

Assisting Landmine Survivors: A Decade of Efforts

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Panel IV: Legislation And Policy Framework

Case Country: Uganda - Presented by Margaret Arach Orech, ICBL Ambassador

2) Mine Ban Treaty

Uganda as a State Part to the Mine Ban Treaty has the responsibility to provide assistance and care for the rehabilitation and social and economic reintegration landmine victims.

Nairobi Action Plan #33: Ensure that national legal and policy framework effectively address the needs and fundamental human rights of mine victims, establishing as soon as possible, such legislation and policies and assuring effective rehabilitation and socio-economic reintegration services for all PWDs.

4) Legislative and Policy Practices in Uganda

The National Laws of Uganda concerning persons with disabilities are in place are mainly made to:

- Provide Legal Protection in service provision
- Eliminate all forms of discrimination against persons with disabilities
- Provide a framework for equalization of opportunities for persons with disabilities
- Consolidate the laws governing individual employment relations
- Enhance empowerment, participation and protections of rights of PWDs
- Guide and inform the planning process resource allocation, implementation, monitoring and evaluation of activities in respect of PWD at all levels.

The Constitution of Uganda (1995) has various articles that concerns PWDs and made into General Laws. Some of the articles in the constitution have clauses made specifically for PWDs. One of the objectives of the constitution ensures gender balance and fair representation of marginalized groups and equal participation of PWDs in Constitutional affairs among others.

6) The National Policy on Disability in Uganda – 2006.

The National Policy on Disability outlines priority areas for government and provides areas of focus by all stakeholders in:

- Accessibility
- Participation of PWDs and Caregivers
- Capacity Building

- Awareness Raising
- Prevention and management of Disabilities
- Care and Support
- Research and
- Communication – use of Sign Language, Tactile and Braille Literacy.

9) National Disability Act 2006

Protects and promotes rights of PWDs and focuses on implementing laws that concerns PWDs. The Disability Act is law that will operationalize the UN Convention on the Rights of Persons with Disabilities.

10) The National Council for Disability Act 2003

Is a monitoring and Evaluation mechanism that has been established at national, district and sub county level. Representation of the council comes from PWDs, Government representatives from line ministries, Parents of PWDs and Youth representatives with disability. The Act gives the Council power to sue and it can be sued.

It promotes equalization of opportunities for PWDs and advises the Electoral Commission in elections of PWDs.

It should be noted that the NCD came about as a result of the UN Standard Rules.

Legislative and Policy practices used by some States

11) African Decade of the Disabled Persons¹ (1999-2009)

The African Decade of the Disabled Persons (1999-2009) was declared by African Union Assembly of Heads of States in 1997 to respond to the plight of disabled persons in Africa.. The main goals of the Decade are to raise awareness about disability issues in the region and to identify solutions tailored to the African experience that enhance full participation, equality and empowerment of Africans with Disability. The formal declaration was subsequently adopted by the Assembly of Heads of State and Government in Togo, July 2000.

Member States of the African Union who endorsed the Declaration for the African Decade of the Disabled Persons have an obligation to comply. Uganda is one of the 24 VA most needy states persons in the region who has come up with a plan of Action for the Decade.

The Government developed a Uganda National Plan of Action for Persons with Disabilities to articulate the priorities to be addressed during the implementation of the African Decade of Persons with Disabilities (1999-2009)

13) IDP POLICY

15) Other Policies

The Children Statute 1996

Section 10 of the Statute focuses on children with Disabilities and states that parents of children with disabilities shall:

- See that CWDs are assessed as early as possible
- Offered appropriate treatment and
- Provided facilities for rehabilitation and equal opportunities to education.

The Local Government Act 1997

Has a number of general laws that unfortunately have no specific sanctions or penalties. But there are in place for PWDs. Some of these Local Government Acts are:

- a) The Land Act – **1998**: Section 28 provided for the rights of PWDs in respect to customary land. It provides for access to ownership, occupation or use of land.
- b) The Uganda Communications Act 1998
- c) Uganda Traffic and Road Safety Act 1998
- d) The Movement Act 1998
- e) The Local Government (Amendment) Act 2001
- f) The Universities and Tertiary Institutions Act 2001

All other government policies have a component on disability.

16) Mine Action Policy

The draft National Policy on Mine Action lays down the guiding principles and provides an overall framework for an effective and efficient response to the threat from landmines and explosive remnants of war (ERW) in Uganda. Landmines and ERW continue to cause casualties and affect human security overall, severely hamper the return of internally displaced persons (IDPs), essential reconstruction and slow development.

The National Policy on Mine Action is intended to achieve human security and enable reconstruction and development of landmine/ERW-affected areas in Uganda. Provisions for Victim Assistance are enshrined in the MA Policy.

- Victim assistance refers to all aid, relief, comfort and support provided to survivors of landmine and ERW explosions with the purpose of reducing the immediate and long-term medical and psychological implications of their trauma.
- Survivors shall be entitled to lifelong access to assistance in accordance with need and vulnerability and to full respect for their human and legal rights.
- To the extent possible, services for rehabilitation and reintegration shall be provided to survivors as close as possible to their homes and in the context of broader community-based rehabilitation initiatives.
- The government of Uganda and Uganda Mine Action Centre shall be responsible for monitoring and evaluation of assistance to mine and ERW victims.

18) **UN Convention on the Rights of Persons with Disabilities**

The UN Convention on the Rights of Persons with Disabilities reinforces article 6.3 of the Mine Ban Treaty. It will provide guidance to States in meeting their responsibilities to landmine survivors as the obligations enshrined in the convention compliments victim assistance component of the MBT.

The Convention has the potential to ensure that barriers to participation by PWDs are removed and inclusion enforced as well as providing a recognized international standard for the rights of PWDs. This can only become true for the many disabled persons worldwide if governments ratify the convention and hasten to make it applicable in their respective states.

Can strengthening legislation and establishing sound public policies really make a difference in countries with few resources to implement policies and ensure compliance with laws?

With political good will, strengthening legislation and establishing sound public policies can make a difference in countries with few resources for implementation of such policies.

e.g. Gov priorities may lie in other sectors but once a policy document is in place with the legal framework for enforcing it, other stakeholders i.e. INGOs, UN bodies, donor community with an interest in the matter are most likely to provide the resources.

Much as human and fiscal resources are tangential to effective implementation of policies in some countries and especially mine affected countries the following factors should be noted:

- Security₂

- Law and Order
- Coordination and communication

Greater involvement and extensive consultations of stakeholders in planning humanitarian interventions for PWDs is crucial as well as engagement of the humanitarian agencies to reinforce national efforts with respect to assisting vulnerable populations.

Wide dissemination of the policies among stakeholder and PWDs together with activities to foster understanding of provisions is quite important. PWDs should be properly informed of their rights as set forth in the policies.
- Capacity building

It is logical to build capacity and technical skills of the authorities in charge of implementing the policies and with a view of operationalizing the provisions. Monitoring is also necessary to examine the extent to which the policies are being implemented.

Conclusion

Political Will is imperative for Effective Legislation and Policy Implementation. With good political will, it is possible to strengthen legislation and establishing sound public policies that can make a difference in countries with few resources to implement policies and ensure compliance with laws. Acts of government especially those concerning PWDs should be under the authority of PWDs who should be given the opportunity to participate actively in the policy formulation and its implementation. The Government Acts mentioned above have been passed after engaging Disabled Peoples Organization, NGOs whose mandate include disability and the relevant line ministries. Gov priorities may lie in other sectors but once a policy document is in place with the legal framework for enforcing it, other stakeholders i.e. INGOs, UN bodies, donor community with an interest in the matter are most likely to provide the resources.

Political will and government participation in implementing and creating a conducive policy environment are crucial in addressing the plight of PWDs. Governments world over should take a lead role on institution and infrastructural frameworks responsible for effective implementation and promote greater understanding of policies in place. This will facilitate coordination mechanisms among the various stakeholders, setting priorities and make well-informed decisions in upholding the rights of PWDs including landmine survivors.

Thank You.