



Convention on the Rights of Persons with Disabilities

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Summary record of the 249th meeting

Held at the Palais Wilson, Geneva, on Friday, 8 April 2016, at 10 a.m.

Chair: Ms. Kingston (Vice-Chair)

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In the absence of Ms. Cisternas Reyes, Ms. Kingston, Vice-Chair, took the Chair.

The meeting was called to order at 10 a.m.

Consideration of reports submitted by parties to the Convention under article 35

(continued)

Initial report of Uganda (continued) (CRPD/C/UGA/1; CRPD/C/UGA/Q/1 and Add.1)

1. *At the invitation of the Chair, the delegation of Uganda took places at the Committee table.*
2. **Mr. Mujuni** (Uganda) said that the right to dual citizenship of all persons, including those deemed to be of “unsound mind”, was guaranteed under the Constitution, which took precedence over all other national legislation. Additionally, the Mental Health Bill would address the issue of “unsoundness of mind” in terms of the denial of rights. Furthermore, the Citizenship and Immigration Control Act was currently being amended to bring it into line with relevant international legal practice and agreements on the free movement of labour and services within East Africa.
3. A telephone helpline had been set up for children with disabilities who were victims of sexual violence or in conflict with the law. Prosecutors, police officials, medical staff and social workers provided support as a part of that initiative. Any complaints of violence against children were dealt with quickly and offences of sexual abuse of children with disabilities were severely punished under the relevant criminal legislation.
4. The Equal Opportunities Commission had to date received 16 complaints, of which 13 had been resolved, and had set up a general telephone hotline through which all victims of violence, discrimination and marginalization could access transportation, accommodation and justice. The Commission was also currently setting up a number of regional offices to increase the coverage of its services.
5. Article 50 of the Constitution made provision for public interest and class action suits. In a 1999 case, *Uganda v. Tesimana Rosemary*, Justice Egonda-Ntende had ruled that a court, when inquiring as to whether an accused person was of sound mind, while not losing sight of the accused and the proceedings against him or her, must seek to secure his or her right to a fair trial. Uganda had taken into account general comment No. 5 of the Committee on Economic, Social and Cultural Rights on persons with disabilities when reviewing relevant national legislation and considering actions affecting persons with disabilities.
6. **Ms. Kaggya Nabulime** (Uganda) said that women with disabilities sat on many official bodies, such as the Equal Opportunities Commission. In total, 5,000 women with disabilities had received training under the “Start and Improve Your Business Programme” of the International Labour Organization. Within the framework of the East African Community, Uganda had recently signed an agreement on cross-border trade that would have a significant impact on women engaging in business activities. Special grants had been awarded to 30,000 women with disabilities.
7. As a result of an ongoing programme under which women practitioners of female genital mutilation were encouraged to take up alternative income-generating activities, the number of cases of female genital mutilation had fallen dramatically and continued to do so. In addition, an act prohibiting the practice had been introduced.
8. Parliamentarians and students in higher education with disabilities had access to interpretation and other support services free of charge. The Government was currently developing a special needs and inclusive education services policy for schoolchildren and

learners with disabilities at various levels. Support services were also provided to children with disabilities sitting exams.

9. National legislation on the treatment of refugees was in line with the relevant international legal instruments. Refugees lived alongside members of their host communities and enjoyed access to education for their children, sanitation and hygiene services and health care, in addition to receiving plots of agricultural land. Work had been carried out to identify and assess child refugees with disabilities with the assistance of World Vision International and an orthopaedic workshop had been set up to produce assistive devices. Landmine survivors and other persons with disabilities received support under a comprehensive national plan on victim assistance. The plan made provision for awareness-raising, education and health, among other things.

10. Although no specific strategy for training service providers on the Convention had been drawn up, the National Council for Disability was working to raise awareness of disability, report any shortcomings in the implementation of the Convention to the Government and make recommendations in that regard. In addition, several civil society organizations were working to raise awareness of the Convention. The various tasks carried out in that regard by the Vulnerable Persons' Unit of the Uganda Human Rights Commission, as outlined in paragraph 69 (a) to (g) of the State party report (CRPD/C/UGA/1), were also noteworthy. Moreover, the Ministry of Gender, Labour and Social Development had been working with the United Nations to develop a national plan for the implementation of the Convention.

11. **Ms. Nampeera** (Uganda) said that the national authorities provided students with disabilities at institutes of higher education with assistance and materials in Braille format. That approach would be progressively extended to secondary and then primary schools. Parents and carers of children with disabilities were provided with assistive devices in order to enable the children to learn how to use them and to become self-reliant. Makerere University had recently launched a programme on disability which offered training opportunities for personal assistants for persons with disabilities, Kyambogo University ran training courses in sign language and sign language classes had been introduced into teacher-training college curricula.

12. **Mr. Lukwiya** (Uganda) said that the Government had held extensive consultations with the Uganda National NGO Forum on the formulation of the 2030 Agenda for Sustainable Development, and organizations of persons with disabilities had participated in the preparation of the report on the 2030 Agenda that Uganda would submit to the High-level Political Forum on Sustainable Development in July 2016.

13. **Mr. Madada** (Uganda) said that the purpose of the proposed Mental Health Bill was to bring the care and management of persons with mental illness into line with national health policy. The bill took into account the best approaches to managing mental illness and would be consistent with relevant international human rights instruments. He encouraged the international community and Ugandan civil society to make their views on the bill known.

14. It was a mistake to believe that the Uganda Human Rights Commission lacked a clear mandate. In fact, the functions of the Commission, one of which was to visit prisons and other places of detention with a view to assessing and inspecting conditions therein, were clearly set forth in the Constitution.

15. The Uganda Communications Act provided for the delivery of assistive devices to persons with disabilities. In addition, tax exemptions were available for the purchase of such devices, and in 2014 the Starkey Hearing Foundation had donated hearing aids to persons in need across the country. The Ministry of Gender, Labour and Social Development had paid the taxes on some 3,000 of the donated hearing aids. The authorities

were supported by civil society in their efforts to raise awareness of the legal provisions relating to the acquisition of assistive devices.

16. The purpose of the National Policy on Disability was to monitor all public and non-public initiatives to ensure that issues of concern to persons with disabilities were not neglected. He called on his Government's technical experts to examine the country's disaster management plans and correct whatever failures to address the specific needs of persons with disabilities could be found in them.

Articles 21-33

17. **Mr. Tatić** said that he wished to know more about the inclusion of persons with disabilities in electoral campaigns in the State party. He therefore asked whether debates involving candidates for office were broadcast in formats accessible to deaf viewers, whether blind voters could receive information from political parties and candidates in Braille or electronic formats and whether persons with intellectual or psychosocial disabilities had access to information in easy-to-read formats.

18. He would welcome information on the accessibility of the country to tourists with disabilities. He himself would be interested in visiting Uganda and would therefore like to know what accessibility services were available at the country's main airport and how he could travel to the main tourist attractions.

19. **Ms. Quan-Chang**, following up on a question that she had asked at the previous meeting, said that she would appreciate confirmation that the monitoring mechanism of the Uganda Human Rights Commission was effective, in particular in view of alarming reports that persons in the State party's psychiatric facilities were subjected to degrading and inhuman treatment. Had any steps been taken to investigate and punish the persons responsible for such treatment?

20. The mandate of the Commission appeared to be so broad as to prevent it from focusing closely on issues of concern to persons with disabilities. She therefore wondered whether there were any plans to strengthen the Commission in such a way as to enable it to monitor the implementation of the Convention effectively.

21. She asked what measures the State party planned to take to encourage full respect for the rights of children with disabilities, with a view to preventing abandonment and neglect, and expressed concern about recent reductions in the social support provided to families. She commended the State party on its efforts to boost the political participation of persons with disabilities and said that it would be interesting to know more about how the Members of Parliament representing persons with disabilities were elected.

22. **Mr. Buntan** asked what measures the State party had taken to ensure that in official gatherings, persons with disabilities were provided with information in accessible formats. He wondered whether broadcasting services made use of sign language interpretation and audio description. Information on any public efforts to detect deafness in young children and provide sign language training to deaf children and their parents would also be welcome. What information and support services, if any, were available to the parents of such children?

23. In connection with article 24, he asked whether special services for students with disabilities were provided in regular schools, and in connection with article 28, he asked what the State party intended to do to ensure that persons with disabilities, most of whom were not employed, were covered by the planned national health insurance scheme. Lastly, he asked whether the Government had any plans to move speedily towards ratification of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.

24. **Mr. Ruskus** said that the delegation should provide information on the State party's methods of consulting organizations of persons with disabilities on improving the alarmingly low employment rates of such persons, and of women and younger persons with disabilities in particular. He also requested information on how efforts to promote the employment of persons with disabilities fitted into international cooperation and development programmes, such as one in which, with the support of the International Labour Organization, some 5,000 prospective businesswomen had received relevant training.

25. **Ms. Degener** said that she would appreciate information about the outcome of a petition, submitted to Parliament in 2012, on the exercise of sexual and reproductive rights by women with disabilities. She also wished to know whether the Mental Health Bill would be in alignment with the Committee's guidelines on article 14 of the Convention and what plans the State party had to abolish restrictions preventing persons with psychosocial and intellectual disabilities from running for office.

26. **Mr. Kim Hyung Shik** asked what measures had been taken to meet the specific health needs of persons with disabilities, in particular women. He requested more information about drug therapies for persons with psychosocial disabilities. Were doctors in Uganda readily available for consultation by persons with such disabilities?

27. He said that he would appreciate more information on training for persons involved in providing community-based rehabilitation services. Information on vocational training for persons with disabilities and related employment programmes would be welcome, as would a comment on what the State party was considering doing to help the large number of unemployed young people with disabilities, many of whom were living in near destitution. He asked whether Ugandan organizations of persons with disabilities were able to make a significant contribution to local development projects supported by international partners. Would persons with disabilities be involved in efforts to achieve the Sustainable Development Goals?

28. **Mr. You Liang** said that he would appreciate information on the effective measures that had been taken to combat poverty among persons with disabilities, offer them an education and create jobs for them. Specific information on the outcome of those measures would be especially welcome.

29. **Mr. Pyaneandee** said that the independence and investigative powers of the Equal Opportunities Commission should be strengthened, so that it could better assist persons with disabilities whose rights had been violated. Similarly, the Government should consider revising the constitutional mandate of the national human rights institution to enable it to address issues such as torture and inclusive education more effectively through temporary measures.

30. **Mr. Basharu** (Country Rapporteur) said that he would like to know what concrete steps had been taken to implement the provisions of article 21 of the Persons with Disabilities Act, which stipulated that the Government was required to ensure that information was made available to persons with disabilities in accessible formats. Was training in Braille provided to the blind and training in sign language to the deaf? Were teachers trained to teach Braille and sign language and were there plans to amend the Constitution to recognize sign language as an official language?

31. The number of persons with disabilities in employment was very low in both the private and public sectors. It was also a matter of concern that persons who sustained a disability in the course of their employment were allegedly routinely dismissed. The Committee would appreciate further information on steps taken to encourage self-employment and discourage discrimination and marginalization of persons with disabilities, for example through the provision of vocational training. What was being done to guarantee

access to the special disability grants for specific groups of persons with disabilities, such as those with psychosocial and intellectual impairments? Would the Government consider supporting the Uganda Foundation for the Blind in recovering the land that had been allocated to it under the Uganda Foundation for the Blind Act 1954?

32. **The Chair** said that, while she commended Uganda's efforts to implement the 2030 Agenda for Sustainable Development, she would appreciate further details on whether persons with disabilities had been involved in the process.

The meeting was suspended at 11.05 a.m. and resumed at 11.45 a.m.

33. **Mr. Mujuni** (Uganda) said that the Penal Code was very clear on the issue of sexual violence against children, including children with disabilities. Such an offence would be categorized as aggravated if it was committed against a child with disabilities. Regarding the Marrakesh Treaty, the Government was awaiting a legal opinion from the chief government adviser on ratification of the Treaty and hoped that the opinion would enable the Government to ratify it in the near future. The Mental Health Bill had aimed to eradicate the use of the term "sound mind" in determining criminal responsibility in legal proceedings. Efforts were ongoing in the courts to tackle the discriminatory use of that term.

34. **Mr. Kamyia** (Uganda) said that the Parliamentary Elections Act provided that polling stations should be made physically accessible to persons with disabilities. The provisions of the Act were being progressively implemented and not all polling stations were fully accessible at the current time. Persons with disabilities were provided with assistance in voting, when required, including sign language interpreters and guides. Under the amended National Council for Disability Act, the Electoral Commission was mandated to ensure that there were representatives of disabled persons at all levels of Government. The Electoral Commission had also been instructed to conduct studies on the accessibility of polling stations, and it was expected that the outcome of that research would enable the Government to implement additional measures to further strengthen accessibility.

35. Regarding the Equal Opportunities Commission, the term of office of the first Commission had expired in July of the previous year and the second Commission was currently being set up. It was true that efforts needed to be directed towards further strengthening the Commission, through financial assistance and other types of support, in order to ensure that persons with disabilities had access to social justice services. The tribunal of the Equal Opportunities Commission was a semi-judicial entity, the judgments of which could be challenged before the Court of Appeal. Around 16 cases brought by persons with disabilities had been heard by the tribunal, on issues such as discrimination and marginalization. The Government encouraged individuals and organizations representing persons with disabilities to document such cases of discrimination and submit them to the tribunal.

36. **Mr. Madada** (Uganda) said that the Access to Information Act specifically mandated service providers to ensure that information was made available in accessible formats for persons with disabilities. Sign language interpretation, for example, had been provided at a number of public meetings and in courts. Nonetheless, the provision of information in Braille remained a challenge and a solution to the problem was being sought. The Government had set up a commission to support the Uganda Foundation for the Blind in developing its network across the country, in collaboration with a range of stakeholders.

37. **Ms. Nampeera** (Uganda) said that, regarding the training provided to parents in identifying hearing impairments in children at an early age, the Government had recently introduced a policy on early assessment and identification of disabilities in children. The National Community-Based Rehabilitation programme also trained parents and carers in strategies to communicate with and support children with disabilities.

38. **Mr. Madada** (Uganda) said that a draft policy was in place to address special needs and inclusive education. Uganda had introduced universal primary and secondary education and intended to make the school system fully inclusive, for example by ensuring that students with disabilities were allowed more time for examinations and had access to sign language and Braille resources. At the university level, under an affirmative action programme 64 students with disabilities had been enrolled in State-run institutions every year since 2009, for a total of more than 400 to date. There were loan programmes for students with disabilities. Kyambogo University had a programme for the training of special needs teachers. Proposed amendments to existing legislation would strengthen efforts to ensure inclusive education and require every State-funded educational institution to provide appropriate materials, adapted equipment and services to meet the needs of students with disabilities. Failure to do so would be punishable by a fine or imprisonment.

39. Turning to the area of health care, he said that informed written consent was a precondition for medical procedures in the case of an individual with disabilities; if the individual concerned had an intellectual or psychosocial disability the written consent of their next of kin was required. A new Mental Health Bill was currently before Parliament. The coverage of social health insurance under the Social Protection Policy had recently been broadened to include the formal and informal sectors, which would ensure that more members of vulnerable groups, including persons with disabilities, were eligible. Numerous projects to strengthen health care were envisaged for the period 2015-2020.

40. His Government was working to increase employment for persons with disabilities. The Employment Regulations 2011 included disability in their schedule A checklist. Disaggregated data on the employment situation of persons with disabilities were being compiled. The Skilling Uganda programme included a module on disability; young people in particular were encouraged to take advantage of that programme. A government-funded entrepreneurship programme for women established in 2015 funded disability-related projects. The Vocational Rehabilitation Centres equipped persons with disabilities with marketable skills. New legislation would prohibit discrimination by employers against persons with disabilities and require employers to accommodate workers with disabilities.

41. **Mr. Lukwiya** (Uganda) said that actions to address disability issues in the context of implementation of the 2030 Agenda for Sustainable Development were in the planning stage. The Ministry of Finance was responsible for consultations currently being held across the country with a view to preparing a report on implementation of the Agenda. The Uganda National NGO Forum provided a platform for civil society organizations to participate in the consultations.

42. He stressed that the main challenge to implementation of the Convention was a still underdeveloped institutional and legal framework as well as the lack of means to adequately implement existing policies. It was unfair to say that some African countries were quick to amend their constitutions to reflect international instruments merely to meet the expectations of the international community, but then failed to implement new obligations. It was often necessary to amend the Constitution as a prerequisite for the adoption of legislative measures. The problem was one of lack of capacity for implementation, which his Government was doing its utmost to overcome. He noted that one of the priorities of a planned national action plan for human rights, currently in the final stages of approval, was promotion of the rights of persons with disabilities.

43. Lastly, he welcomed the positive feedback from the Committee on the work done by the Ugandan expert, Mr. Babu. He was pleased to inform the Committee that Mr. Babu's name would be put forward for re-election to the Committee and he hoped that members would use their influence to support his candidature.

44. **Mr. Madada** (Uganda), turning to the issue of participation in cultural life, recreation, leisure and sport, under article 30 of the Convention, said that his Government provided funding for recreational activities in the country. The Ministry of Gender, Labour and Social Development was developing a national action plan to promote the participation of children with disabilities in recreation and sports. The Government also funded the National Paralympic Committee. The main obstacle to such activities, as in other areas, was a lack of financial resources.

45. He stressed the State party's commitment to increasing the participation of persons with disabilities, their caregivers and their organizations in the planning and monitoring of disability-related measures at all levels with a view to giving persons with disabilities a voice and promoting a positive environment for their effective and equal participation in an inclusive society. He thanked the Committee for its input and guidance for the realization of that goal.

46. **Mr. Basharu** welcomed the constructive dialogue with the delegation and looked forward to continued progress on disability rights in the State party. He had four recommendations that could be implemented rapidly. First, citing the slogan "Nothing about us without us", he emphasized that the Government of the State party, in order to be truly representative, must ensure that there was an ongoing dialogue with persons with disabilities and their organizations at all stages of the planning of measures to meet their needs. Second, in order to address the problem of grossly inadequate resources for persons with disabilities, who made up 12 per cent of the population, the Government must prioritize funding for disability issues, in particular in the areas of education, health and training. Third, the Government must do more to raise awareness of disability issues and the Convention at all levels of society and promote a dialogue, in cooperation with persons with disabilities and their organizations, on a national action plan in that regard. Fourth, relevant legislation should be adopted rapidly, including the amended Persons with Disabilities Bill and the Mental Health Bill, to end abuses against persons with mental impairments and make appropriate drugs available to them.

47. **The Chair**, thanking the delegation for the fruitful dialogue with the Committee, noted the participation of civil society representatives present in the Committee room and those watching the webcast of the proceedings.

The meeting rose at 12.30 p.m.