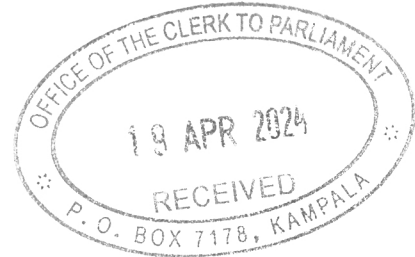


PARLIAMENT OF UGANDA



11TH PARLIAMENT

**REPORT OF THE COMMITTEE ON GENDER, LABOUR AND SOCIAL
DEVELOPMENT ON THE PERSONS WITH DISABILITIES AMENDMENT
BILL, 2024**

OFFICE OF THE CLERK TO PARLIAMENT

PARLIAMENT BUILDING

KAMPALA-UGANDA

APRIL 2024

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ABBREVIATIONS/ ACRONYMS

GoU	Government of Uganda
PwDs	Persons with Disabilities
MoGLSD	Ministry of Gender, Labour and Social Development
MOPS	Ministry of Public Service
NCPD	National Council for Persons with Disabilities
RAPEX	Rationalization of Agencies and Public Expenditure

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REPORT OF THE COMMITTEE ON GENDER, LABOUR AND SOCIAL DEVELOPMENT ON THE PERSONS WITH DISABILITIES AMENDMENT BILL, 2024

1.0 INTRODUCTION

The Persons with Disabilities Amendment Bill was read for the first time on 9th April 2024 and referred to the Committee on Gender, Labour and Social Development in accordance with Rule 129 (1) of the Rules of Procedure of Parliament.

The Committee considered the Bill and now reports

1.1 BACKGROUND TO THE BILL

In accordance with Article 32 of the Constitution of the Republic of Uganda, 1995 as amended, the Government of Uganda is committed to affirmative action in favor of marginalized groups on the basis of gender, age, disability or any other reason created by history, tradition or custom, for the purpose of redressing imbalances which exist against them. Thus, this provision caters for affirmative action for women, youth, children, the elderly and Persons with Disabilities. In addition, the Constitution points out that all persons are equal, regardless of sex, age, disability and status (Article 20), and prohibits discrimination on the basis of these distinctions (Article 21). The rights of persons with disabilities are guaranteed under Article 32 which provides for affirmative action for special interest groups on the basis of a disability. The primary law on affairs of persons with disabilities is the Persons with disabilities Act 2020 which also creates the Council for persons with disabilities.

The rationalisation of Government agencies policy seeks to mainstream the functions of the secretariat of the Council for persons with disabilities and those of secretariats of councils of other special interest groups into the

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Ministry of Gender, Labour and Social development, following a Cabinet decision of 22nd February 2021.

2.0 OBJECT OF THE BILL

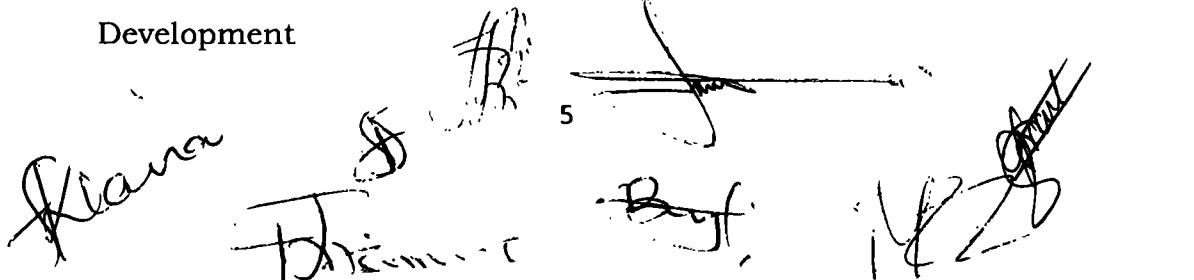
- (1) The main objective of this Bill is to give effect to the Government Policy for Rationalisation of Government Agencies and Public Expenditure adopted by Cabinet on 22nd February, 2021 and contained in Cabinet Minute No. 43 (CT 2021)
- (2) Without prejudice to the general effect of subsection (1), the following objectives shall be deemed to fall under the objective specified in that subsection-
 - (a) enable the mainstreaming of the functions of the secretariat of the Council for persons with disabilities into the Ministry of Gender, Labour and Social Development;
 - (b) the facilitation of efficient and effective service delivery by clearly delineating the mandates and functions of government agencies and departments and thereby avoiding duplication of mandates and functions;the promotion of coordinated administrative arrangements, policies and procedures.

3.0 METHODOLOGY

3.1 Meetings and Written Submissions

The Committee met with and received written memoranda from the following:

1. The Hon. Minister – Ministry of Public Service
2. The Hon. Minister – Ministry of Gender, Labour and Social Development

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3. National Council for Persons with Disabilities (NCPD)

3.2 Documents reviewed

The Committee made reference to the following documents:

1. The Constitution of the Republic of Uganda
2. The Report of the Adhoc Committee on the February 2021 Cabinet Decision to rationalize Government Agencies
3. The following Acts of Parliament
 - a) The Persons with Disabilities Act 2020
4. The Ministry of Public Service – Uganda, Rationalization of Agencies and Public Expenditure (RAPEX) – Progress of Implementation

4.0 RATIONALE FOR THE MERGERS

Government has put forward the following arguments to justify the rationalisation of Government Agencies including;

- The rapid expansion of Government Agencies in Uganda has resulted in a number of problems, including unclear jurisdiction, excessive expenditure of the National Treasury at the expense of efficient service delivery, overstretching of the Government's ability to support Agencies, and salary differences between Agency employees and traditional Civil Servants. These issues have also led to the wastage of resources that could have been used to fund other vital public services like health, education, and infrastructure development.
- According to Government, the Councils under the Social Development Sector carry out similar mandates and therefore their administrative structures should be merged into one unit, the **National Secretariat for Special Interest Groups.**

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5.0 IMPLICATIONS OF RATIONALISATION IN LIGHT OF AFFIRMATIVE ACTION

During the interaction with the Councils whose secretariats are set to be merged, the Committee was informed that the proposed rationalisation of the Social Development Sector could have the following negative implications;

Negative effect on Affirmative Action: Affirmative action involves complex measures in favour of marginalized groups in order to redress imbalances, which may take years to impact society. Representatives of the different Councils noted that Uganda had been making progress in this area, but challenges remain. They argue that merging the Secretariats of the Councils could reverse the progress and affect the country's international credibility in achievements towards equality of persons.

Moreover, Uganda's notable progress in its affirmative action measures has made the country a leading example for other countries to benchmark on best practices.

- i. **Generalization of gender issues:** Stakeholders contend that merging Secretariats will lose the unique aspects of each Council, leading to some issues being neglected or forgotten. Unique funding needs could also be ignored or undermined under this arrangement, for example, the multiple types of disability with their need for unique assistive devices might be lost. Treating the issues of the different groups as homogeneous impacts on the human rights of the affected persons and is a backlash on affirmative action.
- ii. **Potential effect on compliance to international instruments:** The Social Sector Council Secretariats work towards implementation of various human rights instruments that Government is signatory to, which work may be compromised by the merger. These include the

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United Nations Sustainable Development Goals (Agenda 2063); the Convention on the Elimination of all forms of Discrimination Against Women; the International Covenant on Civil and Political Rights; International Covenant on Economic, Social and Cultural Rights; and Convention on the Rights of Persons with Disability.

- iii. **Loss of jobs and further marginalization:** The Bill, in the relevant clauses, states that staff of the Councils may be redeployed subject to availability of positions. This implies that some people may lose their jobs if no positions are available, hence further marginalizing persons of those groups currently employed.

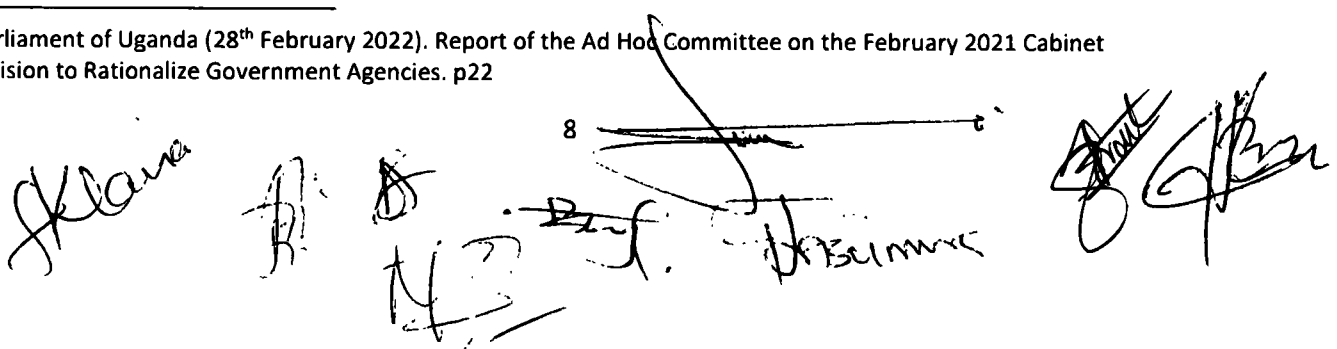
The Committee notes that the transitional process of the employees who may lose jobs is unclear and non-committal.

- iv. **Potential loss of specialised skills:** The Parliament Ad Hoc Committee on Rationalisation in its 2022 report noted the potential to lose specialised skills and labour, as personnel could opt out of the merged institutions and join the private sector¹. For the Social Development Sector, the skills are key in monitoring the status on equality of persons, which helps in reporting to the national, regional and international bodies on these indicators. Government could lose experienced staff to local and international NGOs, thus affecting overall efficiency of the Social Development Sector.

- v. **Potential lapse on social development:** The Sector exists primarily for promotion of social development of Uganda's people, and the current structure tries to ensure inclusivity in the planning for all Ugandans. Disrupting the structure could affect the country's Social Development Goals, especially for the most vulnerable. Persons with Disability, women, youth, and the elderly are still discriminated against, they are still underfunded and still have fewer opportunities for school, work and social protection. The Councils and their Secretariats help government to

¹Parliament of Uganda (28th February 2022). Report of the Ad Hoc Committee on the February 2021 Cabinet Decision to Rationalize Government Agencies. p22

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track, monitor and guide on the interventions necessary to redress these social imbalances.

6.0 COMMITTEE OBSERVATIONS AND RECOMMENDATIONS

The Committee makes the following observations and recommendations

1. Inadequate consultation of stake holders

The National Council for Persons with Disabilities who are key stakeholders were not consulted on the rationalization process although the Commissioner Equity and Compliance represented MoGLSD on the working group.

Recommendation

The Ministry of Public Service should in future carry out adequate consultation with all the relevant stakeholders especially with the implementing structures prior to formulation of Bills.

2. Abolition of Section 30 of the PwDs Act 2020

Clause 9 of the Bill also intends to abolish Section 30 of the Persons with Disabilities Act 2020 which establishes District Councils for PwDs and therefore removing the grassroot structures for monitoring and mobilizing PwDs to effectively participate in the implementation of government programs.

Recommendation

The District Councils for PwDs should be reinstated since they form part of the policy making organs of the Council.

3. Loss of expertise of technical officers

The country will lose out on highly experienced technical officers because the bill does not guarantee that they will be re-deployed in the National Secretariat.

Recommendation

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Government should give priority to technical experts and the highly skilled while staffing the National Secretariat so that Government does not lose on the return on investments.

4. Transitional Process

The transitional process on redeployment, transfer of assets and liabilities and pre- recruitment/ pre- exit engagements is unclear.

Recommendation

A transitional clause should be established in the bill.

7.0 CONCLUSION

The Committee associates itself with the findings of the Ad hoc Committee which was instituted to consider the rationalization of Government Agencies, that the Secretariats of Councils should not be rationalized, since the special interest groups are already marginalized. However, in the event of Rationalisation of the Social Development Sector, it is important to minimize the adverse consequences that may affect Special interest groups. It is also important to be mindful of the core factors for which Parliament established the Councils for Special Interest Groups.

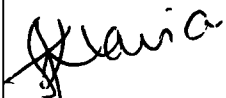
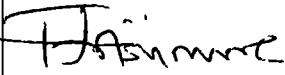

The Committee therefore prays that the Country's milestones in affirmative action and protection for marginalized groups and that include the persons with disabilities should be prioritized by government through strengthening the Councils for Special Interest Groups, increasing funding and adequately staffing the National Secretariat for Special Interest groups that is being created under the Act.


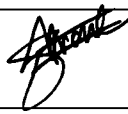
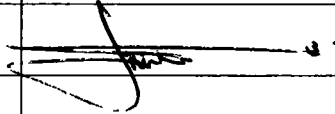
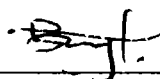

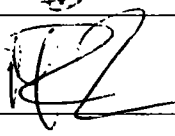
Rt. Hon Speaker, I beg to move that the Committee report be adopted

I beg to move.

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**MEMBERS OF THE COMMITTEE ON GENDER, LABOUR AND
SOCIAL DEVELOPMENT**

NO.	NAME	CONSTITUENCY	PARTY	SIGNATURE
1	Hon. Kabahenda Flavia Rwabuhoro C/P	DWR Kyegegwa	NRM	
2	Hon. Sarah Najjuma D/CP	DWR Nakaseke	NRM	
3.	Hon. Waako Peggy Joy	OPs National	NRM	
4.	Hon. Kitanywa Sowedi	Busongora North	NRM	
5.	Hon. Dr. Asimwe Florence Akiiki	DWR Masindi	NRM	
6.	Hon. Bakkabulindi Charles	Workers Rep	NRM	
7.	Hon. Arinaitwe Rwakajara	Workers Rep	NRM	
8.	Hon. Afoyochan Esther	DWR Zombo	NRM	
9.	Hon. Natumanya Flora	DWR Kikube	NRM	
10	Hon. Kunihira Faith Philo	DWR Kyenjojo	NRM	
9.	Hon. Kamara John Nizeyimana	Bufumbira North	NRM	
10	Hon. Chemonges William	Kween County	NRM	
12	Hon. Chemutai Phyllis	Kapchorwa	NRM	

13	Hon. Wokorach Simon	Aswa	NRM	
14	Hon. Taban Sharifah Aate	DWR Koboko	NRM	
15	Hon. Atwakire Catherine Ndamira	DWR Kabale	NRM	
16	Hon. Alioni Yorke Odria	Aringa South	NRM	
17.	Hon. Nyakikongoro Rosemary	DWR Sheema	NRM	
	Hon. Lochap Peterkhen	Bokora East	NRM	
19	Hon. Chemonges William	Kween County	NRM	
20	Hon. Kabuye Frank	Kassanda South	NUP	
21	Hon. Kiyaga Hillary	Mawokota North	NUP	
22	Hon. Mayanja Allan	Nakaseke Central	NUP	
23	Hon. Nantongo Fortunate Rose	DWR Kyotera	NUP	
24	Hon. Businge Joab	Masindi Municipality	FDC	
25	Hon. Muhindo Harold	Bukonzo East County	FDC	
26	Hon. Abeja Susan Jolly		INDEP	
27	Hon. Rwabushaija Margaret Namubiru	Workers	INDEP.	
28	Hon. Kayanga Baroda	DWR Iganga	INDEP	

**PROPOSED AMENDMENTS TO THE PERSONS WITH DISABILITIES
(AMENDMENT) BILL 2024**

INSERTION OF NEW CLAUSE

The bill is amended by inserting new clause immediately before Clause 1 as follows-

“Commencement

This Act shall come into force on a date appointed by the Minister by statutory instrument.”

Justification

- To give room for the process of rationalization to take effect.

CLAUSE 5: SUBSTITUTION SECTION 26 OF PRINCIPAL ACT

For Clause 5 there is substituted the following-

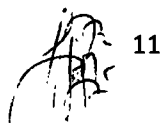
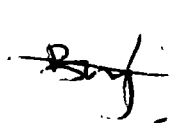
Clause 5 of the bill is amended by substituting for the proposed section 26 the following-

“11. Secretariat

The secretariat of the council for Persons with Disabilities shall be the National Secretariat for Special Interest Groups created under section 5 the National Women’s Council (Amendment) Act 2024.”

Justification

- To give effect to the process of rationalisation of Government agencies by merging the secretariats of all special interest groups into one secretariat.
- To ensure that all the Councils for special interest groups are given a fair opportunity to participate in the recruitment of the staff who are to assist the councils in fulfilling their mandates under their respective laws.

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- To ensure that Councils don't lose their autonomous status guaranteed under the respective laws.
- The proposal is in line with the spirit of the Ad hoc committee of Parliament which noted that merging the agencies in the social development sector would diminish the visibility of the unique challenges of the different special interest groups and so it is important that the councils are ably represented in the decision on the composition of the National Secretariat for special interest groups.
- To give clarity on the mandate of the National Secretariat for special interest groups.

CLAUSE 9: REPEAL OF SECTION 30 OF PRINCIPAL ACT

Delete Clause 9

Justification

- The amendment to dissolve councils for persons with disabilities was erroneously made and not intended to be an object of the Bill.
- Whereas the rationalization policy seeks to merge the secretariats of the councils of special interest groups into one secretariat, it does not intend to abolish the councils whose mandate is representation of marginalised groups of people in our society that include persons with disabilities.

CLAUSE 10: SAVINGS

Clause 10 is amended in subsection (2) by substituting for the word, “may” the word, “shall” and the words “public service” for the words, “National Secretariat for special interest groups.”

Justification

- To guarantee employment for staff that are already serving the respective Councils given the fact that with the merging of the secretariats of the Councils into one, there will still be an opportunity of the current staff to be absorbed.
- To harness and capitalize on the already existing expertise and experience in serving Councils for special interest groups.

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