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Employment of People with Disabilities: The Impact of Legislation (East Africa)

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1. Introduction

Many countries throughout the world have, in recent years, adopted policies aiming to promote the rights of people with disabilities to full and equal participation in society. This has often been in response to the ILO Convention No. 159 concerning Vocational Rehabilitation and Employment of Disabled Persons (1983). Policy on employment opportunities for people with disabilities is frequently supported by legislation and implementation strategies as essential tools to promote integration and social inclusion.

Some countries in Africa have made progress in introducing disability-related legislation, but many of these laws have not yet been implemented. In other African countries, existing national laws need to be reviewed in order to achieve equalization of opportunities for persons with disabilities. Improving legislation and implementation strategies has been identified as one of the main issues to be tackled in the African Decade of Disabled Persons 1999-2009.

The effectiveness of laws in improving employment opportunities for disabled persons – whether they are vocational rehabilitation laws, quota legislation or anti-discrimination legislation – is central, not only in terms of the economic rights of disabled people, but also their broader social and political rights, which are closely linked to economic empowerment.

The country study for the Uganda is part of the ILO project '*Employment of People with Disabilities – the Impact of Legislation*', funded by the Government of Ireland, which aims to enhance the capacity of national governments in selected countries of East Africa and Asia to implement effective legislation concerning the employment of people with disabilities. Starting with a systematic examination of laws in place to promote employment and training opportunities for people with disabilities in the selected countries of each region,¹ the project sets out to examine the operation of such legislation, identify the implementation mechanisms in place and suggest improvements. Technical assistance is provided to selected national governments in implementing necessary improvements.

This country study outlines the main provisions of the laws in place in Uganda concerning the employment of people with disabilities. An initial review of the implementation of the legislation is also provided, based on a survey of documentary sources and feedback from Ugandan delegates to a Technical Consultation held in Addis Ababa, 20-22 May 2002. It may be read in conjunction with the regional overview for this Consultation *Employment of People with Disabilities - The Impact of Legislation (East Africa), Technical Consultation Report, Addis Ababa, 20-22 May 2002, ILO 2002.*

¹ East Africa: Ethiopia, Kenya, Mauritius, Sudan, Sudan, Uganda and United Republic of Tanzania; and Asia and the Pacific: Australia, Cambodia, China, Fiji, Japan, India, Mongolia, Sri Lanka and Thailand.

2. Context

Income levels are relatively low in Uganda. Large sections of the population are unable to buy the basic necessities of life and hardly have access to health structures or education. In 1997, 44 percent of the population was estimated to consume less than what is required to meet the basic needs of life.² Many people have been left homeless, displaced or disabled as a result of a prolonged civil war in northern Uganda and civil disorder in other parts of the country, which have been major contributions to poverty in Uganda.

With an estimated population of 23,985,712 in 2001, Uganda is ranked 141 out of 162 on the 2001 UNDP Human Development Index (HDI). The four key indicators used to calculate the HDI, longevity, educational attainment, standard of living and adult literacy rate show the following:

- Longevity, measured as life expectancy at birth, was 42.5 years for men and 43.8 for women;
- Educational attainment, measured as the gross enrolment ratio, was 49 per cent among boys and 41 per cent among girls;
- The standard of living, measured as per capita GDP, was US\$1,167 in 1999; and
- The adult literacy rate was 66.1 per cent with a higher rate recorded for men (76.8 per cent) than women (55.5 per cent).

In 1998, the labour force participation rate for women was 81 per cent and 91 per cent for men.³ The agricultural sector accounted for nearly half of total GDP (44.6 per cent), followed by the service sector (37.8 per cent), with the industrial sector contributing 17.6 per cent to GDP.⁴ In 1996, the majority of the labour force was employed in agriculture (81 per cent) and the remaining fifth of the labour force worked in services (13 per cent) and in industry (6 per cent).⁵

2.1 People with disabilities

According to the 1991 Population and Housing Census,⁶ there were about 199,200 disabled persons in Uganda (1.2 per cent of the population or 1.3 per cent of men and 1.0 per cent of women). It is generally agreed, however, that these do not give an accurate picture of the actual prevalence rate of disability, which is assumed to be higher.

² Poverty Reduction Strategy Paper, Ministry of Finance, Planning and Economic Development, Uganda, 2000.

³ The World's Women 2000: Trends and Statistics.

⁴ Human Development Report 2001.

⁵ African Development Report 2000, African Development Bank.

⁶ United Nations Statistics Division, Disability Statistics: esa.un.org/unsd/disability.

3. Legislative framework

In Uganda, disability provisions are included in the Constitution of the Republic of Uganda 1995 and in general legislation, including labour, education and communication laws. Each of these legal provisions has mainstreamed disability concerns in matters which they regulate. The emphasis is on improving accessibility of persons with disability to all environments and provision of equal opportunities to persons with disabilities to increase their capacity to participate in, and contribute to the development of the Ugandan society.

No specific act concerning the employment of disabled persons has been enacted, although, the Ministry of Gender, Labour and Social Development is currently drafting an Employment Bill that provides for their employment.

3.1 Constitution of the Republic of Uganda 1995

The 1995 Constitution of The Republic of Uganda was drawn up with widespread participation of the population, including people with disabilities. Their representation in the Constitution Assembly allowed them to enact disability-related provisions in the Constitution, such as the right to respect and human dignity, affirmative action and recognition of sign language. The National Union of Disabled Persons (NUDIPU) was successful in securing the inclusion of a clause in the Constitution providing for a number of seats in Parliament for representatives of persons with disabilities: *'Parliament shall consist of such numbers of representatives of the army, youth, workers, persons with disabilities and other groups as Parliament may determine'*.

The Ugandan Constitution guarantees the rights of people with disabilities: *'The State shall ensure gender balance and fair representation of marginalized groups on all constitutional and other bodies; Society and the State shall recognize the right of persons with disabilities to respect and human dignity'*.

A provision prohibiting discrimination against persons with disabilities can be found in Article 21: *'A person shall not be discriminated against on the ground of sex, race, colour, ethnic origin, tribe, birth, creed or religion, or social or economic standing, political opinion or disability'*.

Of particular interest is the constitutional provision which specifically mentions the rights of disabled persons (article 35): *'(1) persons with disabilities have a right to respect and human dignity and the State and society shall take appropriate measures to ensure that they realise their full mental and physical potential. (2) Parliament shall enact laws appropriate for the protection of persons with disabilities'*.

Uganda is one of the few countries in the world to recognise Sign language in its constitution: *'the State shall promote the development of a sign language for the deaf'* (Article 24).

A general provision enabling the legislator to take affirmative action to combat disability discrimination is found under article 32 (1): *'the State shall take affirmative action in favour of groups marginalized on the basis of gender, age, disability or any other reason created by history, tradition or custom, for the purpose of redressing imbalances which exist against them'*.

Article 32 (2) entrusts the Parliament to legislate on disabilities issues: *'Parliament shall make relevant laws, including laws for the establishment of an equal opportunities commission, for the purpose of giving full effect to clause (1) of this article'*.

Finally, article 59 refers to the electoral rights of disabled persons: *‘Parliament shall make laws to provide for the facilitation of citizens with disabilities to register and vote’*.

3.2 Labour Legislation

Workers who are injured or disabled through industrial accidents are given compensation through the Workers’ Compensation Act 2000. This Act makes no provision for rehabilitation or retraining.

The Act defines a disabled person as a person *‘[...] who experiences a restriction or lack of ability to perform any activity in the manner or within the range considered normal for human beings, within the cultural context’*.

In 2003, the Ministry of Gender, Labour and Social Development proposed to table a Bill to Parliament, providing for affirmative action in favour of persons with disabilities. The provisions addressing employment of disabled persons in the Bill include anti-discrimination measures and quotas in relation to disabled workers. This Employment Bill also includes a section empowering the Minister to make regulations governing the employment of workers with disabilities.

3.3 Other legislation concerning persons with disabilities

3.1.1 The Local Government Act of 1997, Parliamentary Elections Statute 1996 and The Movement Act 1998

Uganda has enacted several laws to increase the representation of disabled people in the public sphere - the Local Government Act 1997, the Movement Act 1998 and the Parliamentary Elections Statute 1996.

The Local Government Act of 1997 provides for the allocation of a certain number of seats in elected political bodies at all levels for people with disabilities. The Act has been amended to provide for representation of at least one person with disability on the District Tender Board and on the District Service Commission.

Section 37 of the Parliamentary Elections Statute 1996, provides for five seats in Parliament for representatives of persons with disabilities. Section 12 (2) provides for use of sign language where practicable when carrying out civic education of citizens of Uganda on the purpose and voting procedures of any elections.⁷

The Movement Act 1998 establishes the organs of the Movement Political System.⁸ At lower levels, people with disabilities are represented in the Movement organs by councillors for disabled persons. At national level, 5 members of parliament with disabilities and additional 5 members elected by National Union of Disabled Persons (NUDIPU) Board, represent disabled persons in the Movement National Conference.

⁷ In addition, Section 58 says (1): “every polling station shall, as far as possible, be located in an open ground, or where there is no open ground, in large premises of convenient access, having an outside door for the admittance of voters, and, if possible, another door through which voters may leave after voting and the polling station shall, as far as possible be such as facilitate access by persons with disabilities”.

⁸ Since 1986, Uganda has been governed under the Movement Political System in which all political opinions are represented from the grass root level to the national level. Under article 70 of the 1995 Constitution of the Republic of Uganda, the Movement is broad based, inclusive and non-partisan and ensures accessibility to all citizens without any form of discrimination.

There is one representative of NUDIPU in the National Executive Committee of the Movement.

3.3.2 *The National Institute of Special Education Act 1998*

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

3.3.3 *The Children Statute 1996, the Educational Assessment Resource Services Act and the Universal Primary Education Act*⁹

Uganda has been addressing the educational needs of disabled children as part of universal primary education since 1996. The Educational Assessment Resource Services Act established a national service to assess the special needs of children with disabilities. The Universal Primary Education Act provides for free education for four children per family. It states that, if the family has a child with disability, opportunity must first be given to this child.

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

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

3.3.4 *The Universities and Tertiary Institutions Act, 2001*

The Universities and Tertiary Institutions Act of 2001 provides for affirmative action in the form of extra points to students with disabilities, in the admission procedures of higher education institutions. The Act creates a National Council for Higher Education with a disabled persons' representative. It also requires tertiary learning institutions to ensure their buildings are physically accessible.

3.3.5 *The Uganda Communications Act 1998*

Section 5 of the Uganda Communication Act 1998 provides for the promotion of research into the development and use of new communications technologies including those which promote the access of hearing impaired people to communication services.

3.3.6 *The Land Act 1998*

The Land Act 1998 that provides for the tenure, ownership and management of land and for other related incidental matters also refers to persons with disabilities

⁹ The dates of the Resource Services Act and The Universal Primary Education Act were not identified in the course of this study.

3.3.7 The Uganda Traffic and Road Safety Act 1998

Section 132 (paragraph O) of the Uganda Traffic and Safety Act provides for provisions to ensure adequate safety for cyclists, pedestrians and drivers who are disabled and the provision of track or ramp for vehicles of conveyance operated by people with disabilities.¹⁰ In the Act, there is a provision that *'no person shall be denied a driving permit by reason of disability'*.

3.4 International commitments

ILO Convention concerning Vocational Rehabilitation and Employment (Disabled Persons) No. 159 (1983) was ratified by Uganda in 1990.

¹⁰ In addition, Section 42 (paragraph 3) says "No person with a disability shall be denied a driving permit by reason of his or her disability". Section (f) provides for use of bells, alarms, reflectors, direction indicators to notify persons including persons with disabilities approach of a motor vehicle, trailers or engineering plants at cross roads. The bells are specifically intended to assist visually impaired road users.

4. Implementation

4.1 Institutional framework

In 1998, the Government appointed a Minister of State for Disabled Persons. A Department for Disabled Persons also exists under the Ministry of Gender, Labour, and Social Development. To date, these bodies and positions have been allocated limited funding to undertake or support any initiatives.¹¹

4.1.1 *Ministry of Gender, Labour and Social Development*

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

The Employment Exchange Service within the Ministry facilitates the placement of disabled persons to employment, and provides vocational rehabilitation and resettlement services. One mobile unit exists for vocational rehabilitation of women with disabilities, providing training for women with disabilities around the country.¹² The Employment Exchange Service also operates sheltered workshops. The Service has been decentralised to cater for all employees, including disabled persons.

The Ministry of Gender, Labour and Social development coordinates the Uganda Community-Based Rehabilitation Programme¹³ since its establishment in 1992. At the community-level, the CBR services encourage local employers to facilitate resettlement and selective employment of people with disabilities. This is done in consultation with the National Union of Disabled Persons of Uganda (NUDIPU).

One imperative for satisfactory and effective rehabilitation is that personnel are adequately trained. In Uganda, training, seminars and workshops are conducted from time to time for government staff involved in disability services. By 1998, 270 Community Development Assistants had received training under the CBR programme.¹⁴ The Government provides training for teachers of disabled persons as well as for government staff. A diploma course in community-based rehabilitation is also offered and advisory and supervisory services are delivered to those handling disability issues at various levels (community, district and national).

4.1.2 *Ministry of Education and Sports*

The Ministry of Education and Sports is in charge of disability issues relating to education in collaboration with the Uganda Institute of Special Education (UNISE). It is responsible for providing a disability-friendly environment as well as services for children with special

¹¹ See U.S. State Department's Human Rights Reports include Disability Focus: www.disabilityworld.org/April-May2000/Governance/StateDept.htm.

¹² International Labour Conference, Vocational Rehabilitation and Employment of Disabled Persons, ILO, 1998.

¹³ CBR programmes have so far been set up in 16 of the 56 Districts in Uganda.

¹⁴ International Labour Conference, Vocational Rehabilitation and Employment of Disabled Persons, ILO, 1998.

needs. The Ministry of Education's Special Education Department (SED) has responsibility for disabled persons undergoing schooling or any kind of training at its various institutions.

4.1.3 Uganda Institute of Special Education (UNISE)

UNISE was established in 1991 by the Government of Uganda. It is a national institution of higher learning with specialised programmes to address professional teacher development, research, and a number of advocacy activities in community service, design and development of educational materials and resources for persons with barriers to learning and development. The mission of UNISE is the inclusion of learners and adults with disabilities and special education needs in society and their recognition as productive members of their communities.

UNISE focuses on training teachers and community workers to work with, and support persons (adults and children) with different categories of disabilities.¹⁵ It offers: a one year Post Graduate Diploma in Community Based Rehabilitation; a two year Bachelors Degree in Special Needs Education and Inclusive Education; a two year Diploma in Special Needs Education and Inclusive Education; a two year Diploma in Community Based Rehabilitation; a two year Diploma in Mobility and Rehabilitation; a three month Certificate course in Management of Special Needs; Proficiency courses in Braille, Sign Language, Speech and Language Difficulties; Evening Programmes - Post Graduate Diploma in CBR, Ordinary Diploma CBR, Certificate in Management of Special Needs education (SNE) and Inclusion; and Distance Education in SNE and Inclusive Education.¹⁶

4.2 Policy

The Ministry of Gender, Labour and Social Development is in the process of designing a National Policy on Vocational Rehabilitation and Employment of Disabled Persons aiming at offering training in appropriate skills that can enable disabled persons either get paid employment or enter viable self-employment (March 2004). A National Council on Disability will be established to coordinate and monitor the implementation of the policy.

The Ministry has formulated a five-year 'National Community-Based Rehabilitation (CBR) Strategic Plan 2002-2007' aiming to fully integrate people with disabilities into the community and to equalize opportunities for them. The Plan has been formulated with reference to the Poverty Eradication Plan and the Social Development Sector Strategic Investment Plan. It includes three central programmes: the National Community-Based Rehabilitation Support Systems Programme; the Integrated Community-Based Rehabilitation Management and Service Delivery Programme; and the Support to Disability Institutions Programme. The first programme aims at formulating a national policy on CBR addressing the needs of persons with disabilities, while the second programme mainly focuses on the development of the capacity of Local Governments to implement CBR activities and the provision of sustainable rehabilitation services. The

¹⁵ The National Institute of Special Education Act established the National Institute of Special Education.

¹⁶ In addition, Nzamizi School of Social Development trains community-based rehabilitation extension staff to address the needs of all people in the community. The Institute of Polytechnic, Kyambogo trains people with disabilities in vocational training skills.

third programme mainly aims at supporting organizations of/for persons with disabilities by enhancing their capacity to implement CBR activities.¹⁷

4.2.1 Education

In Uganda, the previous emphasis on special schools and education has been replaced by a commitment to inclusive school. The Ugandan policy on inclusive education, developed in the 1990s, is a frequently quoted example of good practice.

Positive measures have been introduced, providing for awareness-raising about disability issues among primary school children. Children with disabilities have been given first priority to enrol and the UNISE ensures that teachers of children with special needs receive adequate training. An Educational Assessment and Resource Service (EARS) centre has been set up in 39 districts to ensure provision of adequate skills to teachers to identify and cater to children with special needs. In addition, the recently built classrooms are designed to easily accessible and to accommodate persons with disabilities.

Education has been gradually opened up to children with different disability types. Blind children have access to schools since 1954, deaf children since 1958, children with physical disability since 1969 and children with intellectual disability since 1982. Special education services are available at all levels from primary school through to university. At the moment, special education is provided in 41 special schools and units, which are spread throughout the country and cater for 759 pupils and students.

4.3 Consultative mechanisms

In Uganda, matters concerning persons with disabilities are decided on in consultation with National Union of Disabled Persons of Uganda and with workers' and employers' representatives. No indication was found, in the course of this study, as to how this consultation on disability policies and programmes is carried out – whether within an established Tripartite Structure, or at Government initiative when the need arises, or through some other mechanisms.

4.4 Enforcement

There are no apparent mechanisms in place to ensure enforcement of the existing legislation in Uganda.

In its reports on Convention No. 159, the Government of Uganda states that it has taken the following measures to effectively implement the Convention: revision of labour legislation provisions and the Constitution. In addition, a National Council on Disability will be established and a Disability Policy will be formulated. No information on progress in these matters could be sourced in preparing this country study.

¹⁷ National Community Based Rehabilitation Strategic Plan 2002/02-2007/07, Ministry of Gender, Labour and Social Development.

4.5 Organizations providing training/employment to disabled persons

4.5.1 Disability movement

The National Union of Disabled Persons (NUDIPU) is an umbrella organization that represents all disability groups in Uganda. Formed in 1987, NUDIPU has now expanded to every district of Uganda, where it has a District Union affiliate. Its coverage has extended to include councillors representing persons with disabilities at all Local Government Councils in the country. Before this, disabled persons were not involved in the planning and implementation of programmes meant to benefit them. The general principle of NUDIPU is 'nothing for us without us'. Its mission is to advocate for the equalization of opportunities, involvement and participation of disabled persons in the policy planning and implementation of disability programmes, in close coordination with government and NGOs. Its main aim is to influence change in the provision of services to persons with disabilities in Uganda. The NUDIPU has a Gender and Development programme to ensure that women with disabilities are fully involved. Its appliance services help to satisfy the demand for orthopaedic assistance, and its Business Development programme offers support for people with disabilities who are trying to generate income.

4.5.2 People with visual disabilities

The Uganda Foundation for the Blind (UFB) and the Uganda National Association of the Blind (UNAB) provide training for persons with disabilities in Uganda.

UFB was established in 1954. The foundation pioneered agricultural education, training and resettlement for adult blind people. UNAB was founded in 1970. Its major objective is to improve the general life situation of people with visual disability by enhancing public awareness, education and employment. In 2000, UNAB established a committee referred to as the Hi-Tech, Employment and Jobs for Visually Impaired Persons Stakeholders' Committee. The main purpose of the committee is to enable persons with visual impairment to use modern technology.

4.5.3 People with hearing disabilities

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

4.5.4 Women with disabilities

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

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

4.5.5 *People with intellectual disabilities*

The following organizations provide services for persons with mental disabilities: Uganda Association of Mentally Handicapped and the Uganda Parents Care for the Mentally Handicapped. In the preparation of this report, no further details were found on these organizations.

4.5.6 *People with physical disabilities*

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

5. Concluding comment

The Government of Uganda attaches considerable importance to the situation of persons with disabilities in its policies and programmes. The Constitution of the Republic of Uganda 1995 makes specific provisions for their rights and guarantees the means to prevent discrimination and to promote integration. Based on the affirmative-action clause of the 1995 Constitution, Uganda's legislators have passed several acts to increase the representation of persons with disabilities in the public sphere. As a result, there were more than 2,000 persons with disabilities among elected officials, ranging from the parish to the district level in 2002.¹⁸ Disabled persons in Uganda are represented by five members of parliament (MPs). The first Minister for Disability and Elderly is a disabled person (2004). MPs' priorities include improving the quality of housing, transportation, health care, education, employment, and social services for disabled people. Disabled MPs propose policy development and reform, influence resource allocation, and promote removal of barriers that prevent disabled people from enjoying benefits and rights. Since 1995, MPs have been successful in ensuring that disabled people's concerns were addressed in several major laws, including the Local Government Act 1997, the Children's Statute 1996, and the Uganda Communications Act 1998.

Uganda is the only East African country to have a constitutional anti-discrimination provision which explicitly covers disability. It is one of the few countries in the world to recognize sign language as an official language in its Constitution. Moreover, Uganda has attained a status that is perhaps unique among nations, with its constitutional provision which requires that a number of national members of Parliament have disabilities.

The Universal Primary Education Act has made it financially possible for families to send their disabled children to school by providing free primary education to four children in every family, including disabled children.

According to NUDIPU, the major constraints against full participation of persons with disabilities in Uganda include:¹⁹

- Physical barriers for wheelchair users and persons with physical disability, which limit access to employment opportunities;
- Access of disabled persons to available economic opportunities, which is often limited by negative attitude towards persons with disabilities and lack of awareness of their work potential; and
- Lack of comprehensive policy aimed at increasing access to people with disabilities to economic opportunities.

The Draft Employment Bill, once enacted, will be the next step in enhancing promotion of employment opportunities for persons with disabilities. Effective and full implementation of the existing legislation remains a challenge, although the country appears committed to improving this, so that disabled people throughout the country can benefit. In order to achieve this, it is of central importance that mechanisms be established to enforce the legislation.

¹⁸ T. Degener and G. Quinn, *A Survey of International, Comparative and Regional Disability Law Reform*, Washington, DC, 2002.

¹⁹ The Disability Movement in Uganda, 1999.