



# Participation of Persons with Disabilities in Electoral Processes in Uganda

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**Authors:**

Lillian Namukasa<sup>1</sup>, Tracy Vaughan-Gough<sup>2</sup>,  
Abdul Busuulwa<sup>3</sup>, Justus Atwijukire<sup>4</sup>

**From:**

The National Council for Disability<sup>1</sup>, Kampala,  
Uganda; Sightsavers<sup>2</sup>, Haywards Heath, UK;  
CBR Africa Network<sup>3</sup> and Uganda Health  
Marketing Group<sup>4</sup>

**Correspondence to:**

Ms. Lillian Namukasa, National Council for  
Disability, P.O. Box 26080, Kampala, Uganda

**e-mail:** namukasal@gmail.com)

**Telephone:** +256 705 643 547

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## Acronyms

<b>CBR</b>	Community Based Rehabilitation	<b>NUDIPU</b>	National Union of Disabled Persons of Uganda
<b>CCEDU</b>	Citizens' Coalition for Electoral Democracy in Uganda	<b>PWDs</b>	Persons with Disabilities
<b>CRPD</b>	Convention on the Rights of Persons with Disabilities	<b>TASO</b>	The Aids Support Organisation
<b>CSOs</b>	Civil Society Organisations	<b>UN</b>	United Nations
<b>DPOs</b>	Disabled People's Organisations	<b>UNCRPD</b>	United Nations Convention on the Rights of Persons with Disabilities
<b>EC</b>	Electoral Commission	<b>UNCST</b>	Uganda National Council for Science and Technology
<b>EVM</b>	Electronic Voting Machine		
<b>LC</b>	Local Council		
<b>MoGLSD</b>	Ministry of Gender, Labour and Social Development		
<b>MPs</b>	Members of Parliament		
<b>NCD</b>	National Council for Disability		
<b>NIRA</b>	National Identification and Registration Authority		
<b>NRM</b>	National Resistance Movement		
<b>NGOs</b>	Non-Governmental Organisations		

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## Foreword

I am happy to release this research report on the participation of persons with disabilities in electoral processes in Uganda. This research was carried out between 2016 and 2017 under a collaborative partnership between the National Council for Disability and Sightsavers.

The aim of the research was to establish the limitations faced by persons with disabilities during election processes. Limitations were found in both the laws and practices with regard to the conduct of elections for representatives of persons with disabilities to Parliament and local government councils; although participation in general elections also had some gaps. Limitations were also cited in the participation of persons with disabilities in legislation and decision-making processes both at parliamentary and local government levels.

This research is the first comprehensive and specific contribution towards addressing the election issues of persons with disabilities in Uganda, although it builds on the limited concerns captured in Electoral Commission reports and reports of election observer missions by the African Union, Commonwealth, European Union and Civil Society election-monitoring bodies within the country.

Uganda held general elections in 2016 where persons with disabilities participated as one of the recognised special interest groups alongside women, workers, armed forces and the youth. This pre-supposes, therefore, that they have specific electoral rights that cannot be ignored. However, the findings of this report highlight several electoral processes in which these rights are compromised and which require adjustment. These include the formation of the electoral college, conduct of voter education, the nomination process, campaigning (both during party primaries and in the lead-up to general elections), activities around actual voting, the declaration of results and the orientation of elected leaders.

Since Uganda is a fledgling democracy that upholds the rights of all its citizens, I have much hope that this report will guide the various stakeholders involved in the planning, organising and conducting of elections in this country.

I call for the necessary changes proposed in this report to be effected in all the processes, so that persons with disabilities can participate in future elections more effectively.

I hope you enjoy reading this report and will use it to further the electoral rights of persons with disabilities.



**Pius Bigirimana**

**PERMANENT SECRETARY**

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There are various institutions and people whose input was crucial in helping us accomplish this study on time and to the required standards. Their roles included contributing to the study itself, logistical support and the mobilisation of participants.

Special thanks go to the team of research assistants recruited from the districts of Bundibugyo, Kampala, Koboko, Moroto and Tororo who worked tirelessly to ensure that all categories of persons with disabilities required for this study were present during the field visits.

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**Guzu Beatrice**

**Executive Secretary**

**National Council for Disability**

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## Executive Summary

### Introduction

The disability movement in Uganda started in 1987 when, during a series of meetings, a group of persons with disabilities agreed to form the National Union of Disabled Persons of Uganda (NUDIPU) (see Ndeezi, 2003). Although 17 associations of persons with disabilities existed then, they were not united as a single body to advocate for their rights – therefore the formation of NUDIPU resulted in deliberate efforts to mobilise persons with disabilities and form grassroots structures. During the formulation of the draft constitution, persons with disabilities (through NUDIPU) compiled several issues, including the need for representation in the Constituency Assembly – these issues were later submitted to the Constitutional Review Commission for consideration.

Uganda's ratification of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), and its Optional Protocol in September 2008 without reservation, was a consolidation of the legal framework for promoting and protecting the human rights and fundamental freedoms of all persons with disabilities. Specifically, Article 12 provides for equal recognition of persons with disabilities before the law and Article 29(a) emphasises that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely-chosen representatives, including the right and opportunity for them to vote and be elected.

Uganda has enacted several electoral laws with specific provisions on disability. However, implementation has been limited; hence giving persons with disabilities minimal benefit. For example, the concluding observations on Uganda's initial report on the implementation of the CRPD, which were released in April 2016, highlight the inaccessibility of the voting environment, the absence of electoral materials

in accessible formats and the lack of privacy in the voting process for persons with disabilities.

Persons with disabilities, as one of the special interest groups in Uganda, have been electing their representatives through electoral colleges (Konrad, 2014) since 1996 when Uganda first held national elections under the 1995 constitution. At that time, the electoral colleges were formed at village, parish, sub-county and district levels using the structures of NUDIPU. The situation changed in 2013 with the review of the law, which placed the responsibility of forming electoral colleges under the jurisdiction of the Electoral Commission, assisted by the National Council for Disability.

In 2016, the NCD (in collaboration with Sightsavers) conducted a study to generate information on the participation of persons with disabilities in electoral processes in Uganda. The research sought to establish whether the electoral system continues to experience challenges in meeting the needs of persons with disabilities despite several enabling legal instruments in the country.

### Objectives of the study

To examine the implementation of national, regional and international legal instruments on the participation of persons with disabilities in electoral processes in Uganda.

- To examine the extent of participation of persons with disabilities in electoral processes in Uganda.
- To investigate the barriers to effective participation of persons with disabilities in electoral processes in Uganda.
- To examine the effectiveness of elected persons with disabilities in influencing legislation and decision-making at national and local levels.

### Scope of work

Geographically, the study covered five Ugandan districts: Bundibugyo, Kampala,



Koboko, Moroto and Tororo. Each of these was selected for its unique characteristics from which a range of diverse information was expected to be generated.

Bundibugyo was selected because its population includes people from minority ethnic groups the Bamba and Batwa, and has a sizable population of deaf and blind persons who are mobilised by their national association. For that reason, it was determined that it would be interesting to explore how persons with disabilities in a district with such unique population segments participated in the electoral processes of 2016 when compared to the rest of the country.

Kampala hosts the headquarters of many organisations, both government and NGOs, which are involved in electoral processes. Another reason for its selection was to compare potential differences in electoral participation between persons with disabilities living in the city and in rural areas.

Koboko was selected because it has a long-serving woman member of parliament (who has served three consecutive terms), who is herself a person with a disability, and was elected through universal adult-suffrage. Koboko is also a newly-created district with few DPO structures. It was thought, therefore, that the study would benefit from assessing the factors that led to the community electing a person with a disability to represent them in Parliament for such a long duration; and also to understand how persons with disabilities in the new districts participated in elections compared to those in old districts.

Moroto is a hard-to-reach area, with its Karamojong minority ethnic group known to live a nomadic lifestyle. This was an opportunity to explore how persons with disabilities in a district with such unique features participated in electoral processes.

Tororo was selected due to being named a model district in 2001 under the Community Based Rehabilitation (CBR) run by the Ministry of Gender, Labour and Social Development (MOGLSD). Tororo is also one of the country's

oldest districts with fairly-well developed DPO structures, thus it was ideal for finding out how effective the participation of persons with disabilities in electoral processes was in comparison to new districts where structures of DPOs are few or non-existent.

In each of the five districts, two sub-counties (one urban and the other rural) were selected for the purposes of obtaining diverse views for comparative analysis.

## **Methodology**

Investigators reviewed the relevant literature to inform the research design, and the team used a mixed-method design purposively to obtain different and complementary data on the same topic. A systematic review of literature informed the formulation of data collection instruments in line with the study objectives. In addition, relevant laws and policies were reviewed to inform the study (see appendix I), research documents, reports and articles in relation to elections at national and international level.

This study used a descriptive mixed-methods design that focuses on collecting, analysing and mixing both quantitative and qualitative data in a single study. The methods sought to assess the participation of persons with disabilities in electoral processes in Uganda. The purpose of adopting a mixed-method approach was to obtain a broader set of perspectives and positions on the topic.

## **Study population**

The population for this study were persons with disabilities as recognised by the laws of Uganda and the CRPD. Another segment of the study population were officials of DPOs, CSO, human rights organisations dealing with electoral processes, the Electoral Commission, other government bodies responsible for upholding human rights, the parliament of Uganda, political parties and local governments.

## Sampling

The study purposively selected 200 participants (125 persons with disabilities and 75 key informants). The key informants included leaders of persons with disabilities, officers from DPOs, civil society organisations, politicians and government technocrats.

## Analysis of data

The data from in-depth interviews and observations was recorded using notes and audio-recorders. Data from interviews was transcribed verbatim and carefully checked against the recordings and notes taken during the fieldwork. A preliminary analysis was done in the field, during and immediately after data collection. The analysis process involved reading through the transcripts, breaking down the data into smaller meaningful parts, coding those parts, labelling similar sets of data with the same codes, grouping the codes by similarity and identifying themes from the grouped codes of data using highlighters and stickers.

Quantitative data was entered, managed and analysed using SPSS version 19.

## Major findings of the study

The study focused on establishing the reasons why electoral systems in Uganda continue to experience challenges in meeting the needs of persons with disabilities, despite several enabling legal instruments in the country. The major findings of the study included:

1. A comparative analysis of the national, regional and international legal instruments (laws and policies) relating to elections was conducted to establish whether the laws of Uganda provide a conducive and supportive environment for the effective participation of persons with disabilities in electoral processes. During the review process, it was noted that most of the legal instruments were not explicit on disability except the CRPD. For example, the national laws on elections run short of the UNCRPD provisions, especially Article 29. The weaknesses in the legal instruments - and their regulations - that talks of willingness to participate by persons with disabilities affected the principle of equal opportunities and led to over-representation of one disability (physical disability) on the electoral colleges for the 2016 general elections.
2. The study looked at how elections are conducted and established that the processes had several anomalies including inadequate mobilisation, sensitisation and actual conduct of elections during the formation of electoral colleges. The research discovered that there was inadequate flow of information about the process, no budget, no voter materials and other logistics.
3. It was noted that electoral laws were not properly followed or respected during elections. This was because persons with disabilities, together with Electoral Commission officials, either had limited understanding of the laws or did not care to implement existing provisions. This could also mean that the Electoral Commission did not make adequate preparations and/or allocate sufficient resources to elections of representatives of persons with disabilities at all levels.
4. Voter education was not sufficiently conducted. The Electoral Commission accredited several civil society organisations to supplement its efforts in the provision of voter education in the districts. However, the accredited organisations raised concerns that their efforts in carrying out this exercise were constrained by the late delivery of training materials and financing by the Electoral Commission. While this may have affected voter education generally, persons with disabilities were worst affected due to limited capacity of accredited and hired institutions to address disability-specific concerns.
5. Voter registration was found to be a challenge. Utilization of NIRA data to compile the voter registers may have affected the

- participation of persons with disabilities in electoral processes because many could not register due to several reasons. These included inadequate information, mobility challenges and the fact that the registration form used in this exercise highlighted only three disabilities (physical, hearing and visual impairments), referring to other disabilities as “others”. The process also came with other disability-specific challenges such as long travelling distances to the registration centres, inaccessible registration centres, communication challenges for deaf people, inaccessible registration forms for blind and deaf-blind people, inadequate information about the registration process, long queues for those with invisible disabilities, lack of helpers/assistants and health-related challenges for persons with intellectual disabilities who are prone to emotional relapses and anxiety due to long waiting times.
6. Registering as a candidate was also not easy for persons with disabilities. Many who had been interested in standing in elective politics gave up because the process had several barriers, including the failure to raise nomination fees, transport challenges, lack of access to information, inaccessibility of the physical environment, low education levels and the cumbersome process of looking for supporters and nominators. Specifically, persons with disabilities reported difficulties in raising money to buy nomination forms, pay the nomination fees of three million Shillings for the position of MP, one million Shillings for the position of chairperson Local Council Five, and 20,000 Shillings for the position of local councillor at the sub-county level. In addition, there were court fees of between 20,000 and 50,000 Shillings for a candidate to be cleared as a citizen with no criminal record.
  7. The voting process in general was found to not be disability friendly, and particularly bad in rural areas, especially hilly places like Bundibugyo and Moroto. The most common challenges included long distances, lack of transport, lack of interpreters or helpers, inaccessibility of information, lack of confidentiality and a negative attitude from community and family members. Moreover, the Electoral Commission appeared to have not made electoral officials aware of the auxiliary needs of persons with disabilities in the election process; for example: providing sign language for deaf people, helpers for wheelchair users, guides and Braille ballot papers for blind people, and making polling centres accessible.
  8. Regarding the orientation of elected leaders, it is well known that the government provides general orientation to MPs and local councillors. Indeed, persons with disabilities elected to local government councils said that they had received some form of induction alongside other councillors representing mainstream constituencies. However, the study found that councillors representing persons with disabilities were not necessarily equipped with the skills required to carry out their work effectively. Furthermore, it was established that all local government councillors receive the same allowances including sitting, transport, lunch, and safari day and night allowances; while no extra support is given to persons with disabilities for their accessibility needs (such as sign language interpreters, guides and helpers). On the other hand, MPs for persons with disabilities enjoy better facilitation to meet their accessibility needs than their counterparts at local government level, such as personal aides that are paid for by Parliament, an accessible toilet facility strictly for persons with disabilities, an elevator with a speech device and a ramp at the entrance of Parliament.
  9. The study established that elected leaders with disabilities had not met the expectations of their constituents. The evidence provided included failure of councillors to disseminate information

programmes and projects to persons with disabilities, lack of capacity amongst councillors to do their job, and some councillors working towards their own personal gain. Other reasons cited for poor performance included low education levels, discrimination by fellow councillors and a lack of support to meet their particular disability needs. On the other hand, MPs for persons with disabilities enjoy better facilitation than their counterparts at local government level. It was noted that MPs with disabilities have personal aides that are paid for by Parliament, an accessible toilet facility strictly for persons with disabilities, an elevator with a speech device and a ramp at the entrance of Parliament. The visually impaired are facilitated with a special scanning machine (SARA) and Braille Sense (note taker). Those with hearing impairment are given sign language interpreters of their choice to enable them to participate effectively in parliamentary debates and committee meetings, and to conduct research.

## Conclusions

There are several conclusions derived from the findings of this study. One of these is that a variety of international and national legal instruments safeguard the fundamental rights and freedoms of persons with disabilities to participate in electoral processes in Uganda. However, their implementation is still a challenge, which can be attributed to some of their provisions not being disability-specific as well as there being insufficient resource allocation to the preparation and organisation of disability-inclusive elections.

For example, the Parliamentary Elections Act (2005) section 8(2) established five representatives of persons with disabilities in Parliament, at least one of whom must be a woman. However, it does not provide detail of how these representatives will be chosen, nor does it provide a budget vote related to the election of these representatives. The

constituencies for parliamentarians representing persons with disabilities are large and cover many districts, and elected leaders with disabilities may fail to serve all persons with disabilities given the distance in coverage and resources needed to conduct their roles and responsibilities effectively. It was noted that regional representation was not in any law; hence the NCD should ensure appropriate action is taken to amend the relevant laws governing the election of persons with disabilities.

The research was informed that some legal documents had failed to be amended due to disunity amongst elected leaders for persons with disabilities. An example was the failed bill in 2013 to amend the Parliamentary Elections Act to make a provision for regional voting for the election of representatives of persons with disabilities in Parliament. This amendment failed for fear of MPs for persons with disabilities losing the support generated from the electorate they do not serve directly. In other words, national voting may be one issue that promotes voter bribery and poor performance of leaders.

In a recent petition filed in the high court and courts of appeal, judges ruled that two members of parliament of Northern Region and Western Region participated in the bribery of voters during the 2016 parliamentary elections. What is common among the testimonies of all the witnesses in this case was that both candidates bribed voters with mobile money and other gifts (The Monitor Publication, 2017).

Another conclusion that the Universal Declaration of Human Rights (1948) Article 21 and the International Covenant on Civil and Political Rights (1966) Article 25 guarantee is that everyone has a right to take part in the governance of their country, directly or through freely-chosen representatives; and the will of the people shall be the basis of the authority of government, which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors. However, the two legal instruments

refer to elections in general terms and do not address specific issues of persons with disabilities in the electoral process.

From the findings of the study, it can also be concluded that participation of persons with disabilities in the 2016 general elections was high, despite mobility and information challenges. For instance, 111 out of 117 said they had participated in the general elections. However, participation in elections for representatives to Parliament and local government councils was limited due to the restrictive nature of electoral colleges (five members per sub-county vote for Local Council Five councillors, and five members per district elect a representative to Parliament) that were used for this purpose; yet persons with disabilities make up 12.4% of the 37.78 million population of Uganda. This flouts the principle of universal suffrage.

Apart from the restrictive nature of electoral colleges, persons with disabilities raised several challenges that affected their participation as voters and candidates in the 2016 elections. These ranged from accessibility to physical environments and information, transport and inadequate voter education. Eventually, they dropped the idea of looking at the capacity of one particular candidate and concentrated on which candidate gave them something (i.e. a bribe) in exchange for their votes.

The research also tackled the issues of the relevance and effectiveness of persons with disabilities who are elected into leadership positions. Considering their performance in Parliament and local government councils, it can be concluded that they play a vital role with regard to disability-inclusive legislation and decision-making. For example, ordinances were passed in Iganga and Koboko districts focusing on the rights of persons with disabilities in schools. These ordinances provide for penalties if a parent of a child with a disability does not take him/her to school. However, their facilitation to meet accessibility needs while in local government councils is inadequate, which

has somewhat affected their performance as elected leaders.

This calls for a reconsideration of allowances given to local government councillors to include a specific one for disability. The research was informed that efforts were made to improve on the remuneration of councillors with disabilities at district and lower councils by the Ministry of Local Government. However, the directive has not been implemented widely. On the other hand, MPs for persons with disabilities interviewed indicated that their induction and facilitation were adequate; although there was a challenge of not including disability in the general induction in order to bring on board other MPs in advancing disability-inclusive legislation, planning and budgeting, and to be supported when moving disability-related motions in Parliament.

Our analysis found no major differences across the five districts of study with regard to the factors that affect the participation of persons with disabilities in the electoral processes. The issues identified were similar as indicated in the findings.

## Recommendations

Based on the study findings and conclusions, the following recommendations are suggested to ensure action by government and other stakeholders:

1. This research recommends that amendments be made to the constitution of the Republic of Uganda (1995), the Local Governments Act (1997) and any other relevant laws to eliminate the use of derogatory language when referring to persons with intellectual and psycho-social disabilities; and to gazette them in the disability coding under the National Council for Disability Amendment Act (2013).
2. The research further recommends that the electoral laws of Uganda be reviewed by Parliament in consultations with other relevant stakeholders to include or

strengthen provisions that cater for disability-inclusive elections in the following ways:

- ✓ Increase the number of delegates that compose the electoral colleges for persons with disabilities to ensure they include all disability categories and cater for gender balance.
  - ✓ Ensure that elections for MPs representing persons with disabilities are conducted in the four regions of Uganda rather than at national level; and clearly indicate that MPs are elected to specific constituencies rather than stating in Parliament that they represent persons with disabilities.
  - ✓ Increase facilitation for the election of persons with disabilities at local government and parliamentary levels to address their particular accessibility requirements and facilitate the NCD to execute its mandate of assisting the Electoral Commission to conduct free and fair elections.
  - ✓ The Electoral Commission should ensure the use of digital voting systems, for instance an electronic voting machine (EVM), which will reduce incidences of human error, rigging and manipulation. This technology has been used in Namibia.
  - ✓ Raise the academic qualification needed for councillors representing persons with disabilities at all levels to at least ordinary level certificate.
3. The Electoral Commission should always respect the principle of consultation in all decisions that affect the election of persons with disabilities; plus that of fair representation by increasing the size of electoral colleges with respect to the inclusion of all disabilities and gender balance. In Namibia, persons with disabilities are usually part of electoral activities: in 2014, persons with disabilities there were engaged in various topics including elections and human rights, citizen roles and responsibilities, multi-party democracy and political participation. They raised a host of issues regarded as crucial in ensuring their inclusion as active partners and/or participants in the electoral process (Namibia Presidential and National Assembly Elections, 2014).
  4. Human rights bodies, government and non-governmental institutions in charge of electoral democracy in Uganda should raise awareness of the CRPD. They should specifically emphasise articles 12 and 29 that discuss inclusion and equality of persons with disabilities in elections and public life, particularly concerning the right to their involvement in election administration and monitoring. This will go a long way in enabling persons with disabilities to exercise their right to vote with the greatest possible autonomy.
  5. There is a need for political parties (NRM, FDC, DP, UPC and many others) to be trained in accessibility of information and the physical infrastructure. This will guarantee their respect for the rights of their members with disabilities during party elections.
  6. Lack of proper guidance during national identification registrations affected some persons with disabilities who had failed to establish their disability status, and were not permitted to vote in the elections. The Electoral Commission should work with the National Identification and Registration Authority (NIRA) to improve the registration form to clearly indicate all disability categories; and the same should appear on the voter registers for all elections in the country.
  7. The study found that lack of transport was a major challenge for persons with disabilities participating in elections. Therefore, the Electoral Commission should provide appropriate alternative voting methods to ensure persons with disabilities do not miss out on elections, taking the lead

- from other countries such as India and Namibia which use digitalised systems.
8. The Electoral Commission and other bodies accredited to offer voter education (such as CCEDU and its district partners, Uganda Human Rights Commission and National Council for Disability) should provide voter education to persons with disabilities in accessible formats. This will help to increase their interest in all election-related activity. The Electoral Commission should follow the example of Namibia where the Electoral Commission took steps to ensure that all voter education materials produced for the presidential and National Assembly elections were translated into Braille and audio for the visually impaired, and into audio-visual and sign language for the hearing impaired. The research also recommends that the Electoral Commission and other stakeholders use more visual instead of audio information when advertising voter education in order to cater for the needs of persons with hearing impairment; as well as more pictorial information. Voter education exercises should also be started early and conducted strategically to reach everyone, particularly people living in rural communities.
  9. Voter bribery should be eradicated using legal means. For example, a three-member panel of Court of Appeal judges asked Parliament to amend electoral laws to bar any person convicted of an electoral offence from contesting in elections for at least a decade. The judges noted: “before we take leave of this appeal, we would like to recommend to Parliament that a law be passed or a section be included in the respective election laws which precludes a person who is found to have committed illegal acts during an election from standing for office for at least two terms or ten years like it is in [the] Anti-Corruption Act.” (Anthony Wesaka and Ibrahim Manzul, *The Daily Monitor* 2017).
  10. Since local government councils are made up of mainstream and special interest group councillors, the content of the package used in the orientation of elected leaders should include an emphasis on disability so that all councillors can appreciate the unique variety of needs of persons with disabilities in order to serve them effectively.

## Chapter one: Introduction

### 1.1 Background

The disability movement in Uganda started in 1987 when a group of persons with disabilities in a series of meetings agreed to form the National Union of Disabled Persons of Uganda – NUDIPU (see Ndeezi, 2003). Although seventeen associations for persons with disabilities existed then, they were not united in advocating for their rights, and so the formation of an umbrella organisation (NUDIPU) generated renewed efforts to mobilise persons with disabilities and form grassroots structures. The mobilised structures under NUDIPU influenced the Constitutional Review Commission to include disability-specific provisions and representation of persons with disabilities in the 1994 constituency assembly.

Following NUDIPU's advocacy, one representative (Hon. Eliphazi Mazima) was elected to the constituent assembly specifically for persons with disabilities. Hon. Eliphazi Mazima lobbied other delegates to advocate for constitutional provisions that favoured persons with disabilities. The process of disability inclusion in the constitution of Uganda was greatly helped by a supportive political environment and a realisation from policy-makers that inclusive legislation was necessary to enhance the participation of every section of Ugandan society in national development (Nayiga, 2000). Consequently, the following disability provisions were embedded in the constitution of the Republic of Uganda (1995):

- Objective xvi provides for the recognition of the right of persons with disabilities to respect and human dignity.
- Article 21 (2) A person shall not be discriminated against on the grounds of disability, among others.
- Article 32 (1) The state shall take affirmative action in favour of groups marginalised on the basis of disability or any other reason

created by history, tradition or custom, for the purpose of redressing imbalances.

- Article 35 (1) provides that 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.
- Article 59 (4) stipulates that Parliament shall make laws to provide for the facilitation of citizens with disabilities to register and vote.
- Article 78 (1) provides that Parliament shall consist of representatives of persons with disabilities, among other interest groups.

These constitutional provisions provided a platform for increased advocacy and awareness on the fundamental human rights for persons with disabilities. More policy makers and implementers became aware of the needs of persons with disabilities which resulted in the inclusion of disability in subsequent laws relating to elections in Uganda. These include::

- The Local Government Act (1997) sections 10(d) and 23(d) established two councillors with disabilities, a male and female, representing persons with disabilities at district and lower local government councils respectively.
- The Parliamentary Elections Act (2005) section 8(2) established five representatives of persons with disabilities in Parliament, at least one of whom must be a woman.
- Presidential Elections Act 2005 section 38 which provides for the assistance of illiterate voters and other voters with disability.
- The Equal Opportunities Commission Act (2007) section 5 provides for five members of the commission, at least one of whom must be a person with disability.
- The Uganda Communications Act (2013) states in section 5 that one of the functions



of the Uganda Communications commission is “to promote research into the development and use of new communications techniques and technologies, including those which promote the accessibility of persons with disabilities and other members of society to communications services.”

Uganda’s ratification of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and its optional protocol in September 2008 without reservation consolidated the legal framework on efforts to promote and protect the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities. Specifically, Article 12 provides for equal recognition of persons with disabilities before the law and Article 29(a) emphasises that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely-chosen representatives, including the right and opportunity for them to vote and be elected.

Uganda has enacted electoral laws with provisions on disability as mentioned above, however implementation has been limited and persons with disabilities have only benefited minimally. This was emphasised by the CRPD’s concluding observations, which highlighted the inaccessibility of the voting environment, the absence of electoral materials in accessible formats and the lack of secrecy in the voting process for persons with disabilities. These limit the effective participation of persons with disabilities in the electoral processes as candidates or voters.

## **1.2 Election of persons with disabilities to Parliament and local government councils**

The first national election held in Uganda under the 1995 constitution was in 1996. The constitution allows persons with disabilities, like any other Ugandans, to participate in the general elections as a candidate or voter. Additionally, it also provides for the representation of special

interest groups of which persons with disabilities are included. As one of the special interest groups, persons with disabilities elected their representatives through electoral colleges (Konrad, 2014) under the NUDIPU structure as shown in the Parliamentary Elections Act regulations (2005). The law mandated the Electoral Commission to use such structures for this purpose because it was easier and cost effective since NUDIPU had mobilised persons with disabilities and formed branches in all the districts of Uganda by 1996.

At that time, electoral colleges were formed at village, parish, sub-county and district levels. All persons with disabilities in each village elected one representative to the village council (LC I). At parish level, all village representatives convened at the parish to elect a five-member committee taking into consideration gender, age and disability (blind, deaf, physical, woman and youth). The parish committees assembled at the sub-counties to elect sub-county committees and the two representatives of persons with disabilities (one male and one female) to the local government councils (LC III). The sub-county committees then elected district and municipal committees and again two representatives of persons with disabilities at those local government levels. The district committees assembled at the national level to elect five MPs.

Although NUDIPU recognised all disability categories, when it came to the election of leaders some categories - including persons with intellectual and psycho-social disabilities, persons with epilepsy, the deaf-blind and persons with albinism - were marginalised during the formation of electoral colleges. The electoral college was composed of five members which included a person with physical disability, one deaf person, one blind person, a woman with disability and a youth representative. This made it difficult for persons with marginalised disabilities to be elected to leadership positions.

In 2013, the law was reviewed by Parliament and the elections of representatives of persons with disabilities were placed under the jurisdiction of

the electoral commission and assisted by the National Council for Disability (NCD), a government body in charge of the mobilisation and formation of electoral colleges, carrying out civic education and election monitoring (The National Council for Disability Amendment Act, 2013 section 31a). However, the Amendment Act excludes some disabilities in the coding of disability categories, for example psycho-social and intellectual disabilities. This was because the constitution of the Republic of Uganda (1995) article 80 and the Local Governments Act (1997 section 116 sub-section 2 (a), still consider such people as being of “unsound mind” and “lunacy”. This is contrary to the provisions of the CRPD Article 29 which promotes and protects all persons with disabilities of which Uganda is a signatory. Article 29 of the CRPD provides that:

**Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and shall undertake to ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected.**

In 2016, the NCD (in collaboration with Sightsavers) conducted a study to generate information on the participation of persons with disabilities in electoral processes. The research sought to establish that the electoral system continues to experience challenges in meeting the needs of persons with disabilities despite several enabling legal instruments in the country. The research covered processes before, during and after the 2016 general elections. Pre-election processes examined included voter education, voter registration and nomination of candidates. The processes during elections included accessibility of polling centres and voting materials, assisting voters, awareness of electoral officials to the needs of persons with disabilities, and whether election results were

declared in a manner, which was accessible for persons with disabilities. For post-election processes, the research looked at orientation of the persons with disabilities who were elected and the impact of their participation in parliamentary and local council deliberations.

This research was in line with the mandate of the NCD as stipulated in the National Council for Disability Act (2003, section 6 (f)), which states that the functions of the council, among others, are:

**To carry out or commission surveys or investigations in matters or incidents relating to the violation of the rights of persons with disabilities; non-compliance with programmes, policies or laws relating to disabilities and take appropriate action in relation thereto or refer the matter to the relevant authorities.**

### 1.3 Statement of the problem

Uganda has various legislative provisions for the facilitation of all persons of voting age to participate in electoral processes at all political levels; there are barriers, however, that prevent the effective participation of persons with disabilities in processes before and during elections. For example, mandating the Electoral Commission to use electoral colleges, as stipulated in the Parliamentary Elections Act Regulations (2005) and the National Council for Disability Amendment Act (2013), to elect the representatives of persons with disabilities is perceived as a hindrance. Other limitations include a lack of access to information (Braille and large print), voter education, communication barriers (lack of sign language interpreters) and election procedures (NUDIPU, 2016; European Union Election Observation Mission, 2016).

The meaningful participation of persons with disabilities in legislative and decision-making processes in Parliament and local government councils is also still ineffective. This is deduced to have had a negative impact on the resource allocation for disability and the ability of persons with disabilities to access mainstream government programmes in the country. It was

therefore determined that research was required to find out the factors that limit the participation of persons with disabilities in electoral processes in Uganda to enable the government and other relevant actors to design appropriate interventions.

## 1.4 Objectives of the study

### 1.4.1 General objective of the study

To establish why the electoral systems continue to experience challenges in meeting the needs of persons with disabilities despite several enabling legal instruments in the country.

### 1.4.2 Specific objectives

- xi.** To examine the implementation of national, regional and international legal instruments on the participation of persons with disabilities in electoral processes in Uganda.
- xii.** To examine the extent of participation of persons with disabilities in electoral processes in Uganda.
- xiii.** To investigate the barriers to effective participation of persons with disabilities in electoral processes in Uganda.
- xiv.** To examine the effectiveness of elected persons with disabilities in influencing legislation and decision-making at both national and local level.

## 1.5 Research questions

- i.** How are the national, regional and international legal instruments on the participation of persons with disabilities in electoral processes in Uganda implemented?
- ii.** To what extent do persons with disabilities participate in electoral processes in Uganda?
- iii.** What are the barriers to effective participation of persons with disabilities in electoral processes in Uganda?
- iv.** To what extent do elected persons with disabilities influence legislation and decision-making at national and local levels?

## 1.6 Justification of the study

The Universal Periodic Review (2011) recommended that Uganda should “ensure the right to vote for persons with disabilities and implement alternative measures to enable them to vote freely and in secret; and to easily access facilities.”

The UN Committee on the Rights of Persons with Disabilities (CRPD) in the concluding observations of Uganda’s initial report on the implementation of the CRPD in April 2016 expressed the following concerns:

- 1.** There are restrictions in the constitution and electoral law that discriminate and prevent persons with psycho-social and/or intellectual disabilities from standing for elections.
- 2.** There is inaccessibility within the voting environment, an absence of electoral materials in accessible formats and an absence of secrecy in the voting process for persons with disabilities.

It was also established that no other research had been undertaken in this area in Uganda, thus there was a need to provide information that would inform policy and improve the election of persons with disabilities in Uganda.

Considering the above, a study on the participation of persons with disabilities in electoral processes in Uganda was timely. It would provide evidence to support advocacy for appropriate reforms ranging from amendments in electoral laws to changes in the actual conduct of the activities before, during and after elections to provide for the needs of all persons with disabilities.

## Chapter two: Research methodology

### 2.1 Introduction

This chapter presents an overview of the study design including the conceptual and geographical scope, sample procedures, criteria and size. It also describes the practical details of data collection (i.e. where and how we carried out this study), research instruments, data management and analysis strategies, and ethical considerations.

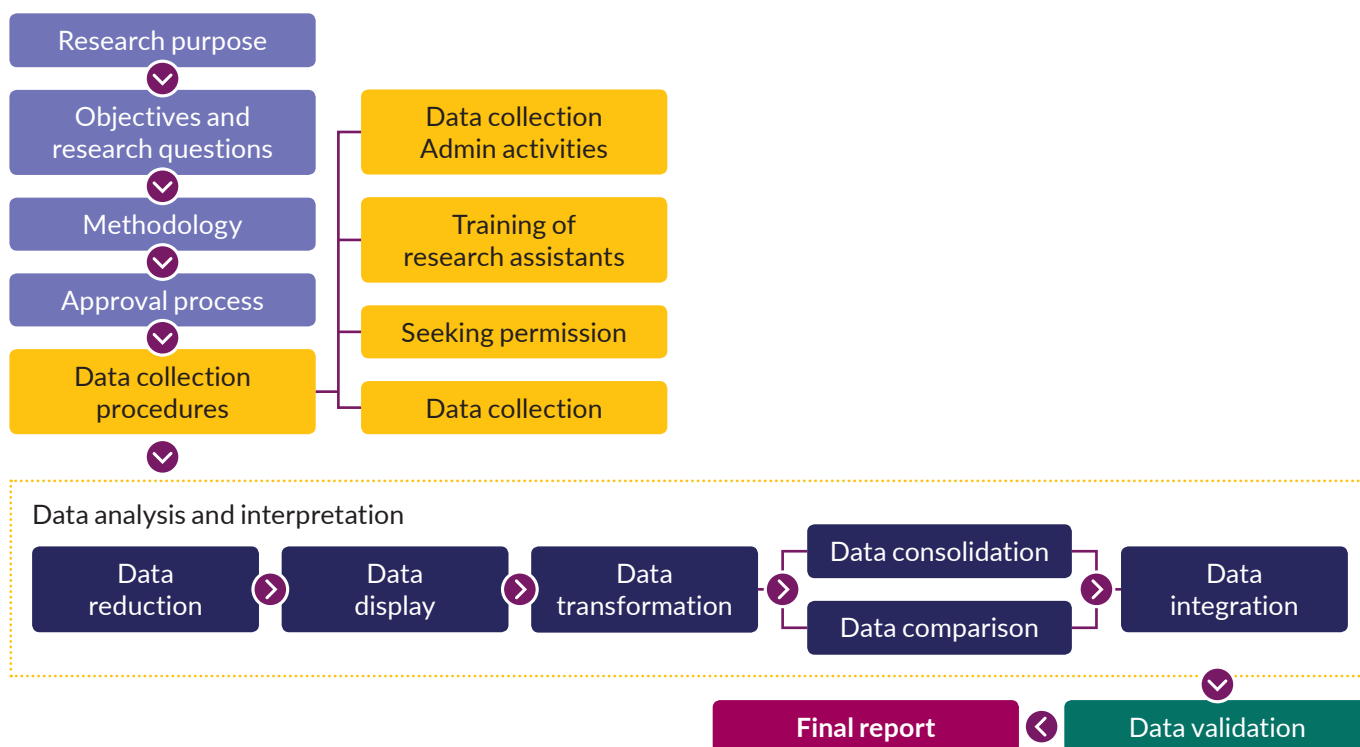
The investigators conducted an early review of literature to establish the context and rationale for the study as well as confirming the choice of research focus and questions. Different designs were considered before the team decided upon a triangulation mixed-methods design in order to obtain different but complementary data on the same topic. A systematic review of literature informed the

formulation of data collection instruments in line with the study objectives. In doing so, relevant laws and policies were reviewed to inform the study (see appendix I), research documents, reports and articles in relation to elections at national and international levels.

### 2.2 Research design

This study used a descriptive mixed-methods design that focuses on collecting, analysing and mixing both quantitative and qualitative data in a single study. The methods sought to assess the participation of persons with disabilities in electoral processes in Uganda. The purpose of adopting a mixed-methods approach was to obtain a broader and better understanding of the research problem and generate sufficient data on the study objectives.

Fig 1.1: Design flow chart



Note: Qualitative data was continuously analysed from the time of data collection

## 2.3 Scope of the study

Geographically, the study covered five districts - Bundibugyo, Kampala, Koboko, Moroto and Tororo. Each of these five districts has unique characteristics from which a range of diverse information was expected to be generated.

Bundibugyo was selected because its population includes people from minority ethnic groups the Bamba and Batwa, and a sizable population of deaf-blind persons who are mobilised by their national association. For that reason, it was determined that it would be interesting to explore how persons with disabilities in a district with such unique population segments participated in the 2016 electoral process when compared to the rest of the country. In addition, Bundibugyo had suffered a tribal conflict during the election period which could have impacted negatively on the participation of persons with disabilities in electoral processes.

Kampala was selected because it hosts the headquarters of many organisations, both government and NGOs, involved in electoral processes. Another reason for selecting Kampala was to compare potential differences in electoral participation between persons with disabilities living in the city and those in rural areas.

Koboko was selected because it has a long-serving woman member of parliament (serving three consecutive terms), who is herself a person with a disability and who was elected through universal adult-suffrage. Koboko is also a newly-created district with few DPO structures. It was thought, therefore, that the study would benefit from assessing the factors that led to the community electing a person with disability to represent them in Parliament for such a long duration; and to understand how persons with disabilities in the new districts participate in elections compared with those in older districts.

Moroto was selected because it is a hard-to-reach area; and the ethnic minority Karamojong people are known to live a nomadic lifestyle. This was an interesting opportunity to explore how

persons with disabilities in a district with such unique features participated in electoral processes.

Tororo was selected because of being a model district in 2001 under the Community Based Rehabilitation (CBR) run by Ministry of Gender, Labour and Social Development (MOGLSD). Tororo is also one of the oldest districts in the country with fairly-well developed DPO structures. Thus, the district was ideal for finding out how effective the participation of persons with disabilities in electoral processes was in comparison to new districts where structures of DPOs are few or non-existent.

In each of the five districts, two sub-counties (one urban and the other rural) were selected for the purpose of obtaining diverse views for comparative analysis.

## 2.4 Study population

The population for this study were persons with disabilities as recognised by the laws of Uganda and the CRPD (to which Uganda is a signatory). Another segment of the study population were officials of DPOs, CSO, human rights organisations dealing with electoral processes, the Electoral Commission, other government bodies responsible for upholding human rights, the parliament of Uganda, political parties and local governments.

## 2.5 Sampling

The study purposefully selected 200 participants (125 persons with disabilities and 75 key informants). Key informants included leaders of persons with disabilities, officers from DPOs, civil society organisations, politicians and government technocrats.

A sample of 125 persons with disabilities was selected at sub-county, town council and municipal level using criterion sampling techniques which considered gender balance and representation of various types of disability (people with hearing, physical, psycho-social or intellectual and visual impairments, plus people with albinism and those with multiple

disabilities). The logic of criterion sampling is to review and study cases that meet some pre-determined criterion of importance (Patton, 2003: p238). Thus, disability categories, gender and participation in general elections (a regular election that involves voters and candidates throughout an entire country) and participation in special elections for persons with disabilities were the criteria pre-determined for selecting participants.

Patton (2003: p238) adds that:

“the point of criterion sampling is to be sure to understand cases that are likely to be information rich because they may reveal major system weaknesses that become targets of opportunity for programme or system improvement.”

In this case, the aim was to improve the organisation of future elections to cater for the needs of persons with disabilities in Uganda.

For in-depth interviews, the study selected 75 key informants based on their involvement in electoral processes, and local council and parliamentary proceedings. Participants at national level included an official from the Electoral Commission in charge of special interest groups, executive directors, project managers and coordinators of national DPOs, officials from relevant commissions (the Equal Opportunities Commission and Uganda Law Reform Commission) and officials from political parties. Participants at district and sub-county levels included district and sub-county speakers, district community development officers and sub-county chief/assistant community development officers, district returning officers, an official from a human rights NGO and the two councillors for persons with disabilities in the five district councils.

## 2.6 Inclusion criteria

Persons with disabilities of 18 years and over, who were permanent residents of the five selected districts and had consented to take part, were eligible to participate in this study.

## 2.7 Exclusion Criteria

Persons with disabilities below 18 years of age who were not permanent residents of the five selected districts were excluded.

## 2.8 Research instruments

A study of this nature requires research instruments that can collect data to logically draw linkages between elected persons with disabilities and other actors involved in electoral processes at various political levels. The following instruments were thought to achieve this:

- i. **Literature review check-list:** This was used to extract data while reviewing existing legal instruments (international, regional and national) for any gaps.
- i. **A questionnaire with closed and open-ended questions:** This was used for collecting data from individual persons with disabilities in the ten sub-counties selected within the five districts of study.
- i. **In-depth interview guide:** This was used to collect data from key informants, who were selected from relevant stakeholder groups involved in electoral processes (before, during and after elections).
- ii. **Observation checklist:** This was used for assessing the physical accessibility of designated polling centres during the 2016 elections. Council halls and sanitary facilities at district headquarters were also examined for their accessibility to persons with disabilities.

## 2.9 Analysis of data

The data from in-depth interviews and observations were recorded using notes and audio-recorders. Data from interviews was transcribed verbatim and carefully checked against the recordings and notes taken during the fieldwork. A preliminary analysis was done in the field, during and immediately after data collection.

“[This] has the advantage of allowing the researcher to go back and address gaps in the data collected and pursue emerging avenues of inquiry in further depth.” (Pope, Ziebland and Mays, 2000: p.114).

This is also an important validity check through which inconsistencies in data being collected can be addressed.

General themes and categories were derived from key words, statements and concepts during the data collection and transcription processes. After fieldwork, data was cleaned and collated to prepare it for a more detailed analysis using inductive approaches. The analysis process involved reading through transcripts, breaking down the data into smaller meaningful parts, coding those parts, labelling similar sets of data with the same codes, grouping the codes by similarity and identifying themes from the grouped codes of data using highlighters and stickers.

Quantitative data was entered, managed and analysed using SPSS version 19.

## **2.10 Ethical considerations**

### **2.10.1 Ethical review**

The study received written ethical approval from the TASO Research and Ethics Committee. Additionally, the research protocol, data collection instruments, consent forms and other study-related materials were reviewed and approved by the Uganda National Council of Science and Technology (UNCST).

### **2.10.2 Human subjects protection training**

All individuals involved in conducting this study completed approved ethics training prior to study initiation. The research team and research assistants held a two-day training workshop focusing on research ethics and protection of human subjects, sampling and data collection tools and techniques before data collection. A representative of the TASO Research and Ethics Committee held a training session with the team regarding the protection of human subjects.

### **2.10.3 Protection of human subjects**

In order to protect the identities of participants, no names were recorded in the hard copies of questionnaires and interview schedules, nor in electronic recordings. Instead, an identification number was assigned to each participant for organisational purposes only. At office level, all study-related documents were kept confidentially in a secure room; and electronic versions were protected using secret codes.

### **2.10.4 Informed consent process**

The informed consent process was conducted with all the participants and included the following steps:

- A consent form (translated into accessible formats, such as large print) was given to a potential participant to read by him/herself. If a potential participant was illiterate, a research assistant read out loud a version of the consent form translated in a suitable local language.
- Members of the research team occasionally stopped the reading to ask if the potential participant had any questions. After all questions had been answered to the satisfaction of the respondent, the respondent was asked to provide a signature (or thumb print for illiterate and blind persons) on the consent form.
- Members of the research team signed and dated the form to verify the informed consent of the individual respondent. A copy of the signed/thumb-printed consent form was offered to each participant.
- Copies of the consent form were kept securely in a portable lockable box. If the respondent did not take a copy, it was kept with the study team.
- Efforts were always taken to conduct the consent process in a safe and secure environment.

### 2.10.5 Selection of research assistants

In order to avoid bias, research assistants selected for the study went through extensive training in advanced research methodologies and ethics. The selection of research assistants was also disability and gender sensitive. During data collection, research team members monitored the research assistants to ensure proper conduct of research, objectivity and respect of the rights of participants.

### 2.10.6 Other considerations

- iii. Care was taken to ensure that all categories of persons with disabilities received the support they needed to participate in this research effectively. For example, sign language interpreters, local language translators and any other type of support was available during the process of seeking each participant's consent and/or data collection in case any of the participants needed it.
- iv. The research team disclosed devices like recorders used during data collection. If a respondent objected to the use of such devices, they were not used. Two respondents refused to be recorded.
- v. The research team ensured that the privacy of participants was respected during the informed consent process and data collection. For example, participants were asked their preferences during the informed consent process or interviews. Those who were sensitive to being interviewed by someone of the opposite sex were given single-sex interviews. Also, those that were suspicious that the information they gave would be used for reasons other than those stated in the consent form, or concerned that they would never receive any feedback, were promised feedback related to the study findings, and the purpose of the study was explained to them clearly. Interviews were not recorded for those few people who did not want this done. One respondent refused to sign the consent form but gave verbal consent, which was recorded.
- vi. In cases where participants became emotional or sensitive during data collection for reasons related to their participation in the 2016 elections or their own disabilities, the interview process was stopped and an appropriate intervention, say referral for counselling, was made. The research team did not encounter this kind of challenge during data collection. When participants brought up issues that were unrelated to the study, such as economic empowerment and the special grant for persons with disabilities, research team members refocused them back to the topic of research. This happened in all the five districts.
- vii. Prior to commencement of the fieldwork, the study was introduced to local authorities to solicit their approval and assistance in building rapport with participants.
- viii. As a form of stakeholder involvement, the study had a steering committee that was mandated to oversee the processes to ensure quality control and production of a good research report.



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## Chapter three: Presentation and discussion of findings

This chapter presents and discusses the study findings in accordance with the study objectives. The chapter is divided into five major sections. The first section addresses the formation of the electoral colleges at local and national level. The second section examines the process of voter education highlighting the provisions of the laws, materials and modes of delivering the messages and the extent of the participation of persons with disabilities in electoral processes. The third section focuses on voter registration and the nomination of candidates. It draws on a disability-inclusive elections framework to analyse the structures, activities and processes that preclude the effective participation of persons with disabilities in electoral processes. The fourth section addresses issues relating to the voting process. The final section provides an analysis and discussion around the effectiveness of elected persons with disabilities in influencing legislation and decision-making at different political levels.

A comparative analysis of the national, regional and international legal instruments (laws and policies) relating to elections was conducted to establish whether the laws of Uganda provide a conducive and supportive environment for the effective participation of persons with disabilities in electoral processes. The analysis led to several emerging themes including the formation of electoral colleges, voter registration, voter education and the participation of persons with disabilities in the voting process. During the review process, it was noted that most of the legal instruments were not explicit on disability except the UN Convention on the Rights of Persons with Disabilities (UNCRPD). For example, the national laws on elections run short of the UNCRPD provisions, particularly Article 29.

### 3.1. Formation of electoral colleges for the election of representatives of persons with disabilities

#### 3.1.1 Legal provisions on the formation of electoral colleges

An electoral college is a group of individuals who are selected to represent others to elect a candidate to an office. The National Council for Disability Amendment Act (2013) section 31 (a) sub-section (1) provides that the election of representatives of persons with disabilities at all levels shall be conducted using the electoral structure prescribed in schedule A of the Act. In forming the electoral colleges referred to in that schedule, gender shall be considered. Sub-section (3) provides that the Electoral Commission shall organise, conduct and supervise the elections to form the electoral colleges that will elect representatives of persons with disabilities at the various levels of government. The Electoral Commission is therefore required by law to conduct elections to form the electoral colleges for persons with disabilities electing their representatives to Parliament and local government councils.

The formation of an electoral college starts from the village where persons with disabilities of different categories come together to elect five representatives, of whom one should be a woman. The elected five members converge at parish level to elect five representatives to the sub-county electoral college. Similarly, at sub-county level, the electoral college elects five representatives to the district electoral college. The district electoral college then elects five persons with disabilities to form the National Electoral College. This is provided for in the National Council for Disability Act regulations 2015.

### 3.1.2 The 2016 National Electoral College

The National Electoral College for persons with disabilities was composed of 545 persons with disabilities, which was short of the ideal number of 560 eligible voters from 112 districts. By law (National Council for Disability Amendment Act, 2013), each district was supposed to send five delegates to the National Electoral College. However, data from the Electoral Commission showed that some districts - including Kasese, Nakapiripirit and Amudat - were not represented.

The analysis of the National Electoral College register for persons with disabilities indicates that 89.5% of the delegates were persons with physical disability (refer to table 3.1). This contravenes the principle of disability balance that is catered for in Schedule A of the National Council for Disability Act (as amended in 2013).

In terms of gender, 74.5% of delegates were male compared to only 23.7% female. This contravenes the principle of equality between men and women as enshrined in the UNCRPD Article 4.

These disparities could have emanated from the inadequacies within the law governing elections of representatives of persons with disabilities. The National Council for Disability Amendment Act 2013 and its regulations talk of “where applicable” and “willingness to participate” when it comes to ensuring gender and disability balance while constituting electoral colleges. As a result, the Electoral Commission may not have taken appropriate measures to ensure disability and gender balance in the National Electoral College. This trend could have been replicated at local government level; although data to confirm this was not available at the Electoral Commission Offices in the five districts visited.

**Table 3.1: Members of the National Electoral College for Persons with Disabilities**

Disability	Frequency	Percent
Physical	488	89.5%
Hearing impairment	6	1.1%
Visual impairment	33	6.1%
Other categories (albinism, multiple disabilities)	5	1.0%
Missing cases	13	2.4%
<b>Total</b>	<b>545</b>	<b>100.0%</b>
<b>Gender</b>		
Female	129	23.7%
Male	406	74.5%
Missing cases	10	1.8%
<b>Total</b>	<b>545</b>	<b>100.0%</b>

Source: Electoral Commission national register for Persons with Disabilities, 2016

This clearly indicates that there was limited participation of persons with disabilities in the 2016 National Electoral College as far as disability categories and gender are concerned, hence reducing their chances of electing leaders of their choice, making changes to society and improving laws and policies which affect their lives, on an equal basis with others. In the 2017 by-election of parliamentarians with disabilities, Ugandan districts had increased to 123 and members of the electoral college also increased to 573 members. Among the members, 430 were male and 143 were female - indicating that gender balance had not improved. On voting day, 556 members turned up.

### 3.1.3 Barriers in the formation of electoral colleges

**(i) There is inadequate dissemination of the electoral laws:** Prior to the 2016 general election, there were amendments in laws (National Council for Disability Act 2013 and Local Government Act 2013) to provide guidelines on the elections of representatives of persons with disabilities at national and local government levels. However, the Electoral Commission reportedly did not disseminate the amendments to their district structures in sufficient time to enable them to effectively execute their roles in the formation of electoral colleges. Neither did the Electoral Commission officials at district level have sufficient information on the necessary procedures. Thus, those who participated in the electoral colleges (either as candidates or voters) were mainly those familiar with the system.

A key informant (a person with disability from a DPO) said:

“I don’t wish to be a member of the Electoral College because it’s too segregative. It is a cocoon of a few persons with disabilities that have been manipulating the system since 1996 for personal gains. In fact, the Electoral College is very easy to manipulate. Candidates know that if they give the members something to eat (bribe) they will vote them into power; so, we cannot have people who can represent us.”

From the above quotation and analysis of other interviews conducted, it can be derived that there is frustration on the part of persons with disabilities when participating in the electoral process. The majority of persons with disabilities who would wish to participate consider the process non-transparent, expensive and unmanageable; hence reducing competitiveness for disability-specific positions in Parliament and local councils.

In the districts visited, researchers discovered that there was an inadequate flow of information about the process, voter materials and other logistics for the formation of electoral colleges. The Electoral Commission simply liaised with DPOs, then selected a few persons with disabilities to form Electoral Colleges in an ad hoc manner.

A key informant (an Election Commission official) said:

“Persons with disabilities volunteered to provide the materials needed to conduct a secret ballot. Those who could not write just put initials on the pieces of paper given to them. In some areas, voting never took place and persons with disabilities agreed amongst themselves who should be part of the Electoral College. When persons with disabilities selected their representatives without voting, those were the names that the Electoral Commission used in conducting elections for MPs and other lower-level representatives.”

This comment indicates that electoral laws were not properly followed or respected either because persons with disabilities - together with Electoral Commission officials - had limited understanding of the laws or did not care to implement the existing provisions. These may also mean that the Electoral Commission did not properly nor transparently make adequate preparations and/or allocate sufficient resources to conduct the elections of representatives of persons with disabilities at all levels. While some persons with disabilities were ignorant of the process, others (especially those familiar with the system) took advantage of the weaknesses in the law to further their political interests.

**(ii) There are inadequacies in the laws on the formation of the electoral colleges:** Based on available literature and information gathered from participants in this study, the current law on the formation of electoral colleges is weak as stipulated in the National Council for Disability Amendment Act (2015). Regulations provide for the composition of executive committees of persons with disabilities, whose role is to elect political leadership at local and national levels. The procedures for this, including composition and numbers at each level, are stipulated in part IV of the regulations. However, the same regulations do not comprehensively provide for gender and disability balance. Thus, the numbers of women and marginalised disabilities (the deaf-blind, little people and people with psycho-social, intellectual and albinism) ranged from very limited to none in the electoral colleges.

Further, the regulations talk of willingness to participate by persons with disabilities, which affected the principle of equal opportunities and led to over-representation of one disability (physical disability) on the electoral colleges for the 2016 general elections.

In support of this argument, a key informant (a DPO representative) argued that:

“The current electoral college structure is not sensitive to persons with disabilities. The structure we were using before [the NUDIPU structure] at least took into consideration the different categories of disability and gender. This time around we don’t care about gender and we don’t care about disability. You find some districts bringing five people with physical disabilities and all of them men or just one person is a woman with disability. The numbers of the deaf and blind were also few. It became even more complicated for the little people and the deaf-blind, who were hardly represented. The Electoral Commission didn’t know that those people were there nor that they could be mobilised as part of the Electoral College.”

Although the above quotation points out several weaknesses in the electoral system, the law does not stop any persons with disabilities

from participating as long as they are willing. Schedule A of the National Council for Disability Amendment Act (2013) section 31a (1) provides for five members of the electoral college at each level to represent categories of disabilities and gender where applicable. However, this is impossible in practice as the number of recognised disability categories in Uganda is more than five. Secondary, the National Council for Disability Amendment Act (2013) does not recognise persons with intellectual and psycho-social disabilities in the disability coding in the formation of electoral colleges and participation in voting.

In the formation of electoral colleges, the National Council for Disability Amendment Act (2015) section 31a (2) stipulates that elections at village, parish or ward, sub-county, division or town council level shall be by the electorate lining behind the candidates nominated for the office, their representatives, portraits or symbols. Many persons with disabilities in the five districts visited found this unacceptable during the 2016 elections. This was because some persons with disabilities said they could not line up for long, some visually-impaired persons felt they could be led to line behind a candidate who is not of their choice while others thought that this type of voting could cause unnecessary tensions in the community emanating from voter rivalry.

The Parliamentary Elections Act (as amended in 2010) and the National Council for Disability Amendment Act (2013) regulations are silent about the modalities for electing MPs representing persons with disabilities from their regions as opposed to holding such elections at the national level. What the two laws mention clearly is that there will be five MPs representing persons with disabilities, at least one of whom shall be a woman. This means inviting electoral delegates from all over Uganda, which also requires that candidates traverse the whole country canvassing for votes. This is costly and tedious for most persons with disabilities who are often unable to contest for parliamentary seats.

**On this point, one key informant (an MP) said:**

“I still insist that it would be better for candidates to be known by their voters and be accountable to them and have well-demarcated constituencies instead of vague demarcations. The issue of regional versus national elections should be considered. I think the incumbent MPs can easily manage the costs involved in national elections but the challenge is that when you come to Parliament, you are given a demarcation of a region. For example, they may say ‘so and so you are for the east, the other one for the west, another for north and another for the central,’ which is just parliamentary practice and not the reality during the time of voting. In such a case, whereas I would want to meet all the people who voted for me, I may not do so because the other MPs are not ready to allow me to move to their constituencies. The constituencies for MPs representing persons with disabilities are demarcated by word and not in the law. I noticed this vagueness but when I tried to bring the issue up I was misunderstood.”

**This is unlike the arrangement for MPs representing the youth, who are elected into clear geographical constituencies (the four regions of Uganda). This is the gap in the electoral law which should be amended to put a clear demarcation of the four regional constituencies for the MPs representing persons with disabilities. The Sectoral Committee on Legal and Parliamentary Affairs observed in 2015 the need to amend the Parliamentary Elections Act (2005; section 8 (4e) as follows:**

“Four of the representatives of persons with disabilities shall be elected in accordance with section 31a of the National Council for Disability Act (2013) by the persons with disability executive committee members of each district constituting an electoral college within each of the central, eastern, northern and western regions of Uganda, and the woman representative shall be elected by the National Electoral College constituted under the Act.”

The reasoning behind this observation was promoting democratic principles of free and fair representation, accountability and to provide for legally-defined constituencies. Secondly, the observation implies that the status quo infringes on the principles of democracy such as the right to vote and freedom of choice by all since these representatives are voted for by all delegates, irrespective of their origin. The proposal for amendment would therefore address this by requiring that representatives of persons with disabilities be voted regionally to enable the electorate to hold their leaders accountable.

In 2010 Legal Action for Persons with Disabilities (LAPD) petitioned the Attorney General on the grounds of irregularities within the laws that govern elections of special interest groups; that in respect of persons with disabilities the minister prescribed the procedure to elect MPs in one sentence. The “procedure” - which does not amount to a procedure intended by Article 78 (4) clause (1) of the constitution - states that Parliament shall, by law, prescribe the procedure for elections of representatives of persons with disabilities.

Unfortunately, although much of the observation by the Sectoral Committee on Legal and Parliamentary Affairs was a good proposal, it was rejected citing the need for government to carry out further consultations to address the challenges that would be faced during its implementation. In addition, some leaders within the disability movement of Uganda seem to favour the status quo.

**To corroborate this fact, one key informant (an MP representing persons with disabilities) said:**

“It was not an issue to raise funds and move around the entire country looking for votes. Disability is not inability. We are fighting for equality; and if the law says you have to pay this or that amount of money, don't say ‘I can't pay’. I personally have no problem with that.”

The study also found that the structure and process in which MPs for persons with disabilities were elected in 2016 was likely to entrench poor performance. This could be because they were all voted by a national college, yet their representation was for specific regions.

In support of this argument, one key informant (a person with disability) said:

“The elected MPs for persons with disabilities do not care to perform to the expectations of their regions because they know they will be voted again into power regardless.”

As MPs are elected by the whole electoral college, they end up not being accountable to the electorate because they are restricted to serve specific regions after the elections. Even the facilitation given to them by Parliament is tied to a specific region and not the entire country.

### 3.2 Voter education

Voter education comprises dissemination of information, materials and programmes designed to inform voters about the specifics and mechanics of the voting process for a particular election.

Voter education should involve providing information on who is eligible to vote; where and how to register to vote; how electors can check the voter lists to ensure they have been duly included; what type of elections are being held; where, when and how to vote; who the candidates are; and how to file complaints. It is the mandate of the Electoral Commission in Uganda - and other bodies accredited to assist the Electoral Commission - to execute this role. The process is emphasised by different laws and policies, for instance:

Article 31 (2) of the African Charter on Democracy, Elections and Governance (2007) urges state parties to conduct systematic and comprehensive civic education to encourage the full participation of social groups with special needs in democracy and development processes. This is also reflected in the

constitution of the Republic of Uganda (Article 61 [g]), which mandates the Electoral Commission to formulate and implement civic education programmes relating to elections.

In line with the above, the Electoral Commission Act (2002) section 12 (g) provides for promoting and regulating, through appropriate means, civic education of the citizens of Uganda on the purpose and voting procedures of any elections, including (where practicable) the use of sign language. Although this highlights the use of sign language, the section does not address the communication needs of all disability categories as provided for in the UNCRPD Article 2, which defines communication for persons with disabilities to include languages, display of text, Braille, tactile communication, large print and accessible multimedia as well as written, audio, plain-language, human-reader and augmentative and alternative modes, means and formats of communication, including accessible information and communication technology.

The Electoral Commission called for all interested organisations to provide voter education services during the 2016 general elections. Among the accredited agencies, a few were selected and financed to conduct voter education on behalf of the commission. The African Union Election Observation Mission report (2016) noted that the commission accredited several civil society organisations to supplement its efforts in the provision of voter education in the districts. However, agencies selected to carry out voter education on behalf of the Electoral Commission raised concerns that their efforts were constrained by late delivery of training materials and financing. While this may have affected voter education generally, persons with disabilities were worst affected due to the limited capacity of selected and accredited agencies to address disability concerns.

A key informant (from local government) noted:

“Voter education materials should be written in formats that can be accessed by all. Voter materials for the visually-impaired should be

printed in Braille; and the hearing impaired should be provided with sign language to access information normally. Returning officers should also ensure that materials are delivered directly to the households of persons with disabilities, and in the formats appropriate to them.”

During the 2016 general elections, the Electoral Commission conducted voter education through electronic media (radio and television) workshops and using megaphones in towns, often accompanied by loud music and dancing musicians. Voter education was largely limited to print and electronic media which, considering the communication needs of persons with disabilities, was insufficient. Among persons with disabilities who participated in this study, almost half (55 out of 125) reported that they never received any form of voter education. Key informants confirmed that voter education was generally limited to urban areas with scarce activities in rural communities. The mode of delivering voter education by the Electoral Commission and other stakeholders was criticised by research participants as being unsuitable for persons with disabilities. It was perceived that the focus was on entertaining onlookers rather than delivering education messages, and the loud noise negatively affected the perception of the content.

Furthermore, 46 out of 70 participants who reported having received some form of voter education said that the process of voter education and messages they had received were not disability-friendly, and explained that:

- a. Voter education was not given in appropriate accessibility formats (sign language, Braille, easy to read and large print)
- a. Voter education was carried out in too short a period to enable some categories of disabilities, for example those with intellectual disability, to comprehend the messages.

One key informant (a DPO representative) said:

“People with disabilities have different needs in terms of understanding. For instance, persons with multiple disabilities might not understand

information on radio and TV at the same rate with others. They should be mindful of multiple disabilities and ensure that the information flow is tailored to the needs of each category.”

**It was reported that the civil society organisation that did try to reach grassroots communities also did not reach persons with visual and hearing impairments because they did not cater for disability-inclusive needs, particularly access to information. According to the Coordinator Voter Education, the Citizens’ Coalition for Electoral Democracy in Uganda (CCEDU) developed voter education messages that were aired on radio and television for specific categories of people like the youth and women, but did not develop any for persons with disabilities. This was an oversight in programming by lead institutions like CCEDU, which had the capacity to reach grassroots people through their district networks.**

**A key informant (a person with disability in Tororo district) noted:**

“People do not have sufficient information. People do not know the law, and disability is not clearly stipulated in electoral laws. The Electoral Commission sent us legal instruments before the amendments were done, but they never sent us all the amended laws. There are dangers of amending laws towards elections; the laws are not fully understood nor supported with regulations for effective implementation. Even as implementers, we were not conversant with the laws. It’s hard for us as officers to read and appreciate the matters in the law. The technical persons and the voters could not know the laws either because we were not facilitated with a single penny to conduct voter education, not even one talk show. We lacked resources to conduct mobilisation and voter education. The Electoral Commission contracted firms to conduct voter education in the whole country. As you can imagine, these are commercial firms hired to conduct voter education. Their motive is more profit-oriented than providing adequate voter education.”

**Voter education challenges were emphasised in the just-concluded by-election where persons**

with disabilities travelled to Jinja District to elect Parliament representatives without knowing that to vote you must be a member of an electoral college. For instance, one elderly woman travelled from Buvuma district (an island) to Jinja to vote but upon arrival was told she was not a voter as she wasn't on the electoral college of her district. This was just one example of a potential voter having total lack of information on the entire process.

Another key informant (a district electoral college official) added that:

“The organisations simply received materials, i.e. voter education handbooks, for use in conducting the exercise. During the 2016 elections, voter education was not done well at all levels yet the contracted firms were given billions. The Electoral Commission had the biggest budget ever but districts were not given any budget to execute their duties. How do you expect good performance without facilitation? It was impossible.”

Hired firms, which were facilitated to conduct civic education on behalf of the Electoral Commission, did not possess sufficient knowledge to address the needs of persons with disabilities. Furthermore, the methodology used (use of megaphones) in civic education was not the best mode of communication for persons with disabilities. The accredited institutions (government structures, NGOs and CBOs) that had grassroots structures and the capacity to conduct civic education effectively were never facilitated by the Electoral Commission. Some of these government institutions, such as the National Council for Disability, are even mandated by law to assist the Electoral Commission in conducting the election of persons with disabilities. Thus, civic education was limited to few places (mostly urban) and remained distant from the majority of people living in rural areas.

For persons with disabilities, mobility challenges coupled with high transport costs affected their access to voter education venues. One participant

talked of using boda-boda (motorcycle transport) which is costly to ordinary persons with disabilities. In Uganda, the cheapest route on a motorcycle costs 1000 shillings, a cost that many of them could not afford.

Participants with disabilities were asked to suggest improvements in the voter education and education systems. These are summarised in table 3.2 below.

**Table 3.2 Suggestions for improvement in voter education**

Suggestions for improvement in voter education	Frequency
Involve institutions of persons with disabilities in voter education	58
Provide disability-friendly voter education facilities and materials	55
Massive and timely mobilisation of persons with disabilities to participate in voter education	51
Voter education should be brought closer to the homes of persons with disabilities	23
Voter education should be done earlier	11
Provide accessible public transport to voter education centres for persons with disabilities	9
Provide medicine and functional First Aid kits at the voter education venues	5

The key informants in this study supported the above arguments by adding that for voter education to benefit persons with disabilities, it should start early, mobilisation should be conducted on a large scale right from the grassroots, and information should be disseminated in accessible formats (sign language, Braille and easy to read) as well as in local languages. To realise this, there is a need to factor in more time and to allocate sufficient resources for the planning and execution of disability-inclusive voter education.



### 3.3. Voter registration and nomination of candidates

#### 3.3.1 Voter registration

The constitution of the Republic of Uganda (1995) Article 59 (2) stipulates that it is the duty of every citizen of Uganda of 18 years of age or above to register to vote for public elections and referenda. Article 59 (3) stipulates that the state shall take all necessary steps to ensure that all citizens qualified to vote register and exercise their right to vote. Article 59 (4) provides that Parliament shall make laws to provide for the facilitation of citizens with disabilities to register and vote. However, Article 80 of the constitution and the Local Government Act 1997 (section 116) explicitly exclude persons with psycho-social and intellectual disabilities, which affects their ability to vote, be voted for and to have effective and equitable access to the electoral process.

Article 61 (e) of the constitution of the Republic of Uganda stipulates that compiling, maintaining, revising and updating the voter register is the responsibility of the Electoral Commission. This was emphasised in section 19 of the Electoral Commission Act (2002). However, for the 2016 general elections, such responsibilities were shared with the National Identification and Registration Authority (NIRA), an agency charged with national identity card registration in the Ministry of Internal Affairs. The registration form used in this exercise highlighted only three disability categories (blind, deaf and physical disability), leaving other disabilities under the heading of “others”. This was reportedly under-utilised because registration officials may not have been inducted into the different disabilities or persons with disabilities themselves could not easily explain their disabilities.

This was stated by one key informant (a DPO representative):

“As an interested party, I remember registering people for elections using the national identification cards and during registration there were three types of

disabilities included on the form: blind, deaf and physically disabled. That means if you wanted your rights to be observed during elections and you did not belong to any of these categories, it would have been difficult for you to get any meaningful participation. You were not counted among people with disabilities.”

As a consequence, utilisation of NIRA data to compile the voter registers affected the participation of persons with disabilities in electoral processes. According to the Electoral Commission, only those who registered for the national identity card under NIRA qualified to vote. Some persons with disabilities had not registered, believing their original voter cards to be sufficient; yet these were rendered invalid during the 2016 national elections.

The Electoral Commission designated several points at which citizens could check and update their registration as voters. Indeed, 117 out of this study’s 125 persons with disabilities participants had registered as voters; only eight had not. Although few persons with disabilities had not registered, they reported several barriers that limited their registration such as lack of family support, negative community attitudes, harsh weather conditions, failure to access information regarding registration, mobility challenges and ill health. It was also reported that the machines used in the voter registration exercise, which used thumb and eye recognition technology, were problematic for some persons with disabilities.

One key informant (a DPO representative) reported that:

“The machines used for identity card registration at times never detected the thumbprints of some persons with disabilities who had issues with their fingers. And the visually-impaired were also left out when the machines could not see their eyes. The registrars would only say ‘go home, the machine has rejected you.’”

To explain further, it was reported that persons with physical impairment who had fewer than ten fingers on their hands could not complete the registration process because the machines were programmed to capture all ten fingerprints before proceeding to the next level. Similarly, persons with visual impairment whose eyes did not have a retina faced numerous challenges having their pictures taken and being approved for national identity card registration. This shows that NIRA may not have pre-tested the software used prior to the registration of persons in Uganda or considered any potential restrictions pertaining to persons with disabilities. However, some participants in this study found the registration process easy because they felt their needs had been recognised and they had received a preferential treatment. This was also the case for the key informants who knew the registration process and officials who lived near registration points or could get to accessible registration centres.

Generally, the key challenges identified by the key informants in the registration process included long distances to the registration centres, inaccessible registration centres, communication challenges for the hearing impaired, inaccessible registration forms for the visually impaired and deaf-blind, inadequate information about the registration process, long queues for those with invisible disabilities, lack of helpers/assistants and health-related challenges for persons with intellectual disabilities who are prone to emotional relapses and anxiety brought on by long waiting times.

The research also recommends that the Electoral Commission display registers at least at district level. Currently, registers for the election of parliamentarians representing persons with disabilities are displayed nationally – at the Electoral Commission head office and NCD office, both in Kampala. Travelling to verify names is costly due to the funds required for transportation. Registers displayed also do not include the presence of a delegate to verify names. Therefore, on polling day, two members

did not vote on the grounds of impersonation, which is no doubt related to a failure by the Electoral Commission and NCD to verify names and photographs to ascertain a delegate's participation.

### 3.3.2 The nomination process

Persons with disabilities who were interested in standing for election were required by law to pay a nomination fee, meet a specified minimum level of education and to be cleared by competent authorities to not have any criminal record. Candidates for the position of MPs were required to pay a three million Shilling nomination fee; the position of Local Council Five cost one million Shillings; and the position of local councillor at the sub-county level cost 20,000 Shillings. On top of that, there were court fees of between 20,000 and 50,000 Shillings for a candidate to be cleared as a citizen who had no criminal record. Persons with disabilities indicated that many who wished to be leaders had failed to raise these fees on top of paying for transport, photocopying their papers and other requirements to support their candidature. Persons with disabilities are among the poorest people in Uganda and therefore the majority find it difficult to raise such fees for nomination on top of the entire electoral process costs.

A key informant (a person with disability) said:

“The challenge is that national nominations still favour the rich. If you don't have the money you will not be able to afford to pay three million for nomination as an MP or one million for LC5 chairperson. We would like affirmative action of not having to pay nomination fees, but the fear is that we would be despised with the view that if you cannot even pay for nomination, how could you manage the leadership position?”

The continuous changes in the dates for nominations by the electoral commission were another challenge that affected those who wished to be nominated before the 2016 general elections.

One key informant (a councillor representing persons with disabilities) said:

“The dates for nominations kept on changing and the modes of communicating the changes were a problem for persons with disabilities. The Electoral Commission used print media to communicate the changes, which was not easily accessible. I know people who missed out on nomination for local government positions because of such challenges.”

Based on the communication gaps cited in the above quotation, the Electoral Commission should have complemented the print media with other channels of communication such as disability networks, use of visual and pictorials to deliver messages, television at all levels, radio stations at local levels and lower local government structures to reach out to more grassroots people including persons with disabilities. It should be noted that time given for the electoral processes of persons with disabilities is minimal and, given their communication gaps, makes it difficult for them to participate effectively. One example is from the recently-concluded by-election. The Electoral Commission abided by the statutory deadline for conducting a parliamentary by-election, which is 60 days after notification from clerk to Parliament on the occurrence of the vacancy. It took the Electoral Commission less than two months to consult, form new electoral colleges within the four newly-formed districts of Kagadi, Kakumiro, Omoro and Rubanda districts, conduct voter education, nominate candidates, see candidates campaign throughout the entire country and actually vote. The entire process started on 12th June 2017 and ended on 25th July 2017, which was voting day.

### **3.4 Participation of persons with disabilities in the voting process**

The participation of persons with disabilities in electoral processes provides a critical opportunity to exercise their democratic rights, choose their representatives and contribute to the decision-making process in the country.

According to the International Disability Alliance (2011), elections provide a platform on which persons with disabilities can exercise their power and influence to shape the political outcomes and governance systems in any country. Furthermore, elections allow persons with disabilities to publicly raise issues that are important to them.

Based on this, the research sought to understand the extent of participation of persons with disabilities in general elections and the election of representatives of persons with disabilities to local government councils and the parliament of Uganda. However, data relating to general elections in this regard was not available at the Electoral Commission offices in the five districts visited and at the headquarters. What was available were voter registers for the national Electoral College and lists of elected persons with disabilities at national, district, municipal and sub-county levels. The research therefore relied on available data from the Electoral Commission and primary data from the five districts visited to assess the level of participation of persons with disabilities in the electoral process.

#### **3.4.1 Legal framework on the participation of persons with disabilities in the voting process**

The Universal Declaration of Human Rights (1948) Article 21 and the International Covenant on Civil and Political Rights (1966) article 25 guarantee that everyone has a right to take part in the governance of their country, directly or through freely-chosen representatives; and the will of the people shall be the basis of the authority of government, which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors. However, the two instruments refer to elections in general terms and do not specifically address issues of persons with disabilities in the electoral process.

The African Charter on Democracy, Elections and Governance (2007) Article 31 (1) explicitly calls upon state parties to promote the participation of social groups with special needs including persons with disabilities in the governance process. Similarly, the East African Community Policy on Disability (2012) in section 6.6 (vii) calls upon states to ensure that persons with disabilities effectively and fully participate in political and public life. These instruments were enacted recently, which shows growth in the awareness and consideration of disability rights on the international scene.

The most detailed and explicit international instrument on the participation of persons with disabilities in electoral processes is the CRPD (2006). Articles 9 (1) and 29 (a) call upon state parties to ensure that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use; persons with disabilities are to vote by secret ballot in elections and public referenda without intimidation, and to stand for elections, to effectively hold office and perform all public functions at all levels of government, facilitating the use of assistive and new technologies where appropriate; and where necessary, at their request, allowing assistance in voting by a person of their own choice.

The Ugandan law, to some extent, complies with these international human rights instruments. For example, the constitution of the Republic of Uganda (1995) Article 21, 24 and 35 guarantees non-discrimination of persons with disabilities, promotion of communication through sign language, and the right to respect and human dignity. In addition, Article 59 (4) urges the Ugandan parliament to make laws to provide for the facilitation of citizens with disabilities to register and vote.

Uganda is one of the few countries in the world that recognises sign language, however, the government has not taken the initiative to promote it, which, in the context of electoral processes, affects the participation of persons with hearing impairment. For example, during

the campaigns leading to the 2016 general elections the Electoral Commission, political parties and media houses did not systematically provide for sign language interpretation; hence making it is extremely difficult for persons with hearing impairment to access election-related information on an equal basis with others.

The European Union Election Observation Mission report (2016) also noted the failure of the government of Uganda to take legislative steps to implement the UNCRPD to enable persons with disabilities to vote without discrimination. Under the UNCRPD, the country should give blind voters an option to vote independently and by secret ballot, and polling stations should be accessible to wheelchair-using voters. The report further noted that DPOs proposed to the Electoral Commission the use of Braille ballot papers, which was not effected in the 2016 general elections. In response to this request, as cited in the human rights elections in Uganda Report (2016), the chairman of the Electoral Commission said:

“We have looked at it - my first exposure was in Ghana - and we have done a study on it. We almost went for it this time around but some of these people do not want to be identified. So, when the opportunity is granted, they might not come out in full strength to vote. We are still shy but it’s the technology that we know. Maybe future commissions will try to roll it out but there’s not enough knowledge because many of them would rather be part of the population.”

This means that the technology to make elections for persons with disabilities accessible does exist and has been applied in other countries such as Namibia and India. However, the Ugandan Electoral Commission fears that it might not be adequately utilised by persons with disabilities as it was reported as an example by the electoral official that in 2006, the commission procured around 300 Braille ballot papers and only three people used them; other people with visual impairment preferred voting with the guidance of their assistants. The

commission felt that there was little value for money in continuing to produce Braille ballot papers. Nonetheless, it should be noted that in the absence of a study indicating whether persons with disabilities can use this technology, this would currently seem a subjective perception.

On a positive note though, the 2016 general elections allowed persons with visual impairments to vote through another person of their choice, as provided for in the CRPD. Further, DPOs noted in general that persons with disabilities voted without lining up and polling centres were more physically accessible than the ones used previously (Human Rights Elections in Uganda Report, 2016: p19).

### 3.4.2 Participation of persons with disabilities in different elections

From the study, it was important to establish whether persons with disabilities participated in the 2016 general elections or not. Among persons with disabilities who filled the semi-structured questionnaire, 117 out of 125 said they participated in the 2016 general elections while eight said they did not. The study also investigated the type of elections in which the same participants got involved. Almost all of them (111 out of 117) said they participated in the general elections while 77 participated in the elections of persons with disabilities. Very few persons with disabilities (18 and 31) participated in youth elections and party primaries respectively.

**Table 3.4.2a: Participation of persons with disabilities in different elections**

Type of elections	Frequency (117 participants)
General elections	111
Elections of persons with disabilities	73
Elections for the youth	18
Party primaries	31

Among the participants who voted in the 2016 general elections, just over half (66/117) said that the voting process was not disability-friendly. The most common challenges experienced included long distances, lack of transport, lack of interpreters or helpers, inaccessibility of information, lack of confidentiality and negative attitudes from community and family members. However, the data indicated that there were no significant differences in the challenges experienced by persons with disabilities in urban and rural areas. Differences were only noted among the different disability categories.

For example, the visually impaired reported challenges relating to a lack of disability-friendly voter materials and confidentiality. The hearing impaired reported a lack of sign language interpreters and limited access to information, while those with physical disability identified accessibility to polling stations as the major challenge. People with albinism reported weather conditions as the biggest challenge experienced during the 2016 general elections, and those with psycho-social disability had to wait in long queues as their disability was not visible.

Other general challenges reported by the different categories of disabilities included commercialisation of politics, inadequate preparation by the Electoral Commission in conducting elections of persons with disabilities, long distances to the polling stations and lack of transport.

On a positive note, some persons with disabilities (51 out of 117) reported that the 2016 general elections were disability-friendly because of the special treatment they were accorded by the Electoral Commission officials. This included not queuing, good physical accessibility to some voting centres, supportive polling officials and living in close proximity to the polling stations. These positive attributes were majorly observed in the urban centres, which are partly attributed to a lot of advocacy by persons with disabilities.

To explain the above experiences further, a key informant (a DPO representative) noted that:

“I was lucky to monitor three to four polling station which had a person with disability participating in the voting process. The credit to the Electoral Commission is that those with physical disabilities were not allowed to queue. But one issue that arose was that visually impaired people were informed by the officers and security that if they did not come with guides, they had to go back home because the law did not permit polling officials to assist anybody to vote.”

Based on the analysis from the key informant interviews, the most common barrier that the Electoral Commission needs to address is lack of awareness by electoral officials on the needs of persons with disabilities in the election process. Although the Electoral Commission issued guidelines highlighting that persons with disabilities and other vulnerable people (such as pregnant women, older persons, the sick and public officers like medical personnel) should be given priority to vote in the 2016 general elections, in some polling stations persons with disabilities were not given the expected affirmative action due to limited knowledge of polling officials about their auxiliary needs (sign language for the hearing impaired, helpers for wheelchair users, guides and Braille ballot papers for persons with visual impairment and making polling centres accessible).

Commercialisation of politics was emphasised by Mutebi (2016), who argued that under the individual merit system (before the advent of the multi-party dispensation in 2005) candidates had to use a lot of personal cash and gifts to boost their chances of winning elections since they did not have the backing of any political party. This has had a significant impact on the way large numbers of ordinary Ugandans perceive politics and politicians, and the latter's motivation for seeking election to public office. The view that politics is a sure avenue to riches compels people to get involved in politics in pursuit of wealth, which has made elections very competitive and costly.

It was noted that voters see the act of voting for someone as opening the way for him or her to go and make money or “eat.” This was emphasised by the petition filed in the high court and courts of appeal, where judges ruled that two members of parliament for northern region and Western Region participated in the bribery of voters during the 2016 parliamentary elections. What is common among the testimonies of all the witnesses in this case was that both candidates bribed voters with mobile money and other gifts (The Monitor Publication, 2017). In the by-election, irregularities were reported of bribed voters taking advantage of inadequate facilitation (accommodation, accessibility and meals) and who were invited to Kampala by national-level political actors to meet with them two days before voting day. This made members of the electoral college more vulnerable to receive bribes.

Persons with disabilities reported that some needed the help of assistants during the voting process, however it was reported that this often compromised their vote. For example, some participants reported that in some places, polling officials and the police assisted persons with visual impairment to cast their votes, which could have jeopardised the right to choose their preferred candidates. Although the use of assistants is supported by the UNCRPD, it is not the best option of guaranteeing freedom of choice and secrecy of the vote. To improve the voting process, participants made several suggestions as presented in table 3.4.

**Table 3.4.2b: Suggestions for improving the voting process**

No.	Suggestion
1	Government should review the existing electoral laws in the country to ensure that the needs of all persons with disabilities are fully taken care of
2	Provision of helpers and guides
3	Provision of transport
4	Timely preparation and voter education
5	Involve persons with disabilities in preparations, voter education and conducting elections
6	Polling stations and voter education centres should be closer to the voters
7	Shift from electoral colleges to universal adult suffrage
8	Provide First Aid kits during voter education and elections
9	Improve accessibility to civic education and voting centres
10	Accessible ballot papers
11	Government should set up a specific fund for the elections of persons with disabilities in the country
12	The Electoral Commission should introduce the concept of early voting as in the American electoral system, where vulnerable groups such as persons with disabilities can vote first during elections
13	Government should sensitise the community against stigmatising persons with disabilities who may wish to exercise their right of participating in elections

### 3.4.3 Competitiveness of persons with disabilities for national and local government council elective positions

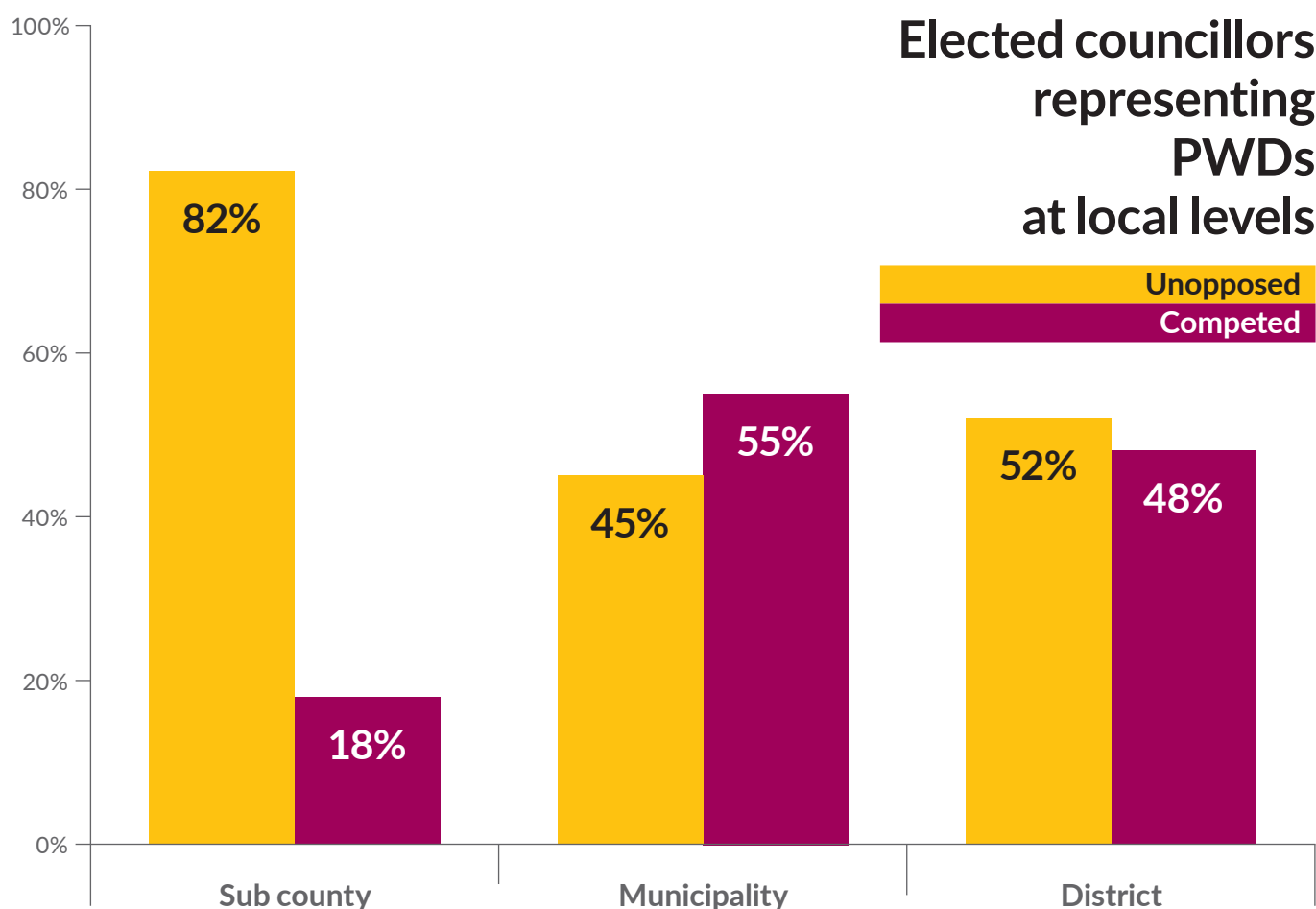
Data from the Electoral Commission was analysed to establish the level of competitiveness for parliamentary and local government level positions for representatives of persons with disabilities.

According to the Electoral Commission report (August 2016) the gazetted positions for persons with disabilities in the 2016 general elections were as follows:

- Five positions for MPs.
- 224 positions for district and city.
- 78 positions for municipality and city divisions.
- 2,784 positions for sub-county, town and municipality divisions.

At parliamentary level, one MP representing persons with disabilities went through unopposed. At local government level, 60% of the positions filled at district, and municipal and sub-county levels were unopposed. Only 40% were competed for. The highest number of unopposed candidates was at the sub-county level (82%), followed by the district level (52%) and municipality (45%). Again, this is an indicator of the limited participation of persons with disabilities in the elections.

**Fig. 3.4.3: Competitiveness of the electoral positions for PWD leaders at local council level**



Source: Uganda Electoral Commission data, 2016

During interviews in the five districts visited, it was commonly reported that persons with disabilities failed to participate in politics due to the costs involved (demand for payments by parties and the Electoral Commission) as well as limited access to election-related information. For example, during the 2016 elections, Danya sub-county and West Division-Koboko municipality in Koboko district did not get the representation of persons with disabilities in the local government councils because nobody stood - the reason given was failure to meet the nomination fee of 20,000 Shillings.

In the words of a participant (a councillor representing persons with disabilities at district level):

“We have two elections - the primaries and the general elections. In the primaries, the NRM secretariat came up with the fees we had to pay as sub-county councillor candidates, which was 20,000 Shillings. This was too much for persons with disabilities. In addition, a candidate needed three seconders to be nominated, which required finances for transport and meals.”

**Another participant (an MP representing persons with disabilities) noted:**

“Persons with disabilities have to go the hard way into elections. Besides the poverty, disability and cultural norms that affect their participation in political processes, opponents attempt to de-campaign us using disability as



a reason, ignoring the candidate's potential and capabilities. It was very hard and challenging for Hon. Margaret Baba Ddiri MP representing Koboko to stand for 2016 parliamentary elections."

The Electoral Commission guidelines (2016) required that presidential candidates pay 20 million (up from eight million) Shillings in the 2011 elections. MPs needed three million as a nomination fee. To stand for party primaries, NRM charged two million Shillings as a nomination fee and the Democratic Party charged 300,000 Shillings. Other parties did not charge candidates for participation in primaries (Mugerwa Yassin, 2016). These charges may have affected persons with disabilities who were interested in standing for such positions but lacked the financial capacity to do so.

National coverage also had a negative impact on the participation of persons with disabilities in elective politics. Take the example of parliamentary elections where the candidate campaigns across the whole country – it is costly and requires time, yet electoral laws provide only 12 days for the campaigns of parliamentary representatives.

A respondent (an MP representing persons with disabilities) noted:

"The majority of persons with disabilities wished to have regional-based elections because with that, one would be able to campaign using meagre resources and within the shortest time provided in a particular region, unlike the current national-based elections where there was no facilitation and means of transport to reach all corners of the country during the campaigning exercise. It became even worse for non-incumbent candidates who could not raise funds to run the show."

Legal Action for Persons with Disabilities (LAPD) petitioned the Attorney General in 2010 on the grounds of irregularities within the laws that govern the election of special interest groups;

that in respect of persons with disabilities the minister prescribed the procedure to elect MPs in one sentence: the "procedure" which does not amount to a procedure intended by Article 78 (4) clause (1) of the constitution which states that Parliament shall, by law, prescribe the procedure for elections of representatives of persons with disabilities. Moreover, the Electoral Commission changed the procedure of voting in the by-elections to fill the two places that fell vacant after two MPs representing persons with disabilities were nullified by court.

Uganda has just concluded a by-election by the Electoral Commission following the nullification by the courts of two MPs representing persons with disabilities on the grounds of election malpractice and lack of academic papers respectively. On 25th July 2017 at civil service college Jinja, the Electoral Commission used one box to elect two representatives excluding the regional ticket which was new to electorates. In this election, the two candidates who received the highest votes took up the two vacant positions, and the two who had initially asked to vacate the seats by the courts of law were re-elected.

The election was competitive: six candidates competed for two positions in Parliament and they received votes as follows: first candidate (325), second candidate (281), third candidate (263), fourth candidate (92), fifth candidate (126) and sixth candidate (2). Four votes were invalid. The best two candidates emerged winners and took the parliamentary seats which had been made vacant by the court pronouncement.

Persons with disabilities were concerned about the issue of using one ballot box for re-election where the best two candidates would take up the two vacant seats without considering the regional balance. The Electoral Commission official clarified that during the previous elections, MPs for persons with disabilities were elected via an administrative procedure that took into consideration the regional balance – but he was quick to add that those administrative procedures are 'foreign' to the

relevant laws. And that in this case, the Electoral Commission was following the law for by-election. Therefore, there is a need to harmonise the laws to make this clear. The Electoral Commission should also devise a policy that governs the election of persons with disabilities rather than managing it administratively.

### **3.5 The effectiveness of elected persons with disabilities in influencing legislation and decision-making at national and local levels**

There were three questions put to individual participants and key informants in this study to establish the effectiveness of elected persons with disabilities in influencing legislation and decision-making at parliamentary and local government levels. The first was whether leaders with disabilities had received orientation after their election; the second was whether persons with disabilities are given sufficient facilitation when performing their legislative roles; and third was the evidence of what influence persons with disabilities have in local government councils and Parliament.

#### **3.5.1 Orientation and facilitation of elected persons with disabilities**

Regarding the orientation of elected leaders, it is well known that government provides general orientation to local councillors. Indeed, persons with disabilities elected to local government councils said that they had received some form of general induction alongside other councillors representing mainstream constituencies.

The study also found that councillors representing persons with disabilities were not necessarily equipped with the skills required to do their work effectively. This was emphasised by one key informant (a councillor with disability) who said:

“The induction provided by local government was adequate, but we want to learn ways of generating ordinances, how to analyse strategic work plans basing on the needs of persons with disabilities and how to do advocacy. Imagine you enter the council when the mayor and

other people do not know how to help you and you also don't know what to do?”

At national level, the study discovered that MPs for persons with disabilities must attend the same induction with other parliamentarians, as explained by a key informant (an MP representing persons with disabilities):

“When coming to Parliament you don't come with the constituency; so, the training is the same and it's all about the parliamentary rules and procedures.”

Although MPs for persons with disabilities interviewed indicated that the induction was adequate, inclusion of disability in the general induction would bring on board other MPs in advancing disability-inclusive legislation, planning and budgeting.

#### **3.5.2 Facilitation of elected leaders representing persons with disabilities**

Regarding the facilitation of local government councillors, it was established that they all receive the same allowances which include sitting, transport, lunch, and safari day and night allowances. No extra support is given to persons with disabilities for their accessibility needs (sign language interpreters, guides and helpers). Local government councillors who require disability-specific support such as sign language interpreters, guides and accessible technology must themselves meet the costs involved in acquiring them. Some of the districts visited had accessible council halls (with ramps) although none had accessible toilet facilities for persons with disabilities.

However, MPs for persons with disabilities enjoy better facilitation to meet their accessibility needs than their counterparts at local government level. The study established that MPs have personal aides that are paid for by Parliament, an accessible toilet facility strictly for persons with disabilities, an elevator with a speech device and a ramp at the entrance of Parliament. MPs with disability are also supported individually for their specific disability needs. For

example, the visually impaired are facilitated with a special scanning machine (SARA) and Braille Sense (note taker), and those with hearing impairment are given sign language interpreters of their choice to enable them to participate effectively in parliamentary debates and committee meetings, and to conduct research.

### 3.5.3 Performance of elected persons with disabilities

To assess the performance of elected leaders with disabilities in influencing legislation or decision-making, the study team obtained information from a document review and from participants in the study. Many participants felt that elected leaders with disabilities had not met the expectations of their constituents. The evidence provided included failure of councillors in disseminating information programmes and projects to persons with disabilities, lack of capacity among councillors to do the job, and the fact that some councillors only work towards their own personal gain. Other reasons cited for poor performance included low education levels, discrimination by fellow councillors and lack of support to meet their particular disability needs.

The limited number of persons with disabilities in councils and Parliament is another challenge. Two representatives in the local government council (a male and female) are often not enough to influence issues in their favour. Research has established that at least one-third of any group should be women if women's rights are to gain any traction. The same must be true for any other marginalised group. Thus, if there is a majority (able-bodied or men), the majority voice will hold more sway than the lone voice. To that end it is important that persons with disabilities, who are often a minority on councils or parliamentary committees, should either be capacitated in terms of advocacy and influencing their fellow members, or other mechanisms must be used to promote disability rights. For instance, specific budgetary provisions can be mandated at central government where MPs, DPOs and the NCD are clearly able to wield more influence in holding government institutions accountable.

However, a few participants in this study indicated that some leaders with disabilities had performed their duties at the local government level effectively. Ordinances were passed in Iganga and Koboko districts focusing on the rights of persons with disabilities in schools. These ordinances provide for penalties if the parent of a child with a disability does not take him/her to school. They try to fight discrimination in the districts; although their enforcement depends on how far the councillors can go in ensuring implementation of their provisions.

In Mpigi district, there is one ordinance promoting the rights of persons with disabilities against discrimination, which was initiated by councillors with disabilities. In Wakiso district, an ordinance about physical accessibility was passed: that all structures should be easily accessible to persons with disabilities. In Tororo and Moroto districts, councillors for persons with disabilities reported influencing existing ordinances on access to education so that they could cater for the needs of children with disabilities.

In Bundibugyo, it was reported that persons with disabilities were not given priority as they would wish. One respondent noted:

“The Ugandan Government has tried to bring out disability issues but discrimination is still there, especially in rural areas. Bundibugyo is a rural area. Even if there are town centres, issues of persons with disabilities are ignored. Let me give you the example of special needs education centres: these centres were built for children with disability but right now they are used by the Uganda Broadcasting Cooperation (UBC). Toilets designated for persons with disabilities are being used by able-bodied people, and hygiene is not guaranteed.”

This observation implies that the leaders may be lacking information related to equity and the rights of persons with disabilities or may have overlooked the importance of educating a child with disability.

For Kampala Capital City Authority, councillors reported using the CRPD to lobby for services for persons with disabilities. This indicates the difference between rural and urban districts, also the proximity to different organisations that advocate and provide services to persons with disabilities.

At parliamentary level, several laws have been passed or amended, some of which being disability-inclusive such as the Local Governments Act (1997), the Land Act (2011), the Traffic and Road Safety Act (1998), the Equal Opportunities Commission Act (2007) and the Uganda Communications Act (2013). Others are disability-specific such as the Persons with Disabilities Act (2006), Building and Housing Control Act (2013), and the National Council for Disability Act (2003).

In addition, one key informant said she was serving on the equal opportunities committee of Parliament, where she had successfully lobbied for the passing of the Gender and Equity Certificate. This is provided for in the Public Finance Management Act (2015; section 9 sub-section (6), which states that the minister shall, in consultation with the Equal Opportunities Commission, issue a certificate:

- a. Certifying that the budget framework paper is gender and equity responsive.
- b. Specifying measures taken to equalise opportunities for women, men, persons with disabilities and other marginalised groups. This provision means that if the budget framework paper of any given government ministry, department or agency does not comply with the Gender and Equity Certificate, it would not be approved by Parliament; hence there would be no budget for any activities in the following year. If policy is enforced, we shall see different ministries handling disability.

Further, there was evidence that persons with disabilities had started venturing into mainstream politics at local government and national levels. For example, some persons with disabilities competed with non-disabled people and won the seats for a woman MP for Koboko and Adjumani districts. At the local government level, there are councillors representing mainstream constituencies in Bushenyi, Koboko and Tororo districts. Some of these even went ahead to become speaker for district councils. From available literature, there is also one person with physical disability who became chairperson for Dokolo district. All these are indicators of good performance.

By persons with disabilities vying for mainstream constituencies, there has been a positive change in the public perception of disability. The number of persons with disabilities who have taken up mainstream leadership positions has steadily increased over time and these are role models for others to emulate.

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## Chapter four: Conclusions and recommendations

### 4.1 Conclusions

Several conclusions can be derived from this study's findings. One is that a variety of international and national legal instruments safeguard the fundamental rights and freedoms of persons with disabilities to participate in electoral processes in Uganda. However, their implementation is still a challenge, which can be attributed to some of their provisions not being disability-specific as well as there being insufficient resource allocation to the preparation and organisation of disability-inclusive elections.

For example, The Parliamentary Elections Act (2005) section 8 (2) established five representatives of persons with disabilities in Parliament, at least one of whom must be a woman. However, the act does not give details of how the representatives should be chosen, nor does it provide a budget vote related to their elections. Further, the constituencies for MPs representing persons with disabilities are big (covering many districts); hence they may fail to serve their electorate given the resources involved in carrying out their roles and responsibilities effectively. It was also noted that regional representation was not in any laws governing elections of persons with disabilities, hence the National Council for Disability should ensure that appropriate action is taken to amend them.

The research was also informed that some legal documents had failed to be amended due to disunity amongst elected leaders for persons with disabilities. An example was the failed bill in 2013 to amend the Parliamentary Elections Act to include a provision for regional voting in elections for representatives of persons with disabilities in Parliament. This amendment was failed for fear of MPs for persons with disabilities losing the support from an electorate they do not serve directly; but rather they use their financial muscle to buy the vote.

Based on information gathered during the study, there were no significant different factors that affected participation in the electoral processes by persons with disabilities in the districts of the study.

Examining the above issue differently, it can be concluded that maintaining the status quo of voting MPs for persons with disabilities using a national electoral college may be one issue that promotes voter bribery and poor performance of leaders. For example, in a recent petition filed in the High Court and courts of appeal, judges ruled that two MPs representing Northern Region and Western Region participated in the bribery of voters during the 2016 parliamentary elections. What is common among the testimonies of all the witnesses in this case was that both candidates bribed voters with mobile money and other gifts (The Monitor Publication, 2017).

Another conclusion is that the Universal Declaration of Human Rights (1948) Article 21 and the International Covenant on Civil and Political Rights (1966) article 25 guarantee that everyone has a right to take part in the governance of his country, directly or through freely-chosen representatives; and the will of the people shall be the basis of the authority of government, which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors. However, the two legal instruments refer to elections in general terms and do not address the specific issues of persons with disabilities in the electoral process.

From the findings of the study, it can also be concluded that there was high participation of persons with disabilities in the 2016 general elections, despite mobility and information challenges. For instance, almost all (111 out of 117) said they participated in the general elections. However, their participation in elections for representatives to Parliament

and local government councils was limited due to the restrictive nature of electoral colleges (five members per sub-county vote for Local Council Five councillors, and five members per district elect a representative to Parliament) that were used for this purpose; yet the population of persons with disabilities is 12.4% of 37.78 million Ugandans. This flouts the principle of universal suffrage.

Apart from the restrictive nature of electoral colleges, persons with disabilities raised several challenges that affected their participation as voters and candidates in the 2016 elections. These ranged from accessibility to physical environments and information, transport and inadequate voter education. Eventually, they dropped the idea of looking at the capacity of a particular candidate and concentrated on who gave them something (a bribe) in exchange for their votes.

The research tackled the issue of relevance and effectiveness of persons with disabilities who are elected into leadership positions. Considering their performance in Parliament and local government councils, it can be concluded that they play a vital role in ensuring disability-inclusive legislation and decision-making.

For example, ordinances were passed in Iganga and Koboko districts focusing on the rights of persons with disabilities in schools. These ordinances provide for penalties if a parent of a child with a disability does not take him/her to school. However, their facilitation to meet accessibility needs while in local government councils is inadequate, which has somewhat affected their performance as elected leaders. This calls for the reconsideration of allowances given to local government councillors to include a specific one for disability. Indeed, the research was informed that efforts were made to improve on remuneration of councillors with disabilities at district and lower councils by the Ministry of Local Government. However, the directive has not been implemented widely.

On the other hand, MPs for persons with

disabilities interviewed indicated that their induction and facilitation were adequate; although there was a challenge of not including disability in the general induction in order to bring on board other MPs in advancing disability-inclusive legislation, planning and budgeting, and to be supported when moving disability-related motions in Parliament.

## 4.2 Recommendations

Based on the study findings and conclusions, the following recommendations are put forward for ensuring action on the report by government and other stakeholders:

1. This research recommends that amendments be made to the constitution of the Republic of Uganda (1995), the Local Governments Act (1997) and any other relevant laws to eliminate the use of derogatory language when referring to persons with intellectual and psycho-social disabilities; and to gazette them in the disability coding under the National Council for Disability Amendment Act (2013).
2. The research further recommends that the electoral laws of Uganda be reviewed by Parliament in consultations with other relevant stakeholders to include or strengthen provisions that cater for disability-inclusive elections in the following ways:
  - ✓ Increase the number of delegates that compose the electoral colleges for persons with disabilities to ensure they include all disability categories and cater for gender balance.
  - ✓ Ensure that elections for MPs representing persons with disabilities are conducted in the four regions of Uganda rather than at national level; and clearly indicate that MPs are elected to specific constituencies rather than stating that they represent persons with disabilities in Parliament.
  - ✓ Increase facilitation for the election of persons with disabilities at local government

and parliamentary levels to address their peculiar accessibility requirements and facilitate the National Council for Disability to execute its mandate of assisting the Electoral Commission to conduct free and fair elections.

- ✓ The Electoral Commission should ensure the use of digital voting systems, for instance an Electronic Voting Machine (EVM), to reduce incidences of human error, rigging and manipulation. This technology has been used in Namibia.
  - ✓ Lift the academic qualification needed for councillors representing persons with disabilities at all levels to be at least ordinary level certificate.
3. The Electoral Commission should always respect the principle of consultation in all decisions that affect the election of persons with disabilities, plus that of fair representation by increasing the size of electoral colleges with respect to inclusion of all disabilities and gender balance. In Namibia, persons with disabilities are usually part of electoral activities. In 2014, persons with disabilities were engaged on various topics including elections and human rights, citizen roles and responsibilities, multi-party democracy and political participation; and they raised a host of issues they regarded crucial in ensuring their inclusion as active partners and/or participants in the electoral process (Namibia Presidential and National Assembly Elections, 2014).
  4. As indicated in the findings, the formation of electoral colleges is very problematic. The Electoral Commission should invest resources to ensure members of electoral colleges are elected as stated in the law. The process should also be well publicised and persons with disabilities should be mobilised to elect representatives on the college.
  5. Human rights bodies - both government and non-governmental institutions in charge of electoral democracy in Uganda - should conduct awareness-raising of the CRPD. They should specifically emphasise articles 12 and 29 that talk about the inclusion and equality of persons with disabilities in elections and public life, especially concerning their right to involvement in election administration and monitoring. This will go a long way in enabling persons with disabilities to exercise their right to vote with the greatest possible autonomy.
  6. There is a need for political parties (NRM, FDC, DP, UPC and many others) to be trained in accessibility of information and the physical infrastructure. This will guarantee their respect for the rights of their members with disabilities during party elections.
  7. Lack of proper guidance during national ID registrations affected some persons with disabilities who failed to check for establishment of their disability status, thus missing out in the elections. The Electoral Commission should work with NIRA to improve the registration form to clearly indicate all disability categories; the same should appear on the voter registers for all elections in the country.
  8. The study found that lack of transport was a major challenge for persons with disabilities participating in elections. Thus, the Electoral Commission should devise appropriate means to ensure that persons with disabilities do not miss out on elections, borrowing from other countries like India and Namibia that use digitalised systems of voting.
  9. The Electoral Commission and other bodies accredited to offer voter education - such as CCEDU and its district partners, Uganda Human Rights Commission and National Council for Disability - should provide voter education to persons with disabilities in accessible formats. This will help in increasing their interest in all activities related to elections. The Electoral Commission should borrow a leaf from Namibia where the Electoral Commission took steps to ensure that all voter education

materials produced for the presidential and National Assembly elections were translated into Braille and audio for the visually impaired, and into audio-visual and sign language for the hearing impaired. The research also recommends that the Electoral Commission and other stakeholders use more visual/pictorial instead of audio information when advertising voter education in order to cater for the needs of persons with hearing impairment. Furthermore, voter education exercises are to be started early and conducted strategically to reach everyone, especially people living in rural communities.

10. Voter bribery should be eradicated using legal means. For example, a three-member panel of Court of Appeal judges asked Parliament to amend electoral laws to bar any person convicted of an electoral offence from contesting in elections for at least a decade. The judges noted:

“before we take leave of this appeal, we would like to recommend to Parliament that a

law be passed or a section be included in the respective election laws which precludes a person who is found to have committed illegal acts during an election from standing for office for at least two terms or ten years like it is in [the] Anti-Corruption Act.” (Anthony Wesaka and Ibrahim Manzul, The Daily Monitor 2017).

11. Since local government councils are made up of both mainstream and special-interest group councillors, the content of the package used in the orientation of elected leaders should bring out disability prominently so that all councillors can appreciate the unique variety of needs for persons with disabilities in order to serve them effectively.
12. To improve the performance of elected leaders with disabilities at Parliament and local government levels, the National Council for Disability should develop routine monitoring, dialoguing and training of all elected leaders to play their mandates effectively.

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## Appendices

### 1. List of laws and policies reviewed

United Nations Convention on the Rights of Persons with Disabilities, 2006
Universal Declaration of Human Rights, 1948
International Covenant on Civil and Political Rights, 1966
African Charter on Human and People's Rights, 1981
African Charter on Democracy, Elections and Governance, 2007
East Africa Community Policy on Disability, 2012
Constitution of the Republic of Uganda, 1995
Electoral Commission Act, 2002
Local Government Act, 1997 as amended 2013
Persons with Disabilities Act, 2006
Disability Policy of Uganda, 2006
National Council for Disability Act, 2013
Parliamentary Elections Act, 2005
Presidential Elections Act 2010
Mental Health Act, 1964

### 2. List of questionnaires used to collect data

#### In-depth interview guide for key informants

**This interview guide is for key informants at national, district and sub-county levels. For the national level the key informants will include the Speaker of Parliament of Uganda, Electoral Commission official in charge of special interest groups, Executive Directors of NDPOs, officials from relevant ministries (Ministry of Gender, Labour and Social Development; and Ministry of Justice), officials from relevant commissions (Equal Opportunities Commission, Uganda Law Reform Commission and Uganda Human Rights Commission) and an official from the Citizen Coalition for Electoral Democracy in Uganda (CEDU). For district and sub-county levels the key informants will include District and sub-**

county Speaker, Political Party mobiliser (NRM, DP, FDC, UPC), NCD, CAO/DCDO and sub-county chief/ACDO, district returning officer, official from an NGO working on election matters, court clerk and the two councillors for persons with disabilities in the district council.

1. What is the name of the institution/organisation you work for?
2. What is your position in the institution/organisation?
3. Have you interacted with persons with disabilities before?  
If the answer to this question is "yes", the key informant should briefly explain how he or she has ever interacted with persons with disabilities.
4. Uganda conducted general elections in February 2016. Did you play any role?  
The roles could include conducting voter education, organising elections or observing elections. The key informant should explain clearly.
5. Are you aware of the needs of persons with disabilities during elections?  
If the answer to this question is "yes", probe for the needs of various disabilities during registration, voter education and voting. Also probe for the needs of persons with disabilities as candidates – during nomination, campaigning and declaration of results.
6. Do you think persons with disabilities received enough voter education before the 2016 general elections?  
The answer to this question could be "yes" or "no". Let the key informant justify his/her answer in either case. Also probe for more answers based on the needs the respondent mentioned above.
7. How disability-friendly was the nomination process for candidates in the 2016 general elections?  
Define disability-friendly as: "capable of catering for the physical and informational accessibility needs of persons with disabilities."

Then probe for an elaborate explanation of the answer given to you by the key informant.

**8. How accessible were voter materials (ballot papers) for the different disabilities?**

For this question, you should ask the key informant to elaborate his/her answer in light of people with hearing impairment, people with visual impairment and people with psycho-social and/or intellectual disability.

**9. Please explain how election officials (presiding officer and polling assistant) assisted persons with disabilities to access polling centres and cast their votes in the 2016 general elections.**

For this question, you should ask the key informant to elaborate his/her answer in light of people with hearing impairment, people with physical impairment, people with visual impairment, people with psycho-social and/or intellectual disabilities, people with albinism and people with multiple disabilities.

**10. How were polling stations in your community for the 2016 general elections physically accessible?**

The answer from the key informant should bring out issues such as the presence or absence of obstacles to mobility, including ramp vs steps; rough surface vs flat surface.

**11. How did the declaration of results in the 2016 general elections cater for the information needs of all types of persons with disabilities?**

By persons with disabilities, we mean people with hearing impairment, people with physical impairment, people with visual impairment, people with psycho-social and/or intellectual disability, people with albinism and people with multiple disabilities.

**12. What do you consider as the key challenges faced by persons with disabilities before and during elections?**

Probe for other general challenges.

**13. Do you think there are persons with disabilities in your area who would want to vote or register for elections but are denied by the challenges you mentioned above?**

If the answer to this question is “yes”, probe for examples of such people.

**14. Suggest ways in which the conduct of voter education can be improved further to meet the needs of persons with disabilities.**

Ask the key informant to give suggestions covering all disabilities including people with hearing impairment, people with physical impairment, people with visual impairment, people with psycho-social and/or intellectual disability, people with albinism and people with multiple disabilities.

**15. Suggest ways in which the conduct of elections could be improved to further meet the needs of persons with disabilities.**

Ask the key informant to give suggestions in terms of the exercise of voting, accessibility of polling stations and declaration of results. These suggestions should cover all disabilities including people with hearing impairment, people with physical impairment, people with visual impairment, people with psycho-social and/or intellectual disability, people with albinism and people with multiple disabilities.

**16. Do you know whether leaders who are persons with disabilities have ever participated in the orientation of elected leaders in your district/sub-county?**

If the answer is “yes”, ask the key informant how this was done to satisfy the needs of persons with disabilities. If the answer is “no”, ask the key informant why that was so.

**17. Is there evidence of elected persons with disabilities influencing any legislation in the parliament/council in this district?**

If the answer to this question is “yes”, ask the key informant to explain how these have influenced legislations and which specific legislations.

**18. How are persons with disabilities facilitated to do their legislative work in the council/parliament?**

Probe for explanations such as provision of sign language interpreters, guides or any other type of helpers; plus provision of council/parliamentary material in Braille or large print.

**19. Do you have any other comment that you think has not been covered by this interview?**

Allow the key informant to make any general comment; but not outside what the interview was about.

**20. Finally, thank the key informant for his/her time; and promise to come back to him/her in case of any further clarification.**

### **3. Questionnaire for respondents with disabilities**

#### **Introduction**

The National Council for Disability is undertaking research to generate information to improve electoral laws and effect changes in the actual conduct of processes before, during and after elections to cater for the needs of persons with disabilities in Uganda. This research will also help persons with disabilities in playing their leadership roles.

**The topic is: Participation of persons with disabilities in electoral processes in Uganda.**

As a person with disability, I feel you are someone who will give me valuable information for improving electoral processes. I therefore kindly request that you respond to the questions in this questionnaire in a frank and exhaustive manner.

Your responses will be treated with the highest degree of confidentiality and used only for purposes of this study. In order to ensure anonymity, you need not disclose your name.

Thank you very much for giving me your precious time and co-operation. I greatly appreciate your help in furthering this research endeavour.

**Lillian Namukasa**

Lead researcher

National Council for Disability, Uganda

## Questionnaire for respondents with disabilities

Please tick or fill in the most appropriate answer(s)

### Section A:

#### Personal Bio data

<b>District</b>	
<b>Sub county</b>	
<b>Residence</b>	Urban <input type="checkbox"/> Rural <input type="checkbox"/>
<b>Sex</b>	<b>Gender:</b> Male <input type="checkbox"/> Female <input type="checkbox"/>
<b>Type of disability</b>	<input type="checkbox"/> Hearing impairment
	<input type="checkbox"/> Intellectual/psycho-social impairment
	<input type="checkbox"/> Physical impairment
	<input type="checkbox"/> Visual impairment
	<input type="checkbox"/> Albinism
	<input type="checkbox"/> Multiple disability (please describe)
<b>Your highest level of education</b>	<input type="checkbox"/> Uganda Certificate of Education
	<input type="checkbox"/> Uganda Advanced Certificate of Education
	<input type="checkbox"/> Diploma
	<input type="checkbox"/> Degree
	<input type="checkbox"/> Other – please specify

## Section B: Participation of persons with disabilities (PWDs) in electoral processes

1. Have you ever participated in any election in Uganda?

a) Yes  b) No

2. If yes, which elections have you participated in?

a) General elections  b) Elections for PWDs  c) Youth elections  d) other

3. Did you participate as a voter, a candidate, campaigner, or a combination?

a) Voter only  b) Candidate

4. Mention any position you hold (or have recently held) within the Local Council structure (possibility for multiple responses):

a) Councillor representing PWDs  b) Councillor representing a mainstream constituency

c) Speaker to the Local Council  d) Position on the Local Council Executive

e. Any other  (Please specify) \_\_\_\_\_

## Section C: Barriers to effective participation of PWDs in electoral processes

5. Are you registered as a voter?

a) Yes  b) No

6. If no, state the reasons for not registering.

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7. If yes to question 7 above, state whether the process of registration was easy or difficult.

a) Easy  b) Difficult

8. Give reasons for the answer you have chosen above:

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9. As a person with disability, did you receive any voter education prior to voting?

a) Yes  b) No

10. If yes, what methods were used to deliver the voter education?

a) Use of a megaphone  b) Use of posters  c) Use of radio talk-shows

d) Use of television  e) Use of interpersonal communication (community meeting, home visit or discussion with a friend).  f) Any other  (please specify) \_\_\_\_\_

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**11. Was the voter education you received disability-friendly? (Probe for more information basing on the category of disability of the respondent).**

a) Yes  b) No

**12. Give reasons for your answer above.**

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**13. Suggest ways of improving the voter education to meet your needs as a person with disability:**

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**14. As a person with disability, was the voting process disability-friendly? (Probe for more information based on the category of disability of the respondent).**

a) Yes  b) No

**15. Give reasons for your answer above.**

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**16. What do you consider as key challenges faced by persons with disabilities during elections? (Probe for general challenges as well as disability-specific challenges).**

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**17. Do you think that there are persons with disabilities in your area who would want to register or vote but are denied a chance because of such challenges? (Probe for examples of such people).**

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**18. Suggest ways of improving the voting process to meet your needs as a person with disability:**

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**19. In your opinion, have the councillors representing persons with disabilities performed to your satisfaction?**

a) Yes  b) No

**20. Give reasons for your answer above.**

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## Annex 1 Observation checklist

### Study on Participation of Persons with Disabilities in Electoral Processes in Uganda

#### Observation checklist

#### 1. Describe the physical setting that was used as a polling station in a given locality for conducting the 2015/16 general elections

No.	Premises
1	School
2	Religious premises
3	Market
4	Parking yard
5	Community centre
6	Playgrounds
7	Any other (please specify)

#### 2. Describe barriers in the physical infrastructure

a) Presence of obstacles to mobility

b) Lack of modifications for all users to freely and easily access the polling station

c) Any other obstacle  (please specify) \_\_\_\_\_

#### 3. Describe the physical setting that was used as polling station in a given locality for conducting the 2015/16 elections for persons with disabilities

a) Presence of obstacles to mobility  b) Existence or lack of ramps and/or handrails

c) Any other  (please specify) \_\_\_\_\_

#### 4. Is there proof of accessibility to information for campaigning, voter education and elections?

a) Availability of ballot papers and/or voter education material in Braille, audio format and/or large print

b) Any other proof of accessibility to information  (please specify) \_\_\_\_\_

#### 5. Describe the council halls at sub-county and district levels

a) Presence of obstacles to mobility  b) Lack of provisions for all users to easily access the hall

c) Level of lighting in the hall  d) Any other obstacle  (please specify) \_\_\_\_\_

## Annex 2: Literature review checklist

Literature		Key variables			
Laws/policies	Year	Provisions on the rights of PWDs to participate in electoral and political processes	Provisions on accessibility to information	Provisions on accessibility to physical infrastructure	Provisions on recognition, protection and support of PWDs holding political offices
Constitution of the Republic of Uganda	1995				
Electoral Commission Act	2002				
Local Government Act	1997				
Persons with Disabilities Act	2006				
Disability Policy of Uganda	2006				
National Council for Disability Act	2013				
Parliamentary Elections Act	2006				
Presidential Elections Act	2005				
Parliamentary Elections Act	2010				
UN Convention on the Rights of Persons with Disabilities	2006				
Universal Declaration of Human Rights	1948				
International Covenant on Civil and Political Rights	1966				
African Charter on Democracy, Elections and Governance	2007				

Literature		Key variables			
Laws/policies	Year	Provisions on the rights of PWDs to participate in electoral and political processes	Provisions on accessibility to information	Provisions on accessibility to physical infrastructure	Provisions on recognition, protection and support of PWDs holding political offices
African Charter on Human and People's Rights	1981				
East Africa Community Policy on Disability	2012				

### Literature review indicating PWDs that participated in political and electoral processes in Uganda

S/N	Registered voters with disabilities in adult suffrage	PWDs that voted through electoral colleges	Elected leaders with disabilities through electoral collages	Elected leaders with disabilities elected through adult suffrage

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Bumpers Way  
Bumpers Farm  
Chippenham  
SN14 6NG  
UK

+44 (0)1444 446 600

[info@sightsavers.org](mailto:info@sightsavers.org)

