

**INDIVIDUAL NON-GOVERNMENTAL ORGANISATIONS SUBMISSION TO THE
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BY:

National Union of Disabled Persons (NUDIPU)

(National Union of Disabled Persons of Uganda (NUDIPU) is an umbrella organization that advocates for the inclusion of Persons with Disabilities' and their concerns in the mainstream development processes)

CONTACT

Plot 530, Bukoto-Kisasi Road P.O Box 8567, Kampala, Uganda

Freephone: +256 700 540179,

Telephone: +256 414 540179

FAX: +256 414 540179

E-mail: info@nudipu.org

INTRODUCTION

a) About the Submitting Organisation

The National Union of Disabled Persons of Uganda (NUDIPU) is an umbrella organization that advocates for the inclusion of Persons with Disabilities' and their concerns in the mainstream development processes. NUDIPU's Vision is 'A Just and Fair Society where Persons with Disabilities live a prosperous and dignified life.' NUDIPU's Mission is to advocate for the rights of Persons with Disability in a unified voice for improved livelihoods. This report has been compiled by NUDIPU through a collaborative approach with Organizations of Persons with Disabilities (OPDs) including; Mental Health Uganda (MHU); Uganda National Association of the Blind (UNAB); Uganda Parents of Persons with Intellectual Disabilities (UPPID); Epileptic Support Association of Uganda (ESAU); Uganda National Association of the Deaf (UNAD); Uganda Albinos Association (UAA); Uganda National Action on Physical Disability (UNAPD); National Union of Women with Disabilities of Uganda (NUWODU); Foundation of Persons affected by Dwarfism (FPAD); National Association of Deaf Blind Union (NADBU); Source of the Nile Union for Persons with Albinism (SNUPA); Uganda Federation of the Hard of Hearing (UFHOH); Show Abilities Uganda (SAU); Uganda Society for Disabled Children (USDC); Triumph Uganda-Mental Health support and recovery program.

b) About the Report

This report is about rights and freedoms of Persons with Disabilities. These constitute 12.4% of the total population in Uganda.¹ However, the Uganda Functional Difficulties Survey puts the total population of Persons with Disabilities in Uganda to 16.5%². Disability Movement in Uganda led by National Union of Disabled Persons of Uganda (NUDIPU)³ together with Organizations of Persons with Disabilities (OPDs) have noted progress and challenges by Government of Uganda on disability rights since 2016 when Uganda was last reviewed by the UN Human Rights Council in its 2nd Cycle review. We also note that there are still several gaps that have hampered the effective realization of the rights of Persons with Disabilities for inclusive development. These have fallen short of the aspirations in the United Nations Convention on the Rights of Persons with Disabilities (CRPD) and other international human rights instruments to which Uganda is a party.

This report underwent quality assurance through a validation meeting of the membership to eventually produce this final report under submission to the UPR processes. The report is divided in two sections. The first section examines the recommendations accepted in the 2nd Cycle Review and the progress achieved in their implementation. Section II discusses

emerging developments of human rights relating to PWDs in the period under review and therein also makes various recommendations.

Recommendations on PWDs from 2nd Cycle Review 2016 Accepted by Uganda.

1. 115.20 Take the measures necessary for the amendment of the law on children in accordance with the Convention on the Rights of Persons with Disabilities (Togo) at page 14;
2. 115.21 Amend the Children (Amendment) Act in line with the Convention on the Rights of Persons with Disabilities, aiming at mainstreaming the rights of children with disabilities across all programmes, and provide the necessary resources for their protection (Portugal) at page 14;
3. 115.122 Implement the Abuja Declaration on Roll Back Malaria in Africa with particular emphasis on concluding the enactment of the National Health Insurance Bill to cover vulnerable groups, such as those in the informal sector, low-income households, people with disabilities, the elderly and children (Kenya) at page 20;
4. 115.129 Implement legal provisions for better protection of persons with disabilities (Angola) at page 20;
5. 115.130 Promote and respect the basic rights of persons with disabilities without distinction (Djibouti) at page 20;
6. 115.131 Intensify its efforts to raise public awareness on the rights of persons with disabilities (Sudan) at page 20;
7. 115.140 Continue to implement policies for the development of its people, including measures taken for equal opportunities for women and persons with disabilities in the economic and social development of the country (Pakistan) at page 21;
8. 116.18 Increase the job quota for people with disabilities (Congo).

SECTION I: PROGRESS AT IMPLEMENTATION OF HUMAN RIGHTS RECOMMENDATIONS 2016-2021

A. Progressive Legislative Reforms to guarantee rights of PWDs.

1.1 In the period under review, the Government of Uganda enacted a new **Persons With Disabilities Act 2020** which domesticates the Convention of the Rights of Persons with Disabilities (CRPD) and is the Principal Legislation which guarantees the rights of Persons with Disabilities to equality and non-discrimination. This law was assented to on 19 September 2019 and Commenced on 14 February 2020. The Act seeks to provide for the respect and promotion of the fundamental and other human rights and freedoms of persons with disabilities; to re-establish the National Council for Disability as the National Council

for Persons with Disabilities; to transfer the property of the Uganda Foundation for the Blind to the National Council for Persons with Disabilities; to provide for the local government councils for persons with disabilities; to repeal the Persons with Disabilities Act, the National Council for Disability Act and the Uganda Foundation for the Blind Act, and to provide for related matters.⁴ To operationalize Persons with Disabilities Act, 2020, Government of Uganda also initiated the formulation of Regulations which are now pending approval by Government.

1.2 Further progression has been witnessed when the Government of Uganda enacted the **Mental Health Act, 2019** which goes further in promoting the rights of Persons with Mental Disabilities. The revised mental health law provides for a number of changes in the administrative pattern of mental health services in the country, in conformity with the UN Convention on the Rights of Persons with Disability (CRPD), to which Uganda is a signatory. It makes mental health services part of all health facilities. Outdated terms, such as ‘lunatic’, ‘idiot’ and ‘person of unsound mind’, which have long carried derogatory connotations, were substituted with new terms such as ‘person with mental illness’ or ‘patient’, and ‘detention’ was replaced by ‘admission’. Furthermore, the law provides definitions of important terms such as ‘mental disorder’. This is expected to significantly reduce stigma and discrimination.⁵

1.3 The Government of Uganda also issued the **Mental Treatment Act-Statutory Instrument 279—1 (The Mental Treatment Rules)** - (Under section 43 of the Act.) to operationalize the Act.

1.4 Other legislative reforms that have been commenced by the Government of Uganda during the period under review include process of drafting the National Policy on Disability to replace 2006 National Policy on Disability that has become defunct and not in tandem with the contemporary progressions on PWD rights discourse. At the time of writing this report, the draft Policy was pending Cabinet approval.

1.5 While the Building Control Act was enacted in 2013, the Government of Uganda commenced its operationalization in 2018 to promote and ensure planned, decent and safe building structures that are developed in harmony with the environment. While the Public Finance and Management Act was enacted in 2015, the Government of Uganda operationalized it in 2017 to ensure that all Budgets are gender and disability sensitive. In 2018, the Government of Uganda committed to achieve a set of targets regarding the rights of Persons with disabilities in the London Global Disability Summit which was held in the four thematic areas including equality and non-discrimination. Government removed taxes

on the impartation of the sunscreen lotions for persons with albinism. In 2017, Government of Uganda came up with the **National Disability inclusive Planning Guidelines** to guide on Disability inclusion.

B. Emerging Concerns with the Legislative Framework

1.6 Lack of operationalisation rules and presence of derogatory terms in some laws in relation to PWDs; The Mental Health Act falls short of the CRPD Standards by maintaining the medical model of disability (forced hospitalisation, use of ECT and seclusion)⁶. Absence of Regulations for Persons with Disabilities Act, 2020 and Mental Health Act, 2019 makes it difficult for the effective implementation of the said Laws. Some Provisions containing derogatory language are still in the Statute Books in spite of the Court Judgements in the cases *Center for Health, Human rights and Development (CEHURD) and Mr. Yiga Daniel Versus Attorney General, Cconstitutional Petition Number 64 and Bushoborozi Eric Versus Uganda*. The Sections are; 45, 48, 82(6) of the Trial on Indictment Act (TIA), Sections 113 and 117 of the Magistrates Courts Act (MCA) and Section 74 of the Prisons Act which refers Persons with Disabilities as insane and abnormal persons. While the National Disability inclusive Planning Guidelines were developed to guide on Disability inclusion, these have not been popularised to the various Ministries, Departments and Agencies (MDAs).

C. Recommendations in relation to Legislative Reforms

- a) Government of Uganda should undertake a review of the Mental Health Act 2019 to align it with the Convention on the Rights of Persons With Disabilities;
- b) The Government of Uganda should review and amend Section 9 (2) (a) of the Bank of Uganda Act, Section 57 (2) (b) of the Land Act, Section 53 (1) (b) of the Financial Institutions Act, the Trial on Indictment Act (Sections 45, 48, 82(6) and the Magistrates Courts Act (Sections 113 and 117) and the Prisons Act (Section 74) to include provisions on legal and the procedural accommodations on psychosocial disabilities and remove derogatory terms used in references to PWD in tandem with the Court rulings in *CEHURD and Yiga Daniel V Attorney General and Bushoborozi Eric V Uganda*.
- c) Government should, through a consultative process with PWD stakeholders expedite the development and enactment of the Regulations for Persons with Disabilities Act, 2020 and Mental Health Act, 2019; the Mental Health Policy of 2014; of the National Policy on Disability.

- d) Government should roll out the National Disability inclusive Planning guidelines to various MDAs for their awareness and implementation.
- e) Government of Uganda should prioritise and implement fully the Community Mental Health Model as espoused under Section 3 (f) of the Mental Health Act -2019 in line with Article 19 of the CRPD.

A. Realising the rights of Women with Disabilities

1.7 Government of Uganda also enacted and passed the Sexual Offences Bill-2020 which is a welcomed law to curb cases of sexual violence against women including the marginalised women with disabilities. In the same vein, the Parliament passed the Succession Law-2020 with clauses that repeal the provisions that deny women with disabilities equal opportunities in terms of legal capacity and decision making. Government also came up with the National Policy and Action Plan on the Elimination of GBV in Uganda which too shall help in the curbing of GBV cases against women with disabilities.

B. Emerging Concerns on Women With Disabilities

1.9 However, there remains some pending Bills that are central to the promotion and protection of rights of women with disabilities. These include the Marriage and Divorce Bill which is still pending before Parliament. The Bill once passed shall consolidate the laws on marriage which shall remove the restrictions on legal capacity of women entering into marriage.

C. Recommendations in relation to Women Disabilities

- a) Government of Uganda should expedite the enactment and passing of the Marriage and Divorce Bill to further guarantee women with disabilities rights
- b) Government of Uganda should ensure that women with disabilities benefit from the provisions of the National Policy and Action Plan on the Elimination of GBV.

A. Progress Regarding the Rights of Children with Disabilities.

1.10 Progressively, in the period under review, the Government of Uganda enacted the **Children Amendment Act, 2016** further strengthening the protection of the human rights and freedoms of children with disabilities in line with Article 7 of the CRPD. The Children Amendment Act of 2016 establishes the National Children's Authority whose functions include monitoring the implementation of the Act and advises government on formulation of children rights Programs including those of children with disabilities. However, the

Children Amendment Act, 2016 does not clearly spell out the duty of the State to ensure that children clearly enjoy their rights which is a contravention on Articles 4 and 7 of the CRPD.

1.11 Additionally, the Government of Uganda developed the **National Child Policy 2020**, which also protects children with disabilities. Also, the Government of Uganda has put in place the National Child Participation Strategy 2017/2018 to 2021/2022; and the National Strategy to end child marriage and teenage pregnancy 2014/2015 to 2019/2020. Government of Uganda also enacted the immunization Act of 2016 which also relates to children with disabilities.

B. Recommendations in relation to Children With Disabilities

- a) Government of Uganda should enact Regulations to provide in clear terms the State duty in ensuring that Children with Disabilities access education services in Section 10 of the Children's Amendment Act, 2016;
- b) Government of Uganda should further under the operationalization of the National Children's Authority to provide oversight on implementation of the Children's Act.

A. Access to justice for PWDs.

1.12 Worth noting are the various progressive Government initiatives that have been undertaken between 2016-2021 to enhance access to justice by the public and more so the PWDs. These include:

- a) The National legal Aid Bill, 2019 which is pending before the Parliament. The Bill seeks to ensure that legal aid is prompt and effective, free and voluntary and accessible by all persons including Persons with Disabilities. In the same vein, Government of Uganda continues to strengthen the Justice Centres for the provision of legal aid to indigents.
- b) The Justice Law and Order Sector (JLOS) developed the guidelines for mainstreaming disability in JLOS;
- c) Government of Uganda enacted and passed the Administration of Justice Act, 2020 which enhances the independence of the judiciary as provided under Article 126 of the Constitution of Uganda-1995.
- d) The Judiciary Rules Committee Chaired by the Chief Justice enacted the Judicature Rules for handling cases of PWDs who are embattled in legal disputes.

B. Emerging Human Rights Concerns on Access to Justice for PWDs

1.13 Several provisions that limit access to justice particularly to persons with mental disabilities still remain in the statute books for example Sections 45 and 48 of the Trial on Indictment Act and Sections 113 and 117 Magistrates Courts Act. Physical access to some JLOS Institutions continues to impede access to justice by persons with disabilities⁷ due to absence of ramps. Emmanuel Candia, an Advocate with physical disability petitioned Court on the inaccessible Court Premises in Mukono⁸, a decision of which is pending. Persons with hearing impairments including the deaf and hard of hearing continue to face communication challenges due to lack of sign language interpreters and captioners in the courts of law and police stations.

C. Recommendations relating to Access to Justice

- a) The government of Uganda should repeal the impugned Sections of the Trial on Indictments Act and Magistrates Courts Act;
- b) Government should expedite the passing of the Legal Aid Bill to afford legal aid services to the indigent;
- c) Government should expedite the passing of the guidelines for mainstreaming Disability in the Justice Law and Order Sector; and the attendant Judicature Rules on handling cases of Persons with Disabilities;
- d) Government should implement the Building Control Act to improve on physical accessibility of the JLOS Institutions and other national buildings hosting public services.
- e) Government should ensure undertake massive sensitization of the construction industry stakeholders including engineers and architects on the requirements of the Building Control Act in relation to PWD physical accessibility to public building.
- f) Government should enhance the human resources of the police and the judiciary by providing for enough funds to recruit sign language interpreters in their structures.

A. Progress Relating to the Right to Education for Learners with Disabilities

1.14 Government of Uganda is continuing with the provision of free Universal Primary Education and Universal Secondary Education which are also benefiting pupils and students with disabilities. There is continuing affirmative action scholarship of 64 slots for students with disabilities who have passed Senior six with more than two principle passes to study in public universities pursuant to Article 32 and 35 of the Constitution of the Republic of Uganda, 1995 as amended. Government has put in place the education response refugee plan to respond to the educational needs of refugees including refugees with disabilities.

1.15 The Students' Loan Scheme is in place to assist needy student's access University education on a loan basis including those with disabilities. Besides, students with disabilities can access loan scheme without restriction on science courses compared to their non-disabled counter parts.

B. Emerging Human Rights Concerns on the Right to Education for PWDs

1.16 However, there are inadequately skilled teachers in inclusive pedagogical education approaches in Uganda's educational institutions. Additionally, there still exists physical and institutional barriers with less adherence to infrastructural design in relation to universal access. This has limited the participation of learners with disabilities. In the same vein, there are limited scholastic materials adaptable to the learning needs of children with special needs. This has led to school dropouts for girls and boys with special needs. This is further compounded by the inadequate supply of assistive devices and provision of supportive services for learners with special needs and teachers in schools.

1.17 Inadequate number of in service skilled teachers in Special Needs Education, and inappropriate transfers and placement of Special Needs Education qualified teachers in schools and Teachers Training Colleges. The above is partly attributed to inadequate funding to inclusive education programmes at different levels in the country; negative attitudes of parents towards supporting learners with disabilities in accessing education and delayed completion of the National Inclusive Education Policy.

C. Recommendations relating to the Right to Education for Learners with Disabilities

- a) Government of Uganda should ensure operationalization of accessibility related laws, policies and guidelines in institutions of learning. This will encourage enrolment, retention and completion rate of pupils and students with disabilities;
- b) Government of Uganda should establish and maintain a sustainable scheme of retooling teachers through continuous professional development programs with appropriate skills and knowledge on inclusive education and equip schools with adaptive scholastic materials for effective learning of children with disabilities;
- c) Government of Uganda should expedite the completion of the National Inclusive Educational Policy and prioritize recruitment of qualified special need education teachers in Primary and Secondary Schools and Teachers Training Colleges.
- d) Government of Uganda should prioritise and fund disability related courses such as sign language interpretation, special needs education among others to increase on the

number of professionals specialising in them.

A. Progress relating to Right to Health for PWDs

1.18 there is lack of sign language interpreters in hospitals which makes it difficult for deaf persons to access medical services. The infrastructure of most of these hospitals is still poor with few ramps, disability friendly toilets and beds. The existing orthopaedic workshops are non-functional due to lack of financial support from the government yet they are the only centers that produce mobility appliances and support rehabilitation services for Persons with Disabilities in Uganda. For instance, the only workshop at Mulago referral hospital has no capacity to produce the necessary devices.

Recommendations

Government should increase budget allocations towards the functionality of the orthopaedic workshops across the country to enable Persons with Disabilities live with respect and dignity in Uganda. Government should improve on the physical infrastructure of the hospitals and various Health Centres in the Districts. Government should incorporate sign language interpreters in the salary structures for placement in the various hospitals across the country. Government should include the specific needs of people with albinism within the national Minimum Health Care Package (MHCP), with national budget allocation for high SPF sunscreen and low vision aids. There is need to include the needs of people with albinism in the state cancer policy. This should include making cryotherapy available across the country to treat early-stage cancers and ensuring that hospital equipment is working and increasing the number of dermatologists nationally.

A. Regarding the Right to Employment and Social Protection for PWDs

1.20 The National Health Insurance Policy has been passed by Parliament awaiting assent by the President to enhance social protection among others to Marginalized groups including Persons with Disabilities. Further, the Government commenced on a national economic transformation Program code named *Emiyoga* which is being implemented at the *Parish Level* and is targeting marginalised groups of the population, among other Persons with Disabilities. Since 2009, the government has set aside a special grant for PWDs to tackle poverty.

Social Protection

1.21 In other mainstream programs like Uganda Women Entrepreneurship Program (UWEP), Youth Livelihood Program (YLP) and Operation Wealth Creation (OWC), Persons with Disabilities have been encouraged to participate with a view of pulling them from poverty. There is a National SACCO for Persons with Disabilities for the members to benefit. The SACCO is exclusively managed by Persons with Disabilities under the National Council for Persons with Disabilities. However, currently the SACCO survives on only member contributions without government input.

B. Emerging Human Rights Concerns

1.22 Whereas there are mainstream programs that benefit PWDs, the implementation of these programs has not benefited Persons with Disabilities due to a number of deterrent requirements to be fulfilled by the beneficiaries⁹. Government has not yet put in place job quota system to enable qualified Persons with Disabilities access employment on an equal basis with their non-disabled counter-parts. In this situation, the youth with disabilities have been most affected with many of them going unemployed despite their high qualifications.

C. Recommendations relation to Employment of PWDs

- a) Government should strengthen partnership with Organizations of Persons with Disabilities in the implementation of the social protection programs for the benefit of Persons with Disabilities;
- b) Government should set up a quota system to enable the employment of qualified PWDs.
- c) Government of Uganda should strengthen the National Disability SACCO by financing it annually.
- d) Government of Uganda should strengthen its data collection mechanisms to ensure that there is disaggregated data reflecting the state of PWDS in various spheres such as education, health and employment among others.
- e) Government of Uganda should undertake a comprehensive national plan of mass sensitization and awareness raising about disability rights within the populace to counter the stigma and discrimination of persons with disabilities.

A. Regarding National monitoring and implementation of PWD related Aspects

1.23 There is a continued representation of Political leaders of Persons with Disabilities from the grass root to the National Levels. Persons with Disabilities have been appointed by Government on key Government positions. For example, Safia Naluule Juuko was appointed the Chairperson Equal Opportunities Commission.

B. Emerging Human Rights Concerns

1.24 However, budgetary allocations to the Disability specific Departments for example to the National Council for Persons with Disabilities and to the Department of the Disability and Elderly at Ministry of Gender, Labour and Social Development MGLSD which would

fast track the implementation of Disability Rights are inadequate. The Department of Special Needs under Ministry of Education and Sports, Department Mental Health Division under Ministry of Health all have meagre budgets. These greatly affect the promotion and protection of the rights of PWDs particularly to Health as envisaged under Article 25 of the CRPD. There are capacity gaps on issues of PWDs and advocacy by staff in Ministries, Departments and Agencies (MDAs) of Government. This has resulted into low prioritization of Disability issues.

C. Recommendations

- a) Government should build and strengthen the capacity of Ministries Departments and Agencies on Disability issues so as to enhance their inclusion in planning;
- b) Government should increase Annual budgets of the Disability specific Ministries Departments and Agencies to enhance implementation of the rights of Persons with Disabilities and mainstreaming of Disability across the programs.
- c) Government should consider recruitment of health professionals with specialised disability related expertise at the various health centre levels including at national referral hospitals. These include among others dermatologists that deal with albino related health aspects.
- d) Government of Uganda should recruit sign language interpreters at various health centres, at the least, at all national referral hospitals and health centre IVs to ease communication between health professionals and the PWDs who seek medical services.
- e) Government of Uganda Should develop measures of ensuring access to information by PWDs-the deaf, blind and deaf blind especially in situations of emergencies such as the COVID-19 pandemic.

A. Progress Regarding Treaty ratification on PWD Rights and Freedoms

1.25 Uganda ratified the Marrakesh Treaty and has gone ahead to domesticate the same under the Persons with Disabilities Act, 2020. Government has started the process of reviewing the Copy Right Laws especially the Copyright and Neighbouring Rights Act, 2006 to cater for the interest of the blind to access to published works.

B. Emerging Human Rights Concerns concerning PWD Treaty Obligations

1.26 However, whereas there are initiatives at the Regional and Sub Regional level to enhance protection of the rights of PWDs, Government of Uganda has not showed commitment to the ratification and accession of Treaties including the Protocol to the African Charter on Human and Peoples Rights on the Rights of PWDs and the East African Protocol on the Rights of Persons with Disabilities.

1.27 Besides, Uganda has not fully complied with her reporting obligations to the CRPD Committee under Article 35 of the CRPD which requires it to submit reports every four years following submission after the initial state report. The Government of Uganda is meant to submit a consolidated state report to the CRPD Committee in 2022.

C. Recommendations on PWD Treaty Related Obligations

- a) Government of Uganda should consider ratification of the Treaties at the Regional and sub regional level to strengthen the Mechanisms for protection of the Rights of Persons with Disabilities;
- b) Government should undertake a national consultative process in compiling all the pending reports to the CRPD Committee in 2022. This will strengthen cooperation with the CRPD Committee.

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UNAPD, 2020, A review of YLP Programs from the Disability lens.

B. Legal Instruments

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C. Newspaper Articles

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D. Case Law

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¹ Uganda National Population and Housing Census Report, 2014.

² Uganda Functional Difficulties Survey report, 2016.

³ NUDIPU is an umbrella Organization for Persons with Disabilities in Uganda, started in 1987 to advocate for the promotion and protection of the rights of Persons with Disabilities.

⁴ The law is accessible at <https://ulii.org/akn/ug/act/2020/3/eng/%402020-02-14>

⁵ Joshua Ssebunnya, Sheila Ndyabangi and Fred Kigozi, 'Mental Health Law Reforms In Uganda: Lessons Learnt,' Accessible at

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⁶ B. K. Twinomugisha, 'A Health and Human Rights Critic of the Mental Health Act, 2019). See also My Story Initiative, 'All Laws must be Pro-UN CRPD; The Mental Health Act 2019 is No Exception.

⁷ Daily Monitor, 'Inaccessible Courts, an injustice to PWDs', Accessible at-

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⁸ *Candia Emmanuel v Attorney General, Miscellaneous cause Number 158/2018*

⁹ Equal Opportunities Commission, '2018 status report on the implementation of Human Rights of Persons with Disabilities in Uganda.' Also see; A review of YLP Programs from the Disability lens, UNAPD, 2020.