Implementation of the Employment Provisions of the Uganda Persons with Disabilities Act

2006

BY

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DISSERTATION

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DEDICATION

To my beloved mother, Leticia Agudo (R.I.P.), who left me at the bud of my life, but after inspiring me to be a teacher. Thank you and I will always remember you.
ACKNOWLEDGEMENTS

When I first got the Ford Foundation Scholarship in 2006 to pursue a master’s degree in the United States, I deferred it but later my heart kept yearning for a similar opportunity to knock again, and yes, it did, through the Fulbright scholarship. I am indebted to the United States’ government for the sponsorship I received through the Fulbright Scholarship Program, that made it possible for me to pursue this doctorate degree.

No one bore the weight of my absence more than my family. They endured my absence each time I had left for study abroad. I am fathomlessly grateful to my wife, Florence, for her patience with my seemingly endless studies and for diligently raising our children amidst challenges. To all our children, thank you for your patience. All of you were still very young and needed me around but you freely accepted that I come for further studies. I will always remember your sacrifice, patience, and keeping together as one family all this time.

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LIST OF ABBREVIATIONS

ADA Americans with Disabilities Act
ATM Auto Teller Machine
CRPD United Nations Convention on the Rights of Persons with Disabilities
DSI Danish Council of Organizations of Disabled People
DPO Disabled Peoples’ Organization
FUE Federation of Uganda Employers
ILO International Labor Organization
NDC National Council on Disability
NUDIPU National Union of Disabled Persons of Uganda
PWDs Persons with disabilities
PWD Act Persons with Disabilities Act 2006
URA Uganda Revenue Authority
UNAB Uganda National Association of the Blind
UNAD Uganda National Association of the Deaf
UNCST Uganda National Council for Science and Technology
UNOHCHR United Nations Office of the High Commissioner for Human Rights
WPA World Program of Action
I. INTRODUCTION

*I do not believe we can repair the basic fabric of society until all people who are willing to work have work...* (Clinton as cited in Crimando, 2003, p. 379)

A. Background

The centrality of employment to individuals’ wellbeing is well documented. According to (Crimando, 2003, p. 379), “the need to work or be engaged in meaningful activity whether for survival, self-esteem or self-transcendence is as old as humanity.” As such, equal access to jobs and career opportunities is a fundamental right demanded by every citizen of a country (Slack, 1995) and is instrumental in the realization of other human rights (United Nations, 2012b). To date, the right to work forms an integral part of many domestic and international human rights instruments (Ferraina, 2012). For persons with disabilities (PWDs), employment is important not only for economic benefits, but also because it facilitate their full inclusion into society (Kiernan, 2000; Schur, 2002). In a low-income country like Uganda where there are no social welfare benefits for PWDs as well as other people, engaging in productive work is even more critical to the wellbeing of individuals. Participation in productive work is considered one of the principal ways out of poverty (International Labor Organization [ILO], 2007). The importance of work to individuals is summarized in the former US President Bill Clinton’s assertion that we cannot repair the basic fabric of society until all people who are willing to work have work (Clinton as cited in Crimando, 2003).

In Uganda, the paucity of official statistics makes it difficult to describe the employment standing of PWDs. However, the unemployment rates of PWDs globally, are still higher than for non-disabled people (United States Committee on Health, Education, Labor and Pensions, 2012; United Nations Enable, 2013). This is partly due to the history of exclusion and discrimination (United States Commission on Civil Rights, 1983 as cited in Schur, 2002) and a lack of support
and workplace accommodation (Canadian Labor Congress, 2008). To date, PWDs are often not fully considered as potential members of the workplace owing to perceived fear, myths and prejudices that limit the understanding and acceptance of disability in the workplace (United Nations Enable, 2013). Moreover, research evidence shows that excluding PWDs from work adversely affects not only the individual with disability but also society. For example, a study of eight African countries estimated the amount of economic losses resulting from excluding PWDs from employment at 3.1% and 7% of Gross Domestic Product in Malawi and South Africa respectively (Backup, 2009). This shows that when PWDs work, they contribute towards national development.

It is recognized that domestic legislation is one of the measures with the potential to facilitate social change and improve the rights of PWDs (United Nations, 2004). Uganda is one of the developing countries recognized as having enacted some relatively progressive disability legislation (Lang, 2009). Since 1995, Uganda explicitly incorporated disability in the national constitution (Lord & Stein, 2008) and other mainstream legislation. The right to work and employment is guaranteed in the Constitution (Article 40) and mainstream legislation like the Employment Act of 2006 and the Workers’ Compensation Act 2000. Also, Uganda ratified the United Nations Convention on the Rights of Persons with Disabilities (CRPD) and several International Labor Organization Conventions on employment (United Nations, 2012a). However, legislative enactment per se appears not to have elicited the needed change.

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In spite of the existence of progressive domestic legislation and Uganda’s ratification of several international treaties related to employment, PWDs in Uganda still participate less in employment than the general population (International Labor Organization, 2004) and face several employment barriers including persistent discrimination (Ndeezi, 1999; Oyaro, 2014), negative attitudes, inaccessible workplace environments (ILO, 2004), and denial of employment (Ministry of Finance, Planning and Economic Development, 2008).

The prevalence of barriers to work and the subsequent poor living conditions of PWDs is attributed to the lack of implementation of existing domestic disability legislation (Lang, 2009). The implementation problem has led to the growing concern that Uganda has too many unimplemented disability policies (Ministry of Finance, Planning and Economic Development, 2008) but there have been no indicators of their impact (Fulgencio, 2009). Thus the steps taken to enact progressive disability legislation and ratify the CRPD have not been followed with the commensurate political and administrative actions necessary to fulfill the goals of those policies. The missing link therefore, remains implementation, or translating the policies to action.

There is a need to understand the factors contributing to the challenge of implementing disability policies in Uganda. Policy implementation scholars vary in their views of the factors influencing implementation. Top-down scholars emphasize the ability of statutes to structure the implementation process or regulate the behavior of implementers (Mazmanian & Sabatier, 1983; McFarlane, 1989; Pressman & Wildavsky, 1984). Bottom-up scholars emphasize both a limited ability of lawmakers and the role of experts who adapt policy to local contexts (Elmore, 1979). Meanwhile, synthesis scholars consider the interplay of both statutory and non-statutory factors in the implementation process (Elmore, 19780, 1985; Matland, 1995). Importantly, many policy
implementation scholars recommend that financial resources must be committed in advance to enable successful implementation (Pressman & Wildavsky, 1984; Sabatier & Mazmanian, 1980).

The present study utilized the human rights paradigm of disability and the Sabatier and Mazmanian (1980) framework of the implementation process as its conceptual framework. The human rights paradigm focused on the alignment of the domestic disability law in question with the employment standards of the CRPD. Meanwhile, the Sabatier and Mazmanian framework helped to assess implementation. Besides being one of the most comprehensive frameworks on policy implementation, the Sabatier and Mazmanian framework was chosen because it recognizes the influence of both statutory (e.g., clear policy goals, assignment of implementing agency) and non-statutory factors (e.g., commitment and leadership skills of implementing officials, the support from sovereigns) on implementation success.

The present study analyzed the barriers to and facilitators of implementation of a domestic disability law. Despite the significance of policy implementation, implementation barriers hardly receive attention by policy scholars and lawmakers (Weaver, 2010). This neglect is attributed to the assumption by many scholars especially in developing countries that, once a policy is enacted it will be implemented, and that the intent of the policy will necessarily be as prescribed by law makers (Smith, 1973). Implementation barriers analysis ‘opens up the black box’ and helps to better understand why a policy may not work and what factors can facilitate success (Altman & Petkus, 1994). Importantly, Bishop and Jones (1993) advocate for analyzing a policy at an early stage enables policy scholars to contribute to the success of policy in their infancy as well as their maturity. Hence, knowing the constellation of the factors affecting the implementation of a policy reveals potential gaps and helps to suggest evidence-based strategies for timely intervention. The law in question was considered to be at its infancy.
Although the lack of implementation of disability legislation in Uganda is widely recognized, the problem has not received empirical research attention. To the best of the investigator’s knowledge, no published study has specifically investigated the implementation of the PWD Act 2006 in relation to employment or other domains, or from the perspectives of policy actors. The available studies mostly mention but do not specifically focus on the PWD Act, and are theoretical (United Nations Office of the High Commissioner for Human Rights [UNOHCHR], 2009; van Reenen & Combrinck 2011). Research is needed to fill in this knowledge gap and to explore the first hand views of the key policy stakeholders.

B. **Statement of the Problem**

Uganda’s track record in enacting disability policies is impressive. Over the past three decades, Uganda infused disability legislation into several of its mainstream laws and also enacted a disability specific law called The Persons with Disabilities Act (PWD), 2006. A primary goal of the Act is to provide comprehensive legal protections for and eliminate all forms of discrimination against PWDs (Part I, Section 3). To this end, it prohibits discrimination of a qualified person from all processes of employment on ground of disability. It also mandates affirmative action measures and quotas to assure the employment of PWDs (Part III, Section 12).

Despite its promise, the implementation of the PWD Act has delayed since its assent into law on May 24, 2006. This delay poses consequences for PWDs’ enjoyment of the rights enshrined in the law. It’s a known fact that no matter how well written or well intended, there is no guarantee that once adopted, a policy necessarily achieves its goals without being implemented (Hardee, Feranil, Boezwinkle, & Clark, 2004). Pressman and Wildavsky (1984) assert: “…the world is full of policy proposals that are aborted” (p. xiv). Thus, it is by implementing a policy that the intended beneficiaries can experience the goals of that policy.
The lack of implementation of disability policies in Uganda has been identified as a significant barrier to the rights of PWDs (Carter, & Hartley, 2005; Lang, 2009; Millward, Ojwang, Ministry of Finance, 2008; Ojok, 2013; van Reenen & Combrinck, 2011). A scoping study conducted on the state of disability services described Uganda as being at a crossroad with disability legislations:

Uganda is indeed at a crossroad with regard to disability policy and practice. On the one hand, it has enacted progressive forward-thinking disability legislation and has ratified the UN Convention on the Rights of Persons with Disabilities. However, the country faces significant challenges in implementing effective and efficient policy and services. The major impediment for this is the implementation gap. (Lang, 2009, p. 9)

Since no previous research investigated the PWD Act’s implementation, it deserves research attention to help better understand the missing link between rhetoric and practice. The purpose of the present study was to describe the current status of the PWD Act and explore the facilitators and barriers to its implementation. A deeper understanding of the current status and the factors that influenced the Act’s implementation were needed to suggest the strategies to reinvigorate implementation and guide policy reform. To achieve its purpose, this study investigated the following research questions:

**Research question 1:** Since enactment, what policy steps did implementing agencies take to implement the PWD Act 2006 in relation to employment?

**Research question 2:** What are the barriers and facilitators to the implementation of the PWD Act 2006?

**Research question 3:** What do policy stakeholders perceive to be the key challenges affecting the employment rights of PWDs in Uganda, and how does the PWD Act 2006 address these challenges?
C. **Organization of the Dissertation**

This dissertation comprised eight chapters. Chapter I, the introduction, situates the study in context and demonstrates the rationale underpinning the research problem. It also states the research questions that the study investigated. Chapter II is the review of the relevant literature. The review covered the themes on disability and employment in the United Nations human rights instruments. It also discusses the literature on policy implementation with a focus on the meaning, the approaches to, and the factors affecting policy implementation. This chapter also elaborates on the study’s conceptual framework. Chapter III, methods, describes the research approach and the procedures applied to collect and analyze the data. Meanwhile, Chapters IV to VII are the empirical chapters where the findings are presented based on four overarching themes. The last chapter is the discussion and implications of the study. The chapter collates and synthesizes the findings presented in the results chapters, draws lessons from and reflects on their broader implication to theory, policy, research, and practice as well as giving some specific actionable strategies for reinvigorating the Act’s implementation.
II. LITERATURE REVIEW

A. Employment, Disability, and the United Nations

1. Disability and the right to employment in the United Nations

Historically, PWDs were treated not as rights bearers in their own capacity, but as people deserving of pity, charity and medical attention (Quinn & Degener, 2002). Even in the United Nations, disability was an invisible category for a long time. Beginning with the Universal Declaration of Human Rights of 1948, the United Nations became a key disseminator of the rights-based ideology (Parker, 2008). With the adoption of the International Bill of Rights, employment was established as a right for all persons under the United Nations human rights instruments (United Nations, 1948, Article 23; United Nations, 1966, Articles 6, 7, & 8). Although the United Nations recognizes that employment is crucial both for the survival rights of individuals as well as for realizing other rights, employment remains an arena where PWDS continue to experience disproportionate discrimination (United Nations Enable, 2013).

Despite the entrenchment of human rights in the United Nations international human rights instruments, disability was relegated to the other status category in these instruments (Parker, 2008). This means that the issues affecting disability did not get the same international attention as other social groups. Having recognized this reality, the United Nations attempted to address the invisibility of disability through legislative measures, beginning with the Declaration on the Rights of Mentally Retarded Persons 1971 (United Nations, 1971), the Declaration on the Rights of Disabled Persons 1975 (United Nations, 1975) and the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (United Nations, 1993). It also observed significant events at the global stage, namely the International Year of Disabled Persons in 1981, the United Nations Decade for Disabled Persons (1983-1992), and the World
Program of Action (WPA) in 1982 (Lang, Kett, Groce, & Trani, 2011). In relation to work and employment, the Standard Rules emphasized the integration of PWDs in open employment and the need for national policies to prohibit discrimination in employment (United Nations, 1993, Rule 7, para 1 & 2).

Although these legislative measures helped to increase awareness of disability globally, they were still inadequate to address the deeply entrenched inequality of PWDs in many life domains (Lang et al., 2011; Parker, 2008). This was partly because of their non-binding legal status (Lang et al., 2011) but also the laws did not espouse a full paradigmatic shift as they still emphasized preventive and rehabilitative measures (Parker, 2008; Quinn & Degenner, 2002). The gaps in these declarations coupled with the negative attitudes against PWDs across societies justified a need for a disability specific treaty.

On 13 December 2006, the United Nations General Assembly adopted the CRPD and opened it for signature and ratification on March 30, 2007 (Flynn, 2011). The CRPD came into force (i.e., it obtained the minimum required ratifications) the following year on May 30, 2008 (Lord & Stein, 2008). The CRPD is of historic importance as the first legally binding international human rights instrument by which PWDs can hold governments accountable for disability rights (Lang, 2009). It presents an opportunity to progressively reconfigure the structure and processes of human rights oversight (Stein & Lord, 2010). Unlike other international human rights treaties, the CRPD embodies all types of rights (i.e., civil, political, social, economic, and cultural rights). This is because it does not create new rights but applies the existing international human rights to the context of disability (Ferraina, 2012; Harpur, 2012; Kayees & French, 2008). Some scholars, however, contend that the CRPD goes beyond mere
application of existing rights to disability, to almost creating new substantive rights for PWDs (French, 2008; Mégret, 2008).

There is agreement that adopting the CRPD marked a significant paradigm shift from the paternalistic, medical view of disability, towards a human rights paradigm of disability (Ferraina, 2012; Harpur, 2012; Stein & Lord, 2008). The human rights paradigm of disability entails seeing PWDs as rights-bearers who are capable of claiming their own rights, and it emphasizes individual agency and respect for the inherent dignity of PWDs (Quinn & Degener, 2002). The human rights paradigm frames disability as a social construction or a product of environmental factors. It calls for a holistic approach to disability issues, action by national governments in protecting human rights, the participation of PWDs in society, equality, and autonomy of PWDs (Lord & Stein, 2008). The human rights paradigm of disability is not necessarily synonymous with the social model. It builds upon the social model understanding of disability but goes beyond it by adopting a non-radical conceptualization of disability (Harpur, 2012).

The CRPD reaffirms employment as a right for all PWDs globally. It entitles PWDs to work on an equal basis with others by prohibiting discrimination from all forms and processes of employment on the basis of disability (Article 27, para 1a). Article 27 obligates States Parties to take appropriate steps including legislative measures, to promote and safeguard the right to work of PWDs. This includes measures to align domestic employment legislation with the standards in the CRPD.

Uganda ratified the CRPD and its Optional Protocols on September 25, 2008 (United Nations, 2012a). As a States Party to the CRPD, Uganda is obligated to align its employment laws to Article 27 of the CRPD. Experience shows however, that, many African countries hardly take domestic measures to implement international human rights treaties after ratification
(Combrinck & van Reenen, 2011). This may be due to many factors including the lack of financial resources (Lord & Stein, 2008). Ratification is an important first step towards the realization of disability rights, but it is not a complete measure in and of itself, unless followed by action at national level. Hence, having signed and ratified the CRPD and its Optional protocol, the next significant step for Uganda is to review and align its domestic disability legislation with the CRPD. The following section highlights the background of the PWD Act 2006 and examines its alignment with the principles and standards stipulated in Article 27 of the CRPD, which is on work and employment.

2. The Persons with Disabilities Act of Uganda 2006

Although Uganda mainstreamed disability into many of its national laws, there was really no comprehensive disability-specific law that guaranteed the rights of PWDs. The Persons with Disabilities (PWD) Act 2006 is Uganda’s first disability-specific law. Its origin is traced to the 1995 Constitutional provision that mandates the Parliament of Uganda to make laws when necessary, to protect the rights of PWDs (Article 35, para 1). One of the objectives of the PWD Act is to promote the participation of PWDs in all aspects of life as equal citizens (Part I, 3b), including in employment. The PWD Act establishes disability rights in five domains: education and health (Part II), employment (Part III), goods, services, and facilities (Part IV), and other social rights (Part V). No other disability law in Uganda so broadly provides for the rights of PWDs as the PWD Act 2006. The PWD Act is by far the most promising disability law in Uganda. The following sub-section highlights the employment provisions of the Act.

a. The employment provisions of the Persons with Disabilities Act 2006

Employment is addressed under Part II, Section 11 and Part III, Sections 13 to 18 of the PWD Act. The Act adopted a relatively comprehensive approach to the
employment of PWDs which include: (a) Vocational rehabilitation to enhance the employment skills of PWDs (Part II, Section 11); (b) Non-discrimination in employment (Part III, Sections 12, 14, & 15); (c) employment quotas (Section 13, para 3); and (d) affirmative action in the form of tax incentives (Sections 13, para 4c &17). Granted effective implementation, a combination of these policy approaches can facilitate equal access to employment opportunities for PWDs.

With respect to vocational rehabilitation, the Act requires the Ministries for Health and Education to ensure that PWDs acquire the requisite skills to favorably compete for paid employment (Section 11). This provision is intended to address the lack of employable skills that many individuals with disabilities still face in Uganda due to low educational levels.

The anti-discrimination prong is the most comprehensive component of the employment provision. The Act explicitly prohibits discrimination of a qualified person on the ground of their disability, in all processes of employment including job application procedures, hiring, promotions, compensation, job training, and other conditions of employment (Section 12, para 1). The Act goes on to prescribe nine² practices (not necessarily exhaustive), which constitute discrimination on the ground of disability in employment processes. For example, an employer

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² The following constitute acts of discrimination in employment under the PWD Act 2006, Part III, Section 2a-i:
- Limiting, segregating or classifying a job applicant with disability in such a manner that adversely affects their work opportunities;
- Using qualification standards, tests or selection criteria that screen out or tend to screen out PWDs;
- Utilizing standards, criteria or methods of administration showing the effect of discrimination on the basis of disability or perpetuating the discrimination of others who are subject to common administrative control;
- Providing less payment or benefits to a qualified employee with disability than the amount paid to non-disabled people performing the same work;
- Favoring a non-disabled employee over a qualified employee with disability with respect to promotion, training opportunity, study and scholarship grants, solely on account of the latter’s disability;
- Re-assigning or transferring a qualified employee with disability from a job or position he or she can perform to one which he or she cannot perform because of his or her disability;
- Dismissing or terminating the services of a qualified employee on ground of disability unless the employer can prove that s/he affects the satisfactory performance of the work to the prejudice of the business and that the employer tried to provide tried to provide reasonable accommodation and received no better results;
- Failing to select or administer in the most effective manner, employment tests which accurately reflect the skills and aptitude of an applicant or employee with disability; and
- Excluding persons with disabilities from membership in labor unions or similar organizations.
discriminates against a PWD when it transfers or reassigns an employee with a disability from a job or position he can perform to one that he cannot. Under the Act, an employer cannot conduct any medical tests to determine whether a job applicant has a disability or not, or to ascertain the severity of their disability. Employers, however, can conduct medical examinations upon offer of employment, if all newly appointed employees are subject to such a test or when the test is required for a health benefits (Section 14, para 3a-b). Notably missing in the employment provisions are the definitions of an employer, daily life activities, and a qualified person.

Furthermore, the PWD Act provides for the establishment of employment quotas for PWDs. The Act requires the Minister for Labor to determine the quota of jobs for PWDs in consultation with employers, and to thereafter publish the agreed upon quota through a Statutory Instrument (Section 13, para 4). It requires employers to annually report to the Minister on their employment of PWDs, and the Minister for Labor in turn, to annually report to Parliament on the employment standing of PWDs (Section 13, para 4d). The Act does not, however, specify how the quota system applies to the private and the public sectors.

In terms of affirmative action, the PWD Act entitles private employers to a relatively generous tax incentive upon proof that they have hired at least the stipulated minimum number of PWDs or made appropriate modifications in their workplace premises to facilitate the employment of PWDs. For example, private employers that hire at least ten PWDs as regular employees, apprentices or on-the-job-learners on full or part-time basis, are entitled to a deduction of 15% of all payable taxes (Section 17). Also, employers can claim tax exemption on any costs they incur in modifying workplace premises to facilitate the employment of PWDs (Section 13, para 4c). Nevertheless, it remains the duty of an employer to ensure that its workplace premises do not impose a disadvantage to an employee with a disability (Section 16).
To stimulate PWDs’ participation, the Act encourages, but does not require employers to mention in job advertisements, that qualified applicants with disabilities would be considered.

In sum, the PWD Act addresses the employment rights of PWDs through vocational rehabilitation aimed at skills development, prohibiting discrimination in employment processes, a quota system and tax incentives. As the PWD Act predated the CRPD, and given that Uganda is a States Party to the CRPD and its Optional Protocol, an analysis of the Act in relation to the CRPD was warranted to understand how it aligns with the employment standards in the CRPD.

3. **Comparison of the Persons with Disabilities Act 2006 and the CRPD**

Although the PWD Act is Uganda’s most comprehensive disability law and one that represents a strong promise for the human rights of Ugandans with disabilities, it is not flawless. For example, Uganda has officially acknowledged in its initial status report on the implementation of the CRPD that some aspects of the PWD Act required major revision to align it with the CRPD (United Nations, 2012a). Uganda’s initial status report does not specify the gaps in the Act that require reform. This section examines whether the Act’s employment provisions align with the standards set out in Article 27 of the CRPD on work and employment.

a. **Aspects in which the PWD Act aligns with Article 27 of the CRPD**

Generally, a comparison of the two laws finds that the employment provisions of the PWD Act largely aligned with many of the standards set out under Article 27 of the CRPD. This is intriguing considering that the PWD Act was passed before the CRPD.

In line with Article 27, para 1a of the CRPD, the PWD Act expressly prohibits discrimination of a qualified person on the ground of disability, from all employment processes (Section 12). Indeed, it embraces both the notion of direct and indirect discrimination contained in the CRPD (UNOHCHR, 2009), by stipulating what would constitute an act of discrimination
in employment (Section 12, para 2a-j). As well as the CRPD that extends the employment rights to persons who acquire disabilities in the course of employment (Article 27, para 1), the PWD Act entitles individuals who acquire disability in the course of work to retain their employment through the quota mandate (Section 13, para 3). Under the PWD Act, excluding a person from membership to labor unions organizations is an act of discrimination (Section 12, para i). This conforms to the requirement of Article 27, para 1c of the CRPD for States Parties to ensure that PWDs can exercise their labor and trade union rights on an equal basis with others.

With regard to the CRPD’s requirements of access to technical and vocational training programs (Article 27, para 1d) and professional rehabilitation (Article 27, para 1k), the PWD Act provides for vocational and professional rehabilitation services for PWDs under the Ministries of Education and Health (Part II, Section 11). Also, the PWD Act establishes a tax incentive mandate for private companies to hire PWDs as on-the-job learners or apprentices (Section 17), which conforms to the CRPD’s requirement for job placement services, vocational and continuing programs (Article 27, para 1d & k). Under the PWD Act, it is considered an act of discrimination to offer less payment or benefits to an employee with disability than is offered to another person doing the same job (Section 12, para 1e). This aligns with the CRPD’s requirement for equal remuneration for work of equal value (Article 27, para 1d).

Further, the CRPD requires States Parties to promote the employment of PWDs in the private sector through among others, affirmative action programs and incentives (Article 27, para 1h). As stated in the previous section, the PWD Act mandates three affirmative action measures to assure the employment of PWDs. First, it requires a tax reduction of up to 15% for private employers who hire at least ten PWDs (Section 17). Second, the Act allows a tax exemption for private employers who incur costs in the process of modifying their workplace premises for the
purpose of making those places accessible for employees with disabilities (Section 16). Third, it encourages (but does not require), that employers include in their job advertisements, a statement that applicants with disabilities would be considered (Section 13, para 4a). Similarly, the provision on the quota system of employment (Section 13, para 3) can be utilized to promote the employment of PWDs in the private sector, by specifying a certain percentage of quotas. By and large, these affirmative action programs promote the employment of PWDs in the open job market as required under Article 27, para 1j, of the CRPD. As there are no segregated employment arrangements in Uganda, all work options are in integrated settings.

Regarding the definition of disability, the two laws have both similarities and differences. The CRPD does not explicitly define disability but recognizes it as an evolving concept that results from the interplay of the impairment with environmental barriers (UNOHCHR, 2009). The CRPD refers to PWDs as those who have long-term physical, mental, intellectual and sensory impairments, which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others (United Nations, 2006, preamble, sub-para e & Article 1). On the other hand, the PWD Act defines disability as “a substantial functional limitation of daily life activities caused by physical, mental or sensory impairment and environmental barriers, resulting in limited participation” (Part I, Section 2, p. 4). The PWD Act’s definition of disability aligns with that of the CRPD to the extent that it recognizes disability as a social phenomenon that results from the interplay of impairment with the environment. It also recognizes that physical, mental, and sensory impairments contribute to disability (United Nations, 2009). The discrepancy between the Act’s definition of disability and the CRPD’s conceptualization of disability is discussed in the next section.
b. **Discrepancies between the PWD Act and the CRPD**

An outstanding gap in the PWD Act in relation to the CRPD is its conspicuous silence on reasonable accommodation, which is a major requirement under the CRPD. The CRPD recognizes reasonable accommodation as one of the measures necessary for promoting equality and eliminating discrimination of PWDs by any person, organization or private enterprise (Article 5, para 4). Moreover, the definition of discrimination in the CRPD includes the denial of reasonable accommodation to a PWD (Article 2, para 3). However, reasonable accommodation is not a requirement under the PWD Act and does not expressly constitute a ground of discrimination listed under Part III, Section 12, para a-i. Reasonable accommodation is mentioned only once in the PWD Act in relation to termination from employment (Section 12, para 2g). It stipulates that an employer may not terminate the services of a qualified PWD, unless the employer can prove it tried to provide reasonable accommodation to the PWD but still received no better results. This requirement on its own is inconsequential since in no other part does the Act require reasonable accommodation. The omission of reasonable accommodation from the PWD Act has serious ramifications for the PWDs’ enjoyment of the employment rights prescribed in the Act, and is an area that requires reform.

Another aspect in which the PWD Act falls short of the CRPD is the requirement to employ PWDs in the public sector. The PWD Act does not explicitly require the employment of PWDs in the public sector, especially when considering its affirmative action measures and the employment quota mandate. First, the tax incentive is exclusively intended for and applicable to only private sector employment since public companies do not pay taxes. Second, the Act’s current quota mandate is unequivocal on the public sector. Given that the regulations mandating
quotas are not yet issued, there is room to revise the quota mandate to stipulate the role of both the public and private sector in employing PWDs.

Third, the PWD Act adopted a relatively narrow definition of disability by its emphasis on substantial limitation in functioning (Ojok, 2013; UNOHCHR, 2009). This is potentially problematic at a practical level because it would mean that PWDs would have to prove that they are not just disabled but disabled enough to be eligible for the Act’s discrimination protection (Ojok, 2013). Relatedly, limiting discrimination protection to qualified individuals only narrows the scope of the Act’s discrimination protection, whereas the CRPD does not require such a qualification standard (UNOHCHR, 2009). In practice disabled individuals lacking the minimum job qualifications won’t be protected from discrimination. This is problematic since many PWDs did not have the same educational opportunities due to structural and attitudinal barriers.

4. **States Parties’ obligations and opportunities under the CRPD**

Like all other international human rights treaties, implementation of the CRPD is left to States parties (Megret, 2008). Once a state has ratified the CRPD, it is bound by its principles and standards. Uganda ratified both the CRPD and its Optional Protocol. This means that individual Ugandans with disabilities can petition the CRPD committee at the national level to seek recourse for the breach of their rights. However, Uganda is yet to domesticate and implement the CRPD at national level.

Under the CRPD, States Parties must undertake measures to ensure the promotion and full realization of the rights of PWDs, without discrimination on the basis of disability (Article 4, para 1). This obligation entails among others, adopting appropriate legislative and administrative measures to implement the rights recognized in the CRPD (para 1a), modifying or abolishing existing laws and regulations that discriminate against PWDs (para 1b), and consulting with and
actively involving PWDs in legislation processes (para 3). Other obligations of States Parties related to CRPD implementation and monitoring include designating one or more focal points within the government to coordinate government action on the CRPD implementation (Article 33, para 1) and involving PWDS and their organizations fully in the monitoring process (Article 33, para 3).

In their effort to meet CRPD obligations, States Parties must ensure that their domestic laws on disability align with the CRPD. The CRPD prescribes eight principles (Article 3), which provide an international standard for practice and interpretation of human rights in the context of disability (Lord & Stein, 2008). The principles are infused into all other substantive and crosscutting articles of the CRPD (Owen, 2011). The eight principles of the CRPD are: (a) respect for individual dignity, autonomy, and independence; (b) respect for difference and acceptance of disability as human diversity; (c) nondiscrimination; (d) equality of opportunity; (e) full and effective participation and inclusion in society; (f) accessibility; (g) sexual equality; and (h) respect for children's rights and support of their evolving capabilities (United Nations, 2006, Article 3). These principles only stipulate the minimum standards that States Parties cannot fall short of, but they can go beyond by adopting higher domestic standards provided that they conform to the standards. As such, CRPD the principles provide a framework for assessing the extent to which domestic legislation conform to the object and purpose of the Convention (Lord & Stein, 2008). This explains why one of the steps of this study was to examine the alignment of the PWD Act with the standards in the CRPD.

The CRPD also stipulates specific substantive provisions that clarify the rights of PWDs on a range of life domains, including employment. Specifically, Article 27 requires States Parties to take measures to safeguard and realize the right to work for all PWDs through appropriate
measures, including through legislation (Article 27, para 1). Engaging in the process of
domesticating the CRPD accords States Parties several opportunities including policy reform.
Additionally, Lord and Stein (2008) claim that domestication strengthens the disability and civil
society movements in a country, fosters governmental awareness, and creates opportunity for
advocacy and monitoring governmental implementation of the CRPD. Even though Uganda
ratified the CRPD after it had enacted its own disability law, it is still obligated to align all of its
domestic laws with the CRPD.

B. **Approaches to Policy Implementation and Factors Affecting Implementation**

1. **The meaning of policy implementation**

   Policy implementation scholars have variedly defined implementation. According
to Pressman and Wildavsky (1984), policy implementation is a “process of interaction between
the setting of goals and the actions geared to achieve them” (p. xv). It applies to the actions taken
by both public and private individuals and groups to achieve the objectives set forth in policy
(van Meter & van Horn, 1975). Some scholars mostly look at implementation as a governmental
role, i.e., how governments put policies into effect (Howlet & Ramesh, 2003; O’Toole, 2000).
To this end, implementation is viewed as “what takes place between the establishment of an
apparent intention on the part of government to do something or stop doing something, and the
ultimate impact of policy in the real world” (O’Toole, 2000, p. 266). This implies that policy
implementation entails not just doing something, but also choosing to stop doing something.
Sabatier and Mazmanian (1980) have by far proposed one of the most comprehensive definitions
of policy implementation. They define implementation as: “the carrying out of a basic policy
decision usually made in a statute [although also possible through important executive orders or
court decisions]. Ideally, that decision identifies the problems to be addressed, stipulates the
objectives to be pursued and in a variety of ways, structures the implementation process” (Sabatier & Mazmanian, 1980, p. 540). Thus, implementation is a long process encompassing all what is done from enactment to the accomplishment of statutory goals.

Taken together, the various definitions depict implementation as a process (i.e., it involves taking a series of decisions and actions), an output (extent to which programmatic goals have been achieved), and an outcome (i.e., the measurable change that the policy has achieved) (Paudel, 2009). Whereas some scholars take implementation to entail all that is done from the initial statement of a policy until its ultimate impact in the world, others limit implementation to the actions of those charged with implementing a policy (O’Toole, 1986). Therefore, that the goals of a policy have not been fully achieved does not necessarily mean that implementation did not take place (Brynard, 2005). The notion of implementation as a process and an outcome are interdependent. For example, to achieve the ultimate goals of a policy (outcomes), certain actions must be taken (process) under favorable conditions (Ibid, 2005). This also means that the realization of the goals of a policy is mediated by several factors that are important to understand in order to mitigate their negative influence.

Given the different meanings of implementation, it is imperative that an implementation study clearly states or operationalizes the meaning of implementation it adopts. In the present study, implementation entailed all of the actions and decisions that were taken by implementing agencies to address the goals of the law in question. The focus was on the policy output of implementing agencies, i.e., the activities and decisions they carried out in the attempt to address the policy goals. Because the law analyzed was new and not yet officially being implemented, the implementation analysis did not focus on the actual or perceived impact the PWD Act.
2. **Approaches to policy implementation**

The approaches to policy implementation are generally classified into three categories: top-down, bottom up and synthesis approaches. These are discussed below. The word approach is used here as synonymous with theory or model.

**a. Top-down approaches**

The top-down approach assumes that implementation begins with stating clear policy objectives, defining what is expected of policy implementers at the lower levels and then stating the satisfactory outcomes to be measured in terms of original intent (Elmore, 1978). Its emphasis is on the lawmakers’ ability to control the policy environment or the discretion of implementing officials. Because the top-down approach presumes that there is necessarily a correct way to structure implementation to achieve statutory goals, successful implementation depends on linkages between different organizations (Pressman & Wildavsky, 1984). According to Matland (1995), top-downers desire to develop generalizable, prescriptive conclusions, and look for recognizable patterns of behavior across policy areas and concentrate on variables that can be controlled at the center.

Typically, researchers that adopt a top-down approach would ask the questions: (a) To what extent were the actions of implementing officials and target groups consistent with the objectives and procedures of a policy? (b) To what extent were the objectives attained over time? (c) What were the principal factors affecting policy outputs and impacts of the official policy as well as other politically significant ones? (d) How was the policy reformulated over time on the basis of experience? (Sabatier, 1986). Proponents of the top-down approach include McFarlane (1989), Mazmanian and Sabatier (1983), Pressman and Wildavsky (1984), Sabtier, (1986), and van Horn and van Meter (1977).
Some of the critiques of the top-down approach are that it falls short of recognizing the importance of actions taken earlier in the policy making process since its emphasis is on statutory language (Berman, 1978; Paudel, 2009). Second, it overemphasizes the role of policy makers as the sole policy actors while ignoring the roles of experts at the lower levels who are seen only as impediments whose behavior are to be regulated (Sabieter, 1986). It is thought that the emphasis it puts on clear and consistent policy objectives is a mistake since only few programs tend to meet this criterion (Majone & Mildvasky, 1978). Likewise, the distinction this approach places between policy formulation and implementation is said to be misleading (Nakamura & Smallwood, 1980). Growing criticisms of the top-down approach led other scholars to develop the bottom-up approach to implementation.

b. **Bottom-up approaches**

The bottom up approach focuses on the formal and informal relationships within the policy sub-systems involved in policy making and implementation (Howlet & Ramesh, 2003). Unlike the top-down approach that takes statutory objectives as its starting point, the bottom-up approach takes societal problem as a starting point. Policy implementation is viewed from the perspective of the target population and service providers (Sabieter, 1986). As such, policy implementation occurs at two levels: the macro level where centrally located actors design a government program, and the micro level where local actors react to the program and develop their own plans to implement it (Matland, 1995). To this end, policy implementation problems are seen as a function of the interaction between the policy and micro level actors. Bottom up scholars claim that central policy actors can only indirectly influence micro level factors, but micro level actors adapt the policy to local contexts. The impact of a policy, therefore, depends on the ability of micro-level actors to adapt policy to local contexts (deleon,
The proponents of bottom-up approaches include Berman (1978), Weatherly and Lipsky (1977), and Wittrock, Lindstrom, and Zetterberg (1982).

The bottom-up approach has been criticized too. One of its major criticisms is that, it does not offer satisfactory solutions to the problems of public policy. Thus, rather than address the overemphasis put on central actors, the bottom-up approach too, overemphasizes the roles of lower level actors. According to Sabatier (1986), the greatest limitation of the bottom-up approach is its failure to start from an explicit theory of the factors affecting the target population, i.e., it relies heavily on the perspectives of target groups and of service providers. Generally, the two approaches offer binary views of implementation but without addressing the limitation inherent in the other.

c. **Synthesis approaches**

Syntheses approaches attempt to address the shortcomings of top-down and bottom-up approaches either by combining aspects of the two approaches within one model (e.g., Elmore, 1979, 1985; Sabatier & Mazmania, 1980), or determining when one model is preferable to the other (e.g., Matland, 1995). The major synthesis approaches to implementation include but not limited to backward mapping and forward mapping (Elmore, 1979, 1985) and the ambiguity-conflict model (Matland, 1995).

i. **Backward mapping and forward mapping**

This approach attempts to combine aspects of top-down and bottom-up approaches. Forward mapping begins with a statement of clear objectives, elaborating the action plans for achieving that objective and stating an outcome against which success or failure can be measured (Elmore, 1979, 1985). The logic of forward mapping is that implementation is controlled at the top by policy makers who should clearly prescribe the
behaviors of lower level actors. Adherence to the policy objectives, administrative responsibilities and well-defined outcomes will necessarily guarantee policy success (Elmore, 1985). A weakness of forward mapping is its incorrect assumption that policy makers can necessarily control the contexts that affect implementation. In reality however, policy success or failure is not only explained by adherence or non-adherence to structured directives and responsibilities but by a multitude of contextual factors (Elmore, 1980).

According to Elmore (1979, 1985), backward mapping recognizes that policy makers have an interest in and can affect the implementation process and the outcome of a policy, but rejects the notion that policy makers must control what happens during implementation. In other words merely stating clear policy objectives, administrative responsibilities and defining outcomes in advance, do not guarantee policy success. To address this, backward mapping starts with a statement of the specific behavior at the lowest level of the implementation process that forms the basis of a policy. It then formulates organizational targets by stating what the organizational operations are and defining the effects of these operations. It is after setting organization targets that backward mapping is conducted.

During backward mapping, two questions are asked: (a) What is the ability of the implementing agency to affect the behavior that is the target of the policy? (b) What resources does the implementing agency require in order to effect that behavior? (Elmore, 1980). Upon answering these questions, the final step is for the policy maker to then direct resources to the agency that is likely to have the greatest effect. In backward mapping, policy success is not centrally determined but is conditional on the limited ability of actors at one level of the implementation process and the behavior of actors at other levels and on the limited ability of implementing organizations as a whole to influence private behavior (Elmore, 1980).
ii. **The ambiguity-conflict model**

The ambiguity-conflict model of implementation does not combine the top-down and bottom-up approaches initially; it starts with an examination of the levels of ambiguity and conflict that a policy generates, and then uses this information to decide whether a top-down or bottom-up approach is appropriate (Matland, 1995). Matland’s model is based on the degree of ambiguity and conflict that are involved in implementation. Based on the levels of ambiguity and/or conflict that a policy generates, four implementation approaches can be adopted. For example, political implementation is used when there is high conflict and low ambiguity or when the policy itself is clear but the support of other actors is needed for implementation to succeed (McConnel, 2003). Symbolic implementation is used when both conflict and ambiguity are high: this means that the policy is unclear and has low support. They are sometimes called non-implemented policies. Administrative implementation is adopted when both conflict and ambiguity are low. Here, the policy goals and the roles of all policy actors are clear. Finally, experimental implementation is used when ambiguity is high and conflict is low. This means that the policy goals are clear, and the policy have have some support, but is not clear on how its goals are to be achieved. In this case, implementation depends on the roles that local actors can play and on the availability of resources (McConnel, 2003). Figure 1 illustrates the ambiguity-conflict levels and the types of implementation to be applied.
How does the ambiguity-conflict model integrate the top-down and bottom-up approaches to implementation? The implementer first examines the level of ambiguity and conflict that a policy generates and then decides whether to use the top-down approach, the bottom-up approach or a combination of the two. In policies where both ambiguity and conflict are low (e.g., administrative implementation), and where ambiguity is low but conflict is high (e.g., political implementation), the top-down approach is suitable. In policies where ambiguity is high but conflict is low, such as in experimental implementation, bottom-up approaches can be used (McConnel, 2003). Thus, a combination of top-down and bottom-up approaches is used when both ambiguity and conflict are high (e.g., as in symbolic implementation).

In sum, the ambiguity-conflict model does not initially combine the top-down and bottom-up approaches, but first examines the levels of ambiguity and conflict that a policy generates and then uses this information to decide. Primarily, the clarity of policy goals and language determines the level of ambiguity of a policy. Meanwhile, the availability of resources

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<th>Ambiguity</th>
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<td>Low</td>
<td>Administrative implementation</td>
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<td>High</td>
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Figure 1: Ambiguity-conflict matrix for policy implementation process
or lack thereof, determines the conflict level of a policy. Implementation approach is thus decided by considering both the levels of ambiguity and conflict.

3. **Factors that influence policy implementation**

Once a policy is enacted, the issue of the factors affecting its implementation becomes imperative (Harbin, Gallagher, Lillie, & Eckland, 1992). There is yet no consensus among policy scholars as to what variables are crucial to implementation success (O’Toole, 1986) or on what successful policy implementation means. Giacchino and Kakabatse (2003) suggest that successful policy implementation refers to when the strategic action adopted by the administrative arm of government delivers the intended policy decision and achieves the intended policy outcome. This definition may not be universal in that there are various types and degrees of implementation success or failure (Goggin, 1986).

The implementation literature abounds with the variables assumed to influence implementation. O’Toole (1986) identified over 300 variables that influence policy implementation but found no evidence on which factors exerted the greatest influence implementation. It is for certain that implementation involves multiple actors at multi-levels (e.g., national, regional, local governments). As such, policy implementation is inevitably a result of interactions among the different actors with potentially varying interests, goals, and strategies (Brynard, 2005; Scharpf, 1978, as cited in Ryan, 1995). Given that several factors influence policy implementation, an exhaustive discussion of these factors is unimaginable.

According to Goggin (1986), implementation performance rests on three critical factors: the form and content of a policy, the capacity of organizations and the qualifications of the implementing officials. The manner or style of implementation is a result of certain decisions that are made and the actions taken between the time when a plan is adopted and when it is
successfully put in place. The decision-making environment, the type of policy at stake, and the characteristics of both the implementing organizations and the people who manage the programs shape these implementation behaviors. The extent to which a program succeeds or fails is due in part to how people in the organization behave in the course of implementation (Ibid, 1986).

On the other hand, van Meter and van Horn (1975) proposed four factors that influence the implementation process: inter-organizational communication, the characteristics of implementing agencies and the disposition of implementers and economic, social and political conditions. A major characteristic of organizations that might impede implantation is its size and the capacity to implement a policy. The dispositions of implementing officials can facilitate or hinder policy implementation depending on whether they accept or resist the policy initiatives. Hence, policy failure can result when implementing officials refuse to carry out their duties (van Horn & van Meter, 1977).

In a study conducted in Malta, Giacchino and Kakabatse (2003) identified up to 18 factors affecting implementation success. They categorized the factors as: process-oriented factors (e.g., resources, stakeholder involvement) and people-oriented factors (e.g., leadership styles, beliefs and attitudes, trust, and commitment). Giacchino and Kakabatse (2003) identified commitment as the most pivotal success factor, along with the choice of the implementing body. They reported that the decision to vest responsibility for implementing the policy in the Office of the Prime Minister turned out as the most critical facilitator of success because it indicated the government’s seriousness about the policy. They claimed that had the responsibility to implement the policy been assigned to any other body that did not have the power and authority of the Prime Minister’s Office, the support and the outcomes of the policy would have been different (Ibid, 2003).
There are various factors that influence implementation but many of them are interrelated. Hence, some implementation scholars have attempted to synthesize and cluster the factors (Bishop & Jones, 1993; Bynard, 2005). In their analysis of the variables of success of the Americans with Disabilities Act (ADA), Bishop and Jones (1993) categorized the factors that influenced the success of the ADA into five, namely: the organized support of policy beneficiaries; clearly articulated compliance standards; identification of implementing agencies; specification of compliance procedures; and the clarity of policy goals or objectives. Similarly, Durlak and Dupre (2008) reviewed 81 studies and grouped the factors affecting implementation into five categories: community level factors; organizational capacity; provider characteristics; innovation characteristics; and training and technical assistance. Importantly, they reported that the providers that recognized the need for a new program, believed that it would produce the desired outcomes and had the abilities to do their work were more likely to implement a program at higher fidelity level. In contrast, Watt, Sword, and Krueger (2005) found a major barrier to implementation where health service providers did not view the policy’s initiatives as necessary for service delivery. This means that they didn’t value the policy goals enough to support its implementation. Meanwhile, Bynard’s (2005) synthesis of the core factors of successful implementation identified and grouped the factors into what he called the 5C protocols. The 5C protocols include: content, context, commitment, capacity, and clients and coalitions. Communication is considered as the 6th C. The next section explains the 5C protocols and their linkages in the implementation process in detail.

a. **Content**

Proponents of the top-down approach contend that even before a policy is implemented, its content exerts a great degree of influence on the policy outcome. In other
words, the content and language of a policy shapes its implementation. For example, Sabatier and Mazmanian (1980) claim that a well drafted statute substantially structures the implementation process by the way it allocates funds for implementation or assigning the responsibility to implement a policy to institutions and their top-officials who are supportive of, or likely to, support and give top priority to the policy’s objectives. The content of policy influences implementation by the means it employs to achieve its ends, its prior determination of the ends themselves and how it chooses the specific means to reach those ends (Brynad, 2005; Smith, 1973). Policy ambiguity can result from differential interpretations of the policy content and intent and can trigger implementation challenges (Brynard, 2010). Ambiguity in the language or content of policy can result in various interpretations. Martland (1995) proposes that selecting an appropriate type of policy implementation is determined by first assessing the level of ambiguity or conflict a policy generates. This means that a policy that is not specific on how to address its goals can generate ambiguity. Similarly, a policy that does not allocate required resources for implementation could generate conflict. In as much as the content and language of a policy structures the implementation process, it cannot solely guarantee implementation success.

b. **Context**

Context broadly refers to the pathways through which a policy passes or the different settings in which policy implementation occurs, such as the social, political, economic, legal, technological, and bureaucratic settings. Several authors have underscored the centrality of context to implementation (Elmore, 1980; O’Toole, 1986; Sabatier & Mazmanian, 1980). For example, O’Toole (1986) called upon implementation researchers and officials to pay attention to the social, political, economic, and legal settings. Meanwhile, Berman (1978) asserts
that a context-free theory of implementation is unlikely to produce powerful explanations or accurate predictions. In particular, Brynad (2005) emphasizes the role of institutional context through which a policy must pass and the support of clients. A favorable bureaucratic context is a product of human interaction than of hierarchical regulation (Warwick, 1982). The socio-political context in which implementation occurs is equally important since implementation involves multiple actors with potentially different interests. Even top-down scholars (e.g., Sabatier & Mazmanian, 1980) recognize that implementation is both a function of legal structure and the political process (e.g., support for policy). This means that implementation is not simply a managerial or administrative problem but a political process concerned with who gets what, when, how, where, and from whom (Brynard, 2005).

c. **Commitment**

Commitment, also referred to as the disposition, attitudes or the willingness of implementing officials (Mazmanian & Sabatier, 1980; van Meter & van Horn, 1975) is a pivotal factor in the realization of statutory goals. According to Sabatier and Mazmanian (1980), the commitment of implementing officials is the most critical factor affecting the policy outputs of implementing agencies. However, for commitment to facilitate successful implementation, implementing officials must possess the necessary skills and abilities to carry out their duties. There are differing opinions as to what moderates or determines the commitment of implementing officials. Top-down scholars (e.g., Sabatier & Mazmanian, 1980) believe that the commitment of implementing officials can be regulated through resource allocation and the way a policy is structured. On the other hand, bottom-up scholars (e.g., Lipsky, 1989) believe that commitment is influenced more by the institutional context such as the support of clients and their coalitions. Commitment is important not only at the institutional
or bureaucratic level, but also at all other levels of policy implementation. The commitment of implementing agencies is therefore influenced by, and it also influences, the other variables of content, capacity, context, and clients and coalitions (Brynad, 2005). To emphasize the centrality of commitment to policy success, Warwick (1982) asserts: “governments may have the most logical policy imaginable, the policy may pass cost/benefit analysis with honors, but if those responsible for carrying it out are unwilling or unable to do so, little will happen” (p. 125). This may happen when those responsible for implementation refuse to do what they are supposed to do (van Horn & van Meter, 1980). Though important, commitment per se cannot guarantee policy success. As Sabatier and Mazmanian (1980) suggest, even when the implementing officials are committed, they still must have the requisite skills and abilities to do their job. As well as the commitment of implementing officials, the characteristics of the institution responsible for implementation also matter.

d. **Capacity**

Successful implementation is also a function of the implementing institution’s capacity to do its work (van Meter & van Horn, 1975). In this context, capacity refers to both the structural and functional ability to achieve a public policy’s objectives and the availability and access to tangible resources (e.g., human, financial, material, technological, and logistical) and intangible requirements (e.g., leadership, motivation, willingness, and endurance) needed to transform rhetoric into action (Brynand, 2005). Building capacity requires the total structural, functional and cultural transformation of a government entity charged with implementation, in order to mobilize the resources needed to achieve the objectives of a policy (Savitch, 1998). The capacity-related factors that influence policy implementation include overworked and poorly trained staff and insufficient financial resources, or setting unrealistic
time constraints (van Meter & van Horn, 1975). Note that apacity is not just the technical skills and abilities of implementing officials but it is also a political process because it has to do with the question of “who gets what, when, how, where and from whom” (Brynad, 2005, p. 19). As such, implementing officials may be competent, they may fully support a policy’s objectives, but their skills, abilities, and support will not guarantee policy success when they lack the required amounts of resources to facilitate their work. Pressman and Wildavsky (1984) emphasize that to secure the predicted outcome of legislation, funds would have to be committed before implementation takes place. This is an example of how policy content can directly influence the capacity for implementing institutions. Hence, like all other variables, to facilitate success, capacity requires favorable conditions (i.e., the political, economic, administrative, technological, cultural, and social environments) to thrive (Thomas & Grindle, 1990).

e. **Clients and coalitions**

Every policy is designed for a target population who will be directly or indirectly affected by that policy. The support and the organizational capacity of the policy beneficiaries is also crucial to implementation. Hence, there should be collaboration between the government and the coalitions of interest groups, opinion leaders and other outside actors who actively support a particular implementation process (Brynad, 2005). Bottom-up scholars emphasize the influence of interest groups and their coalitions and the need to involve them in the implementation process. According to Elmore (1979), “a power shift among the different interest groups produces a corresponding shift in the implementation process” (p. 610). The role of interest groups is pertinent at the implementation stage because that is when government may abandon, implement or even modify a policy to meet the demands of interested parties (Smith,
This requires that the different stakeholders affected by a policy are identified and involved in the policy process in order to address their needs and get their support for the policy.

f. **Communication**

Bryanrd (2005) labeled communication as the 6\textsuperscript{th} C and claimed that it is necessary to coordinate all the other variables. Communication fosters effective implementation in that by enabling program objectives to be understood by responsible officials (van Meter & van Horn, 1975). It is not a separate factor but one that mediates all the other 5C protocols (Brynard, 2005). Through [effective] communication, implementation guidelines and directives are transmitted to appropriate personnel. Inadequate communication can lead to misunderstanding on the part of implementers or confusion about their duties. Thus, effective communication is needed to blend all the other factors that affect implementation and to mitigate their negative influence.

4. **Facilitators of policy implementation**

Different terms are used in the literature to refer to facilitators of implementation, e.g., enablers, drivers, or core components (Bruke, Moris, & McGarrigle, 2012). Facilitators are the factors that enable or foster successful implementation.

A considerable number of studies identified the centrality of a policy champion or fixer to successful implementation (O’Toole, Slade, Brewer, & Gaze, 2011; Wandersman et al., 2008). Policy champions are people with the relevant experiences or expertise in various areas like politics or public administration. O’Toole et al. (2011) found that policy champions were instrumental in the state-level implementation of a primary stroke center policy in the United States. They facilitate implementation through their ability to motivate and focus stakeholders on key issues and to coordinate several agencies. The policy champions possess knowledge and
experience of the policy processes and the ways to mobilize policy support (O’Toole et al., 2011; Wandersman et al., 2008). Although policy champions are instrumental at multiple levels, their role appears to be crucial at organizational level. In their review of studies on barriers and facilitators to implementation, Durlak and Dupre (2008) found that as well as effective leadership, many studies reported the existence of at least one program champion facilitated innovation. They emphasized that the program champion must be a highly placed and respected person capable of influencing others.

Other studies indicate the importance of program acceptability among professionals and other stakeholders as a facilitator of implementation. In their qualitative synthesis of the factors affecting the implementation of lay health workers programs for maternal and child health, Glenton et al. (2013) found that across the studies they reviewed, support for the program among community leaders gave credibility to the health program, especially if the community leaders had respect and authority.

The literature also points to the importance of motivation and incentives to facilitating implementation. In their literature review, Glenton et al. (2013) found that motivation and incentives were key factors among lay health workers, as manifest in the workers’ expectations of salaries. For example, while some of the unsalaried workers anticipated regular payments, some of the salaried workers were dissatisfied with their wages because they believed that the wages they received were not commensurate with their abilities and skills and/or the amount of responsibility they held (Glenton et al., 2013). This finding signals the need for providing incentives even when the implementing officials already received a salary, or else they might view their involvement in the program as extra unpaid workload and lose motivation.
A recent study reported that genuine interest in the policy program from people in
decision-making positions or other positions of responsibilities is a facilitator of implementation
(Ellen et al., 2014). Ellen and colleagues (2014) reviewed the literature on the barriers and
facilitators to implementing supports to health workers’ use of evidence-based decision-making
and found that genuine interest from health systems decision makers and the willingness to
devote funds to the program was the most frequently reported facilitator. The examples of the top
leadership and senior management of the organization radiated to other staff of the implementing
institution. This finding relates to other studies that hint on the program support and team
members’ inclinations. For example, van Dyke, McHugh, Yonek, and Mosh (2011) found that
strategic selection of team members and program executives, as well as the availability of
resources were facilitators. This study in particular found that policy support was inadequate
without resource allocation. Hence, implementation succeeded not only because of executives’
support and commitments, but because the executives allocated the resources needed to hire
additional personnel. Similarly, O’Toole et al. (2011) reported that stakeholders’ support and
communication and operational adaptations were essential facilitators of implementation.

Familiarity with expected roles required by a policy initiative appears to influence
implementing officials receptiveness of a policy. Van Dyke et al. (2011) examined the
facilitators and barriers to the implementation of patient flow improvement strategies in the
United States. They found that the program succeeded in part because implementing agencies
viewed the policy initiative as not a radical departure from their previous or current work.

5. **Barriers to policy implementation**

   Barriers are the factors that hinder or impede policy implementation (Bruke et al.,
2012). Identifying the barriers to implementation helps to take action to address their negative
influence. Bruke et al. (2012) identified resistance to change and the vested interests of some stakeholders as barriers to policy implementation. They explained that resistance to a policy arose when leaders imposed change before adequately consulting with stakeholders and addressing their concerns. This was especially the case in policies requiring the involvement of multiple stakeholders with diverse interests that may not necessarily be consistent with the policy goals (Ibid, 2012). This finding has implication for implementing disability policy since disability is a crosscutting issue that requires the collaboration of multiple stakeholders.

In South Africa, a study on the implementation of an employment equity policy for black people identified the major implementation barriers as being the lack of commitment of top-management officials, poor coordination and integration of existing implementation practices, a lack of shared understanding, and an organizational culture that was insensitive to diversity (Booysen, 2007). These barriers resulted in low job retention rates and a slow progress of the employment equity policy.

Meanwhile, in their study of barriers and facilitators to state-level implementation of a primary stroke center policy in the United States, O’Toole et al. (2011) found the major barriers to implementation were: systems fragmentation, gaps in human and financial resources, and complexity at the inter-organizational and operational levels. In particular, stakeholders in all the four states where the study was conducted indicated that the lack of coordination between the different service providers hindered stroke patients’ access to the most appropriate facilities.

In a literature review of the factors affecting implementation, Wandersman et al. (2008) aligned implementation into three types: individual characteristics, organizational factors, and community factors. Individual characteristics included practitioner’s education, experience, and attitude toward a policy. Some of the organizational factors linked to implementation were:
leadership, program goals, commitment and size, skills for planning, and organizational support for implementation. Meanwhile, community-level factors influencing implementation included community capacity, community readiness, community competence, community empowerment, social capital, and collective efficacy. These factors focus on the importance of connections within the community, resources, leadership, participation, and willingness to intervene in community problems (Wandersman et al., 2008).

A recent study conducted in Canada identified three factors as the most frequently reported barriers: limited resources (money or staff), time constraints, and negative attitudes toward change (Ellen et al., 2014). For example, limited resources affected organizations’ abilities to conduct trainings or capacity building. Meanwhile, some health workers displayed negative reactions to the policy initiative thus inhibiting progress.

Rubio-Valera et al. (2014) conducted a synthesis of qualitative research on barriers and facilitators to implementing a primary prevention and health promotion policy initiative among physicians. They grouped the barriers and facilitators that the professionals identified into five categories: intrapersonal factors (e.g., professionals’ beliefs, skills, and knowledge), interpersonal, institutional, community (e.g., mass media messages, local referral services, financial resources), and policy factors. At the intrapersonal level, the attitudes and behavior of professionals affected the implementation of a primary care program. Meanwhile, policy factors like financial incentives were seen as facilitators in some cases, but they also undermined program objectives in some cases. At the institutional level, the perception that the primary health care setting was well placed and that the institution had the credibility to implement the program was a facilitator. However, workload, lack of time, and lack of referral resources hindered implementation (Rubio-Valera et al., 2014).
Van Dyke et al. (2011) identified several barriers to the implementation including among others, the barriers included: staff resistance, lack of staffing resources, entrenched organizational culture, previous failures, and lack of monitoring data. The commonest implementation barrier was staff resistance, which often arose because the program resulted in more workload, disruption in workflow, or because some of the staffs were not included in planning. Meanwhile, economic constraints limited many hospitals administrators from granting requests to hire additional staff. Interestingly, previous failures to implement can impede implementation. According to van Dyke and colleagues, previous failure to implement a policy triggered cynicisms toward the new program because some of the staff members who had witnessed the previous unsuccessful initiatives believed that the new program similarly be abandoned.

C. **The Sabatier and Mazmanian Framework of the Implementation Process**

Sabatier and Mazmanian (1980) propose that three types of variables influence policy implementation: tractability of the problem, statutory variables, and non-statutory variables. Tractability refers to the nature of the policy problem, i.e., how easy or difficult a policy problem is to solve (Lester & Bowman, 1989). This means that some problems may be easier to solve than others. Tractability variables that affect implementation include, e.g., the diversity of target group behavior, target group as a percentage of the population, the extent of behavioral change required to address the policy problem and the willingness to take action (Sabatier & Mazmanian, 1980). For example, the greater the amount of behavioral change required to address a problem, the more problematic implementation is likely to be. Also, the smaller and more definable the target group whose behaviors needs to change, the more likely it is to mobilize support to implement a policy (Sabatier & Mazmanian, 1980). The policy problem in
this study was the employment of PWDs. For this study, the tractability variables explored were related to policy stakeholders’ perceptions about the factors affecting the employment of PWDs.

Statutory variables refer to how a policy structures the implementation process. Sabatier and Mazmanian (1980) contend that a policy itself structures the implementation process in many ways including, by regulating the allocation of financial resources, assignment of implementing agency, recruitment of top implementing officials, and determining the extent to which stakeholders can participate in the implementation process. Assignment of implementing agencies can have far-reaching influence on the implementation process, depending on whether an implementing institution is new or pre-existing. Sabatier and Mazmanian (1980) opine that a policy that is assigned to an already existing institution may suffer a slow incorporation into the institution’s system due to competing priorities. Support for a policy is thus higher in a newly established institution. Meanwhile, policy makers can assign the duty to implement a policy to institutions and their top officials that are likely to support the goals of the policy (Sabatier & Mazmanian, 1980). For ease of understanding, this study renamed statutory variables as policy-oriented factors. Policy oriented factors were investigated in two ways. First, a policy literature analysis examined the extent to which the law in question aligned with the CRPD. Second, semi-structured interviews were conducted to explore stakeholders’ perspectives about policy-related factors that affected implementation.

Although they are top-down scholars, Sabatier and Mazmanian (1980) recognize the influence of non-statutory factors on implementation. Non-statutory variables represent the dynamic socio-political contexts within which policy implementation takes place. For example, Sabatier and Mazmanian (1980) proposed that for a policy to succeed, it should have the constant and organized support of sovereigns or the various stakeholders. These include sovereigns (i.e.,
the chief executive, executives, and legislators), policy beneficiaries, the media, and the general public. In addition, the policy should withstand the effect of changes due to [adverse] socio-economic conditions. To this end, policy outputs are a function of the interaction of both legal structure (statutory variables) and the political processes (non-statutory variables). In relation to non-statutory variables, this study explored participants’ perspectives about support for the policy, the commitment of implementing officials, and capacity to implement the law in question. For ease of understanding, this study renamed non-statutory variables as process-oriented factors.

Sabatier and Mazmanian (1980) propose that a policy can be assessed through five stages of the implementation process (Figure 2), each of which feed into the next stage but can also be studied as an independent stage. The three types of variables are related to the stages of the implementation process. A problem in any of these stages can impede implementation. If the factors are not carefully considered, a policy may not achieve its goals. The PWD Act was considered to be at infancy, as it has not yet morphed through all the five stages of the implementation process identified in the Sabatier and Mazmanian (1980) framework. To this end, the scope of analysis in the present study was limited to the first stage, or the policy outputs of implementing agencies. It focused on the decisions and actions that implementing agencies carried out with the intent of fulfilling the employment provisions of the PWD Act. Figure 2 illustrates the three types of variables and the five stages of the implementation process.
Figure 2: The Sabatier and Mazmanian (1980) framework of the implementation process
The Sabatier and Mazmanian (1980) framework of the implementation process is one the most widely used in the field of implementation. It has been validated in many policy studies including by the authors themselves (Sabatier, 1986) and other scholars (e.g., Lester & Bowman, 1989), all of who have confirmed the role of statutory variables in structuring the implementation process. This framework has also been applied to disability policy research (e.g., McConnel, 2003). A critique of this framework is that, it is not useful for studying policy change over a long period of time (Sabatier, 1986). Nevertheless, this study lasted only a short time.

D. Research Gaps

There is substantial geographic and disciplinary imbalance in implementation research. Over ninety percent of the publications originate in Europe and North America (O’Toole, 2004). Also, certain academic disciplines (e.g., law, education, environmental science) are overly represented in implementation scholarship (O’Toole, 2004). A disability studies perspective is still an emerging area in implementation research. Some disability policy researchers have recently utilized mainstream implementation theories to analyze the Americans with Disabilities Act (e.g., Bishop & Jones, 1993; McConnel, 2003; Switzer, 2001). There is a need for more of such research to help understand the implementation of disability policies.

In Africa, disability has generally attracted limited research attention especially from indigenous scholars. When African scholars conduct disability research, they are often done as part of academic requirements or under the auspices of funding organizations from developed countries (Chalken, Seutloadi, & Safoora, 2009). In sub-Saharan Africa, in particular, the few published disability research originate in South Africa (Chalken et al., 2009) with very limited publications from other countries. The limited body of research in Africa confirms the critical lack of evidence-base for interventions (Campbell, 2011) and signals a need for more research.
In Uganda, there is a serious dearth of empirical research in disability in general, and even less on disability policy. Existing research focus more on the general situation of disability in the country and is often done by non-Ugandan scholars (Hoogeveen, 2005; Lang, 2009). One cross-national research on implementation of disability policy (Yokoyama, 2012) analyzed the institutional capacity to implement disability policies in three East African countries (Kenya, Tanzania, and Uganda), but it did not focus on a specific policy domain. Meanwhile, the only attempt to analyze the PWD Act 2006 was in relation to the CRPD (UNOCHR, 2009). The analysis included but did not exclusively focus on the PWD Act or its employment provisions. No known empirical research previously investigated stakeholders’ perspectives of the implementation of the PWD Act 2006. Previous studies at best identified the implementation gap as a significant barrier to the rights of PWDs in Uganda (Lang, 2009), but they fall short of elaborating on the barriers contributing to the implementation gap. An implementation barriers analysis is needed to shed light on the factors affecting implementation of disability legislation in Uganda, offer insights on how to reinvigorate implementation, and identify critical areas for future research.
III. METHODS

A. Epistemological Approach

To know more about the implementation process from the perspectives of policy stakeholders, the present study adopted an interpretive approach to policy analysis (Yanow, 2000). In this study, interpretive policy analysis is used to mean the same as the constructivist paradigm. The interpretive paradigm presupposes that the social world is characterized by the possibilities of multiple interpretations. Hence, the focus is on the meaning of a policy or its interpretation by the different policy stakeholders whose perspectives are pertinent to the success of the policy (Yanow, 2000). By focusing on the meaning and interpretations of policy and the decisions of policy actors, interpretive policy analysis helps to understand the difference between the original intent of a policy and its meaning to the various stakeholders.

Qualitative research aligns with the tenets of the interpretive paradigm. It is based on the assumption that there is no one single truth; hence, people in different places at different times interpret things differently (Hartley & Muhit, 2003). It is long recognized that qualitative research plays a critical role in policy analysis such as offering the policy maker a theory of social action grounded on the experiences of those likely to be affected by the policy (Walker, 1985, as cited in Ritche & Spencer, 2002). The present study focused on the experiences of stakeholders involved in the implementation of a domestic disability law.

An awareness and mindfulness of the background of previous disability research in developing countries, to a large extent, influenced the choice of the interpretive approach to policy analysis. Disability research in developing countries has been predominantly grounded on oppressive theoretical orientations that orchestrated the marginalization of PWDs rather than
offer relevant solutions to the local needs of PWDs in those countries (Oliver, 1992; Stone & Priestley, 1996). Because the qualitative approach focuses on understanding phenomena from the context and experiences of individuals, it offered the potential to move away from oppressive research practice (Hartley & Muhit, 2003). As the target population of the law in question, PWDs were deliberately the majority of the participants in this study, and were given the opportunity to share their implementation experiences and propose the solutions to identified barriers.

B. Qualitative Research Approach

The present study used the qualitative research approach to explore macro-level policy stakeholders’ perspectives and experiences of implementation. The choice of a particular research strategy depends on the study objectives and the phenomenon under study (Hartley & Muhit, 2003). Qualitative research methods describe and interpret the experiences of research participants in a context-specific setting (Denzin & Lincoln, 2000; Mertens, 2010) and seek to answer questions about people’s meaning and interpretations of life (Hartley & Muhit, 2003).

The decision to utilize the qualitative research approach in this study was based upon three considerations: the acute lack of disability policy research in the country of study, the complexity of the research problem, and the need for actionable results. First, very little is yet known about the implementation of the law in question. Existing disability research in Uganda are mostly superficial in scope, as they focus more on areas that are of interest to western-donors, such as welfare measurements (e.g., Hoogeveen, 2005), poverty reduction (e.g., Lwanmgna-Ntale, 2003), and the general situation of disability (e.g., Lang, 2009). The present study was deliberately exploratory to provide and in-depth understanding of the implementation process. Qualitative methods are most appropriate where little is known about a study phenomenon and
detailed insights are needed (Gill, Stewart, Treasure, & Chadwick, 2008; Hartley & Muhit, 2003; Patton, 2002). It helps to explain ‘what is going on’ in complex situations involving individuals (O’Day & Killeen, 2002) by capturing their views in those settings (Sofaer, 1999).

Another reason for the choice of the qualitative research approach was the complexity of the research problem explored. Implementation is itself complex, and often requires the collaboration with multiple stakeholders at multiple levels. Since the roles and interest of key policy stakeholders are critical for implementation success, it was necessary to capture all their perspectives. Qualitative research helps to capture the experiences and perspectives of the relevant policy actors in their own words (Patton, 2002) and to understand how and why a phenomenon occurs (Symon & Cassel, 1998). The stakeholders in the present study included the policy makers, implementing officials, leaders of the policy beneficiaries, and PWDs.

Last but not least, qualitative research was chosen because of the need to develop actionable recommendations to help reinvigorate implementation. Qualitative research can be a powerful tool for developing recommendations that are relevant to people’s cultural realities (Hartley & Muhit, 2003). Moreover, it is no longer appropriate or sufficient to base policy intervention solely on the perceptions of ‘objective experts’ (Hammersely, 1990, as cited in Barnes, 1992). Previous disability research especially in the rehabilitation field, were criticized for determining the wishes of PWDs without asking them about their preferred solutions to their problems (Safilios-Rothschild, 1981, as cited in Stone & Priestly, 1996). The present research derived its recommendations from first persons’ accounts of the implementation process by key policy stakeholders, many of whom were PWDs. Stone and Priestly (1996) have emphasized “the willingness to only undertake research where it will be of practical benefit for the self-empowerment of disabled people and/or the removal of disabling barriers” (p. 10). To enable its
practical utility, this study proposed a road map (Appendix A) for reinvigorating implementation and identified key aspects for policy reform. The draft roadmap was emailed to six of the highly information-rich participants identified from among those who agreed to be re-contacted after fieldwork. This was done to assure that the final roadmap reflected as much as possible, the perspectives of the PWDs, and all other pertinent policy stakeholders.

C. **Data Collection Instruments**

This study utilized a combination of individual semi-structured interviews and policy literature analyses to collect data.

1. **The semi-structured interview guide**

The interview method is often associated with the qualitative research approach (Mertens, 2010). An underlying assumption in interviewing is that a person’s perspectives are meaningful, knowable, and can be made explicit through the process of interviewing (Patton, 2002). There are basically three types of interviews: unstructured, structured, and semi-structured interviews (Gill et al., 2008). The present study used the semi-structured interview guide method. The major consideration for using this method was because of its flexibility, which helps to focus an inquiry within a central theme while allowing interviewers to freely explore, probe, or ask questions that illuminate the topic (Patton, 2002). Also, semi-structured interviews can save time (Gill et al., 2008) since the questions to be asked are developed in advance. The researcher can approach each participant somewhat differently while still covering the same topics of data collection (Noor, 2008) without having to change the meanings of the questions. Using semi-structured interviews enabled both the investigator and the research participants to clarify meaning whenever necessary, and to fully explore the issues that arose during the interview process (Barnes, 1992). Nevertheless, the success of semi-structured interviewing, like any other
qualitative method, relies a great deal on the decisional skills of the researcher during fieldwork (Barriball & While, 1994).

The semi-structured interview guide developed for this study (Appendix B) covered four overarching themes: progress towards implementation, the employment rights of PWDs, policy factors, and socio-cultural factors affecting implementation. These themes were derived from the conceptual framework. All questions were deliberately open-ended to help explore the issues into greater depth and make sense of non-verbal information (Patton, 2002). As well as the open-ended questions, the probes were geared towards clarifying the issues of interest. Although some of the probes were derived from the conceptual framework, others simultaneously arose from participants’ responses during individual interview sessions.

2. **Policy literature analysis**

The policy literature analyses component of this study examined the texts of policy documents relevant to the study purpose and research questions. Among the policy documents analyzed were the PWD Act 2006, CRPD, the Persons with Disabilities Amendments Bill 2014, and the Rules and Procedures of the Uganda Parliament. Some media or news articles and Uganda’s Initial Status Report on the CRPD were also reviewed.

A detailed analysis was conducted to compare the PWD Act 2006 with Article 27 of the CRPD on work and employment. To guide the comparison of the PWD Act with the CRPD, an analytical tool adapted from Owen (2011) (Appendix C) was used. The tool comprised of questions formulated based on five of the CRPD principles and the definition of disability. The five principles were: respect for individual dignity, autonomy, and independence; equality of opportunity; non-discrimination; full and effective participation and inclusion in society; and accessibility. The five principles were the most relevant to employment, which was the focus of
this study. To broaden the scope of analysis, the adapted analytical tool included the definition of
disability, which was not in the original tool. Analytical questions were formulated under each
principle and the definition of disability, and then used to compare the employment provisions of
the PWD Act with those of Article 27 of the CRPD. The comparative analysis showed the
aspects where the Act aligned or did not align with employment standards stipulated in Article
27 of the CRPD.

Note that the policy literature analysis was not a separate stage of the research, but
conducted concurrently throughout the research process. Its findings were used to discuss the
relevant empirical findings obtained using semi-structured interviews. Particularly, they
informed the development of the recommendations for policy reform. The policy literature
analysis did not inform the development of the interview guide. However, recurrent themes that
emerged during the interview sessions influenced the choice of policy documents that were
eventually analyzed.

D. Participants

A total of 25 individuals were interviewed for this study. In interpretive policy analysis, it
is not only the policy content that matters, but also the interpretations of the policy by the
“communities of meaning” (Yanow, 2000) or the different policy stakeholders. The present study
drew its participants from four stakeholder groups whose perspectives were critical to the policy
in question. These were policymakers, implementing officials, academics, and the leaders of
disabled people’s organizations (DPOs).

The policy makers (n = 4) included the legislators representing PWDs (n = 3) and a
Cabinet Minister (n = 1). The legislators for PWDs were selected because they have a
representational and reporting obligation to the disability constituency. One of the legislators was
the person credited as the most instrumental in assuring the passage of the PWD Act 2006. The Minister of State for Disability and Elderly Affairs was included because he was the political head of the Department of Disability Affairs and represented disability issues in the Cabinet.

Implementing officials \((n = 8)\) were drawn from within the relevant departments of the Ministry of Gender \((n = 3)\) and the National Council on Disability (NCD) \((n = 5)\). The Ministry of Gender had the statutory mandate to implement the PWD Act 2006. It houses the Directorate of Labor, which coordinates all employment issues, and the Department of Disability and Elderly Affairs. So, it was the default institution responsible for implementing the employment provisions of the PWD Act. Meanwhile, The NCD’s primary function is to monitor and evaluate the impact of policies and programs designed to ensure the full participation of PWDs (NCD Act 2003, Article 14, para 5a, b, & d). The participants from the NCD included board members and programs officers, and all the participants identified as PWDs.

Some participants \((n = 2)\) were academics from Kyambogo University, the only public university with the statutory mandate to train personnel in the disability and rehabilitation fields. The academics were researchers and disability advocates who were knowledgeable of the Act.

A large number of participants \((n = 10)\) were current and former executives and board members of national-level Disabled People’s Organizations (DPOs). Initially, DPO participants were primarily selected from the National Union of Disabled Persons of Uganda (NUDIPU) since it was the umbrella organization for all PWDs and the only cross-disability DPO. However, in order to attain the target number of participants, additional participants were selected from other national-level single-disability organizations such as the Uganda National Association of the Blind (UNAB) \((n = 2)\) and the Uganda National Association of the Deaf (UNAD) \((n = 1)\).
Only one participant was from the Federation of Uganda Employers (FUE). FUE is the voice of employers on social and economic issues and has previously included disability employment rights on its programs. Finally, two participants were selected from international organizations operating in Uganda, namely the Open Society Foundation Initiative for East Africa \((n = 1)\) and the Disability Rights Fund \((n = 1)\). Table I shows the demographics of study participants.

| TABLE I
<table>
<thead>
<tr>
<th>PARTICIPANTS’ DEMOGRAPHICS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy Makers ((n = 4))</td>
</tr>
<tr>
<td>Current and former Minister for Disability Affairs</td>
</tr>
<tr>
<td>Legislators representing PWDs</td>
</tr>
<tr>
<td>Executive Directors</td>
</tr>
<tr>
<td>Program officers</td>
</tr>
<tr>
<td>International DPOs</td>
</tr>
</tbody>
</table>

1. **Sampling and inclusion criteria**

Participants were sampled using purposeful sampling strategy. Purposeful sampling is appropriate when the interest of a study is in getting rich cases (Patton, 2002) or the
people who know more about the subject of interest. It was important in this study that the participants were knowledgeable about and/or had experience with the law in question.

To be eligible to participate in the study, every individual had to meet one or more of the following inclusion criteria, in addition to being fluent in English:

- Familiar with or knowledgeable of the PWD Act and/or its employment provisions;
- Plays an implementation role at organizational level, e.g., as a focal point person;
- Participated in the policy-making processes, e.g., drafting, promoting, and debating;
- Involved in the implementation process, e.g., developing regulations, developing implementation plan, stakeholder consultation, dissemination, etc;
- A current or former parliamentary representative of PWDs;
- Willing to participate in the study; and
- Fluent in English.

E. **Research Setting**

The present study was conducted at a national level with individuals drawn from organizations located within and around the Metropolitan City of Kampala, the capital city of Uganda. The national level policy stakeholders were expected to know about the implementation of the PWD Act by virtue of their roles and interests in disability affairs. Local governments (i.e., districts, municipalities, and town councils/sub-counties) were not included in the sample because the implementation of the PWD Act was not yet rolled out to these levels. A key feature of qualitative research is that it takes place in the natural setting of research participants (Barnes, 1992; Patton, 2002), such as at home, institution, or community. Hence, nearly all interviews in this study took place in the participants’ workplace offices. The investigator followed

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3 Employees of organizations were expected to be fluent in English because English is the official language in Uganda.
participants to the agreed venues so they didn’t have to incur travel costs to the venue. Many of the office settings were private and free from distraction.

F. Procedures

1. Ethical approval

Because the present study was conducted outside of the United States, ethical approval was obtained from the United States’ host university and Uganda where fieldwork was conducted. In the United States, an approval letter #2014-0075 (Appendix D) was obtained from the Institutional Review Board of the University of Illinois at Chicago. As the UIC’s IRB office required, the investigator obtained beforehand, letters of support from the target organizations in Uganda. The letters of support were obtained from the Ministry of Gender (Appendix E), NUDIPU (Appendix F), and the NCD (Appendix G). These were the organizations originally targeted for the study. The investigator also obtained a letter from a local research advisor in Uganda (Appendix H). In Uganda, the investigator obtained ethical approval at two levels. First, the Uganda National Council for Science and Technology (UNCST) the body mandated to oversee and grant permission for any and all research conducted in Uganda granted the first approval (Appendix I). The second was a research clearance letter (Appendix J) that the office of the President of the Republic of Uganda issued to authorize local the leaders of the districts where data was collected from, to support and cooperate with the investigator.

2. Recruitment

Recruitment of participants started immediately after obtaining ethical approval. Mertens (2010) advises that a researcher must follow appropriate procedures to gain permission from gatekeepers or people in positions of power in organizations. Accordingly, the investigator paid preliminary visits to each of the target organizations to seek their permission. During the
visits, the investigator explained to the organizations leaders the scope and purpose of the study as well as how their organizations were selected. Thereafter, the organizations that granted permission introduced the investigator to their staff and notified them about the study.

After being introduced to the personnel, the investigator informally interacted with each employee to build rapport and explain more about the study. The investigator obtained contacts of the employees from the front desk officer in many cases, or directly from the individual employees, if they were available. NUDIPU provided the telephone and email contacts of the legislators representing PWDs. The investigator then contact the individuals by email or in person using the initial email recruitment script (Appendix K) and in-person recruitment script (Appendix L) to request their participation in the study. After the initial contact, the investigator made follow-up calls using a telephone script (Appendix M) to confirm individuals’ willingness.

Willing individuals notified the investigator about their interest to participate in the study by email, phone calls and/or telephone text messages. The investigator then returned the telephone calls and/or physically met the willing individuals to screen them for eligibility. Participants were screened for eligibility using a screening questions script (Appendix N), prior to receiving consent forms. This was done to avoid the inconvenience that might result from finding out at a later stage that an individual was ineligible to participate after consenting.

3. **Obtaining informed consent**

Only the willing and eligible individuals received consent forms (Appendix O). The investigator contacted the potential participant by phone call, email, or in person, to make appointment to obtain written consent. The consent forms clearly explained the rights of participants, the benefits, if any, of participating in the study, the foreseeable risks of participating in the study and all information that an individual needed to know about the study
prior to granting their consent. The investigator reviewed the consent forms with each participant and clarified any questions regarding the consent forms. The investigator hand-delivered the consent forms to every individual who did not need accommodation. The individuals with low vision \( n = 1 \) and blindness \( n = 3 \) preferred to receive a soft copy of the consent forms via email so they could use screen readers to read it on their office computers. Every individual got ample time to read and understand the information in the consent form. The investigator informed the individuals that their participation was voluntary and that they had a right to withdraw from the study at any time without any negative consequences to them.

During an appointment to obtain consent, each participant granted informed consent in writing. Individuals with low vision and blindness printed their consent forms after reading and then signed in the presence of the investigator. All other individuals either signed the consent form in the presence of the investigator or in advance. After a participant signed the consent form, the investigator too, signed it, and kept a copy for record purposes. Individuals signed on two copies, one for them and the second copy for the investigator.

4. **Semi-structured interviewing**

Research participants determined the time, place, and the date of all interviews. All interviews took place at participants’ offices at their workplaces except for one interview that took place at the investigator’s office because the participant was a fellow faculty member in the same institution as the investigator.

On the day of each interview, the interview typically started with greetings and self-introductions, to help build rapport. In case it was not done in advance, the investigator first obtained the participant’s written consent. Thereafter, the investigator explained the need to record the interview session and then requested the participant’s verbal permission to do so. All
participants granted verbal permission to record their interviews. For safety purposes, the investigator used two digital recorders in every interview session and took handwritten notes in addition to recording after informing the participant. During the interviews, the investigator asked questions beginning with the more general to the specific questions (Mertens, 2010). In the process, the investigator took note of meaningful facial expressions and body language.

Typically, every interview session ended when questions were exhausted and/or when there were no more new ideas. The interviews lasted from 26 to 80 minutes. At the end of every interview, the investigator checked to make sure that the interviews were fully recorded, and thanked the participants for their time and views (Mertens, 2010). Also, the investigator asked every participant if they were willing to be re-contacted to review the excerpts of their interview transcripts. Fifteen of the participants agreed to be re-contacted. The fairly large number of interviews ($N = 25$) and the fact that they were drawn from different stakeholder groups ensured both the depth and breadth of the interview data.

G. **Data Analysis**

The process of qualitative data analysis is continuous, starting with taking and making sense of field notes (Mertens, 2010; Patton, 2002). In this study, data were analyzed using thematic analysis. Thematic analysis involves systematically searching the data in order to identify patterns that describe the topic of study (Tesch, 1990) and developing meaningful themes (Smith & Firth, 2011). Prior to coding and thematic analysis, the investigator personally transcribed all interview data verbatim in order to be familiar with the data (Mertens, 2010) and gain insights (Patton, 2002). The investigator reviewed every interview transcripts twice ensure that they matched original recordings and for possible spelling and other mechanical errors.
1. **The template coding process**

The interview data were coded using template coding (King, 2004). Qualitative researchers used the template coding approach in the United Kingdom (Crabtree & Miller, 1999; Fereday & Muir-Cochrane, 2008; King, 2004;) and in the business and management research (Waring & Wainwright, 2008). The decision to use template coding was used based upon the available time and the number of interviews. Considering that the number of interviews in this study were relatively large ($n = 25$), a time saving coding method was needed. Template coding is appropriate for analyzing relatively large data sets (20-30 interviews) and can be tailored to the needs of a particular study (King, 2004). The following steps detail how template coding was done in this study.

a. **Developing an initial codebook**

Template coding typically starts with a list of codes (template) that are often developed a priori. An initial codebook (or coding template) was developed after reviewing the conceptual framework and the semi-structured interview guide for this study. These themes from the conceptual framework and semi-structured interview guide provided the initial direction and structure but more codes were generated inductively. The initial codebook was developed using the technique of hierarchical coding (King, 2004). This involved first identifying the codes and then arranging them into higher order and lower order codes. In the process, four higher order codes emerged: progress towards implementation, employment rights of PWDs, policy factors, and socio-cultural factors. Lower order codes were identified and grouped under the relevant higher order codes based on their meanings. The initial codebook was then discussed with the research advisor and another committee member to check for their clarity and relevance.
In the meeting, it was agreed to expand the initial codebook through a quick reading of the transcripts.

b. **Reviewing transcripts**

The second step involved a bottom-up or inductive coding done by reading through all of the interview data. The investigator read through all of the interview transcripts to gain familiarity with the data. In the process, codes emerging from the data were identified and listed (Crabtree & Miller, 1999). After reading all the interview transcripts, 50 new codes emerged. Although a hectic activity, the decision to read through all of the transcripts instead of selecting just a few was intended to assure that the codes were representative of the data. Each of the code was then defined to justify its inclusion in the initial codebook.

c. **Refining and defining the codes**

After expanding the initial codebook, the investigator held a second meeting with the same committee members to review the initial codebook. The meeting resulted in modifying the codes by deleting certain codes that were not relevant or merging overlapping codes. The broad codes were split into separate codes, as new codes emerging from the data were included in the initial codebook. This process reduced the number of initial codes to 30, which were then clearly defined to indicate how they applied to the data.

d. **Trial coding**

Using the now revised but still a provisional codebook, the investigator conducted an exploratory coding of six randomly selected interview transcripts. The investigator carefully read through these transcripts, identifying meaningful segments of text in each of the transcript, selecting the segments of text, and then applying the relevant code using the comment function of Microsoft Office Word. This process helped to further check the clarity and
consistency of the codes and to discover any codes emerging from the interview data that
described a new code or expanded on an existing code (Boyitzis, 1998). The investigator read
through all of the transcripts twice before reaching a decision to stop the process of modifying
the codes. In the process, inadequacies (code names or their definitions) in the initial codebook
were identified and discussed with the advisor before making any adjustments. The investigator
modified the codes by renaming, redefining, deletion, and adding new ones (King, 2004). The
trial coding process resulted in the discovery of four new codes. Hence, upon final modifications,
the final codebook (Appendix P) consisted 34 codes.

e. **Coding using ATLAS.ti**

Once the final codebook was developed, actual coding was done using the
ATLAS.ti software for Mac. All the interview transcripts were imported into the ATLAS.ti
program. When importing interview files to ATLAS.ti, each file was assigned a pseudonym so
they were not personally identifiable. Codes and their definitions were imported into the
ATLAS.ti software too. The software helped to develop and apply memos to specific codes and
quotations for use in developing and corroborating themes and when presenting the findings.

f. **Developing themes and presenting research findings**

After coding, ATLAS.ti outputs of all codes with their quotations were
generated and printed out. The investigator then read through all of the codes and their
quotations at least once. In the process, the investigator initially identified 20 themes, which
were then refined and reduced to 18 themes (Appendix Q) by merging themes with similar
meanings. There were four overarching themes: policy outputs, policy-oriented, process-oriented
factors, and tractability. Each of the overarching themes was a chapter when presenting the
results. The corresponding sub-themes were each summarized with supporting quotes illuminating them.

H. **Significance of the Study**

Prior disability research in Uganda at best identified the implementation gap as significant barrier to disability rights but they fell short of elucidating on the socio-political circumstances contributing to the implementation gap. Moreover, none of those studies focused on a particular disability law, let alone their implementation. This dissertation research breaks new ground as the first empirical research on the implementation of the Persons with Disabilities Act 2006. Its strength lies in the fact that it reports first persons’ perspectives of the implementation process from the key stakeholders that were in charge of implementation, and those affected by the law. The study findings extend current understanding of the implementation of disability legislation in Uganda by shedding light on two important questions about the Persons with Disabilities Act 2006 that were otherwise prior to the study not answered: what is the implementation status and what factors have influenced the implementation of the PWD Act since it was passed in 2006? The answers to these questions help to reflect upon past experiences and draw meaningful lessons to inform future directions. As the first empirical research on the implementation of a disability policy in Uganda, the study inspires more research in disability policy by identifying and recommending critical areas for future research in disability policy.

To implementation theory, the present study illuminates on the unique socio-political conditions that affect or tend to affect policy implementation in a developing country’s context. There is until now, an acute lack of published implementation research originating from developing countries. This has resulted in the lack of understanding of the local contexts of developing countries and the question of relevance of the evidence from western-originated
research to addressing implementation issues unique to developing countries. This study’s contributions to the implementation literature are two-fold. It illustrates on how certain factors assumed to affect policy implementation manifest in the local contexts of a developing country. It also contributes findings that are unique to a developing country context and disability policy.

The present study bears some contribution to disability studies research. This study was inspired by the discrepancy that exists between policy and practice. The study, therefore, underscores the need for nations to move beyond rhetorical commitments to disability rights, to taking commensurate actions to ensure that the promises of disability rights policies become real in the lives of individuals with disabilities. Second, the study reveals gaps that exist between a domestic disability law and the normative standards set in the international disability treaty. On this basis, the study shows why nations that ratify the CRPD still require further actions to align their laws with the CRPD and to implement the CRPD at domestic level. In the case of Uganda, the study goes on to point out these gaps and to make recommendations to address them through policy reform. Also, this research adds a disability studies dimension to implementation research. The triangulation of a human rights approach to policy analysis and a mainstream implementation framework within an interpretive paradigm illustrates the synergy between policy implementation and disability studies.

A major strength of the present was its potential practical utility to countries with similar background as the country of study. The problem of implementation is by no means peculiar to Uganda, neither is it about to end. There is a dire lack of relevant evidence to inform policy interventions to disability rights especially in Africa. Through its focus on the barriers to policy implementation, this study provides actionable results and evidence-based recommendations to guide practice and policy reform. Therefore, policy makers, practitioners and disability rights
activists might find the insights and the roadmap this study proposes a useful in their efforts to bridging the gap between policy and practice, and promoting disability employment rights in particular.

Finally, the study employed a combination of two qualitative methods to analyze the implementation of a disability policy. By using a combination of evidence from a policy text analysis as well as perspectives of policy stakeholders, the results from this study are relatively robust. The evidence from interviews and policy literature analysis corroborated as well as added richness to the findings. Moreover, because this study utilized a qualitative research approach to policy analysis, its findings reflect the real-life experiences of key policy actors.
IV. RESULTS: POLICY OUTPUTS

The Persons with Disabilities Act 2006 was signed into law on May 24, 2006. Its Implementation was scheduled to commence two months from the date of assent, or on July 24, 2006. This means that the PWD Act has been in existence for nine years since it became law. Implementation of a policy is a complex process encompassing all what is done from the moment a policy is adopted through to its ultimate impact on the target population (O’Toole, 2000). In this study, the analysis of implementation was limited to the policy outputs or the activities and decisions of implementing agencies. This chapter presents the results regarding the activities that implementing agencies carried out with to fulfill the employment provisions of the PWD Act. Analysis of the data revealed six themes that describe the policy outputs: incomplete activities, unregulated enforcement, unintended policy initiatives, inaction, stalemate, and retrogression.

A. Incomplete Activities

Since the PWD Act 2006 was signed into law on May 24, 2006, the Ministry for Gender, Labor and Social Development (herein after shortened as the Ministry for Gender) also the Lead-Implementing Agency, carried out certain activities in the attempt to implement the PWD Act 2006. However, the few attempted activities were incomplete as they were suspended to embark on new policy initiatives.

1. Development of regulations

The first step towards the implementation of a public policy is the development of regulations. Regulations mandate and provide the detail guidelines for implementing a law. In respect to the PWD Act, the authority to develop regulations was vested in the Ministry for Gender. Several participants reported that the regulations for implementing the PWD Act were
Drafted but not finalized. There was a delay in developing the regulations until disability rights advocates sought the intervention of the President of the Republic of Uganda during the celebrations of the International Day of PWDs where he officiated as the Chief Guest. In their memo, the DPO leaders told the President that the lack of regulations for implementing the PWD Act as their most pertinent concern:

I remember there was a meeting on the International Day of PWDs, I think it was 2008, when the President came to attend, and he asked members of parliament representing people with disabilities to identify one thing that he (the President) should do for people with disabilities and it should define his legacy. And they said he should help in the push for developing the regulations for implementing the Persons with Disabilities Act. (Lawyer and Disability Activist)

Following the request by the disability movement, the President intervened and the Ministry for Gender immediately started developing the regulations. In consultation with the relevant policy stakeholders, notably national level DPOs, the Ministry drafted the regulations. However, before finalizing the draft regulations, the Ministry for Gender encountered two major challenges. The first was a conflict over whose mandate it was to develop the regulations, i.e., was it the mandate of the Ministry for Gender or that of the First Parliamentary Council, a body in the office of the Attorney General that drafts government bills before they become law? Eventually, although it is the statutory mandate of the Ministry for Gender to develop the regulations, the Ministry was compelled to stop developing the regulations on grounds that it was the duty of the First Parliamentary Council:

As a sector, we thought we were going to develop regulations and indeed we did draft regulations to implement that Act, but we realized as a Ministry, we are not mandated to draft regulations. It is the first Parliamentary Council that is supposed to write laws and write regulations. So when we presented the draft regulations to the first Parliamentary Council, we were challenged that the mandate was not ours, which we didn’t know. Second, that the Act had been nullified without our information. (Participant 2, Government Official)
The second challenge was the government’s antagonistic reaction to the Act. In particular, the Attorney General’s Office critically assessed and determined that the PWD Act had significant omissions and gaps that rendered it unenforceable. Accordingly, the Attorney General’s office advised the Ministry against developing the regulations until the gaps were addressed:

The regulations were not pushed further; first Parliamentary Council said you can’t do much and they told us once a law is that percentage (75%), the regulations cannot be developed. (Commissioner in the Ministry for Gender)

The power to develop regulations lies in the hands of the Ministry responsible for disability, but the Attorney General must approve them. But then when the draft got to the Attorney General, they said no way. And then they did a legal surgery of the PWD Act and they found that actually the Act contains policy issues and remember there is a principle when developing regulations that they must be in line with the Act. So you can’t propose anything new in the regulations, which the Act does not mention. (Disability Activist)

In the opinion of the Attorney General, many aspects of the PWD Act needed a review before regulations could be further developed. As the Attorney General is the legal advisor of government and his opinion on matters of law was binding upon the Ministry. Consequently, the Ministry for Gender conformed to the demand to suspend the process of developing regulations.

The suspension of regulations sparked a temporary contention and frustrations among other stakeholders. For example, some disability leaders intimated that the real problem leading to the suspension of regulations was not the purported flaws in the Act but the certain provisions the government was not happy with. According to Participant 25 who is a legislator for PWDs, the government was simply trying to avoid the cost implication of implementing the employment provisions of the PWD Act:

But I think the challenge which I see with the government, is people are scared that employing PWDs is a very expensive venture, because they imagine that if you employ one, he will be coming two people, like there will be a sign language interpreter. (Legislator of PWDs)
Because regulations are a pre-requisite to implementation, its suspension dealt the greatest blow to the Act’s implementation prospect. For example, it was impossible to require local governments to hire PWDs in accordance with the employment provisions of the PWD Act:

So on what basis will you talk to the local governments to follow the law? They will ask for guidelines on how to implement them and the guidelines are not yet around. (DPO Executive)

Disabled People’s Organizations and their civil society allies continued to lobby and pressure the government to develop and issue the regulations. Instead, the government embarked on a new initiative to review the entire Act with the intent of addressing the gaps in the law. The government asserted that developing regulations would resume after the Act’s review. This left the DPOs with no option but to support the new initiative to amend the Act. Because the DPOs and their donor allies had injected invaluable time and financial resources to developing regulations, the leaders considered their contribution a waste after regulations were suspended and many people lost hope:

The regulations died. They reached up to draft level, we thought we were now going to begin on it but in the end, having wasted a lot of money on it by the way, then later you are told you know this thing cannot be implemented. (Legislator for PWDs)

The process of amending the PWD Act has been on going but slow since it involved consultations with various policy stakeholders. Some disability advocates expressed concern that the government was not doing enough to expedite the amendments and yet all implementation activities were at a standstill pending the amendments. For example, Participant 15 expressed frustrations, noting that too much time had elapsed without the law being amended:

But from the first time the Attorney General’s Chambers shared their comments, I think it was 2008. It is 2014, still there is no revision, and there has been a lot of going back and forth between the DPOs but also the department for disability and the members of parliament representing people with disabilities. (Lawyer and Disability Activist)
In sum, the process of developing the regulations of the PWD Act stalled until further notice. This followed a critical scrutiny of the Act by the Attorney General’s office and an instruction that the PWD Act could not be implemented unless it was reviewed.

2. **Policy dissemination**

Once a law is adopted and is ready for implementation, all implementing agencies, the stakeholders required to comply with its provisions, and the beneficiaries of the law must know or be aware of their rights and obligations under the law. Implementing officials indicated that they conducted some dissemination albeit on a small scale. On the government side, the NCD conducted sensitization workshops in some local government districts. Meanwhile, officials of the Ministry of Gender said that they talked about the PWD Act in all ministry meetings, in the media (e.g., television and radio talk shows) and at public events to which they were invited, such as the celebrations of the International Day of the Disabled:

> As a ministry, we have put it under our top management policy that whoever goes out should promote the provisions of the law on PWDs. But one of the other areas, when we organize international events, particularly those related to disability, aspects of this law have been mentioned several times. (Government Minister)

Although the government officials reported that they disseminated the Act, it appeared that the DPOs were the major disseminators. For example, the Uganda National Association of the Blind (UNAB) went as far as reproducing and distributing brailed versions of the PWD Act to its members (Executive Director of a DPO). Indeed, during fieldwork, the investigator saw several copies of the Act in plain language that NUDIPU printed and distributed to stakeholders. Overall, the DPOs were the main disseminators of the PWD Act:

> We the organizations of PWDs are really the biggest disseminators of this Act. Then of course we have pro-disability institutions like Kyambogo University’s Faculty of Special Needs and Rehabilitation; that one has done tremendous work in having this Act disseminated. (Former Board Chair of a DPO)
Save for the NCD, the government played very minimal role in the Act’s dissemination. In many cases, the government officials only talked about the Act in forums convened by the DPOs. The tax mandate of the Act, for example, was single handedly disseminated to by a small group of volunteer students with disabilities who had just completed their college education. According to a participant who was among the volunteers, the students contacted some companies and told them about the tax incentive under the PWD Act and how they (the companies) could benefit:

Recently, I had a chance to work on a small project where we were popularizing the section of the Persons with Disabilities Act on employment. That law came out in May 2006, and what we did around July 2006 was to just go around companies, telling them about the benefits of employing people with disabilities, but also the tax incentive. (Lawyer and Disability Activist)

Because DPOs lacked the mandate and the resources, they confined the Act’s dissemination in and around the Metropolitan City of Kampala. This means that they did not sensitize many stakeholders and the potential employers in the countryside about the law or its employment provisions. For example, local government civil servants were not inducted on the Act:

… for some years, the Ministry of Gender has been promising to conduct induction for civil servants to understand this law and how they can apply it. But up to now, no such induction has taken place. So I strongly feel that if we had taken this initiative to train civil servants to understand how to implement this law, there could have been a big difference. (Legislator for PWDs)

Dissemination is critical to policy implementation whether to beneficiaries, implementing agencies or stakeholders that are expected to comply with the law (e.g., potential private company employers). For example PWDs may not utilize their rights under the law if they are unaware of them. Likewise, employers who are not aware of their obligations under a law cannot
comply. Owing to the limited scope of dissemination, many stakeholders including government officials were still unaware of the PWD Act.

B. **Unregulated Compliance**

Prior to enforcement, regulations must be issued to mandate the implementation of a law or specific provisions. Surprisingly, even though the regulations mandating the PWD Act’s regulations are not yet issued, some of its provisions were [arbitrarily] utilized.

1. **The tax reduction mandate**

A reduction in tax is one of the incentives that the PWD Act established for promoting the employment of PWDs. The Act had mandated a 15% reduction in all the taxes payable to a private sector company that provides proof that it employed at least ten PWDs. The payment of employers’ tax claims were to be verified and authorized by the Uganda Revenue Authority (URA), a body mandated to collect revenue for the government of Uganda (Part III, Section 17). Interestingly, the tax reduction mandate was the only provision of the Act that was somewhat implemented albeit for a short time. Shortly after the PWD Act was signed into law, some companies started to utilize the tax incentive. Certain companies hired PWDs and claimed tax benefits in accordance with the PWD Act. Initially, the companies were not aware of the tax incentive. They learned of the tax incentive from a group of college students with disabilities who volunteered and popularized the tax reduction mandate to prospective employers.

Consequently, some companies swiftly moved and hire PWDs in a short time:

> I just moved within two companies giving out CVs and talking, in the process, about 100 PWDs were hired. I think no one has taken over that initiative again; it is the cheapest project I ever worked on. We only had one million shillings. And basically that was for fuel, photocopying people’s CVs, and going to arrange meetings. (Lawyer and Disability Activist)
Employers’ response to the tax incentive was swift and positive. Companies such as banks, multi-national telephone corporations, and other businesses responded positively and looked out for PWDs to hire. According to an executive of a DPO, certain companies directly and voluntarily contacted them to help identify job-seeking PWDs to hire:

The reason why I said that it [the PWD Act] was successful a little bit…that time, we saw a number of companies like Crane Bank, they came up and they asked us to give them PWDs to be employed; even Stanbic came out, and Enhance [Handling Services] and took on a number of PWDs. (DPO Executive)

In spite of the companies’ positive responses, the employment of PWDs under the tax mandate was short lived as it attracted a quick, negative reaction from the government. The Uganda Revenue Authority reasoned that the tax incentive would cause substantial revenue loss if implemented: “… when they started claiming for their tax reductions, the government said we didn’t know that this provision existed…. and we fear that if we gave you this, then we would lose a lot of money” (DPO Executive). Interestingly, the Uganda Revenue Authority seemed to have known about the tax incentive only when the companies that hired PWDs started to claim for payments verification, hence its quick move to have it repealed.

Once the government was alerted of the cost implication of the tax mandate on revenue collection, it reached a decision to repeal it. Accordingly, through the Uganda Revenue Authority, the government petitioned the Parliament for an immediate review of the tax reduction mandate of the PWD Act (Commissioner in the Ministry for Gender). The government fronted two reasons for repealing the Act. The first was that the companies’ hire of PWDs was mostly driven by a profit motive rather than by a genuine intent to employ PWDs. Second and more importantly, the Uganda Revenue Authority advised that the government would lose a colossal amount in tax revenue by enforcing the tax mandate. The government also expressed concerns that the companies abused the tax mandate by placing PWDs into very low paid
positions. According to Participant 7, many companies hired PWDs as secretaries, sweepers or cleaners, airtime sellers, receptionists, or front desk officers. Moreover, some companies did not even assign any jobs to PWDs but maintained them on payroll for the sake of securing the minimum number they needed to claim the tax benefit. Indeed, considering that there is no minimum wage law in Uganda, it is plausible that the companies might have exploited the employees with disabilities but earned profits in tax reduction. A legislator who has represented PWDs for over ten years, explained why the Parliament eventually repealed and reduced the rate of the tax reduction mandate of the PWD Act:

…it so happened that employers, especially those fake employers, exploited the provisions of this law. Some would just employ our people as cleaners, as sweepers, almost doing nothing, but at the end of the day, they ran to Uganda Revenue Authority and say we are employing this number of people and we want you to grant us tax exemption of billions of shillings. The government saw that it was losing a lot of money. So, it was decided that this provision be changed (Legislator for PWDs)

The government’s reasoning to repeal and reduce the rate of the Act’s tax mandate is open to several interpretations. First, 15% in tax deductions is undoubtedly a generous incentive and would have a huge impact on the revenue base depending on the number and types of companies that hired PWDs. However, the tax incentive was susceptible to abuse not only because the provision in the Act was ambiguous, but also, there were no regulations to guide its enforcement. Thus, the companies were not necessarily to blame for any irregularities. Several participants also stated that the companies’ act of hiring and placing PWDs at the lowest job positions was an abuse of the tax mandate. However, some of them also acknowledged that the law itself was prone to abuse since it did not stipulate the job levels at which employers were to hire PWDs to be eligible for the tax claims:

The regulations guiding the law took long to come out. So its implementation, the practical implementation, became very challenging. And there were a number of
companies that came up, after they hunted the few disabled persons and placed them in the lowest of their ranks. Then they would make some small numbers and say now, here we are. Please give us the (tax) concession. And you know, in a situation of some of these telecommunication companies making billions of money, companies like Uganda Breweries, the percentage was such a small thing that they would actually end up cheating government. (NCD Official)

The dilemmas surrounding the tax mandate culminated in the government swiftly repealing it. In the year 2010, the Parliament repealed the tax reduction provision from the PWD Act and moved it to become part of another law called the Income Tax Act of 2010. Second, it reduced rate of the tax incentive from the original 15% to 2% in the Income tax Act of 2010.

The repeal of the tax reduction provision and the reduction of its rate attracted mixed reactions across stakeholders. Participant 20, a former government minister, observed that the tax reduction mandate embodied a great hope and had presented PWDs the opportunities for employment. Meanwhile, Participant 15 who was one of the college student volunteers that disseminated the tax incentives to prospective employers, expressed concern that the government significantly watered down and repealed the tax incentive without gathering any evidence on its pros and cons from the experiences of either PWDs or employers:

I was really frustrated when government decided to repeal the provision, which was giving incentives to employers. I mean, they say they amended but they watered it down so much. And then without even doing a baseline analysis of the impact of the provision, they just went ahead to repeal it. (Lawyer and Disability Activist)

Repealing the Act’s tax mandate decreased the companies’ willingness to hire PWDs. Some employers responded by immediately stopping to hire PWDs although few of the employers persisted and retained the PWDs they had already hired. This was expected since the companies would no longer gain as much by hiring PWDs:

That time when it was 15%, a number of employers had picked it up and employed people with disabilities. They were benefitting a lot from that and when it was revised to 2%, I think the willingness has gone. (NCD Executive)
For the short time that it was implemented, it seemed that the tax incentive yielded positively impacted the employment experiences of the individuals with disabilities who were hired. Indeed, some PWDs found jobs in the private sector and earned income to support their wellbeing. More importantly, certain individuals with disabilities who were hired excelled at their work and earned accelerated promotions to new jobs and higher job positions. This might have for the first time depicted a positive image about the employment capabilities and potentials of PWDs to the companies. For example, one individual with disability hired by a multi-national telecommunication corporation rose to the rank of the head of finance before being hired off on merit by another multi-national oil company. In another situation, an employee with disability was a recipient of the employee of the year award of a telecommunication corporation. The following quotes explain these:

… I have a friend who got a job with Warid Uganda as a result of that as Deputy Accountant. Then he takes over as the head of finance, and finally he was hired by, or stolen by Tulow Oil. So he is basically coordinating Africa and the Middle East. (Lawyer and Disability Rights Activist)

I talked to the lady who was the Head Human Resource there … she was telling us the first time they hired someone with a visual impairment, that person was the best employee of the year. That shows that probably, now the image in Tulow oil is probably different about people who have disabilities. (Lawyer and Activist)

The implementation of the tax mandate was unregulated, short lived, and voluntary. It is possible that the companies were driven by the profit motive to hire PWDs before the Act was officially in force. At the same time, it is surprising that the government passed such a generous tax incentive into law in the first place. Also, it is unknown whether the companies indeed received compensation for hiring PWDs under the tax reduction mandate. While the government’s decision to reduce the rate of the tax incentive is understandable, the decision would have been preceded by empirical evidence so as to take a more informed course of action.
2. **Anti-discrimination lawsuits**

The PWD Act prohibits discrimination against a qualified person from all processes of employment on the ground of disability. The Act further stipulates a (non-exhaustive) list of practices that constitute discrimination in employment. Anti-discrimination legislation is typically enforced through litigation, meaning that the aggrieved individual brings to court a case challenging their discrimination.

Given the limited awareness of the PWD Act, and the lack of regulations for its implementation, one would not expect PWDs to file any lawsuits under the PWD Act. Nevertheless, certain individuals with disabilities utilized the PWD Act to challenge their alleged discrimination in the courts. Participants reported at least five lawsuits that individuals with disabilities filed. Three of the cases were on denial of employment. Another case was about an inaccessible auto teller machine (ATM) and the third on transportation that was filed by an individual with disability who was charged an extra fee for his wheelchair as a condition to board a taxi.

Details about the decision status of the lawsuits could not be corroborated beyond participants’ anecdotal reports. In the employment cases, a current parliamentary representative of PWDs reported that one of the employment cases was favorably settled outside court (on the request of the employer) and that the courts ruled in favor of the individuals with disabilities in the other two cases, but the study could not corroborate these. In the case brought against a bank for an inaccessible ATM, the bank provided a ramp in the path leading to the ATM machine and agreed to adjust it to a height accessible by a wheelchair user upon the court’s order (Participant 16). In the case that was brought by a PWD who was denied transport because he did not pay an extra fee for his wheelchair in a taxi, a Civil Servant in the Ministry for Gender reported that the
court ordered the transportation company to reprimand its employee, the taxi driver. Table II summarizes the details about the lawsuits.

<table>
<thead>
<tr>
<th>Type of case</th>
<th>Case description and decision status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employment</td>
<td>Three cases of individuals with disabilities denied employment at interview level or fired immediately on assumption of duty, often after discovering that they were disabled. Decisional status unconfirmed.</td>
</tr>
</tbody>
</table>
| Inaccessibility    | 1. *People with Disabilities vs Kampala City Authority and Makerere University*. The complainants sought court order for the two public institutions to make their buildings accessible for PWDs. The court dismissed the case.  
2. *Nyeko Okello and Santo Odwoka vs Centenary Rural Development Bank*: the two PWDs sued the bank for an inaccessible ATM facility. The case was settled out of court after the Bank agreed to, and built a ramp to make the ATM accessible. |
| Public transportation | A PWD sued a public transportation company because its driver charged an extra fee in order to enter a taxi with his wheelchair. The Court ordered the transportation company to reprimand the taxi driver. |

These lawsuits show that individuals with disabilities can indeed utilize the PWD Act to claim their rights to employment. However, these cases might have been the exception. Generally, many PWDs would not use the existing legal framework to challenge discrimination and to claim their rights. This is partly because many PWDs are illiterate and would not stand up for their rights. An executive of a national DPO attributed the lack of self-advocacy to the attitudes of certain PWDs:
I still point a finger at ourselves as PWDs; our attitudes, our ability to come out and claim our space and even speak on our own behalf, is still minimal. That is why most PWDs will leave the voicing, the advocacy of the issues that affect them to organizations to institutions, to a few individuals, which actually does not serve the purpose. (DPO Executive)

In order to experience the rights established under the PWD Act, the ability of individuals to use the law to claim their rights is paramount. According to Participants 20 and 23, unless PWDs themselves test the Act in the courts, it would be difficult for them to benefit from it. This implies that implementation of the law will require some level of individual agency on the part of PWDs to utilize the Act to demand their rights: “…nobody is going to collect you from your house and say we implement. Unless they sue, nothing will happen” (Executive Director of a DPO). It suffices to say that it was encouraging sign that certain individuals with disabilities utilized the Act to seek legal redress even when the Act was/is not yet in force. This means that with increased awareness and empowerment, PWDs are able to use the law to claim their rights.

C. **The Special Grant – The Unintended Policy Initiative**

The government created the special grant in response to the disability movement’s complaints, after it substantially reduced the tax reduction mandate that resulted in many companies stopping to hire PWDs. In response, the government established the special grant:

They brought it down to 2% on the Income Tax Act after realizing that government was going to lose a lot of taxes. So with that 2%, we complained a lot as PWDs. That is when government came up with the special grant opportunity to cover the lost percentage in terms of saying that instead of government losing taxes, let government give PWDs a special grant, so that they become self-employed at some point. (Participant 9, Former Board Chair of a DPO)

Granted the manner and the timing of its establishment, the special grant received mixed reactions from stakeholders. Generally, the stakeholders viewed the special grant as a compromise between the government and DPOs. In essence, the special grant was a trade-off for the tax incentive to the extent that it was introduced following the tax incentive’s repeal and
reduction in rate. It is plausible to infer that it was a way to assuage the disability community for the bigger loss of the 15% tax incentive. In the circumstances, the disability community found itself in a tough dilemma: whether to give up its demand for the retention of the tax incentive and reject the special grant or to settle for the special grant and lose the tax incentive. It was a tough choice either way. Eventually, the DPOs settled for the special grant on the ground that it was one of a kind, unexpected, and would still benefit a majority of PWDs:

So for us we didn’t chase away that opportunity because first we did not have any grant of that nature, but secondly we said that the majority of PWDs who don’t have jobs, who are illiterate, who are needy, are down there in the community. So may be if that money went to them, they would be able to sustain their livelihoods. So, it in turn, since it is employment, you cannot only be employed by a company or government but you can employ yourself. (DPO Executive)

The special grant was indeed an attractive offer because it was portrayed as the solution for a real-life challenge facing many PWDs in the grassroots who had low or no education at all, low income, and were unable to access competitive employment. Thus, stakeholders argued that after all, it was still targeting PWDs and would boost their employment:

…There are still many PWDs who are not qualified in the villages. So if they get this special grant, it would go and help them to be self-employed. (Former Legislator)

The government intended the special grant for the self-employment of the PWDs organized in small groups, in the communities, to initiate and manage income generating activities or small-scale businesses. The Ministry of Finance remits the grant to local government districts. In turn, the districts are supposed to remit the funds to organized groups of PWDs who must be already running some business or income generating activity (Participant 2). At district level, a committee that gives technical assistance to the groups of PWDs on how to develop business ideas managed the funds. Implementing officials revealed that the government started remitting the grant to a few districts in the financial year 2010/2011:
So from financial year 2010/2011, the government set aside 1.5 billion shillings to fund income-generating activities of PWDs. The criteria are on-going activities. So as we speak now, the money has been increased to three billion. By 2010, 48 districts had benefitted from that fund. (Participant 2, Civil Servant)

Note that the special grant is being implemented as a pilot initiative, i.e., not in all but a few districts. It is worthy to note that legislators deliberately established the special grant to be exclusively government-funded to ensure its sustainability. This decision was informed by experiences from previous donor-funded disability programs that collapsed after donor support ended and the government could not fund them: “the Special grant was not coming from donors… because in the past we have had programs funded by donors but ended up with failures” (Legislator).

Asked about the relevance and effectiveness of the grant, participants expressed mixed views. While all participants said the grant was necessary, they had varied opinions about its effectiveness (whether it was benefitting PWDs or not). On the one hand, a government official stated that it was working as intended and helping PWDs in the community to be self-employed:

We have information from the field indicating that the special grant indeed is playing its role in transformation of the work. Especially in encouraging initiatives aimed at establishing income generating projects for people with disabilities. So, so far, that is what we have done in terms of legislation to enhance employment opportunities for people with disabilities. (Participant 20)

Contrary to the government’s assertion that the special grant was affording self-employment opportunities for PWDs (in the few covered districts), an Executive Director of a DPO revealed that the special grant was merely a token scheme that was not benefiting the PWDs because local government officials mismanaged it for their own benefit:

Government came up with this scheme, the special grant. I want you to go to Abim (name of a district) and find out how much money Abim gets per year on that grant. Now, I want you to follow very carefully, the beneficiary of that grant. You will find that behind every beneficiary, there is always a community development officer who developed a proposal for them and put it on the table
and they got those very minimal resources and divided it among themselves and all he does is to bring the accountability to the center. So, it is another token. (Executive Director of a DPO)

The major challenge arising from the special grant was the disincentive in created on the implementation of the tax reduction incentive. To some extent, the grant replaced the tax incentive since its goal was totally different (i.e., it was intended for self-employment, whereas, the tax incentive was set up for formal employment). Moreover, the grant covers less than half of all the districts in Uganda and is susceptible to irregular remittance by the government. Based on these, a former government minister stated that the special grant was beneficial but it did not have to replace the tax mandate. Meanwhile, another pertinent concern was that the special grant lacked a regulatory mechanism since there was no policy in place to guide its enforcement. Some participants viewed the grant as a tentative political statement prone to change in political leadership:

You see what the special grant does is totally different from what this one (i.e., the tax incentive) is doing. And this money comes to support disabled people who have not gone to school to do some petty kind of jobs like petty trade. But again the challenge I have with the special grant is, there is no policy document supporting it. This is like a political statement. So meaning that if the current government is not there, it may also not be sustainable. (Participant 22)

Note that the special grant was an unintended initiative that the government introduced. It was not something necessarily established in compliance with the employment provisions of the Act, but it followed the repeal of the tax incentive. The lack of evidence on the management of the special grant does not allow an authoritative discussion of the special grant. Besides, it was not the scope of this study to investigate its effectiveness. Nevertheless, the special grant featured as a recurrent theme in almost all interviews whenever participants talked about steps taken towards implementing the employment provisions of the PWD Act 2006.
D. **Inaction**

1. **Requirement to annually report on the employment status of PWDs**

   Under the employment provisions of the PWD Act (Section 17), the Minister for Labor is required to prepare and annually present a report to the Parliament on the employment standing of PWDs. Implementing officials and current legislators representing PWDs were asked whether the annual report was presented to parliament as the Act required. It emerged that in the eight years of existence, the responsible minister did not present any report to Parliament on the employment status of PWDs. A legislator for PWDs confirmed that no report was presented to Parliament: “I just can’t remember the Ministry for Gender bringing to Parliament this report, I can’t remember. This is why I said that this law has never been implemented. They have never done it”. Even though the Act states clearly whose duty it is to report to Parliament on the employment situation of PWDs, it appeared that there was confusion about this role in the Ministry. A current legislator of PWDs hinted that a proposal was under way to change the reporting procedure to the effect that the annual employment report will be presented to a committee of Parliament so that it can be debated like all other reports.

2. **Quota employment**

   In order to ensure that PWDs access employment, the PWD Act requires the Minister for Labor to establish a quota employment system for PWDs in consultation with employers’ organizations and publish it by statutory instrument. To find out the steps made toward implementing the employment provisions of the PWD Act, the investigator asked the participants what was done about the requirement to establish a quota mandate. Several participants (i.e., Participants 10, 12, 16, 18, and 25) said that the Ministry did not establish the quota mandate as required under the Act.
It appeared that the Ministry’s decision to not establish the quota mandate was deliberate. A Commissioner in the Labor Department explained that there were not enough qualified PWDs to utilize quotas even if it were established. The government official further stated that quotas would be redundant if established without first determining the number of qualified PWDs who would utilize it:

It can as well be redundant. Even if you created quotas, do you have people to fill them? That is one question, I don’t want you to give me an answer, and I don’t want you to say that you just create quotas. How to fill them is an issue of the markets. No. I want us to be realistic. (Participant 18)

While the Ministry was concerned about the lack of qualified PWDs to utilize quotas, the leaders of DPOs were instead concerned about the Act’s ambiguity on how the quota mandate applied to the public sector. The DPO leaders argued that the quota law in its current form exclusively targeted the private sector. As such, they suggested that the government ensures that the quota law covers both the private and public sectors:

It (the quota provision) emphasizes employment by the private sector, it is not specific on employment by the public sector. So in other words, that policy itself which is a government policy does not oblige government to employ PWDs in a quota system in the public sector. That is one factor that affects the employment of PWDs indirectly. We want to see government taking the lead by ensuring some kind of revision of that policy targeting the private sector. (Participant 10)

There were three employment requirements of the Act that the Ministry of Gender took no action at all to implement: setting up quotas, reporting to parliament on the employment status of PWDs, and encouraging organizations to include in job advertisements a statement encouraging applicants with disabilities to apply. The Ministry enforced none of these.

E. **Stalemate**

After initiating some activities to ensure the Act was implemented, the implementation of the PWD Act suddenly hit a stalemate. All activities that were going on were suspended, while
no attempts were made to address certain provisions of the Act (e.g. the annual employment report and establishing the quota system). After failing to reach agreement with the Attorney General’s Office, the Ministry for Gender was compelled to suspend developing the regulations before completion and to start the process of amending the Act. The failure to issue regulations means that the Act could not be enforced. This explains why some participants opined that the PWD Act was never implemented: “in terms of progress of implementing it, I want to say that other than the signature, there is nothing you talk about. So we cannot say that we have even moved a step” (Participant 10).

Nearly all study participants stated that no progress was made to implement the PWD Act in general. Even in relation to employment, it emerged that the Ministry did not take any deliberate steps taken to implement the employment provisions of the PWD Act: “this law in my opinion, particularly in the area of employment of PWDs has not realistically and reasonably been implemented. We have not seen deliberate efforts to implement this aspect of the employment rights enshrined in the Act” (Participant 12).

F. **Retrogression**

Retrogression means that some implementation activities were undertaken but were halted and new initiatives started. Instead of moving forward with implementing the current law, there was some kind of going back to redesigning or repealing the law in entirety. The state of retrogression started with the suspension of regulations before the final version could be developed. It was also manifested in repealing the tax incentive from the PWD Act and taking it to another law called the Income Tax Law, where its rate was drastically reduced from 15% in the PWD Act to 2%. This decision had the effect of stopping the hire of PWDs as most companies got discouraged and gave up. The most critical decision that killed any prospect of
implementing the PWD Act was starting an amendment process. This meant that all
implementation activities had to be halted until further notice. After the Ministry for Gender
initiated a process of developing a Bill to amend the Act, many stakeholders presumed that the
PWD Act was no longer a law and stopped supporting or referring to it. The stakeholders
redirected their attention and energy to amending the Act with the hope of expediting the
amendments process to resume implementation. The perception among most of most
stakeholders was that implementation must necessarily wait since the current law was due for
amendments. As the quotes illustrate, the Act was shelved to wait for its amendment or repeal:

I think we just need to wait for the bill to be passed. By presenting this bill, this
means you are almost removing the other one from the system. I think our
energies have gone to the new bill but also we are not throwing the Act.
(Participant 25, a Legislator for PWDs)

Nobody is referring to the Act at the moment because people believe it is under
review; even PWDs don’t refer to it so much, that is the problem. (Participant 14)

Generally, one would wonder about the entire Act, whether it is being implemented
actually, because you very well know that it is being amended. So much so that by the
time people were saying lets us amend it, they had distanced themselves from it. (DPO
Executive)

With the introduction of the PWD Amendments Bill, the PWD Act was literally
abandoned before its implementation could officially commence. Many stakeholders withheld
their support for the Act in anticipation of a new law. It became apparent that the suspended
activities could only resume after the PWD Amendments Bill was passed. The factors that
contributed to the failed attempt to implement the PWD Act are discussed in the next chapters.

G. **Summary of Progress to Date**

Overall, the implementation of the PWD Act was characterized by: slow progress,
stalemate, and retrogression. Table III illustrates the implementation trajectory of the Act.
### TABLE III
THE PERSONS WITH DISABILITIES ACT FROM 2006 TO 2014

<table>
<thead>
<tr>
<th>Theme</th>
<th>Activities</th>
<th>Explanation</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Incomplete Activities</td>
<td>Development of regulations</td>
<td>Started after President’s intervention</td>
<td>Developing regulations suspended until the Act is amended</td>
</tr>
<tr>
<td></td>
<td>Policy Dissemination</td>
<td>DPOs disseminated the Act on a small scale</td>
<td>Low awareness of the Act among all stakeholders</td>
</tr>
<tr>
<td>Unregulated Compliance</td>
<td>Tax reduction mandate</td>
<td>Companies voluntarily hired PWDs but placed them in low paying job positions</td>
<td>Reduced from 2% to 15% and repealed from the PWD Act</td>
</tr>
<tr>
<td></td>
<td>Anti-discrimination lawsuits</td>
<td>Filed by some PWDs were turned away from interviews or terminated at resumption of duty filed the lawsuits.</td>
<td>Decisional status unconfirmed</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Two individuals with disabilities sued a bank for an inaccessible ATM</td>
<td>Settled out of court</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Individuals sought court order to require two public institutions (Makerere University and Kampala Capital City Authority) to make their buildings accessible</td>
<td>The case was dismissed in favor of defendants on grounds that modifying the buildings would be expensive</td>
</tr>
<tr>
<td>Unintended policy initiative</td>
<td>The special grant</td>
<td>The special grant was intended for the self-employment of PWDs in local communities</td>
<td>Not nationally rolled out: operating in only 48 out of the 112 districts.</td>
</tr>
<tr>
<td>Stalemate</td>
<td>Most employers stopped to hire PWDs once the tax incentive was repealed and its rate reduced from 15% to 2%. Some companies might be utilizing the tax reduction provision to hire PWDs</td>
<td>Stakeholders stopped advocating for implementation and shifted attention to amending the Act</td>
<td>Regulations suspended following discontent with the Act’s contents and language. The regulations remained in draft from pending the Act’s repeal/amendments</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>The annual on the employment status of PWDs was never presented to parliament contrary to the Act’s requirement</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Quota employment - Not established as required. Not included in the draft regulations</td>
</tr>
<tr>
<td>Retrogression</td>
<td>The PWD Amendments Bill 2014 has been tabled in Parliament to repeal and replace the PW Act 2006</td>
<td></td>
<td>PWD amendments is Bill Parliamentary committee level for scrutiny and public hearings</td>
</tr>
</tbody>
</table>

H. **Conclusion**

The implementation of the PWD Act was characterized by slow progress, stalemate and retrogression. While certain activities were attempted, they were suspended in order to embark on a major review of the Act. The tax reduction mandate attracted voluntary and unregulated...
compliance by some companies but was repealed on account of causing financial loss. Presently, a bill has been introduced in Parliament seeking to repeal the entire Act and replace it with an arguably weaker law that is also very much less aligned with the CRPD. Whereas the Act’s amendment is justifiable to right some of the weak provisions, a total repeal was not the only or the best course of action to do it. Also, developing regulations and implementing the Act did not have to stall pending a review. For example, a partial amendment of the specific provisions would suffice as the rest of the implementation activities continue.
V. RESULTS: POLICY ORIENTED FACTORS

There is no amount of statutory specificity and top-down control that will prevent an implementation process from becoming a test of its own efficacy. (Pressman & Wildavsky, 1984, p. 254)

Factors related to a policy have potential to influence implementation success in many ways. According to Sabatier and Mazmanian (1980), a policy structures implementation by the legislators’ choice of the implementing agency, initial allocation of resources, the amount of room a policy allows for participants by the different stakeholders in the implementation process, among other factors. A question that the present study investigated was: what policy factors facilitated or hindered the implementation of the employment provisions of the PWD Act 2006? Analysis of interview data revealed five policy-oriented themes that influenced implementation: legislative background, lack of ownership, policy content, policy redesign, and assignment of the implementing agency. These themes are described in detail next.

A. Legislative Background

The participants traced the origin of the PWD Act 2006 to the time of passing the 1995 Constitution of the Republic of Uganda in which one delegate represented the disability constituency. Using its representation in the Constituent Assembly, the body that debated and passed the 1995 Constitution, the National Union of Disabled Persons lobbied to ensure that the rights of PWDs were mainstreamed in the national Constitution. The inclusion of disability in the constitution enabled PWDs to demand for legal recognition of disability rights:

And in 1994, let me say 1992 when the thinking of the draft constitution was being made, we were also represented by one person in the Constituent Assembly. And after that representation, there were constitutional provisions to include PWDs. (Legislator representing PWDs)

As the participant explained, the 1995 Constitution included disability-specific articles and explicitly mentioned disability whenever referring to other social groups like women,
children, and the youths. The two disability specific articles in the 1995 Constitution of Uganda are Articles 32 and 35. Article 32 guarantees the right of PWDs to respect and human dignity and confers the responsibility to help PWDs realize their full potentials on the state and society. The that PWD Act had its roots in Article 35 of the Constitution, which requires affirmative action and mandates the Parliament of Uganda to enact laws that may be necessary for the protection of the interests of marginalized groups such as PWDs. As the participant below explains, legislators representing PWDs used Article 35 as the legal basis to advocate for enactment of a disability-specific law:

Around 1996, we embraced PWDs in our constitution. We realized that employers, even those in government and private sector tended to discriminate against eligible and qualified PWDs. So we said, let us try to use legal means to take advantage of the constitution and affirmative action to be able to make a law to enhance employment opportunities for PWDs. That provision was enacted in a bigger law called the PWD Act 2006. (Legislator)

The idea of a disability-specific law started as far back as the 1990s, but it did not gain currency until the 2000s when negotiations were going on at the global stage for the adoption of the CRPD. Uganda was represented at the ad-hoc committee debating the CRPD by a former legislator for PWDs, the late Hon. James Mwandah. Inspired by the ideals and the developments of the CRPD in New York, the Uganda representative returned and mobilized fellow legislators representing PWDs to draft a bill to protect and promote the rights of PWDs in Uganda:

What I know is the fact that one of our members who passed away, Hon. Mwanda, was participating in the drafting of the Convention on the Rights of PWDs, he had that idea. So when he had that idea, he said if this one is coming, this is what I have. Since that one [The Convention] is coming into being, it is also better that we move to the passing of this law. (NDC Official)

Thus, even prior to its declaration, the CRPD influenced the formulation of a disability law in Uganda. According to Participant 2, legislators adopted many ideas and some of the
language of the draft CRPD into the PWD Bill, sometimes without making any changes.

Unfortunately, the CRPD language adopted in the Act later earned negative criticism:

Mwanda James was a member of the draft committee of the CRPD. Whenever he came back, he would organize his colleagues in Parliament who put up the same ideas from the CRPD into the Disability Act. The language of the UN is that it tells states: do this, do this; no wonder, they faltered or it was an oversight on their part not to change. (Civil Servant in the Ministry of Gender)

It emerged that the process of drafting the PWD Act was initiated and spearheaded by the disability movement through the legislators representing PWDs. The legislators consulted stakeholders and PWDs at the national and district levels, to generate ideas to include in the PWD bill. A current legislator explained that initially, they contacted the Ministry of Gender to draft a bill to enact a law for PWDs. A former government minister who was in office then, confirmed that, the Ministry of Gender collaborated with the legislators representing PWDs in the attempt to develop a government bill on PWDs, but before it could finalize with drafting the bill, the legislators chose to instead present it as a private member’s bill on the ground that the Ministry of Gender was too slow:

While the ministry was still in the early stages of coming up with this law, the PWDs, the parliamentarians, thought we were being slow as government. So they picked it up. (Former Government Minister)

The PWD Act therefore originated as a private member’s bill. This means that an individual legislator, not a government department, presented it in Parliament. A legislator who spearheaded the Act’s formulation explained that procrastination by the Ministry of Gender compelled them to opt to present the PWD Bill as a private member’s bill. The legislators argued that the Ministry’s procrastination suggested its unwillingness to draft the bill.

We took 3 to 5 years trying to ask the Ministry of Gender to own the bill. The ministry failed to honor its commitments on and on, every year. We said where is it? Where is the bill? They said we are bringing it. So with time we said let us adopt the approach of a private member’s bill. (Legislator representing PWDs)
When it was time to present the Bill to parliament, the legislators representing PWDs decided to use another legislator who was not a PWD to sponsor the Bill. This was intended to garner support for the bill from across all categories of legislators. To this end, a legislator called Hon. Dora Byamuka who was then the Chair of the Parliamentary Committee on Equal Opportunities, accepted and moved the motion for the PWD Bill in the House:

So we said we should not use a person with disability to move this bill because if you use a PWD, people will say that these people are selfish. So, Hon. Dora Byamukama moved the bill and I was the seconder. But I did much of the groundwork as a vice chairperson of the committee and a chairperson of members of parliament for PWDs. (Legislator who spearheaded the formulation of the Act)

The Rules of Procedures of the Parliament of Uganda entitles a legislator to introduce a law as a private member’s bill (Rule 110, para 1). The rules also require that every bill is accompanied by a Certificate of Financial Implications, a document that sets out the policy’s impact on the budget, as well as the proposed sources of financing the costs related to the bill (Rule No. 107, para c & d). In the case of the PWD Act, participants revealed that the government issued a certificate of financial implication, which is why the passed into law.

It emerged from the interviews that the PWD Act passed during an election year. In 2006, Uganda held Presidential, Parliamentary, and Local Councils elections. The PWD Bill passed and President Yoweri Kaguta Musevenni signed it into law on May 24, 2006, about seven months prior to the CRPD, which was adopted on December 13, 2006. A Government Minister explained that due to the election year influence, the Act’s passage was hurried without paying critical attention to some of its provisions:

What happened is that there was a lot of pressure and pushing, and in that hurry, we found that many things would have been better than they were at that time. (Government Minister)
Some participants observed that the elections influenced the Act’s speedy enactment and assent into law as well as its content. According to a former legislator for PWDs who was in parliament at the time, the Parliament did not thoroughly debate the PWD Act due to the election mood and the pressure that the disability community exerted to have the law passed. It is possible that the legislators were more concerned with securing their political career through expeditiously passing the Act than by scrutinizing what they passed:

People voted for it and it passed and the President for political reasons, signed the law and for good intentions because he started the movement anyway. But now the challenges came after that, when it was the time for implementation. That is when all the chaos began: is this implementable, it is not. We cannot have regulations, and stuff like that. (Lawyer and Disability Rights Activist)

Even though a law originates as private member’s bill, it will still be a public law to be enforced by the relevant government department or a designated agency. However, this was not necessarily the case of the PWD Act. The next section describes the government’s response to the PWD Act following after its assent into law.

B. **Lack of Ownership**

As explained previously, the PWD Act originated as a private member’s bill sponsored by individual legislator representing PWDs. Irrespective of origin, once enacted and signed into law, a bill becomes public law owned by the government. Further, since the government issued the Certificate of Financial Implications that enabled the Act to pass, it in principle committed itself to implementing the bill when adopted into law. In practice however, the government’s response to the Act’s enactment demonstrated a lack of political ownership in several ways. The participants explained that the government disowned the PWD Act and failed to implement it primarily because it did not originate as a private a government sponsored bill:

You know the way the Act came, it was such that the government did not wholly own it because it came as a private member’s motion in parliament. That explains
the kind of reluctance in funding the effort to implement it. (Researcher and
Disability Rights Activist)

The question of the Act’s origin as a private member’s bill and its subsequent lack of
ownership resonated with many participants. Some of the participants questioned the very fact
that the Act had to pass as a private member’s bill and not a government sponsored bill in the
first place. To Participant 13, a senior DPO Executive, the fact that the PWD Act originated as a
private member’s bill and the government’s subsequent failure to own it was an early indication
that the disability law was not a government priority from the outset:

Ordinarily, government was supposed to bring this bill, why didn’t government
bring it? So if it delayed to bring it, one can say is it because they did not consider
disability as a priority issue. But this is not the normal practice. Government
should have originated this policy to show the kind of commitment it has to
disability issues. (DPO Executive)

The lack of ownership of the PWD Act was evident right from the formulation stage, but
it became more explicit during the implementation stage. First, during formulation, the Ministry
deprecated to draft the bill. Second, after the Act passed into law, the government’s reaction was
ambivalent or antagonistic. For example, soon after the PWD Act passed and it, some officials
from the Ministry that was originally supposed to sponsor it claimed that they were not consulted
and they were unaware of the Act’s contents:

I interacted with one of the Commissioners in the office of disability and they
were saying that even before they could be consulted, or understand what is in the
law, they only heard on radio that the Persons with Disabilities Act had passed.
And we even didn’t know what was contained in the law. So because of that they
became reluctant [to implement the Act]. (DPO Executive)

The DPO Executive further explained that the very government officials who were
supposed to implement the Act reacted negatively because they did not feel that the PWD Act
was a product of their effort: “even when you talk of the PWD Act, they wouldn’t see a lot of
value attached to it. So may be if it had originated from the Ministry of Gender, they would think
it is their baby. Because if you compare it with the NCD Act that was their own baby, they made a lot of efforts to make sure that the NCD got funding” (DPO Executive).

It therefore follows that originating the PWD Act as a private member’s bill helped to expedite its passage, but it later triggered new challenges that impeded implementation. First, because the relevant government Ministry played no role in its formulation, the government showed little interest to implement the Act. Also, it appeared that certain provisions of the Act were not in the best interest of the government. Subsequently, the government claimed that Parliament did not carefully examine certain provisions in the Act. According to a participant who was a lawyer, the government did not initially care about the Act, which is why it woke up late to realize what the ramifications of the Act’s contents:

> You know, my view is that there was definitely all positive intent behind the passing of this Act. But I think one, it’s being a private member’s bill, the government really didn’t care about it. Then when it came to implementation, the government said, wait a minute. We didn’t look at this critically. But I also think the persons with disabilities; they were not involved as much as they should have been because it was a private member’s bill. A member cannot go consulting in detail. (Participant 22, Lawyer and Disability Rights Activist)

In the view of legislators who were involved in the Act’s enactment right from its formulation, the problem of ownership stemmed from the failure of the relevant government entity to sponsor the Act. A senior legislator who steered the PWD Act through the legislative process explained that certain government officials from the Ministry were unhappy that the Act passed as a private member’s bill. As a result, the officials did not accord the Act the necessary support because they did not view the its passage as their success:

> Traditionally here we use government bills. So we tried a private member’s bill; but here, if you move a private member’s bill, it is like a vote of no confidence in the ministry that is supposed to bring that bill. So some individuals in the ministry, not all of them, felt uncomfortable. It’s like we were doing their work and they were doing nothing. (Legislator)
Generally, the PWD Act received mixed support from the personnel of the Ministry of Gender that was later appointed to be the implementing institution. Also, because the Act was passed during an election year, it appears that it was not thoroughly debated for its contents to truly reflect the government’s interest. The below quote summarizes how the legislative background of the Act relates to its ownership and contents:

Remember the background of this law that it came at an election time and it was a private members bill. When we wanted to develop regulations, the legal advisor of the government then advised that unless we amend or repeal this law, its regulations cannot be developed. As a Minister, I am supposed to develop regulations but in consultation with the legal advisor of government. So we hit a snag there and that limited our possibility of ensuring that companies employ PWDs. (Government Minister)

Thus far, it was apparent that the PWD Act’s origin as a private member’s bill led to the lack of political ownership and resulted in the government’s unwillingness to implement it. Moreover, some officials of the implementing institution did not initially support the Act since they had failed to draft it. Meanwhile, the Act’s expeditious passage at an election time might have contributed to the low attention paid to its contents.

C. **Policy Content**

Two sub-themes related to the Act’s contents emerged as facilitators and barriers to implementation: the pride for the Act’s existence as a disability law and the gaps inherent in it.

1. **Pride for the existence of the PWD Act**

Prior to the PWD Act, there was no disability-specific law in Uganda elaborating the rights of PWDs. Disability rights were covered under mainstream laws, such as the Constitution of 1995, the Employment Act 2006, the Local Government Act 1997, and others. Thus to PWDs, the existence of the PWD Act in and of itself, had symbolic significance. Participant 13, a DPO executive, felt that the Act served as a reminder to society’s obligation to
address the rights of PWDs. Another participant noted that enacting the PWD Act was the right thing to do and placed Uganda among other countries like the United States and Kenya that passed their own disability laws. Specifically, the participants pointed out that the Act’s prohibition of discrimination on the ground of disability was a tool for addressing the inequalities that existed against PWDs:

Uganda is not the only country that has this Act. America has a disability Act, Kenya has a disability Act and many other countries. So we feel that PWDs in Uganda should also have this Act because it is through this Act that we will address the inequality that has been PWDs in education, employment. (Disability Rights Activist)

We as PWDs really pride in and are happy that we have the Act in place. Because when I stand up to talk, when I stand up to advocate, at least I use it as my bible, as something to base on. And even if I would have been attacked, the Act protects me. So at least we as beneficiaries of the Act are very much happy of its existence. (Board Chair of a DPO)

Similarly, Participant 21 said that if there was a disability law, PWDs could use it to challenge their discrimination. Hence, the PWD Act was relevant and necessary for the holistic development of all Ugandans since it covers a social group that was otherwise left behind. Participant 17 called upon all people to support the PWD Act for the benefit of PWDs:

Yea, it’s relevant for the holistic development of all Ugandans because we should not leave behind a part of society. We should just make sure that vulnerable people in this country are provided for. I work with children with disabilities. We do a lot about increasing their access to education, increasing their access to health because we want them to lead a fulfilling life in the future. What is the fulfilling life if you are going to struggle through education or any skills development only later on to end up languishing somewhere? So the law is very, relevant that it should work to benefit PWDs. We should all work towards it. (DPO Executive)

People with disabilities loved and proudly associated with the Act as their law. According to Participant 22, a legislator, PWDs liked the PWD Act regardless of whether it was a good or a bad law: “you know PWDs like to associate with it as their law and they don’t care whether it is
a bad law or a good law: it is their law.” They attached a lot of pride to the Act’ existence regardless of the perceived flaws it may have. Meanwhile, the individuals with disabilities who worked so hard to ensure the passage of the PWD Act derived a lot of satisfaction from its enactment. To them, the Act symbolized hard work, inspiration, and the hope that inequalities and imbalances against PWDs in Uganda will ultimately be addressed, regardless of how long that will take:

I look forward to the time when our people will have access to employment opportunities just like other people in this country. So I think with time we shall succeed. But am also happy, it looks that so far, something has been done. If you have done something, it means there is inspiration, inspiration to work harder and attain it. At the end of the day we shall make it. (Legislator for PWDs)

It was clear that the existence of the PWD Act was significant and understandably so: enacting an appropriate legislation to recognize and protect the rights of a marginalized group is the first step towards addressing the inequalities against them.

2. **Weaknesses inherent in the Act**

While many stakeholders, especially PWDs, attached a lot of pride to the PWD Act, it also received substantial criticisms from others who undermined it as a bad law. The foremost criticism of the PWD Act came from the Attorney General’s Office. Participants reported that the Attorney General wrote a letter to the implementing institution stating that the PWD Act contained several gaps that required review before implementation. This section reports the perceived gaps inherent in the PWD Act as identified by the Attorney General in a letter to the Ministry for Gender.

a. **Not implementable**

As required under the Act, one of the first activities initiated by the Ministry of Gender was developing the regulations for the Act’s implementation. According to
the officials from the Ministry, while they were still drafting the regulations to implement the Act, the ministry received a letter from the Attorney General’s office stating that the PWD Act was unenforceable: “the Attorney General had written a letter to say that it is unimplementable; the issues raised in it cannot be implemented. Basically because government says how can government say (to itself) do this, government should do this?” (Civil Servant).

The Attorney General’s letter was particularly critical of the Act’s contents and language. As such, it advised that the Act could not be implemented unless reviewed: “… we were told that 75% of the Act was not implementable. One, the language which was being used was not legislative; it was conventional; then secondly, most of the things which were in that Act were policy issues” (Participant 2, a Civil Servant in the Ministry). In other words, the Attorney General deemed the Act as not properly formulated.

Following the Attorney General’s verdict on the Act’s content and language, there were debates about what to do about the on-going activities, such as drafting of the regulations. A Government Minister in the Ministry for Gender explained that they had to stop developing regulations on the instructions from the Attorney General. It appeared that the Attorney General’s comments shaped how other stakeholders viewed the Act. For example, some members of the disability movement reiterated other than question the verdict that the PWD Act was not implementable. As the following quotes indicate, stakeholders, including members of the disability movement, rather easily accepted the verdict that the Act was not implementable:

Well, I must say that the Act in totality as I said from the very beginning had limitations; it had a lot of weaknesses. The way it was passed, there were certain gaps which were there and this is why the disability movement came up to kind of work out a way to fill that gap. (Disability Rights Activist)

… and for me, I see that we need to be honest. The Act is good in words but is not implementable in practice. Because once you go to the Ministry of Justice, they will cite for you the illegalities within that Act. (DPO Executive)
It, therefore, followed that the view that the Act was not implementable prevailed even among the DPOs. The stakeholders agreed that that the Act needed a review to make it implementable:

They are talking of enforceability as a problem. Even the language of the law is the language of a policy. Some of the issues that are in the law are actually supposed to be in a policy. But very importantly, it is addressing very many things; they wanted to address few areas. To make sure it is enforceable, by providing buttresses for some articles or sections but also providing strong language on some of the issues and also prioritizing some of these things how to deal with them in general terms. (Executive Director of a DPO)

While the PWD Act may have had some gaps and weaknesses, it was surprising that both the disability community and the implementing institution easily embraced the idea that the gaps necessarily rendered the entire Act not implementable. One would have expected the DPOs to offer and demand an alternative solution to addressing the perceived gaps inherent in the Act rather than endorse its substantive amendment.

b. **Ambiguous and inappropriate language**

The language of the PWD Act drew substantial criticisms from the government. According to Participant 6, the government argued that the PWD Act lacked proper legal language because it used *policy language* and *international human rights* language, which appeared to direct the government and/or merely encourage compliance with the Act. The government perceived the Act’s language as problematic for several reasons: it appeared forceful and portrayed the government as an external party to the Act, and yet the government was the custodian of the Act. Second, the language the Act adopted was in some cases ambiguous or non-binding. This gave ground for the government to argue that it was a weak law. A DPO Executive gave an example of where the Act inappropriately used non-binding language:

… for instance there is a provision that says that inclusive education should be encouraged. So they were saying if you say inclusive education should be encouraged, in terms of enforcement, it is difficult. That means that they have a
choice not to do anything. So they were saying we need a stronger language that is tasking stakeholders to implement inclusive education.... they want the language to change.

From the perspective of the DPOs, the Act was ambiguous with regard to the role of the public and private sector on the employment of PWDs. DPO leaders felt that the Act’s quota law was largely civil-society based because it only targets the private sector but was silent about the role of the public sector. To this end, the DPO leaders felt that the government ought to lead by example and proportionately share the duty to employ PWDs with the civil society. The government officials’ concerns were in turn concerned that the Act mostly referenced government without the explicit mention of other stakeholders. Participant 2, a civil servant in the Ministry, explained that the Act’s use of the term government most of the time was vague since it can be difficult in practice to define who is the government. Another government official argued that the Act’s use of *the government* in many of its provisions sent the incorrect message that *the government* was the sole actor on disability matters:

> Yea, I told you, the issue of how it was drafted and designed was more of policy and when they were drafting it, they targeted government but government is not the sole provider of service. The other service providers were left out, not being tackled about in the law and I think that was a sort of a mistake that we are correcting. (Government Minister)

The government and DPOs seemed to trade accusations about the Act’s focus, with each claiming that it only targeted the other. Hence, the language of the PWD Act was not specific enough and open to varying interpretations.

c. **Interplay with other laws**

Some stakeholders viewed the PWD Act as duplicating certain issues already addressed in existing laws. Consequently, two lines of debates emerged to try to resolve the question of duplication. According to Participants 1 and 6 who were both disability rights
advocates, people who believed that the Act duplicated other laws did not see the need for a separate law on disability, so they wanted the entire PWD Act repealed:

… then they also said that most of the provisions were already covered in other laws. So they said they did not see the value of having a separate law for PWDs. That is why they felt they should delete [repeal] the all law. (DPO Executive)

On the other hand, those who supported the need for a separate disability law argued that the Act should only be revised in part, to exclude the aspects covered by existing laws:

… and then the argument was also that the law had many aspects that were already addressed in other laws. So they wanted to remove many of the aspects which were already included in the existing laws. That was a very hot debate among the government representatives and the DPOs. I think there was no agreement on that one. The DPOs were saying that much as those aspects are already in the other laws, it would be good to have a comprehensive law on disability, which has all the aspects of disability in one document, and yet the other side was arguing that there was no need to repeat things already catered for elsewhere. (NCD Executive)

According to a disability rights activist and researcher, the idea of repealing or amending the PWD Act to only cover few aspects signified underlying attitudinal problems since it was evident that existing mainstream laws failed to address the rights of PWDs. A look at the proposed amendments to the Act revealed that indeed, the PWD Act will be profoundly reduced to a less comprehensive law if the proposed amendments are passed as is.

d. **Lack of penalties**

The Attorney General’s letter also stated that the Act was a weak law because it lacked strong penalties for offenses or non-compliance. This criticism particularly drew a lot of agreement across all stakeholders. A common view of all participants was that the PWD Act did not prescribe clear and strong penalties to punish violations and/or non-compliance. Both the government and DPO officials recognized that the existing penalties in the
Act were weak and inadequate. Participants noted that without strong penalties, it was difficult to assure compliance with the Act and hold violators accountable. A senior legislator of PWDs who participated in the Act’s enactment conceded that the lack of strong penalties was indeed a major omission during the Act’s formulation:

Second, and very important is the area of sanctions. You know for a good law to be able to operate you need clear sanctions. That if you fail to do this, this will happen. This law is lacking in that. Sanctions are very general. I think only one section talks about sanctions. You will be punished if you fail to do this.

(Legislator for PWDs)

Stakeholders across all divides viewed the existence of the PWD Act as a facilitator. Rights without (strong) remedies are not enforceable. It was not surprising that the need to revise the Act in order to strengthen its remedies was well received by many stakeholders. Generally, there was consensus among stakeholders including the disability community on the need to review the Act in order to right the perceived weaknesses inherent in and improve the Act’s enforceability.

D. **Policy Redesign**

Amendment and repeal were the most recurrent words that came up whenever participants talked about the barriers and facilitators to implementation. The story of amending the PWD Act started with the Attorney General’s critical assessment of the PWD Act soon after enactment. The Attorney General sent a letter to the Ministry of Gender spelling out what it called *illegalities* and *weaknesses* in the Act that in its opinion could only be corrected by amending the Act.

Confronted with the Attorney General’s legal advice, the Ministry of Gender had very limited or no option but to conform, since government departments are bound by the Attorney General’s opinion on legal matters. However, the decision to stop developing the regulations
triggered a temporary standoff between the Ministry of Gender and the DPOs. Because the DPOs had lobbied and even financially supported the process of developing regulations, they demanded that the regulations be finalized to enable implementation to start. However, the Ministry insisted that it could not ignore the advice of the Attorney General. After some negotiations, the DPOs saw no other option but to accept the suspension of the draft regulations:

I think one of the major issues is the standoff between civil society and the government. Because the government says the law in its current form cannot be implemented. The civil society says it is our law: it is our disability law, we share, we belong to it. So to put off that standoff, there was the need to amend the law but also to make sure that the process is led by the government. Yes, to make sure that we can come up with a law that the government says, yes, now this is implementable. (Participant 22)

Following the suspension of regulations, the government and DPOs agreed to amend the Act, but the amendment process did not commence immediately. The delays in drafting the amendments bill and consulting with stakeholders compelled the civil society to intervene. Consequently, three DPOs formed a coalition to develop the proposals for amending the Act and for the full domestication of the CRPD. The Executive Director of one of DPOs participating in the Coalition explained the objective of the coalition as follows:

We have a coalition project, we are partnering with Legal Action for PWDs in Uganda and with Mental Health Uganda. The objective is to amend the People with Disabilities Act to conform to the CRPD.

At the start of fieldwork for this study, the Ministry of Gender had drafted the PWD Amendments Bill 2014 and the Cabinet was discussing the Bill. Towards the end of the fieldwork, the Cabinet passed the Bill, and the Ministry for Gender presented it to Parliament after publishing in the press as required.
1. **Stakeholders’ expectations of the amendments**

Once it was clear that developing regulations could not proceed, all stakeholders agreed to amend the PWD Act. The pertinent question, however, was: did the amendment process and the final Amendments Bill reflect the input by and the expectations of the different stakeholders groups? There were many contentious perspectives regarding the amendments.

a. **Amendments or total repeal?**

A law can be amended in part(s) or repealed in entirety. It appeared that in the case of the PWD Act, there were stark discrepancies between what the DPOs and the civil society consented to or expected, and what the government did with the Act. The DPOs’ understanding was that the PWD Act needed only a partial amendment, not a repeal. In contrast, the official version of the PWD Amendments Bill 2014 seeks to repeal and replace the PWD Act 2006. After realizing this discrepancy when the Bill was published and tabled in Parliament, DPOs and other disability rights activists reacted in protest, arguing that they agreed to amend but not repeal the entire Act:

> No, we are not in support of the repeal. We are supporting amendments of the aspects where the government feels that it is losing money. And we are saying, if you repeal, it may take us another decade to have it replaced. So let’s now just revise what we have. (Board Chair of a DPO)

Many of participants who were DPO leaders and members of the disability community expressed concerns about the lack of transparency by the government during the amendments process. Whereas the DPOs claimed that the Ministry of Gender excluded many of their proposals from the final Amendments Bill, the Minister who was steering the amendment process reaffirmed that they consulted and considered all stakeholders’ proposals:

One thing is that we have done a comprehensive consultation on this matter but also having had a number of years in trying to implement this law, we have had
experiences in the field. Those experiences that we have learned have been taken into consideration in the law. (Government Minister)

Indeed, some of the DPO leaders acknowledged that they were consulted. So, the issue was not just about being consulted, but that the DPOs’ key proposals were excluded from the final Bill:

I have been in some of the meetings and really, disagreement is very, very high. We put in suggestions and the government comes with a totally different version. Nothing, all the things we suggested, nothing got in there. Right now, no body exactly knows which version is being taken to parliament because we have proposed amendments, we have written memos, but when they get to cabinet, once it leaves the Ministry of Gender, and it goes to cabinet, then it is marked sacred: you will never see it until it gets to parliament. (Executive Director of a DPO)

It was clear that the final amendment Bill that is currently in Parliament did not reflect the expectations of the disability movement who had agreed to amend other than repeal the entire Act. Since the Bill is at committee level in Parliament, there is still room for stakeholders to influence its outcome.

b. **Aligning the PWD Act with the CRPD**

One of the major reasons why DPOs agreed to amend the PWD Act was to align the Act with the CRPD standards. DPOs viewed the Act’s amendments as an opportunity to *kill two birds with one stone*, i.e., to use the amendments process to strengthen the Act as well as push for the full domestication of the CRPD. This is the reason why three DPOs formed a coalition that drafted proposals for the full domestication of the CRPD and to amend the PWD Act. The Coalition hired two law consultants who analyzed the PWD Act and the CRPD, and developed recommendations to align the PWD Act with the CRPD:

Our coalition focuses on amending the People with Disabilities Act 2006 to conform to the CRPD; that is where we focused the research: making proposals then submitting to Ministry of Gender. Another thing, the Act was made before The Convention. So, when Uganda ratified The Convention, you must amend your law to conform to The Convention. That is what we have been working on. (Executive Director of a DPO)
Although aligning the PWD Act 2006 with the CRPD was the major thrust behind the DPO’s agreement and support for an amendment, the final PWD Amendments Bill 2014 did not also reflect this goal. The legislators for PWDs who saw a copy of the Bill presented to Parliament observed that the Bill did not align with the CRPD, and was even weaker than the PWD Act 2006:

As it is proposed, it is not very strong. Many disabled people I have talked to would prefer that they even have the other one and just amend. The same view is mine because I am representing people, I am part of them. So I would think that the bill is not as strong as we would expect and in conformity with the UN Convention. That is where we have some challenges. (Legislator for PWDs)

Immediately the PWD Amendments Bill was published in the press, it sparked contestations across the disability movement. For example, the Coalition circulated a mass email to PWDs and their allies. The investigator received a copy of the email. The email called upon all PWDs and their allies to directly email and/or call the Minister for Gender, and tell him that the published PWD Amendments Bill did not reflect the proposals submitted by DPOs:

Dear Disability Advocates,
Call or write to the Ministry of Gender, Labor and Social Development. Tell the Minister that after reviewing the Bill, it is not different from the first draft we have been opposing. Remind him that key changes we agreed with him and former Minister (name withheld) during our two full days meetings hosted by his ministry were left out. Tell him that we are ready to support him in any way possible. (Executive Director of a DPO and Chair of a Coalition of three DPOs)

Due to time constraint, no further follow-ups were made on the response to Coalition’s call for the disability community and their friends to oppose the proposed amendments. Hence it was not established whether the coalition presented the DPOs’ proposals to the Parliamentary Committee that is currently scrutinizing the bill but this would be one of its remaining options to try to influence the outcome of the amendments.
c. **Reclaiming ownership of the PWD Act**

Since the PWD Act originated as a private member’s bill, and was later disowned by the government, the amendments provided the government an opportunity to reclaim its ownership. A current legislator of PWDs explained that reclaiming ownership of the Act was needed to improve its prospect of implementation since the government would see a revised law as its product and implementing it:

> It is a little experience I have seen here: when you come with your bill as private, it is given to you fine, it is signed, but when you have it coming through the Cabinet, the way they will shoot it becomes difficult. So we shall say but how did you now analyze it? For us now, we want service from the government and this is how you begin now demanding. Than when somebody finds a leeway of saying that was a private bill, you know we didn’t discuss in details and sometimes you ask yourself, who drafted it because you still have the same drafting council to do all these bills. (Legislator for PWDs)

To ensure that the government reclaims ownership of the Act, the Ministry of Gender took full charge of drafting the amendments bill and the entire legislative process. It was the hope of all stakeholders that the government would implement the law after amending it. The hidden reality though, is that, implementing the law in the making will unlikely be a challenge, since some of the potentially problematic provisions like the tax inceptives and quotas are excluded.

d. **Strengthen the PWD Act**

From the outset, the PWD Act was labeled a weak law on the ground that it lacked penalties, and adopted non-binding language on certain important issues such as on inclusive education. As such, some stakeholders supported the Act’s amendment on the ground that it was a way to strengthen the weak aspects. A current legislator for PWDs confirmed that she supported the amendment process because it presented an opportunity to strengthen the PWD Act and to push for certain changes that would make it a better law for PWDs: “I do welcome the
repeal, because we are going to make changes. Even if the current bill as I have said does not, there is still opportunity for us to push in what we want to improve on the bill to make it a better Act in future” (Legislator for PWDs). Likewise, a legislator representing PWDs explained that the amendments would resolve the issues that led to suspending the process of developing the regulations:

We are trying to see what good things we had in the 2006 Act, what we have in the Convention, are there any lessons from other countries, and we try to come up with amendments it to make it stronger. So when this comes out, it is our high hopes that this time, people saying there are no regulations and yet this is their bill might have some other questions. So we think this will make it a stronger law. (Legislator for PWDs)

During the interviews, participants who commented about the on-going amendments were asked what they thought about the strength of the PWD Amendments Bill. In contrast to the goal of strengthening the Act, participants who accessed the Bill said that it was weaker than the PWD Act. A legislator for PWDs confirmed this and promised to oppose the bill in parliament:

So far the bill they are bringing does not meet our expectation. Several issues that we discussed with the Ministry of Gender have not been addressed by this bill. We have seen the bill and we are not satisfied. But as soon as it is tabled in parliament, it means that it becomes our property. We shall see how to manage it, to make sure that our concerns are addressed. (Legislator for PWDs)

A review of the literature corroborates the view that the Amendments Bill was weaker than the Act. A newspaper report showed that on the first appearance before the Parliamentary Committee scrutinizing the amendments bill, officials from the Ministry of Gender met with outright disapproval from legislators who threatened to reject the proposed amendments on grounds that they were weaker than the PWD Act 2006 and targeted mostly the private sector:

Don’t be surprised if the Bill is thrown out; it is worse than the current Act, why are you putting all the responsibilities on provision for facilities on private institutions? You are trying to run away from your responsibility. (Legislator as cited in Sekanjako, 2014)
The same national newspaper reported another committee member commenting about the amendments bill in relation to the CRPD. The parliamentary committee member observed that the current law was far better than the Bill when compared to the CRPD:

The old law was almost driving us to the realization of human rights as recommended by the UN Convention; the old law has better requirements on human rights than this new Bill. (Legislator as cited in Sekanjako, 2014)

In defense of the PWD Amendments Bill, the Minister for Disability reiterated that amending the PWD Act 2006 was necessary because it lacked strong penalties, rendering it not implementable in its current form: “… in the old law, penalties for offences were not clearly spelt out as in the new Bill. We would not do any repealing if this law was implementable” (Legislator as cited in Sekanjako, 2014).

Overall, considering the discrepancy in stakeholders’ expectations of the amendments exercise, some disability activists explained that the government could have only amended the aspects that were identified as problematic and retained most aspects of the current law.

It would be important that this Act be revised to simply you know, put in concrete language in the provisions. Otherwise, if it is amended in a way that the government is going to water down what even already exists, however small it might be, then it will be problematic. If this Act were amended in a way that simply concretizes the language it would be one of the most well written disability laws. (Lawyer and Disability Rights Activist)

An executive of a DPO questioned the intent of the amendments exercise. She argued that the Ministry for Justice should not have declared that the entire Act was not implementable without any attempt to implement certain provisions:

So the only way we can have the law implemented is to have this all law off until we come up with our own law. So you cannot say that the all law is bad, when you have not even tried to implement a single section. So for us our argument was, you first show us that you have come up with the regulations of the implementable sections, then we know that section this, section this needs amendments. (DPO Executive)
In sum, a bill seeking to amend the PWD Act 2006 is in Parliament but there are several dissenting views across stakeholders regarding its strength in comparison to the PWD Act. The prosed amendments do not reflect the consensus of all stakeholders. It remains to be seen how the amendment process unfolds since it received negative reactions from PWDs and the legislators currently scrutinizing it. Also, the amendments have come towards an election year in Uganda. It is interesting to see how all these factors play out to influence the process and outcome of the amendments.

E. **Assignment of the Implementing Agency**

The choice of an institution to implement a policy is one of the crucial decisions that legislators have to make when enacting a law. Sabatier and Mazmanian (1980) claim that one way that policy makers can structure the implementation process is the way they assign the institution to implement a policy. For example, legislators can assign the duty to implement a policy to an institution that is known or expected to support that policy. As well, the top officials of the implementing institution who are experts in the policy area and would support the policy can be designated to be in charge of implementation. In this way, the implementing institution is likely to support and prioritize the goals of the policy. Sometimes, an already existing institution is assigned to implement a new policy but a new institution can also be established.

The mandate to implement the PWD Act 2006 is vested on the Ministry for Gender. The Ministry hosts the departments for all special interest groups: disability, women, youth, children, elderly people, and orphans. A civil servant in the rank of a commissioner heads the Department for Disability and Elderly Affairs. The Minister of State for Disability and Elderly Affairs is the political head of the Department of Disability and Elderly affairs. The Ministry is also the home to the Department of Labor, which is concerned with employment issues nationally.
Participants were asked what they thought about the choice of the Ministry of Gender as the lead implementing institution of the PWD Act 2006. Generally, there were mixed views both in favor and against the choice of the Ministry of Gender as the implementing institution. Many participants recognized the Ministry for Gender as the proper choice, since it hosted was already a host to the disability department. As such, they believed that the Ministry had the expertise on disability matters:

Well, I think it is right for them to have the Ministry for Gender to lead the implementation process, because it has a department responsible for disability and so they are the experts in government. (Lawyer and Disability Rights Activist)

Another favorable view about the choice of the Ministry for Gender was that it already had a well-established structure that it can harness to coordinate implementation. For example, with regard to the employment provisions, participants noted that the ministry had the advantage of being the home to the Department of Labor:

Generally the Ministry for Gender has the structures to ensure equalization of opportunities for persons with disabilities. We have the CDOs (Community Development Officers); we have the State Ministers, Commissioners, all those people. (Legislator for PWDs)

However, there were also several concerns about its power and the weight of pre-existing mandates. The main concern about that the Ministry of Gender was that it was already extremely overwhelmed by its pre-existing responsibilities (Participants 3, 17, 23, and 25):

I think it needed another body to be specifically in charge of that because the Ministry of Gender as you see, has so many of these special interest groups like the youth, women, children, elderly persons, and under these there are so many policies, which are supposed to be addressed and it appears they are finding themselves overwhelmed without specific bodies assigned to do that. (Participant 17, DPO Executive)

I don’t want to comment in the hard way, but I think the ministry is overwhelmed. First of all it is the most unfunded ministry; in all the ministries of Uganda, the most unfunded, though it takes all the social sectors because you have the youth,
you have the workers, you have the women, all these people are parked there. (Participant 23, Legislator for PWDs)

Contrary to the expectation that the ministry would best implement the employment provisions because it is home to two departments critical for the employment provisions, a legislator for PWDs noted that the two departments did not collaborate on disability employment issues:

So when you talk of employment per se, I don’t think they have a sector in the department of labor that takes care of disabled people because now they have made them a department, you find the labor department seems also to be alone, they don’t coordinate even with the department of disability. There is quite a big gap between these two departments. (Legislator for PWDs)

The main concern about the Ministry of Gender was related to its perceived power and authority, relative to other government ministries. Several participants regarded the Ministry of Gender as a very lowly ranked Ministry when compared to other ministries. A government minister also stated that the Ministry of Gender was not one of the ministries ranked as strong:

You see the Ministry of Gender, Labor and Social Development is the lead agency but the lead-agency is supposed to look at what is happening everywhere. But sometimes it is not ranked as one of the strong ministries. So it is a ministry in terms of counting government priorities, not as important as other ministries. (Government Minister)

As the minister stated, to implement the Act, the lead-Implementing Agency must coordinate with all other implementing agencies, including central government ministries and lower structures. However, participants believed that the ministry lacked the power and authority to command stakeholders to comply with the PWD Act. A lawyer and disability activist explained that in practice, it was hard for a Ministry to command another to ministry to comply with the Act since ministries were autonomous and at had the same level of authority:

Then the other thing is that, ministries themselves, although they have a linkage, they are independent bodies. You cannot force each one to do this, because they are the same level, unless it is the Prime Minister’s office. But the Minister for
Gender cannot force ministry for health for example, to employ PWDs. (Lawyer and disability Rights Activist)

The need to assign another agency that wields more power and authority to be in charge of implementing the PWD Act resonated with certain participants (e.g., Participants 6, 10, and 17). Some participants felt that it was better to assign the duty to implement the Act to a government entity or agency with the power and authority to command other agencies into compliance. In this respect, an NDC official suggest that the President’s office, Office of the Prime Minister, Ministry of Finance, or a new body that has power or believed to have power could be in charge of implementation:

I think putting it under gender makes it a bit difficult to coordinate because ministry of gender may have the mandate all right but I think it would have been better if this Act were put under President’s office or the Prime Minister, who are able to command other ministries to Act. But gender the way it stands, it can’t command other ministries, and yet the issue of disability cuts across all sectors. So it needed a coordination point or focal coordination where it can command other ministries to act. (Former Board Chair of a DPO)

So, it remains a vulnerable ministry for vulnerable people. It’s not even half as strong as say the education ministry, but it’s the mother ministry for disability. So if they don’t have a budget, every time they are saying we don’t have a budget, we can’t do that. You might find that even the NGOs seem even to be stronger. A collection of NGOs doing disability work may be stronger than the ministry. (DPO Executive)

The Act has provided that the Ministry of Gender is the one to be in charge [of implementation]. The provision is there, only that am not very comfortable with where it is. It would have been a central …ok, not central as such, but a body, which really has that authority as I said. May be it would be within the National Development Planning Authority or ministry of finance which controls almost all budgets; not even almost, it controls budgets of all ministries, whereby it could say if you don’t talk about disability then we are not giving you money, something like that. (NCD Executive)

As an alternative, a DPO executive suggested that an intergovernmental authority should be established to coordinate the Act’s implementation. Such a body would still be in the Ministry of Gender but able to bring together different stakeholders. The PWD Act clearly mandates the
Ministry of Gender as the implementing agency, but does not specify the responsible department. As a result, there appeared to be confusion in the Ministry about the office that should coordinate the Act’s implementation. For example, some implementing officials did not regard the Ministry for Gender as the implementing agency; to them, it was the duty of the respective government departments to implement the Act (Commissioner in the Ministry of Gender). However, a politician in the Ministry of Gender clarified that the mandate of coordinating the implementation of the PWD Act was under the Department of Disability and Elderly Affairs. However, some Ministry officials mistook the NCD as the implementing agency just because it received funds through the Ministry of Gender to monitor disability policies:

The Ministry for Gender is not the implementing agency of that law, it is a custodian. The implementing agency is each sector because that law mandates every agency, ok? Now, as long as the NCD is still a council without enforcement mechanisms, recourse can only be taken with the employment commission. (Civil Servant in the Ministry for Gender)

I think it is a misconception. What we said was that the Ministry of Gender plays a leading role. This Act is cross cutting. But some people who serve in the Ministry of Gender think that they are the key people who must do everything. (Legislator for PWDs)

The confusion regarding which office in the Ministry for Gender was responsible for implementation created an operational gap that hindered implementation. This meant that the Ministry did not integrate the PWD Act into its existing functions. This was manifest in the fact that the Ministry did not designate a focal office to coordinate the Act’s implementation.
F. Conclusion

Policy-oriented factors significantly influenced the implementation trajectory of the PWD Act. The background of the Act as a private member’s bill led to its lack of ownership because the government felt that some of its provisions were unrealistic, ambiguous, or faulty. At the same time, because the Act passed during an election year, legislators did not thoroughly scrutinize its contents and this predisposed the Act to criticism. Because of the perceived weaknesses inherent in the Act, developing the regulations was suspended and a new initiative started to substantially review the Act. In spite of the negative reactions that the Act received, its enactment was still seen as the right thing to do and PWDs proudly associated with it as their law. Several participants cited the tax incentives and the anti-discrimination as the major strengths of the Act in relation to employment.
VI. RESULTS: PROCESS-ORIENTED FACTORS

Policy Implementation takes place at multiple levels and involves multiple actors. According to Sabatier and Mazmanian (1980), the policy outputs of implementing agencies are a function of the interaction between legal structure and political processes. One of the research questions that this study investigated was: what socio-political processes facilitated or hindered implementation of the PWD Act in relation to employment? Several themes emerged related to implementation process: policy support, commitment of implementing officials, capacity of implementing institution, coordination, low prioritization, beneficiaries’ coalition, and window dressing. For ease of understanding, these themes are herein referred to as process-oriented factors instead of non-statutory variables as named in the conceptual framework.

A. Policy Support

According to the Sabatier and Mazmanian (1980) framework, continuous support for a policy is paramount for successful implementation and the support must endure the changes in the socio-political conditions. Study participants spoke about support for the PWD Act by different stakeholder groups: the executive arm of government, legislators, the implementing institution, and DPOs. They distinguished between two levels of support for the PWD Act: support for enactment and support for implementation. Regarding the support for the Act’s enactment, the participants were generally of the view that there was a strong and positive political will to the PWD Act 2006. To this end, the enactment of a disability-specific law per se was a demonstration of the government’s support for disability. Talking about support for the Act among sovereigns (i.e., the executive and the legislature), many participants stated that Executive supported the Act, and particularly pointed out the President’s assent to the Act as a
sign of support for disability rights. Moreover, in addition to assenting to the Act, it was the President who ordered the Ministry of Gender to start developing the regulations:

… we had the International Day for the Disabled in Nebi district, and the President for the first time attended our function. We then raised it in the communication of the chairperson that we needed the regulations to be put in place. He was able to give instructions to the Minister for Disability that without any single delay, he wanted the regulations in place. Immediately after that day, they looked for funds and the consultations started. (DPO Executive)

Participants also observed that there was political support for disability in Cabinet since there was a junior Minister for Disability and Elderly Affairs at Cabinet. An official from the Disability Department reported that the Minister for Disability Affairs acted as a voice for disability at Cabinet level: “I don’t know how many times our ministers have had to urge for more resources so that they assure the promotion and protection of the rights of these vulnerable groups including PWDs” (A Commissioner in the Ministry of Gender). In order for any law to pass in Parliament, a Certificate of Financial Implications must have been issued. To Participant 11, another indication of the government’s support for the Act was the issuance of the certificate of financial implications. This was important not only because it enabled the PWD Act to pass, but it also signified that the government’s principled commitment to implement the Act.

At the legislature, participants felt that the Uganda Parliament was generally receptive to pro-disability legislation. For example, the PWD Act became law because of the initiative and stewardship of individual legislators. In addition, after the Act passed, legislators representing PWDs advocated for the development of regulations to implement the Act and were supporting the on-going amendments to ensure that it reflected the needs of PWDs:

The Legislators, I have seen them very strong and there are also other members of parliament with disabilities who are not representing PWDs. So there is a strong voice there. When it comes to Cabinet, there is also a good section of the Ministers supporting disability. (Government Minister)
So in parliament, there is always a conscious mind to ensure that laws that come on the floor include issues of PWDs. (Legislator for PWDs)

It is clear that in principle, support for the Act existed both in the Executive and the Legislature. However, some participants observed that the support the government accorded the PWD Act at enactment did not continue through to the implementation phase. This has made some participants to caution that the enactment of the Act, though a first step in the right direction, was not enough in and of itself: “…we still believe that the existence of this Act is not enough; we need this Act to be regulated, we need to have implementation guidelines so that the implementers find it easy to take this Act into practice. We want to see this Act benefitting my grandmother in the village” (Current Board Chair of a DPO). This quote from the current chair of a national level DPO emphasizes the need for additional political and administrative actions to translate the goals of the Act into action. In other words, true policy support should be shown through taking concrete actions necessary for implementation. It appeared that in parliament, support to implement the Act was limited to the five legislators representing PWDs and not necessarily the all legislature: “… basically only the five members of Parliament who came from the disability constituency are the ones who really understand and support this Act. But other members of Parliament still see this Act as very distant from them” (DPO Board Chair and Activist). The participant explained that many legislators did not openly support the Act because they did not adequately understand the issues affecting PWDs.

Another concern was that the support for the Act was not clearly articulated in relation to employment. In particular, certain participants felt that the legislators elected to represent PWDs needed to step up their support for the Act’s implementation:

…but we have not seen the MPs saying we are now having this strategy to push for the employment of persons with disabilities. For them once they achieved the special grant, they thought that was all. (DPO Executive)
I think our MPs for PWDs should step up their support. They have partly been a barrier to implementation, because they have not spoken well about this Act. (DPO Executive)

It emerged that, even though the legislators representing PWDs supported the PWD Act, their political party rules restricted the extent to which they spoke about the Act’s implementation. As the DPO executive explained, a reason the legislators for PWDs did not adequately advocate for implementing the PWD Act was the multi-party system whereby parties’ agenda trump individual or constituency interest. Because legislators cannot go against their parties’ consensus, they often remained silent on issues affecting the disability constituency.

The current delay or failure to implement the Act prompted some individuals to question whether there was genuine political support for the PWD Act. For example, a participant observed that support for the Act was theoretical, since very little was done in practice:

… theoretically, many people are supporting this Act but when it comes to the practical part of it, people fear for reasons, which I have already mentioned. PWDs are expensive to maintain and so on and so on. But when you go there and ask, the will is there but the practical part is not seen. (Board Chair of a DPO)

It was clear that the PWD Act received strong political support during its enactment, but this support was not sustained through to its implementation. Overall, there still exists support for the Act in government and the disability community but the support was merely theoretical since no practical steps were taken to ensure its implementation. In the final analysis, the support for the Act has waned after the Ministry for Gender tabled a Bill in Parliament seeking to repeal and replace it.

B. Commitment of Implementing Officials

The commitment of implementing officials to the realization of statutory objectives is the variable that most directly affects the outputs of implementing agencies (Sabatier & Mazmanian, 1980). Commitment refers to the implementing officials’ willingness to implement the Act and
translating that willingness to action. In this regard, participants felt that the personnel of the Ministry of Gender had the good will to implement the Act. The following quote illustrates this:

They have the good will, as we can call it, and they feel that PWD should get jobs. I have not seen in all the meetings we have held anybody saying PWDs should not be given jobs. At least, in all the meetings, it comes out clearly that PWDs really need to get jobs. (Executive Director of a DPO)

Genuine commitment however, is beyond willingness to perform one’s duties.

Commitment should persist even in the face of challenges. The Ministry for Gender encountered two major challenges in its attempt to implement the PWD Act. The first was the government’s move to repeal and reduce the rate of the tax incentive. The second challenge was the Attorney General’s directive to stop developing the regulations. The findings revealed that, overall, the Ministry of Gender’s response to the implementation challenges it faced did not demonstrate commitment. Some of the participants expressed dissatisfaction with the Ministry’s response to these challenges, observing that the Ministry failed to defend the PWD Act in the face of antagonistic reactions from other government entities. According to a participant who was a lawyer and disability rights activist, the Ministry for Gender conformed rather than resist the repeal of the Act’s tax mandate:

I feel like for me, the ministry would have stood its ground against the repeal of the tax provision, having seen that a certain number of its constituency had been employed. I don’t remember hearing anything like that. I mean they are constrained resource-wise, but I they still have a lot of potential to do much, which actually does not even need money.

Regarding the Ministry’s commitment to the employment provisions of the Act, Participant 1 felt that the Ministry did not do enough to ensure that the Labor Department, which is one of its departments, took the measures to implement the employment provisions of the Act:

I feel he should go beyond that, for instance as we are talking about the Minister of Labor, that is still the same ministry; our minister should be able to push him and say you know what; you are supposed to prepare an annual report and present
to Parliament regarding the employment of PWDs but we have not seen that. So in my mind I am like, is this what they are supposed to do? Is this all? So to me am not seeing the level of commitment. (DPO Executive)

Some government officials were asked whether they were committed to implement the Act’s employment provisions. An official of the Department of Disability Affairs emphasized that his commitment was affected by the lack of financial support: “… if I am committed, do I go out and talk about the Act? If I am going out to talk about the Act, I need financial support. If financial support is not there, will you say am not committed?” Generally, many implementing officials interviewed were of the view that financial facilitation influenced their commitment. To this end, implementing officials emphasized that commitment ought to be shown by allocating the resources that implementing officials require to carry out their duties:

… everyone supports, but in terms of commitment, it is not there. There is supporting, and committing. Committing means you go an extra mile to allocate resources. (Commissioner in the Labor Department)

… if the good will is there, it should go with allocation of resources. You cannot say I love you, I love you when the money is not there, that means you are deceiving me. (Participant 19, Former Legislator for PWDs)

How does financial facilitation or lack of it affect the commitment of implementing officials? It emerged that implementing officials preferred to devote their time, skill, and energy to the programs that were better funded, but avoided the activities that lacked facilitation or were poorly facilitated: “…so the attention of the government bureaucrats and agents is more on those departments where there is funding, not on those departments that are as dry as ours” (DPO Executive). Unfortunately, participants mentioned disability was one of the “dry” departments resource-wise, meaning that disability related activities were under-funded or often not funded.

As one of the implementing officials stated, commitment to a program or policy must be demonstrate by allocating the required resources. The Ministry of Gender’s mainstream budget is
shared among all of its departments, which included disability, youth affairs, elderly affairs, children’s affairs, women’s affairs, orphans, and social protection. However, all participants noted that the major challenge was that the Ministry did not include disability in its mainstream budget and work plans. This means that it is not committed to disability issues even though it is its mandate:

…even when you go and look at their work plans, there is nothing to do with sensitization on this law. So the fact that the ministry does not budget and plan for some of those, then it is difficult to see these laws going on the way they are supposed to be. (DPO Executive)

Given that the Ministry was in charge of several interest groups, it is important that disability was integrated as part and parcel of its budgetary and planning processes. Also, other departments should integrate disability into their planning and budgets since it is a crosscutting issue. However, some participants observed that disability was left to only one department in the Ministry: “… if the mother ministry, which is supposed to promote disability, is not even implementing, now how do you expect it to promote it to other Ministries?” (NCD Official).

Many participants emphasized that the lack of budget allocation to implement the PWD Act implied that the Ministry of Gender did not prioritize disability issues.

In a nutshell, commitment goes beyond goodwill. It means allocating resources to facilitate implementation. A participant emphasized that without allocating the required resources, a policy remains on paper. Even though there is support and commitment for the Act, resources were needed to take that commitment to the level of practice:

So what is it to put it on paper and across the board you don’t have a scorecard? So for me it is practice. And that is why, unless it goes to the level of practice; unless it reaches the level of resource allocation, it will still remain on paper. There is a lot of support and there is commitment, but of course I think, we are lacking something to make this commitment much more than what currently exists. We are lacking to put our money where our words are. (DPO Executive)
The statement summarizes the importance of the commitment of implementing officials, as well as the relation between commitment and resource availability. It was clear that allocating resources is what distinguishes true commitment from theoretical policy support. Whereas implementing officials felt that not allocating finances for implementing the Act influenced their commitment, DPO executives observed that even with limited resources the Ministry could have been done to show its commitment. The fact that even certain activities that did not necessarily require funds including were not executed suggested the problem was beyond lack of financial resources. While resources are certainly required to do certain activities, the failure to do so cannot be blamed entirely on the lack/inadequacy of funds. Commitment also means the willingness and the resolve to do one’s best under limited resources including carrying out those activities that do not require funds. There were definitely activities the ministry could perform without funds.

C. **Capacity of the Implementing Institution**

Capacity refers to both the structural and functional ability to achieve public policy objectives and to the availability and access to tangible resources (e.g., human and financial) and intangible requirements (e.g., leadership, willingness, and endurance) needed to transform rhetoric into action (Brynand, 2005). To enable successful implementation, the implementing institution requires adequate funds and enough competent personnel. Participants viewed capacity in terms of financial and the human resource capacity of the implementing institution.

1. **Financial capacity**

Participants spoke about the funds allocated to the Ministry of Gender and the Ministry’s allocation of funds to disability issues. The unanimous view of all the participants was that, the Ministry of Gender received very meager funds that were incommensurate to its
responsibilities. Participants expressed the concern that the Ministry was the least funded among all government ministries although it was responsible for all interest groups:

The Ministry of Gender is a large ministry with so many departments but they get very little financial allocation. This particular time it was something around 15 billion. The Ministry of Gender has the least budget among all ministries. That’s why in fact many activities are not being done. (Legislator for PWDs)

…and whenever there is re-allocation, it is the Ministry for Gender that gets some of its money taken away. And so to me I see that it is not facilitated adequately to implement many of these things including the Persons with Disabilities Act. (Researcher and Disability Activist)

It emerged that inadequate allocation of funds seriously limited the Ministry of Gender’s capacity to implement the Act. As a result, often times, the Ministry failed to execute activities related to disability until DPOs intervened:

I moved with one of the Principal Rehabilitation Officers in the ministry yesterday. He said you see, we have never gone to the field for the last three months. Going to the field means going to coordinate with district local governments, and now if they have no facilitation, not even fuel…. the other day, we asked the Minister for Disability Affairs to come and officiate at the White Cane day, he had no fuel! I had to give fuel from UNAB, they don’t have funding to do that; it is a big challenge. (Researcher and Disability Activist)

Actually, to a certain extent, we sometimes fund government to do what they are supposed to do… if you want to get a Commissioner to the district to see what you are doing, you have to fuel his car and give him his per diem to be able to be there. If you want the District Community Development Officer to play his role, you have to fuel his car or motorcycle, you have to pay his transport; sometimes you have to buy him dinner and lunch. That is the state. (DPO Executive)

A civil servant in the Ministry clarified that disability programs, including the implementation of the PWD Act, were supposed to be funded under the mainstream budget of the Ministry of Gender. In other words, the Ministry was supposed to allocate a part of its funds to disability programs. However, participants expressed concerns that although the Ministry generally received meager funds, it allocated the least share of the funds to disability affairs:
And when you go to the Ministry of Gender, I want you to look at the different departments: you have labor, you have youths, you have children, you have women, you have elders, you have people with disabilities, and the least funded is the section of persons with disabilities. (Participant 10, DPO Executive)

The challenge therefore is not only the Ministry receiving meager funds but also its internal allocation of funds to the different departments. According to a civil servant in the Department of Disability and Elderly Affairs, disability received the least share of funds compared with all other interest groups. One participant observed that inadequate funding of disability programs was not unique to the Ministry of Gender but common across all government departments: “… the financial allocation itself is a challenge. Even the ministry that is coordinating it [i.e., Ministry for Gender], has got limited funding but also when you go to other sectors that are coordinating disability within those other ministries, the funding was very limited” (NCD Official).

A civil servant in the ministry revealed that because of inadequate funding, the Ministry of Gender often relied on donor support to implement some of its core activities to the extent that every department was linked to an external donor that complemented its budget: “… that ministry heavily relies on other agencies to support its activities. If you go amongst the youth, they have got NFPA. If you go to the children, they have UNICEF” (DPO Executive). The participant explained that besides disability receiving the least funds from the Ministry of Gender, it did not receive as much donor support as the other special interest groups.

Some participants attributed the financial challenges to the fact that policy makers did not initially stipulate the source for the Act’s funding (Participants 3 and 21). For example, a legislator who was instrumental in the Act’s passage admitted that it was a big mistake for the legislators not to have specified in advance the source of funding for the Act. It appeared that the
Legislators assumed that funds for implementing the Act would necessarily come from the respective departments and that of the implementing institution, but that was not the case:

A weak linkage between the law and the budgeting process means that it is very difficult to secure full and effective implementation of this law. We should have stated somewhere in the Act the source of funding. It was an assumption that the government would be the cook to provide resources. But in budgeting process, you must be specific and mention where the money comes from. (Legislator)

The Ministry of Gender seriously lacked the financial capacity to coordinate the implementation of the PWD Act and other disability programs under it. A DPO executive emphasized that true political will was one that was backed by deliberate allocation of resources:

And for me politics is all about what you are doing for the people. So, the political will has been there but you see the political will that is not backed by resources remains not meaningful enough to me. It does not make economic sense in my opinion, not even political sense. Because of what essence is it that you are telling me that there is political will when you actually are not able to allocate resources? You get it? (DPO Executive)

In sum, participants’ sentiments regarding the Ministry of Gender’s weak financial capacity suggests that allocation of required financial resources is the litmus test for the political will to disability rights and policy.

2. **Human resource capacity**

Discussions about the human resource capacity of the Ministry of Gender as the lead implementing agency focused on the availability of the adequate number of personnel and on their ability and skills to do what they are supposed to do to implement the Act. Many participants recognized that the Ministry had enough personnel to implement the PWD Act, and that many of the personnel were qualified in the field of disability. A Ministry of Gender official revealed that its staffing level had improved and that the Ministry had the technical capacity to implement the PWD Act: “… the capacity is there; we have a huge department here for disability, the skill is there. And here, it is not only the department but also a ministry. Where
you find that you are organizing issues on gender equality and you don’t have enough expertise on disability, you call someone who is your workmate.” Generally, the Ministry should be expected to have the human resource capacity to implement the Act since the government tends to employ qualified personnel.

During the interviews, an effort was made to ascertain the specific unit responsible for coordinating the implementation of the PWD Act or its employment provision. Implementing officials stated that the mandate to implement the PWD Act was that of the Department of Disability and Elderly Affairs. However, the department did not assign or designate any of its existing personnel to be in charge of the Act’s implementation. This was a big challenge as it created a leadership gap in the Ministry.

At least in principle, the major strength of the Ministry was its being a home to several departments including the Departments of Labor and for Disability and Elderly Affairs. In addition, the Ministry was connected to local governments since it was in charge of the Directorates of Community Based Services at district level. These linkages enabled it to better coordinate implementation at all levels. According to participant 19, the NCD was also directly affiliated to the Ministry of Gender. The Ministry’s connection with the NCD was seen as a facilitator since the NCD had the statutory mandate to monitor the implementation of all disability policies. Hence, the participants felt that the Ministry had both the human resource capacity and the institutional network needed for implementation and monitoring at the different levels.

Nevertheless, some of the participants noted that the Ministry still needed more personnel with the relevant experience and expertise in disability since there were still unfilled disability-related vacancies in the Ministry and at lower levels:
I think in terms of human resources, all these need to be beefed up because looking at the various technical people within the department for example, there are a number of vacancies. And I believe if some of those vacancies are filled by people who have a strong background in disability, I think the situation will be much, much better. (Participant 11)

Another issue in relation to human resource personnel was that existing jobs were designed long ago and do not yet reflect the new paradigm of disability that is rooted in a human rights approach. To this end, there was a need to re-orient all personnel of the ministry on the new paradigm of disability:

They have staff and probably they are staffs that have been working with PWDs. But then when you look at the paradigm shifts coming from the CRPD and then those changes that need to be made, probably they need technical support. I think there is room for them to learn a little bit more because we are all learning about how this Convention translates into social realities. I think whether you have capacities internally, you can’t be an expert in everything around the Act. (Participant 15)

The Ministry for Gender, like any other government entity, may have the right number of personnel at its disposal. The personnel may be qualified to perform their duties. However, the ability of the personnel to deliver intended results largely depends on how well they were facilitated to do their work. According to a legislator representing PWDs, financial facilitation was very important for implementing officials to effectively perform their duties:

But you know you can have knowledge; if you are not facilitated you stay with your knowledge. So that is where my problem comes in. You can have a lot of knowledge, you can think a, b, c, d, but when you are frustrated as far as facilitating your ideas is concerned, you can even draw a work plan, but that work plan is never even delivered to the end.

The findings indicate that the Ministry of Gender seriously lacked the financial capacity to implement the PWD Act as it its funding was incommensurate with its weight of responsibilities. The disability situation was further confounded by the fact that the Ministry allocated the least amount of funds to it. More attention was given to the other interest groups in
the Ministry than to disability. Nearly all participants agreed that the Ministry had the human resource capacity but the personnel require some re-orientation to the new paradigm on disability.

D. **Low Prioritization**

The Ministry of Gender was responsible for all special interest groups (i.e., disability, women, children, youths, elderly people, and orphans). This means that the needs and interests of all these groups must be addressed within the mainstream budget of the same Ministry. During interviews, participants were asked whether they thought that disability was a government priority. Overall, participants recognized that disability was a government priority in terms of legislative enactment, and political representation. A government minister explained that the government had put in place a relatively comprehensive legislative and institutional framework for addressing disability issues at the different levels. For example, the NCD has the mandate to oversee the implementation of all disability policies:

> I must say that government is trying within its means to do what it can. But it is doing so amidst so many competing needs. As we speak today, we are blessed to have the NCD, which is a mouthpiece on issues of disability from the government point of view, and coordinating the various NGOs and government agencies. (Participant 11)

Whereas the government had put in place a friendly legislative and institutional framework for disability, these did not automatically translate into effective service delivery. A former board chair of a DPO clarified that the government did not prioritize disability in terms of funding, and that legislation and political representation were inadequate:

> Yes, the government prides around by saying that PWDs have been involved, PWDs are now in parliament, PWDs are now in councils and so on and so forth; but we are just there. So priority is a very big challenge. As I said of course, Ministries are crying for being underfunded, government’s priority in terms of service provision is not disability. (Participant 9)
The biggest priority concern the participants cited was in relation to resource allocation. Several participants stated that disability was treated as an unfunded priority in government, meaning that it was regarded as a priority in principle but funds were often not allocated to it:

What can I say? Sometimes, in most cases disability is considered one of the unfunded priority...they say it is a priority but without resources attached to it. (NCD Official)

Am not sure how much it is a priority because disability in government has been one of the non-funded priorities for long. It is among the many priorities of government but not among those where funding is put aside to say this is for that. What happens is that the ministry is given a certain allocation, now it is up to the ministry to say this is for children, this is for women, and so on; and because of that, also within the ministry, there are areas that are more priority than others and this others, is disability affairs. (Researcher and Disability Activist)

Because the Ministry often prioritized other interest groups over disability. All participants reiterated that placing disability together with all other interest groups under the ministry was a big disadvantage:

Disability is buried. Now, you can’t put disability with women, youth, children, we can’t compete. It is very complicated. So that is one of the problems. At the moment, I don’t think so much…. I think it is the child one, the youth, women that are high on their agenda than disability. (Participant 14)

No, the priority goes more to me the women and the like. Even they have not embraced the mainstreaming approach that could have helped them to make their budgets more inclusive. (Participant 25, a Legislator for PWDs)

… when we go to the budget, the planning meetings, we make budgets and we go and we are told there is what is called the non-funded priorities. So, that means that from a certain perspective, this is a priority. But when it comes to allocating resources, it is not given. (Participant 11)

Some participants explained that disability was given a low priority because of the perception that PWDs were few in number. This means that disability issues did not command political attention as those who are perceived to have numerical strength like women and the youth. Also, it was taken for granted that disability issues necessarily required fewer funds since
PWDs were fewer than other interest groups. However, Participant 3 explained that regardless of number, disability issues required adequate funds because they are complex and expensive:

… every other time they are saying PWDs are few. But we are saying the issues to do with PWDs are more intricate and more expensive. For example, if you are to organize some workshops for PWDs and you are bringing people from up country, a wheelchair person will need somebody to push him. He will need a room for his personal assistant and then for himself. That means you are thinking of an equivalent of three people. That is the intricacy they should consider.

As ked about the ways to elevate the priority status of disability in the Ministry, a senior official suggested the government should adopt the penalty/incentive approach that it used to achieve gender mainstreaming. She explained that gender mainstreaming became a national priority because the government introduced a system whereby public entities were punished or rewarded for mainstreaming/not mainstreaming gender in their budgets and/or annual development plans:

There came a time when they said whenever they were giving money they would say we need the gender component in your plans, strategic plans, and in that way it took off. So if they were to prioritize and say now this is the way to go, if we are giving you money, we need a disability component in your plans, local governments can wake up. They go out and tick, how much did you allocate to gender, how much of it did you do, and they give marks. So they are very conscious when they are allocating funds. This is why I am suggesting that it should go the way of gender. (Commissioner in the Ministry for Gender)

Considering that disability was a mandate of the Ministry, it would be expected to be among the ministry’s top priorities. However, disability was accorded a unfunded status in the ministry. Other interest groups were prioritized over disability, and the Department of Disability Affairs was the most resource-constrained of all departments. In order for implementation to occur, the implementing institution must accord the goals of a policy a top priority, including allocating the required resources.
E. **Coordination**

Disability is regarded as a crosscutting issue (Lang, 2009). As such, addressing disability issues is often a collaborative effort involving multiple stakeholders. Although implementation of the PWD Act is the statutory mandate of the Ministry of Gender, the ministry was to carry out this function in collaboration with different public and private sector agencies. The participants talked about two levels of coordination: intra-agency coordination and inter-agency coordination.

1. **Intra-agency coordination**

Intra-agency coordination referred to the coordination within the departments in the Ministry of Gender. The Uganda Ministry of Gender comprises four directorates, namely the Directorates for Gender, for the Youth, for Social Protection, and for Labor. A director heads each Directorate. There are departments under every directorate. For example, the Department of Disability and Elderly Affairs is under the Directorate of Social Protection. A Commissioner heads every department in the Ministry. Meanwhile, the Permanent Secretary is the accounting officer and the head of civil servants of the Ministry of Gender. Within the Ministry of Gender, there is a top management that is the decision arm of the Ministry. Disability Affairs are the mandate of the Department of Disability and Elderly Affairs.

In terms of coordinating with the other departments within the Ministry, participants stated that there was no coordination on disability issues even within the Ministry of Gender. A legislator representing PWDs explained that the Ministry of Gender hosted the Directorate of Labor, which should have coordinated the enforcement of the employment provisions of the PWD Act but it did not do so:

Remember the Ministry of Gender, Labor and Social Development has got five ministers. You would have expected the coordination right from that ministry because labor is within the same ministry. Then how do you cross to take this crosscutting issue to the women, the gender department? How do you take this
crosscutting issue to the youth? So for me I find that there is not much coordination. (Legislator for PWDs)

Likewise, a DPO executive shared the same view as the legislator that coordination in the Ministry on disability matters was seriously lacking. Surprisingly, there was very weak coordination even in matters of employment, which was directly under the Department of Labor in the same Ministry:

It is not still understood and they believe that the Act belongs to that sector of disability, not part of their work. When they are talking about employment of youths, because it is the ministry that accommodates the youth, still they don’t look at PWDs, because they believe that this Act belongs to the sector of disability only. (Participant 7, current Board Chair of a DPO)

Within the Ministry, am not so sure to what extent they should be doing this but coordination in general terms, it’s a problem…it is very weak. Coordinating especially in matters of employment is very weak. (DPO Executive)

Another DPO executive revealed that the Ministry of Gender did not seem to take full charge of disability issues but often referred it to donors. This means that disability was not yet an integral component of the Ministry’s planning and budgetary processes:

We used to have coordination when we had the funding from the Norwegian government. We even had what was called the National Steering Committee. We used to meet in Ministry of Gender regularly, but after the funding ended, that is when things died away. So that is the problem: referring issues of disability to donors. Government does not take full charge, like they are talking now. (DPO Executive)

Another participant who also noted that there was very weak coordination across the Ministry’s departments in matters of disability, stated that one of the challenges was that the Ministry was overwhelmed with too many functions, which rendered it ineffective (Participant 12, Researcher and Disability Rights Activist). There are indeed several departments under the Ministry of Gender, each with its own mandate to take care of. This implies that disability was a tertiary concern to them. Regardless, coordination among all departments of the Ministry is
crucial for integrating disability across. Unfortunately, the Department of Labor and that of Disability Affairs did not collaborate closely in the matter of employment of PWDs.

2. **Inter-agency coordination**

   a. **Inter-ministry coordination**

   Inter-ministry coordination referred to the collaboration between the Ministry of Gender and other central government ministries. Although there was an institutional mechanism for coordinating with other ministries, it appeared that the Ministry of Gender did not make any deliberate effort to coordinate with other central government ministries on disability. Generally, Ministry officials only tended to talk about the PWD Act during ceremonial events in which the DPOs invited them:

   What I know, apart from talking about it in some workshops where may be officials from that ministry take part, and may be officials from DPOs and other stakeholders, apart from those workshops either organized by the DPOs or other stakeholders, and once in a while the ministry, and it happens that implementation is talked about, apart from that, I don’t see how else the ministry is enhancing the participation of stakeholders. (Researcher and Disability Rights Activist)

   To enable effective coordination with other stakeholders, the Ministry needed to take the lead role. A participant observed that the Ministry’s lead role in stakeholder coordination collapsed with the end of donor funding:

   We used to have coordination when we had the funding from the Norwegian government. We even had what was called the National Steering Committee. We used to meet in Ministry of Gender regularly, but after the funding ended, that is when things died away. So that is the problem: referring issues of disability to donors. Government does not take full charge, like they are talking now. (DPO Executive)

   It appears that lack of funding was also a barrier to coordination. However, there was also hierarchical challenges that hindered coordination between the Ministry of Gender and other central government ministries. A senior civil servant and a political leader from the Department
of Disability and Elderly affairs noted that because every central government ministry were autonomous and at the same level of authority, it was technically difficult for the Ministry of Gender to compel other ministries to comply with the PWD Act’s provisions. Moreover, every ministry had its own primary mandate to take care of:

So challenge number one has to do with coordination. You can see here is a minister, a Permanent Secretary, here is a full minister, as much as you dialogue with another minister, the Minister of Justice doesn’t need to be directed by another minister. So issues of coordination still hinder implementation of this law. (Government Minister)

… and then this Act per se, as I said has crosscutting issues that all the ministries are to play. So we don’t have the mandate as much as we are coordinating. We cannot direct another ministry to do a, b, c, d. If somebody tells you we don’t have a vote for that, it’s already a constraint. (Civil Servant, Department of Disability and Elderly Affairs)

Generally, there was a weak coordination between the Ministry for Gender and other central government ministries. The challenge was largely structural, since the Ministry for Gender had more functions under its responsibility than it can effectively coordinate. Second, hierarchically, a ministry cannot command other central government ministries to prioritize or plan for disability issues since all ministries are all at the same level. This explains why certain participants proposed that another institution higher in authority (e.g., the Prime Minister’s Office) could be assigned to coordinate the Act’s implementation.

b. **Coordination with local governments**

Since 1997, Uganda adopted a decentralization system of administration. This means that a great amount of discretion was devolved to local governments. For example, every local government district has an independent District Service Commission responsible for hiring its employees. A senior civil servant in the Ministry of Gender observed that there was limited coordination between the ministry and local governments in the employment of PWDs:
I think the ministry has not liaised very well with districts local government commissions for employment. If the Ministry was vigorous about meeting with the Chief Administrative Officers [of districts], because employment is at district level. (Participant 14)

Although there are many potential employment opportunities for PWDs as well as other people at the local government level, the lack of coordination at this level meant that many district authorities were unaware of their obligations under the PWD Act. According to a DPO executive, the Ministry did not make any deliberate efforts to reach out to local governments and sensitize them on the PWD Act:

Now, you tell me, what efforts has government done to popularize its policies among its local governments? Nothing. Whose responsibility is it, should it be NUDIPU? NUDIPU does not have the resources to do that. (DPO Executive)

Even though local governments are semi-autonomous, they still need technical and financial support from the central government to implement the Act. However, a civil servant in the Department of Disability Affairs revealed that local governments lacked the necessary technical and financial support to enable them implement the Act:

So the local governments, to implement the Act need further support from the center. So politically, we decentralized politics but decentralizing resources to implement laws and Acts, remained at the center. So it is that the districts are implementing basing on the limited resource that Uganda Revenue Authority is sending to them to implement the Act. (Civil Servant in the Ministry of Gender)

Considering that disability was represented in the political structure of local governments, it would be expected that disability issues were also strongly articulated at this level. However, it appears that many of the political representatives of PWDs at local government councils lacked the capacity to fully and effectively articulate issues of implementing disability policies. The challenge with local governments was not only about the ministry’s inactions. The implementation mechanism stipulated in the Act does not explicitly cover or stipulate the role of local governments. For local governments to be actively involved in the implementation process,
and for the implementing institution to better coordinate with them, their obligations must be clearly stated in the law.

c. **Coordination with disabled people’s organizations**

Participants acknowledged that there was some coordination between the Ministry of Gender and DPOs. However, several participants clarified that the DPOs and not the Ministry often initiated the collaboration. A DPO leader who acknowledged that ministry officials responded positively whenever DPOs invited them to disability related events:

> For me I feel the Ministry of Gender coordinates with DPOs. Communication with us is very okay. The ministry cannot miss our functions if we invite them. But the only challenge is coordinating with other ministries and stakeholders. Because we never participate in any meetings with different ministries where we can go and speak with different ministries on our issues, never. We only talk with officials from ministry of gender. (Participant 16, DPO Executive)

The Ministry of Gender collaborated with DPOs, but the collaboration was largely ceremonial and often initiated by the DPOs. As a result, matters of implementing the Act were mostly addressed ceremonially since there was no regular coordination with DPOs and other groups of stakeholders:

> What I know, apart from talking about it in some workshops where may be officials from that ministry take part, and may be officials from DPOs and other stakeholders, apart from those workshops either organized by the DPOs or other stakeholders, and once in a while the ministry, and it happens that implementation is talked about, apart from that, I don’t see how else the ministry is enhancing the participation of stakeholders. (Participant 12, Researcher and Disability Activist)

While there appeared to be some collaboration between the Ministry of Gender and DPOs, there was room for improvement. Participant 15 observed that fostering coordination between government and the civil society was needed to promote synergy among stakeholders and improve service delivery:

> I think there needs to be a little bit of link between government and civil society, I think there is still a very big gap. But you realize some of those provisions we are
talking about, are in their exclusive mandate to implement. I feel like may be trying to find a way to inter-link civil society. I don’t mean to say they don’t, but I think there is still need to have something done better to ensure they can probably jointly move this agenda. (Lawyer and Disability Rights Activist)

Given the crosscutting nature of disability, multi-sectorial and multi-actor collaboration is an important strategy for assuring the participation of all relevant interest groups in the implementation of a law like the PWD Act. The participants’ perspectives indicate that there still was a lot of room for improving stakeholders’ coordination at the different levels.

F. **Beneficiaries’ Coalition**

People with disabilities are the target beneficiaries of the PWD Act 2006. This means that DPOs are a major policy actor since they represent the interests of all PWDs. In response to the question, what factors enabled or hindered the implementation of the PWD Act, the role of the DPOs or the disability movement in Uganda emerged as the strongest facilitator of implementation.

1. **Presence of a strong and organized disability movement**

Several participants stated that the strongest facilitator of the implementation of the PWD Act was the existence of a strong and organized disability movement in Uganda. There are both single-disability associations, (e.g., the Uganda National Association of the Blind) and a national cross-disability organization. The National Union of Disabled Persons of Uganda (NUDIPU) is the umbrella cross-disability organization of all PWDs in Uganda. It has branches in many districts and acts as the mouthpiece for PWDs. A government minister who was interviewed was quick to emphasize that the disability community was a strong constituency that prides itself on many success stories, including the creating of a separate Ministry for Disability:

I think one of the strongest constituencies is the disability movement in Uganda. And when you go out there, they will tell you. And I want to say, even in the
creation of this ministry (i.e., Ministry for Disability Affairs), they had to put a lot of pressure. (Government Minister)

In relation to implementing the PWD Act 2006, one of the key roles that the disability movement played was to disseminate the Act as soon as it was enacted. Using its broad-based membership structure that stretches up to the grassroots level, NUDIPU was able to disseminate the PWD Act at least to the disability community:

The first factor that enabled implementation is we, the DPOs; in Uganda we have a disability movement which is good. And we have structures. That means we spread out information very fast to our branches. (Participant 16, DPO Executive)

The main factor which actually facilitated its implementation is the advocacy by the groups of disability organizations especially the national disability organizations. Because they tried to raise awareness on the needs of PWDs and their rights. (Participant 23, Legislator)

A senior official of the NCD also reiterated that the existence of a strong disability movement enabled it to push for the Act’s implementation: “a factor that can promote implementation could be the existence of a strong disability movement in Uganda, so that they are able to push the government and other actors to implement” (Participant 6, NCD Executive).

To disseminate the Act and advocate for its implementation, the disability community used public forums and events it organized such as the International Disability Day, which brought together government officials and politicians. Indeed, it was at one of such forums that the disability movement articulated the delay in developing the regulations for implementing the Act. The Ministry for Gender only started drafting the regulations following a presidential directive issued after the DPOs’ direct lobby during celebrations of the International Disability Day that the President attended.

Besides lobbying for regulations, the disability community also made an effort to resist the government’s proposal to repeal the tax reduction mandate and the entire PWD Act 2006.
The DPOs had proposed that instead of a total repeal or a substantial amendment of the Act which would delay implementation, the government should only amend specific provisions: “…and remember when government was talking about repealing, these are the stakeholders that came out strongly and said no, no, we don’t like this, we don’t like that” (NCD Official). However, this did not work out and the Act is currently under a major review.

Overall, several participants asserted that whatever progress was made towards implementing the PWD Act was due to the efforts and initiatives of the DPOs:

… some of the achievements, some of what we can call achievements in implementation are actually a result of rigorous advocacy by the disability organizations or disabled people themselves. (Participant 12)

Indeed, one of the participants described the implementation of the PWD Act as “a DPO affair” because the government was not doing its part: “…this all matter again becomes a DPOs affair, disabled people’s organization affair: We start talking about it in conferences, in workshops, in meetings, but the government doesn’t in terms of dissemination, I don’t think” (Former Board Chair of a DPO).

It appears that the active role of the DPOs was inadvertently substituting rather than complementing the government’s duty. As a result, the government often pushed many disability programs to DPOs, a practice that diminished its role in implementing disability programs:

There has been a tendency for the relevant government departments charged with implementing all disability related issues to push them to the civil society. I want you to go to any government department, today, tomorrow or any other day and ask for statistics about disability and anything, they definitely would refer you to NUDIPU. I think it is a barrier in some way. (Participant 10)

It is clear that the disability community was instrumental in enabling the attempted implementation of the PWD Act. Another factor related to the disability movement that
facilitated the Act’s implementation was the representation of disability in the political space and in the boards and commissions of public institutions.

2. **Political representation**

As well as other special interest groups (youth, women, army, and workers), PWDs in Uganda are represented in elective offices and in the boards and commissions of public institutions. For example, there are five reserved seats for PWDs in parliament. At the local government level, there are two positions reserved for PWDs at local council one to local council five. Also, PWDs are represented in the boards and commissions of public institutions, such as District Service Commissions, Governing Councils of Public Universities, the National Council for Higher Education, Public Service Commission, to mention a few.

Many participants recognized that the representation of disability in both the political space and in the boards and commissions of public institutions was a facilitator of disability policy implementation:

People with disabilities are represented in most of the important commissions in government structures, even at the district levels, plus the other representations in local government councils, women councils, Equal Opportunities Commission. So, their representations we are hopeful, will cause a change. (Participant 20)

Generally, the participants recognized that representation provided the PWDs with voice, access to power, and the opportunity to raise their concerns at the different representational forums. Nevertheless, participants’ responses to the factors hindering implementation revealed certain challenges within the disability movement and the politics of representation that undermined the advocacy strategy of DPOs in Uganda.

3. **Challenges in the advocacy strategy of the disability movement**

The disability movement in Uganda is internationally acclaimed and has attained some historic achievements, including the passing of the PWD Act 2006. However, the
participants revealed several weaknesses within the disability movement itself. The following section discusses the weaknesses that featured from interviews with participants.

a. **Talking to themselves and lack of resilience**

One of the main weaknesses in the advocacy strategy of the DPOs in Uganda is that they mostly talked to and among themselves (the DPOs), instead of reaching out to other stakeholders. Many of the forums that the DPOs organized were often attended by PWDs from sister DPOs or their allies in the civil society. As the below quotes indicate, one of the challenges with this approach was that it confined the DPOs’ advocacy messages within the disability circles instead of the addressing their advocacy messages to targeted audiences:

People with disabilities must be familiar with the Act and try to disseminate information to other people who are responsible to implement, not to us. When we go for workshops organized by DPOs, its full of only DPOs, so you are complaining about government but you are only welcoming DPOs, that means you are complaining to yourselves. (Participant 16, DPO Executive)

The only challenge we have with our advocacy is that sometimes we speak to ourselves. We speak amongst disabled people but we don’t go out there to attack; we fear to attack. (Participant 1, DPO Executive)

We are like now talking to ourselves; PWDs are like talking to ourselves and those who are positive to us like the institutions like Kyambogo and the like. We are really talking to us; we want other people to come up and take up the matter. (Participant 9, a Former Board Official of a DPO)

Besides talking among themselves only, DPOs lacked resilience in their advocacy. This means that they easily give up before achieving their goals. A DPO executive explained that they did not push hard enough for their agenda and gave up easily:

Sometimes we resign very fast: ‘*haaa, those guys, we talked with them, they didn’t do anything*’, so we stop there. Actually that is always our weakness. The moment we write a position paper and present to public service commission, you feel that is enough. Yet you have to insist and insist and insist until those guys are like…haaaa, we are fed up of these people. (Participant 1, a DPO Executive)
It is understandable why some DPO leaders stated that they tended to talk among themselves. This might be because PWDs are the primary target beneficiaries of their services. However, for advocacy purposes, it is important to address the pertinent disability issues to the right audience, and to not give up easily, not even in the face of challenges or negative results. Another challenge that the participants discussed was related to the presence of both the disability-specific movements and a cross-disability organization, which has loosened cohesion among the DPOs.

b. **Competition and fragmentation**

Another challenge facing the disability movement in Uganda was competition among the DPOs for resources, often times from the same donor partners. Competition among the DPOs meant that instead of complementing their work, the DPOs duplicate their services to the same target population (PWDs):

The challenge among the DPOs is that all of us are fighting for resources. When you see NUDIPU coming up with a project, then you hear UNAB has also came up with the same project. And you hear UNAD is coming up with a stronger project on the same thing. Then we all go and approach the same stakeholders. So that alone makes the other person confused of who we are. But if we say let’s build this coalition and we all speak together, and we are pushing for the same things, I think that makes us stronger organization. (DPO Executive)

A negative consequence of competition was the weak collective voice for PWDs. Even though they had one umbrella national organization (NUDIPU), the co-existence of DPOs representing specific disability groups was counter-productive to the unity of DPOs. This is because the disability-specific organizations were more pre-occupied with their members but less devoted to the umbrella organization and the collective concerns of all PWDs. The lack of unity weakened the advocacy strategies of DPOs:

They are not united to fight it as one front and that way you can easily lose the battle and what happens, you can find today may be today the deaf people going
to the Speaker of Parliament to present lack of employment for deaf people then
another group comes for the same…so now the speaker gets confused. But if we could be all united and we come out with issues affecting all PWDs and then we go as one voice, we would be able to achieve something. (NCD Official)

It appeared that the reason for competition among DPOs was because they were struggling for survival from the same donors and they pursue parallel agenda: “each DPO would like to go it alone. I mean they are looking at survival in terms of the funding from their donors. So that joint effort is missing” (NCD Executive). An executive director of a single disability association reiterated that competition for resources sometimes confused their donor partners.

Although competition emerged as a threat to the advocacy strategy of DPOs, it was inevitable given the presence of disability organizations representing specific disability groups. It is possible for the DPOs to be competitive without necessarily conflicting themselves. There is no doubt that the disability movement achieved laudable successes in the past. At the same time, there is now a growing recognition of stagnation since the DPOs have not registered any noteworthy recent achievements.

a. **Complacency**

The peak of the Uganda disability movement’s activism was in the 1990s when it registered noteworthy achievements, like influencing the constitution making process to mainstream disability into the national constitution. Although the disability movement is still recognized as strong based on its historic achievements, a participant noted that the disability community was known for mostly past achievements attained in the 1990s and lacked new achievements to count on:

Why Uganda is known is because of the efforts we made around the constitution making process of this country at that time. It was for the first time certain things that had never happened elsewhere in the world came out in Uganda. Because all that was done in a spate of like five years after the constitutional making. Look at any policy and tell me what came recently. Nothing. What are we doing? But along the way we started regressing on our laurels, we lost it. (Participant 10, DPO Executive)
Other participants also shared the above view that the disability community had stagnated and was regressing other than moving forward. Participant 15, a lawyer and disability rights activist, observed that the disability movement had retrogressed, but must utilize more aggressive strategies to claim the rights of PWDs:

We as PWDs, we have not been able to push for what belongs to us. Let’s have one thousand educated PWD match from the Constitutional Square to parliament. Let’s match whatever, or walk to work or lets walk to nowhere because we are not employed. So I feel like we have not tapped all that. (Participant 15)

So why has the disability movement retrogressed on its past success? A DPO executive attributed the decline to the politics of representation and the multiparty system. He explained that the demands of PWDs were often overlooked because of the notion that they were already represented in various political offices and the boards and commissions of public institutions. As such, they were expected to accept and appreciate the status quo:

… every time you interface with the leaders, the policy makers, they say but you people, we have given you what you want: you are represented in parliament, you are represented on commissions, you are represented on local councils and Local governments, what is that? But everybody else is represented there. (DPO Executive)

While political representation is important, it was also a hindrance to the demands of PWDs in some ways. A major barrier was the multi-party political dispensation, which did not allow adequate space for voicing specific constituency needs. Participants noted that once elected, the legislators representing PWDs did not articulate the disability agenda because their political party agendas override their constituency interests: “politicians will tell you fine, they have elected me, but now I am government. So they are not making I think as much headway when they get there” (Participant 17). A participant added that the introduction of multi-party politics marked the beginning of the decline of disability activism: “… the moment we accepted to be sacked into the political structures of parties, we lost it, and that for me was the beginning
of everything. You will notice the difference, the cut off mark of the exuberant of the disability movement in Uganda stops when political pluralism was introduced in this country” (Participant 10). This statement from a senior DPO executive casts doubt on whether or not the politics of representation truly served the interests of PWDs as intended.

The politics of representation directly influenced the enactment and implementation prospects of the PWD Ac 2006. It emerged that politicians contesting on the disability ticket often used disability as a vote catcher, i.e., to win election but forgot about it later. To this end, political motive cannot be ruled out in the expeditious passing of the PWD Act 2006 since the Act was enacted during an election year:

Politically, you realized that disability is a constituency. So you cannot rule out politics in some of these things. Some people were so bent in making sure that this law passes in whatever form because they wanted it to be counted in their names. You have to vote me because I passed, I advocated for the passing of the Act. And because of that actually there has been conflicts around amendments: 'you cannot amend my Act, I am the one who passed this Act so you cannot criticize it. So there is the bit of the politicking. (Lawyer and Disability Activist)

Against this backdrop, there is need for the disability movement to rethink its advocacy strategy in order to more effectively represent disability issues, and to stay relevant. According to Participant 10, a senior DPO executive, the disability movement must strive for higher goals:

There is also a need for us as the disability movement to rethink our strategies within the current political pluralism. We need to rethink how we want to operate to be relevant. Otherwise, we are going to remain there with what they have given us, not what we have struggled to bring on the plate for us. But we also need as the disability movement, to strongly come out and say we are still a relevant, vibrant, pressure group. (Participant 10, a DPO Executive)

Reflecting upon the unsuccessful attempt to implement the Act, it was clear that the disability movement indeed played a critical role of disseminating the Act and pushing for the development of its regulations. Nevertheless, the disability movement could have asserted itself more aggressively and demanded alternative solutions for the challenges that emerged in the
attempt to implement the Act. Without firmly asserting itself as a self-determined disability rights organization, the disability movement should not expect that the government would necessarily grant its wishes. Disability rights are weighed in relation to those of other social groups based on available resources. A certain amount of pressure is needed to refocus attention on disability issues.

G. Window Dressing of Disability Issues

The realization of employment rights, as well as other disability rights of PWDs requires the collaborative effort of both the government and the civil society; however, the foremost obligation and responsibility is on the government. Participants recognized that the government of Uganda made several commitments to disability rights in principle, but did not take commensurate efforts to translate these legislative commitments to action. On employment, participants noted that the first responsibility for the employment of PWDs was primarily that of the government. However, some participants noted that the government played very minimal role as he current Act did not obligate public institutions to employ PWDs:

I think and believe that the state has an obligation, the first or the primary obligation to ensure that everyone can be employed on the same basis with others. And probably where we have disability, they could make sure that they make arrangements for disability-specific accommodations. But, there is no clear framework that I know within the public sector through which people with disabilities can be employed. (Participant 15)

Several participants cited the quota mandate of the PWDs Act as targeting only private organizations but did not specify the role of the public sector in employing PWDs. As Participant 15 observed, this is a sign that the government was not taking enough responsibility for disability: “… they are putting all the responsibilities to the private sector, to the individual, and the government has no responsibility in the Act. So, that’s where the problem is”. To address the imbalance in the government’s and civil society’s obligations in employing PWDs, participants
proposed a review of the quota law to obligate the public sector to employ PWDs. Indeed, there are many avenues for employing PWDs in the public sector if only the government took the necessary legislative and political action:

… just imagine if we got a directive from the public service to all public departments, that 1% of their employees should be PWDs. The Judiciary for example is hiring over 1000 people: just imagine 1%, even if it is ten people that would be ten lawyers with disabilities who are hired. So, just one directive like this can accommodate all PWDs in a space of one year. (Participant 15)

The Act needs to be strengthened to ensure that the public sector also commits itself to take on PWDs. If the government can come up with a certain percentage and say for every year if we are employing so many new employees, we must be able to employ a certain percentage of them to be PWDs, but that has not yet come. (DPO Executive)

A view that came up from participants was that, in order for the government to convince and compel other stakeholders in the private sector to employ PWDs, it must itself lead by example: “the one who is supposed to be enforcing that policy is not leading by example. If government were leading by example, they would be able to compel the private sector to follow suit” (Executive Director of a DPO). This means that the government must create obligations for public institutions to hire PWDs just as the law required the private sector.

Another concern was about the government’s failure to own and implement the PWD Act since it was enacted. Some participants noted that the government’s delay to implement the Act was a sign of superficial commitment and a lack of seriousness to take action on disability issues:

When you look at this Act, it was enacted since 2006; if the government took it as a serious document, a lot of things could have been done. And you know, the Uganda government has ratified so many treaties, it has very many good policies, but implementation has always remained a problem. (Legislator for PWDs)

Now in government, everyone denies this law. Who is the custodian of the law? Who is supposed to follow up? Who does the monitoring? Is it Ministry of Gender? Ministry of Gender says it is us (the DPOs) who brought this law, so we don’t want to monitor it. So, the law loses ownership. (Board Chair of a DPO)
All participants were of the view that disability was treated as an unfunded priority and received the least funding allocation in the Ministry of Gender and all other government departments. The participants emphasized the need for more governmental involvement in the employment of PWDs and for the government to demonstrate its commitment in disability issues beyond enacting legislation.

H. **Conclusion**

Process-oriented factors described in this chapter have both facilitated and hindered the implementation of the PWD Act. Participants generally recognized that there was theoretical support and commitment to the Act but these were not demonstrated by allocating the required resources for implementation. The Ministry of Gender was severely resource-constrained to implement the Act. Nevertheless, the Ministry failed to take certain action that did not necessarily require funding such as designating some of its personnel to be specifically responsible for implementing the Act. Meanwhile, the DPOs played the greatest role in the attempt to implement the PWD Act but they also faced considerable internal challenges that limited their advocacy strategy. While there was consensus about the need to allocate resources for implementation, the DPOs also needed to have exerted pressure and defended the PWD Act more aggressively in the face of challenges than it tried.
VII. RESULTS: TRACTABILITY

Sabatier and Mazmanian (1980) contend that implementation of a policy is influenced by the nature of the policy problem or tractability. In other words, tractability refers to how easy or difficult a policy problem is to address, and the willingness to solve the problem. An objective of the PWD Act 2006 was to promote the participation of PWDs in all aspects of life as equal citizens (Part 1, Section 3, para b). The right of PWDs to participate in employment is a core component of the Act. The PWD Act mandates tax incentives, employment quotas and prohibits discrimination in all processes of employment on the ground of disability. Fulfilling these provisions required change in behavior by different stakeholders. One of the research questions the present study investigated was: what do policy stakeholders perceive to be the factors affecting the employment rights of PWDs in Uganda? Analysis of data related to this theme revealed the following themes: negative attitudes, discrimination, and stereotyping, the characteristics of the target population, and the magnitude of the expected change.

A. Negative Attitudes

1. Employers’ attitudes

Study participants reported that many employers held negative attitudes and unfounded beliefs regarding the work potentials and capabilities of individuals with disabilities. For example, many participants reported that employers believed that PWDs were unfit and unable to work. Because of this, they tended to disregard job applicants with disabilities during job recruitment:

One of the factors affecting the employment rights of PWDs in Uganda is the attitude of employers, including government employers; they feel that PWDs cannot perform because of their disability. That is the myth people have in mind. (Participant 24)
Employers have negative attitudes towards PWDs and so they perceive them as unable; that they don’t have the ability to deliver whatever they need to employ them for. So, at times they don’t even offer them opportunity to go through interviews. (Participant 7)

The quotes indicate that employers held ableist mindsets toward disability and work. However, what was surprising was that the idea that PWDs were unfit to work or unproductive persisted among employers, regardless of the PWD’s educational qualification. One of the DPO executives explained that even when a PWD was qualified for a job, some employers still automatically assumed that the PWDs was incapable of performing their job tasks, and refused to hire them. This clearly indicated that the problem was beyond the issue of low educational qualifications of PWDs:

The employers have a feeling that as much as PWDs have the qualifications, they are not capable of performing to their best or to the level of what the employers expect. So they still have a feeling like even if I took on this person, I will not be able to get the products that I want or the outputs that I have set. So as a result, they normally don’t bother even to take them. (DPO Executive)

Once an employer looks at a PWD, he is likely to create a perception in his or her mind judging the ability of the person with a disability depending on the status of the person. So, if a person comes and is teaching or applying to be a teacher, and she is a person with visual impairment, the employer right away creates an impression of really, she is blind, will she be able to teach? (Civil Servant)

Employers’ emphasis on productivity appeared to be influenced by the labor market conditions. A labor specialist in the Ministry of Gender explained that private sector employers in particular, prioritize productivity and competitiveness over one’s disability: “when it comes to the private sector which is now being fronted as the engine of employment, they will look at labor productivity and competiveness, not your disability and affirmative action: they want to produce” (Participant 18). Consequently, some employers capitalized more on an individual’s disability and not their capabilities:
The other of course is the negative attitude of employers who feel that persons with disabilities in general cannot fit or are not appropriate to take up positions in their companies due to their disabilities. For example if a person sees one who is a person with visual impairment, honestly, he will not look at or think about the knowledge the person has or the expertise or experience, but will straight away rush to the disability or the blindness of that particular person. If a person is in a wheel chair, he will wonder how such a person will carry computers around the room or be sent here and there, rather than looking at the abilities or potentials of this person in a wheel chair. (Participant 9)

It seems that the invisibility of PWDs in the workplace has reinforced the assumption that there are no jobless PWDs. It emerged that some employers were so surprised to learn that there were indeed PWDs who were qualified but lacked jobs. This was the case when Participant 15, visited a private company to popularize the tax reduction provision of the Act. He reported that the Chief Executive Officer of the company was so amazed to learn that he was a disabled lawyer, and even more, that there were even other qualified PWDs who were unemployed and seeking jobs:

We went to companies that I may not want to mention; someone was asking, is there any person in this country who has a disability and he has a degree? So we were three and I was like I have one, my colleague had one, so they had three degrees before them. And one of them asked: are you guys sure? The answer was still yes. And then the CEO asked, are you guys in need of jobs so that we start with you? (Lawyer and Disability Rights Advocate)

The above experience suggests that certain employers might have genuinely never received job applications from individuals with disabilities, let alone recruiting employees with disabilities. It may also suggest that not many individuals with disabilities sought employment in the private sector, hence, employers rarely encountered individuals with disabilities in the labor market, making them to erroneously assume that there were no qualified, disabled people seeking jobs. This finding leads to the question: why would qualified PWDs not seek employment in the private sector? One of the DPOs explained that many PWDs prefer to seek
employment from DPOs because they believed they were accepted by DPOs than other organizations.

In the final analysis, employers’ negative attitudes and misconceptions about the PWDs affected their willingness to comply with the employment provisions of the Act. According to Participant 9 who was a former board chair of a national-level DPO, unless negative attitudes were addressed, the PWD Act 2006 would not mean much to PWDs: “the Act as per now will not save us from anything because of the factors I have talked up there, especially the negative attitudes unless the government really puts in place measures to ensure the implementation of the provisions of the Act are followed”. In addition to legislative measures, there is a need to transform attitudes about disability through public awareness on their employment rights and work potentials.

2. **Discrimination and stereotyping**

There were anecdotal reports of discrimination of PWDs in employment. Participants reported three types of discrimination that PWDs experienced in the employment process: denial or rejection from interviews, dismissal and use of selection criteria that had the effect of discriminating against certain disabilities. Sometimes, the PWD was turned away from job interviews, or they were interviewed as a formality but never hired because of their disability. This is explained by the stories of three different individuals with disabilities who were denied job interviews after they were identified as having a disability:

…on arrival to the interview panel, he was just informed that sorry, we do not have jobs for PWDs. Your papers are good, you have qualified well, but we don’t have jobs for PWDs. This young man said, ok, but even if you are not going to give me a job, give me an opportunity to be interviewed. He was given an opportunity to be interviewed. Still he emerged the best in the oral interviews. So it created a division among the panelists, some were saying why don’t we take him up? (Participant 7, Board Chair of a DPO)
We have got cases of PWDs rejected at interview level. Sometime back there is a disabled man who sued the panel. When they were shortlisting, they didn’t know that he was disabled. But at the time of interview, when this gentleman entered with crutches on the floor crawling to get to the chair, the panel got really shocked and said, oh my God. (Participant 14)

In some instances, we have got some people qualifying, they are shortlisted, when they go for interview, they are told that “Oh, we are sorry, we didn’t know that you are the one”. So somehow they are left out like that. (DPO Executive)

As the DPO executive reveals, it appears that knowing that an applicant has a disability negatively influenced employers’ hiring decisions. For example, in some cases, PWDs actually got hired but were immediately fired on the day of assumption of duty after identifying that they had disabilities. An official of NUDIPU, the umbrella organization of PWDs in the country explained that, some employers disguised discrimination by not turning away job applicants with disabilities at the interview level, only to discriminate against them at another stage:

One person was terminated on his first day; he was a physically disabled person using a crutch, he went through the sessions of interviews and he was successful. So on the day of reporting, they assigned him a supervisor. He reported at 8 am for work but by midday they called him and said that we have realized that you are not able to do this job because of your disability. This job requires you to lift computers and yet you say with your crutch you are not able to lift them. So we would rather have someone who is able to do everything. (DPO Executive)

The practice of disguising their employment discrimination acts as indicated suggests that employers were conscious, if not wary, of some consequences for their decisions. It also seemed that employers’ actions were based on unfounded misconceptions or ignorance about disability. Some employers, probably because of lack of prior contact and/or experience living with employees with disabilities, assumed that PWDs were delicate or could be harmful to the workplace. This is illustrated in a quotation from a lawyer and a disability rights advocate. The participant reported that the CEO of a company asked him questions about his disability, in a way that indicated he was probably just ignorant of disability:
When I was looking for office rent, someone once asked me: won’t your wheelchair break my tiles? You understand? So won’t you ... another person was asking whether I would not dirty their toilet. So, the questions seem obvious but that is what people want to hear. (Participant 15, Lawyer and Disability Rights Activist)

It is possible that an underlying factor behind the alleged employers’ discriminatory practices was unfounded misconceptions about disability. Measures that ensure the entrance and visibility of PWDs in the open workforce might help to reduce such misconceptions as people interact more with PWDs.

B. Characteristics of Target Population (or Policy Beneficiaries)

1. Low education qualifications and lack of experience

Getting formal employment requires that the individual job applicant possesses the relevant qualifications or employable skills sets. A major challenge hindering the employment of many PWDs was the lack of relevant educational qualifications and/or experiences to enable them compete favorably. Nearly all participants groups stated that many PWDs possessed low qualifications or had not gone to school at all:

Most of our people are not qualified enough for the jobs in the labor market. These days, jobs are very competitive. You must have a bachelor’s degree. You might think that people who are applying for jobs are people with bachelor’s degrees. But at the end of the day, you discover that 50% have master’s degrees. (Legislator for PWDs)

I think the major factors could be illiteracy of most PWDs because very many of them have either not gone to school or dropped out of school at some level, hence not completing their studies, which could enable them compete favorably with others in this competitive world. (Participant 9)

The lack of competitive job qualifications was confounded by the lack of relevant job experiences. This means that even when a PWD held the relevant educational qualifications, they still might not favorably compete for senior level job positions due to lack of prior work experiences. Hence, when they ever got employed, they often were hired at entry-level positions.
where experience was not a pertinent requirement. The low educational qualification of PWDs was attributed to the fact that their historical denial of access to formal education:

It is of recent that we are getting more PWDs graduating with qualifications. Initially a majority of them did not have any qualification. So that is already a hindrance or a constraint looking for a job. (Participant 23, Legislator of PWDs)

You will find that many PWDs have not gone to schools because of the attitudes and also those who have gone may be have gone up to a certain level. Then you find that because of that then they cannot get certain jobs. (Participant 22)

Traditionally, PWDs have not acquired education at the same level as others. There was a thinking that they were supposed to do vocational or to go into rehabilitation centers to learn how to make or repair shoes, basically to do informal work. That technically meant that applying for formal employment was a big challenge to them. (Participant 15)

The lack of a qualified workforce of PWDs can be a potential barrier to the implementation of employment laws. First of all, the discrimination protection under the PWD only covers qualified individuals. Thus, many who lack the necessary job qualifications are excluded. Second, the Act mandates the establishment of a quota employment system for PWDs. The Minister of Labor has not established the Act’s quota mandate as required. When asked why the quota mandate was not established as required, a senior official in the Department of Labor explained that quotas would be redundant if established because there were no qualified PWDs to utilize it:

PWDs do not have employable skills. Let’s face it. If you are going to create quotas for telecom engineers, how many PWDs who are telecom engineers do we have in the telecom industry? You understand? If you want to create Human Resource, how many do you have in Human Resource? If you want to create in road construction, mechanical, how many? So there is skills gap and we need to put emphasis in vocational training. (An Official of the Labor Department)

The claim that there would not be enough PWDs to utilize quotas when established is open to question. It should be noted that Uganda introduced free and universal at primary (since 1997) and secondary education (since 2007) levels, and PWDs have been benefitting from these
education schemes. Additionally, the University and other Tertiary Institutions Act of 2001, amended 2003 requires higher education institutions to adopt affirmative action measures to encourage the admission of PWDs into higher education institutions including universities. It would, therefore, be expected that the number of students with disabilities who have graduated and still graduating from higher education institutions since then, has been annually increasing but not necessarily absorbed in the job market. Granted this consideration, a quota mandate would not be redundant. It is possible that many qualified individuals with disabilities who need but do not have jobs, and would benefit from a quota system.

2. **The attitudes of people with disabilities**

Not only did the attitudes of employers affect the employment of PWDs, but also PWDs’ attitudes. In order to be employed, the individual with disability must proactively seek and apply for jobs. It emerged that the PWDs’ perceptions of what other people feel and think about them influenced their motivation to seek jobs. For example, participants stated that when PWDs hear stories of the negative treatment of their colleagues, or their unsuccessful attempts in seeking jobs, they shied away because they felt that they are unwanted in the job market. The following quotations from two participants explain this:

> On the side of PWDs, when they hear stories like the ones I have narrated, they begin fearing to apply for jobs because they feel the public does not want them, the public does not understand them, the employers do not understand them; so, they are usually timid to even try any challenges before them. (DPO Executive)

> … the disabled themselves, sometimes don’t show up; they shy away when called upon to participate in the process of recruitment. Sometimes someone say I tried the other time, I didn’t go through, now it’s a waste of time. (Participant 8)

Accordingly, a DPO executive explained that many PWDs preferred to seek employment with DPOs because they feel that DPOs accepted them in the workplace unlike other organizations:
… if you did an assessment, you would find that many organizations for PWDs are getting more applicants with disabilities than the organizations that are mainstream. Reason being that they feel comfortable to work with an organization for disabled persons than the mainstream, because here they feel they would be interacting with their disabled but at the mainstream they feel they would be discriminated. So there is always that feeling like poor me, will I be accepted the way I am? So, that is the attitude that I am talking about.

A result of the negative treatments PWDs tend to experience in the employment process was that some of them developed low self-esteem and a defeatist attitude that discouraged them from seeking jobs. The PWD Act 2006 attempts to address this issue by encouraging employers to include a statement in job advertisements that applicants with disabilities are encouraged to apply. However, the Ministry did not take any action to encourage employers to enforce this provision.

C. **Magnitude of Expected Change**

The greatest concerns regarding the employment of PWDs were related to workplace inaccessibility and the perceived cost of job accommodation. Under the PWD Act 2006, it is the duty of the employer to ensure that workplace premises are accessible and do not disadvantage an employee with disability (Part III, Section 16). Accordingly, the Act mandates tax exemptions on costs incurred in making appropriate modifications to enable the employment of PWDs. However, several participants noted that the inaccessibility of public spaces and buildings was a major barrier to the employment rights of PWDs. While many of the inaccessible buildings were constructed long ago, even the buildings constructed when the PWD Act was already enacted were still inaccessible:

People have built houses or office buildings in Uganda and they are not accessible. They are not ready to look at the provisions in the PWD Act which talk about accessibility. So, even up to today after the passing of the Act, buildings have been constructed without lifts, ramps, or any provisions for PWDs and yet the PWD Act is in place. What can be so hurting is that even government
institutions, like a universities are putting up a storied building but they have no provisions for PWDs. (Legislator representing PWDs)

When you look at issues of building, of course we have had that challenge that when you employ a PWD, the buildings are not easily accessible. But even when you look at transportation, the types of vehicles that we have, we have a challenge there. They cannot easily fit a wheelchair. People are looking for issues of cost-containment and profit maximization. And therefore they wouldn’t like to have any inconveniences. (Government Minister)

Workplace inaccessibility was reported as a real challenge for the employment of PWDs at any stage of the employment process. For example, a person using a wheelchair may fail to attend a job interview if the interview was in a building without an accessible ramp and/or elevator. Asked about the factors affecting the employment rights of PWDs, an NCD official observed that often, employers declined to hire PWDs for fear of adjusting their workplace premises to accommodate PWDs. The following quotations show that job applicants with disabilities were disadvantaged by employers’ concerns about workplace accessibility.

According to an NCD official, even an employer who is otherwise interested might decline to hire a PWD may decline due to accessibility concerns:

You see most of our buildings here are not accessible to people with physical disabilities; so when an employer thinks, may be he would have had interest to employ a PWD, but now when s/he looks at his structures, s/he says if I employ this person, where will I put this person? Automatically the person loses out on the job. (NCD Official)

I have personally worked in a building that is under construction and part of the interview questions was do you think you will be able to move around when things are falling around like that? So accessibility can be a challenge for those looking for formal jobs. For example may be a person needs an elevator to get to the top floor and the building doesn’t have one. (Participant 22)

In addition to inaccessible workplace environments, job applicants and employees with disabilities do not receive other types of accommodations due to fears for the cost of such services. Participants explained that employers were often unwilling to incur the costs of
accommodation services such as sign language interpretation. As a result, this disadvantaged individuals with certain disabilities in the employment process:

Throughout the process of recruiting, an interview can be called, many people with disabilities have told me, but nobody prepared for them support: no sign language interpreter, no guide, even no braille or other ways of getting information from a blind person. (Participant 23)

For example you are crawling down, you are unable to reach that area, they don’t have lifts, so automatically you get bogged down right from the interview stage. And then sometimes you might find yourself put in an office, you are deaf but no sign language interpreter. You might be blind; instead of putting the screen reader on this computer to help you, you are blocked because the institution employing you is not aware or doesn’t have the means to help you. (Participant 25)

Even though the PWD Act provides for tax incentives for employers to make their workplace premises accessible for PWDs, employers still assumed that employing PWDs was expensive. A participant explained that employers tended to be preoccupied with the cost-implications of hiring a PWD but they did not see employing PWDs as an obligation:

But usually employers look at disability from a cost-perspective rather than a rights based perspective that everyone has the universal right to access every public space and so when you come in and you are looking for a job, basically most of them look at the cost of hiring you a sign language interpreter or a personal assistant as opposed to the kind of work and the contributions you are going to make in the particular employment location. (Participant 15)

Then you find if an employer employs somebody with visual impairment, they think that we cannot use these ordinary computers. So there they also feel that employing such a person is going to be very expensive on their side, it needs a special thing, like white canes, or a number of things they line up. (Participant 14)

If a person is deaf, an employer is not ready to hire a sign language interpreter for them. If a person has a physical disability, they are not ready to provide the right desks or a chair adapted to disability. So in one-way or another, they hide in that, but I think it is lack of commitment and negative attitudes. (Participant 19)

Participant 19 gave an interesting insight that employers tended to hide behind the cost for accommodation to not hire PWDs. In addition, there appeared to be both a lack and misinformation about job accommodation. Some employers might be acting out of genuine
concerns and ignorance, but others could be using accommodation as a pretext to not hire PWDs.

Employers’ concerns for accommodation were confounded by the scarcity and cost of assistive technology devices since such devices were often expensive when locally available:

> The equipment that would have helped the person with visual impairment is very expensive. The gadgets like talking computers, screen reading software, that can change books into accessible formats, are very expensive for an individual with visual impairment to afford. So that becomes a stumbling block to effective employment for such a person. (Participant 9)

In general, employers’ concerns about job accommodation relate to inaccessibility of workplace premises and the implied cost-burden of modifying them to accommodate employees with disabilities. As well, employers were wary of incurring the costs of services for accommodating employees with disabilities such as sign language interpretation. The other concern was to do with the scarcity of assistive technology. Hence, even though the Act requires employers to make their workplace premises accessible, and provides tax incentives for doing so, employers’ responses and/or compliance with these provisions are impeded by their unwillingness premised on the perceived cost of accommodation.

**D. Conclusion**

The PWD Act requires certain behavioral changes to ensure that PWDs have equal access to employment opportunities. It prohibits discrimination of a qualified individual in employment on the ground of disability. It also establishes affirmative action in the form of tax incentives and quota employment for PWDs. These findings revealed several concerns that hindered employers’ willingness to utilize the Act’s employment provisions. The major barrier was negative attitudes towards PWDs. Although the Act prohibits discrimination, employers discriminated against job applicants and employees with disabilities, and often declined to employ them for fear of perceived accommodation costs. Moreover, the PWDs’ low educational qualifications and lack
of experiences rendered them less competitive. Although the low educational qualification of PWDs was a genuine concern, its over generalization hindered the Act’s implementation. For example, the Ministry did not establish the quota mandate as required because it incorrectly assumed that there were not enough qualified PWDs to utilize it.
VIII. DISCUSSION, IMPLICATIONS, AND CONCLUSION

It is nearly a full decade since the Persons with Disabilities Act 2006 became law, but little is empirically known regarding its implementation. The present study explored the current status of the PWD Act, the barriers of, and the facilitators to its implementation. Overall, it emerged that the PWD Act 2006 was abandoned before its official implementation commenced and is currently under a major review. This chapter discusses the study findings and examines their implications for policy, research disability rights, and practice.

A. Current Status of the PWD Act 2006

One of the research questions that the present study explored was: what policy steps were taken to implement the employment provisions of the PWD Act 2006? Overall, this study found that the PWD Act’s implementation was unsuccessfully attempted and characterized by slow progress, a stalemate and a reversal of progress that culminated in a significant review of the Act. Although certain activities were attempted, they were suspended in order to first amend the Act. Notably, the regulations were drafted after the President’s intervention but were never finalized or issued as required. The PWD Act, therefore, failed at the stage of policy adoption, i.e., when the regulations to mandate its official implementation were still being drafted.

Delays to issue the regulations for disability laws are well documented and are common in the developed and developing countries. Experience shows that disabled people’s struggles to demand the issuance of regulations were in some cases painstaking. For example, in the United States, the regulations for implementing the Urban Mass Transit Act 1970 and Section 504 of the Rehabilitation Act 1973 were not issued until 1990 and 1977 respectively (McDonald & Oxford, 2005). The US government only issued the regulations for both laws after landmark protests by disability rights activists. The most renowned example is perhaps the 28 days sit-in that
compelled the United States’ Department of Health, Education and Welfare to issue the regulations mandating the implementation of section 504 of the Rehabilitation Act 1973 (McDonald & Oxford, 2005). In Kenya, drafting the regulations for the Kenyan PWD Act 2003 was finalized in 2006, but the Cabinet only approved them in 2010 (Zedekia, 2010; Yokoyama, 2012). Meanwhile, Mainland Zanzibar enacted a disability law in 2008 but had not yet issued its regulations by 2012 (Yokoyama, 2012). Because regulations are a pre-requisite for implementing a law, the failure to issue them effectively stalled the PWD Act’s implementation. Although the government cited weaknesses in the Act as the reason for suspending the regulations, other decisions the government took such as repealing the tax incentive revealed that regulations were certainly suspended to the provisions it was discontent with, to be repealed or revised.

Nevertheless, the PWD was disseminated. The study found that the Act’s dissemination was a DPO’s initiative and conducted on a small scale. As a result, there was still a very low awareness of the Act among all stakeholders including the PWDs. The low stakeholder awareness of the PWD Act should not be attributed to the lack of dissemination per se. Since it was enacted in an election year, The PWD Act passed expeditiously without any [contentious] public debate to draw public attention; hence, the public never got to know about it right from formulation. A study about the Kenyan PWD Act reported that in spite of conducting massive dissemination during the implementation phase, there was a low awareness of the Kenyan PWD Act 2003 among stakeholders (Zedekia, 2010) because it did not elicit much public debate during enactment. It was therefore not surprising that when the PWD Act passed, some government officials claimed that they were not consulted prior to the Act’s enactment.

There were a couple of surprising findings in this study: one was the companies’ voluntary compliance with the Act’s tax incentive even though regulations mandating its
enforcement weren’t issued yet. Prominent companies particularly in the telecommunication and banking sectors hired PWDs but placed many of them in low paid positions, such as cleaners, front desk attendants, and airtime sellers. Some PWDs were not assigned any jobs but were maintained on the companies’ payrolls, for the sake of obtaining the minimum number required to claim the tax incentive. The government’s response was equally surprising in the way it moved to quickly repeal and drastically reduce its rate from 15% to 2%. The repeal and reduction of the tax incentive rate resulted in companies stopping to hire PWDs, and the government introducing a scheme called the special grant that was intended to provide self-employment opportunities to PWDs in local communities.

It is not uncommon for disability laws to be repealed or profoundly amended prior to implementation. In 2012, the United States repealed the Community Living Assistance. Services and Supports (CLASS4) provision, a program established under the Patient Protection and Affordable Care Act 2010. The repeal followed a letter to Congress by the Department of Health and Human Services stating that implementing a long-term CLASS program was not financially feasible (Colelo, Mulvey, & Talaga, 2013). There are some intriguing similarities and differences in the repeals of the CLASS provision and the tax mandate of the PWD Act of Uganda 2006. In both cases, new policy initiatives were established. For example, after the CLASS repeal, the United States Congress established a Commission on Long-Term Care to develop a plan and legislative recommendations for implementing and financing Long Term Services and Support (Colelo, Mulvey, & Talaga, 2013). Likewise, after repealing the tax mandate of the PWD Act,

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4 CLASS was a voluntary program that provided employed individuals aged 18 and older opportunities to enroll into the program: the automatic enrollment and an alternative enrollment process. Employers who elected the automatic enrollment process are responsible for withholding premiums through payroll deductions, and employees would opt-out if they didn’t want the program. The alternative enrollment process covered self-employed individuals, those with more than one employer and individuals whose employers did not elect to participate in the automatic option (Colelo & Mulvey, 2013: http://www.ncsl.org/documents/statefed/health/CLASSOvrview21313.pdfOjok)
the Uganda government established a new scheme called the Special Grant. Unlike the repeal of the CLASS that was preceded by a comprehensive assessment, Uganda repealed the PWD Act without assessing its viability or impact on the individuals who were already benefitting from it. Although the government argued that its decision was prompted by employers’ abuse of the tax mandate, the tax law was prone to abuse anyway since there were no regulations in place.

Another surprising finding was that some individuals with disabilities filed lawsuits to seek legal redress for alleged discrimination in the areas of employment ($n = 3$), accessibility ($n = 2$), and public transportation ($n = 1$). This was unexpected since the Act was not yet officially in force. Although the decisional status of many of these law suits were not confirmed, the courts’ decisions in two of the cases were documented. In the case of *People with Disabilities vs Kampala City Authority and Makerere University*, the court dismissed the case on the grounds that (a) the current status of inaccessibility of buildings existed before issues of disability were a national agenda, and (b) that requiring the university to make its buildings accessible would substantially increase the cost of education and affect other students (Oyaro, 2014). Meanwhile, the case of *Nyeko Okello and Santo Odwoka vs Centenary Rural Development Bank*, was settled outside of court after the Bank agreed to build a ramp to make its ATM facility accessible for customers with disabilities (Oyaro, 2014). The outcomes of these lawsuits have both positive and negative implications. On the one hand, the fact that PWD filed lawsuits was a positive indicator that PWDs can and will utilize the Act to claim their rights. On the other hand, the unfavorable ruling might set a negative precedent for future lawsuits brought under the Act as courts might use it to justify more unfavorable rulings. Given the current stalemate of implementation, it remains to be seen if more PWDs file lawsuits under the Act.
The study found that the Ministry took no action to fulfill some of the Act’s employment provisions. For example, it did not establish the quota mandate for PWDs as the Act required and it did not present the annual report on the employment of PWDs to the Parliament of Uganda. The reasoning for not establishing quotas was that there would not be enough qualified PWDs to utilize it. Consequently, the Ministry did not include any guidelines for the quota mandate in the draft regulations (United Nations, 2009). This means that the quota mandate would not be enforced even if the rest of the Act were implemented.

After the unsuccessful attempt to develop and issue the regulations, the Act’s implementation hit a stalemate resulting in retrogression. At this stage, all ongoing implementation activities were suspended and attention redirected to redesigning the Act. Eventually, the implementing institution developed the Persons with Disabilities Amendments Bill 2014 and tabled it to the Parliament. The Bill seeks to repeal and replace the PWD Act 2006 with a new law, which will be substantially weaker and less progressive. The legislators who are currently scrutinizing the Bill at committee level also reiterated this view. They observed that that the Bill was far less aligned with the CRPD than the PWD Act and promised to reject it (Sekanjako, 2014). With the PWD Act back to Parliament for amendments, the rights of Ugandans with disabilities are at a tipping point. The final outcome of the Bill will shape the future of disability rights significantly, for many years to come.

B. **Barriers and Facilitators to Policy Implementation**

Another research question this study investigated was: *what factors enabled or hindered implementation of the employment provisions of the PWD Act 2006?* The present study identified and categorized barriers and facilitators into three types: policy-oriented, process-oriented, and
tractability barriers. The barriers and facilitators relate to the policy, the process of implementation and the nature of the policy problem respectively.

1. **Policy-oriented barriers and facilitators**

Policy-oriented factors referred to the barriers and facilitators relating to the policy in question. Five themes aligned with policy-oriented barriers: legislative background, ownership, policy content, assignment of implementing agency, and policy redesign.

The most common concern relating to the PWD Act’s background was that it originated as a private member’s bill. Because the government did not influence its contents and language, it was reluctant to implement it. Second, the Parliament expeditiously passed the Act during an election year, without allowing for stakeholder input, and thoroughly scrutinizing its contents. This predisposed the Act’s content and language to antagonistic reactions and fierce criticisms from the government. It also emerged that during formulation, the drafters of the Act directly coopted *treaty language* from the draft CRPD into the Act without paying attention to their appropriateness to local context.

The legislative background of the PWD Act was thus marked by very low government involvement during formulation. Moreover, it was formulated without prior empirical analysis of existing disability laws and the situation of disability in the country to identify gaps and a solid theory of addressing them through policy. This reflects a sharp contrast with the formulation of disability laws in certain countries like Kenya and the United States. Both Kenya and the United States initiated the disability laws by first commissioning studies to analyze existing disability laws and then drafted the disability law based on evidence from the studies (United States’ National Council on Disability, 2010; Zedekia, 2010). Unlike in Kenya and the United States where the governments demonstrated leadership of the legislative processes of their disability
laws, individual legislators representing PWDs spearheaded the formulation of the PWD Act without the full support of the government. Luckily, it was an election year and the Act met no known resistance in Parliament. It is possible that the legislators lacked the resource and the time to widely consult all pertinent stakeholders.

Nevertheless, there were two facilitators associated with the Act’s legislative background: one was the issuance of the Certificate of Financial Implications, a document that enabled the bill to pass into law showed that the government committed itself to implement the Act. Second, the very existence of the Act as a disability law was a facilitator. Many stakeholders proudly associated with and saw it as a pre-requisite for addressing social inequalities against PWDs. This finding corroborates that of a recent study conducted in four African countries including Uganda, which reported that the existence of a disability-specific legislation was a facilitating factor for the inclusion of disability (MacLachlan et al., 2014).

The PWD Act also suffered a lack of political ownership by the government. In other words, the government disowned its own disability law, as shown some of its reactions and decisions after enactment. For example, after the Act passed, some government officials from the Ministry of Gender claimed that they were not consulted during formulation but only heard about the Act’s enactment in the press. Also, the government became reluctant to implement the Act, immediately repealed the tax mandate, and drastically reduced its rate. Many of the policy actors interviewed saw the government’s decision to repeal the entire Act instead of amending specific provisions as a move to reclaim ownership of the Act given that it originated as a private member’s bill.

Previous studies have shown that ownership of a law is a critical success factor of implementation (Giacchino & Kakabadse, 2003; Zedekia, 2010). Giacchino and Kakabadse
(2003) found that unconditional ownership of a policy influenced commitment or the will to see the policy through. When there is a strong sense of ownership, stakeholders are likely to comply with a policy. For example, Zedekia (2010) reported that the sense of ownership for the Kenyan PWD Act 2003 was low among the stakeholders that did not comply with the requirements of the Act. Ownership appeared to be stronger when stakeholders are involved in policy formulation. The findings from this study showed that the government’s involvement in the policy formulation process influences the degree of political ownership it accords a policy. It also suggests that it matters who sponsors a bill (i.e., a government entity or an individual legislator). In principle, however, it should not matter how a bill originates in the legislature since the same legislative process applies to all bills rehardless of their sponsors. Moreover, the Rules of Procedures of the Uganda’s Parliament entitles any legislator to sponsor a bill and to full assistance from the relevant government departments in doing so (The Republic of Uganda, 2011: Rule No. 110).

This study also found that the Act’s contents were both barriers and facilitators to implementation. The major barriers related to the policy content were ambiguity, lack of or weak penalties and antagonistic reactions to the Act. The implementing institution and the Attorney General’s office argued that the existing penalties were weak, and a review was needed to prescribe stronger penalties. This criticism makes sense considering that rights without strong remedies can be unenforceable. The participants cited the Act’s tax incentive as the greatest facilitator related to the policy content because the tax incentive had a strong potential to increase the employment rate of PWDs. This was evident in the positive response by companies that voluntarily hired PWDs even before the regulations were issued. These findings support Sabatier and Mazmanian (1980) argument that a well-drafted statute substantially affects the
extent to which its objectives are attained. The perceived weaknesses in the Act’s contents stimulated some strong criticisms majorly from the government and led to a swift repeal of certain provisions and the lack of ownership.

The decision to amend the PWD Act exerted a very strong disincentive effect on implementation. For example, repealing the tax mandate and reducing it its rate from 15% to 2% not only stripped the Act of its greatest strength, but also stopped companies from hiring PWDs. Meanwhile, the decision to start a parallel process of repealing the entire PWD Act redirected all stakeholders’ attention to the amendments process and reinforced the perception that the PWD Act was no longer a law or a bad law in need of a review. Indeed, during the interviews, some participants [erroneously] referred to the Act as the old law and to the amendments bill as the new law. This means that they had already stopped supporting and demanding its implementation. This study’s finding that the Act was reviewed prior to implementation is not totally unique. Israel also profoundly amended its original Equal Rights of Persons with Disabilities Law of 1998 prior to implementation, with the new law excluding several aspects of the original law (Rimmerman et al., 2014; Rimmerman & Avrami, 2009). The finding shed new lights on the Sabatier and Mazmanian’s (1980) proposition that a major policy review is necessarily the last stage of the implementation process. A law can undergo a major review at any stage of the implementation process, regardless of whether it is implemented or not.

Consistent with the Sabatier and Mazmanian (1980) framework, the choice of an implementing institution was both a barrier and facilitator in the present study. On one hand, it was a facilitator in that disability was already the Ministry of Gender’s mandate; as such, the Ministry’s personnel saw it as part of their routine duties. Second, being the home to both the Departments of Labor and Disability Affairs, the Ministry of Gender was particularly suited to
implement the employment provisions of the Act. This finding is consistent with van Dyke, and colleagues’ finding that implementation succeeded because the staffs did not view the new policy initiative as a radical departure from, but as similar to, their current duties.

On the other hand, the choice of the Ministry of Gender was a barrier in certain significant ways. Several participants stated that the Ministry was overwhelmed with pre-existing responsibilities for all interest groups. Another barrier was the perception that the Ministry was powerless, lowly ranked, and unable to command other stakeholders to comply with the Act. To this end, some participants suggested that a government entity that wields (or is perceived to wield) authority and power, such as the Prime Minister’s Office, should be the implementing institution. This finding is consistent with that of a study conducted in Malta where the decision to locate the responsibility to implementing a policy in the Office of the Prime Minister was the most critical success factor. Not only did it signify the level of the government’s seriousness, but it also created pressure for other government officials to prioritize and support the policy (Giacchino & Kakabatse, 2003). The power and authority referenced here applies to the implementing institution not the individual personnel of the institution. It means the command and control role that the implementing institution is perceived to occupy, or its ability to “open doors” (Giacchino & Kakabatse, 2003). Many participants felt that since the Ministry was weak, another body could be assigned to coordinate the Act’s implementation.

2. **Process-oriented barriers and facilitators**

   Process-oriented barriers and facilitators included: policy support, commitment of implementing officials, capacity of the implementing institution, coordination, beneficiaries’ coalition, and window dressing of disability issues.
Regarding policy support, this study found that there was a strong political will and support for the PWD Act across all stakeholders. Participants singled out the issuances of the certificate of financial implications, the Parliament’s expeditious passing of the Act, the President’s signing of the Act and his direct intervention which led to the drafting of regulations as some of the indicators of the government’s support. As an institution, the Parliament was said to be receptive to disability issues but it was mainly the five legislators representing PWDs who cared for the PWD Act. Support for the Act was especially high among DPOs, their allies and PWDs. A recent study on barriers and facilitators to implementing health workers’ use of evidence-based decision making found that a major facilitator was the genuine interest in the program shown by program executives’ willingness to devote resources to the program (Ellen, et al., 2014). Similarly, van Dyke et al. (2011) reported that the program executives’ support was demonstrated by allocating the funds needed to hire additional hospital staff was a facilitator. However, this study found that the Act’s support was primarily theoretical since no resources were allocated to implement the Act.

Another factor that emerged as a barrier was the lack of commitment of the implementing officials. This study found that implementing officials were only superficially committed to the Act. Participants noted that the Ministry overlooked disability in its budgets and failed to defend the Act in the face of antagonistic reactions. However, Ministry officials explained that the lack of financial facilitation influenced their commitment because many officials preferred to dedicate their attention to projects in which they expected better financial facilitation. Several studies have underscored the centrality of commitment to successful implementation (Brynard, 2005; Giacchino & Kakabatse, 2003; Horn, 1975; Lipsky, 1980; van Meter & van Wandersman et al., 2008; Warwick, 1982). Some of these studies ranked commitment as the most critical factor
affecting implementation (Giacchino & Kakabatse, 2003; Warwick, 1982; Sabatier & Mazmanian, 1980; McLaughlin, 1987). Little can happen when those responsible for implementing a policy are unwilling (Warwick, 1982) or refuse to perform their duties (van Meter & van Horn, 1975). As critical as it may be to implementation, commitment is not a sole guarantor of successful implementation because it is itself mediated by other factors such as individual skills and abilities (Sabatier & Mazmanian 1980), availability of resources (Brynard, 2005) and personal beliefs and values (McLaughlin, 1987).

In this study, capacity of the implementing institution emerged as both a barrier and facilitator. Capacity was viewed in terms of financial and human resources. A strength of the Ministry of Gender was that it already had the personnel who were experts in disability and employment issues. It was however surprising that the Ministry did not designate any of its officials to specifically coordinate the Act’s implementation. This created a “no one in-charge” scenario in which there was no focal person/office to look up to, regarding the Act. The ministry’s greatest constraint however, was the lack of adequate financial resources to implement the Act arising from the legislators’ failure to initially allocate resources for the Act’s implementation and the ministry’s general failure to allocate funds to disability. Participant revealed that the Ministry of Gender was the least funded government ministry. Indeed, DPO executives stated that they sometimes facilitated Ministry officials because the Ministry lacked the funds to facilitate them.

The influence of the capacity of implementing institutions on policy implementation is widely documented (Brynard, 2005; Pressman & Wildavsky, 1984; Sabatier & Mazmanian, 1983; Savitch, 1998; van Meter & van Horn, 1975). In order for the goals of a public policy to be attained, funds must have been committed prior to implementation (Pressman & Wildavsky,
1984; Sabatier & Mazmanian, 1980; van Meter & van Horn, 1975). According to van Meter and van Horn (1975), the implementation phase does not commence until funds are committed in advance. Sabatier and Mazmanian (1979) emphasize that implementing agencies must be allocated adequate funds to hire the staff and to carry out other technical and administrative tasks. However, the PWD Act 2006 did not designate the sources of its funding. Policy makers probably assumed that the Act’s funding would come from the respective government departments’ budgets. Limited funding can constrain an organization’s implementation capacity by limiting its ability to conduct capacity building (Ellen et al., 2014) or to hire the required skilled staff when needed (van Dyke et al., 2011). The study findings revealed that in a big institution like the Ministry of Gender, implementing officials tended to devote their time to projects that were properly funded but ignored those that were poorly funded.

Coordination among stakeholders was found to be both a barrier and a facilitator to implementation. The implementing institution already had an established institutional network to harness stakeholder collaboration. Nevertheless, the decentralization system of governance impeded coordination with local government level agencies. This was confounded by the fact that the PWD Act did not stipulate a mechanism requiring compliance at local government level. Coordination at central government level was also constrained by the fact that the implementing institution lacked the clout to require compliance with the Act since it was at the same level as all other central government ministries. This implies that to be able to command other ministries or agencies to comply with the Act’s provisions, it is important that an implementing institution has more power or is not located at the same level of authority as other implementing agencies.

The lack of coordination among central government ministries, local governments and DPOs on disability issues was previously identified as a barrier in Uganda (Lang, 2009;
MacLachlan et al., 2014). The highly decentralized system limited the amount of coordination between the central and local governments on disability issues (Lang, 2009). Because addressing many social problems often calls for multi-sectorial action (Stokols, 2006), coordination is critical to disability policy. O’Toole et al. (2011) found that the lack of coordination among state-level agencies in the United States hindered stroke patients’ access to the most appropriate services. Coordination can be confounded by stakeholders’ vested interests that may not be consistent with a policy’s goals (Bruke et al., 2012). This was particularly a problem in the present study because other departments within the implementing institution and across other government ministries did not prioritize assumed that disability was not their direct responsibility and hardly prioritized it.

Another major finding of this study was that the role of policy beneficiaries’ coalitions was the greatest facilitator of implementation. For example, the DPOs in Uganda directly lobbied the President to intervene in the development of regulations and they were the biggest disseminators of the policy. Most importantly, the existence of a strong disability movement led by a cross-disability umbrella organization with an established membership structure spanning national to grassroots level was a major facilitator. Also, the representation of PWDs in all political levels and in the boards and commissions of public institutions assures that disability is visible at the various decision-making levels. However, the multi-party political dispensation where party agenda trumped all other issues limited the legislators’ ability to effectively represent the issues unique to the disability constituency. The other barriers associated with the disability movement were lack of resilience, lack of unity, and competition for resources from the same donors. The DPOs tended to give up quickly on their struggles and limited their advocacy to the same disability constituency they stood for. As such, rather than challenge some
of the government’s unfavorable decisions and its antagonistic reactions to the Act, the DPOs relented without offering any strong known resistance, or a strong, alternative course of action. Previous research corroborates many of this study’s findings about the disability movement. There is no question that the Uganda’s disability movement is lauded as one of the strongest disability movements in the African region (Kamdyomunda, Ingdal, Qutteina, & Mogen, 2012; Lang, 2009). For example, it participated in the development of the CRPD (Katsui & Kumpwouri, 2008) and supports emerging disability organizations in countries such as Somalia, Sudan, Rwanda, and the Democratic Republic of Congo (Mwendwa et al., 2009). There is agreement that the political representation of PWDs has increased the visibility of disability in all decision-making processes (MacLachlan et al., 2014). The representation of PWDs in decision-making processes cannot be overlooked, but must also not be taken as the panacea for disability inclusion in and of itself. Emerging evidence indicate that the disability movement in Uganda faces a myriad of challenges such as the lack of financial resources (Lang, 2009) and a lack of cohesion, making it hard for them to forge a common disability rights agenda (Kamdyomunda et al., 2012; Lang, 2009). Consequently, it has failed to challenge the government on disability rights issues, partly due to its strong affiliation to the ruling party that regards the disability movement as its appendage (Katsui & Kumpwouri, 2008). Another study found that DPOs’ involvement in policy processes in Uganda was tokenistic and not impactful (Mwendwa et al., 2009) and that the political representation of disability benefitted more the individual politicians than the collective agenda of the movement (Kamdyomunda et al., 2012; Katsui & Kumpwouri, 2008; Lang, 2009). These challenges notwithstanding, the disability movement in Uganda has direct access to the sources of power, but it must tactfully and more aggressively use this potential to advance disability rights.
Another barrier to implementation this study found was window dressing of disability issues. Window dressing refers to the superficial commitment to the concerns of PWDs (Wooten & James, 2005). Several participants reported that disability programs were primarily accorded lip service yet overlooked in practice. The Participants pointed out the many legislative commitments that have not been honored in practice due to the low priority accorded to disability and the tendency to push disability issues to DPOs and donors. These findings are consistent with an earlier study in Uganda which observed: “due to the affirmative action rhetoric, most government sectors other than education and health, are hardly doing anything to mainstream disability” (Kamdyomunda et al., 2012, p. 11). The authors reported that disability was paid lip service even though it was recognized as a crosscutting issue. This was manifest in the government’s low consideration of disability in comparison with other interest groups like gender and the youth (Abimanyi-Ochom & Mannan, 2014). This means that recognizing disability as a crosscutting issue, while important, is inadequate. Translating this into practice requires all government departments to go the extra mile of prioritizing and earmarking funds for disability (Abimanyi-Ochom & Mannan, 2014). It would also require establishing putting in place clear progress indicators or a mechanism for assuring accountability and reporting by all government sectors (Kamdyomunda et al., 2012). The challenge for the implementing institution was taking the extra step of according disability its due priority in the budgetary and all planning processes. This includes aggressively lobbying the powers that be, to allocate the required resources for disability programs.

Researchers in the United States identified the practice of window dressing among certain organizations that projected PWDs as valued customers but practiced different things (Wooten & James, 2005). Wooten and James found the practice of “doing the least to appear the
most” as a barrier to organizations’ compliance with the employment requirements of the ADA. What this means in practice is that passing disability laws is at most a symbolic commitment to disability rights unless the next step is taken to ensure the policy’s implementation. Window dressing is somewhat mirrored in Uganda when considering the gap between rhetoric and practice. For example, Uganda recently received the United Nations’ Innovative Policy on Accessibility 2014 award (Ssenyonga, 2014), yet in practice, government buildings and other public spaces remain very inaccessible to PWDs in spite of the award-winning accessibility standards. Indeed, even government contractors are not often held culpable when they violate the accessibility requirements stipulated in government contract. A serious commitment to disability rights would start, with for example, withholding payments for any and all government contractors that do not comply with the accessibility requirements stated in the contract terms. Unfortunately, this is rarely the case due to lack of enforcement.

3. **Tractability**

Sabatier and Mazmanian (1980) refer to tractability as how easy or difficult a policy problem is to address. Tractability in this study was reflected in the beliefs and/or perceptions about the employment and employability of PWDs. The employers’ negative attitudes of PWDs were a barrier to implementing employment policies. Because employers believed that PWDs were unfit and unable to work, they tended to discriminate against job applicants and/or employees with disabilities. For example, the DPOs revealed that they received many complaints from PWDs who were turned away from job interviews, or hired but immediately dismissed because of their disability. These concerns are vindicated by the fact that certain individuals with disabilities filed lawsuits to challenge employment discrimination. Negative societal attitudes remain a major barrier to disability inclusion in Uganda, and they
hinder the implementation of disability policy (Abimanyi-Ochom & Mannan, 2014). Part of the broader challenge was that lawmakers and civil servants did not understand disability issues from a rights-based perspective (Lang, et al., 2011; Mwendwa et al., 2009). This could have affected their willingness to prioritize disability employment issues.

Another tractability barrier was the characteristics of the target population (or policy beneficiaries). Participates stated that the low educational qualifications, lack of job experiences and the relatively smaller numbers of PWDs, compared to other interest groups, hindered implementation. For example, the perceived small number of qualified PWDs impeded the setting up of the quota mandate because implementing officials incorrectly assumed that there wouldn’t be enough qualified PWDs to benefit from quotas. This seems to explain why the implementing institution did not include any guidelines for quotas in the draft regulations for implementing the PWD Act (United Nations, 2009). Excluding quotas from the regulations implies that it would remain unenforceable even if the Act were to come into effect.

Another barrier was related to employers’ concerns about workplace inaccessibility and the cost of accommodating PWDs. Participants reported that employers feared that employing PWDs was expensive due to the implied cost of job accommodation. A DPO executive reported that some government officials asserted that assistive devices were meant only for PWDs in the developed countries like the United States. While socio-economic status or income disparities limit access to them (Hunt et al., 2004), the need for assistive technologies or other accommodation requirements for PWDs in the workplace remain the same irrespective of the income level of a country. A study conducted in Bangladesh showed that assistive technology use was significantly associated with enhanced functional capacity and reduced poverty (Borg et al., 2012). Moreover, in Uganda, a previous study indicated that using assistive technologies
enhanced opportunities to participate in education and employment, even though many PWDs had limited access to them (May-Teerink, 1999). Even though the Act establishes a tax incentive specifically for employers who modify workplace premises, companies were still concerned about the cost implications for hiring PWDs. This is likely to affect employers’ compliance with the Act’s employment provisions, or their willingness to utilize the incentives that the Act establishes to encourage modifying workplace premises for PWDs.

C. **Implications and Future Directions**

Findings from this study have implications for theory, disability rights, policy and research.

1. **Public policy processes and implementation theory**

   This study found that the PWD Act received considerable antagonistic reactions immediately it became law. The government swiftly repealed its tax mandate, stopped the development of its regulations and is in the process of repealing the entire Act on the ground that it was not implementable. There are some lessons to draw from the legislative background and the unsuccessful attempt to implement the PWD Act. One lesson is that the policy making process is not distinct from implementation. To increase the likelihood of attaining policy goals, considerations for implementation must be part of the policy makers’ decisions and not to be ignored or left to implementing officials (Thomas & Grindle, 1990). This includes, for example, determining the required resources for implementing a policy in advance (Pressman & Wildavsky, 1975; Sabatier & Mazmanian, 1980) and assigning or establishing a competent implementing institution and giving it adequate power and authority. Without policy makers anticipating the foreseeable bottlenecks to implementation such as lack of funds and addressing them during policy formulation, the likelihood of the policy enacted to succeed is limited.
Although it was not intent, this study’s findings provide some confirming evidence for the transnational applicability of many of the variables that the Sabatier and Mazmanian (1980) framework propose as affecting implementation (e.g., assignment of implementing agency, initial allocation of resources, clear policy goals, policy support, commitment, coalitions, leadership, and ability of implementing officials, etc.). Additionally, the study introduces two new variables that are not explicitly mentioned in the framework, namely political ownership and legislative background. These two factors played a significant role in the failed attempt to implementing the Act. The government disowned the Act and was unwilling to implement it because the Act originated as a private member’s bill. Second, because the Act passed without thorough debates in the House, certain ambitious provisions passed, only to later attract the government’s objections, which then set the Act in the trajectory of a major review. This experience suggests the need to mobilize consensus for a policy through stakeholder consultations right from policy formulation level, and for the government to assess its stakes in a policy in advance, to assure that the policy goals are realistic and represents all stakeholders’ interests.

This study’s findings also lend support to the notion that the implementation process is iterative but not linear: a policy can undergo a major review even at infancy, and not necessarily after it is implemented. The decision to review the PWD Act before implementation indicates that enacting a law does not always mean that it will necessarily be implemented. This shows that the process of policy adoption (e.g., rule making) can be as contentious as its enactment, depending on many factors.

It was clear from the study’s findings that the support the PWD Act received at enactment did not follow through to implementation. Stakeholders abandoned the Act before its
official implementation commenced. This suggests that support for a policy fluctuates depending on socio-political contexts. This is consistent with Sabatier and Mazmanian’s (1979) claim that maintaining a high degree of morale and commitment to a policy over time is difficult. In this study, the failure to allocate [financial] resources for implementation was the clearest indicator that the support and commitment for the Act at the political and programmatic levels had declined. Without political and administrative support for a policy, implementation is unlikely to take off in the case of a new law.

2. **Implications for practice**

The findings of this study lend support for the body of evidence suggesting that the existence of a policy champion enables implementation (Durlak & Dupre, 2008). This study found that the implementing institution did not assign any of its officers to be specifically responsible for the PWD Act; hence, there was a leadership gap at organizational level. A burgeoning body of implementation research recognizes the presence of a policy champion as critical to successful policy implementation (Giacchino & Kakabatse, 2003; O’Toole, et al., 2011; Sabatier & Mazmanian, 1980; Wandersman et al., 2008). Such a figure needs to be a high-ranking person of reputation who is capable of assuring the visibility of the policy (Giacchino & Kakabatse, 2003). For example, in the Malta, the personal involvement of the Prime Minister in the implementation process turned out the most critical success factor as it signaled a message of confidence and drove commitment towards the policy (Giacchino & Kakabatse, 2003). A major hindrance to progress towards implementing the PWD Act was the lack of a clear champion at the bureaucratic, political, and community levels that persistently demanded its implementation.

By not creating a focal point to coordinate the Act’s implementation, the implementing institution created a leadership vacuum in which no one was accountable for the Act. It would be
useful in the future for the implementing institution to select a team and a team leader capable of steering implementation. Giacchino and Kakabatse (2003) recommend that selecting a policy champion must be based on at least three considerations: the person’s skills and capabilities, the perceptions of what others think about that person (e.g., target-oriented, results-driven), and the person occupying the highest level of authority. In addition, the policy champion should be accorded direct access to the highest levels of power and the right types and quantity of resources.

Another lesson that is relevant for practice is to learn from, and avoid of a repeat of, the previous unsuccessful implementation attempts. Experience shows that previous failures to implement policy reforms can lead to cynicisms about a new policy because implementing officials who witnessed the previous unsuccessful initiative can assume that the new policy would be abandoned like the former (van Dyke et al., 2011). Bearing this lesson in mind, it is necessary for all pertinent policy stakeholders to reflect upon past experiences to avoid a potential backlash arising from past failures or unsuccessful attempts. A good starting point would be to revive confidence and clear demonstrate the sense of seriousness with the new law.

3. **Disability rights advocacy**

The findings from this study lend support for previous studies indicating the need for a combination of pressure and support to assure successful policy implementation (McLaughlin, 1987). This shows that relying on either support or pressure is not adequate, because policy support can fluctuate due to competing priorities or shifts in socio-political realities. For example, where there is uneven consensus about the merit of a public policy, pressure from coalitions can provide the necessary legitimacy for program officials (McLaughlin, 1987). This study found that support for the PWD Act waned after enactment and
the Act was instead being redesigned other than being implemented. The disability coalition
might want to exert some pressure to mobilize support for and refocus attention to
implementation. A previous study in Uganda indicated that the disability movement was
disengaged from legislators and had little impact on disability policy development (Lang, 2009).
It is important to influence disability policy processes (McLachlan et al., 2014).

Another challenge of the disability movement of Uganda was a weak capacity (Lang,
2009) and failing to challenge the government on pertinent disability issues (Mwendwa et al.,
2009). Notwithstanding the challenges it faces, the present study found and argues that the
Uganda disability movement has the pedigree to directly lobby any office on disability matters
because of its broad-based membership and political representation that gives its access to the
sources of power. Moreover, it has used this potential before, for example it directly contacted
the President to intervene in the delay in drafting of the regulations. That said, the challenge that
remains is for all the DPOs to unite and rethink their advocacy strategies and tap on their
potentials to more aggressively advance disability rights. The on-going amendments of the PWD
Act is an opportune moment for the disability movement to shape the future of disability rights
by influencing the redesign of the Act and not passively waiting as a weak Bill passes into law.

4. **Policy reform**

An analysis of the contents of the PWD Act revealed several gaps that require
improvement. An area that needs serious attention is the omission of reasonable accommodation
in both the PWD Act 2006 and the PWDs Amendments Bill 2014. The failure to explicitly and
unequivocally provide for reasonable accommodation as a requirement under the Act has
significant implications on the Act’s ability to promote the participation of PWDs in all aspects
of society including in employment. Incorporating reasonable accommodation is vital because
Unlike other social groups like women or youth, PWDs may in some cases, require differential treatment (in terms of workplace accommodation) in order to attain the same rights as other people. More so as a states party to the CRPD, Uganda needs to seriously consider incorporating reasonable accommodation into the PWD Act at this opportune time when the Act is being redesigned. Legislators representing PWDs and disability advocates might want to more aggressively push for the adoption of the reasonable accommodation recommendations contained in the DPOs’ proposals for the full domestication of the CRPD (Mbazira & Kabumba, 2011).

The policy literature analysis component of this study revealed that the PWD Act was ambiguous in some of its provisions. Particularly, the current quota mandate of the PWD Act 2006 exclusively targets the private sector but was vague on the role of the public sector. It would be useful to revise the Act’s quota provision to proportionally distribute the responsibility for employing PWDs to the private and public sectors, and to cater for different disability groups. The DPOs’ proposal recommended the ratio of 5% and 10% for the private and public sector respectively (Mbazira & Kabumba, 2011). While building on the DPOs’ proposal, and in order that the quotas equally cover all disability groups, this study recommends setting a specific requirement for people with significant disabilities (e.g., intellectual and developmental disabilities) as in Japan (Lo, 2012), because individuals with significant disabilities tend to be overlooked during hiring in favor of those with relatively minor disabilities. Additionally, without a mechanism to induce and enforce compliance, the quota program will unlikely succeed in practice. Legislators should prescribe an appropriate enforcement mechanism (e.g., the penalty/reward system) to ensure compliance such as the German system where defaulters pay a fine while those who comply or exceed their quota are rewarded (Bangenstos, 2003). In other words, there must a consequence for non-compliance and a way of rewarding compliance. The
draft regulations for the Act do not yet include any guidelines for the quotas mandate (United Nations, 2009). It is critical that the regulations to guide and enforce the quota mandate are incorporated in the Act’s regulations, or else the quota law will remain enforceable.

Local governments are not currently explicitly covered or mentioned in the PWD Act 2006, in spite of their indispensable role in service delivery. Without the Act explicitly stating the obligations of local governments, there will remain a critical gap in its implementation mechanism. Incorporating local governments in the implementation mechanism would ensure effective coordination and provide a mechanism of accountability by policy actors at all levels.

Finally, the decision to repeal the entire PWD Act 2006 was evidently reactionary or not evidence-based. Moreover, it was not based on any practical experiences since the PWD Act was not yet implemented. In future, it is critical to base any major policy reform on empirical evidence that identify the need for and aspects for policy reform. Such reforms must also build upon practical lessons from implementation, to avoid the repeat of past mistakes. Importantly, the interests of all policy stakeholders should be captured through transparent consultations during the reform process. This will ensure a sense of ownership that the PWD Act did not receive.

D. Limitations and Directions for Future Research

The present study recognizes certain limitations in its methodology. First, the sample was drawn exclusively from macro-level government and civil society organizations. This means that it did not capture the views and experiences of stakeholders from lower government levels such as districts, municipalities, and town councils. Because Uganda uses a decentralized system of administration, local governments are a core part of the service delivery systems and particularly play a pertinent role in the employment of PWDs since many opportunities exist at this level.
Whereas the perspectives of personnel from local governments were desirable, local government level agencies were excluded because the PWD Act’s implementation was not yet nationally rolled-out. It would be important for future research to focus on the role and experiences of local government actors in implementation, given their role in service delivery.

Another limitation of this study related to sample composition was that it comprised of DPOs leaders, legislators of PWDs, implementing officials from the responsible government entity and individual disability rights advocates. Whereas these people had extensive knowledge and experience of the Act, their interest in the Act and/or affiliation to their constituencies might have influenced their perspectives. Because they were people with high stakes in the Act, they might have responded to questions based on their bias, a situation that possibly led to polarized perspectives on certain topics. For example, participants affiliated to the disability constituency might have naturally spoken in defense of the policy or were critical of government for its perceived role in the implementation failure. On the other hand, personnel from the implementing institution who were charged with implementing the Act, may have restrained themselves from revealing certain challenges they experienced in the implementation process, in order not to portray government in negative light, or to protect their jobs. In other words, all the participants in the study were people with an interest in disability for one reason or the other.

This study focused on the employment policy domain only, but the PWD Act addresses five domains of disability rights. While this study determined the current status of the PWD Act, due to time and scope restrictions, it did not go far enough to examine implementation progress in relation to the other domains covered in the Act such as health, education and accessibility. It would be useful for future research to cover other policy domains not addressed in this study.
The present study reported several employment barriers that PWDs experienced at the workplace and in seeking jobs. It also found anecdotal evidence that employers discriminated against PWDs in the employment process and held negative attitudes toward the employment of PWDs. Since employers or businesses were not a part of this study sample, the findings relating to employers’ attitudes should be interpreted with caution. There is need for future research studies to specially focus on employers’ attitudes and perceptions toward the employment of PWDs. Specifically, employers’ perceptions, concerns, and willingness to provide job accommodation to employees with disabilities deserve further investigations as it was the most frequently reported barrier.

One surprising finding of the study was the establishment of a special grant to provide income-generating opportunities for PWDs in the local communities. Since it was not within its scope, this study did not investigate the management of the special grant or the experiences of PWDs who are benefitting from it. It would be useful for future research to explore the PWDs’ experiences with, and the management of the special grant, at local government level. Similarly, future research should explore the experiences of PWDs who benefitted from, and the companies that hired PWDs using the Act’s tax reduction mandate before and after its repeal. Although the study found that companies hired PWDs under the Act’s tax incentive, it was unable to ascertain whether or not the government compensated the companies and how the repeal of the tax incentive affected companies’ hire of PWDs.

E. **Conclusion**

This study suggests that the financial cost of disability policy is the litmus test for society’s commitment to disability rights. The Uganda government repealed the tax incentive from the PWD Act 2006 and took it to be part of another law where its rate was drastically
reduced to 2%, primarily because it was unwilling to bear its financial cost. Low-income
countries will understandably struggle to keep up with disability policies that have a huge
bearing on the resource envelope. However, that a 15% tax incentive passed the legislative
process without the government noticing its financial ramification, or striking it down earlier
than later, is instructive. As a participant remarked: “the government might have been deep
asleep when it passed the tax provision, or it assumed that PWDs would not demand its
implementation” (Lawyer and Disability Rights Activist). Disability policy does not necessarily
receive critical attention unless, or except when it poses a significant cost burden. It is also
possible that scoring political capital influenced the Act’s enactment, and the inattention paid to
its contents or language since it passed during an election year. When formulating disability
legislation, it is not enough to capitalize on the prevailing historical circumstances to expedite
policy enactment. It is equally important that the policy enacted is a product of a thoughtful,
consultative process so that its goals and contents reflect all stakeholders’ needs, and society’s
true consensus for disability rights.

Although lack of funds emerged as the most recurrent barrier to implementation, the
implementing institution failed to enforce certain provisions of the law, which did not necessarily
require funds. In addition to availability of the right amount of financial and other resources
required for implementation, genuine commitment and effective leadership are still needed to
make things happen
Appendix A

Roadmap for reinvigorating implementation of the Uganda Persons with Disabilities Act 2006: lessons from the unsuccessful implementation attempt and strategies for next steps

<table>
<thead>
<tr>
<th>What Happened?</th>
<th>Suggestions for Next steps</th>
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<tbody>
<tr>
<td><strong>1. Formulation and enactment of the Act</strong></td>
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<tr>
<td>• There was limited or no government input in drafting the PWD Act since it originated as a private member’s bill</td>
<td>• Strong government ownership and stewardship is essential throughout the policy lifetime (enactment and implementation)</td>
</tr>
<tr>
<td>• Limited or no stakeholder input owing to lack of consultation</td>
<td>• Consult with and consider the input of pertinent policy stakeholders including target population</td>
</tr>
<tr>
<td>• No research conducted prior to enactment to collect stakeholders’ views or identify the pertinent policy problems the policy needed to address</td>
<td>• Empirical research to precede policy formulation, to help identify the policy problem(s) and offer evidenced-based policy options.</td>
</tr>
<tr>
<td>• Funds for implementation were not committed in advance</td>
<td>• Always commit funds for implementation in advance, or specific where the funds will come from</td>
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<tr>
<td><strong>2. Policy adoption: developing of regulations for implementation</strong></td>
<td></td>
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<tr>
<td>• The government disowned the Act soon after enactment as not implementable</td>
<td>• Expedite the issuance of the regulations - developing regulations can resume regardless of the on-going amendments</td>
</tr>
<tr>
<td>• Drafting of regulations started after the President’s intervention but suspended due to heightened discontents over the Act’s content and language</td>
<td>• Conduct public hearings to consider stakeholders’ input and concerns (experts, policy beneficiaries and DPOs)</td>
</tr>
<tr>
<td>• The regulations must cover all provisions of the Act (including the quota mandate that it currently excludes).</td>
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<tr>
<td><strong>3. Incentives and disincentives</strong></td>
<td></td>
</tr>
<tr>
<td>• Companies voluntarily hired PWDs under the 15% tax reduction mandate</td>
<td>• Educate companies on the tax incentives and how they still can utilize and benefit</td>
</tr>
<tr>
<td>• The government drastically reduced the rate of the tax incentive</td>
<td>• Revise tax rate upwards (e.g. 5%) and stipulate clear enforcement guidelines</td>
</tr>
<tr>
<td>• Repeal of tax reduction provision from the Act</td>
<td>• To maximize utilization by companies and PWDs and to give the Act more “teeth”, reinstate the tax incentive to the PWD Act</td>
</tr>
<tr>
<td>• Employers stopped to hire PWDs</td>
<td></td>
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<tr>
<td>• Special grant established but had a dual effect on implementation: it was a trade-off for, but did not necessarily complement, the tax incentive it substituted.</td>
<td>• Urgently roll out the special grant nationally so that all PWDs everywhere in Uganda can equally benefit</td>
</tr>
<tr>
<td>• Improve the management and monitoring of the special grant to ensure the intended beneficiaries actually get and utilize it</td>
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### Appendix A (continued)

#### 4. Choice, capacity, leadership and commitment of implementing institution

<table>
<thead>
<tr>
<th>Concern</th>
<th>Recommendation</th>
</tr>
</thead>
</table>
| The institution assigned to implement the Act was already overwhelmed with pre-existing responsibility, and made no changes to accommodate the new policy into existing functions | - Increase funding allocation to the Ministry  
- Specify the proportion of funds allocated to disability or other mandates in advance, to minimize low prioritization |
| Ministry seriously lacks the financial capacity for implementation – the least funded of all ministries | - Institute a competent team responsible for implementation and appoint a highly skilled and experienced, and a well remunerated team leader to steer implementation |
| Disability was at best a low priority and at worst an unfunded priority across all government departments, including the implementing institution | - All government departments to integrate disability in all their planning and budgetary processes  
- Establish an incentives and penalty mechanism to enforce the integration of disability by all government institutions  
- Infuse disability into national assessments so that government institutions recognize that disability matters |
| Ministry of Gender perceived as very weak, low ranking and unable to command other ministries to comply with the Act’s provisions | - Institute a new agency headed specifically for implementation and place it under a hierarchically higher government entity (e.g. Prime Minister’s Office).  
- Establish regional centers for monitoring implementation and providing technical assistance  
- Strengthen the NCD’s technical and financial capacity and its authority to monitor and report on disability policy. E.g. NCD must report directly to a higher authority to give it more clout not to a Minister as proposed by the bill |
| Ministry did not appoint a team or a focal person to coordinate the Act’s implementation, thus there was a leadership gap | - Need for a clear policy champion within the implementing institution to coordinate and lobby for implementation.  
- Assign some of the current personnel the duty to coordinate implementation and provide additional budget for their added responsibility.  
- Recruit new personnel for the Act’s implementation if current personnel will be overloaded or are not expertise |

#### 5. Leadership, capacity and organization of the Disability Movement

<table>
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<tr>
<th>Concern</th>
<th>Recommendation</th>
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<tbody>
<tr>
<td>DPOs lobbied for the President’s intervention on developing regulations, disseminated the Act and formed a coalition to draft proposals for policy reform</td>
<td>- The disability movement to more strategically utilize its membership and organizational strength to demand action on disability policies</td>
</tr>
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</table>
| Lack of coalition pressure or persistent demand for implementation – DPOs did not persistently resist the government’s unfavorable decision to suspend the regulations and repeal the entire Act | - Need for a more united voice, resilience and tactical advocacy  
- The disability constituency to demand more effective political representation at various levels and to hold legislators and local councilors more accountable |
### Appendix A (continued)

- DPOs lacked a collective voice despite the having a national umbrella organization
- No outstanding policy champion for the Act even within the disability movement
- There must be an individual/groups of individuals in the disability movement devoted to persistently demand the Act’s implementation and defend it amidst all challenges

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<tr>
<th>6. On-going amendments of the PWDs Act 2006</th>
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<tr>
<td>• Lack of transparency- the government received but left out most of the DPOs’ amendments proposals from the final version of the bill presented to Parliament</td>
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<tr>
<td>• Now or never - influence the amendments process before passage of the bill to secure disability rights for generations. The coalition to step-up its campaign for a comprehensive disability law</td>
</tr>
<tr>
<td>• PWDs to testify before the Parliamentary committee to demand and demonstrate the need for a comprehensive disability policy</td>
</tr>
<tr>
<td>• The amendments bill seeks to repeal and replace the Act whereas the DPOs had agreed to a partial amendments</td>
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<tr>
<td>• The present Act requires only partial amendments and not a total overhaul. Insist on a partial amendments of only critical aspects</td>
</tr>
<tr>
<td>• Strength: the proposed amendments will substantially weaken the Act, leaves out many strong aspects like quotas and tax incentives.</td>
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<tr>
<td>• Compile and present to Parliament a strong and comprehensive alternative proposals for incorporation in the amendments bill currently in parliament</td>
</tr>
<tr>
<td>• The current Bill, when passed, will primarily be an anti-discrimination law</td>
</tr>
<tr>
<td>• Intensify and diversify strategies and modes for campaigning for amendments campaigns.</td>
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<tr>
<td>• Alignment with the CRPD: proposed amendments will be far less aligned with the CRPD than the current Act, e.g. the principle of reasonable accommodation is omitted.</td>
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<tr>
<td>• Petition the conference of States Parties or the appropriate UN office demanding that the disability law and proposed amendments align with the CRPD, given that Uganda is a states parties to both the treaty and its Optional Protocol</td>
</tr>
<tr>
<td>• Seek alliance and support of international friends to rally support for a more comprehensive policy reform</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>7. Attitudes and concerns related to disability and work</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Dominant beliefs that PWDs are unfit and incapable of productive work</td>
</tr>
<tr>
<td>• Sensitize and provide technical assistance services to current and prospective employers about the rights, potentials and the employment capabilities of PWDs as well as employers’ legal and moral obligations</td>
</tr>
<tr>
<td>• Employers’ apathy regarding perceived cost of accommodation</td>
</tr>
<tr>
<td>• Research is needed to show the cost of the various accommodations for PWDs and provide the accurate information to allay fears and concerns about perceived costs of accommodation</td>
</tr>
<tr>
<td>• Concerns about educational qualifications and job experiences of PWDs</td>
</tr>
<tr>
<td>• Increase access to higher education institutions for PWDs using existing government scholarship and loan opportunities</td>
</tr>
<tr>
<td>• Establish job placement services to help qualified PWDs seek employment</td>
</tr>
<tr>
<td>• Directly solicit applicants with disabilities in all job postings as per the PWD Act’s provision</td>
</tr>
</tbody>
</table>
8. Definition and codification of disability

- The emphasis on functional limitation in the definition of disability has the effect of significantly limiting who can qualify as disabled under the Act, for the purpose of discrimination protection
- Expand the current definition of disability to align with the CRPD, and ensure the broadest possible coverage of PWDs by the discrimination protection in the Act
- Reconsider the emphasis on substantial functional limitations in the definition of disability.
- The categories of disability provided under schedule 3 is rigid (does not include any and all disabilities)
- There cannot be an exhaustive list of disabilities: there is a need to expand current list and allow for flexibility
- Daily life activities are not defined in reference to the definition of disability
- It is necessary to define as well as stipulate a non-exhaustive list of daily life activities in reference to the definition of disability

9. Rights and Remedies

- Inadequate and weak remedies for claiming legal recourse. Proposed remedies in the amendments bill are still not deterrent enough
- Need to strengthen the remedies in the current law and those proposed in the amendments bill to be more deterrent. Weak remedies might inadvertently reinforce non-compliance.

10. The quota mandate and the role of public institutions

- Targets only private sector and ambiguous on the role of public institutions on employing PWDs
- Revise quota provision to explicitly cover both public institutions and the private sector
- Lacks a strong enforcement mechanism
- Establish an appropriate enforcement mechanism to assure compliance (e.g. the reward/penalty approach)
- The Act adopts a one-size-fits all approach to quotas, i.e., it does not differentiate the quota rate by organization type (public or private), size (small and big) and category/severity of disability
- To ensure that institutions have a proportionate obligation to employ PWDs, the law must differentiate quota by organization type and size (big, medium and small as can be specified by regulations)
- Differentiate quota slots by type and/or severity of disability to assure that all PWDs have an equal chance to benefit

11. Local government services

- The role and obligations of local governments are not specifically stipulated
- Local governments are indispensable in the service delivery loop: must be covered explicitly in by the Act to assure compliance and accountability at all levels
Appendix B

CODE #______________

SEMI-STRUCTURED INTERVIEW GUIDE

Implementation of the Persons with Disabilities Act of Uganda 2006

A.  

**EMPLOYMENT RIGHTS OF PEOPLE WITH DISABILITIES**

1. What are the major factors affecting the employment rights of people with disabilities in Uganda?
2. How does the PWD Act address the employment rights of people with disabilities in Uganda?

B.  

**PROGRESS TOWARDS IMPLEMENTATION OF THE PWD ACT**

3. What policy steps have been taken to implement the Persons with Disabilities Act in relation to employment?
4. What policy steps remain to be taken to implement the Persons with Disabilities Act in relation to employment?
5. What are your experiences of the implementation of the PWD Act 2006?

**PROBE:** What factors enabled implementation?

**PROBE:** What factors hindered implementation?

C.  

**POLICY FACTORS AFFECTING IMPLEMENTATION**

6. What factors within the Persons with Disabilities Act facilitate implementation of the PWD Act in relation to employment?

**PROBE:** Think about the clarity of policy objectives; financial allocation; designation of implementing agency; coordination within and among implementing agencies.

7. What factors within the Persons with Disabilities Act hinder implementation of the PWD Act in relation to employment?

**PROBE:** Think about clarity of objectives; financial allocation; designation of implementing agency; coordination within and among implementing agencies.
Appendix B (continued)

D. SOCIO-POLITICAL FACTORS AFFECTING IMPLEMENTATION

8. What socio-political factors affect the implementation of the PWD Act in the area of employment?

PROBE: Do you think there is support for the PWD Act among different stakeholders, e.g. Cabinet Ministers, Members of Parliament, the general public and PWDs? Explain.

PROBE: Do you think that the Lead-implementing Agency is committed to implementing the PWD Act 2006 with respect to employment? Explain.

PROBE: Do you think that the personnel of the Lead-Implementing Agency have the technical capacity to implement the PWD Act in relation to employment? Explain.

9. What can you tell me about the legislative process of the PWD Act or how it came to be a law?

E. BACKGROUND INFORMATION

10. What organization do you work with? [Name of organization]

11. How do you describe your job position?

12. Have you been involved in the policy making process of the PWD Act? Explain how.

13. Have you been involved in the implementation of the PWD Act? Explain how.

14. Do you identify as a person with a disability? What disability or disabilities?

F. CONCLUSION

15. Would you like to listen to the recording of this interview session? Yes-------- No--------

16. Would you be willing to review the text of this interview at a later time when it has been transcribed? If yes, what is your contact information? Phone number----------------------- or email address---------------------------

Date of interview -----------------------------
Time interview started ------------------------
Time interview ended ------------------------
### Appendix C

**CRPD ANALYTICAL FRAMEWORK**

<table>
<thead>
<tr>
<th>Principle</th>
<th>Question</th>
</tr>
</thead>
</table>
| 1. Respect for individual dignity, autonomy, and independence | • To what extent does the PWD Act provide for freely chosen work by PWDs? (Para 1).  
• To what extent does the Act provide opportunities for self-employment, entrepreneurship, the development of cooperatives and starting own business? (Para 1f).  
• To what extent does the Act protect PWDs from work-related exploitation such as forced and compulsory labor, less pay for equal work, arbitrary employment and not being held in slavery or in servitude? (Para 2)  
• To what extent does the Act promote employment opportunities and career advancement for PWDs in the labor market, including assistance in finding, maintaining and returning to employment? (Para 1e). |
| 2. Non-discrimination | • To what extent does the Act protect PWDs from discrimination in all forms and processes of employment? (Para 1a).  
• Does the Act require the provision of reasonable accommodation for PWDs in the workplace? (Para 1i). |
| 3. Full and effective participation and inclusion in society | • Does the Act require employing PWDs in the public sector? (Para 1g).  
• Does the Act promote the acquisition of work experiences by PWDs in the open labor market?” (Para 1j).  
• Does the Act promote the employment of PWDs in the private sector through appropriate policies and measures such as affirmative action, incentives and other measures? (Para 1h).  
• Does the Act promote vocational and professional rehabilitation, job retention and return-to-work programs for persons with disabilities? (Para 1 k). |
| 4. Equality of opportunity | • Does the Act provide for PWDs to exercise their labor and trade union rights? (Para 1c).  
• To what extent does the Act protect the rights of PWDs on an equal basis with others, to just and favorable conditions of work? (Para 1b). |
| 5. Accessibility | • Does the Act require modifications in the workplace premises to facilitate hiring and/or job retention? (Para 1i).  
• To what extent does the law ensure that PWDs have access to technical and vocational guidance, placement services and vocational and continuing training? (Para 1d). |
| The definition of disability | • To what extent does the definition of disability in the Act align with the CRPD’s concept of disability? (Preamble).  
• To what extent does the definition of disability in the Act promote the equality of opportunity and protection from discrimination (Para 1a), |
| Goals and objectives | • To what extent are the goals and objectives of the Act clearly, consistently and explicitly focused on promoting and protecting the employment rights of all PWDs? |

---

*Note: The questions are extracted from the CRPD Analytical Framework and are designed to assess the extent to which the PWD Act aligns with the CRPD principles.*
Appendix D

University of Illinois
At Chicago

Office for the Protection of Research Subjects (OPRS)
Office of the Vice Chancellor for Research (MC-572)
203 Administrative Office Building
1227 West Polk Street
Chicago, Illinois 60680

March 12, 2015

Patricia Ojok
Disability and Human Development
1259 W Flournoy St
Chicago, IL 60607
Phone: (773) 610-6507

RE: Protocol # 2014-0075
"Implementation of the Employment Provisions of the Persons with Disabilities Act of Uganda 2006"

Dear Mr. Ojok:

Your Continuing Review was reviewed and approved by the Expedited review process on March 12, 2015. You may now continue your research.

Please note the following information about your approved research protocol:

Protocol Approval Period: April 9, 2015 - April 8, 2016
Approved Subject Enrollment #: 30 (data analysis from 25 subjects)
Additional Determinations for Research Involving Minors:
These determinations have not been made for this study since it has not been approved for enrollment of minors.

Performance Sites:
UIC, Kyambogo University - Uganda
Sponsor:
Chancellor's Graduate Research Fellowship
Grant/Contract No.
Not available
Grant/Contract Title:
Not available
Research Protocol:


Recruitment Material:

a) N/A – Limited to data analysis only

Informed Consent:

a) N/A – Limited to data analysis only

Phone: 312-996-1711  http://www.uchicago.edu/depts/ovcr/opr/
Fax: 312-413-2929
Appendix D (continued)

Your research meets the criteria for expedited review as defined in 45 CFR 46.110(b)(1) under the following specific categories:

(6) Collection of data from voice, video, digital, or image recordings made for research purposes,
(7) Research on individual or group characteristics or behavior (including but not limited to research on perception, cognition, motivation, identity, language, communication, cultural beliefs or practices and social behavior) or research employing survey, interview, oral history, focus group, program evaluation, human factors evaluation, or quality assurance methodologies.

Please note the Review History of this submission:

<table>
<thead>
<tr>
<th>Receipt Date</th>
<th>Submission Type</th>
<th>Review Process</th>
<th>Review Date</th>
<th>Review Action</th>
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<tr>
<td>03/10/2015</td>
<td>Continuing Review</td>
<td>Expedited</td>
<td>03/12/2015</td>
<td>Approved</td>
</tr>
</tbody>
</table>

Please remember to:

→ Use your research protocol number (2014-0075) on any documents or correspondence with the IRB concerning your research protocol.

→ Review and comply with all requirements on the enclosure,
  "UIC Investigator Responsibilities, Protection of Human Research Subjects"
  (http://trigger.uic.edu/depts/ovcr/research/protocolreview/irb/policies/0924.pdf)

Please note that the UIC IRB has the right to seek additional information, require further modifications, or monitor the conduct of your research and the consent process.

Please be aware that if the scope of work in the grant/project changes, the protocol must be amended and approved by the UIC IRB before the initiation of the change.

We wish you the best as you conduct your research. If you have any questions or need further help, please contact OPRS at (312) 996-1711 or me at (312) 996-9299. Please send any correspondence about this protocol to OPRS at 203 AOB, M/C 672.

Sincerely,

Anna Bernadska, M.A.
IRB Coordinator, IRB # 2
Office for the Protection of Research Subjects

Enclosure: None

cc: Tamar Heller, Disability and Human Development, M/C 626
5th March 2014

Mr. Patrick Ojok
Doctorate Candidate/Lecturer
Faculty of Special Needs & Rehabilitation
Kyambogo University
P.O. Box 6478
Kampala.

GRANT OF PERMISSION TO CONDUCT RESEARCH

Reference is made to yours not referenced dated 24th February 2014 on
the above captioned matter.

Like any other research fellow, you will be granted permission and the
necessary cooperation to conduct your research on condition that the
information gathered will be for nothing else but academic reasons.

This Ministry will not expect you to interfere with the flow of normal business
in different offices in anyway, as you conduct your study, as this is not a
care function of the staff of Ministry of Gender, Labour & Social
Development.

I wish you success in your research for academic excellence and hope
that the information gathered and the subsequent qualification will help
improve lives of persons with disabilities in this Country.

Joan Natwenda
FOR: PERMANENT SECRETARY

Copy: Commissioner/Elderly & Disability
Appendix F

National Union of Disabled Persons of Uganda
Plot No. 530, Bukoto - Kisasi Road, P.O. Box 8567, Kampala - UGANDA
Tel: +256 414 540 179, Email:info@nudipu.org, Website:www.nudipu.org

Our Ref: 
Your Ref: 

Mr. Patrick Ojok
Department of Community and Disability Studies
Kyambogo University

Dear Sir,

RE: Research Study

Refer to your letter dated February 21, 2014 in which you requested for a letter of support in regard to your proposed dissertation on the implementation of the Persons with disabilities Act of Uganda 2006 in relation to employment.

I find your research focus highly relevant to the mission and core activities of NUDIPU.

I therefore assure you of NUDIPU support in regard to access to relevant available reference materials and interviewing willing staff.

I look forward to your research findings

Yours sincerely,

Ngirabakazi Edison
Executive Director

28/02/2014
Appendix G

NATIONAL COUNCIL FOR DISABILITY
P. O. Box 20080
Kampala, UGANDA

NCD/ADM/93/05
27th February, 2014

Mr. Patrick Ojok
Department of Community & Disability Studies
Kyambogo University
KAMPALA

Dear Sir,

RE: REQUEST TO CONDUCT RESEARCH WITH THE UGANDA NATIONAL COUNCIL FOR DISABILITY.

Warm greetings from National Council for Disability (NCD).

In reference to your letter dated February 21, 2014 in which you requested for a letter of support in advance of your proposed dissertation research from the Uganda National Council for Disability (NCD).

I am happy to inform you that NCD will be willing to render you all the possible support during your data collection process. Your research on the implementation of the Persons with Disabilities Act of Uganda 2006 is very relevant to one of the core duties of NCD, which is to monitor the implementation of Disability Policies in Uganda.

I am therefore so excited that you are researching on this area in which empirical research is still lacking. The National Council for Disability will help you with giving information about your study to all employees, and allow you contact, recruit and conduct interviews with willing individuals. We will render any other support within our means that you may need.

I look forward to your study and wish you the best in your dissertation research.

Yours sincerely,

Beatrice Guzu
EXECUTIVE SECRETARY
Cell: +256 772 643 084
Email: beatriceguzu@gmail.com

Plan 1422, Block 216, Bweyogerere, Off Ndeka-Kiraani Road; P.O. Box 26080, Kampala – Uganda (East Africa); E-mail: info@ncdag.org; Telephone: +256-411-372239; Website: www.ncdag.org

"Opportunities for Equity"
Appendix H

KYAMBOGO UNIVERSITY
FACULTY OF SPECIAL NEEDS AND REHABILITATION
P. O. BOX 6478 KAMPALA
Tel: 041-280237/285001 Fax: 041-220464
Department of Community and Disability Studies

6th February 2014

The Office for the Protection of Research Subjects,
Office for the Vice Chancellor for Research
The University of Illinois at Chicago.

Dear Sir/Madam,

SUBJECT: LOCAL RESEARCH SUPERVISION FOR MR. PATRICK OJOK

Mr. Patrick Ojok, a PhD student of disability studies at the Department for Disability and
Human Development, University of Illinois at Chicago, has contacted me to be a local
supervisor for his dissertation research entitled: implementation of the employment

This is to confirm that I have accepted to supervise and support Mr. Ojok in his
dissertation research for the period he is in Uganda, and thereafter, if necessary. I have
had experience as Coordinator of a Research Project and have carried out research in
aspects relevant to Mr. Ojok’s dissertation research.

Yours sincerely,

[Signature]
Stackus Okwput, PhD.
Appendix I

(Established by Act of Parliament of the Republic of Uganda)

UN CST

Our Ref: SS 3453

Mr. Patrick Opio
Kajjansi University
P.O. Box 1
Kampala


I am pleased to inform you that on 29/04/2014, the Uganda National Council for Science and Technology (UNCST) approved the above referenced research project. The Approval of the research project is for the period of 29/04/2014 to 29/04/2015.

Your research registration number with the UN CST is SS 3453. Please, cite this number in all your future correspondences with UN CST in respect of the above research project.

As Principal Investigator of the research project, you are responsible for fulfilling the following requirements of approval:

1. All co-investigators must be kept informed of the status of the research.
2. Changes, amendments, and addenda to the research protocol or ancillary forms (where applicable) must be submitted to the designated local institutional review committee (IRC) or local agency for re-review and approval prior to the activation of the changes. UN CST must be notified of the approved changes within five working days.
3. For clinical trials, all serious adverse events must be reported promptly to the designated local IRC for review with copies to the National Drug Authority.
4. Unanticipated problems involving risks to subjects or participants or other must be reported promptly to the UN CST. New information that becomes available which could change the risk/benefit ratio must be submitted promptly for UN CST review.
5. Only approved study procedures are to be implemented. The UN CST may conduct prompt audits of all study records.
6. A progress report must be submitted electronically to UN CST within four weeks after every 12 months. Failure to do so may result in termination of the research project.

Below is a list of documents approved with this application:

<table>
<thead>
<tr>
<th>Document Title</th>
<th>Language</th>
<th>Version</th>
<th>Version Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Research proposal</td>
<td>English</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>2 Consent Form</td>
<td>English</td>
<td>2</td>
<td>N/A</td>
</tr>
<tr>
<td>3 Semi Structured Interview Guide</td>
<td>English</td>
<td>2</td>
<td>N/A</td>
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</tbody>
</table>

Yours sincerely,

[Signature]

Leah Nasegwa Omingo
for Executive Secretary
UGANDA NATIONAL COUNCIL FOR SCIENCE AND TECHNOLOGY

LOCATION/CORRESPONDENCE

P.O. Box 484
KAMPALA, UGANDA

COMMUNICATION

TEL: (256) 414-705900
FAX: (256) 414-245799
EMAIL: info@uncst.go.ug
WEBSITE: http://www.uncst.go.ug
Appendix J

July 1, 2014

The Resident City Commissioner, Kampala District
The Resident District Commissioner, Wakiso District

RESEARCH CLEARANCE

This is to introduce to you Ojok Patrick a Researcher who will be carrying out a research entitled “IMPLEMENTATION OF THE EMPLOYMENT PROVISIONS OF THE PERSONS WITH DISABILITIES ACT OF UGANDA 2006” for a period of three (3) months in your district.

He has undergone the necessary clearance to carry out the said project.

Please render him the necessary assistance.

By copy of this letter Ojok Patrick is requested to report to the Resident District Commissioners of the above districts before proceeding with the Research.

Alenga Rose
FOR: SECRETARY, OFFICE OF THE PRESIDENT

Copy to: Ojok Patrick
Appendix K

Implementation of the employment provisions of the Persons with Disabilities Act of Uganda 2006

Initial contact script

Email Recruitment Script for Semi-structured Interviews

Hello [insert name]!

I am a PhD student researcher from the Department of Disability and Human Development, University of Illinois at Chicago, in the United States of America. I am currently in Uganda to collect data for my research project. I am looking for people to participate in semi-structured interviews about the implementation of the Persons with Disabilities Act of Uganda 2006 in relation to employment. This research was approved in the United States by the Office for the Protection of Research Subjects of the University of Illinois at Chicago (insert protocol number), and in Uganda by the National Council for Science and Technology (insert protocol number).

To be eligible to participate in this study, you need to meet one or more of the following criteria: (a) be familiar with or have knowledge of the Persons with Disabilities Act or its employment provisions; (b) you play(ed) a role towards the implementation of the Persons with Disabilities Act 2006 at organizational level, e.g. as a focal point person, (c) you participated in the policy making process of the Persons with Disabilities Act 2006; (d) you were involved in the implementation process, e.g. in developing regulations, implementation plan; (e) you are a current or former parliamentary representative of people with disabilities; (f) you are willing to participate in the study, and (g) you are fluent in the English language.

If you accept to participate in the study, you will be requested to grant written consent on a day, time and place of your choice. When you have granted consent, another appointment will be made with you for the actual interview on a day, time and place of your preference. If you feel you meet these criteria and would like to participate, please reply to this email using the address pojok2@uic.edu or contact me by telephone call or SMS on telephone number: +256 773 181 655. The interview will take place at a private place on a date and time convenient to you. All information gathered from you will be handled with utmost confidentiality and your employer will not know about your participation in this study. Interviews will last for about 60 minutes or one hour.

Thank you for your help,

Patrick Ojok
Appendix L

Implementation of the employment provisions of the Persons with Disabilities Act of Uganda 2006

Initial contact script

In-person Recruitment Script for Semi-structured Interviews

Hello [say title and name]!

My name is Patrick Ojok. I am a PhD student researcher from the Department of Disability and Human Development, University of Illinois at Chicago, in the United States of America. I am currently in Uganda to collect data for my dissertation research. The purpose of my study is to explore the perspectives of key policy stakeholders regarding the factors affecting the implementation of the Persons with Disabilities Act of Uganda 2006. I am looking for people to participate in face-to-face semi-structured individual interviews about the implementation of the Persons with Disabilities Act of Uganda 2006 in relation to employment. This research was approved in the United States by the Research Ethics office of the University of Illinois at Chicago (protocol number), and in Uganda by the National Council for Science and Technology (protocol number).

To be eligible to participate in this study, you need to meet one or more of the following criteria: (a) be familiar with or have knowledge of the Persons with Disabilities Act or its employment provisions; (b) you play a role towards the implementation of the Persons with Disabilities Act 2006 at organizational level, e.g. as a focal point person; (c) you participated in the policy making process of the Persons with Disabilities Act 2006; (d) you were/are involved in the implementation process, e.g. developing regulations, implementation plans, etc; (e) you are a current or former parliamentary representative of people with disabilities ; (f) you are willing to participate in the study, and (g) you are fluent in the English language.

If you accept to participate in the study, you will be requested to voluntarily grant a written consent on a day, time and place of your choice. When you have granted consent, another appointment will be made with you for the actual interview on a day, time and place of your preference. All information gathered from you will be handled with utmost confidentiality. Your employer will not know about your participation in this study and will not have access to any information gathered during the interview. Interviews will last for about 60 minutes or one hour. No compensation will be provided for your participation in the study.

If you feel you meet any of these criteria and would like to participate in this study, please let me know either in person or contact me at your convenience by telephone call or SMS on the telephone number: +256 773 181 655 and/or by email at pojok2@uic.edu.

Thank you for your help,

Patrick Ojok

In-person Recruitment Script Version #1 3/31/2014
Appendix M

Implementation of the employment provisions of the Persons with Disabilities Act of Uganda 2006

Follow up telephone Script

Interview Scheduling

Hello [say last name],
I am [insert last name] from the University of Illinois at Chicago. Thank you for showing interest to participate in my research. I am calling to make an appointment with you for a face-to-face interview for my research project.

My research is looking at the implementation of the Persons with Disabilities Act of Uganda 2006 in relation to employment. I will be asking your opinions and experiences regarding the factors affecting the implementation of the Persons with Disabilities Act in relation to employment. I know that you have a busy schedule and I would like to know the best time and date to meet with you:

What day would you be available for the interview?
Where would you like the interview to take place? I would like to come to a place which is convenient to you and where we can have privacy.
What time would you like us to meet for the interview?

Please, let me know in case you have any questions about the interview or if you need to reschedule this appointment. You may contact me on [say telephone number].

Thank you very much and I look forward to meeting with you on [scheduled date] at [scheduled place] at [scheduled time].

Have a nice day. Good bye.
Appendix N

Implementation of the employment provisions of the Persons with Disabilities Act of Uganda 2006

In-person Screening script

Hello [insert person’s name]!

My name is Patrick Ojok. I am a PhD student researcher from the University of Illinois at Chicago in the United States of America. I am currently in Uganda to collect data for my study entitled: implementation of the employment provisions of the Persons with Disabilities Act of Uganda 2006. The purpose of the study is to explore the barriers and facilitators to implementing the Persons with Disabilities Act 2006 in relation to employment.

Thank you for indicating that you are interested in participating in my study. In order for me to determine if you are eligible to participate in the study, I need to ask you some questions that you will answer orally. The answers to the questions will only be used to determine if you qualify for the study or not, and not for any other purpose. It is important that I get your consent or agreement to ask you the questions before I can ask them. So, do you allow me to ask you few questions to help me determine if you are eligible to participate in this study?

- No, I do not allow you to ask the questions --------- (Thank the person for his/her time and end the discussion).

- Yes, I allow you to ask the questions ---------- (If yes, say Thank the person and proceed to ask the following screening questions):

  A. Would you say you are familiar with or know the contents of the PWD Act and/or its employment provisions?
  B. Have you been involved in the policy making process of the PWD Act? Explain how.
  C. Have you been involved in the implementation process of the PWD Act? Explain how.
  D. Are you a current or former Parliamentary representative of people with disabilities?
  E. Do you play any role in the implementation of the Persons with Disabilities Act 2006 at your organization? (if yes, what role?).
  F. Would you say you are fluent in the English language?
  G. Are you willing to participate in this study?

A person who answers Yes to any of the questions A-E, including both F and G is eligible to participate in the study and will be requested for an appointment to obtain written informed consent. A person who answers No to all of the screening questions (A-G) is not eligible for the study.

In-person Screening Script Version 2 3/31/2014
Appendix O

University of Illinois at Chicago
Disability and Human Development Department
Implementation of the Persons with Disabilities Act of Uganda 2006
Semi-Structured Interview Consent Form

Why are you asking me to participate in this research?
You are invited to participate in a research study, conducted by Patrick Ojok, MPhil., from the University of Illinois at Chicago (UIC). This is an exploratory study to gather information about the implementation of the Persons with Disabilities Act of Uganda 2006 in relation to employment. You are being asked to participate because you are involved in the legislative or implementation process of the Persons with Disabilities Act 2006, or you are a stakeholder with interest in disability policy.

What is the purpose of the research?
The purpose of the research is to explore the factors affecting the implementation of the Persons with Disabilities Act 2006 in relation to employment. The Persons with Disabilities Act was signed into law on May 24, 2006. The law prohibits discrimination against a person on grounds of disability and provides for affirmative action to enable people with disabilities to gain employment in the private and public sectors. Its implementation was intended to start 2 months after it became law. This study seeks to establish the policy steps that have been taken to implement the PWD Act in relation to employment as well as the factors that are affecting its implementation.

The information gathered in this study will be used to develop strategies to improve the implementation of the Persons with Disabilities Act and to guide policy reforms geared towards addressing the employment rights of people with disabilities.

What does participation entail?
If you decide to participate, you will be asked to:
1) Respond to a semi-structured face-to-face individual interview. The interview will be audio-recorded after seeking and obtaining your agreement too do so.
2) Participants who agree will be re-contacted after interviews, and requested to review excerpts of their interview, in order to confirm or verify that the transcripts reflect their true views as discussed during the interview.

Estimated participation time:
The semi-structured interview will take about 60 minutes or one hour.

What are the potential risks and benefits from involvement in this research?
There are minimal known risks of participation in this research, including potential discomfort with some of the questions asked. Also, there is a risk of breach of privacy (others may find out that a subject is participating in the research) and/or confidentiality (others may find out identifiable...
Appendix O (continued)

information about a subject disclosed or collected during the research). Participants will be free to not answer any questions they may feel uncomfortable answering. There are no direct benefits from participating in this study, but the research may benefit individuals in the future.

What about my privacy and confidentiality?

No identifiable information about you will be used in reports, presentations or publications of this research. Your employer will not know whether you have participated in this study and will not have any access to data. Only the investigator, his dissertation committee members, the Uganda National Council for Science and Technology and the University of Illinois at Chicago’s Institutional Review Board will have access to data. The Uganda National Council for Science and Technology regulates and monitors all research conducted in Uganda in order to protect research participants and minimize risks. The Institutional Review Board of the University of Illinois at Chicago reviews and monitors all university research in order to assure that UIUC researchers are doing everything possible to protect research participants and minimize risks. All information will remain confidential and will be disclosed only with your permission or as required by law.

Immediately after every interview session, interview recordings will be transferred to an encrypted, password-locked personal laptop computer, only accessible by the investigator. Interview recordings will be deleted from the audio-recorder soon after being transferred to a secure computer. Interview recordings will be transcribed and also saved in a password-locked personal computer, stored in a safe place at the investigator’s workplace. All of the interview data will be destroyed one year after graduation.

Will I receive compensation for my participation in this study?

No compensation will be provided for your participation in this study.

Can I decide not to participate or leave the study at any time?

You may choose to stop and leave the study at any time you wish without any negative consequences to you.

What are my rights as a research participant and who can I call if I have a question?

If you have any question about this research, or have any problems as a result of this research, you may call:

1. The researcher, Patrick Okok at +256 773 181 655 (Uganda), +1(773) 610-6507 (USA) or email him at pojok2@uic.edu.
2. My local research Advisor in Uganda, Dr. Stackus Okwput, Kyambogo University, Phone +256 772 424 647 (Uganda); Email: stackus@gmail.com, or
3. Contact my faculty sponsor or research advisor at the University of Illinois at Chicago: Dr. Tamir Heller at Phone: +1 312 413 1647; Email: theller@uic.edu

If you have any questions about your rights as a research participant, you may email the Office for the Protection of Research Subjects at: upersb@uic.edu. You may also call the Uganda National Council for Science and Technology at the following numbers: 256 414 705500 / +256 312 314800 or you can send them a fax at +256 414 234579.

Please indicate by ticking in the appropriate check-box below, if you agree to be re-contacted or if you do not want to be re-contacted after the interview.
Appendix O (continued)

☐ Yes, I agree to be re-contacted
☐ No, I do not want to be re-contacted.

Signature
I have read and understand the study being conducted by Patrick Ojok, MPhil. He has offered to answer any question I may have regarding the procedures involved in this research and has explained to my satisfaction the nature of the research. In signing this document, I confirm that I am granting permission to participate in this research. I have also received a copy of this document.

Participant’s signature ___________________________  Researcher’s signature ___________________________

Printed name of participant ___________________________  Printed name of Researcher ___________________________

Date ___________________________  Date ___________________________

Consent form Version #2  3/7/2014  page 3 of 3
## Appendix P

<table>
<thead>
<tr>
<th>Code</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>ImpStatus</td>
<td>Applies to segments of text referring to participants’ opinions on the implementation status or the progress made in implementing the PWD Act</td>
</tr>
<tr>
<td>Regulations</td>
<td>Applies to segments of text explaining the process of developing regulations and the steps taken in developing the regulations to implement the PWD Act</td>
</tr>
<tr>
<td>JobQuotas</td>
<td>Applies to segments of text explaining the need for job quotas in the public sector and the steps so far taken by the minister to set up or establish quotas for PWDs in the public and private sector as required by the PWD Act</td>
</tr>
<tr>
<td>AnnualReport</td>
<td>Refers to segments of text talking about the steps taken to present annual reports to parliament on the employment of people with disabilities by the Minister for Labor since the Act was passed in 2006</td>
</tr>
<tr>
<td>Dissemination</td>
<td>Applies to segments of text explaining the steps taken to sensitize or to disseminate the employment provisions of the PWD Act to people with disabilities, employers and/or other policy stakeholders</td>
</tr>
<tr>
<td>Awareness</td>
<td>Refers to segments of text talking about the knowledge of the PWD Act among employers and PWDs, as well as the awareness of the rights and capabilities of persons with disabilities by employers and the society</td>
</tr>
<tr>
<td>Enforceability</td>
<td>Applies to segments of text referring to participants’ opinions of whether the PWD Act is an enforceable or implementable law or whether it is a clear and strong law for PWDs</td>
</tr>
<tr>
<td>TaxReduction</td>
<td>Applies to segments of text referring to the employers’ recruitment or hiring of PWDs under the tax reduction provision of the PWD Act, and the Government’s response to employers’ claims for tax deductions.</td>
</tr>
<tr>
<td>SpecGrant</td>
<td>Applies to segments of text where participants talk about a special grant introduced to help organized groups of PWDs to engage in income generating activities or to find self-employment</td>
</tr>
<tr>
<td>Utilization</td>
<td>Applies to segments of text referring to participants’ opinion about the need for PWDs to use or utilize the PWD Act as well as some examples of court cases where PWDs have sued organizations that violated their rights</td>
</tr>
<tr>
<td>PolicyGaps</td>
<td>Applies to segments of text explaining participants’ views on the gaps, limitations, shortcomings and/or weaknesses within the PWD Act that hindered or impeded its implementation</td>
</tr>
</tbody>
</table>
### Appendix P (continued)

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Facilitators</td>
<td>Refers to segments of text talking about the facilitating or enabling factors that promoted or encouraged some implementation of the employment provisions of the PWD Act to take place, for example the political will, political representation, and the presence of a strong disability movement.</td>
</tr>
<tr>
<td>Hindrances</td>
<td>Refers to the those factors, other than the gaps or weaknesses in the policy, that hinder or impede the implementation of employment provisions of the PWD Act.</td>
</tr>
<tr>
<td>PolReform</td>
<td>Refers to segments of text explaining the process of amending or repealing of the PWD, and the intent, the need and/or the reasons for the government wanting to amend or repeal the PWD Act.</td>
</tr>
<tr>
<td>FinAllocation</td>
<td>Applies to segments of texts explaining the importance of funding and the influence of the lack of allocation of funds, resources and/or the budgeting on the implementation of the PWD Act or the employment of PWDs.</td>
</tr>
<tr>
<td>Employbarriers</td>
<td>Applies to segments of text where participants describe the challenges or barriers that PWDs face in the employment process such as negative attitudes, lack of educational qualifications, inaccessibility of the workplace, high job competition among others.</td>
</tr>
<tr>
<td>Discrimination</td>
<td>Applies to segments of texts where participants describe the discrimination experiences of some PWDs in the employment processes for example when during apply during job interviews or at the workplace.</td>
</tr>
<tr>
<td>CRPD</td>
<td>Applies to segments of text where participants explain the timing and the passing of the UN Convention on the Rights of People with Disabilities and its influence on the formulation of the PWD Act, and whether the provisions of the PWD Act align with the UN Convention.</td>
</tr>
<tr>
<td>Global trends</td>
<td>Applies to segments of texts referring to participants’ feelings about the influence of external factors such as the economic liberalization policies and the global unemployment trend on the employment prospects of PWDs.</td>
</tr>
<tr>
<td>Policy Interplay</td>
<td>Applies to segments of texts referring to participants’ opinions about the relation of the PWQD Act to other national laws, and the need for a specific law on disability.</td>
</tr>
<tr>
<td>Implementing Agency</td>
<td>Applies to segments of text referring to the role, the commitment and capacity of the Ministry of Gender to implement the PWD Act and its employment provisions.</td>
</tr>
</tbody>
</table>
## Appendix P (continued)

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coordination</td>
<td>Applies to segments of texts referring to the coordination within the ministry and between the ministry of gender, labor and social development and all other governmental ministries, the local governments districts, DPOs and the civil society.</td>
</tr>
<tr>
<td>LocalGov</td>
<td>Applies to segments of text talking about the decentralization system of administration and the role of local government districts in the employment of people with disabilities.</td>
</tr>
<tr>
<td>Priority</td>
<td>Applies to segments of text explaining participants’ feelings about the priority given to disability issues in relation to the issues of other social groups (for example women, children, youths, orphans, elderly people) who are under the responsibility of the ministry of gender, labor and social development such as women, youth, children, elderly people.</td>
</tr>
<tr>
<td>DPOs</td>
<td>Applies to segments of text talking about the disability movement in Uganda and its role in the development and implementation of disability policies, and in advocating for disability rights.</td>
</tr>
<tr>
<td>GovRole</td>
<td>Applies to segments of text explaining participants’ feelings about the role of the government in the development and implementation of the PWD Act especially as compared with the role played by DPOs and the civil society.</td>
</tr>
<tr>
<td>PolicySupport</td>
<td>Applies to segments of text referring to opinions about the support for the PWD Act among the different stakeholder groups like Cabinet Ministers, Members of Parliament, policy beneficiaries or people with disabilities, the DPOs and the media.</td>
</tr>
<tr>
<td>PolicySymbol</td>
<td>Applies to segments of text referring to participants’ feelings about the symbolic significance of the PWD Act as a law that protects the rights of PWDs.</td>
</tr>
<tr>
<td>Socio-political</td>
<td>Applies to segments of text referring to political, social, or cultural factors and practices that affect policy implementation, for example the national economic conditions.</td>
</tr>
<tr>
<td>Commitment</td>
<td>Applies to segments of text where participants talk about the commitment of government and of the ministry of gender, labor and social development to implementing the PWD Act.</td>
</tr>
</tbody>
</table>
Appendix P (continued)

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>TechCapacity</td>
<td>Applies to segments of texts describing participants’ feelings about the technical or the human resource capacity of the ministry of Gender to implement or coordinate the implementation of the employment provisions of the PWD Act</td>
</tr>
<tr>
<td>Multi-party system</td>
<td>Applies to segments of texts in which participants describe their feelings about how multi-party democracy or political pluralism has affected the advocacy role of DPOs and political representatives of people with disabilities</td>
</tr>
<tr>
<td>LegBackground</td>
<td>Applies to segments of texts where participants describe the legislative, the history, background of, or how the PWD Act became a law (i.e. its origin, formulation, drafting, passing and signing into law)</td>
</tr>
<tr>
<td>Recommendations</td>
<td>Refers to segments of text where participants say their final thoughts or make suggestions about the strategies or ways to improve implementation of the PWD Act</td>
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## Appendix Q

<table>
<thead>
<tr>
<th>Overarching Theme</th>
<th>Higher Order</th>
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<tr>
<td><strong>Policy Outputs</strong></td>
<td>Incomplete activities</td>
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<tr>
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<td>Unregulated compliance</td>
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<td>Inaction</td>
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<td>Special grant</td>
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<td>Stalemate</td>
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<td>Retrogression</td>
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<td><strong>Policy-oriented factors</strong></td>
<td>Legislative background</td>
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<td>Ownership</td>
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<td>Assignment of implementing agency</td>
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<td>Disincentive effect of policy redesign</td>
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<td><strong>Process-oriented factors</strong></td>
<td>Policy support</td>
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<td>Commitment of implementing officials</td>
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<td>Capacity of implementing institution</td>
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<td>Low prioritization</td>
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<td>Coordination</td>
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<td></td>
<td>Beneficiaries’ coalitions</td>
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<td>Window dressing</td>
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<tr>
<td><strong>Tractability</strong></td>
<td>Attitudes and beliefs</td>
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<td>Beneficiaries’ characteristics</td>
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<tr>
<td></td>
<td>Magnitude of expected behavior change</td>
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</tbody>
</table>
CITED LITERATURE


http://r4d.dfid.gov.uk/PDF/Outputs/ChronicPoverty_RC/LwangaNtaleMcCLean.pdf


# VITA

## Patrick Ojok

1640 West Roosevelt Road, Chicago, 60608, IL, USA  
Department of Disability and Human development  
University of Illinois at Chicago  
patriceojok@yahoo.com

## EMPLOYMENT AND TEACHING EXPERIENCE

<table>
<thead>
<tr>
<th>Position</th>
<th>Department</th>
<th>Institution</th>
<th>Dates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Teaching Assistant</td>
<td>Dept. of Disability and Human Development</td>
<td>University of Illinois at Chicago</td>
<td>Fall 2014 – Spring 2015</td>
</tr>
<tr>
<td>Graduate Research Assistant</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Americans with Disabilities Act (ADA) Systematic Review - Knowledge Translation Project</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dept. of Disability and Human Development</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>University of Illinois at Chicago</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lecturer</td>
<td>Department of Community and Disability Studies, Kyambogo University, Kampala, Uganda</td>
<td>June 2011 – Present</td>
<td></td>
</tr>
<tr>
<td>Lecturer and Head</td>
<td>Department of Special Needs Education</td>
<td>Kampala International University - Uganda</td>
<td>February 2009 – May, 2011</td>
</tr>
<tr>
<td>Special Education Tutor</td>
<td>Ministry of Education &amp; Sports, Kampala, Uganda</td>
<td>November 2005 – April, 2010</td>
<td></td>
</tr>
<tr>
<td>Deputy Head Teacher</td>
<td>School of War Affected Children</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gulu District Local Development - Uganda</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>January 2006 – August 2006</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Primary School Teacher</td>
<td>Kotido District Local Development, Uganda</td>
<td>May 1996 – December 2005</td>
<td></td>
</tr>
</tbody>
</table>
| EDUCATION | Doctor of Philosophy in Disability Studies, August, 2015  
                University of Illinois at Chicago  
                Chicago, Illinois  
                Dissertation Title: Implementation of the employment provisions of the Uganda Persons with Disabilities Act 2006  
                Master of Philosophy in Special Needs Education, June, 2008  
                University of Oslo, Oslo, Norway  
                Thesis Title: Inclusion of pupils with intellectual disabilities: A survey of primary school teachers’ attitudes and willingness, Abim District, Uganda  
                Bachelor of Education, major in special education, September, 2005  
                Kyambogo University, Kampala, Uganda  
                Ordinary Diploma in Special Education, September, 2001  
                Institute of Teacher Education Kyambogo, Kampala, Uganda |
| SCHOLARSHIPS AND AWARDS | 1. The Fulbright Junior Staff Development Program, August 2011 – August 2015  
                                  2. Chancellor’s Graduate Research Fellowship (University of Illinois, Chicago) – 2014/2015  
                                  3. *International disability justice.* Panel discussion for “DHD 501 Disability Studies I” in the Department of Disability and Human Development, University of Illinois at Chicago, October 2014  


### Peer reviewed Journal Articles


### Reports (non-refereed publications)


Accepted for Publication

<table>
<thead>
<tr>
<th>PROFESSIONAL MEMBERSHIP</th>
<th>Society for Disability Studies (SDA)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Uganda National Teachers’ Union</td>
</tr>
<tr>
<td></td>
<td>Kyambogo University Academic Staff Association (KYUASA)</td>
</tr>
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</table>