



Refugee Law Project

*School of Law, Makerere University
A Centre for Justice and Forced Migrants*



Ensuring inclusion and equality for Persons with Disabilities requires change of attitude for all, and political will

Today, Refugee Law Project (RLP) joins Uganda and the rest of the world in commemorating the International Day for Persons with Disability (PWDs) under the theme “Empowering Persons with Disability and Ensuring Inclusiveness and Equality”. To achieve this requires a sea-change in thinking: instead of seeing disability as the problem, it is time we recognize that it is society’s continued failure to make reasonable accommodations that is blocking persons with disabilities from accessing their rights and fulfilling their potential.

In 1976 the United Nations General Assembly, in a deliberate move to emphasize the rehabilitation, prevention, promotion and equalization of opportunities for persons with disabilities at the international, regional and national levels, declared 1981 the “International Year of Disabled Persons” (IYDP). The theme for that year, “**Full participation and equality**”, promoted the rights of PWDs to take part fully in the life and development of their societies, enjoy living conditions equal to those of other citizens, and have an equal share in improved conditions resulting from socio-economic development. A decade later, in 1992, the United Nations General Assembly resolved in Resolution 47/3 that 3rd December be commemorated annually as The International Day of Persons with Disabilities.

Twenty-six years down the road, the theme “**Empowering persons with disabilities and ensuring inclusiveness and equality**” is remarkably similar to the theme for 1981, a clear sign that full participation for persons with disability still has a long way to go - and that advocacy must be sustained.

According to the World Health Organisation report 2011, 1 in 5 of the world’s poorest people has a disability and they form the largest minority group in the world. Many remain excluded

from education, health and employment opportunities, thus creating mutually reinforcing cycles of exclusion driven by the interaction of disability and poverty. Indeed, there are more PWDs in poorer populations than in richer ones. Poverty is compounded for disabled persons by the very high costs associated with care, mobility and support equipment, facilities and services.

Limited awareness, communication and attitudinal barriers, and accessibility challenges often further limit the participation of PWDs in social and cultural activities within their communities. Stigma remains a problem at family and community levels as well as in the work environment. PWDs face both open and covert prejudice and exclusion as a result of embedded social attitudes that negate their rights as human beings.

The Government of Uganda has shown political will by enacting progressive disability-friendly laws and policies. The Constitution of the Republic of Uganda (1995) specifically guarantees the rights of PWDs (Article 33), and more provision is made in the National Disability Act 2006, and the National Disability Policy 2006. During the Global disability summit in London this year the Government of Uganda made several commitments to empower persons with disabilities and promote their inclusion and full participation in the development agenda including; strengthening integration of disability in systems of assessing, registering, delivering services, and monitoring refugee response, tackling stigma and discrimination against persons with disabilities, economic empowerment of persons with disabilities, inclusion in education for persons with disabilities, improving access to information and communication technology for persons with disabilities, the enactment of the Persons with Disabilities Bill (2018) and the Mental Health Bill (2014).

Uganda is also a signatory to the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). This, among other rights, guarantees; the rights of PWDs to live a dignified life free of discrimination as envisaged in Article 5 of the Convention; to access education (Article 24), health (Article 25), and employment (Article 27). For refugees, this is further augmented by the ***Conclusion on Refugees with Disabilities and Other Persons with***

Disabilities protected and assisted by UNHCR¹ which is operationalized in the Persons of Concern working group facilitated by UNHCR. The Working Group, which discusses issues of both the elderly and Refugees with disabilities (RWDs), hosts actors such as RLP, Ministry of Gender Labour and Social Development (MGLSD), National Union of Disabled Persons of Uganda (NUDIPU), National Union of Women with Disabilities of Uganda (NUWODU) and InterAid.

Ensuring that these domestic and international legislative and policy frameworks are operationalized remains a challenge, not least in a context of highly decentralized governance.

The Disability - Forced Migration Nexus

Disability and forced migration are intimately connected. During war, conflict and violence, persons with existing disabilities are at a high risk of being victimized and left behind as others run for their lives. Life in exile may not make things easier: Take the case of Abraham (not real names), a South Sudanese who had mobility challenges that were further aggravated when he was tortured in captivity in his country of origin. On arrival to Uganda, he got refugee status and was placed in a refugee settlement, but his vulnerabilities and medical needs resulting from the torture (compounded by his disability) were not addressed promptly. In the settlement no necessary accommodations were made for his condition; When he fell heavily as a result, he sustained injuries that have left him confined to a wheel chair.

PWD's may also be more vulnerable to develop trauma-related problems like Post Traumatic Stress Disorder (PTSD) due to their initial limited ability to cope influenced by their disabilities. The protracted refugee situation often makes families and communities less able to take care of their disabled members. One case Refugee Law Project encountered involved a 4-year-old girl who does not speak and has a hearing impairment problem which the mother suspects is the result of the gunshots fired during flight. This, coupled with autism, attention deficiency and hyperactivity has made it difficult for the mother to find work as she has to attend to her

¹ <https://www.unhcr.org/excom/exconc/4cbeb1a99/conclusion-refugees-disabilities-other-persons-disabilities-protected-assisted.html> (accessed 1 December 2018)

daughter full time. A communications therapist who examined her recommended her to have one-on-one engagement with a teacher after which she would stabilize and possibly be in position to attend classes with other children. Such specialized attention is not affordable for this particular refugee family hence education for this child remains a myth - an all too familiar story for an 8-year-old boy who, on top of having downs syndrome and being deaf, is still struggling to find a school that can accommodate his disabilities and cultivate his abilities.

In addition to existing disabilities, war and violence create new ones: many people experience various forms of violence like torture and sexual violence, leaving many with significant obstacles to normal functioning that, left untreated, can result in permanent disabilities. The case of Mariam (not real names) who was shot in the leg and was unable to access timely treatment; amputation was the only viable option by the time she was able to access treatment. It is only recently that she has been able to get a prosthetic leg which has increased her functionality.

As we commemorate the day, it is important to acknowledge the existing contributions made by state and non-state actors, as well as the challenges and opportunities that exist to ensure that disabilities do not result in people being excluded from the development agenda.

Recommendations

Although spaces have been created to discuss issues concerning Refugees with Disabilities, they continue to be barely noticed, and as a result the policy aspirations to refugee integration, resilience and self-reliance remain a dream. As we commemorate this day, RLP therefore calls upon all actors to;

Reflect on current policies and practice. This day should make us reflect on how the policies regarding RWD's are being implemented and challenge us to rethink what it actually looks like to implement the Comprehensive Refugee Response Framework without losing focus on RWDs. This demands nothing less than involving persons with disabilities in all programming. The principle of "nothing about us without us" must be practiced. While it is evident that the time is now for RWDs to take center stage in advocating for their rights and needs; the onus is upon

every actor to make deliberate efforts to actively involve RWDs in all programmes that affect their wellbeing.

Prioritize access to quality education for PWDs, including Refugees with Disabilities.

Education exposes PWDs to knowledge that equips them with the skills they need to take advantage of employment opportunities, as well as understanding and speaking for their rights and the rights of others. There are very few special needs education centers and they are often too expensive for refugees. There is need for government, humanitarian organizations and development partners to start making deliberate efforts to remove barriers that continue to prevent RWDs, especially children, from full participation in education. This will involve making the right adjustments needed to accommodate RWDs and PWDs; whether it is modifying the infrastructure to facilitate easy mobility, having computer software and hardware needed by PWDs, or having teachers with the particular skills needed- .

Raising people's awareness. There are still people who do not understand that persons with disabilities have a lot of potential and rights too. Even parents sometimes do not know how to support their disabled children and where to seek services or assistance. Educating people will go a long way in to reducing on the stigma experienced by PWDs in communities and promote inclusiveness and equality.

Documenting persons with disability. Over time we as an organization we have appreciated the power in systematically documenting cases of vulnerabilities. This enables us to understand the magnitude of the needs - and which people need what. Until we get to know the numbers and nature of disabilities, programming for their empowerment and inclusion will remain superficial. All stakeholders should take deliberate efforts to document persons with disabilities.