, for PWDs to have easy access to the facilities or even secure lower offices for such categories of persons so as to have them fully involved and included in the education and employment sector.

³⁶ Supra n34

³⁷ Supra n28

³⁸ Mulligan D, Good K, the Millennium Development Goals and people with Disabilities.
<http://www.cbm.org/article/downloads/82788/MDG> and people with disabilities sighsavers.pdf

Additionally, Morgan and Sarah suggests that in a mode of solution, its important like in class rooms have the children with disabilities taught in the language that they better understand like the deaf and mute can probably use the sign languages so as to have them all included and eliminate the challenges that are affiliated to exclusion from the education sector.³⁹But that is not the case for all buildings in the schools especially those built earlier before enactment of such laws, and hence children with disabilities are excluded from such facilities.

EXCLUSION THROUGH ATTITUDINAL BARRIERS

Misconceptions and negative attitudes also prevent individuals with disabilities from accessing quality and equal educational opportunities. These barriers work at all levels from planning to enrollment of students from accessing equal educational opportunities. These barriers work at all levels of education and they include, to mention but a few, bullying, stigmatization of the disabled, maltreatment and even acts of violence towards CWDs by teachers and peers are frequently reported in schools. Such actions compel children to drop out of school, reports Lena Morgan and Sarah Pollock.

EXCLUSION THROUGH FINANCIAL BARRIERS

More to the exclusion within the education sector, in low income setting countries, governments are struggling, resources are scares, making investment funding for the provision of even the most basic education is frequently inadequate and next to impossible. Governments are therefore, reluctant to add any more items to budgeting lines like the supplementary budgets, so without national provision of inclusive education, the responsibility of payment now is a burden or falls on families for whom costs such as tuition at private special school or individual provision of accessible teaching materials are almost always prohibitive and extremely hard for such families. So this has put the whole sector that is in charge of the PWDs at a check point to since mostly, its costly to hire professionally trained and equipped experts as far as dealing and teaching of the CWDs is

³⁹ supra 37

concerned. This locks out the children with such physical impairments. Lena Morgan further juxtaposition or weigh the benefits of inclusion over the cost of associated with exclusion of this class of children from education by not providing the necessary requisitions for their health being or staying in school is concerned.⁴⁰

In a nutshell, exclusion and inclusion in education sector of children with disabilities, looks to be the corner stone of the either the negative implications and the positive ones, but since exclusion has been established to have the worst impact, it`s my humbled ideal that given the fact the reviewed literature doesn`t suggest measures under which or how such exclusion rates can be curbed or minimized. Its fundamental for me in this research paper that I address such measures by elaborating more on what should the government in connection with the responsible stake holders ought to do so as to have this under control.

RESOURCE ALLOCATION

Inclusion requires deliberate effort and therefore dedicated resources. Inclusion has a cost but exclusion is always costlier as it exacerbates the vulnerability of PWDs, increases dependency on the families, friends, and other caregivers, and reduces program impact and value for money. The UN Disability Inclusion Strategy (UNDIS) requires all entities to allocate adequate financial resources for disability inclusion, which entails better utilization and alignment of current resources with expected outcomes⁴¹. The survey further notes that the inadequate resource mobilization and budgeting are common and significant barriers to the inclusion of persons with disabilities in humanitarian action.

Note that inadequate resource mobilization and budgeting are common and significant barriers to the inclusion of PWDs in humanitarian Action. Since inclusion requires deliberate efforts and therefore dedicated resources, which turn out to be more problematic and yes it has costs, but the cost of exclusion is costlier as it exacerbates the vulnerability of persons with Disabilities. That is to say, increases dependency on families and friends, and other care giver, and reduces program

⁴⁰ ibid

⁴¹ supra page 8 F20

impact and value for money. So in the nutshell, inclusion has costs but exclusion of persons with disabilities in the education sector has got more diverse and far reaching implications as they go beyond the monetary costs but look at the social and personal development of PWDs and greatly affects the relations of PWDs to the rest of the community, as it establishes them to be a burden to the rest of the community. The Inter Agency Standing Committee (IASC) Guidelines on inclusion of persons with disabilities in humanitarian action states that; inclusive budgeting occurs when an organization, during its planning process, allocates funds to remove barriers and promote participation for persons with disabilities, and to provide targeted activities for persons with disabilities. Inclusive budgets should include costs for improving physical accessibility, providing reasonable accommodations, and providing specialized nonfood items (NFIs), assistive devices, mobility equipment and accessible communications⁴².

2.5 CONCLUSION

All the above literature reviewed demonstrates but not exhaustively the indirect discriminations, gender and disability and cost of inclusion and not so much of the Ugandan literature as far as these themes are concerned. The recommendations as to the challenges faced by the PWDs at all levels are not included and therefore this stands to be a point to be considered in this research. So, the above literature is majorly from countries partly outside Africa and partly from countries within Africa but there isn't much from Uganda addressing these issues. So, the topic is a highly contested topic yet not so much literature has been published in that area. The current study is an attempt to try and fill that gap as far as the topic at hand is concerned.

⁴² Inter-Agency Standing Committee, it's the longest and highest level humanitarian coordination forum of the UN systems.

CHAPTER THREE

LEGAL AND POLICY FRAMEWORK ON THE RIGHT TO EMPLOYMENT OF PERSONS WITH DISABILITY

3.1 INTRODUCTION

Disability employment laws in Uganda have evolved over the years to address the needs of persons with disabilities and ensure their full inclusion in the workforce. The introduction of various policies and legislation aimed at promoting equal opportunities and non-discrimination in employment has been a significant step towards achieving this goal. By examining the legal framework surrounding disability employment in Uganda, we can gain insight into the effectiveness of these laws in practice. This includes analyzing the provisions for reasonable accommodations, anti-discrimination measures, and mechanisms for enforcement. Furthermore, understanding the specific challenges faced by persons with disabilities in securing and maintaining employment will provide valuable context for assessing the impact of these laws. Ultimately, a comprehensive examination of the legal landscape will shed light on the progress made and areas for improvement in promoting disability inclusion in the workplace in Uganda.

Every individual has a fundamental right to work.⁴³ This right is essential for realizing other human rights and constitutes an inseparable and inherent part of human dignity. It contributes at the same time to the survival of individual and to that of his or her family and, in so far work is freely chosen or accepted to his or her development and recognition within the community. Various regulatory and policy framework exist to address the right to employment of PWDs globally, regionally and even nationally. Uganda has ratified various international and regional human rights instruments that promote the right to employment of PWDs.

⁴³ Universal Declaration of Human Rights, art. 23, and International Covenant on Economic, Social and Cultural Rights, Art.6

The ratification of these international and regional instruments places an obligation on Uganda to conform to the standards of these human rights envisaged in these instruments. This part explores the various international, regional and national legal and policy framework that addresses the right to employment by PWDs.

3.2 INTERNATIONAL INSTRUMENTS

THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD)

This was the first Convention to introduce the social model disability and change directions on how persons with disability are included into the workplace. Adopted in 2006, this convention became operative in 2008. The convention also marks the so-called paradigmatic change from the attitudes and approaches where persons with disability were considered objects of charity, social protection and medical treatment to subjects of human rights, able to make decisions on their own behalf, claim their rights and capable of being active members of the society.⁴⁴ While disability is understood as evolving concept, the preamble of CRPD acknowledges “disability results from interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and potential participation in society on an equal basis with others”⁴⁵ The CRPD seeks to uphold the intrinsic dignity of all people with disabilities and to guarantee that they can fully and equally enjoy all human rights and basic freedoms.

CRPD⁴⁶, states that, disabled people have a right to work on equal basis with others, and its main purpose is to ensure people with disabilities equal opportunities to realize their human rights and to reduce obstacles that hinder this. The CRPD requires state parties to further prohibit all forms of employment discrimination, including conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and health working

⁴⁴ A case Digest: Judicial Decisions relating to Persons with Disabilities in Uganda; commissioned by the Network of Public Lawyers; accessed on April 24, 2024 from <http://rodra.co.za/images/countries/uganda/research/CASE%20DIGEST%20-%20Judicial%20Decisions%20in%20relation%20to%20Persons%20with%20Disabilities%202017.pdf>

⁴⁵ UN CRPD, Preamble (e), 2006

⁴⁶ Convention on the Rights of Persons with Disability, Article 27,

conditions. It also promotes access to vocational training and promotes opportunity for self-employment.

Uganda ratified this Convention and its Protocol on 25TH September 2008 without reservation.⁴⁷ By doing this, Uganda committed itself to uphold the same rights of PWDs in the Ugandan laws and domesticated the rights in Chapter four⁴⁸. In regards to this, Uganda has facilitated and put in place vocational training centers for PWDs across the country including Ruti vocational Rehabilitation center in Mbarara, Ogur Rehabilitation Center in Lira District. However, several studies have persistently pointed out that these programs are limited in scope and no longer meet the current market employable skill-requirement.⁴⁹ These institutions are challenged by shortage of staff trained in special needs education due to limited facilities and as a result, few PWDs are catered for leaving big number of them unattended to. For instance, “Tom Malaba noted that, there are fewer than twenty vocational institutes in the country training PWDs in practical skills and even some PWDs drop out of these institutions due to lack of guidance and support.⁵⁰ So any form of treatment of such persons in employment sector that is contrary to the provisions of this convention contravenes to the human rights principles of equality and non-discrimination in recruitment of these persons in employment.

THE 1975 DECLARATION ON THE RIGHTS OF DISABLED PERSONS

This universal instrument was adopted on 5 December 1975 by General Assembly resolution 3447(XXX). This Declaration builds upon other international legal documents that contributed to the protection of disabled persons. It establishes that all persons with disabilities have access to the rights granted by the Declaration without distinction or discrimination on the basis of race, color, sex,

⁴⁷ UN Convention on Rights of Persons with Disabilities, Uganda’s Initial Status Report 2010, < http://rodra.co.za/images/countries/uganda/concluding_observations/Uganda%20Initial%20Status%20Report%20to%20the%20UNCPRD.pdf> visited on April 29, 2024.

⁴⁸ The 1995 Constitution of the Republic of Uganda (As Amended)

⁴⁹ CRPD, “Consideration of Reports submitted by States Parties under Article 35 of the Convention” <file:///C:/Users/It's%20Me/Downloads/UN%20REPORT.pdf> accessed on April 29, 2024.

⁵⁰ Tom Malaba, “PWDs shun Kampala Vocational School” <https://ugandaradionetwork.net/story/pwds-shun-kampala-vocational-school?districtId=728> accessed on April 29, 2024.

religion, political or other opinions, national or social origin, state of wealth, birth or any other situation applying either to the disabled person himself or herself or to his or her family.⁵¹

The Declaration defines the term “disabled person” as any person unable to ensure himself or herself, wholly or partly, the necessities of a normal individual and/or social life, as a result of deficiency, either congenital or not, in his or her physical or mental capabilities. It further establishes that, disabled persons have the right according to their capabilities, to secure and retain employment or to engage in a useful, productive and remunerative occupation and to join trade unions.⁵²

THE INTERNATIONAL BILL OF RIGHTS

This includes the Universal Declaration of Human Rights (UDHR), the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR). UDHR being the parent of all human rights instruments, is a milestone document in the history of human rights, drafted by representatives with different legal and cultural backgrounds from all regions of the world, the Declaration was proclaimed by the United Nations General Assembly in Paris on 10 December 1948, as a common standard of achievements for all peoples and all nations. The UDHR is widely recognized as having inspired, and paved way for, the adoption of more than seventy Human Right treaties, applied today on a permanent basis at global and regional levels.

The UDHR highlights that every individual has the right to be recognized by the law as a person everywhere.⁵³ People with disabilities fall under this category as well. “Everyone is equal before the law and is entitled to equal protection of the law without any discrimination,” the statement goes on to say. Everybody has the right to work, to choose their own job, to fair and comfortable working circumstances, and to be protected against unemployment.⁵⁴ These conventions in the Bill of

⁵¹< <https://humanrightscommitments.ca/wp-content/uploads/2019/03/Declaration-on-the-Rights-of-Disabled-Persons.pdf>>

⁵² Declaration on the Rights of Disabled Persons, article 7

⁵³ Universal Declarations of Human Rights Article 6

⁵⁴ Article 23

Rights have been ratified by Uganda, the ICESCR in 1987 and the ICCPR in 1995 which is evident in Chapter four “Protection and promotion of other human rights and freedoms”⁵⁵. However, with these international Conventions, they are based on principles and rules that do not have strict penalty on countries that do not follow them.

THE 1983 ILO VOCATIONAL REHABILITATION AND EMPLOYMENT (DISABLED PERSONS) CONVENTION (NO. 159) AND RECOMMENDATION (NO. 168)

International Labor Organization (ILO) is an agency of the UN that is mandated to draw up and oversee implementation of international labor standards. Some of its main aim is to promote rights and equality at work, advancement in employment and provide security for all disabled persons. The ILO involvement in the field of disability is majorly premised on the core principle that disability issues are considered to be human rights issues, that is the reason for drafting key instruments relating to labor rights of PWDs.

The 1990 convention that Uganda ratified emphasizes the idea of equal opportunity between disabled and non-disabled workers, and that any positive actions taken to achieve this effective equality of opportunity between these workers should not be viewed as discriminatory against other workers.⁵⁶

Uganda has taken some of these positive measures to ensure equality such as requiring companies to employ certain percentage of PWDs and offering incentives to such companies to do so. However, this provision is still much more theoretical rather than practical in Uganda as evidenced by high rates of unemployment of PWDs. For example, a 2019 survey by TRAC FM, a social change agent that employs SMS for radio station polling, found that only 1.3% of Uganda's 5 million (12.5%) disabled population are employed by the official sector. According to the remark,

⁵⁵ The 1995 Constitution of Republic of Uganda (As Amended), Chapter 4

⁵⁶ Employment (Disabled Persons) Convention (No. 159), Art. 4

equitable representation would mean that PWDs hold 10% of government employment, compared to the existing 1%.⁵⁷

3.3 REGIONAL INSTRUMENTS

INTRODUCTION

This encompasses human rights instruments within different regional organizations which include the African Union, the Organization of American States and the Council of Europe among others. some of the legislations in these regions include; the Inter-American Convention on the Elimination of all Forms of Discrimination against Persons with Disabilities, the African Charter on Human and Peoples' Rights and its Protocols and the European Social Charter which will be discussed hereafter.

AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS AND ITS PROTOCOLS (ACHPR)

The ACHPR, which has been ratified by several African nations, including Uganda, is the primary human rights document for the continent. It is accompanied by protocols like the Maputo Protocol, which pertains to the rights of women in Africa. According to the ACHPR, every person has the right to work in conditions that are fair and fulfilling and to be paid equally for labor of similar value. In accordance with their moral or bodily needs, the elderly and disabled also have the right to specific protection measures.⁵⁸ It also establishes the African commission that is tasked with monitoring, implementation of human rights to which State parties are to submit periodic reports.⁵⁹

Uganda has implemented the ACHPR provisions largely through Chapter 4. The African Commission commended Uganda for enshrining fundamental freedoms and human rights in its Constitution and for establishing constitutional bodies like the Equal Opportunities Commission (EOC) and Uganda Human Rights Commission

⁵⁷ New vision (September 24,2020), PWDs banking on new law to guarantee employment < <https://www.newvision.co.ug/news/1527827/pwds-banking-law-guarantee-employment>> accessed on April 25, 2024, 12:16PM

⁵⁸ African Charter on Human and Peoples' Rights, Art.18

⁵⁹ Ibid, Art.30, 45

(UHRC) to uphold and defend these rights, as it concluded its observations on the country's second periodic report submitted in 2006.

INTER-AMERICAN CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST PERSONS WITH DISABILITIES

This is a regional human right instrument based and functional within the Organization of American States that was adopted by the General Assembly Resolution in 1999 and came into force in 2001. It recognizes that PWDs have the same human rights and fundamental freedoms as other persons stemming from the inherent dignity and equality of each person. Hence, the objectives of this Convention are to prevent and eliminate all forms of discrimination against PWDs and promote their full integration into the society through adopting legislative, social and educational measures .⁶⁰

3.4 NATIONAL LEGAL FRAME WORK OF UGANDA

INTRODUCTION

At national level, there are various legislations that provide for employment of PWDs including the 1995 Constitution which is the supreme law of Uganda, The Persons with Disabilities Act, 2020, the Employment Act of 2006, Uganda Human Rights Commission Act and others as will be discussed hereafter;

THE 1995 CONSTITUTION OF REPUBLIC OF UGANDA (AS AMENDED)

The Constitution is the supreme law of the land of Uganda and it provides for various economic, social, civil and political rights of individuals. PWDs' rights are acknowledged by the Constitution, which also serves as the foundation for legislation and policy development. There are several sections of the Ugandan Constitution that should be properly taken into account for this research topic; The fundamental rights and other freedoms of human beings, for which the state is responsible for ensuring and upholding institutions tasked with safeguarding human rights.⁶¹ Article 40 guarantees everyone in Uganda the freedom to exercise their

⁶⁰ Inter-American Convention on the Elimination of All Forms of Discrimination Against PWDs, Art.2

⁶¹ The 1995 Constitution of the Republic of Uganda (As Amended), Art.20

profession and to engage in any lawful trade, company, or occupation. Among these rights is the right to employment. Because of this, the Constitution gives the Parliament the authority to pass laws that guarantee people's right to work in fulfilling, safe, and healthful environments.⁶²

Additionally, it recognizes the rights of PWDs to human dignity and respect, encourages the creation of sign language for the deaf, and ensures that marginalized groups are fairly represented on all constitutional and other bodies. It also commands the nation to implement affirmative action in order to address the disparities that are in place against people with disabilities.⁶³ The National Objectives and Directive Principles tasks the society and the state to recognize the right of PWDs and this right also includes the right to employment. The Constitution goes ahead to authorize the Parliament to enact laws appropriate for the protection of PWDs; it is upon this that the Persons with Disabilities Act, 2020 was enacted and other laws.

In furtherance to the aforementioned, the Constitution establishes the fundamental framework around which the various Acts of Parliament are drafted and passed, taking into consideration the numerous international treaties and conventions that Uganda has ratified. To effectively provide for PWDs, these Acts must take their cues from the pertinent international instruments and the Constitution. That being said, any illegal indirect discrimination of any kind violates a constitutional right, as previously mentioned and clarified. Additionally, it violates several laws that protect people with disabilities in the workplace, including the Employment Act of 2006, the Persons with Disability Act of 2006, the National Employment Policy of 2006, and the National Disability Policy 2006.

PERSONS WITH DISABILITIES ACT, 2020

This is Uganda's general legal framework pertaining to PWDs. It outlines the management of programs for people with disabilities and their rights. Schedule 3 of the Act defines "disability" as a significant functional limitation of an individual's

⁶² Ibid n63, Article 40(1)

⁶³ The 1995 Constitution of the Republic of Uganda (As Amended), Articles, 32

everyday activities resulting from a physical, mental, or sensory impairment. The third Schedule of the Act lists the following categories of disabilities: mental disability, including learning disability and psychiatric disability, little people, albinism, physical disability caused by cerebral palsy, amputation of a limb, paralysis or deformity, hearing disability including deafness and hard of hearing disability, visual disability including blindness and low vision disability, deaf and blind disability.

PWDs' freedoms and rights are outlined in Part II of the Act, including their employment rights. An employer is prohibited from treating a PWD unfairly due to their handicap. According to the Act, employers are required to encourage people with disabilities to apply for jobs when suitable through job advertisements. The goal of this regulation is to create situations where employers are required to include PWDs in employment advertisements so that they can apply for those positions. In other words, there are certain jobs that are inappropriate for people with disabilities, which leads to some form of employment discrimination. Additionally, the statute mandates that employers make a reasonable accommodation for a disabled job candidate.⁶⁴ It also provides that an employer with employees with disabilities shall be allowed deductions of up to ten percent on the chargeable income. It also provides for an offence to any employer who contravenes with this provision.⁶⁵ The Act also establishes National council for PWDs which shall monitor the implementation of the Act, carry out surveys, inquiries on matters relating to violation of rights of PWDs. It also has power to order for corrective measures for violation of a right of PWD or for non-compliance of the Act.⁶⁶ In regards to this, the National Council for PWDs secured 12.4% of advertised jobs for skilled PWDs in National Identification and Registration Authority (NIRA) recruitment exercise for mass enrolment.⁶⁷ But even with this, the

⁶⁴ Person with Disabilities Act, 2020, section 9

⁶⁵ Ibid

⁶⁶ Ibid, part III

⁶⁷ NIRA, Recruitment of Temporary Staff-Mass enrolment and Mass Renewal of National IDs<
<https://www.ncpd.go.ug/sites/default/files/2024->

percentage of available jobs for PWDs is less compared to the percentage of PWDs in Uganda and even there are few skilled PWDs eligible for the job due to inadequate specialized institutions for these categories of people. Even though this Act has been enacted of recent, it lacks the legislations to operationalize it in a way that the sanctions imposed under this Act are not strict and so the employers are reluctant to implement this law.

THE EMPLOYMENT ACT, 2006

The primary laws governing employees' rights in Uganda are outlined in this document. Any person or group of persons, including a business, a public, regional, or local authority, or the governing body of an unincorporated association, for whom an employee works, has worked, or has sought to work under the terms of a service agreement is defined as an employer under Section 2 of the Act. This definition also includes the heirs, successors, assignees, and transferors of any person for whom an employee works, has worked, or regularly works. Additionally, anyone who has signed an apprenticeship or service agreement is considered an employee. This excludes anyone who works for the Ugandan government but includes anyone who is a member of the armed forces. The Act promotes employees' rights from the recruitment and selection stage to the termination of contract or dismissal. It provides for various employees' rights and principles employers should undertake while in the contract of service.

Employees are entitled to file a lawsuit in court in the event that this section is violated, but obstacles like expense and legal expertise frequently limit the number of people who can file a lawsuit. Section 34 of the Act mandates that all employers protect special categories of employees, which includes PWDs. Part 34 also gives the Advisory Board the authority to create regulations that would help PWDs and vulnerable groups to adapt into and access employment opportunities.⁶⁸

[02/Download%20https_www.nira.go.ug.media.2024.02.RECRUITMENT-OF-TEMPORARY-STAFF-ADVERT-2024-final.pdf](https://www.nira.go.ug/media/2024/02/RECRUITMENT-OF-TEMPORARY-STAFF-ADVERT-2024-final.pdf) , < <https://ncpd.go.ug/publications> > visited on April 30, 2024.

⁶⁸ Chripas Nyombi, Access to Employment for Persons with Disabilities

<https://ecommons.cornell.edu/server/api/core/bitstreams/89bf27ff-c7de-4bfd-af0e-16c6f8b5b9e4/content> accessed on April 30, 2024.

Another outstanding is section 6⁶⁹, it prohibits the discrimination of a qualified person on grounds of disability that is to say, application, hiring, promotion, dismissal, compensation, job training and employment benefits. Hence, it prohibits the discrimination at whatever level, and it categories this into three approaches that is the Anti-discrimination, employment quotas and affirmative action. These stands as mechanisms per se to curb or to hinder the wider discrimination of persons with disability basically on the ground that he/she is disabled. Thus, section 6 prohibition allows any person who is an employee to bring a claim if any preference, distinction or exclusion has been carried out by an employer. Meaning this section favors employees but, do PWDs even reach the employee status basing on the level of unemployment of disabled person? In Uganda, an estimated 12% of population have a disability yet 22% of unemployed Ugandans have disability⁷⁰ which clearly shows that the prohibition of discrimination is just theoretical but practical since on ground PWDs are still unemployed.

WORKERS COMPENSATION ACT CAP 225

This Act is intended to compensate workers for illnesses and injuries that they may have contracted while on the job. This Act primarily mandates that any individual who becomes disabled while performing their employer's duties at work shall get the benefits specified in the Act. A worker is entitled to compensation equal to sixty months' wages if an injury renders them permanently totally incapacitated, or sixty times their monthly earnings if the injury results in permanent partial impairment.⁷¹ However, PWDs do not even reach the employee status as they are discriminated at first level.

UGANDA HUMAN RIGHTS COMMISSION AND THE ACT

The Uganda Human Rights Commission (UHRC) is established under Article 51(1) as well as UHRC Act, as a mechanism for enforcement of rights and freedoms of individuals. The commission among its functions is to investigate violations of

⁶⁹Employment Act, 2006.

⁷⁰ Economic Inclusion of Persons with Disability in Uganda <https://devinit.org/resources/uganda-disability-data-landscape-economic-inclusion-persons-with-disabilities/introduction/> accessed on April 30, 2024

⁷¹ Workers Compensation Act CAP225, sections 5, 6

human rights either at its own volition or upon complaints made by an alleged victim of such violation as well as perform other functions as prescribed by the law.⁷² While conducting its function and duties, the commission has the power to order any legal remedy or redress if its satisfied that there has been an infringement on human rights and freedoms.

Basically, through this commission, PWDs can ably seek redress where their rights have been infringed upon aside from courts of law as it is a means to safeguard and protect rights of all individuals PWDs inclusive. It is also important to note that while hearing a matter, UHRC has the same powers granted to courts of law. The UHRC publishes annual reports on its findings of the situations in the country, the cases it handles annually and goes ahead to make recommendations on the way forward. For instance, the conclusions and recommendations to the Ad Hoc Committee adopted by the Kampala workshop included among others, the NHRIs should consult with PWDs organizations about the development of the proposed Convention.⁷³

THE EQUAL OPPORTUNITIES COMMISSION (EOC)

The EOC was created as a statutory body in line with Article 32(3)⁷⁴ and the EOC Act. Its goals are to provide redress for prejudice and to end all types of discrimination against people based on a variety of factors, including age, gender, ethnicity, political viewpoint, and disability. In addition, the Commission can investigate, hear, and rule on complaints from individuals or groups regarding any act, action, or omission that might be considered discriminatory, marginalizing, or otherwise related to equal chances. It can also keep an eye on Uganda's compliance with these laws.⁷⁵

⁷² Uganda Human Rights Commission Act CAP 24, section 7(1)

⁷³ Ad Hoc Committee (5-6 June 2003) Regional workshop on promoting the Rights of Persons with Disabilities: Towards a new UN Convention Final Declaration < <https://www.un.org/esa/socdev/enable/rights/contrib-uganda.htm>> accessed on April 25, 2024

⁷⁴ Supra 59

⁷⁵ Equal Opportunities Commission Act 2007, section 14

In June 2016, the EOC in collaboration with the Uganda National Action for PWDs (UNAPD) conducted an audit to establish the level of accessibility for PWDs to some public buildings which included KCCA City Hall, Parliamentary building, High Court Kampala. The audit report showed that most of the sampled buildings either not accessible or had a moderate level of physical accessibility to PWDs. The Commission went ahead to make recommendations to these institutions including; constructing accessible ramps at main entrance to ease access for PWDs, setting up handrails at stairs, designating parking spaces for PWDs, always leaving double leaf doors open to ease access for wheelchair users to equal access and participation of all persons for inclusive growth. All these recommendations were enacted in the Persons with Disabilities Act 2020, but Court is reluctant to answer questions on buildings that are inaccessible to the disabled.⁷⁶

3.5 CONCLUSION

Even though Uganda has passed a number of laws, you will find that these are being passed almost entirely out of sympathy and with little regard for the consequences to either party. The lawmakers who pass these laws, which are intended to provide employment opportunities for disabled persons, do so out of fear, worry, strong emotions, and occasionally preconceptions. Since disability is a personal damage, some disabled people misuse the fact of their impairment due to the minimal or nonexistent responsibility placed upon them. For example, experts think that Uganda has one of the finest documented legislative and regulatory frameworks for people with disabilities in sub-Saharan Africa. But they also think that there is a big difference between what is written down and what is actually done, especially when it comes to money, legislation, program execution, policy awareness, and policy contradictions. The National Council for Disabled Persons' program officer in charge of research, Lillian Nakukasa, observes that PWDs in Uganda have more laws governing them than any other group in the nation. Not even government officials, who are tasked with enforcing these rules, are aware of them. They are not made public, and they do not read the law. Thus, how will you

⁷⁶ Legal Action for Persons with Disabilities v Attorney General (Misc. cause No. 149 of 2011) [2014]

enforce the law if you don't know what it says? They don't punish anyone who oppose them, therefore they get away with it.⁷⁷ From this analysis, clearly shows that the implementation of these laws and policies is still lacking and so, the PWDs continue to be discriminated in employment sectors hence leading to higher rates of unemployment and higher poverty rates for PWDs.

⁷⁷ New Vision (October 28, 2022), Uganda Has Best Persons with Disability Laws, No Implementation<
https://www.newvision.co.ug/category/report/uganda-has-best-persons-with-disability-laws-NV_146259>

accessed on April 26, 2024

CHAPTER FOUR FINDINGS

4.1 INTRODUCTION

The study data gathered from the earlier chapters is the subject of this chapter. It provides an overview of the data collected, conclusions, and suggestions that could improve the efficacy of laws designed to address the daily needs of impaired workers. These conclusions were drawn from the body of prior research by examining numerous papers, journals, case laws, and statutes regarding the employment of disabled people in Uganda's official economy.

4.2 SUMMARY OF FINDINGS

The biggest obstacle to the execution of laws on employment of PWDs is still present, despite its strong anti-discrimination position. There are still a lot of obstacles, such knowledge gaps and expense, that prevent credible cases from going to court or from being pursued through legal channels. This research therefore, revealed numerous challenges and barriers that have hindered the effective implementation of these laws on employment of PWDs.

PRECONCEIVED NOTIONS ABOUT PWDS

The preconceived ideas about people with disabilities are vividly depicted from the perspective of society, thinking about people with disabilities, and what is likely derived from the writings of the different scholars who have had a hand in matters pertaining to people with disabilities. Several notable preconceived notions have been clearly incorporated into this research, including gender imbalances, which have been clearly highlighted by numerous scholarly works. Additionally, there is a negative attitude towards people with disabilities (PWDs) that stems from the researchers' varied perspectives and experiences, as well as the way the PWDs are treated in society and where they work, among other situations. Below is the detail of these various mentioned preconceived notions on the PWDs;

One of the preconceived notions is gender imbalance, in a sense that, most experts have noted that women with disabilities are discriminated more than men with disabilities. In other words women with disabilities suffer double discrimination on the basis of vulnerable persons and also, on disability level. Human Rights Watch said in a report that *'many women with disabilities in Northern Uganda are unable to gain access to basic services, including right to employment and justice, they are ignored in post conflict reconstruction efforts.'* Most of the interviewed women report that they could not reach the health centers or police stations which are often situated far away or inaccessible due to lack of sign language interpreters, braille signage or ramps for physical access. Human Rights Watch further, found out that one of the key problems is the lack of data on the number of women with disabilities.⁷⁸ This research also revealed that most experts have put much emphasis and focus on discrimination of women with disabilities and have left out men yet they as well face this discrimination. This is in the sense that it focuses on women only with Disabilities, yet even men are equally disabled and face the same challenges so there is no much being done or written about the discrimination of men with disabilities as it is to women. Scholars like Ms. Guza Beatrice in her article majorly puts much emphasize on women with disabilities as compared to men in that in her interview report *'a target of 20000 PWDs 75% of them were women'* and the gender based violence experiences she sites in her report such as sexual abuse like rape and defilement forced marriage denial of parental care of children by men, discrimination in accessing justice and denial of property rights, promote the gender imbalance in the way she cites them as if they are only applicable and affecting women alone yet men with disabilities are also victims of these violence's.⁷⁹

This suggests that men are not as disadvantaged in this field as women are, and that men's demands are sometimes, but not always, greater than those of women. It is important to address the issue of PWDs without creating any gender

⁷⁸ 'Uganda: For Women with Disabilities, Barriers and Abuse | Human Rights Watch' (26 August 2010) <<https://www.hrw.org/news/2010/08/26/uganda-women-disabilities-barriers-and-abuse>> accessed 1 May 2024.

⁷⁹ Supra n21

imbalance, as this is a situation in which there is no discrimination and both men and women will be affected in the same way—that is, both will be disadvantaged and disabled. The bias is obvious as laws even tend to favor women over men.

Employers' unfavorable views of PWDs, primarily about their workplaces, have been identified as another major obstacle they must overcome. These unfavorable perceptions stem from the societal belief that people with disabilities are generally less capable, even when it comes to work. The language used to describe people with impairments is often difficult. For instance, in Ikenna D. Ebuenyi's article, one of the participant explained how some of these PWDs are perceived that; *'the attitude of people, not only the community but also the professionals; towards these people; because whenever they hear about the mental health conditions they think that these people are kind of aggressive. whenever the case of mental health has been the focus, the discussion goes to the point at which this people could be violent.'*⁸⁰

Kelly Luc in her article also noted that *'from a 2007 study summarizing data from over 2.5 million completed implicit Bias test and found out that 76% of the respondents showed an implicit preference for persons without disabilities compared to 9% for PWDs.'*⁸¹ This brings about low self-esteem in these persons which hinders their effectiveness in the work places, hence being a challenge to their employment. Negative attitudes in the work place or at schools has been evident a lot in today's practice. Azaye Julius in his research report notes that, *"it's the basis for discrimination against the PWDs, as they're looked at as probably half humans, due to the mindset that, many societies look at PWDs as a group of people who lack capacity of being complete human beings."*⁸² Morwane in

⁸⁰ Ikenna D Ebuenyi and others, 'Challenges of Inclusion: A Qualitative Study Exploring Barriers and Pathways to Inclusion of Persons with Mental Disabilities in Technical and Vocational Education and Training Programmes in East Africa' (2020) 42 Disability and Rehabilitation 536 <<https://doi.org/10.1080/09638288.2018.1503729>> accessed 3 May 2024.

⁸¹ 'Disability in the Workplace: Barriers to Employment & Retention' (*Culture Amp*) <<https://www.cultureamp.com/blog/disability-employment-barriers>> accessed 2 May 2024.

⁸² Azaye Julius, 'A CRITICAL ANALYSIS OF LAW PROTECTING PEOPLE WITH DISABILITIES; CASE NIGERIA AND UGANDA'.

his article noted that; *'The presence of attitudes was reported as a major contributing factor to the unemployment of persons with disabilities (20; 71%)'*⁸³

Although many laws have been passed on the basis of sympathy and almost no consequences to any side that breaches the rights of the PWDs, the analysis makes it abundantly evident that these preconceived assumptions have given the PWDs the erroneous impression. Due to the rise in unfavorable perceptions and attitudes toward PWDs, there is now more discrimination against them in all spheres of society. With this mentality, it is difficult for them to associate with others in that category and to work comfortably in the same office as such individuals. For example, would a disabled child who was subjected to such a harsh attitude from classmates continue to attend school? the only option will be to drop out of school.

BEST LAWS WITHOUT CONSISTENT ENFORCEMENT

The existing laws in light of the PWDs are sufficiently enough, just to make mention of the same, the 1995 Constitution, the Employment Act and the Persons with Disability Act 2020. All these are best and sufficient legislations in light of the PWDs, for example article 32 of the 1995 Constitution has provided the affirmative action for all the marginalized people by the reason of inter alia, disability, the Employment Act under section 6 provides for indiscriminate of the PWDs, among other provisions. It`s from this position that I note that, Uganda as a country isn`t in shortage of the laws towards the rights and interests of the PWDs but the challenge has been analyzed with the enforcement of these laws. The issues that have been analyzed are to do with the regulations that may be of relevance to enable the primary legislation have the required legal effect and, the issue to do with the question of penalties provided for in these laws. Its un debatable that the penalties are general in nature which is unfair in the regard that the disabilities are not general, they`re categorically distinct and therefore should be with the requisite penalties that actually are attractable as per the nature of the disability.

⁸³ Refilwe E Morwane, Shakila Dada and Juan Bornman, 'Barriers to and Facilitators of Employment of Persons with Disabilities in Low- and Middle-Income Countries: A Scoping Review' (2021) 10 African Journal of Disability 833 <<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8252133/>> accessed 2 May 2024.

I therefore, proceed to have a simple break down of these challenges from the above theme;

The discovered challenge is in relation to the consistent enforcement of the laws, it's pertinent to note that, as a country we are not in shortage of policy frameworks or laws for the PWDs at the work place, in the education institutions, among other areas where such discriminations happen, but the issue comes with the consistent enforcement of those policies or laws, the stakeholders have not done quite well enough to see that the rights, obligations enshrined in the laws like in the constitution concerning the PWDs are secured and protected. For instance, Ssenoga in one of the New Vision articles appeals to the government to expedite the passing of the inclusive education policies to guide players in the sector to know how to handle different disability categories.⁸⁴ Also Patrick Ojok in his report noted that, *'in spite of generally conducive legislation environment in Uganda, PWEDs still face a lot of challenges of exclusion, marginalization and discrimination in employment sectors and that there are growing concerns that Uganda formulates policies and laws in line to protect the rights of PWDs, but has not taken any actions to ensure success of such legislation.'*⁸⁵ Patrick Ojok further noted that; *'in 2002 population census contrary to what is affirmed in legislation, disability was equated with inability to work. They are last to be hired but first to be fired which is contrary to the PWDS Act.'*

From this position its clear from the word go that the enforcement of the existing laws in light of PWDs is still challenging as the various individuals as already cited out are still appealing to the government to have these laws been effected, it clearly shows that it's a challenge that is ongoing and requires urgent attention from the government.

⁸⁴ 'Commit to Putting More Disabled Children in School - New Vision Official' <https://www.newvision.co.ug/category/news/commit-to-putting-more-disabled-children-in-s-NV_183457> accessed 2 May 2024.

⁸⁵ Patrick Ojok, 'Beyond Legislation: Implementing the Employment Provisions of the Persons with Disabilities Act of Uganda 2006' (2013) 31 Nordic Journal of Human Rights 343 <https://www.idunn.no/ntmr/2013/03/beyond_legislation_implementing_the_employment_provisions_> accessed 2 May 2024.

No regulations, from the current laws that seem to address the issues of the PWDs, there are no regulations for enforcement of these laws for example the Persons with Disabilities Act, 2020, has no regulations which would otherwise have suggested the procedural measures of enforcing the provisions of the act so as to secure the interests of the PWDs. The young people with disability and their leaders from the National Union of Disabled Persons in Uganda (NUDIPU) in the 13th march New Vision report interview, *said that Uganda has no policy to guide inclusive education, which makes it hard/difficult for the needs of learners with disabilities to be addressed.*⁸⁶ This eloquently showed that on the issue of lack of regulations, is a serious challenge that must be addressed.

From the analysis of this research, found that the penalties provided for in employment laws about the enforcement of these laws which seems un fair on the side of the affected employees since the employers that fail to comply with the demands of PWDs, are kind of being shielded from the liability. The only remedy provided for by employee who believes that his or rights have been infringed on in such an instance is by filing a complaint to the labor officer, which in my own honest view is unfair, because the decisions taken by the labor officers sometimes lack the bearing of enforcement, and execution as against the employer, since there isn't guaranteed job security. Sofia Nalule the chairperson of the equal opportunities Commission, on the New vision interview stated that *"there should be enforcement of the Persons with disabilities act provisions that criminalizes discrimination of Children with Disabilities in schools"*⁸⁷, this means that such penalties must be put into effect so as to have relevance and help address the issues of generality of the penalties. Because from the above interview it's clear that there`s some sort of specialty with the punishments to the individuals who engage in the discriminatory practices against the PWDs but its wanting in the efforts of enforcement, so, there`s a gap to be covered in this particular field.

⁸⁶ 'Commit to Putting More Disabled Children in School - New Vision Official' (n 85).

⁸⁷ *ibid.*

So, taking into consideration of the fact the penalties aren't strict in nature, the only position which is explicitly provided for is to file a suit to the labor officer, section 93 of the employment Act. And actually it being the only remedy, its openly challenging in the sense that PWDs face quite distinct challenges at work places, in schools among other areas, so there can't be one sort of remedy to all their challenges taking note of the fact that the disabilities vary in categories.

INEFFECTIVE SERVICE OF THE DIFFERENT STAKEHOLDERS

The various stakeholders in light of the PWDs include, the Ministry of gender, labor and social development, the national council for the Disabled Persons, and the National Union of Disabled Person`s in Uganda (NUDIPU). All these stakeholders have been charged with the wellbeing of the PWDs, but this cannot happen without the proper resource allocation and adequate funding to these stakeholders to enable them reach or have their intended goals as far as the wellbeing of the PWDs are concerned. So, the perplexing challenges to achieving the set goals for the PWDs were found out to be the inadequate resource allocation and the improper and miss use of the funds intended to fasten the effective service of those various stakeholders in the field of PWDs. Where the funds are miss appropriated or inadequate the services delivered to the PWDs to whom those services were intended to be delivered to, will go down and hence will be affecting the modes of operation of these stakeholders towards service deliver to the respective PWDs like getting the requisite gadgets and equipment's that would sufficiently aid them in the day today running of their lives, like the children with disabilities, need particular class of scholastics that will aid them in their studying among other requirements which can be hindered by the inadequate funding. Further explanations of these various challenges leading to ineffective services by the different stakeholders have analyzed as laid down below;

The analyzed data examined that the stakeholders which are supposed to implement the laws and policies on employment of PWDs have inadequate funds to the implementation which hinders the effectiveness of their work to the PWDs and enforcing and generating new policy frame work. Like less money has been set

aside by the Government through the Ministry of labor and social development to have proper funding of the programs that are ran by the various agencies in charge of the PWDs. This has made it hard for the stakeholders like the National Council for disability to fully and meaningfully function as it's expected, so as to enable efficient service delivery to the PWDs. Furthermore, on this, some of the government policies and frameworks need adequate funding for them to be effective and efficient, but with least funding these policies may not be implemented and at the end of the day negatively affecting the PWDs.

The data collected also revealed that the inadequate resource mobilization and budgeting are common and significant barriers to the inclusion of PWDs in humanitarian Action. Since inclusion requires deliberate efforts and therefore dedicated resources, which turn out to be more problematic and yes it has costs, but the cost of exclusion is more, costly as it exacerbates the vulnerability of persons with Disabilities. That is to say, increases dependency on families and friends, and other care giver, and reduces program impact and value for money. So in the nutshell, inclusion has costs but exclusion of persons with disabilities in the education sector has got more divers anting implications as they go beyond the monetary costs but looks at the social and personal development of PWDs and greatly affects the relations of PWDs to the rest of the community, as it establishes them to be burden to the rest of community. The Inter Agency Standing Committee (IASC) Guidelines on inclusion of persons with disabilities in humanitarian action states that; inclusive budgeting occurs when an organization, during its planning process, allocates funds to remove barriers and promote participation for persons with disabilities, and to provide targeted activities for persons with disabilities. Inclusive budgets should include costs for improving physical accessibility, providing reasonable accommodations, and providing specialized nonfood items (NFIs), assistive devices, mobility equipment and accessible communications.

SPECIALIZED SKILLS IN THE EDUCATION AND WORK PLACE

The PWDs enjoy the same rights and interests like their counterparts those without disabilities, like the right to complete education and participation in any gainful

work in Uganda. All these rights are constitutionally provided for under Chapter four of the 1995 Constitution of the Republic of Uganda. So, it means that much as the persons without the disabilities freely enjoy these rights so the PWDs should without any hesitation. But from the analysis of the various scholarly work and the circumstances surrounding this research it's clear that among the challenges the enforcement of the Laws in light of the PWDs are facing today is to do with the skills or experiences of the persons in charge of the education of the PWDs, and the specialty of work for the PWDs.

The data collected revealed that the discrimination at work places is due to lack of specialty in the work environment for the PWDs, as the employers expect their work to get done regardless of one's disability, taking no cognizance of the fact that PWDs can't have the same work efforts like the persons without disability, this calls for the urge of specializing the kind of work to be done by what category of person, in that if the employee follows in the category of the disabled persons, then there should be work designed specifically for them like how it's provided for under section 9 of the persons with disabilities Act 2020, for such persons so that they're not left out of the employment sector, and have them be in position to sustain themselves in the day today's living.

The data collected also found out the Ugandan approach to disability, which is grounded in human rights, emphasizes the need of helping individuals with impairments reach their maximum potential, both mentally and physically. Nevertheless, the execution of measures meant to guarantee this has been sluggish or nonexistent. Limited utilization of easily accessible information has been found in Ugandan research, particularly in the fields of education and health care delivery. The research analyzed that in order to improve the skills of PWDs, vocational training centers have to be introduced and Government through the Ministry of Gender, Labor and Social Development went ahead to introduce them across the country. These vocational centers offer skills to PWDs but however, have inadequate facilities like specialized staff with knowledge in regards to PWDs. For instance, Mr. Martin Ssenonga, a program manager at NUDIPU, noted '*that children*

who are deaf have challenges of getting first hand instructions since many of their teachers do not use sign language and it explains why in the previous Primary Leaving Examination over 100 deaf learners were ungraded'. This is attributable to the lack of requisite skills by the teachers/staff which is a challenge in that regard. Mr. Herbert Baryayebwa, the Commissioner on Disability and Elderly, noted that *"every year, about 280 PWDs graduate from these centers. But the Assistant Executive Director of NUDIPU, Ms. Helen Grace Ajamo expressed her concern that "even the few that have been trained at the centers remain unemployed since there are no places to practice their skills"*⁸⁸. Also from Ikenna D. Ebuenyi's article one respondent pointed out that teachers are not used to teaching these group of people. He asserted that; *'Teachers are not trained for that kind of mental disability. They normally always teach people without disability and when you are including people with disability they cannot go on the same rate of teaching.'*⁸⁹

So from this, children with disabilities are the hardest category of students to deal with, since disability has various forms as stipulated under the third Schedule of persons with disabilities Act 2020, this rises the need to have highly skilled and well trained staffs in the education sector. But this is wanting since there are inadequate skilled staffs to help the children with disabilities to discover their abilities and potential so as to enable them have the requisite skills to better compete and suit in the employment sector after school. So, the issue with unskilled and lack of proper training of the staff in charge of children with disabilities in schools, is the challenge here to be addressed.

UNFAIR REPRESENTATIONS AND INADEQUACY OF RECOMMENDABLE SOLUTIONS

The PWDs have not been fairly represented in most of the events and situations in the daily running of their lives, but for the purpose of this particular theme, we will focus on the un fair representation in the legal practice the number of cases brought before court for the interest of the PWDs, the representation in Parliament

⁸⁸ Chrispas Nyombi and Alexander Kibandama, 'Access to Employment for Persons with Disabilities in Uganda'.

⁸⁹ Ebuenyi and others (n 81).

among other fields that will be surveyed. The breakdown of the theme below will be as follows;

Most of the scholars' research conducted less or no suggested solutions/recommendations to the discriminations, the cost of exclusion and gender based bias on PWDs and probably what should be done in order to curb these vices so as to see the interests and rights of the PWDs being fully cared for and properly addressed and represented. For instance, Lena Morgan Banks in her report on cost of exclusion and gains of inclusion she divides it into two parts where she puts emphasis on the costs of exclusion and its consequences, on PWDs like increasing the rate of unemployment, leading to dependence burden, and goes ahead to even to give the statistical rates on the costs of exclusion from other countries like South Africa where he states that; *'lost earnings averaged US\$ 4798 per adult with severe depression, anxiety disorder per year.'*⁹⁰ This does not in any way suggest what measures should be undertaken to overcome the challenges of cost of exclusion of the PWDs.

It's of no relevance studying or discovering a challenge and fail to have solutions to it, it defeats the rationale for conducting the research. So it's important to have recommendations as to how to treat the issues of the PWDs, how to ensure that at work there is easy access to the work premises, same to schools and other places where they're expected to deliver sustenance from.

The research conducted, it was analyzed that there is one representative person for PWDs in Parliament as being Hon. Mpindi Bumali the current representative of the PWDs in the 11th Parliament.⁹¹ And, him being the only representative is discriminatory in the way that, the women disabled persons are not fully represented, it's also unfair in the sense that the rate or the number of the disabled persons in the country, their interests can't be satisfactorily be protected

⁹⁰ Morgon Banks and Sarah Polack, 'The Economic Costs of Exclusion and Gains of Inclusion of People with Disabilities'.

⁹¹ 'MEMBERS OF THE 11TH PARLIAMENT (2021-2026) .Pdf'

<<https://www.parliament.go.ug/sites/default/files/MEMBERS%20OF%20THE%2011TH%20PARLIAMENT%20%282021-2026%29%20.pdf>> accessed 2 May 2024.

or represented by a single member representative, so there's need for more representation in parliament for PWDs. Given the fact that there are various categories of disabilities like the mental disabilities, physical impairment, the deaf blind to mention but a few, this calls for more representation so as to have their interests and rights as Nationals of the country fully represented.

No much court cases by the PWDs which can probably be the result of non-effectiveness of the stakeholders, but this can be attributed to the stakeholders, like under the Ministry of gender, labor and social development, it has a sector for disabilities, but not much has been heard from this sector, and it's the one in charge of bringing claims in representation of the PWDs in court in cases or instances where there's a violation of the rights of the PWDs, so, the least court cases doesn't imply that PWDs aren't being discriminated against or aren't being denied any of their rights, it's merely because they have no better platforms as all this must be channeled through the various stakeholders, whether private or public. But the challenge with the private sectors is that it's sometimes very expensive for the PWDs to afford and therefore this makes them to be left out in the area of bringing legal actions against their perpetrators.

4.3 CONCLUSION

It is evident by evaluating the difficulties in implementing disability employment regulations that empowerment is crucial in determining the effectiveness and caliber of public service delivery, especially in developing nations such as Uganda. Voice, sortie, and information empowerment exposes the ways in which the application of these laws might be improved or impeded. Furthermore, the relationship between customary legal frameworks and the rights and treatment of people with disabilities creates a complex environment in which the application of legislation pertaining to disability employment may be impacted by traditional norms and practices. Comprehending the profound legal diversity and the ever-evolving character of customary law is essential for effectively managing the obstacles that arise when implementing legal structures that protect the rights of people with disabilities in the workplace.

CHAPTER FIVE

CONCLUSIONS AND RECOMMENDATIONS

5.1 CONCLUSIONS

From the extensive research carried out, it is essential to take into account the larger context of disability employment policies in middle-income nations when assessing the efficacy of Uganda's disability employment regulations. As the mentioned literature makes clear, in order to fulfill the dual goals of integration and financial security for people with disabilities, it is necessary to assess the various policy measures, including supported employment, hiring quotas, vocational rehabilitation, and anti-discrimination laws. Furthermore, studying the employment regulations for people with disabilities in Organization for Economic Cooperation and Development nations provides insightful information for developing pertinent and successful legislation in Uganda. Uganda should therefore, improve its legal framework for disability employment and ensure that it supports social fairness, economic empowerment, and inclusivity for individuals with disabilities by incorporating these international concepts. In order to better include disabled workers in the workforce and defend their rights, Uganda would benefit greatly from the comprehensive and effective disability employment regulations that will be shaped by this comparative analysis.

5.2 RECOMMENDATIONS

The Researcher while conducting this research came up with various recommendations to the various institutions as its follows;

GOVERNMENT

The Government should work on enforcement of the already existing laws in regards to the PWDs. Like for example the Persons with Disabilities Act 2020, the employment Act among other laws that explicitly provide for the rights of the PWDs. The government has an enforcement arm of laws which is the executive, but most especially, the enforcement can be effective if channeled through the ministry in charge which is the ministry of gender, labor and social development. in the a new vision interview, Martin Ssenonga, a program manager at NUDIPU, states

that the enforcement of the existing laws in light of Children with Disabilities would be a milestone move towards overcoming the challenges that children with disabilities under go in schools but also other PWDs in the employment field face vices like discrimination among other bad vices, but with the government`s intervention at the point of enhancing the effectiveness of the set laws, the rate of discrimination will be curbed.

The Government needs to Fund the stakeholders so that they can implement the laws and policies. Its acknowledged that, such sector of the PWDs, the government funds it through the responsible ministry which is the Ministry of Gender, Labor and Social development, and it`s through the government budgets that such programs are funded, I therefore employ the government to have an increase on the funds allocated to the responsible minister in charge of the ministry so as to have some of the necessary equipment like In the government aided schools like crutches, wheelchairs among other equipment that would support the child in their learning. Most often what has the made the work of the various stakeholders hard the lack of proper funding schemes but if the government intervenes in this sector and a proper and separate fund is set aside specifically for the PWDs, this would be of relevance to them in that regard.

PERSONS WITH DISABILITIES

The PWDs need to have confidence, step out and speak for themselves. Safia Nalule a Chair person to the Equal Opportunities Commission, during the New vision interview on 13th March 2024, she states in her recommendation that, *she urges young people with disabilities to have confidence and also speak for themselves*, additionally she states that young people need to learn how to speak for themselves so that their voices are heard. This clearly is to the PWDs, it`s not only to the children as Ms. Nalule points out but to whoever is disabled in anyway, it`s a personal effort that everyone needs to take upon themselves to see that their rights, are protected, their interests either in property or in a company or in a partnership business are not violated. So in this sense they should pick carriage and confidently speak out what is being a threat to their interests or rights.

GENERAL PUBLIC

The general public should Respect the rights and freedoms of PWDs including the right to work. It has been clearly noted down above that, one of the challenges that the PWDs are facing is to do with the disrespect from the community in a way of negative attitude. The general public compromises of our communities where we actually reside with the PWDs, the attitude should absolutely be to positive putting into consideration of the fact that no one decides to come in this world, neither does anyone decide to be born disabled, its fate that no one determines how it ought to be, so there is not sense or reasons to why the general public should have a negative attitude like treating the PWDs as half humans just by the reason of their disability. So, respect to the PWDs is a requirement, like at places of work, in schools, churches, in the market places, in community work, equal opportunities should be extended to them just as to their counter parts the abled bodied men and women of the community.

PARLIAMENT

The Parliament should regulate favorable laws that reach the lives of PWDs. The utmost constitutional role of the parliament is to legislate or make laws. Its true many laws have been put in place about the PWDs, but the challenge is the regulatory frameworks that governs the ways how these laws can be implemented. So in this its pertinent for the parliament to legislate the required and necessary regulations for the implementation on of the existing laws, like the PWDs Act,2020 has no regulations, and any law without regulations is ineffective. So it's incumbent upon the parliament to have the requisite regulations that will help to guide on the implementation of these laws so as that they can be effective and of relevance.

Parliament should also create specific penalties that are strict in nature in light of discrimination of the PWDs or any other violence to the marginalized persons. Its common knowledge that the existing penalties under the Employment act, are general in nature, yet there are various categories of disabilities like the lame. Deaf and blind, these categories go through various ad distinct forms of challenges that cannot be remedied in the same way, so it`s right about here that I implore

the parliament to be kinder of specific in its legislation as to what punishment or penalty it attracted to what violation, the magnitude if the penalty must also correspond the violation as well.

ACADEMIA

To start with, schools and universities should include specialized courses or subjects on the PWDs and at all levels of education to ensure that the general public attains the very basic and utmost knowledge of or about the PWDs and what challenges they go through so as to aid them overcome particular challenges, such as discrimination at work and probably the negative attitude drawn from society about the PWDs.

Schools must as well ensure training and skilling programs to the staffs of the schools to be up to date to the requirements necessary for the proper learning environment of the Children with disabilities. Some schools have a challenge of under staffing in as much as the PWDs are concerned. This can be depicted from the fact that over 100 deaf learners were ungraded in the recent PLE exams and the challenge was attributable to the kind of teachers they had in their schools that couldn't understand what was better for these special kids to understand the concepts given in classes, because they have a hearing impairment, so they probably needed much more time, patience to be in position to understand whatever was being taught to them in classes. So, its material enough that schools should consider the kind of the persons they are employing to deal with the children with disabilities, look at their past experiences with children of this nature among other considerations, but above it all have private skilling programs for the stuffs in light of management and relating with the children with disabilities.

BIBLIOGRAPHY

The 1995 Constitution of the Republic of Uganda (as Amended)

TABLE OF INTERNATIONAL CONVENTIONS

The Convention on the Rights of Persons with Disabilities

The 1975 Declaration on the Rights of Disabled **Persons**

The Universal Declaration of Human Rights

The 1983 ILO Vocational Rehabilitation and Employment (Disabled Persons)

Convention (No. 159) and Recommendation (No. 168)

The African Charter on Human and Peoples' Rights and its Protocols

Inter-American Convention on the Elimination of All Forms of Discrimination Against Persons with Disabilities

TABLE OF STATUTES

The Persons with Disabilities Act, 2020

The Employment Act, 2006

The Workers Compensation Act CAP 225

The Uganda Human Rights Commission Act

The Equal Opportunities Commission Act

TABLE OF CASES

Legal Action for People with Disabilities v Attorney General (Misc. No. 146 of 2011)
[2014]

ARTICLES

Banks M and Polack S, 'The Economic Costs of Exclusion and Gains of Inclusion of People with Disabilities'

'Commit to Putting More Disabled Children in School - New Vision Official'
<https://www.newvision.co.ug/category/news/commit-to-putting-more-disabled-children-in-s-NV_183457> accessed 2 May 2024

'Disability in the Workplace: Barriers to Employment & Retention' (*Culture Amp*)
<<https://www.cultureamp.com/blog/disability-employment-barriers>> accessed 2 May 2024

Ebuenyi ID and others, 'Challenges of Inclusion: A Qualitative Study Exploring Barriers and Pathways to Inclusion of Persons with Mental Disabilities in Technical and Vocational Education and Training Programs in East Africa' (2020) 42 *Disability and*

Rehabilitation 536 <<https://doi.org/10.1080/09638288.2018.1503729>> accessed 3 May 2024

Julius A, 'A CRITICAL ANALYSIS OF LAW PROTECTING PEOPLE WITH DISABILITIES; CASE NIGERIA AND UGANDA'

'MEMBERS OF THE 11TH PARLIAMENT (2021-2026). Pdf'
<<https://www.parliament.go.ug/sites/default/files/MEMBERS%20OF%20THE%2011TH%20PARLIAMENT%20%282021-2026%29%20.pdf>> accessed 2 May 2024

Morwane RE, Dada S and Bornman J, 'Barriers to and Facilitators of Employment of Persons with Disabilities in Low- and Middle-Income Countries: A Scoping Review' (2021) 10 African Journal of Disability 833
<<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8252133/>> accessed 2 May 2024

Nyombi C and Kibandama A, 'Access to Employment for Persons with Disabilities in Uganda'

Ojok P, 'Beyond Legislation: Implementing the Employment Provisions of the Persons with Disabilities Act of Uganda 2006' (2013) 31 Nordic Journal of Human Rights 343
<https://www.idunn.no/ntmr/2013/03/beyond_legislation_implementing_the_employment_provisions_> accessed 2 May 2024

'Uganda: For Women with Disabilities, Barriers and Abuse | Human Rights Watch' (26 August 2010) <<https://www.hrw.org/news/2010/08/26/uganda-women-disabilities-barriers-and-abuse>> accessed 1 May 2024

'"Uganda Has Best Persons with Disability Laws, No Implementation" - New Vision Official' <<https://www.newvision.co.ug/category/news/uganda-has-best-persons-with-disability-laws-146259>> accessed 2 May 2024

WEBSITES

Disability in (2024), disability Definition,

<<https://disabilityin.org/country/uganda/#:~:text=From%20the%20Uganda%20Bureau%20of,is%20living%20with%20a%20disability>>

UNFPA UGANDA (2021), Disability inclusion in Uganda: what you need to know quick facts

<https://uganda.unfpa.org/sites/default/files/pub-pdf/disability_inclusion_-_factsheet_final.pdf>

Uganda Society for Disabled Children, "A directory of National and District Organizations of and for persons with disability."< [https://afri-can.org/empowerment/USDC%20Directory_A5\[1\].pdf](https://afri-can.org/empowerment/USDC%20Directory_A5[1].pdf)

University of Cambridge (2024), Equality, Diversion and Inclusion

<<https://www.equality.admin.cam.ac.uk/>>

Acas working for Everyone, Discrimination at work place indirect Discrimination, < <https://www.acas.org.uk/discrimination-and-the-law/indirect-discrimination>

Patrick Ojok, Beyond Legislation: Implementing the Employment provisions of the Persons with Disabilities Act of Uganda 2006 < <https://afri-can.org/wp-content/uploads/2016/08/Ojok-2013-Beyond-Legislation.pdf>

Ms. Guzu Beatrice, Experiences of Gender Based Violence Against Women and Girls with Disabilities (a case study of Uganda)

<https://www.ohchr.org/sites/default/files/Documents/HRBodies/CRPD/DGD/2013_Submissions/5.NUWDUganda.doc>

UNICEF, Budgeting and mobilizing Resources for disability Inclusion in Humanitarian actions

<<https://www.unicef.org/media/124156/file/Budgeting%20and%20mobilizing%20resources%20for%20disability%20inclusion%20in%20humanitarian%20actions%20%20.pdf>>

UBOS (September 2020), Situational Analysis of Persons with Disabilities in Uganda

<<https://www.developmentpathways.co.uk/wp-content/uploads/2020/09/Webready-DP1294-ESP-Disability-Uganda-Sept-2020.pdf>>

United Nations (2018), The Sustainable Development Goals,

<<https://unstats.un.org/sdgs/files/report/2018/thesustainabledevelopmentgoalsreport2018-en.pdf>>
<https://www.lshtm.ac.uk/sites/default/files/2020-03/Summary%20Report_Costs%20of%20Exclusion_print.pdf>

ILO, Enhancing Youth Employability: The importance of Core Work skills

<https://webapps.ilo.org/wcmsp5/groups/public/---ed_emp/---ifp_skill>

Thomas Engels (2018), Costs and Budget Impact analysis of Inclusive Education of Children with

Disabilities in Cameroon < <https://research.sightsavers.org/wp-content/uploads/2022/09/Cost-and-budget-analysis-impact-of-inclusive-education-for-children-with-disabilities-cameroon-report-english.pdf>>

Network of Public Interest Lawyers (2017), Judicial Decisions relating to Persons with Disabilities in

Uganda: a case Digest <<http://rodra.co.za/images/countries/uganda/research/CASE%20DIGEST%20-%20Judicial%20Decisions%20in%20relation%20to%20Persons%20with%20Disabilities%202017.pdf>>

UN (2010), Un Convention on the Rights of Persons with Disabilities,

<http://rodra.co.za/images/countries/uganda/concluding_observations/Uganda%20Initial%20Status%20Report%20to%20the%20UNCRPD.pdf>

CRPD (2010), Considerations of Reports by State Parties on Article 35 of the Convention

<<file:///C:/Users/It's%20Me/Downloads/UN%20REPORT.pdf>>

Tom Malaba, (February 13, 2009), PWDs Shun Kampala Vocational School

<<https://ugandaradionetwork.net/story/pwds-shun-kampala-vocational-school?districtId=728>>

Declaration on the Rights of Persons with Disabilities, Summary information

<<https://humanrightscommitments.ca/wp-content/uploads/2019/03/Declaration-on-the-Rights-of-Disabled-Persons.pdf>>

New vision (September 24, 2020), PWDs Banking on New Law to Guarantee employment

<<https://www.newvision.co.ug/news/1527827/pwds-banking-law-guarantee-employment>>

NIRA, Recruitment of Temporary Staff <https://www.ncpd.go.ug/sites/default/files/2024-02/Download%20https_www.nira_.go_.ug_media_2024_02_RECRUITMENT-OF-TEMPORARY-STAFF-ADVERT-2024-final.pdf>, <<https://ncpd.go.ug/publications>>

Chrispas Nyombi, Access to Employment for Persons with Disabilities in Uganda

<<https://ecommons.cornell.edu/server/api/core/bitstreams/89bf27ff-c7de-4bfd-af0e-16c6f8b5b9e4/content>>

Development Initiatives Reports (September 30, 2020), Uganda's Disability Land scope and Economic inclusions of PWDs <<https://devinit.org/resources/uganda-disability-data-landscape-economic-inclusion-persons-with-disabilities/introduction/>>

UN Enable, (June 2003), Regional workshop on Promoting Rights of PWDs: Towards a new

Convention <<https://www.un.org/esa/socdev/enable/rights/contrib-uganda.htm>>

New Vision (October 28, 2022), Uganda has the Best Persons with Disability laws, No Implementation

<https://www.newvision.co.ug/category/report/uganda-has-best-persons-with-disability-laws-NV_146259>