

Cross references

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SUPPLEMENT No. 8

4th August

006.

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Act 20

Persons with Disabilities Act

006

THE PERSONS WITH DISABILITIES ACT, 2006.

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THE PERSONS WITH DISABILITIES ACT, 2006

An Act to provide a comprehensive legal protection for persons with disabilities in accordance with Article 32 and 35 of the Constitution; to make provisions for the elimination of all forms of discrimination against persons with disabilities towards equalization of opportunities and for related matters.

DATE OF ASSENT: 24th May, 2006.

Date of Commencement: 4th August, 2006.

BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARY

1. Short title

This Act may be cited as the Persons with Disabilities Act, 2006.

2. Interpretation

In this Act, unless the context otherwise requires—

“auxiliary aids and services” include qualified readers, interpreters and guides; taped texts, audio, visual and pictorial recording; braille equipment, large print and brailled materials; tactile equipment, athorpedic appliance and other devises and services that support PWDs to participate effectively in all aspects of life;

“Council” means the National Council for Disability established under section 3 of the National Council for Disability Act, 2003.

“disability” means a substantial functional limitation of daily life activities caused by physical, mental or sensory impairment and environment barriers resulting in limited participation;

“Minister” means Minister responsible for Disability Affairs;

“person with disability” means a person having physical, intellectual, sensory or mental impairment which substantially limits one or more of the major life activities of that person;

“PWDs” means Persons with Disabilities.

3. Objects of the Act

The objects of the Act are—

- (a) to promote dignity and equal opportunities to persons with disabilities;
- (b) to develop and promote the participation of persons with disabilities in all aspects of life as equal citizens of Uganda;
- (c) to encourage the people and all sectors of government and community to recognise, respect and accept difference and disability as part of humanity and human diversity;
- (d) to eliminate all forms of discrimination of persons with disabilities on ground of their disabilities;
- (e) to encourage all sectors of government and community to promote and include disability issues into all economic, political and social development policies and programmes;

(f) to promote positive attitude and image of persons with disabilities as capable and contributing members of society, sharing the same rights and freedoms as other members of society.

4. Disability codings

(1) The disability codings provided in the First Schedule shall determine—

- (a) whether an impairment has a substantial functional limitation of daily life activities; or
- (b) whether an impairment has a long-term effect on a person.

(2) The decision as to whether an impairment has a substantial functional limitation of daily life activities or a long-term adverse effect on the ability of a person shall be based on the coding provided under subsection (1).

(3) In addition to the provisions of subsection (2) a medical officer and any relevant organisation of or for persons with disabilities shall be consulted.

PART II—RIGHT TO QUALITY EDUCATION AND HEALTH.

5. Education

Government shall, promote the educational development of persons with disabilities through—

- (a) encouragement of inclusive education;
- (b) the formulation and design of educational policies and programs that promote the special needs and requirements of persons with disabilities;
- (c) the formulation of policies that give children with disabilities access to relevant education at all levels, paying particular attention to the requirements of the girl child and children in rural areas;

- (d) the establishment of special schools and units, where inclusive education is not possible, with curricula designed for different disability conditions;
- (e) the inclusion of a module on teaching children with special needs in the curricula of teacher training courses;
- (f) the provision of adequate training for special teachers and in service training for current teachers in mainstream schools to cater for the educational development of persons with disabilities;
- (g) the provision of learning instructional materials and assistive devices suitable for learners with special needs;
- (h) the enforcement of recruitment and retention of special education teachers in all schools and institutions;
- (i) structural and other adaptations of all educational institutions to the needs of persons with disabilities and promotion of specialised institutions that facilitate research and development of their education;
- (j) the commitment of not less than ten per cent of all educational expenditure to the educational needs of persons with disabilities at all levels;
- (k) the provision of assistive services during examinations including giving extra time suitable for students with special disability needs.

6. Prohibition of discrimination from educational services

- (1) A person shall not discriminate a person with disability to deny him or her educational services on the ground of his or her disability.
- (2) A person shall discriminate a person under subsection (1)—
 - (a) if he or she refuses or fails to accept an application for admission in an educational institute by a qualified person because of that person's disability;

- (b) if the terms or conditions of admission to his or her educational institution exclude persons with disabilities;
- (c) by denying or limiting access to any benefit or service provided by the educational institution to a student with a disability;
- (d) by expelling a student because of his or her disability;
- (e) by subjecting a student with disability to any other unfair treatment, relating to his or her disability.

(3) The provisions of this section shall not apply to a person denied admission to an educational institution established primarily for students who have a particular disability where that person does not have that particular disability.

7. Health

(1) Persons with disabilities shall enjoy the same rights with other members of the public in all health institutions including general medical care.

(2) The purchase, importation, transfer or gift of health materials or equipment relating to disabilities shall be exempted from tax, duties, surcharges or levies.

(3) The Government shall ensure that—

- (a) sign language is introduced into the curriculum for medical personnel;
- (b) interpreters are included in hospital organisational structure;
- (c) labels on drugs are pre-brailled.

8. Special health services

The Government shall promote special health services required by persons with disabilities including—

- (a) providing access to reproductive health services which are relevant to women with disabilities;
- (b) enforcing user friendly hospital materials, for use by persons with disabilities visiting hospitals;
- (c) encouraging population based public health programmes relevant to persons with disabilities.

9. Prevention of disability

The Government shall promote the prevention of disabilities through—

- (a) health and environmental education in schools and communities for restriction of the risk factors connected with the way of life and the environment;
- (b) health prophylactics;
- (c) enforcement of healthy and safe labour conditions;
- (d) the introduction of a system of early identification of disabilities and intervention or strengthening of existing systems to minimise disabilities among children and the elderly;
- (e) the strengthening and implementation of road safety policies to minimize road accidents;
- (f) the strengthening of programmes for land-mine clearance where mines exist to protect persons from these mines which cause disabilities;
- (g) the enforcement of all activities and services that may help to prevent disabilities in people.

10. Measures of rehabilitation

The Government shall—

- (a) adopt measures of rehabilitation to help persons with disability regain functional ability to enhance participation in social and economic life;

- (b) promote the research, exploration and application of new rehabilitation technology so as to provide more effective rehabilitation service for persons with disabilities;
- (c) establish medical rehabilitation departments or sections in hospitals, special institutions of rehabilitation and carry out clinical practice and training, scientific research, personnel training and work of technical guidance in the field of rehabilitation;
- (d) provide various forms of technical training for personnel engaged in rehabilitation work, popularize knowledge of rehabilitation among persons with disabilities, their family members, relevant staff and volunteers and teach them methods of rehabilitation;
- (e) ensure that medical institutions and other relevant educational institutes offer curricula and specialities on rehabilitation.

11. Vocational rehabilitation and employment

The Government shall take vocational rehabilitation measures to develop the skills and potentials of persons with disabilities to enable them compete favourably for available productive and remunerative employment opportunities in the labour market.

PART III—EMPLOYMENT OF PERSONS WITH DISABILITIES

12. Prohibition of discrimination in employment

(1) A person shall not discriminate against a qualified person on ground of that person's disability in regard to any job application procedures, hiring, promotion, employee compensation, job training, and other terms, conditions, and privileges of employment.

(2) For purposes of subsection (1), the following shall constitute acts of discrimination—

- (a) limiting, segregating or classifying a job applicant with disabilities in such a manner that adversely affects his or her work opportunities;
- (b) using qualification standards, employment tests or other selection criteria that screen out or tend to screen out persons with disabilities;
- (c) utilising standards, criteria, or methods of administration showing the effect of discrimination on the basis of disability or perpetuating the discrimination of others who are subject to common administrative control;
- (d) providing less payment, remuneration or fringe benefits, to a qualified employee with disabilities, than the amount paid to a non-disabled person performing the same work;
- (e) favouring a non-disabled employee over a qualified employee with disabilities with respect to promotion, training opportunities, study and scholarship grants, solely on account of the latter's disability;
- (f) re-assigning or transferring a qualified employee with disabilities from a job or position he or she can perform to one which he or she cannot perform because of his or her disability;
- (g) dismissing or terminating the services of a qualified employee with disabilities on ground of his or her disability unless the employer can prove that he or she affects the satisfactory performance of the work to the prejudice of the business and that the employer tried to provide reasonable accommodation for persons with disabilities and received no better results;
- (h) failing to select or administer in the most effective manner, employment tests which accurately reflect the skills, and aptitude of an applicant or employee with disabilities, rather than the impaired sensory, manual or speaking skills of such applicant or employee; if any; and

- (i) excluding persons with disabilities from membership in labour unions or similar organisations.

13. Employment of persons with disability

(1) Persons with disabilities have a right to practice their professions and to carry on any lawful occupation, trade or business of their choice.

(2) The Government shall encourage all government and private sectors to promote the right to empowerment of persons with disabilities, including those who acquire disability during the course of their employment, to work on an equal basis with others and to earn a living by work through a quota system of employment.

(3) The Minister responsible for labour shall, in consultation with the employers' organisations, determine the quota of persons with disabilities workforce for employers, and shall by statutory instrument publish the agreed quota.

(4) Each employer shall—

- (a) where appropriate in any job advertisement, indicate that persons with disabilities would be considered;
- (b) be required to carry out appropriate modifications in their work premises to facilitate the employment of persons with disabilities;
- (c) claim tax exemption on any costs incurred as a result of the modifications carried out under paragraph (b); and
- (d) each year by the end of the month of June, submit to the Minister, returns of employment of persons with disabilities.

(5) The Minister shall, at the end of each financial year, report to Parliament the status of employment of persons with disabilities in the country.

14. Discriminative medical examination

(1) An employer shall not conduct any test or examination to establish whether an applicant is a person with a disability or as to the nature or severity of the person's disability.

(2) The provisions of sub-section (1) shall not prevent an employer from making pre-employment inquiries into the ability of an applicant to perform job related functions.

(3) An employer may require medical examination after an offer of employment if—

- (a) all newly appointed employees are subject to such examination;
- (b) the examination is required for the health programme available in the employment.

15. Discrimination against employees

(1) An employer shall not discriminate against any employee on ground that the employee—

- (a) opposes acts or practices discriminating against persons with disabilities; or
- (b) testified, assisted or participated in an investigation, proceedings or hearing of a case against discrimination of a person with a disability.

16. Access to work premises

It shall be the duty of the employer to ensure that the physical features of the premises occupied by an employee do not place an employee with a disability at a disadvantage.

17. Tax reduction

Private employers who employ ten or more persons with disabilities either as regular employees, apprentice or learner on full time basis shall be entitled to tax deduction of fifteen percent of all payable tax upon proof to the Uganda Revenue Authority.

18. Void contracts

Any contract of employment or other agreement is void if the contract—

- (a) requires a person to do anything prohibited under this Act;
- (b) excludes or limits the operation of any provision of this Act; or
- (c) prevents any person from lodging a complaint under section 41 of this Act.

PART IV—ACCESSIBILITY

19. Access to premises

It shall be the responsibility of all organs in a public or private institution to provide—

- (a) suitable exits for persons with disabilities; and
- (b) universal standards or designs of public toilets.

20. Duty to provide access to buildings

Any person who constructs, a building to which the public is invited, shall ensure that persons with disabilities have access through provision of—

- (a) accessible and easy-to-find building entrances, connected by accessible pathways to accessible indoor or outdoor parking areas, local public transit stops and accessible elevators;
- (b) safe and accessible urinal, bathrooms for the diverse disabilities;
- (c) safe and well-dimensioned staircases for the comfort of persons with mobility problems;
- (d) ramps wherever stairs obstruct the free passage of pedestrians, mainly wheel chair users and people with mobility problems;

- (e) adequate railing around hazardous areas, stairs, ramps, accessible roofs, mezzanines, galleries, balconies and raised platforms;
 - (f) well-dimensioned elevators, (in the case of multi storied buildings) that persons with disabilities can use conveniently.
- (2) An accessible elevator should—
- (a) serve all floors normally reached by the public;
 - (b) have embossed numerals on the floor selector buttons to be easily identifiable by touch;
 - (c) signal arrival at each floor to alert sightless and hearing-impaired passengers simultaneously.
- (3) Where it is difficult or unfeasible to install a ramp or an elevator to an existing building, the owner of the building shall provide platform lifts to provide accessibility.

21. Access to information

(1) It shall be the duty of the responsible Government authority to promote the right of persons with disabilities to access information through—

- (a) the development and use of sign language, tactile, sign language interpreters, in all public institutions and at public functions;
- (b) braille of public information, such as Government documents, Government newspapers and other publication.

(2) Any person who owns a—

- (a) a television station shall provide sign language inset or subtitles in at least one major newscast program each day and in all special programs of national significance;

- (b) a telephone company, shall provide special telephone devices for the hearing-impaired.

22. Access to public transport facilities

(1) Any person providing public transport services shall provide access to transport-disadvantaged persons.

(2) For purposes of sub-section (1) “transport disadvantaged persons” include persons—

- (a) using mobility devices such as crutches or callipers, or wheelchairs;
- (b) using sensory devices such as white canes, low vision devices or hearing aids;
- (c) who need assistance such as those using sign language or other support in communication;
- (d) having difficulty in negotiating steps, climbing stairs or walking long distances including persons having health problems, or those carrying heavy loads.

23. Protection of visually impaired road users

It shall be the duty of the Government to make public roads and highways accessible to persons with disabilities including—

- (a) equipping pedestrian crossings with traffic control signals controlled by a pedestrian push-button system;
- (b) providing pedestrian traffic lights with clearly audible signals;
- (c) use of alarms or bells to signal approaching traffic, among others.

24. Denial of driving permit

No person with disabilities shall be denied a driving permit by reason of his or her disability.

PART V—DISCRIMINATION IN RELATION TO GOODS,
SERVICES AND FACILITIES

25. Discrimination relating to goods, facilities and services

(1) A person shall not, provide goods or services, or make facilities available with a view, to discriminate against another person on the ground of that person's disability by—

- (a) refusing to provide to a person with a disability any service which he or she provides to other members of the public;
- (b) deliberately making it impossible or unreasonably difficult for persons with disabilities to make use of the service or facility.

(2) The provisions of this section shall apply but shall not be limited to the services indicated in the Second Schedule.

(3) The provisions of subsection (1) shall not apply to any action—

- (a) necessary to protect the health or safety of any person including that of a person with a disability;
- (b) where a person with a disability is incapable of entering into an enforceable agreement or of giving an informed consent.

26. Inaccessible physical features

(1) Where a physical feature such as one arising from the design or construction of a building or the access to premises makes it impossible for persons with disabilities to use that facility, it shall be the duty of the provider of the facility to make adjustments or to provide an alternative method of making the facility available to persons with disabilities.

(2) The provisions of subsection (1) shall not require a provider of services to do any act, which would fundamentally alter the nature of the service provided, the trade, profession or business.

27. Provision of auxiliary aid or services

It shall be the duty of the provider of a service to provide auxiliary aid or service where it enables or facilitates persons with disabilities to make use of a service.

28. Right to supportive services

Government shall provide supportive social services to persons with disabilities through—

- (a) acquisition of assistance devices, medical speciality and assistance personal services;
- (b) specialised training activities to improve functional limitations;
- (c) counselling, rehabilitation and orientation to improve their self-image;
- (d) child care services for the children of persons with disabilities.

29. Access to public facilities

(1) Any person operating a service or public facility shall make the service or facility readily accessible to and usable by all persons including persons with disabilities.

(2) The provisions of subsection (1) shall not require a person or entity—

- (a) to take any action that would alter or destroy any historical property, or
- (b) to take any action that would result in a fundamental alteration of the nature of the service or facility.

30. Sports and recreational activities

(1) It shall be the duty of the appropriate Government organ to promote the right of persons with disabilities to participate in recreational, leisure and sporting activities and shall take appropriate measures to enable persons with disability—

- (a) to participate in mainstream sporting activities at regional, national and international levels;
- (b) to organise and participate in sporting activities receiving necessary instructions, training and resources that are available to other participants;

- (c) have access to sporting and recreational venues;
- (d) have access to the services of the organisations responsible for specific sporting activities.

(2) A person shall not exclude any person from a sporting activity or recreational activity in which he or she can participate on ground of his or her disability.

(3) The provisions of sub section (2) shall not apply to—

- (a) a person who is incapable of performing the required sporting activity;
- (b) a person conducting sporting activities for persons who have a particular disability and that person does not have that disability.

(4) At least ten percent of all funds committed to sports and recreational activities shall be used for the the development of the recreation and sports of persons with disability.

31. Advertisements implying discrimination

(1) No person shall, publish, display, circulate cause or permit to be published, circulated or displayed, an advertisement or notice that indicates, or could reasonably be understood to indicate, an intention to do an act that is unlawful under the provisions of this Act.

(2) For the purposes of subsection (1), “advertisement” includes all forms of publicity—

- (a) in newspapers, television or radio;
- (b) by display of notices, signs, labels, show cards or goods;
- (c) by circulation of samples, catalogues price lists, leaflets, handbills or any other form of circular;
- (d) by exhibition of pictures, models, photographs, films or any other form of exhibition.

PART VI—OTHER SOCIAL RIGHTS

32. Constitutional rights and freedoms

The fundamental rights and freedoms enshrined in Chapter Four of the Constitution shall be respected, upheld and promoted by all organs and agencies of government and by all person in respect to persons with disabilities.

33. Affirmative action in favour of persons with disabilities

Government shall take affirmative action in favour of persons with disabilities for the purpose of redressing imbalances which exist against them.

34. Cruel, inhuman or degrading treatment

(1) A person or institution shall not subject a person with disability to cruel, inhuman or degrading treatment.

(2) A person or institution shall not subject a person with disability to medical or scientific experimentation without the free and informed consent of the person concerned.

35. Right to privacy

Persons with disabilities, including those living in institutions, shall not be subjected to arbitrary or unlawful interference with their privacy.

36. Rights of the family

(1) A person with disability has the right to a home and a family and shall be entitled—

- (a) to experience his or her sexuality and to have sexual and other intimate relationship;
- (b) at the age of eighteen years and above, to marry a spouse of his or her own choice and to found a family;
- (c) to equal rights at and in marriage, during marriage and at its dissolution;
- (d) to decide the number and spacing of his or her children; and

(e) to guardianship, trusteeship and adoption of children under the relevant laws.

(2) A person with disability has a right and duty to care for and bring up his or her child and shall not be separated from his or her child except in accordance with the law.

(3) A child with disability shall not be separated from his or her family or a person entitled to bring up that child except in accordance with the law.

37. Participation in public life

(1) Persons with disabilities shall have the right to fully participate in political and public life and to vote and be voted in any political office.

(2) Persons with disabilities shall have the right to participate in public administration, civil society, political parties and other associations or organisations.

(3) Persons with disabilities shall have the right to fully participate and take part in the decision-making process.

(4) The Government shall guarantee that persons with disabilities can exercise their political rights by—

(a) ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use;

(b) protecting their right to vote by secret ballot in elections and referenda without intimidation and to stand for elections;

(c) allowing assistance in voting by a person of their own choice, on request and facilitating the use of assistive and new technologies where appropriate; and

(d) generally promoting an environment in which persons with disabilities can fully and effectively participate in political activities and public affairs.

38. Participation in cultural life

Persons with disabilities have the right to fully participate in the cultural life of their community and to—

(a) develop and utilise their creative, artistic and intellectual potential for the enrichment of their community;

(b) have access to broadcasting, films, theatres and other cultural activities.

PART VII—EXEMPTIONS

39. Acts done under statutory authority

The provisions of this Act do not render unlawful anything done by a person in direct compliance with—

(a) an order of a court or tribunal;

(b) a statutory obligation.

PART VIII—COMPLAINTS AND JUDICIAL PROCEDURES.

40. Exemption for charities

The provisions of this Act, shall not apply to—

(a) a provision in a charitable instrument that confers charitable benefits, or enables charitable benefits to be conferred, wholly or in part on persons who have a particular disability; or

(b) any act done to give effect to such provision.

41. Complaints, appeal and judicial proceedings

(1) Any person, who alleges that an act prohibited under the provisions of this Act has been committed, may lodge a complaint with the Council.

(2) Any person aggrieved by a decision of the Council may petition the courts of law for a review of the complaint.

(3) Where a person with disability is party to any judicial proceedings the adjudicating body shall in the application of its legal procedures, take into account the physical and mental condition of the person with a disability.

PART IX—MISCELLANEOUS PROVISIONS

42. General provisions

No person shall in any manner—

- (a) exploit a person with disability;
- (b) discriminate against a person with disability; or
- (c) subject a person with disability to torture, violence, abuse or to cruel, inhuman or degrading treatment.

43. Offences and penalty

(1) A person who contravenes any provision of this Act, commits an offence, and shall be liable on conviction to a fine not exceeding fifty currency points.

(2) A person who knowingly aids another person to commit an offence under subsection (1) shall, on conviction, be deemed to have committed the offence.

(3) For the avoidance of doubt any person who commits an offence under subsection (1), which offence is an offence and is punishable under any other law, that person may be punished under that other law.

(4) A currency point represents the amount in Uganda Shillings prescribed in the Third Schedule.

44. Regulations

(1) The Minister may, after consultation with the Council, by statutory instrument, make regulations prescribing matters giving effect to this Act.

(2) The Minister may by statutory instrument amend the Schedules to this Act.

45. Transitional provisions

Until such time as the disability standards have been operationalised by the Council, the provisions of this Act shall not render unlawful anything done by a person in compliance with another law which is in conflict with this Act.

SCHEDULES.

Amputation:

- A. One Arm
- B. Both Arms
- C. One Leg
- D. Both Legs
- E. One Arm, One Leg and Other Multiple

General Diseases:

- F. Arthritis And Rheumatism
- G. Diseases Of The Digestive System
- H. Disease Of The Urino-Genital System
- I. Diseases Of The Heart Or Circulatory System.

Diseases Of The Respiratory System:

- K 1 A Pneumoconiosis (Ex Miners)
- K 1 B Pneumoconiosis (Others)
- K 2 Chronic Bronchitis, Emphysema, Asthma And Others.

Skin Diseases:

- L. Diseases Of The Skin And Cellular Tissues

Ear And Eye Defects:

- M. 1 Deaf Without Speech
- M. 2 Deaf With Speech
Deaf and Blind
- N. Hard Of Hearing
- O. Total Blindness
- P. Eye Defects and diseases Other Than Total Blindness.

Common Injuries:

- Q. Injuries to Head, Face, Neck, Thorax, Abdomen, Pelvis And Trunk.
- R. Diseases And Deformities Of Upper Limb, Shoulders, Forearm And Hand.

- T. 1 Paraplegia.
- T. 2 Injuries Of The Spine (Excluding Paraplegia)

Mental Disorders:

- U. 1 Psychoneuroses (E.G. Anxiety Or Obsessional States Hysteria)
- U. 2 Other Mental Illness
- U. 3 Mental Sub-Normality

Organic Nervous Disease:

- V. 1 Epilepsy
- V. 2 Other (E.G. Cerebral Palsy, Sciatica, Diseases Of The Brain Etc).

Tuberculosis:

- X. Pulmonary T.B.
- Y. Non Pulmonary T.B.

Others:

- Z. Diseases And Injuries Not Specified Above.

SECOND SCHEDULE

s.25(2)

SERVICES PROVIDED TO THE PUBLIC

1. Access to and use of any place which members of the public are permitted to enter.
2. Access to and use of means of communication.
3. Access to and use of information services.
4. Accommodation in a hotel, boarding house or other similar establishment.
5. Facilities by way of banking or insurance or for grants, loans, credit or finance.
6. Facilities for entertainment, recreation or refreshment.
7. Facilities provided by employment agencies or training institutions.
8. Services of any profession or trade, or any local or other public authority.
9. Other services.

THIRD SCHEDULE

s. 43(4)

A currency point is equivalent to twenty thousand Uganda Shillings