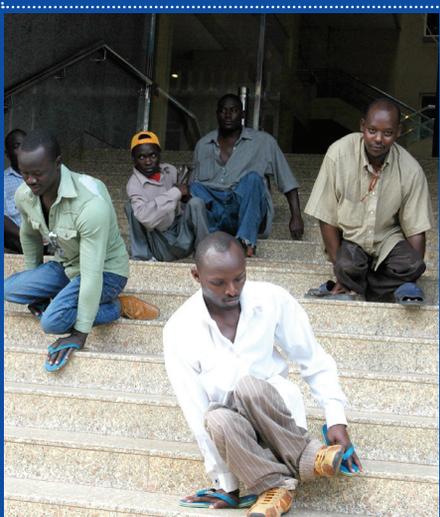
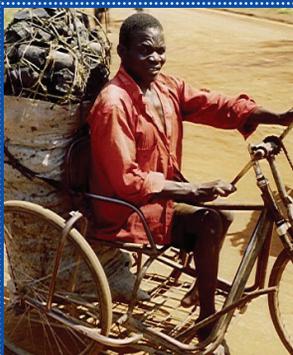


DISABILITY IS NOT INABILITY

REPORT

(JULY – DEC 2009)



**FOUNDATION FOR HUMAN
RIGHTS INITIATIVE (FHRI)**

What is FHRI?

The foundation of Human Rights Initiative (FHRI) is an independent, non-governmental, non-partisan and non-for-profit human rights advocacy organization.

VISION

To build a strong and democratic human rights culture as foundation for peace, stability, democracy, social justice and sustainable development in Uganda

MISSION

To enhance the knowledge, respect and observance of human rights promote exchange of information and best practices through training, research, advocacy, lobbying and strategic partnership.

RATIONAL

1. To educate Ugandans about their fundamental human rights and to provide them with the tools to secure and defend these rights.
2. To advocate for just and humane laws that guarantee human rights respect and observance.
3. To encourage the sharing of information and experiences among human rights defenders and related agencies.

OBJECTIVES

1. To promote citizen awareness of basic human rights and obligations guaranteed in the Uganda constitution and other international human rights instruments.
2. Undertake research, monitoring and documentation of human rights practices.
3. To promote good governance, respect for the rule of law, democracy and legal protection of human rights.
4. To promote best practices in the administration of justice in Uganda
5. To improve the knowledge of legal rights and remedies of vulnerable groups such as women, children, the disabled, prisoners, minorities and the internally displaced persons.
6. To maintain a resource centre and archives for human rights books, periodicals, audio visual and electronic resources.
7. To promote solidarity and encourage closer exchange of information through partnership building with similar institutions, government, communities and individuals on a national, regional and international level.
8. To promote public interest litigation and legal aid service delivery to deserving cases.

**ACRONYMS**

ADD	Action on Disability and Development
APRM	Africa Peer Review Mechanism
BC	Broadcasting Council
CBS	Central Broadcasting Service
CDO	Community Development Officer
CRPD	Convention on the Rights of Persons with Disability
FHRI	Foundation for Human Rights Initiative
FUE	Federation of Uganda Employers
GDPU	Gulu Disabled Persons Union
LAPD	Legal Aid for Persons with Disability
MOH	Ministry of Health
NRM-O	National Resistance Movement Organisation
NUDIPU	National Union of Disabled Persons of Uganda
NUWODU	National Union of Women with Disabilities of Uganda
PRDP	Peace, Recovery and Development Plan
PWDs	Persons with Disability
SPC	Special Police Constable
TASO	The Aids Support Organisations
UAC	Uganda Aids Commission
UBC	Uganda Broadcasting Council
UCC	Uganda Communications Commission
UDHR	Universal Declaration of Human Rights
UHRC	Uganda Human Rights Commission
UN CRPD	UN Convention on the Rights of Persons with Disability
UNAD	Uganda National Association of the Deaf
UNICEF	United Nations International Children's Emergency Fund
UPDF	Uganda People's Defence Forces
UPE	Universal Primary Education
USE	Universal Secondary Education
UTODA	Uganda Taxi Operators and Drivers Association



PREFACE

The Foundation for Human Rights Initiative is an independent, non-governmental, non-partisan and not-for-profit human rights advocacy organisation whose mission is to enhance the knowledge, respect and observance of human rights; promote exchange of best practices through training, education, research, advocacy and strategic partnerships.

The Research Division documents human rights practices in order to promote dialogue and respect for human rights and democratic development in Uganda.

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(July – December 2009)	





INTRODUCTION

Rights for persons with Disability are human rights; it is not a question of seeking for special treatment or privilege but it is simply an issue of equal access to services and the enjoyment of rights which other persons take for granted.

Uganda is a signatory to the UN Convention on the Rights of Persons with Disability (UN CRPD). In 2006, the Persons with Disabilities Act was enacted; it incorporates most of the provisions of the UN CRPD and reiterates for PWDs the guarantees in the 1995 Uganda Constitution and other human rights instruments pertaining to persons with disability: a person complaining of a violation of the Act may lodge a complaint with the National Council with Disability established under the National Council for Disability Act 2003; however since its establishment the council has never handled any complaints because it does not have the capacity to handle them. Instead it refers all such matters to the UHRC or NUDIPU.

The PWDs Act empowers the Minister of Justice to make regulations to give effect to the Act, however to date the regulations have not been made. According to the Ministry of Justice and Constitutional Affairs, the Act had inherent defects and the Ministry is calling for it to be repealed and therefore no attempt has been made to implement it.

According to the 2002 Uganda Population and Housing census, one in every 25 persons in Uganda has a disability. The link between disability and poverty and social exclusion is direct and strong throughout the world. In Buganda, a deaf person is referred to as 'kasiru' - which literally translated means 'stupid' and most deaf people simply go by that description instead of their given names. Most Bantu languages use a variation of this but the translation remains the same. This speaks volumes of the inherent discrimination and belittling attitude of the society towards persons with disability.

This report examines the extent of inclusion of PWDs and the degree of enjoyment of key human rights standards including the right to education, health, employment and access to public service in Uganda.



EXECUTIVE SUMMARY

The UN Convention on the Rights of Persons with Disabilities (2006) defines persons with disabilities (PWDs) to include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others. In addition, the Convention together with other international and national instruments; the 1995 Constitution of the Republic of Uganda and the Persons with Disability Act 2006, provide guarantees to PWDs to ensure that they have access and equal opportunities just like other individuals in society. However, realization of these provisions is still lacking a major challenge.

Research findings indicate that:

- In Uganda, 2.8m people; that is more than one in every 25 persons has a disability. Although PWDs make up 10% of the population, they have not been integrated into productive activities; they are not included in policy development, planning and implementation and the key sectors of Ugandan economy: transport, telecommunication and banking fail to address the unique needs and challenges of PWDs.
- PWDs suffer great discrimination in using public transport. There is no policy on disability in the transport sector and PWDs are left entirely at the mercy of individual taxi and bus operators. They are often charged more than able bodied persons, refused entry into passenger service vehicles or subjected to verbal and physical abuse.
- Environmental accessibility is one of the key principles embodied in the Persons with Disability Act 2006, however, this is not yet observed and therefore accessibility remains one of the greatest challenges faced by PWDs in Uganda. Most buildings in which public services are rendered including police stations, courts of law, other public offices are inaccessible to PWDs.
- The government is pursuing a policy of inclusive education as provided for in the PWD's Act, however, efforts at implementation are yet to bear results. In practice disabled children are being enrolled in ordinary schools with no facilities or qualified teachers to teach them. Blind, deaf and deaf/blind students are taught by teachers who have no knowledge of braille or sign language respectively. Schools remain environmentally inaccessible for children with physical disabilities; children are unable to access school premises including toilet facilities. This in part accounts for the higher than average school drop out rate among PWDs. Although 10% of the education budget should go towards education of children with special needs, this is not being done. Schools undertaking special needs education remain understaffed and operate on extremely limited resources, while the privately owned institutions operate with minimal government supervision and guidance.



- Access to health services by PWDs is hampered by communication and accessibility challenges while the mental health sector is greatly under funded and under staffed with approximately 24 psychiatrists for a population of over 30,000,000 people. PWDs are also excluded from sensitisation and awareness raising initiatives run by government and private agencies which has proved greatly detrimental to them especially in the fight against HIV/AIDS.

A combination of these factors has led to high levels of unemployment, poverty and social exclusion of PWDs.

We therefore recommend that:

The Ministry of Education and Sports should:

1. Integrate special needs education into the teacher training curriculum.
2. Make physical accessibility features mandatory in school expansion and construction.

The Ministry of Gender, Labour, Youth and Social Development should:

1. Establish appropriate mechanisms to ensure disability mainstreaming at all levels.

The Ministry of Works and Transport should:

1. Set guidelines on accessibility for persons with disability for operators of public transport.

The second section of this report highlights the human rights situation in the country in the period July-December 2009 and establishes that:

- Recorded incidents of domestic violence resulting in death escalated in the period.
- There was an unprecedented surge in incidents of mob-justice resulting in death; the worst affected areas were the districts of Kayunga, Gulu, Amuru and Kitgum. There was also a noted increase in extra-judicial killings by security operatives.
- The period recorded some of the most restrictive measures yet to be imposed against the media by the government. Public debate on political matters was drastically curtailed and self-censorship by media operatives has increased. In disregard of legally established procedures, the government employed heavy handed measures against perceived errant media houses and journalists.
- The exercise of the freedom of association and assembly was severely restricted and several rallies of a political nature convened in the period were violently dispersed by the police.
- No perceivable progress has been made by the government in combating the crime of child sacrifice.

We therefore recommend that:

1. Government should investigate and prosecute extra-judicial killings perpetrated by members of the armed forces.
2. Government should use the established media regulatory bodies to settle disputes with the media.

**ACCESS TO EDUCATION FOR
CHILDREN WITH DISABILITIES**

Chapter One :



1.0 Introduction

According to UNESCO children with disabilities make up the world's largest and most disadvantaged minority¹. Only 2 per cent of disabled children in the developing world receive any education or rehabilitation. The UN Convention on the Rights of Persons with disabilities adopts a social model of disability and defines disability as including; those who have long-term physical, mental, intellectual sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others².

1.1 Legal Framework

1.1.1 International Guarantees

The right to education is enshrined in Article 26 of the 1948 Universal Declaration of Human Rights. It has since been reaffirmed in a number of treaties and normative instruments. Three deserve specific mention; UNESCO's 1960 Convention against Discrimination in Education stipulates that States have the obligation to expand educational opportunities for all who remain deprived of primary education. The 1966 International Covenant on Economic, Social and Cultural Rights reaffirms the right to education for all and highlights the principle of free compulsory education. The Convention on the Rights of the Child, spells out the right of children not to be discriminated against. It also expresses commitments on the aims of education, recognizing that the learner is at the centre of the learning experience. This affects content and pedagogy, and - more broadly - how schools are managed.

The UN Convention on the Rights of Persons with Disabilities (UN CRPD) provides that States Parties shall recognize the right of persons with disabilities to education³. State parties have an obligation to ensure that PWDs are not excluded from the general education system, can access an inclusive, quality and free primary and secondary education on an equal basis with others, and that they receive reasonable accommodation of individual requirements and support within the general education system⁴. There is also an obligation on State Parties to enable PWDs learn life and social development skills to facilitate their full and equal participation in education and later as members of the community. To this end, states are mandated to take appropriate measures, including: facilitating the learning of

1. Johannes G. Hoogeveen : Disability and Poverty in Uganda, 2004

2. Article 1 of the convention on the Rights of Persons with Disability

3. Article 24(1)

4. Article 24(4)



braille, alternative script, augmentative and alternative modes, facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community⁵ and to take measures to employ teachers, including teachers with disabilities, who are qualified in sign language and/or braille, and to train professionals and staff who work at all levels of education⁶.

1.1.2 National Framework

The provisions of the UN CRPD are re-enacted in the Person with Disabilities Act, 2006. The Act provides that Government shall promote the educational development of persons with disabilities through formulation and design of education policies and programs taking into account the special needs of persons with disabilities; paying particular attention to the requirements of the girl child and children in rural areas⁷. The government is obliged to establish special schools and units where inclusive education is not possible with curricula designed to meet the needs of the different disability⁸, include a module on teaching children with special needs in curricular of teacher training courses, provide special learning instructional materials and assistive devices, provide special assistive services during examinations including giving extra time suitable for students with special disability needs¹¹. The Act also prohibits discrimination against PWDs in access to and the provision of education services on the ground of disability¹².

The provisions of the Person with Disabilities Act, 2006 provide a comprehensive account of guarantees enshrined in the UN CRPD. In January 2006, Uganda adopted a National Policy on Disability which provides for the non-discrimination and inclusion of PWDs in the development process. The legal framework is therefore in place for PWDs to enjoy the protection guaranteed by the UN CRPD.

Article 24(3)

Article 24(4)

7. S. 5

8. S. 5(d)

9. S. 5(f)

10. S. 5(k)

11. S. 6(1)

12. S. 6(2). Acts of discrimination enumerated under S.11 include; refusing or failing to accept the application for admission in an education institute by a qualified person because of the person's disability, having terms and conditions of admission which exclude persons with disabilities, expelling a student because of his or her disability or subjecting a person with disability to any other unfair treatment relating to his or her disability



1.2 Access to education

According to UNICEF, Uganda has an adult literacy rate of 74% and a primary school net enrolment/attendance of 82%. This number is higher among the youth;¹³ at 88 and 84% for males and females respectively.¹⁴ There is however great disparity between these statistics and literacy rates among PWDs. According to the Uganda Population and Housing Census (2002); PWDs of school going age who are out of school are four times more than those in School, only 2.2% of PWDs in Uganda have attained post secondary level education, approximately 90% of PWDs in Uganda do not go beyond primary education¹⁵ and 60% of PWDs in the country do not receive any kind of education or rehabilitation.¹⁶ According to the Ministry of Education and Sports, in 2008, there were 183,537 children with disability in primary schools countrywide, and 11,145 students in secondary schools countrywide.¹⁷

According to the chairperson PWDs in Kitgum, “we know that there are not many educated people among us because when it comes to election time, there are no people with educational qualifications to stand for elective offices.”¹⁸ In Kasese, “Most of the PWDS did not go to school, by the time we formed this Association (1984) in the whole of Kasese District there was only one disabled person who had attained degree level education.”¹⁹

1.3 Inclusive Education

In January 1997, the Government of Uganda introduced Universal Primary Education (UPE) and in 2005, Universal Secondary Education (USE) was introduced. Parents who fail to take their children to school under the UPE may be liable to prosecution. One of the principles underlying the implementation of education policies in Uganda is that of inclusive education. This is reasserted in the Persons with Disabilities Act 2006 and is consistent with international standards set out in the UN CRPD and the UN standards on equal opportunity. “The belief is that the physically disabled child – if the physical environment of the school is okay – that child can learn within an ordinary setting.”²⁰ According to UNESCO, “Inclusive education is based on the right of all learners to a quality education

13. 18-24 year olds

14. UNICEF, Uganda Statistics 2000–2007 www.unicef.org retrieved on 18th September 2009

15. www.nudipu.org.ug/disabilityfacts.php retrieved on 13th September 2009

16. (Uganda National Household Survey 2005/2006).

17. Ministry of Education and Sports, Disabled Students 2008

18. FHRI Interview with Kitgum District Chairperson of PWDs 30th September 2009

19. FHRI Interview with Mr. Peter Baluku, Kasese District Union of Persons with Disabilities. 31st August 2009

20. FHRI Interview with Beatrice Guzu, Executive Secretary, National Union of Women with Disabilities of Uganda (NUWODU), 1st July 2009



that meets basic learning needs and enriches lives. Focusing particularly on vulnerable and marginalized groups, inclusive education seeks to develop the full potential of every individual. The ultimate aim of inclusive education is to end all forms of discrimination and foster social cohesion.”²¹ There is increasing recognition that it is better for children with special needs to attend regular schools, albeit with various forms of special support and reasonable adjustment for the needs of the child by the school. However, for inclusive education to work, there must be a restructuring of the cultures, policies and practices in schools to respond to the diversity of pupils within the locality, identification and then reduction of the barriers to learning and participation, providing an accessible curriculum, appropriate training programs for teachers, and for all students, the provision of fully accessible information, environment and support as well as the identification and provision of support for staff as well as students. “But the challenge of the blind and the deaf, they really need special attention. However much they can learn with others in the general class, for them to do practical work for exercises they may not be able to do it together with those children.”²²

Whereas the government of Uganda is pursuing a policy of inclusive education, this is not supported by structural changes; children with special needs are simply incorporated into ordinary schools and left to cope as best as they can. “Although government is promoting this inclusive setting, they have not funded it well. In some ordinary schools, special units have been established to cater for children with special needs however, the inclusive setting is not working.”²³ The CDO Kitgum District agrees, “There are no schools for children with special needs; children are just thrown among the able bodied; the environment is very harsh, the children become withdrawn and then they simply stop coming to school.”²⁴

Schools which admit children with special needs face additional challenges because they do not receive additional support from the government to cater for these children. “The government gives the same money to schools regardless of whether they have a unit for disabled education or not.”²⁵ According to the government, due to limited resources, it is not possible to provide any kind of additional support to such schools.²⁶

21. www.unesco.org/en/inclusive-education retrieved on 13th October 2009

22. FHRI Interview with Beatrice Guzu, Executive Secretary, National Union of Women with Disabilities of Uganda (NUWODU), 1st July 2009

23. FHRI Interview with Beatrice Guzu, Executive Secretary, National Union of Women with Disabilities of Uganda (NUWODU), 1st July 2009

24. FHRI Interview with the Community Development Officer, Kitgum. 30th September 2009

25. FHRI Interview with Esther Kyozira, Program Manager, National Union for Disabled Persons in Uganda (NUDIPU), 6th July 2009

26. FHRI interview with Mr. Onen Negriz-Principal Education Officer, Special needs education, 26th October 2009



Under the Persons with Disability Act, the government is supposed to commit not less than 10% of all educational expenditure to the educational needs of PWDs.²⁷ However, at present there is no specific budget allocation to special needs education. According to the Ministry of Education and Sports, issues concerning children with special needs are cross cutting. As such it is the development funding that is allocated to the different departments which is expected to cater for children with special needs.²⁸

1.3.1 Physical Accessibility in Schools.²⁹

Accessibility implies that as far as the built-up environment is concerned, it is barrier-free and adapted to fulfill the needs of all people equally. In schools that are implementing a policy of inclusive education, when a disabled child joins the institution, it is expected that the school should make 'reasonable adjustments' to accommodate the needs of the child/student. These can be simple changes such as making sure that all lessons take place in ground floor classrooms; a class where one of the pupils uses a wheelchair and the school does not have a lift adjusts accordingly.

The greatest barrier to the education of children with physical disability in Uganda is environmental inaccessibility. With a few exceptions, most of the schools that we visited were not only inaccessible, but they had no plans to become so and in most cases such schools were even unwilling to make minor adjustments to accommodate children with physical disability.

Paipir Primary School in Pader district; has 1000 students; 30 of whom have special needs. The school is an all inclusive school catering for children who are deaf and/or dumb, physically disabled, those with a hearing impairment and other children of school going age. Even with the high number of children with special needs, Paipir primary school does not have ramps and this poses a challenge for children with physical disability. Although the school makes great effort to accommodate and support children with special needs, accessing class and other necessities like toilets and bathrooms is a great challenge. At the time of FHRI's visit, the school only had two wheel chairs which have to be

27. Section 5(j), Persons with Disability Act, 2006

28. FHRI interview with Mr. Onen Negris-Principal Education Officer, Special needs education, 26th October 2009

29. In the course of this research FHRI visited several primary and secondary schools countrywide as well as a number of the institutions of higher learning and inspected the facilities available, interviewed some of the students and members of staff.



shared among the physically disabled children who are not only many, but are of different ages, both male and female. The school does not have accessible toilets.

*Molly*³⁰ is in Primary four.*

She has lost both feet. She should have had an operation to close the wounds but this has not been done so she has open wounds and protruding bones below the knees. She does not have her own wheel chair. If she cannot share that of other children, she has to crawl to the pit latrine. Even when she has a wheel chair, the doors of the latrines at the school open outwards, which means that once she is in with the wheelchair, she cannot reach out to close the door. The latrines are always dirty and wet and she hates having to crawl into it on her hands.

Inaccessibility to toilet facilities was cited as one of the reasons for the high drop out rate among children with physical disability: the pit latrines are dirty, many have narrow doors and steps and are therefore impossible for a physically disabled child to access with or without a wheelchair. Their only option is to crawl on the floor. Going to the toilet becomes an ordeal that the child dreads and the humiliation makes many children stay home after a brief period of going to school. Accessibility to the classes and other buildings is also a problem. "UPE is more or less, not helpful to the disabled children. For children with physical disabilities, you look at the class and that student can't move into the class . . . the class is too crowded and if the child has a wheelchair she cannot maneuver it between the desks. The aisles are too narrow."³¹

*Emma***

He is 19 years old and is crippled with weak legs. He was born with spina bifida. He can move but for a very short distance and then gets tired. His internal system was affected and he cannot control his bladder and rectal functions. At the school he goes there is no accessible toilet for persons with disabilities. He uses a diaper while at school. He lives with his parents and they bring him to school every day. Though the parents bring him to school, he still finds a problem of movement within the school. The school has few ramps, you have to use steps so this limits his movement even to the library. In most cases his friends have to lift him up and down the steps. He wants to be a computer engineer.

30. Not real names

31. FHRI Interview with Laura Kanushu, Executive Director, Legal Aid for Persons with Disability, 6th July 2009



Disability not Inability- Nampijja without fingers but can write





1.3.2 Teaching and Learning Facilities for Children with Special Needs

Under the PWDs Act, the government is obliged to promote the educational development of PWDs through among others the inclusion of a module on teaching children with special needs in the curricula of teacher training courses, provision of training for teachers in mainstream schools to cater for the educational development of PWDs, and recruitment of special education teachers in all schools and institutions.

According to the Ministry of Education, there is no special curriculum designed for children with special needs. However, the Ministry of Education has adapted the current curricula to suit the teaching of these children. For instance, teachers are cautioned to be more attentive to their needs especially in regard to time by allocating more time to them while teaching.³² Although special needs education is supposed to be part of the teacher education curriculum, this has not been done. According to the MOES, this is being developed and at the moment five primary teachers' colleges have got a tutor specialized in special needs.³³ Accordingly most of the current teachers do not have any skills in special needs education. "There are very few special needs teachers and those that do receive special needs qualifications are often promoted to higher positions as headmistresses and principals."³⁴

Nakasero Primary School has twenty five children with different forms of disability including sixteen who are visually impaired, four deaf and three with physical disabilities. The school does not have any teacher who is qualified to teach children with special needs and the disabled children study together with the able children in the same class. However, the deaf and blind students have a lot of difficulties in class. The children with physical disability have a problem with accessibility as the school does not have ramps or toilets designed for them.

*Pamela, 12 years**was born with spina bifida. She cannot walk or do any thing for herself apart from talking only. She is very shy and often does not go to class because of her disability, she is in p.6. Her biggest problem is that she has no privacy because of the disability because she needs help to do everything.*

32. FHRI Interview with Mr. Onen Negris-Principal Education Officer, Special needs education, Ministry of Education and Sports, 26th October 2009.

33. These are, Bishop Stuart in Mbarara, Iganga PTC, Laro PTC, Soroti PTC, and Kisoro PTC.

34. FHRI interview with Sr. Ayoo Teddy, Director of NUCBACD on 30th September 2009



The problem of accessibility and lack of qualified teachers is found in all the schools visited. "There is UPE, there is USE, but when you go into those schools, there is no curriculum for special needs students (for blind students, for deaf students). A blind student has no Braille, has no special needs teachers. It falls short of helping the disabled children."³⁵

*Deo***

He is a 13 year old deaf and dumb child currently in primary four at Paipir Primary School. He joined the school in September 2009. Prior to being brought to Paipir primary school he was in an all inclusive school where none of the teachers knew sign language. He could not understand what was going on and what was being taught. He could only read the work. He likes this new school-Paipir because some teachers know sign language.

"Yes, there is inclusive education and that is where we should be heading; but there is absolutely no way in which you are going to put a deaf child, or a blind child or a deaf-blind child in an ordinary school, teach them based on the ordinary curriculum by a teacher with no special needs qualification and call that inclusive education and you think you are educating that child? It is totally unrealistic and misapplication of a good principle"³⁶

Even the specialized schools like the Uganda school for the deaf do not have a set curriculum or materials specifically adapted to them. "We have outdated and irrelevant books in the library, most of these books are donated by well-wishers, and they don't meet the interest of these children, they are old and can not be applied in their normal studies and future use."³⁷ The Uganda school for the deaf is a government aided school. Under the UPE the government gives the school only 15,000 UGX per child, per term. There is no special consideration for the fact that these are children with special needs and therefore require additional resources. As a result, the parents have to pay fees of at least 200,000 UGX. Pupils in the school are taught life skills, tailoring, home science and catering. However the school only has two functioning sewing machines for over two hundred pupils and although they are supposed to teach catering, they do not even have an oven.

35. FHRI Interview with Laura Kanushu, Executive Director, Legal Aid for Persons with Disability, 6th July 2009

36. Interview with Ms. Fiona Atim, Private Consultant on Special Needs Education

37. FHRI interview with Ms. Elizabeth Kiconco, teacher Uganda School for the deaf, 8th October 2009.



1.3.3 Institutions of Higher Learning³⁸

Every year the government provides under a merit based sponsorship scheme a bursary for 4000 students who join public universities out of which sixty four students with disability benefit to attend a public university. The scheme is however known to very few students, most of them get to know about it when they are already on campus and it is a privilege for students from the Kampala area.³⁹

The challenges of environmental accessibility and resource constraints in tertiary institutions are similar to those faced in primary and secondary schools. "... it is the same story, even in Makerere University. You go to the library and you cannot find accessible information for the blind. The blind student has to go with someone to look up books for him or her or find something for them on the internet."⁴⁰

In terms of accessibility, in Kyambogo University it is only the Faculty of Special Needs Education that has a ramp and can be accessed by a person using crutches or a wheelchair. Students with physical disabilities can not access most of the buildings including the Senate building, which only has steps; no ramp and no lift, the Dean's office is on the second floor, Academic registrar office on 3rd floor. If they have anything to do in these offices, students with physical disability have to send their fellow students. At Makerere University only the Faculty of ICT and the Senate buildings have accessibility features. "The university has 36,000 students and 27 faculties so they can not have special programs for persons with disabilities in regard to lecture rooms."⁴¹ In Kyambogo University, "Lecture room allocation cannot make special consideration for disabled students because they do not indicate the type of disabilities, hence they end up being allocated to upper stair lecture rooms which we admit may affect their mobility and accessibility to the lecture rooms. It is not easy to reallocate classes once the semester has already began."⁴²

Noah, 27 years,

Physically disabled is studying BPLM at Kyambogo University. He comes from Mbale district, got disabled in 2006 when he had a motor accident. When he was admitted, he found that one of his

38. During the course of the Research, evaluation was carried out in two public Universities; Makerere University and Kyambogo University

39. FHRI focus group meeting with disabled students from Kyambogo University, 19th October 2009

40. FHRI Interview with Laura Kanushu, Executive Director, Legal Aid for Persons with Disability, 6th July 2009

41. FHRI Interview with Mr. John Ekuu, Dean of Students, MUK

42. FHRI interview with Mr. Kasutu David, Senior Administrative Assistant, Kyambogo University, 16th October, 2009



lecture rooms was up stairs and he wrote a letter to the Guild minister in charge of PWDs in 2007. There was no response so he wrote direct to the dean, and the dean told the minister to tell him to give evidence that he is truly physically disabled. He took his photo on the wheelchair and they took it to the dean's office and the Dean promised that they were going to shift the lecture rooms but nothing has been done up to now. He is finishing his course next semester. The lecture room has steps, and always his fellow students' help to lift him up and down. One time in 2008, he fell with the student who was lifting him.

The computer room of the University is also located up stairs. Ever since he started studying at the University, he has never entered the Computer room, yet it is one of his main course units. "I have never entered the Computer library, it is too risky." The course unit is taught from the Library. He has never been able to pass the subject well since first year which has affected his general performance for all the years.

Although no positive discrimination against disabled students was reported in either of the universities, there is an absence of positive consideration and accommodation for the needs of students with disability. "Some times when the lecturers are spelling words for us, they just write them so we are not able to see them. When we complain the lecturers change for some time and then do the same thing again. You cannot keep complaining over and over. In addition, some faculties are not stable in their lecture room locations and the persons with disabilities are affected when it comes to moving from one place to another."⁴³

Both Makerere and Kyambogo Universities employ guides and assistants for government sponsored students with special needs. However, even this is not without its challenges "...the problem is that we can work for three months without any pay...sometime ago we spent the whole semester without being paid, but we still come out of sympathy, if we do not come it means it is the student who is going to suffer but not the school administrators."⁴⁴ Most of the guides are recruited from among the student community, which the disabled students do not want. "During examinations, student guides concentrate on their personal studies leaving us in a dilemma ...they are more concerned about the money, but not our welfare, during exams they abandon us completely and we have to struggle alone hence leading to our failures."⁴⁵ There were also unconfirmed allegations of sexual harassment from some of the students.

43. FHRI Interview with Willy Atona, visually impaired, 3rd year Law Student, Minister for PWDs, MUK.

44. FHRI focus group meeting with disabled students from Kyambogo University, 19th October 2009

45. FHRI Interview with Nantembe Valencia, disabled student, Kyambogo University, 19th October 2009



Because of this and other problems, one blind student from Mbarara refused completely any guide except the one he had come with from his secondary school. The Kyambogo University administration was forced to accommodate the person.⁴⁶

Access to reading materials is also a great challenge especially for blind students. Of the thirty five visually impaired students at Kyambogo University, none has ever been to or used the library. The university has not provided them with Braille materials so they have to rely on recorders or ask their guides to read out to them. Makerere University had reportedly just purchased an embosser machine to convert text to Braille at the time of this research.

Although both Makerere and Kyambogo Universities have in place policies providing that during exams, students with special needs should be given extra time, this is rarely implemented in both institutions. In Kyambogo University, blind students should be given 30 minutes extra time after normal time, but all the students interviewed indicated that they have not been given this time in almost all the semesters they have been at the University.⁴⁷ At Makerere University, "Most times the exams are not brailled but they dictate for us and for courses like law we use almost the first one hour brailing the questions. Though it is not calculated as exam time, it means we have extra one and a half hours for the exam. On many occasions the invigilators are not lecturers but their secretaries who are unwilling to let us use this time. They insist that we must hand in the papers with the rest... sometimes the university gives us typewriters yet we are not used to them and we can't even see whether what we are typing is correct. Last semester I was given a defective typewriter and I typed my work and the ribbon got stuck but I didn't realize it. The guide just told me after some time that the ribbon was stuck. I requested for some extra minutes to cover up for the wasted time but they refused to give it to me."⁴⁸

1.4 Challenges to Education of Children with Disability

1.4.1 Stigma and Discrimination

Uganda is pre-dominantly rural and illiteracy rates in rural areas are high. Superstitions inevitably abound. One of the reasons for the low enrollment of children with disability in educational institutions is that, it is considered shameful, even a curse for a family to give birth to a disabled child.

46. FHRI Interview with Mr. David Kasutu Senior Administrative Assistant, Dean of Students, Kyambogo University.

47. FHRI focus group meeting with disabled students from Kyambogo University, 19th October 2009

48. FHRI Interview with Musinguzi Julius 2nd year Social Sciences student and Guild Council representative Nkurumah Hall, Makerere University



It was reported that, "Sometimes you don't even know that a family has a disabled child. The child is kept locked indoors at home while others go to work. And when there are visitors, the disabled children are hidden or sent away. For instance, there were parents in Gweru Sub county- Soroti, who kept their disabled child hidden in a room for 7 years with no medical attention and support of any sort. The child was discovered by ITEK students who were engaged in fieldwork.⁴⁹ Communities with higher rates of illiteracy also have a higher proportion of children with disability because not only are minor illnesses left untreated, but they harbour a strong belief in witchcraft.

Helen⁵⁰

Parents were afraid to even show that they had disabled children. If a mother gave birth to a severely disabled child, it seemed ashaming. The mother would not carry that baby. Parents could not even take a disabled baby to the hospital because they would be seen. In those days there was little knowledge and awareness – even clothing a disabled child seemed a waste of time. And what was the point of taking a child to school if they were never going to find a job? If parents had a child that could not walk, the child would simply be kept hidden and fed there, out of sight. Children could even be tied in the home, to a pole, and they would be left to defecate there. If you were disabled, you were left alone. If you had a disabled son, you expected that if at all he would marry, it would be to a disabled woman, and they would have disabled children! That's how we thought – the one who is able-bodied is at home, and the one who is disabled is in the 'bush' meaning that if a function was taking place at home, parents would hide their disabled child, with a neighbour, in a bush, inside a granary bin, and then returned to the home after everyone had left....I was shocked to find out that Lucy had epilepsy, I was confused and my heart beat faster. I was somehow ashamed. Some families laughed and would say that 'your child is cursed'.

One of the challenges that children with disability face in school is discrimination by other children.

"When Lucy had a fit at school, she would recover to find other children laughing at her, there was no problem with the teachers, it was the children that Lucy feared. She became afraid to go to school and I felt I had to be near her – I was afraid the teachers would not know how to look after her – so in a way it was easier for me to keep her at home."⁵¹

49. FHRI Interview with Community Development Officer Soroti, November 2009

50. Helen Alupo, mother to a child with epilepsy. Action on Disability and Development Client. (Used with permission)

51. *ibid*



Peter⁵²

There is a very poor and negative attitude towards persons with disabilities by the public. In Kasese, if a visitor comes home and the family has any person with a disability, they will hide the person for fear that if the community knows that you have a child who is disabled, other able children will not marry from that family because they fear that in the family where there is disabled person, if you marry from there you will also produce a disabled child. Most families discriminate against children with disabilities. When I finished primary seven my relatives advised my father to stop sponsoring my secondary education and instead to take me to the street so that I could become a beggar to generate income for the family so that my brothers and sisters could go to school. While at school, I could be physically assaulted or even some time other disabled children were abused and dismissed from school by fellow students.

At paipir primary school in Kitgum, there are thirty children with disabilities. Over 90% of them were out of school and were enrolled in the school on a humanitarian basis by NGOs⁵³ who followed them up to their respective homes in the community. The NGOs collect these children from home, pay their school fees and cater for their scholastic materials and thereafter take them back to their homes at the end of the academic term. All the children interviewed reported that their parents did not check on them during the school term.

1.4.2 Poverty

The link between disability and poverty and social exclusion is direct and strong throughout the world. Disability has a particularly pernicious relationship with poverty. On one hand, poverty— with its pervasive malnutrition, poor living conditions, high-risk work, and poor access to health care— often leads to disabilities or exacerbates existing ones. On the other hand, a person with a disability will likely have few, if any, educational opportunities, or due to prejudice remains trapped in low paying jobs or work that doesn't pay at all, unable to break the vicious cycle of poverty. According to the World Bank, two thirds of PWDs live in absolute poverty. The likelihood that people who stay in a household with a disabled head live in poverty is 38% higher than the likelihood that people who stay in a household with a non disabled head will live in poverty.⁵⁴

52. FHRI Interview with Baluku Peter, Kasese District Union of Person with Disabilities, 31st August 2009

53. Mainly Warchild UK

54. (Johannes G. Hoogeveen: Disability and Poverty in Uganda, 2004).



In Uganda, the social stigma associated with disability is strong. Having a disabled child may mean the end of a marriage or a domestic relationship. "There are hundreds of cases of children born with disabilities who are born into families which neglect them. The fathers don't want to take them to school and the mothers have come to complain to us "ok I have this child, she is disabled, but the father is saying there is no need for him to take this child to school because they think she is useless ... most of the disabled women are not in legal marriages and that has an impact on them at the time of separation. She will have as many children as she can, and at the end of the day, the children are not even taken care of."⁵⁵

Even with the UPE and USE, it is still more expensive to educate a child with physical disabilities than an able-bodied one. "It is expensive for parents to send disabled children to school because many of them need to attend boarding school units for the disabled that are scattered among primary and secondary schools. For example, there is a primary school for the deaf/blind in Jinja but for secondary school these children must be referred to Iganga."⁵⁶ For children with physical disabilities, the costs of mobility devices are prohibitive. "A bicycle costs about UGX 70,000 but a wheel chair costs between UGX 400,000-500,000 depending on the user's age that is equivalent to at least five bicycles."⁵⁷

Conclusion;

The inclusive setting being implemented by the government is not working because no effort has been made to integrate the interests and needs of children with special needs in the mainstream school planning and curriculum development process. This accounts for the high illiteracy and school drop out rates among PWDs. Most schools are environmentally inaccessible for children with physical disabilities and schools undertaking special needs education remain understaffed and operate on extremely limited resources, while the privately owned institutions operate with minimal government supervision and guidance.

55. FHI Interview with Laura Kanushu, Legal Action for Persons with Disabilities Uganda (LAPD), 6th July 2009

56. FHRI Interview with Esther Kyozira, Program Manager, National Union for Disabled Persons in Uganda (NUDIPU), 6th July 2009

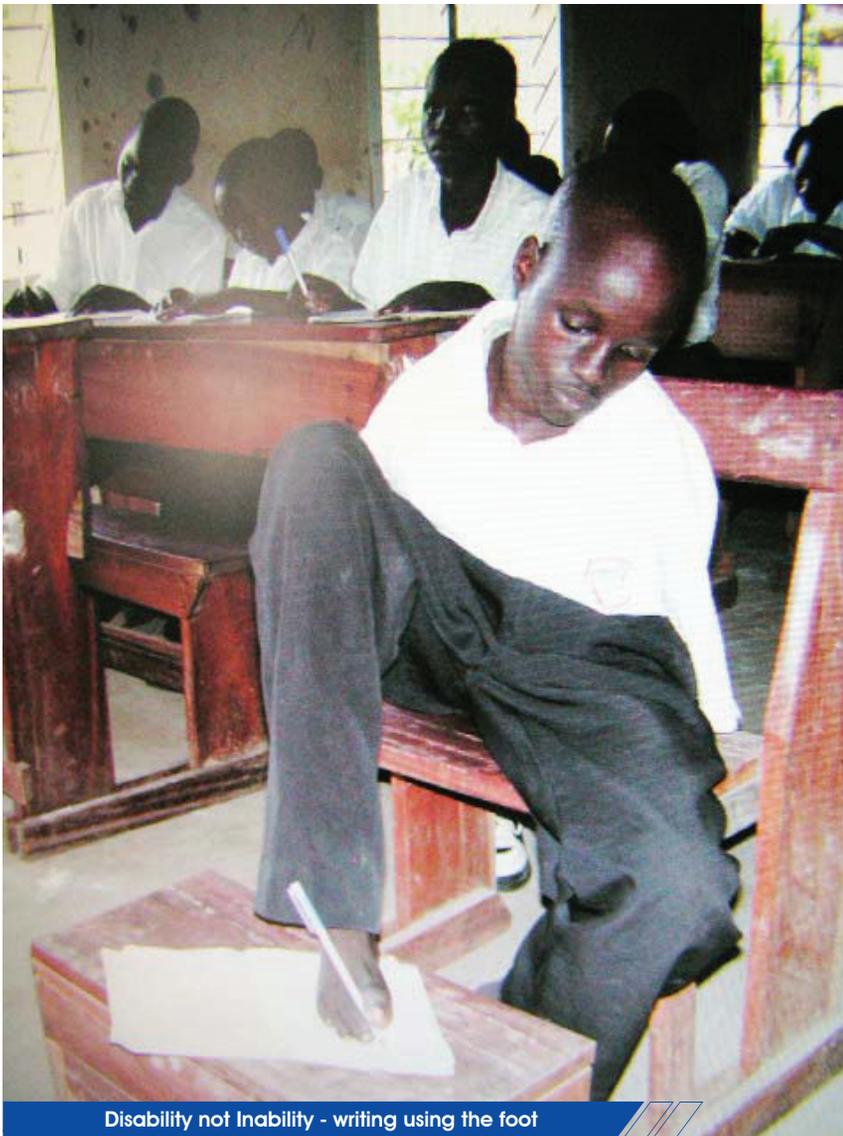
57. FHRI Interview with the Kitgum District Chairperson for disability,



Recommendations:

To the Ministry of Education and Sports:

- 1) Integrate special needs education into the teacher training curriculum.
- 2) Make physical accessibility features mandatory in school expansions and construction.
- 3) Increase budget support for schools that have enrolled children with special needs.
- 4) Develop a curriculum for private schools which carry out special needs education and create a monitoring structure for the supervision of these schools.



Disability not Inability - writing using the foot

ACCESS TO HEALTH FOR
PERSONS WITH DISABILITIES

Chapter Two :



2.0 Introduction

More than the average person, persons with disability have a great need to health services because in addition to the usual health care, they also need health services specifically because of their disability status.

2.1 Legal Framework

The United Nations Standard Rules on Equalisation of Opportunities for PWDs (1991) urges all nations to show strong commitment on equalisation of opportunities for Persons with Disabilities (PWDs).⁵⁸ Under the UN CRPD, states recognise that all persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability and states are under an obligation to take all appropriate measures to ensure access for persons with disabilities to health services that are gender-sensitive. In particular PWDs are entitled to the same range, quality and standard of free or affordable health care and programmes, health services needed by persons with disabilities specifically because of their disabilities including in rural areas.⁵⁹

The provisions of the UN CRPD and the UN Standard Rules on Equal opportunities are incorporated in the Persons with Disabilities Act, 2006 to the effect that persons with disabilities shall enjoy the same rights with other members of the public in all health institutions.⁶⁰ The Act exempts taxes from purchase, importation, transfer, or gifts of health materials or equipment relating to disabilities.⁶¹ Sign language interpreters and Braille labels on drugs are also supposed to be introduced in the health facilities.⁶²

Under the PWDs Act 2006, the government is also obliged to promote the prevention of disabilities through health and environmental education in schools and communities, enforce health and safe labour conditions, strengthen road safety policies to minimize accidents, and strengthen programs for land mines clearance where mines exist to protect persons from these mines.⁶³ The government is also expected to adopt measures of rehabilitation of persons with disabilities and establish medical rehabilitation departments or sections in hospitals.⁶⁴

58. UN Resolution 76/A, 1991

59. Article 25

60. S. 7

61. S. 7(2)

62. S.7(3)

63. s.9

64. s.10



2.2 Access to Health Services

According to the 2002 Uganda Population and Housing Census, 35.3% of PWDs had loss or limited use of limbs, 23.3% suffered from spinal injuries while 15.1% had hearing difficulties. Uganda has at least 1,101,039 persons over the age of 60, 18% of whom have chronic diseases associated with old age and disability.

Access to health services for the ordinary Ugandan remains a challenge. Only 49% of households in Uganda have access to health care facilities. Due to their vulnerable physical and financial conditions, disabled persons are at an even greater disadvantage and they face several challenges in accessing health services ranging from environmental accessibility, communication, poverty and discrimination.

2.2.1 Environmental Accessibility

According to the Gulu Chairperson of PWDs, "disabled people are not accessing health services like other able bodied people mainly because of lack of accessibility to hospitals. For instance there might be a ramp at the main entrance to the hospital however one may be referred to go to the laboratory which may not have ramps."⁶⁵

In healthcare facilities visited including, Mulago, Rubaga, Mengo and Kitgum hospitals, ramps have been put in place to ease the mobility of PWDs. According to the Deputy Executive Director of Mulago hospital, "ramps have been constructed on the 1st, 2nd, 3rd and 4th floors of the hospitals and plans to construct more ramps are already underway though it is expensive."⁶⁶

A major issue of contention in terms of accessibility is the accessibility of labour beds in the hospitals. In the hospitals visited, labour beds were not easily accessible by women with physical disabilities. They were all said to be too high for the women to climb. This was a major concern pertaining to PWDs and it was cited as the major reason why many disabled women especially in rural areas prefer to deliver away from health centers. According to the Executive Director, Legal Action for Persons with Disabilities, "the attitude of the medical people is really bad. I mean some people still believe "why should she be pregnant, why doesn't she feel sorry for herself?" I mean they think it is a burden for a disabled woman to be pregnant and to have a child."⁶⁷

65. FHRI interview with Mr. Simon Ongom, Gulu District Chairperson of People with Disabilities on 2nd October 2009

66. FHRI interview with Mr. Ezati, Deputy Executive Director, Mulago Hospital on 21st October 2009

67. FHRI interview with Laura Kanushu, Executive Director, Legal Action for Persons with Disabilities on July 6th 2009. This was also reiterated by Mukasa Apollo, Project Officer Capacity Building and Accessibility Project- Uganda National Action on Physical Disability



Nancy**

Nancy from Patongo in Pader is physically disabled. She has two children. Both of them were delivered at the district hospital, however, if she ever has another child, she is determined not to give birth in the hospital. On both occasions when she went to the hospital, she was abused by the nurses when she could not climb onto the labour bed. They said "if you know you are disabled, you should have thought of it before you became pregnant. You want us to help you, did we make you pregnant?"

Although the same concerns were raised in various hospitals, all hospital administrators insisted that they had not received any such complaints. In Mulago hospital, "most women with disabilities who come to deliver are usually assisted up the labour beds."⁶⁸ The Senior Medical Officer Ministry of Health admitted knowledge of such concerns and that, "a Rehabilitation and Health Care Policy, by Ministry of Health has been developed and one of the issues addressed concerns accessibility of labour beds by people with disabilities. A special delivery bed has been recommended and a sample which is easily adjustable has already been looked at and approved."⁶⁹

2.2.2 Communication

Communication between the medical staff and PWDs especially the deaf and deaf/blind is also a major challenge. According to the Gulu Chairperson of PWDs, "there is a communication barrier between the medical staff and PWDs especially those with a hearing impairment since most of the medical staff do not know sign language and not every PWD can afford to go with an interpreter. As such, this necessitates deaf persons to go with interpreters and this compromises the confidentiality principle since the medical status of the PWD may be revealed especially if one is going for an HIV/AIDS test."⁷⁰ This was reiterated by the Kitgum District Chairperson of PWDs and the Jinja LC.5 Councilor for PWDs.⁷¹

68. FHRI interview with Ms. Immaculate Nankabirwa, Nursing Officer, Mulago Hospital on 21st October 2009

69. FHRI interview with Dr. Turyaguma Patrick, Senior Medical Officer, Ministry of Health on 13th October 2009

70. FHRI interview with Mr. Simon Ongom, Gulu District Chairperson of People with Disabilities on 2nd October 2009

71. FHRI interview with Mr. Okiri Charles, Kitgum District Chairperson of PWDs on 30th September 2009 and Ms. Christine Nsungu, LC.5 Councilor for PWDs on June 29th 2009



Very few health centres employ sign language interpreters. According to the Ministry of Health, "The Rehabilitation and Health Care Policy will include a communication strategy to orient health workers in sign language. The challenge is that, "there are some deaf and dumb people who may not know the sign language. However, after the health workers orientation they will be more attentive to their needs." ⁷²

As at the end of October 2009, Mulago hospital had 29 nurses trained in sign language while at Rubaga Hospital over 30 nurses have so far received training in sign language.⁷³

Daniel ⁷⁴23 years*

He is a deaf boy from Luwero district. He is studying carpentry at Uganda society for the deaf vocational training centre where he is being sponsored by the Bwamba sisters from Masaka district. Both his parents are alive though he feels the father does not love him since he does not contribute anything towards his education or upkeep. One time he fell sick and was taken to Kisenyi hospital where he was able to write what his problem was and the doctor treated him though he was not able to describe in detail by writing everything that was hurting him.⁷⁵

The Persons with Disabilities Act 2006 provides for labels on drugs to be pre-brailed.⁷⁶ However, this provision has not been implemented. "It is impossible for the blind to understand what type of drug they are supposed to be taking since it is not brailed and this may lead to drug abuse."⁷⁷

2.3 Care for Children with Disabilities

There are inadequate health facilities to cater for the interest of children with disabilities. Rehabilitation and health services for children with disabilities are too expensive for parents to afford without external support. According to the Director, Rwenzori Association of Parents of Children with Disabilities,

72. FHRI interview with Dr. Turyaguma Patrick, Senior Medical Officer, Ministry of Health on 13th October 2009

73. FHRI interview with Mr. Ezati, Deputy Executive Director, Mulago Hospital on 21st October 2009 and Kamusingye Violet, Mid wife Rubaga Hospital on 29th September 2009

74. Not real name

75. FHRI interview at Uganda society for the deaf vocational training centre

76. S. 7(2) (c) The Persons with Disability Act 2006

77. FHRI interview with Mr. Simon Ongom, Gulu District Chairperson of People with Disabilities on 2nd October 2009



"the Government and the district have no viable programmes for children with disabilities; for example a child with hydrocephalus has to be taken for treatment in Mbale at a cost of 750,000 shillings which excludes transport, accommodation and feeding expenses."⁷⁸

*Viola**

*She is a 15 year old girl from kakiri sub county. She was born deaf and on realising this, her mother deserted her a week after her birth. She was brought up by her grand parents despite their limited resources. SOS an NGO recently took her up under their care.*⁷⁹

2.3.1 Detection

The Uganda National Household Survey 2005/2006 indicates disease or infections or illness as the major causes of disability. The Persons with Disabilities Act 2006 mandates Government to put in place a system of early detection of disabilities as a measure of minimising disabilities.⁸⁰ However, no notable intervention has been realized. According to the Senior Medical Officer, Ministry of Health, "the department carries out various programs to prevent disabilities which include programs that focus on road safety, those engineered towards prevention of blindness, hearing impairment and others targeting the elderly since old age also increases risks of being disabled."⁸¹ However, the Director, Rwenzori Association of Parents of Children with Disabilities noted that, "no special investigation is carried out by the Ministry of Health on the over whelming numbers of PWDS especially children with cerebral palsy in the district whose numbers are over 600 cases."⁸² In Kumi district, the medical superintendent also noted with concern the alarming cases of children becoming disabled⁸³ as a result of wrong administration of drugs yet nothing much is being done to address the problem. "Private health providers who in most cases do not have the necessary skills have resorted to the use of the injectable quinine (ACTS-Coartem) which is required for severe malaria management and as a result many children are becoming disabled." That as a result, in 2008, 89 children became disabled while so far in 2009, 100 children have become disabled as a result.

78. FHRI interview with Mr. Mali Wilson, Director, Rwenzori Association of Parents of Children with Disabilities on 31st August 2009

79. FHRI interview at SOS village Entebbe

80. S. 9 (d) The Persons with Disability Act 2006

81. FHRI interview with Dr. Turyaguma Patrick, Senior Medical Officer, Ministry of Health on 13th October 2009

82. FHRI interview with Mr. Mali Wilson, Director, Rwenzori Association of Parents of Children with Disabilities on 31st August 2009

83. FHRI interview with Dr. Ekure, Medical Superintendent, Kumi Hospital.



This state of affairs was also echoed in respect to mental health where it was noted that more research should be carried out to determine the causes of mental illness like epilepsy as a measure to minimise the number of cases.⁸⁴ For instance at Kasese District Union of Persons with Disabilities, out of 14,728 registered cases of PWDs, 451 have epilepsy.⁸⁵ The Programme Manager, AVSI, also asserted that epilepsy is on the increase in the Northern part of Uganda and that ignorance of the people compounds the situation since most caretakers lock up the patients in houses thinking they have malaria or have been bewitched.⁸⁶

2.3.2 Care

The high costs involved in maintaining children with disability forces some parents to abandon these children many of whom are looked after by charitable institutions and organizations given that the government does not have any facility for them. A therapist at Katelemwa Cheshire home observed that, "in the past, some parents used to bring their disabled children and would abandon them at the home however this practice has ceased since the home insists on children coming with a caretaker."⁸⁷

This development was reechoed at NUCBACD, "Initially, parents would abandon their children which necessitated the administrators with the help of the LCs to trace for their families."⁸⁸ In Kitgum District, an NGO, Tender Trust caters for children in need both able and disabled. Among others, they provide the children with education and accommodation. According to the Director of Tender Trust, "they have a total of 86 children, 4 of them are mentally retarded, physically handicapped; most of these children are brought by relatives who find it hard to provide for them."⁸⁹

84. FHRI interview with Dr. Sheila Ndyabangi, Principal Medical Officer, Ministry of Health on 21st October 2009

85. FHRI interview with Mr. Baluku Peter, Kasese District union of person with disabilities on 31st August 2009

86. FHRI interview with Mr. Fred Opoka, Programme Manager, AVSI on 2nd October 2009

87. FHRI interview with Ms. Nabiro, Therapist, Katelemwa Cheshire Home on 22nd September 2009

88. FHRI interview with Sister Ayoo Teddy, Director of Northern Uganda Community Based Action for Children with Disabilities on 30th September 2009

89. FHRI interview with Ms. Loise Ford, Director Tender Trust, on 1st October 2009



2.4 Access to Mental Health Services

According to the WHO, one in four people suffer from some sort of mental health problem. It is estimated that between 20-30% of the general population of Uganda suffers from some form of mental illness.⁹⁰ Seven hundred and fifty people are currently admitted at Butabika.⁹¹ The World Health Organization estimates that mental illness now accounts for about 12.3% of the global disease burden. The treatment and care for persons with mental illness in Uganda remains a great challenge and in many major towns in the country, mentally unstable persons can be found wondering about at will-often barely dressed in rags or naked. Many of these persons pose a health and physical risk not only to the society but are especially vulnerable to various forms of abuse including physical and sexual abuse. A business woman in Wandegeya- a Kampala suburb narrates a recent experience: "There was this mad woman. We simply called her 'Mulalu'. At one time we just noticed that she was pregnant, of course no one knew who had made her pregnant. Although we suspected the taxi drivers and boda bodas at the stage-but it could have been anyone. One morning they found her lying on a verandah. She had given birth but the baby's cord had not been cut. Some women from the market helped her and later took her to Mulago hospital. I don't know what happened to the baby."⁹²

Inconsistent supply of drugs and lack of qualified medical staff were cited as the major challenges in the care of persons with mental illnesses. "There are approximately 24 psychiatrists in the entire country and the rate of training and deploying counselors is still low compared to psychiatrists."⁹³ This gives a psychiatrist to population ratio of 1: 1,250,000 instead of the recommended 1:10,000. "Most mental health workers in the country are good to their patients. The doctor patient relationship is good though it is characterized by work overload. The health workers have too much work so they easily get overwhelmed by the numbers."⁹⁴

There is a limited budget for the procurement of medication for mental illnesses. As a result, the practitioners try to avail only essential medications that are cheap and easily available. Due to the low turn over of these drugs, private pharmacies do not stock them and so whatever is available is sold at a highly inflated price.⁹⁵

90. FHRI interview with Dr. David Basangwa, Senior Consultant Psychiatrist and Acting Deputy Director, Butabika Hospital., 18th November 2009

91. Ibid. The hospital has a capacity to admit a 700 patients at a time

92. FHRI interview with Faridah, Wandegeya, 27th September 2009

93. FHRI interview with Mr. Lutaakome Julius, Director, Mental Health Uganda on 25th September 2009

94. FHRI interview with Mr. Lutaakome Julius, Director, Mental Health Uganda on 25th September 2009

95. FHRI interview with Dr. David Basangwa, Senior Consultant Psychiatrist and Acting Deputy Director, Butabika Hospital., 18th November 2009



According to the Director, Mental Health Uganda, "Successful treatment of mental illness requires access to wide range of drugs; there are between 15 and 20 different categories of drugs for mental illness and the majority of these drugs are not available at health centres."⁹⁶ This was re-affirmed by the Principal Medical Officer, Ministry of Health who asserts that, "there is inconsistent supply of drugs due to stigma and poor understanding of mental illness by the health managers and administrators. As such, they do not prioritise mental health and consequently cause shortage of these drugs."⁹⁷

Furthermore, the Director of Mental Health Uganda notes that, "care and treatment of mental health patients is focused on medication rather than on a holistic approach. This is mainly attributed to the existence of few qualified health workers who do not have the time to dedicate to follow up individual patients. Access to information about the type of treatment, disorder or reviewing of cases is non existent."⁹⁸

*Annet*⁹⁹

*She is 44 years and was diagnosed with bipolar affection disorder. She has been on treatment for 17 years. When she was initially admitted to hospital, she was not informed of what illness she was suffering from. Neither did she know the kind of medication she was taking.*¹⁰⁰

In addition, most of these units are located far from the people and most patients are poor so at times they may fail to access transport to go for treatment and this usually leads to relapse and one remains in a spill of ill health.¹⁰¹ In other instances, patients may go to unqualified practitioners and end up with a wrong diagnosis and pursue a wrong course of treatment which does not help the patient in the long run. In a population with a large illiterate and semi-literate rural population, mental illness is often associated with witch craft. This has greatly weakened the conventional method of treating patients since most are taken to traditional healers where their illness worsens and are exploited.

96. FHRI interview with Mr. Lutaakome Julius, Director, Mental Health Uganda on 25th September 2009

97. FHRI interview with Dr. Sheila Ndyabangi, Principal Medical Officer, Ministry of Health on 21st October 2009

98. FHRI interview with Mr. Lutaakome Julius, Director, Mental Health Uganda on 25th September 2009

99. Not real name

100. Mental Health Uganda client

101. FHRI interview with Mr. Lutaakome Julius, Director, Mental Health Uganda on 25th September 2009



According to the Principal Medical Officer, Ministry of Health, "there is a common belief that mental illness is treatable by traditional healers and this greatly exposes patients to exploitation and worsening of their mental illness."¹⁰²

Emily^{*103}

*Emily has been married for 20 years. Her illness started out as a fever so she and her husband thought it was malaria. However, this worsened. Suddenly everything seemed to scare her. She even feared cooking. Out of desperation, the husband sought advice from the neighbours who referred him to a traditional healer that could apparently catch the spirits disturbing the couple. Being a Christian family, they first declined to go to the traditional healer. However, since she was not improving they gave in and sought out the help of the traditional healer. He made some cuts on her hand and administered some drugs into the cuts, and also asked them to take him to their home so that he could plant some drugs that would shield the household from the evil spirits which he later did. On being asked about the mode of payment, the traditional healer said he wanted 3 white goats, a cow and money amounting to 100,000/= for the treatment. Despite having paid the traditional healer, Emily's condition did not change much prompting the husband to go back to the traditional healer's place to inquire as to why this was so. The husband was answered with a lot of arrogance and instead blamed for not having followed the instructions as given. He was then referred to another more powerful healer by his neighbours. This time round, the husband had to sell 30 acres of land cheaply since he needed the money to pay the healer for his wife's treatment. This too did not improve her condition. Her condition deteriorated and Emily was later taken to her mother's home where she was taken to the psychiatric wing of a regional referral hospital that was 50 kilometers away from her parent's home. She was referred to the psychiatry clinic where she received treatment and got better. She returned to her husband's home though she had to make monthly trips to get treatment from the referral clinic which was quite expensive for the family. A Community Mental Health clinic which is 10 minutes walk from their home has recently been established and she is receiving treatment.*¹⁰⁴

102. FHRI interview with Dr. Sheila Nayanabangi, Principal Medical Officer, Ministry of Health on 21st October 2009

103. Not real name

104. Mental Health Uganda client



Most mentally ill patients are isolated by the community members. The Director Mental Health Uganda noted that, “they are usually isolated and or discriminated due to their being mentally disabled ...and there is also internalized stigma when the patient may consider himself to be less important. So if others are preoccupied with an activity, the patient will not get involved. He or she loses the initiative to develop any potential.”¹⁰⁵

Jacob^{*106}

*29 years from Rukungiri district and mentally ill though on treatment. He was married with children. Most people in his community knew of his mental illness. However, in October 2009, he got a relapse and ran away from his home. He was paranoid that people wanted to kill him. During this spell, he was beaten to death. The police have so far arrested 3 men suspected of having killed him.*¹⁰⁷

2.5 PWDs and HIV/AIDS

Currently the national HIV/AIDS prevalence rate stands at 6.4% with a higher prevalence among women.¹⁰⁸ However no study has yet established the prevalence among PWDs in Uganda, although it is anecdotally reported that PWDs- especially women are increasingly sexually exploited which puts them at a high risk of acquiring the infection.

Research findings show that the radio is by far the most vital method of disseminating information about HIV/AIDS in Uganda. This too excludes a large proportion of PWDs considering the communication barriers for the deaf. There is also no deliberate target of disabled persons because of their weakness in terms of accessibility, and most sensitization activities are held far from their homes.¹⁰⁹ As such many PWDs are not informed about the prevention, care and treatment of HIV/AIDS.

105. FHRI interview with Mr. Lutakome Julius, Director, Mental Health Uganda on 25th September 2009

106. Not real name

107. Ex- Mental Health Uganda patient

108. 'HIV prevalence rate falls to 6.4% – survey report', Tuesday November 3rd 2009

109. FHRI interview with Mr. Baraza Deusdediti- Research and Information Officer; Action on Disability and Development on 1st July 2009



HIV/AIDS based organizations like Uganda Aids Commission, Joint Clinical Research Center and TASO acknowledge that they do not have a specific policy in regard to PWDs but cater for PWDs under special needs. The Uganda Aids Commission plans to hire an interpreter to ease communication with the deaf in the near future.”¹¹⁰

NUDIPU on the other hand started a program of HIV/AIDS and PWDs in 2006. So far 63 women with disabilities living with HIV registered in Payero while 43 registered in Soroti.¹¹¹ According to NUDIPU, “PWDs are at an increased risk of HIV/AIDS infection mainly because they are vulnerable to sexual abuse since many people regard them to be safe thinking that not many people would want to associate with them.”¹¹²

*Aber**

She is 35 years old, from Gulu district. She is deaf and blind however she has 9 children and none of the community members nor herself know their ages or their fathers.

Conclusion:

PWDs by virtue of their status require adequate health care as a measure to better their standard of living. Given the current health care situation in Ugandan hospitals more so when most services are not user friendly to PWDs, or readily available to them, urgent attention needs to be focused on improving service delivery in this sector.

Recommendations:

To the Ministry of Health:

1. Should ensure that the Rehabilitation and Health Care Policy is tabled before Parliament for debate.
2. Should review the Mental Health Treatment Act to ensure that it is in tandem with current health standards.
3. Should formulate policies geared towards preventing disabilities among children.
4. Ensure adequate supply of drugs to PWDs especially those with mental illness.
5. Carry out action research in regard to causes of disabilities.

110. FHRI interview with Mrs. Joyce Namulondo Kadowe, Public Relations Officer, Uganda Aids Commission on 5th November 2009

111. FHRI interview with Mr. Babu Mwesigwa, NUDIPU on 5th November 2009

112. *ibid*

EMPLOYMENT

Chapter Three :



3.0 Introduction

The Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 defines a disabled person for the purposes of employment as an individual whose prospects of securing, retaining and advancing in suitable employment are substantially reduced as a result of a duly recognised physical or mental impairment.¹¹³ The Convention aims at ensuring that appropriate vocational rehabilitation measures are made available to all categories of disabled persons, and that employment opportunities for disabled persons in the open labour market are promoted.¹¹⁴

3.1 Legislative Framework

The right to employment for persons with disability is enshrined in various international instruments. The UN Convention on the Rights of Persons with Disabilities provides that state parties recognize the right of persons with disabilities to work by prohibiting discrimination on the basis of disability, protecting the rights of PWD on an equal basis, effective access to general technical and vocational guidance, ensuring that reasonable accommodation is provided to PWD's at the work place and promotion of vocational and professional rehabilitation, job retention and return to work place programmes for PWD's.¹¹⁵ The UN Standard Rules on Equal Opportunities recognize the principle that persons with disabilities must be empowered to exercise their human rights, particularly in the field of employment.¹¹⁶ It puts states under an obligation to implement favorable conditions for the employment of persons with disabilities in the public sector.

The provisions of the UN CRPD are incorporated in the Persons with Disabilities Act, 2006. Further, the Act promotes affirmative action in favor of PWDs by providing an incentive of a 15% tax reduction to private employers who employ ten or more persons with disabilities either as regular employees, apprentice or learner on a full time basis.

The Business, Technical, Vocational Education and Training (BTVET) Act, No. 12, of 2008, promotes equitable access to education and training for all disadvantaged groups, including disabled people while the National Policy on Disabilities, 2006, provides a human rights-based framework for responding to the needs of persons with disabilities.

113. Article 1(1) of the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983

114. Article 3 ibid

115. Article 27(1)

116. Rule 7



3.2 ACCESS TO EMPLOYMENT

A survey among PWDs aged between 14 to 64 years, 46% reported that they were affected in participating in employment activities while 8% revealed that they were not at all affected.¹¹⁷ In addition, illiteracy rates among PWDs is significantly higher than the national average and there is an imbalance between PWDs that have attained formal education and other able persons. According to the Uganda Population and Housing Survey 2002, the labour force has become more educated as reflected by a decline in the annual labour force growth rate of those with no formal education by 3.2% and an increase for those with primary education at 5.2% and secondary education at 4.4%. Since many PWDs are not educated, gaining employment in a competitive labour market is a challenge.

According to a study carried out in Kasese district, out of a total of 14,728 registered adult PWDs in the district, 633 (4%) were gainfully employed and self sufficient, 6,690 (45%) were involved in some form of individual income generating activity, while 7,404 (50%) had no income and were dependent on other people for their livelihood.

3.2.1 Affirmative Action

The Persons with Disability Act provides for a tax reduction of 15% to private employers who employ 10 or more PWDs as an incentive to companies to employ more PWDs.¹¹⁸ However, this provision was amended;¹¹⁹ companies receive an income tax reduction of 2% if 5% of the total employees are PWDs. The amendment is aimed at ensuring that more PWDs will be employed since the ratio of the total number of PWDs vis-à-vis the total number of employees will be higher and even companies with a small workforce receive an incentive for employing PWDs.

There have also been various initiatives by Government and development partners in promoting and providing employment for PWDs. For instance, organizations like NUDIPU and Federation of Uganda Employers (FUE) advocate for PWDs rights by mainstreaming disability in the workplace. That is, 'they among others recruit PWDs for member companies and carry out sensitization workshops aimed at managing disability at the workplace and employers have responded positively.'¹²⁰

117. Uganda National Household Survey 2005/2006

118. S.17, The Persons with Disability Act 2006

119. By S. 4 of the Income tax Act (Amendment Act)2009

120. FHRI interview with Mr. Jjingo Stephen, Director Marketing, Public Relations and Membership Development, Federation of Uganda Employers on 30th October 2009



As a result, companies like, National Water and Sewerage Corporation recruited 2 PWDs in March this year and ENHAS recruited 12 PWDs most of whom were not in gainful employment before.

3.2.2 Discrimination

Discrimination of a qualified person on grounds of disability in regard to job application is prohibited.¹²¹ Yet discrimination remains the biggest challenge faced by PWDs in getting gainful employment. According to the Research and Information Officer of A.D.D, 'when it comes to the area of employment, PWDs may not compete favourably due to most employers claiming that it is expensive to hire PWDs.¹²² This was reiterated by the Gulu District Chairperson of People with Disabilities who further asserted that, 'most employers operate in rented structures thus landlords may be adamant to provide accessibility to work place areas for PWDs since it is likely to distort the whole structure.'¹²³

As a result the majority of PWDs are not gainfully employed. For instance in Kasese district less than 10% of PWDs are engaged in active employment despite some of them holding relevant qualifications for the jobs available.¹²⁴

*Brandon** ¹²⁵

He is a 30 year old physically disabled man. He was employed as an information and technology specialist. He went through the recruitment process and was told to report for work. On reporting, his supervisor allegedly noticed his disability and at around midday, the supervisor told him that they were sorry but that at the time of recruiting him, they were not aware that he was disabled because the job entails him carrying computers. He reported to NUDIPU and the case is pending before Court. ¹²⁶

121. S.12(a) The Persons with Disability Act 2006

122. FHRI interview with Mr. Baraza Deusdedit, Research and Information Officer; Action on Disability and Development on 1st July 2009

123. FHRI interview with Mr. Simon Ongom, Gulu District Chairperson of People with Disabilities on 2nd October 2009

124. FHRI interview with Mr. Baluku Peter, Kasese District Union Development Worker on 31st August 2009

125. Not real name

126. FHRI interview with a NUDIPU client on 28th October 2009



Paul*

Paul has a hunchback and walks with a stoop. In 2005, he was interviewed for a job as a counselor with a government hospital. He was short listed and did a 2nd interview. He was called to pick his application letter. When he got there he was told to wait as it was not yet ready. He waited. He was later told to pick it up on another day, and subsequently told to keep coming back until he realized that another person he had interviewed with was already working there and gave up. He believes he was dropped because of his disability.

It is true that certain jobs may require a certain level of physical strength, sight or hearing. "There is a way PWDs magnify disability issues in that some jobs are too demanding yet they insist and apply for them and on failing to measure up to the challenges, they call it discrimination."¹²⁷ If a blind person cannot see or read print comfortably, no pretense or wishing can change the fact. However, there is a very thin line between discrimination and legitimate concerns on the ability of PWDs to perform certain tasks. Thus, we must constantly be careful to determine whether seeing is essential to performing a given task and it is not always easy to know whether it is reasonable to deprive a blind person of an opportunity just because there may be some positions in the field that do require sight. There are also many which do not.

Even in the absence of overt discrimination, PWDs are already at a disadvantage in the job market. "Due to communication barriers, many may not have heard or read the job advertisements since they are over the radio or in newspapers thus eliminating the deaf and blind. In addition, PWDs are usually the poorest among the communities and as such, may not afford to buy the newspapers. The adverts are sometimes put on notice boards which are at times high so a disabled person may fail to access it.... Sometimes they give the information on the radio, and unless you have someone who is going to tell a deaf person, they won't know."¹²⁸

127. FHRI interview with Mr. Jjingo Stephen, Director Marketing, Public Relations and Membership Development, Federation of Uganda Employers on 30th October 2009

128. FHRI interview with Mr. Baraza Deusdedit- Research and Information Officer; Action on Disability and Development on 1st July 2009



A large percentage of PWDs in Uganda are self-employed and engaged in activities like shoe shinning, tailoring, carpentry and retail trade. However, even this is not without challenges; "PWDs are discriminated against when they apply for loans because people assume that they are risky borrowers because they will have difficulty paying the loan back on time."¹²⁹ In addition, most of these activities pay minimally. The discrimination compounded by the fact that a large percentage of PWDs are not educated and as a result cannot easily get jobs¹³⁰ means that ultimately, more than half of all PWDs continue to live as dependants, beggars or in absolute poverty.



Disability not Inability- Transporting charcoal on a wheel chair

129. FHRI interview with Mr. Salim Mukasa, Development Worker, Jinja District Union of Persons with Disabilities on June 29th 2009

130. FHRI interview with Mr. Peter Lutada, Pader District Chairperson of PWDs on 28th September 2009



3.3 Vocational Training and Rehabilitation

According to the Uganda National Household Survey 2005/2006, 60% of PWDs in Uganda do not receive any kind of rehabilitation and approximately 90% of PWDs in Uganda do not go beyond primary education.¹³¹

The aim of vocational training and rehabilitation for PWDs is to promote more inclusive employment opportunities for them. Under the Ministry of Gender, Labour and Social Development, vocational rehabilitation and resettlement centers were established. At present, there are 8 operational vocational rehabilitation training centers which give training programs to people with disabilities. These are Kireka vocational rehabilitation center, Lweza vocational rehabilitation center, Ruti vocational rehabilitation center, Ocoko vocational rehabilitation center, Masaka vocational rehabilitation center, Mpumude vocational rehabilitation center, Jinja sheltered workshop and Mbale sheltered workshop. The skills offered at the training institutions include carpentry and joinery, computer lessons for the blind, leather craft, tailoring, handcraft and embroidery and nursery teaching among others.¹³²

According to the Commissioner, disability and elderly, "every year, about 280 PWDs graduate from these centers." However, according to the Assistant Executive Director, NUDIPU, "the number of PWDs from these centers is not definite because the centers are not very active due to lack of resources which is rooted back to the fact that government did not plan for them."¹³³

In addition, the centers have been discredited for providing skills that are neither comprehensive nor suitable for the competitive labour market. A recent report by International Organization of Migration states that the majority of graduates from vocational training institutions are jobless mainly due to failure to formulate a viable business because of market saturation, capital access difficulties and personal conflict related vulnerabilities such as trauma.¹³⁴ This was echoed by the Assistant Executive Director, NUDIPU, "Even the few that have been trained at the centers remain unemployed since there are no places to practice their skills."¹³⁵

131. Uganda Population and Housing Census 2002

132. FHRI interview with Mr. Herbert Baryayebwa, Commissioner, Disability and Elderly

133. FHRI interview with Ms. Helen Grace Ajamo on 6th November 2009

134. The New Vision Newspaper, "Vocational trainees stay jobless" By Flavia Nalubega, Wednesday November 11th 2009

135. FHRI interview with Ms. Helen Grace Ajamo on 6th November 2009



Tom*¹³⁶ 20 years

He is a deaf boy from Mukono district in his 3rd year at Uganda Society for the Deaf vocational training centre studying tailoring. Teachers do not teach them on a regular basis. He wants to work after completing his studies though he is worried he may not be able to find a job due to communication barriers.

Taking into account the fact that less than 65% of PWDs attain post primary education¹³⁷ and 2% post secondary education, and considering that the WHO estimates that up to 10% of any population is disabled, this number is only a small drop in the ocean and does not meet the obligation imposed on the government under the Persons with Disability Act to take vocational rehabilitation measures to develop the skills of PWDs as a means to ensure employment for PWDs.¹³⁸ This leaves the greatest percentage of PWDs without any marketable or life skills.

Conclusion:

The limited skills characteristic of people with disabilities mainly as a result of lack of access to education and poverty, means that getting employment remains a big challenge. Productive and decent work enables PWDs to realize their aspirations, improve their living conditions and participate more actively in society. As such, more effort should be geared towards providing PWDs education and comprehensive rehabilitation that centers on providing them with competitive skills suitable for the current labour market.

Recommendations:

To the Ministry of Gender:

1. Establish more comprehensive Vocational Training and Rehabilitation Centres for PWDs.
2. Establish appropriate mechanisms to ensure disability mainstreaming at all levels.

To the Ministry of Finance:

1. Ensure that growth and investment policies benefit persons with disabilities.

136. Not real name

137. Uganda National Household Survey 2005/2006

138. S.11 The Persons with Disability Act 2006

INTEGRATION OF PWDS
IN UGANDAN SOCIETY

Chapter Four:



4.0 Introduction

The 1992 UN Resolution "Towards Full Integration of Persons with Disabilities into Society: A Continuing World Programme of Action - United Nations"¹³⁹ reiterates the responsibility of Governments to removing or facilitating the removal of barriers and obstacles to the full integration of persons with disabilities into society, and supports their efforts in developing national policies to reach specific objectives.

In this chapter, we evaluate the extent to which policy formulation and implementation is responsive to the needs of PWDs and the extent to which PWDs in Uganda are able to access basic services and facilities.

The CRPD provides that State Parties shall take appropriate measures to ensure that persons with disabilities have access, on an equal basis with others, to the physical environment, to transportation, to information and communications. These measures require the identification and elimination of obstacles and barriers to accessibility.

Integration of PWDs into society is not a question of seeking for special treatment or privileges but simply to accord equal access to services and the enjoyment of rights which other persons take for granted.

4.1 Environmental Accessibility

The Standard Rules for the Equalisation of Opportunities for Persons with Disabilities (SREOPWD) provides that States should introduce programmes of action to make the physical environment accessible.¹⁴⁰ States are obliged to develop standards and guidelines and consider enacting legislation to ensure accessibility to various areas in society.¹⁴¹

4.1.1 Access to Public Buildings

Section 19 and 20 of the PWDs Act imposes on all organs a responsibility to provide suitable access for PWDs and maintain universal standards or designs for public toilets. There is also an obligation on contractors to ensure that buildings are not only accessible to the disabled but that they are safe and provide convenient access.¹⁴²

139. A/RES/47/88, 89th plenary meeting, 16 December 1992

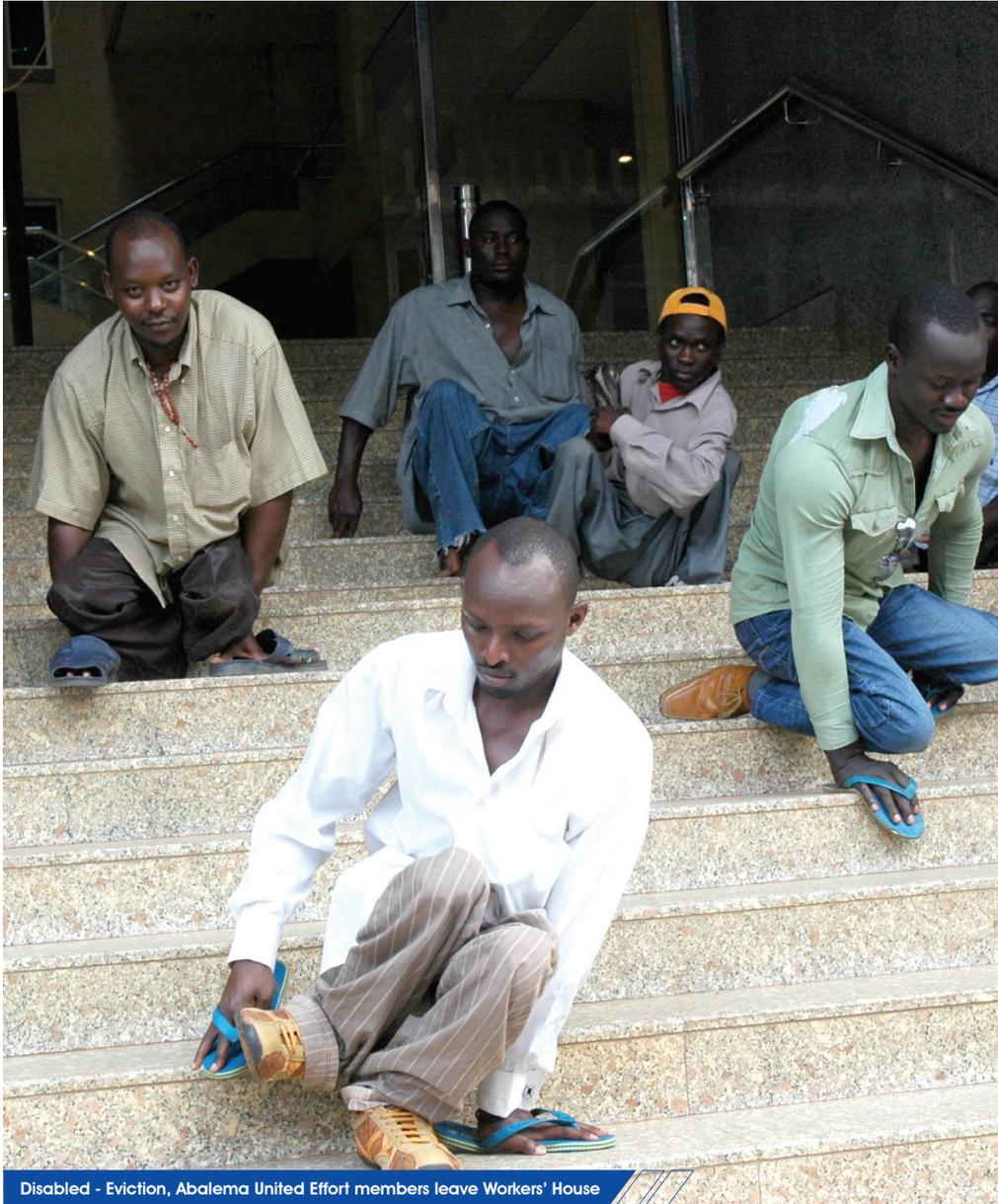
140. Rule 5

141. Rule 5(a)

142. Including the provision of well dimensioned access, signal arrival at each floor to alert sightless and hearing impaired persons.



A random survey of buildings around Kampala shows that almost all buildings even the most recently constructed are lacking in several aspects- including those that are owned by or which house government offices.





	Building	Facility/Services	Disabled access? Wheelchair/Crutch Access?	Comments from owners/ Occupiers
1	Amamu House	Offices including NSSF, office of the Administrator General and the Companies Registry and Registrar for Births, deaths and Marriages.	No. Building has a lift which has never been operational. No other facility for PWDs.	The building receives on average about 10 persons with disabilities everyday. Those in wheelchairs send their relatives or friends to the building and those who use sticks, they struggle by themselves.
2	Barclays Kampala Road	Bank.	No Ramp, no other facilities for PWDs.	
3	Central Police Station	Police Station	No. There is no ramp or access for Persons with Disability. Front has steep stairs and building has a lot of stairs, no lifts.	The colonial master did not cater for PWDs when they were constructing these buildings.
4	Christ the King Church	Place of worship	No facility in place to cater for PWDs.	For PWDs who come to pray, the church always erects for them tents outside the church where they can sit and pray. The building is old but even the newer extension has no facility for PWDs. Perhaps it was an oversight.
5	Commercial Court	Court	Yes. Most accessible Court in Uganda. It has an access ramp, a special toilet for pwd's and a lift.	Pwd's can access all offices and chambers in the building using a wheelchair or in any other way using the access ramp.
6	Crested Towers	Houses URA, Stanbic Bank and other offices	Has ramp which leads to the Lift. Wide lift for wheelchair access. Lifts can be delayed to wait for a slow moving person.	



7	Garden City Mall	Shopping Mall, Banks, Restaurants.	Lift. Parking that is favorable to PWDs but it is not reserved. No toilet facilities for PWDs.	No employees with physical disability. Shoppers with disability have access and can get around.
8	High Court	Court Premises	There is no provision for PWDs. No lifts, no ramps.	Employs about 3-5 PWDs. Receives countless others who come as witness, accused or co-accused. "It is not our making we found it here like this" ¹⁴³
9	Grand Imperial Hotel	Hotel and Shopping Arcade.	No Lift. Persons with physical disability only access first floor of the building with Ramp.	Receive disabled guests who can use the first floor but no disabled employees. PWDs cannot access the rest of the Hotel.
10	Hotel Africana		They have ramps and elevators with doors wide enough to allow a wheelchair access.	They have normal western height toilet bowl and they will adjust incase of any complaints from PWDs. No special bathroom facilities for PWDs.
11	Kampala Pentecostal Church	Place of Worship.	Yes, ramp access but no lifts and access for disabled persons to access the stairs.	
12	Parliamentary Buildings	Parliament of Uganda, President's office	Each Wing of parliament has a ramp which is reserved only to the persons with Disabilities and no one is allowed to park his or her vehicle to block the Ramp. Has a lift.	It has more than 20 persons with disabilities working there regularly and on average received more than 10 persons with disabilities every day from Monday to Friday. No designate Parking for PWDs.
13	Post office-Kampala Rd	Post office	One Ramp. No lifts.	No PWDs employed in the building. About 5-10 customers with physical disability come to the post office daily.

143. Akello Harriet Rose, Personnel officer, High Court of Uganda at Kampala.



14	Workers House	Offices including NSSF, Directorate of Public Prosecutions and Ministry of Local Government	Yes. Has ramp and Lift. Has special toilets designed specifically for persons with disabilities.	On average 10-30 disabled persons use the building on a daily basis.
15	Oasis Mall	Shopping Mall, Banks	Building has an access ramp which can be used to access the whole building from the parking. No special toilets for PWDs.	Have special facilities for PWD's like the electrical wheel chairs and manual wheel chairs which PWDs can use during shopping. Also have staff available to help the disabled do the shopping.

According to KCC, the Council does not have a documented policy on accessibility of public buildings but follows the national policy. Before 2000, accessibility of buildings by PWDs was not an issue considered by the planning department. KCC does not constantly check on buildings being constructed but rather it is the responsibility of the developers to update K.C.C on the progress of buildings and seek for advise on the planning.¹⁴⁴

In other municipalities, district planning officers reported that usually when building permission is granted, there is provision for disabled access. However, when the structures are being put up, some house owners leave it out.¹⁴⁵

For instance, in Makindye Division, "when they were starting to construct the new hall in the division, the work committee, showed us a very nice plan of the building before we departed for the last campaign in 2006 and when they came back we realized that the building was already gone very far and was very different from the one which we had been shown, and when we asked, we were told that the work committee went to Tanzania and they saw a building which they admired, when they returned they just copied and pasted it without any approval... this one is not accessible for people with physical disability."¹⁴⁶

144. FHRI Interview with John Mpambale, Senior City Planner and Robert Ndiwalana, Planner Central Division, October 2009

145. FHRI interview with David Olal, Physical Planner, Pader District, 28th September 2009.

146. FHRI Interview with Angela Balaba, Executive Director, Spinal Injuries Association of Uganda. 26th October 2009.





The failure to provide for physical accessibility to buildings not only denies the person with disability the opportunity to enter an office and access a service which he or she is legitimately entitled to, but it has a domino effect on other aspects of life for them. "The issue about accessibility is not just on building only, but also on roads, most roads are inaccessible to PWDS, especially the blind and the physically disabled, most roads are in very poor shapes and coming to town most roads are not crossable by blind or physically disabled persons and it seems no one is bothered about the whole situation...If I want to access any building I must be carried by some one and this deprive me of my pride and dignity, why should I be carried? Give Avenue to us so that we can move freely but not to be carried; what if there is no one to do so."¹⁴⁷

*Mark***

He is 34 years old, self employed and uses a wheel chair. He has a Bank Account but only goes to the bank when he absolutely must because the process is too troublesome and humiliating. He cannot access most of the ATMs because most have narrow doors or are too high. And others like those at the Stanbic Main branch do not have a convenient access. To use it, he either has to trust somebody else with his bank details, crawl up the steps or find somebody to carry him up the stairs. He therefore keeps his dealings with the Bank to a minimum.

The question of physical accessibility is so widely overlooked in the planning process that some PWDs are contemplating taking legal action against the government. "... on accessibility we intend to have a strategic litigation case on accessibility of buildings, especially public buildings. You see buildings coming up every day and there is disabled access... government is not doing enough for us. Even government structures come up and lack accessibility. If the government has passed a law, this is what should be done, but they aren't doing it."¹⁴⁸

147. FHRI Interview with Angela Balaba, Executive Director, Spinal Injuries Association of Uganda. 26th October 2009.

148. FHRI Interview with Laura Kanushu, Executive Director, Legal Aid for Persons with Disability, 6th July 2009



4.2 Access to Services

4.2.1 Transport

Section 22 of the PWDs Act 2006 stipulates that every person providing public transportation shall provide access to transport services for disadvantaged persons who include persons using mobility devices like wheelchairs, having difficulty in climbing stairs or carrying heavy loads or using sensory devices like white canes.

Access to transport services is one of the major hurdles facing PWDs in Uganda. PWDs especially persons using mobility devices face discrimination and abuse from operators of transport services. In 2007, Fred Mugerwa a student from the Law Development Center filed a complaint against UTODA before the UHRC when he was refused entry into a taxi. The case is yet to be heard. The last scheduled hearing was apparently disrupted by riots in Kampala. UTODA was asked to develop a disability policy, however to date, nothing has been done. Taxi operators either refuse to transport PWDs or they are charged more than other passengers. "Those ones in the wheel chairs are charged twice- they charge for the person and for the wheelchair."¹⁴⁹ The problem is compounded by the attitude of some traffic police personnel who insist that mobility devices should not be transported using public means.

*Simon, 25 years***

He contracted polio in 1987 and became physically disabled. He is a 3rd year student pursuing BCBR at Kyambogo University. On 28th August 2009, he was traveling from home to school in Kyambogo. Along the way, he was offloaded three times by the traffic police from the taxi. First at Kakira, then at Namanve and later at Kireka. On each occasion, the traffic officers stopped the taxi and when they saw him with his Tri Cycle wheelchair in the Taxi, they told him to get out and when he inquired why, he was informed that his wheelchair was being carried on a public vehicle which is not allowed. On the first occasion, the conductor, driver and the passengers who were in the Taxi started bargaining for him but the police officers remained adamant and forced him out of the taxi. He spent over 2 hours on the road from 12:30 pm-2 pm waiting for another taxi.

149. FHRI Interview with Christine Nsungu, Jinja District Union of PWD, 29/06/2009



When he got another one, it was again stopped by the police at Kakira and he was ordered to get out of the taxi by police officers or the conductor to offload his Tri-cycle wheelchair. The other passengers in the taxi refused to allow him get out and they kept on arguing until they were allowed to proceed. When they reached Kireka, they were again stopped by the traffic police and once again the police got into an argument with the passengers. The police wanted to force out all the passengers if they were not willing to have him offloaded. When the driver realized that it was taking too much time he bribed the police and they were allowed to proceed to town.

*Esther, 30 years old***

Physically disabled. One day last year, she was traveling to Mubende and she got onto a village bound taxi. The usual fare was UGX 1500. However, the conductor insisted that she pays an extra 500/= . When she informed him that she did not have any extra money, he pushed her out of the taxi and she fell. She broke her one normal leg. She went and reported her case to UHRC but they told her to go to the office of the District State Attorney. The case went to court but she lost the case. The magistrate said that she was not discriminated against because she could not prove that other people did not pay the extra 500/=.

According to UTODA, the challenges faced by PWDs are attributed to, “. . . the vehicles in place for transport like the taxis and buses not being designed to cater for PWD’s. A taxi is designed to carry 14 passengers with no space left for a wheel chair. In that circumstance a conductor also finds it a challenge to lose space that would have taken two people for only one person. Some times the conductors find it challenging and time wasting to take a person with disability. They may have to lift them into the taxi... therefore it remains on purely humanitarian understanding that a person with disability will be taken by a taxi operator.”¹⁵⁰

According to UTODA, developing a transport accessibility policy would not help the plight of PWDs because the transport sector is purely private.¹⁵¹ This trend is likely to continue unless the government steps in to set guidelines for the operators of public transport.

150. FHRI Interview with Rev Atwine Ferdinand Ibabaza, Executive Director Principle Operations Manager, UTODA, 16th November 2009

151. FHRI Interview with Rev Atwine Ferdinand Ibabaza, Executive Director Principle Operations Manager, UTODA, 16th November 2009.



4.2.2 Communication and Access to information

Section 21 of the Persons with Disabilities Act, 2006 imposes on the government the obligation to promote the right of persons with disabilities to access information through development of sign language and braille of public information. Owners of television stations are also expected to provide sign language inset or subtitles in at least one major newscast program each day and in all special programs of national significance while owners of telephone companies are to provide special telephone devices for the hearing impaired.¹⁵²

However, this is not adhered to. "Access to information is not there at all, and technology...all that is not there. TV stations should have sign language interpreters for the deaf, or they should have subtitles for their news and that's not there."¹⁵³ According to one media practitioner this is due to, "...the general perception that it is a very small audience and not worth the expense. Besides most of the disabled people in this country are poor; not many of them can afford a TV set."

Those TV stations that try to comply with this requirement do so marginally. For instance, WBS TV has one program 'Week in Focus' every Sunday at 1:00pm. According to the station, this program summarizes all the week's news and they felt it is more important for them to have an interpreter in the summary of the news because it is cost effective."¹⁵⁴

This denial of access to information is not restricted to electronic media communication. Most community sensitization programs, mobilization initiatives and even public announcements are not sensitive to the needs of PWDs. "There is no positive discrimination, just no consideration ... even in programs like NUSAF that are community based, at times they hold workshops and information sessions in the villages, and sometimes the deaf people are there, but the interpreters are not there. Sometimes they give the information on the radio, and unless you have someone who is going to tell them, they won't know. There is no deliberate target of disabled persons because of their weakness in terms of accessibility, because some of these workshops and training are held far from their homes."¹⁵⁵

152. Section 21(1) and (2) Persons with Disabilities Act 2006

153. FHRI Interview with Laura Kanushu, Executive Director, Legal Aid for Persons with Disability, 6th July 2009

154. FHRI Interview with Nyadoi Carol – Advocate WBS and Doreen Kembabazi - PRO WBS, October 2009

155. FHRI Interview with Mr. Baraza Deusedit, Research and Information Officer, Action on Disability and Development(ADD), 1st July 2009



4.2.3 Interaction with JLOS institutions

Most PWDs will at some point come into contact with one or two of the JLOS institutions. One of the key problem areas identified during the course of this research is the perceived indifference of the JLOS institutions to the plight of PWDs. In this section we look at the accessibility by PWDs and the challenges faced by PWDs in their interaction with JLOS institutions including the judiciary, police and prison service.

The High Court and the Central Police Station in Kampala date back to the pre-colonial days. They are both inaccessible to persons with mobility challenges. They have no ramps, no lifts and steep stairs. According to an officer from CPS, “the colonial master did not cater for persons with disabilities when they were constructing these buildings...this is not really a challenge for persons with disabilities because this category of people are law abiding citizens.”¹⁵⁶ Even newer police stations do not have accessibility features, for instance, in Pader district, the main police station is still under construction but the plan does not have features for disability access. The only way a disabled person can access them is by being carried up and down the stairs. Although most new court premises being constructed countrywide have greater accessibility, nothing has been done to modify the existing structures which continue to pose a challenge to PWDs, for instance, in Gulu district, the court premises are located in a multi-story building, “You have to be carried upstairs otherwise there is now way to get there or you crawl if you have residual movement ability. If you are the accused, they will carry you, if you are the complainant you will not reach and the case will be dismissed...”¹⁵⁷

While environmental accessibility is the main challenge for persons with physical disability, communication is the main barrier for the deaf and the deaf/blind.

*Fiona***

17 year old deaf blind girl from Iganga. She was raped and became pregnant. There were 3 suspects because the child could not identify who the rapist was. The mother was hesitant to report because the suspects are close family members; a brother, the father and another relative. This is not an isolated case, it happens a lot to children with disabilities. Especially to blind and deaf children.¹⁵⁸

156. FHRI visit to Kampala Central Police Station, August 2009

157. FHRI Interview with Gulu District Chairperson for Disability, 2nd October 2009

158. FHRI Interview with Laura Kanushu, Executive Director, Legal Aid for Persons with Disability, 6th July 2009

159. FHRI Interview with Laura Kanushu, Executive Director, Legal Aid for Persons with Disability, 6th July 2009

Persons with mental disability are not sentenced to prison-those certified mentally handicapped are taken to a facility for mentally handicapped. However, in visits to prisons especially to Northern Uganda, an increasing number of inmates were found to be suffering from Epilepsy and were categorized as ‘mad’ by fellow inmates.



There are no statistics on the number of persons with disabilities in prisons. However, in FHRI visits to various detention facilities, persons with physical disability were relatively few in number. "If you are arrested as a PWD and you have committed an offence you are treated like any other person – there is no special consideration. In prison you are kept in the same cells as everyone else. But they are more susceptible to being bullied. If you are a physically disabled person they will hide your crutch or if you are deaf they think you are pretending and tease you even more."¹⁶⁰

4.3 Participation in Public Affairs

Section 37 of the Persons with Disabilities Act 2006 re-affirms the right of PWDs to participate in political and public life and to vote and be voted for in any political office. However, outside of special interest group elections, participation by PWDs as candidates in general political life is limited. The eighth parliament of Uganda has 318 MPs. Going by the WHO and National Policy on Disability estimate that PWDs make up 10% of the population, it would be expected that PWDs would make up 10% of this number- about 32 MPs, however, there are about ten MPs with disabilities. Of these, five are representatives of persons with disabilities and only five were elected in the direct general elections. One of the main reasons for the low participation by PWDs in electoral politics is the high rate of illiteracy among disabled persons.

Participation as voters is also fraught with challenges especially for deaf, blind and deaf/blind voters. For the deaf voters, all voter and civic education, awareness programs and even campaigns are usually carried out without any sign language. "How can you communicate a budget meeting to somebody who is deafblind? So that is it...they don't listen to radio, they don't go out so...these are contributory factors."¹⁶¹ So when it comes to time for voting, they just choose anyone without really understanding what that person stands for.

160. FHRI Interview with Christine Nsungu, Jinja District Union of PWD, 29/06/2009

161. FHRI Interview with John Francis Onyango, Country Coordinator, Survivor Corps, 7th July 2009



As for the blind, during elections, people are not trust worthy, during the last elections, blind people trusted some people to help and vote for their candidate, but they ended up voting for the candidate of their choice but not the one he is told to vote for hence violating their rights to freedom to vote for a person of their choice.¹⁶²

Very high rates of illiteracy among disabled persons also accounts for their lack of involvement in public affairs; this is illustrated by the following account of elections of UNAD; in NUDIPU general assembly elections, voters wrote candidates' names on the ballot papers, elections of UNAD were held in another way: Each candidate was given a piece of paper with "I", "II" or "III" on her/his back so that voters can draw those strokes instead of full names. This was due to high illiteracy rate of the delegates who represent different regions of the country. They were unable to read or write.¹⁶³

4.4 Northern Uganda: Case study-implementation of government policy

The World Health Organization estimates that 10% of the world population is constituted of persons with disabilities all over the world. This section evaluates the PRDP and its implementation mainly because the PRDP was developed after the enactment of the Persons with Disability Act and it is one of the most comprehensive, well-funded long term government programs. Northern Uganda being a region recovering from twenty years of conflict is expected to have more PWDs than the national average. "We don't have any actual figures I would say, but we all feel that the figures would be up to about 12%-15% of the population in Northern Uganda because of the war."¹⁶⁴ According to the National Policy on Disability, incidence of disability in the region stands at 4.4%. The PRDP therefore should have been drawn and implemented in a manner sensitive to the needs of PWDs. In 2006 the Persons with Disability Act was enacted and on 25th September 2008, Uganda ratified the UN Convention on the Rights of Persons with Disability (UN CRPD). The Peace, Recovery and Development Plan, (PRDP) the roadmap for reconstruction in Northern Uganda, was launched in 2007. According to the Inter agency Standing Committee in Uganda (IASC), 74% of IDPs in Acholi and 50% of IDPs countrywide had returned home by September 2009.¹⁶⁵

162. FHRI Interview with John Francis Onyango, Country Coordinator, Survivor Corps, 7th July 2009

163. <http://disability-uganda.blogspot.com/2009/01/hisayo-in-uganda.html> retrieved 14th October 2009

164. FHRI Interview with John Francis Onyango, Country Coordinator, Survivor Corps, 7th July 2009

165. <http://www.internal-isplacement.org/> retrieved on 15th September 2009



4.4.1 The PRDP and PWDs

The PRDP makes no mention of people with disabilities (PWDs). A study by the Gulu Disabled Persons Union (GDPU) concluded that “PWDs are not identified, counted and planned for.”¹⁶⁶ The PRDP makes mention of “the vulnerable” but an evaluation of the implementation of programs for “the vulnerable” shows that this has often been limited to children, orphans, the elderly and widows. Persons with disabilities are the primary victims of the war, and when you look at most government programs, and even programs provided by other NGO’s, they leave out the primary victims, the people who are supposed to benefit the most (those who are blown up by landmines or who have spinal cord injuries).¹⁶⁷

4.4.2 Return and Resettlement of PWDs

Out of the 1.2M IDPs in the Acholi region at the height of the LRA insurgency, by January 2009, about 494,000 were left in the camps. Many of these are characterized as ‘extremely vulnerable.’ Although there has been some effort to cater for most categories of vulnerable persons; persons with disabilities have been left out at both policy and implementation levels in the return and re-settlement process¹⁶⁸ as a result, over 90% of them are still left in the camps. In Gulu district alone, there are about five thousand PWDs left in the camps, and Kitgum district has a slightly higher number.

As people return home, most IDPs are unable to return for a number of reasons –PWDs with physical disability are left in the camp simply because they are unable to walk back home. And when they get there maybe unable build new huts. “My interaction with the District leaders, one of the most important issues that they point out is that the demise of the traditional culture in the camps where family members were responsible for caring and providing for persons with disabilities. Because of the hostile environment in the camps, this culture has been eroded and they don’t care.”¹⁶⁹ Additionally services including water, roads, schools, toilet facilities and health services are more accessible in the camps than in the villages.

4.4.3 The Resettlement Packages

In 2006, when the return and resettlement program was launched, the government indicated that returning IDPs would be given packages to help them re-settle and start rebuilding their lives. The packages included hoes, pangas, seeds and iron sheets.

166. <http://us.oneworld.net> information retrieved on 15th September 2009

167. FHRI Interview with John Francis Onyango, Country Coordinator, Survivor Corps, 7th July 2009

168. The PRDP does not make mention of PWDs. The Resettlement packages that were offered to IDPs did not take into account the needs of disabled person for instance- requirement that one should build house to a certain level before receiving iron sheets, hoes and seeds were all useless to persons with disabilities.

169. FHRI Interview with John Francis Onyango, Country Coordinator, Survivor Corps, 7th July 2009



However, an evaluation of the resettlement packages show that the items were not useful to PWDs. "Then there was the requirement that a person had to put a wall before they could receive iron sheets. So you can see many persons with disabilities don't have this ability to put up these walls. And then some people are victims of land wrangles, land conflicts, but generally I would say that poverty is the main issue. If they had a means of income, even if they were poor, they could employ other people to put up the walls for them."¹⁷⁰

Okot Wilson

*62 years old and blind. He is still living in a Camp in Pader. As far as I know only one blind person from the camp has been able to return home- she had grown up children. I did not receive the resettlement package although we had been told vulnerable persons were to have been given priority. Besides the promised resettlement packages would not have helped me; I do not have children; seeds and hoes would be quite useless as I am unable to dig? I cannot even think of going back-there is no public transport- who would help me. Besides here in town at least people carry out activities like mending shoes, what I would do back in the village?."*¹⁷¹

The PRDP entails the reconstruction of economic and social structures in Northern Uganda. The PRDP however does not cater for disability issues necessitating a review thereof.

Conclusion

In spite of the enactment of the PWDs Act 2006, and the National Policy on disability, PWDs continue to be discriminated against in almost all aspects of development in Uganda. This is due to the government failure to streamline disability issues in its policymaking and planning process. As a result PWDs are excluded from access to basic services making it impossible for them to integrate effectively into society, break out of the poverty circle and lead independent lives.

Recommendations

The Government should:

1. Issue guidelines for the operators of public transport on disability access.
2. Streamline disability in government policy and planning processes.
3. Issue regulations under the Persons with Disabilities Act 2006.

170. FHRI Interview with John Francis Onyango, Country Coordinator, Survivor Corps, 7th July 2009

171. OFHRI Interview with Okot Wilson, Pader. 29th September 2009

OVERVIEW OF THE HUMAN RIGHTS
SITUATION IN UGANDA
(July –December 2009)

Section Two :





2.0 EQUAL RIGHTS OF MEN AND WOMEN

Since the enactment of the Equal Opportunities Act, and establishment of the EOC in 2007, the Equal Opportunities Commission has never taken off because there were no commissioners. In August 2009, the president named appointees to the EOC however they are yet to be vetted by parliament of Uganda.

The state of gender equality did not improve significantly in the period under review; there was an increase in incidents of domestic violence and rape. There has also been no discernible improvement in the status of reproductive health; although infant mortality rate fell from 67.22 (per 1000 live births) in 2007 to 65.99 in 2008 and 64.82 in 2009,¹⁷² the estimated maternal mortality rate from the Uganda Demographic and Health survey is 435 deaths per 100,000 live births¹⁷³ and the unmet need for family planning has risen from 35% in 2001 to 41% in 2009. Rates of unwanted pregnancy stand at an average 56%; ranging from 64% in West Nile to 49% in Southwestern Uganda.¹⁷⁴

2.1 Domestic Violence

No comprehensive data on the prevalence of domestic violence exists data in Uganda today. Available information however indicates that the practice is prevalent in all regions of Uganda; in Kiboga, 8 out of 10 women interviewed during a survey stated that they experienced physical violence (wife battering by husbands/partners) daily or knew somebody who did, while in Sembabule 68% of the respondents confessed to having been beaten by their husbands/partners at some point.¹⁷⁵

According to the police, in 2008, 137 cases of murder resulted from incidents of domestic violence. The same trend has been witnessed in 2009, For instance,

*On 23rd June 2009, Macline Nayebaza of Ruhimbo cell, Kamuli ward in Isingiro Town Council was allegedly hacked to death with a machete by her husband Mr. Tuheirwe, 26 after a domestic quarrel.*¹⁷⁶

The practice has not been limited to women being murdered by their husbands but there have also been increasing incidents of men murdered by their wives as a result of domestic disputes.

172. www.indexmundi.com/uganda

173. According to the UNDP it is highly unlikely that Uganda will meet MDGs 4 and 5; reduce child mortality and to improve maternal health by 2015.

174. Research carried out by Economic Policy Research Institute

175. Survey carried out by FHRI in the districts of Kiboga, Lira, Sembabule and Kalangala between Jan and May 2009.

176. The Daily Monitor, 26th June 2009



The cases that are reported to the police are just the tip of the ice berg as scores of other cases go unreported either due to illiteracy, or challenges associated with access to either the courts or the police. For instance in Busia, it is reported that, a woman staying in Majanji which is 27 km from Busia town is unable to travel to Busia town to access the representatives of the Administrator General at the district or the Child and Family Protection Unit at Busia Police Station in Busia Town Council due to the exorbitant transport fares owing to the bad roads which are almost impassable especially during the rainy season. Given the cost of a return trip between 15,000/- and 20,000/= on a motor cycle (boda boda), majority of victims of Gender Based Violence are unable to report cases or seek advice from relevant authorities.

Obtaining medical evidence poses a further challenge, for instance, in Kalangala district, it is reported that obtaining medical evidence to support cases of Gender Based Violence like defilement and rape is nearly impossible. With no resident doctor in the district, the victims depend on a visiting medical doctor from AIDS Information Centre (AIC) who occasionally visits the islands (once a month) to attend to cases that may need medical attention. This is compounded with the challenges associated with physical access to the Police. On some of the islands where there is no Police post or court, victims or complainants will have to spend at the minimum, 20,000/- (one way) to travel from one of the furthest islands like Kyamuswa and Mazinga islands to the Kalangala Town Council in order to access a police station. This has become a major deterrent for survivors of Gender Based Violence to report cases.

The culture of paying bride-price has often been cited as one of the causes of domestic violence; a man pays bride wealth for his wife and thereafter may feel justified in treating her as chattel. In the period under review, the Mifumi Project- a Women's advocacy organization filed a constitution petition asking the constitutional Court to abolish bride price, calling it unconstitutional and a recipe for domestic violence. According to Mifumu, "The payment of bride price turns women into commodities. There is haggling for the highest price." The petition was opposed by the Attorney General and the court is yet to make its ruling.

There was an increase in incidents of reported cases of sexual violence against women during this period. Incidents of rape have also escalated. In 2007, the police recorded 599 cases of rape and in 2008, 1,536 cases were recorded- an increase of over 250%. By the end of 2009, the figures are expected to be even higher than that of last year because according to the police, although there are



no comprehensive countrywide statistics yet, some areas have already recorded double the number of cases recorded in the same period last year. For instance,

In Luwero, a domestic servant raped his 76-year-old mistress. The woman later died from the injuries that were inflicted on her during the incident. He was prosecuted and sentenced to life imprisonment by the High Court in Luwero.¹⁷⁷

2.2 Legislative Reforms

The debate on the stalled Domestic Relations Bill was revived in Parliament, the bill which has been repackaged and introduced as two different pieces of legislations one of which is the Marriage and Divorce Bill, has been sharply opposed by religious bodies on the grounds that it would fuel divorce.

In September 2009, a private member's bill seeking to outlaw FGM was tabled in parliament. 'The prohibition of Female Genital Mutilation Bill, 2009' if passed would criminalise FGM, and provide for the prosecution of offenders. According to Ms. Dora Byamukama of the East African Legislative Assembly, about 500 girls undergo the ritual to signify entry into womanhood annually.¹⁷⁸

Early in 2009, the Law and Advocacy for Women in Uganda (Law (U) filed a petition in the Constitutional Court asking the court to declare the practice unconstitutional. The petition was not opposed by the Attorney general; a ruling is yet to be given.

On a positive note, in November 2009, the Domestic Violence Bill was passed by parliament. The bill criminalizes domestic violence and expands its definition to include emotional and psychological abuse. A big challenge remains in promoting awareness of the bill and carrying out sensitization especially in the rural areas where the practice is rife.

Recommendations:

To Civil Society organizations:

- i) Disseminate the Domestic Violence Bill, 2009.
- ii) Develop and implement projects that will change attitudes of society about women, their roles and rights.
- iii) Document and expose cases of domestic violence

177. The New Vision, 26th June 2009

178. Evelyn Lirri, 'Plan to Stop Genital Mutilation Launched' The Daily Monitor, 4th November 2009



3.0 RIGHT TO LIFE

Although Uganda still retains the death penalty, death sentences being meted out by the courts are sparingly handed down. The major violations of the right to life however remain extra-judicial killings by members of the armed forces and incidents of 'mob justice'- civilians taking the law into their hands and lynching suspected criminals.

3.1 Extra-Judicial Killings

According to the UN HRC, States are under an obligation to take measures not only to prevent and punish deprivation of life by criminal acts, but also to prevent arbitrary killings by their own security forces.¹⁷⁹ The period under review registered a surge in the number of incidents of extra-judicial killings by security forces.

On 6th June 2009, a police constable attached to Nakapiripirit police station shot two people before turning the gun on himself in yet unknown circumstances.¹⁸⁰

Ramathan Magara, the man who shot and killed two people in Mengo in 2006 was finally tried and convicted by the Court in June 2009. He was convicted on two counts of manslaughter and sentenced to 14years in prison.

In Kitgum, two people were killed when two groups of Local Defence Units mistakenly engaged in crossfire, while perusing Karamojong cattle rustlers.¹⁸¹

On the weekend of 7th June 2009, Julius Atuhairwe a policeman attached to Tokora police post on the Mbale-Nakapiripirit shot dead Eric Barasa, pastor of Amudat Pentecostal Assemblies of God and critically injured a bishop in Nakapiripirit district before turning the gun on himself. The reason for the attack was unknown.¹⁸²

On 15th August 2009, David Ssesanga a SPC shot dead one Musa Sekandi in Najjanankumbi, Kampala.¹⁸³

On 30th September 2009, Joachim Kugonza a police man shot to death Fred Mukasa a taxi driver who refused to stop at a check point when he was stopped by the Mobile Patrol Police.¹⁸⁴

179. UN Human Rights Committee general comment no. 6

180. The Daily Monitor, 8th June 2009

181. The Daily Monitor, 16th June 2009

182. The New Vision, 8th June 2009

183. Mercy Nalugo, 'Policeman shoots one dead in city bar brawl' The Daily Monitor, 16th August 2009

184. Issa Aliga, 'No Guns for traffic police-IGP' The Daily Monitor, 7th October 2009



On 2nd September 2009, Richard Pica an SPC shot to death three police officers and a civilian at Pajule police station. He was arrested and charged with murder.¹⁸⁵

Although investigations and inquiries are usually instituted by the police into incidents of killings by members of the armed forces, investigations and prosecutions are painfully slow and members of the forces are largely seen as reluctant to persecute their own as evidenced by the progress of the case against former the former DPC of Mukono who was indicted for murder over the shooting of his wife.

3.2 Death Penalty

Following the ruling of the Constitutional and the Supreme Court in Susan Kigula v Attorney General, the High Court is at present hearing mitigation pleas in over five hundred and seventy five cases in which the accused persons were sentenced to mandatory death sentences with a view to either confirming or revising the sentences. So far the High Court has concluded one case in which the death sentence was overturned and the convict sentenced to a prison term.¹⁸⁶

Following the Supreme Court ruling in January 2009, inmates who have spent more than three years on death row had their sentences automatically commuted to life imprisonment- which in Uganda according to the Prisons Act 2006 is twenty years in prison. In November 2009, five inmates who had spent twenty years on death row were released from prison.

In the meantime, only two new sentences of death have been handed down by the High Court between July and November 2009;

On 4th November 2009, the High Court at Kampala sentenced to death Mukungu Tom alias Musoga and Kizito David alias Magye Magye for murder.¹⁸⁷

In June 2009, the High Court sitting in Luwero sentenced to death Robert Nkonge of Namasujju in Nakaseke village for killing his neighbour's wife.¹⁸⁸

185. Patience Aber, 'Killer' SPC Surrenders' The Daily Monitor, 21st September 2009

187. CS 098/2008

188. The New Vision, 22nd June 2009



In September, the Court Martial in Kitgum sentenced George Ocan, a Local Defence Unit (LDU) soldier to death by hanging for killing a colleague and injuring another in Kitgum-Matidi sub-county in Kitgum district.¹⁸⁹

3.3 Mob 'Justice'

There has been an unprecedented surge in the period in the recorded incidents of mob justice in the period under review. Worst affected were Kayunga and areas of Northern Uganda. For instance in Gulu district, in the month of October, Gulu central police station alone recorded seven cases of mob-action in two weeks. Most of the victims were suspected of petty theft.

On 24th June 2009, a mob in Tukule village, Najja sub-county, Mukono district attacked and hacked to near-death a national Forestry Authority official and set ablaze the authority's vehicle.¹⁹⁰

In July, residents of Namutogogonya- Kayunga lynched Livingstone Ssekamate a land agent and later burnt his body. The residents suspected that he would evict them without being compensated.¹⁹¹

On 16th August 2009, residents of Kayonza in Kayunga district lynched a landlord- Sam Kubo who wanted to sell his land.¹⁹²

On 2nd September 2009, three suspected cattle thieves were lynched by a mob in Naboa-Budaka and their truck set ablaze. One of them- Shaban Namwiya died of his multiple injuries while the other two were rescued by the police.¹⁹³

Rescued by the police.¹⁹⁴

On 28th September 2009, a mob in Nyakesi village, Tororo lynched to death Richard Obbo an LDU personnel who was pursuing a suspected thief.¹⁹⁵

189. Chris Ocuwun, 'Kitgum LDU to hang for murder' The New Vision, 10th September 2009

190. The Daily Monitor, 26th June 2009

191. Charles Juko, 'Kayunga Mob Lynches Land dealers' The New Vision, 3rd August 2009

192. Fred Muzaale, 'Angry Tenants lynch landlord' The Daily Monitor, 18th August 2009

193. Daniel Edyegu & Paul Watala, 'Men Lynched over cattle' The New Vision, 7th September 2009

194. Daniel Edyegu & Paul Watala, 'Men Lynched over cattle' The New Vision, 7th September 2009

195. Mob Lynches LDU Personnel' The New Vision, 5th October 2009



Mob Justice - Men lynched at Buwaya Mayuge.



On 4th November residents of Kayunga beat to death an unidentified man for allegedly stealing from them. Although police was reported to be following up the matter, no arrests were made in connection with the incident. According to the police, three people Erisamu Waki, George Kyeyune and Mukye were killed in different three mob incidents within five days.¹⁹⁶

On the night of 9th November 2009, a mob in Kamonkoli- Budaka killed a man suspected to have stolen a metallic door from a semi-complete building. His body and truck were set ablaze. Although the police was reported to be investigating the matter, no arrests were made.

On 18th November 2009, residents of Natteta Village Kayunga district beheaded a suspected chicken thief; Richard Buyinza.¹⁹⁷

The resurgence in the incidents of mob killings is partly attributed to the fact that perpetrators of 'mob justice' are rarely identified and prosecuted as they often involve whole villages or communities.

Recommendations:

To Government:

1. Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (1966) that aims to abolish the death penalty.
2. Adhere to article 221 of the 1995 Uganda Constitution which requires security agencies to respect human rights in the execution of their duties.
3. Investigate and prosecute extra-judicial killings perpetrated by members of the armed forces and other security agencies.

¹⁹⁶. 'Three killed by mobs in Kayunga district' the Daily Monitor, 6th November 2009

¹⁹⁷. Fred Muzaale, Kayunga Chicken thief beheaded, The Daily Monitor, 19th November 2009



4.0 RIGHT TO A FAIR HEARING

The right to a fair hearing as embodied in article 28 of the 1995 Constitution of Uganda and article 14 of the ICCPR entails a speedy trial before an independent and impartial tribunal and effective access to legal representation.

4.1 Independence of the Judiciary

In previous years, threats to the independence of the Judiciary included failure by the government to honor court decisions and other overt threats like the siege on the High Court.¹⁹⁸ This trend has somewhat improved for the better.

In February 2008 and July 2009, several new appointments were made at all levels of the bench. However some of the appointees to the higher levels of the bench were persons politically linked to the Movement government- 'movement cadres.' This has raised concerns that these appointments were made in anticipation of the 2011 elections and also raised questions on the legitimacy of the judicial appointment process and the integrity of the Judicial Service Commission.

According to the report of the APRM, the Uganda executive also uses its control of and disbursement of resources to the Judiciary and the Legislature as a veiled method of exerting influence.

4.2 Pre-Trial Remand

Various attempts have been made by the Judiciary to reduce the period of pre-trial remand and the number of remandees countrywide. However, the rate of case disposal remains slow and the number of inmates on remand remains higher than the convicts.

SUMMARY OF UPS PRISONERS STATISTICAL RETURNS SEPTEMBER, 2009¹⁹⁹

CATEGORY	SEPT			AUG			SEPT% of AUG
	Male	Female	Total	Male	Female	Total	
Convicted Prisoners	13,096	478	13,574	12,877	441	13,318	101.9
Remand Prisoners	16,208	769	16,977	15,846	733	16,579	102.4
Total Debtors			128			123	104.1
Total Population	29,304	1,247	30,670	28,723	1174	30,020	102.1
Approved Accommodation			13,670			13,373	
Occupancy %age						224.5	

198. November 2005 and March 2007 when the High Court was besieged by the military and PRA suspects who had been granted bail re-arrested.

199. Source: Uganda Prisons Service



4.3 Trial before the Court Martial

The Court Martial established under the UPDF Act is essentially for the trial of members of the military for service offences. In July 2008 the Supreme Court of Uganda ruled that the trial of civilians by the General Court Martial (GCM) is unconstitutional. However, the military has not complied with the judgment and civilians continue to be subjected to the court which often operates without observing the basic guarantees to a fair trial.

In Mbarara Prison, there are sixty two civilians awaiting trial before the court martial-they have spent periods ranging from one and half to eight years on remand.

Although the Court Martial is subordinate to the Supreme Court and the army is under obligation to assist the judiciary and comply with its judgments, the trend of the Court Martial blatantly ignoring Supreme Court rulings continues to be registered.

*Paul***

He was arrested on 22nd July 1997 and taken to Luzira prison. He was charged with robbery, tried by the court martial and convicted. He appealed to the Supreme Court in 2003 and he was acquitted on 20th March 2003. He was rearrested on his release and taken back to before the GCM- although he had been acquitted by the Supreme Court; the Court Martial insisted that that he had to bring the gun he used in the robbery. He has been in prison for 6 years now in prison since his appeal.

According to the UPDF, the trials for the inmates are ongoing and the civilians are subject to martial law because they were found with guns and other military wares.

Recommendations:

1. Government should respect the presumption of innocence. Accused persons do not lose this right unless they plead guilty or are convicted by a court of competent jurisdiction.
2. Access to justice guarantees including the 48 hour rule, legal aid for the poor, right to bail and police bond should be promoted by all state agencies.



5.0 DEPRIVATION OF LIBERTY

Overcrowding, case backlog, detention of juveniles and the administration of juvenile justice continues to pose a challenge to the JLOS institutions.

5.1 Convicts and remands

Persons in places of detention should be treated in a humane manner. The United Nations Standard Minimum Rules for the Treatment of Prisoners, 1957 provides the basic minimum standards for the treatment of prisoners. This is also provided for in the ICCPR.²⁰⁰ These provisions are incorporated in the Prisons Act 2006. International penal practice standards require that accused individuals be separated from convicts while in detention. In Uganda, however, due in large part to space constraints, inmates in a majority of prisons across the country are kept together regardless of their status. Often, the only difference separating the two categories of inmates is that in some prisons especially in urban areas, remand prisoners will not be taken for routine work outside of the prison. However, in rural areas, all inmates are sent out to work regardless of whether they are convicted or on remand.²⁰¹

5.2 Physical Conditions in Places of Detention

5.2.1 Accommodation and beddings

All accommodation, particularly sleeping materials provided to the prisoners must meet certain health requirements. This presupposes considerations like climate conditions, cubic content of air, minimum floor space, lighting, heating and ventilation.²⁰²

Many of the holding centres where the prisoners are held are dilapidated and in need of repair. The condition of beddings for the majority of inmates is poor. In Patongo prison, inmates sleep on mats and some of the inmates shared blankets amongst themselves. In Kasese and Mityana, the situation was even more wanting; few of the inmates had tattered old blankets which they shared while majority of inmate's sleep on the floor without mats or blankets.

5.2.2 Overcrowding

Overcrowding of inmates in prisons is still a major problem in Uganda. This in itself leads to other problems such as poor sanitation, diseases, and poor sleeping conditions due to overstretching of the prison resources.

200. Article 10 of the ICCPR. Uganda has ratified both Treaties and has in fact domesticated the Standard Minimum Rules for the Treatment of Prisoners in the Prisons Act 2006

201. FHRI visit to Luzira women's prison, Murchison Bay Luzira, Kampala Remand, Mubuku prison, Rukoki prison, Bwera prison, Nyabirango prison farm, Kayunga prison, Patongo prison, Kitgum prison, Mityana prison, Masaka prison, Ssaza prison, Koboko prison; both remandees and convicts are detained together

202. Rule 10 of the Standard Minimum Rules for the Treatment of Prisoners



LEVEL OF CONGESTION IN PENAL INSTITUTIONS DURING SEPTEMBER, 09²⁰³

Region	Holding capacity	Total Inmates	%age Occupancy
South Western	1137	3680	324
Northern	975	2838	291
Southern	1011	2772	274
Western	972	2619	269
Kampala Extra	1673	4433	265
North Western	707	1597	226
Central	2398	4784	199
North Eastern	418	822	197
South Eastern	1454	2677	184
Eastern	1960	2279	116
Mid Western **	549	2180	**397
Total	13,670	30,670	224.4

Several initiatives have been undertaken to decongest the prisons however, some have faded out with time while others have had negligible levels of success. However, the biggest cause of overcrowding remains the case backlog. An Officer at Patongo prison who preferred anonymity asserted that the prison is over crowded due to the delay by the judiciary to expeditiously dispose of cases. According to the Magistrate in Pader district, "there is a backlog of cases from as early as 2006-2007. I don't even know how to deal with them."²⁰⁴ Judicial officers especially in Northern Uganda, were engaged in dealing with remand overstay. Judicial officers at all levels are unable to dispose of the cases filed within the course of the year-leave alone those carried forward from previous years.

Case Disposal 2008/2009²⁰⁵

Court	Cases Brought FWD July 2008	Cases Filed 2008/2009	Disposed 2008/2009	Disposal Rate %
Supreme Court	61	19	19	23.8
Court of Appeal	1814	597	275	11.4
High Court	27542	9550	9068	24.4
Chief Magistrates	61345	49107	42843	38.7
Magistrate G1 Court	13058	22278	21243	60.0
Magistrate GII taxation	2827	5732	5361	62.6
Total	106,647	87,283	78,859	40.6

203. Source: Uganda Prisons Service

204. FHRI interview with Mr. Opio Ogwang Bellmos, Magistrate Pader district on 29th September 2009

205. Draft JLOS Annual Progress Report FY 2008-2009, pg 28



Atenyi 20 years,*

She is suspected of having murdered her neighbour's child. She was arrested in November 2008 and taken to Mityana Prison. She alleged that she does not know when she will be going to Court and that she has no legal representation.²⁰⁶

5.2.3 Health

Inadequate drugs for distribution to prisoners, lack of qualified medical personnel, poor attitude by the personnel are cited as the challenges to the provision of health services for inmates. The inmates at Kayunga prison asserted that they have no health centre in the prison, but that the officer incharge goes to a nearby health centre and gets tablets which they give to inmates. Inmates however highlighted the challenge of HIV/AIDS. At the time of FHRI visit to the facility, there were 6 HIV positive inmates.²⁰⁷ This was also highlighted in Rukooki prison that, "almost 15% of the prisoners are HIV positive and their health is in bad shape, yet the prison has no ARVS."²⁰⁸ At Koboko prison, there were 12 inmates that are HIV positive, 9 males and 3 females yet the prison does not have a health center.²⁰⁹

At Mityana prison, there is no health centre though the prisons officer explained that, when inmates are very sick, they are taken to Mityana hospital where they receive drug prescriptions and are told to privately purchase them when the hospital has no drugs, a matter which is expensive for the inmates.²¹⁰

An officer at Mubuku prison who preferred anonymity said that there is inadequate funding for drugs;²¹¹ that they have requested for drugs for prisoners and had not yet received any for the last three months so they at times have to incur the expense for drugs.

*Frank**

He is 16 years old. He alleged that on arrest he informed the police he was a minor though the officer in charge at Kalongo instead beat him up. That he was then taken to court and remanded

206. FHRI interview at Mityana Prison on 6th October 2009

207. FHRI interview at Kayunga prison on 29th September 2009

208. FHRI interview at Rukooki prison on 1st September 2009

209. FHRI interview at Koboko prison on 23rd September 2009

210. FHRI interview at Mityana Prison on 6th October 2009

211 FHRI interview at Mubuku prison on 1st September 2009



*to Patongo prison. That he suffers from epilepsy and gonorrhoea though he is not receiving any treatment.*²¹²

5.2.4 Sanitation

Generally, the prison population predetermines sanitation standards in prisons. Sanitation facilities in Rukooki prison, Bwera Prison, Patongo prison, Kayunga prison were in dire conditions. There are no toilets inside the wards and prisoners use soil buckets at night. In Bwera, Nyabirango, Kayunga, Patongo prisons, inmates expressed the need for sanitary materials such as soap, sanitary materials for women, and diapers or nappies for children.

In Patongo, the cells were overcrowded; each accommodating upto 60 people; one of the cells was originally a store and does not have windows or sufficient ventilation. It gets incredibly hot during the day and coupled with the use of the soil bucket at night it is virtually inhabitable. All the inmates were afflicted with lice and did not have soap for bathing or washing their clothes.

5.2.5 Prison labour

The Prisons Act 2006, outlawed the sale of prison labour in prisons. However, the practice continues in the prisons visited by FHRI. At Mubuku prison, Patongo and other facilities visited, inmates complained of being overworked. In Mubuku, at the time of FHRI visit, inmates were seen returning from work at 4pm and on asking them what time they had left to dig, they said in the morning yet they had not eaten anything the whole day.

Inmates also complained of being treated harshly while out at work and being forced to meet work quotas that are too demanding:

*Ojok**

He is accused of theft and was remanded at Patongo prison. One day as they had gone out to dig in the fields, the prison warder used the side of a panga to severely beat him and then cut

212. FHRI interview at Patongo prison on 29th September 2009



him on the side of the head with a panga. At the time of FHRI's visit, the cut allegedly inflicted by the warder was still open but healing.²¹³

5.2.6 Mothers with infants

The plight of infants being detained with their mothers remains a matter of grave concern. In almost all prisons where women are being held, children ranging from one month old to three years can be found. The prison service does not have a separate budget for the support of the children so they are at the mercy of the O/Cs and their circumstances depend on the conditions prevailing in each prison. In prison farms, they usually fare better as they receive additional and supplementary rations including vegetables and porridge. However, most of them are either to be found wondering about the prison compounds either naked or dressed in tattered clothes and bare foot.

Joyce, 37

From Lugamba village Lwemiyaga Sub County, Sembabule District, is a mother of twins namely Christian and Simon aged 10 months old. She is in prison with both children. She was arrested on June 29, 2009 and she is on remand charged with murder. There is no food or milk to give the children so she has continued to breast feed them but because she is not eating adequate amounts of food, the milk is not sufficient for the growing twins.

5.2.7 Juvenile Offenders

The handling of juvenile offenders remains a challenge for all JLOS institutions. The practice and handling of juvenile offenders varies from institution and from one place to the other.

In Pader for instance, to determine whether one is a juvenile or not, the police were reported to be counting the teeth of suspects; those with a full set of teeth are classified as adults.

In most cases, the police falsify the ages of the juveniles and in all prisons visited, juvenile detainees reported that they are beaten by the police and forced to sign statements indicating that they are 18 years old. In Kitgum it was also reported that if a suspect insisted that he/she is under

213. FHRI interview at Patongo prison on 29th September 2009



18, the police would force them to sign a statement which does not indicate their age; this is inserted afterwards by the police.

*Bonny***

Bonny is 14 years old and in Primary 5. He was arrested by the police from Corner Iceme over the theft of three chicken and taken before the Magistrate at Iceme. He told the Magistrate that he is 14 and the court ordered that he should be taken to the probation and social welfare officer. He was released by the police. After a few days he was re-arrested and taken back to court. The police insisted that he is 18. He was convicted of theft by the Magistrate's Court at Oyam and sentenced to 15 months in prison. At the time of the FHRI interview he was a lodger at Kitgum prison en route to a farm prison.

The practice of falsification of ages of juveniles arises mainly because there are no remand homes in most districts and handling of such suspects is expensive and an inconvenience to the police. The police in each district are left to cope as best as it can;

Kalangala district does not have a remand home. As a result, juvenile offenders in Kalangala district are incarcerated with the adult inmates both in the Police cells and prisons. When the police cells are full with adult suspects, first time juvenile offenders are kept in the corridors at the Main Police Station. Those who are un-ruly are tied to the legs of a table while those who show remorse are left to move around in the Police compound. With no beddings, the children sleep on bare floor or put papers which act as beddings.

In Kiboga district, because of the lack of remand facilities, some of these children if not granted bond are kept in what is meant to be a store for firewood and other stuff at the Kiboga Police station during the night and at the Police Reception area during the day.

Recommendations:

1. The Government should:
2. Allocate sufficient resources to the Uganda Prisons Services in order to ensure effective implementation of the Prisons Act 2006.
3. Set a time frame for trial on committal as a measure against congestion in prisons.



4. Facilitate and ensure professional development of prison staff and improve living conditions for staff and prisoners.
5. Promote alternative dispute resolution in criminal matters to minimize custodial sentences.

6.0 FREEDOM OF EXPRESSION

2009 has recorded some of the most restrictive measures yet to be imposed against the media by the NRM-O led government. Perhaps because of their extensive reach, the electronic media continues to bear the brunt of these moves- every district in Uganda receives FM Radio signals and research shows that between 80-90% of all households in Uganda own a radio.²¹⁴

Following the riots in areas of the central region in September 2009, four radio stations were closed- radio Sapientia was re-opened after management agreed to fire the "errant journalists" and stick to religious matters, while Radio Two (Akaboozi) was opened on 3rd November. Ssubi FM and CBS remain closed.

Several journalists were dismissed from their jobs over the coverage of the riots; the Uganda Broadcasting Corporation Manager Mark Walungama was dismissed for allegedly allowing coverage of the riots to be broadcast. While in the private media, Peter Kibazo (WBS television), Mr Kalundi Serumaga (Radio one), Mr Ssenkubuge Siasa (Radio Simba), Mr Charles Odongotho (Vision Voice) and Matovu Aloysius, Irene Kisekka and Ben Mutebi Amayengo, (Radio Sapientia) were also fired or suspended for matters related to coverage of the riots²¹⁵ while one of the journalists, Kalundi Serumaga from Radio One was arrested and charged with sedition. He was released on bail and his trial is on hold until the Constitution Court makes a ruling on the legality of the offence of sedition.

At least six regular callers into political talk shows were tracked down and arrested, and public debates/forums popularly called 'bimeeza' were banned and all radio stations have been ordered to stick to matters of 'social relevance.' The crackdown on callers on radio talks shows and the ban on 'bimeeza' have shut down two major avenues for political debate in the country.

214 Studies by Steadman Research Services and ILO 2004

215 Al-Mahdi Ssenkabiwa & Gerald Bareebe 'UBC boss sacked over riot pictures' The Daily Monitor, 2nd October 2009



Of great concern is the fact that in dealing with the media, the government has shown disregard for established media regulatory institutions and has instead dealt arbitrarily with private media practitioners and outlets. All the stations that were closed were not given an opportunity to be heard or warned. According to CBS, the Broadcasting Council broke into the station's transmission system with the aid of the Uganda People's Defence Forces, Ssuubi FM's was closed down in a similar manner and the Broadcasting Council wrote to the station two days after the closure giving the reasons for the closure. According to one media practitioner, this is unjustifiable. "Whatever the presenters said, there are ways of dealing with it within the law without using such arbitrary methods as closing stations down."²¹⁶

On a positive note, in September, the court dismissed the charges of inciting violence and defamation against five panelists and a moderator from Fort Portal's Life FM.²¹⁷ In January 2008, the Regional Police Commander Western Region, arrested the moderator and five panelists from Life FM's "Tweraneho" (Let's Fight for Ourselves) and "Enshonga Ha Nshonga" (Reason Upon Reason) programs. Both programs were ordered off the air. A High Court ruling allowed the program to resume however, the panelists were charged with inciting violence and defamation. After the dismissal of the suit, they have brought a suit against the Attorney General for wrongful arrest.²¹⁸

The crackdown on the media and the ban on "bimeeza" has adversely affected public debate and discussions and also led to self censorship among journalists and media practitioners. On the whole, the space for the exercise of media freedom and the expression of independent thought is continually shrinking. This is reminiscent of the measures taken by the government in 2005-2006 when controls grew increasingly tighter towards the elections and government officials at various levels overtly interfered with the operation of electronic media especially in the rural areas. This is already happening; for instance, in Lira, a UPC mobiliser was arrested over statements he made on Unity FM and in Moroto, in November 2009, the RDC Moroto district ordered Nenah FM radio station to cancel a show in which FDC leader Kizza Besigye was scheduled to appear. This raises fears that the room for the exercise of independent thought will be severely restricted by the government as the 2011 elections draw closer.

Recommendations:

Government should;

1. Use the established media regulatory bodies and channels to settle disputes with the media.

216. October 2, 2009 Integrated Regional Information Networks (IRIN)

217. Joram Bitamanya, Prosper Busingye, Gerald Kankya, William Gonza, Dan Rubomobora and Steven Rwagweri

218. Felix Basiime, 'Radio Panelists sue state for imprisonment' The Daily Monitor, 25th October 2009



7.0 POLITICAL SPACE RIGHTS

The political space rights; the freedom of association and assembly and the right to participate in the conduct of public affairs including the right to vote and to stand for political office are essential pillars for democracy, political accountability and the rule of law.



Buganda - Kabaka's visit to Kayunga, Buganda



7.1 Freedom of Association and Assembly

Since the return to multi-party politics in 2005 the police has been criticised for use of excessive force in the dispersal of political rallies and gatherings organized by opposition parties. In 2009, the use of force by the police to disperse demonstrations and gathering has not been limited to political rallies; even non-political rallies and demonstrations have been forcefully dispersed.²¹⁹

On 21st June 2009, Mark Mugenyi, a senior four student of Makobore High was shot dead by the police. The students were demonstrating over food ratios.²²⁰

Police officers shot two students and injured severely students of Kaberamaido Comprehensive SS in an attempt to quell a strike.²²¹

On 11th July 2009, the Police quashed a DP rally on the proposed city take-over in a Kyengeru bar on Masaka Road. Six party supporters who had mobilized the residents to debate the proposed extension of Kampala city boundaries were arrested.²²² On 16th July, 19 Democratic Party supporters, were charged with unlawful assembly at Makindye court for allegedly taking part in collecting signatures to block the Kampala expansion and take over by the central government.²²³ They were all later released on bail.

On August 18th, a demonstration by members of the FDC to protest the re-appointment of EC commissioners was dispersed by the police and about eight FDC officials were arrested. They were reportedly to be charged with inciting violence. According to the police, they had not sought and obtained permission from the police.²²⁴

In September 2009, at least 27 people were killed in two days of riots in the central region; according to the Ministry of Internal affairs seven of them were uninvolved in riot activity.

219 Including the use of live ammunition force against demonstrating school students; e.g Bugema SDA in August 2009, dispersal of a rally organized by persons with disabilities to protest failure by the government to enforce accessibility regulations, consultative meetings called by political

220. The Daily Monitor, 23rd June 2009

221. The Daily Monitor, 1st July 2009

222. The New Vision, 13th July 2009.

223. The Daily Monitor, 16th July 2009

224. Steven Candia et al, 'FDC rioters arrested' The New Vision, 19th August 2009



Kinaalwa Sseddulaka Jackson, owner of a dry cleaning shop about 100metres from Masaka road in Tomusange zone, Ndeeba, hid in his back storage room and locked the back door when in September 2009, at least 27 people were killed in two days of riots in the central region; according to the Ministry of Internal affairs seven of them were uninvolved in riot activity.

Kinaalwa Sseddulaka Jackson, owner of a dry cleaning shop about 100metres from Masaka road in Tomusange zone, Ndeeba, hid in his back storage room and locked the back door when an Ki-naalwa Sseddulaka Jackson, owner of a dry cleaning shop about 100metres from Masaka road in Tomusange zone, Ndeeba, hid in his back storage room and locked the back door when an army armored personnel carrier entered Ndeeba and soldiers on board began shooting. A few minutes later, a uniformed soldier walked through the area and fired his AK-47 through Sseddulaaka's back door, killing him instantly. There were bullet holes in that door, as well as five other bullet holes in doors and walls in the neighborhood.

Hundreds of others were injured and 846 people were arrested and charged with inciting violence, participating in unlawful assembly, causing destruction of property while some of 29 suspects have been charged with terrorism for burning Nateete police post and mini price police post.²²⁵

Following the riots, the President issued a directive allowing the police to "shoot to maim" demonstrators while DP spokesperson Betty Nambooze was blocked by the police from leaving the country to seek medical treatment allegedly due to ongoing inquiries into her role during the September riots.²²⁶

7.1.1 Participation in the conduct of public affairs: The Road to 2011

Since the last general elections and the decision of the Supreme Court in Election Petition No.1 of 2006²²⁷ which identified several shortcomings in the last general elections, there have been calls from several quarters for electoral reforms to be made and in a timely manner. One of the major contentions by the opposition and civil society is the manner of appointment and composition of the Electoral Commission. This was cited by the interparty cooperation as one of their minimum requirements for electoral reforms before the next elections. According to the opposition, the Electoral commission that served during the no-party movement system cannot fairly preside over elections

225. Juliet waiswa and Eddie Ssejjoba, 'More suspected rioters arrested' The New Vision, 3rd November 2009

226. Robert Mwanje, Al-Mahdi Ssenkabinwa, 'Nambooze blocked at Entebbe Airport' The Daily Monitor, 3rd November 2009

227. Kizza Besigye v. Kaguta Museveni and Another



in a multi-party setting especially after its credibility was put into question in the previous election by both the Supreme Court and local and international observers. Some opposition parties including the DP have threatened to boycott the 2011 polls if electoral reforms are not implemented.²²⁸

Like in previous elections, the 2011 elections will have a new set of legislations. In August 2009, the Attorney General informed parliament that the proposal for electoral reforms before cabinet and would be completed before February 2011. However president Museveni reiterated his earlier stand that the Election laws won't change²²⁹ and in August 2009, he re-appointed all the EC commissioners thus undermining all hopes that the reform process would be comprehensive and inclusive.²³⁰ A petition has been filed in the constitutional court by the FDC seeking to have the court declare the chairperson of the commission and all the commissioners unfit to hold their offices. The petition is yet to be determined.

Since its re-appointment, the EC has issued guidelines for the 2011 elections which it hopes will address the shortcomings identified in the 2006 elections including computerised tallying and training of a special police unit to handle electoral matters.²³¹ However, the commission is yet to receive the funding it requires to implement the proposed reforms.

On a more positive note, the UHRC has re-opened the inquiry into allegations of violence by government soldiers during the 2001 general elections.²³²

The failure by the NRM-O government to address concerns of various stakeholders over the appointment and mandate of the EC, inadequate fund allocation to the EC, delay in enacting electoral laws, heavy handedness in dispersing demonstrations are all factors that contribute to a widespread fear and public perception of a lack of a leveled playing field for the 2011 General elections.

Recommendations:

Government should;

1. Urgently provide the necessary funding to the Electoral Commission to start procurement and civic education for the 2011 elections.
2. Table before Parliament the required electoral reforms key to the smooth conduct of the 2011 Elections.

228. The New Vision, 24th June 2009

229. The New Vision, 22nd June 2009

230. Except for Sr. Magoba who had served two terms and was therefore not eligible for re-appointment

231. Moses Mulondo, 'EC Issues 2011 election guidelines' The New Vision, 25th September, 2009

232. Moses Akena & Paul Amoru, 'Hearing of 2001 election violence cases starts' The Daily Monitor, 20th August 2001



8.0 SPECIAL MEASURES FOR THE PROTECTION OF CHILDREN

8.1 Defilement

Defilement cases are still common. According to the Uganda Police, 900 girls were defiled in the Eastern region in the period upto June 2009. In Sembabule district, from January – March 2009, 36 cases of defilement were registered at Sembabule Police station. Out of these reported cases, only 4 were prosecuted in Court while the rest were settled out of Court. Several of these cases constitute aggravated defilement;²³³

For instance,

On the night of February 12th 2009, the teacher on duty at Magala Boarding Primary School allegedly summoned a year-old pupil to the staff room, the little girl obliged innocently. Mr. Samuel Wanyonyi allegedly pounced on her, tore her knickers, defiled and impregnated her. She was expelled from school. The teacher was arrested and charged with aggravated defilement.

In Nebbi, 37 year-old man- Colbert Ruping a resident of Nebi Town Council with HIV/Aids grabbed two girls aged 5 and 6 years old and defiled the 6year old. The case was reported and prosecution started before Grade 11 Magistrate George Komakech.²³⁴

In Busia, the School director of Dill and Polly Primary school Bosco Erepen was caught in the act of 'defiling' a 14 year old pupil, at his house. He was arrested by police.²³⁵

The handling of child victims of abuse also remains a challenge. Victims of child abuse should be removed from their homes to ensure their safety and a smooth healing process. However due to the unavailability of approved homes as provided for in Part V of the Children Act, police officers have been forced in some instances to stay with and personally take responsibility for these children in their homes until such a time when willing relatives of the children are identified. With no or very minimal support from Government, the strain this responsibility puts on the meager personal resources of the police officers is inconceivable.²³⁶

233. The Daily Monitor, 29th June 2009

234. The Daily Monitor, 8th June 2009

225. The Sunday Monitor, 12th July 2009

236. Some of these victims are as young as 3 years therefore the police officers have to take the responsibility to dress them and pay their medical expenses especially for those children who have been physically abused.



8.2 Child Sacrifice and Trafficking of Children

According to the Uganda Police Crime Report August 2009, a total of 3,000 children disappear from their homes annually and out of these missing children, about 200-300 are untraced. Between January and October this year, over 24 incidents of human sacrifice related murders were recorded; 13 of the victims were children. Over 111 suspects were arrested in connection with suspected ritual murders in the period but only 44 were prosecuted in courts of law.

In Ibanda district, Apollo Mwesigwa, a 28-year old peasant of Kanyarugiri village in Nyamasheba sub-county was caught selling his 3-year-old son for Shs4m. He was arrested and charged with attempted child sacrifice.²³⁷

The Trial of Kato Kajubi the businessman charged with the murder of a 12year old boy in a gruesome incident of child sacrifice continued in the period under review.²³⁸

In Nakibizi, Mukono, a six-year-old boy was beheaded in what was suspected to be a ritual murder. Police in Jinja arrested seven people, including two witchdoctors (Moses Kimbowa, Muza-miru Mukalazi and Anthony Ssendikadiwa Mulangira all residents of Namwezi village).²³⁹

In April 2009, parliament passed the Anti-Trafficking in Persons Act, 2008. The Act was assented to by the President in October 2009. The law criminalizes trafficking in persons. Under the Act, those found guilty of the offense are liable to life imprisonment. However, like most laws in Uganda, the major challenge will be its effective enforcement which entail as a minimum, training and facilitation of the police task force on trafficking and sensitization of the community.

8.3 Child Labour

Child labour is still widespread. A survey carried out in Sembabule district alone shows that; 3,367 children were engaged in child labour and are unable to attend school. As a result, the primary school retention rate especially for girls remains very low, only 27% of enrolled girls complete the primary school cycle. Some of the parents from the predominantly pastoral communities

237. The Daily Monitor, 3rd July 2009

238. The Daily Monitor, 26th June 2009

239. The New Vision, 23rd July 2009



like Kagologolo village in Lwemiyaga sub- County and Lugusulu sub-county have forced their children and especially girls as young as 10 years to look after big herds of cattle. These children become vulnerable to abuse; some being defiled in the remote fields while looking after the cattle. Although the parents may report some of these cases, there is usually no supporting evidence since the incidents reportedly happen with no witness around. ²⁴⁰

Recommendations:

Government should;

1. Urgently enact legislation to regulate the operation of traditional healers and herbalists in the country who allegedly engage in child sacrifice.

240.



PROGRAMS

Rights monitoring and policy Advocacy

Aims at documenting human rights practices in order to promote dialogue and respect for human rights and democratic development in Uganda.

Access to Justice

Aims at promoting justice for the poor and vulnerable groups, share best practices in the administration of justice and make effective use of the law to enhance human rights advocacy

Penal reform

Aims at improving criminal justice policy and ensure zero tolerance for the practices of torture and impunity in Uganda's penal institution

Education and training

Promotes citizen awareness of human rights values and obligations and builds capacity of grass associations to undertake human rights advocacy.

Radio Program

Promotes dialogue and exchange of views on both human rights policy and practice.

Focus on Northern Uganda

Aims at continued monitoring and exposure of human rights breaches especially torture of IDPS and refugees as well as the implementation of the National IDP policy.

Paralegal Advisory services project (PAS)

Seeks to improve understanding of principles and procedures of the formal criminal justice system by both users and criminal justice agencies.

Internship program

Provides opportunity to students and emerging human rights defenders to understudy FHRI programs in a climate that encourages research, exchange fellowship and apprenticeship.

Elections Monitoring Project (UNELAMP 2006)

Monitors the electoral process to ensure that it is free and fair, free from violence, intimidation and corruption.

Democracy Resource Centre

Is a reference and research facility on human rights and democracy related topics.



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