

The Right to Education

A. Legal and Policy Framework:

1. Uganda has ratified a number of treaties enshrining the right to education. i Domestically, it has a strong legal and policy framework on the right to education. The right to education is enshrined in the Constitution. Article 30 guarantees all persons the right to education and article 34(2) enshrines the child's right to basic education.
2. The National Objective and Directive Principle of State Policy XVIII Educational Objectives obligate the State to provide free and compulsory basic education and to take measures to ensure every citizen can attain the highest standard of education possible.
3. The Education Act implements the Constitutional provisions on the right to education and Uganda has passed a number of policies to ensure this right is recognized. The National Development Plan II, 2015/16-2019/20, Vision 2040 and the Education Sector strategic investment plan (2007/2015) forms the foundation.
4. **We recommend for a timely review of government policies and plans as stipulated to be done at the end of five years to ensure efficiency.**

B. Inadequate Education Financing:

5. In 2011, Uganda was urged to “increase public expenditure on education and undertake additional efforts to improve the functioning of the education system in order to ensure quality education for all children.”
6. While the budgetary allocation to the education sector seems to be increasing in nominal terms, the inflation rate and the incremental enrolment rates due to high population growth are taken into account.
7. The budgetary allocation to the education sector has actually been declining in real terms from 16.85% to 13.65% over the last four financial years.
8. Low government investment in education has a retrogressive effect on the right to education and in particular affects the quality of education.
9. **We recommend for an increase in budget allocation. The government should progressively increase financial investment in the public education sector to the minimum international target of 6% of GDP or allocate 20% of the budget to education.**

C. Poor Quality of Education

10. In 2011, the government was urged to “reinforce the development policy on primary education,” to “ensure access to education for all and to improve the education standards to lay a firm foundation for its economic development.” Four and a half years later, the quality of education remains low.
11. Although the government is implementing Universal Primary Education (1997) and Universal Secondary Education (2007), the quality of education in government institutions is poor (NAPE report 2014), (Uwezo Report 2014). 12. There is a high rate of teacher absenteeism and a high student teacher ratio(Education, Science, Technology and Sports sector Annual Performance Report FY2014/15). For example in the lower primary, iv each class is taught by only one teacher for all the learning areas yet the numbers per classroom are overwhelming with a 1:65 teacher-pupil ratio. The curriculum taught is predominantly theoretical

13. Learning assessment done by Twaweza Uwezo report 2014 reveal that few students have mastered basic literacy skills. For instance, in Primary 3 only one out of ten students have Primary 2 level literacy and numeracy skills and by the time they reach Primary 7, two out of ten children have not mastered basic skills, this brings about regional disparities in the quality of education. **14.** Children in Central and Western regions of Uganda consistently outperform children in Eastern and Northern regions. If Uganda is to achieve sustainable development through Education, it needs to take measures to ensure the quality of the education system. **15. We recommend for a review of UPE guidelines, policy on automatic promotion and instituting a reward mechanism for the best performers and a punitive measure for those found culpable. Government should design and implement a plan of action for improving the quality of public education in Uganda including reassessing learning outcomes.**

D. The Role of Private Actors

16. Amidst declining state investment in public education and inadequacies in the public education system, the number of private actors providing education has increased. According to a survey conducted by Initiative for Social and Economic Rights (ISER) in August 2014 on privatization in education in Uganda, every parent whose children attended private primary schools indicated that they were forced to resort to that option due to the various inadequacies in the public education system or because of the absence of a public school in their area.

17. As a result, private education is no longer merely a choice but is sometimes the only option.

18. Most parents cannot afford private schools.

19. While there has been a growth in low fee private schools, the Initiative for Social Economic Rights has found out that even these schools charge fees including school development fees, scholastic material, school uniforms and examination fees that place them out of reach for students from poor families. Rather than complement state funded education systems, expanding privatisation of education, as it increasingly becomes the only viable alternative (**for quality basic education**), may increase school dropout rates because of the high costs of tuition and other fees.

20. Unmonitored and unregulated expansion of private sector provision of education hinders the realization of the right to education in Uganda and disproportionately affects the availability and accessibility of education for children from poor families.

21. While international human rights law recognises the freedom to establish private educational institutions and the Uganda constitution 1995 in the National Objectives and Directives Principles of State Policy XVIII (iii), these institutions are not meant to supplant the state's obligation to provide the right to education but rather to complement.

22. Moreover, the State has an obligation to regulate private providers, monitor and evaluate their compliance with educational outcomes, ensure they meet the minimum education standards set by the State and enforce compliance where necessary to ensure they do not violate the rights of the child as stipulated in the BRMS (Basic Requirements and Minimum Standards guidelines).

23. Recommendation: Government should take all necessary measures to regulate private Educational institutions in the sector by monitoring their compliance with education standards and reviewing and amending if necessary any laws and policies governing private education providers.

Reference:

i Article 26 of the Universal Declaration of Human Rights; article 5 of the UNESCO Convention against Discrimination in Education; articles 13 & 14 of the International Covenant on Economic, Social and Cultural Rights (ICESCR); articles 28 & 29 of the Convention on the Rights of the Child (CRC); article 10 of the Convention on the Elimination of All forms of Discrimination against Women; article 17 of the African Charter on Human and Peoples' Rights; article 11 of the African Charter on the Rights and Welfare of the Child.

ii The National Objective and Directive Principle of State Policy XVIII Educational Objectives provides that: "(i) the State shall promote free and compulsory basic education; (ii) the State shall take appropriate measures to afford every citizen equal opportunity to attain the highest educational standard possible; (iii) individuals, religious bodies and other nongovernmental organisations shall be free to found and operate educational institutions if they comply with the general educational policy of the country and maintain national standards."

iii It was 16.85% in fiscal year 2010/11, 15% in 2011/12, 14.61% in 2012/13 and 13.65% in 2013/14. iv Primary one to primary three.

v. Initiative for Social, Economic Rights & The Global Initiative for Economic, Social and Cultural Rights, *Privatisation, Discrimination and the Right to Education in Uganda*

http://www.iseruganda.org/images/downloads/privatisation_discrimination_and_right_to_education.pdf

vi Respondents were selected by random sampling at churches or mosques and schools, as well as the researchers' neighborhoods and comprised of parents with children in both low-fee and middle-class private schools in central Uganda. 76 out of the 100 respondents had children in private schools.

vii See article 11 (4) of the African Charter on the Rights and Welfare of the Child (ACRWC), and article 13 (3) of the International Covenant on Economic, Social and Cultural Rights (ICESCR).

viii See, e.g., Article 13 of the International Covenant on Economic Social and Cultural Rights; see also article 29 of the International Covenant on the Rights of the Child which emphasises that private educational institutions should be allowed, but these institutions must be:

"subject always to the observance of the principle set forth in paragraph 1 of the present article [on the aim of education] and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State".

24. A modified model that entails both formative and summative assessment would reflect that learning is a journey and also that results closet to the end when well designed reveal an accurate final achievement.

25. Formative assessment – and Continuous assessment for learning should be used at the beginning of learning and during the process of learning to inform the teacher of the learner's understanding.

26. We recommend for a balanced and relevant assessment that clearly stipulates allocative percentages in terms of diagnostic, formative, summative, and continuous assessment of learners at all levels.

27. Evidence from Uwezo annual learning assessments for Uganda reveal that over the years, many children are schooling, but only few are learning. In Primary 3 only one out of ten have Primary 2 level literacy and numeracy skills and even by the time they reach Primary 7, two out of ten children have not mastered these skills. Moreover, across the country there are harsh regional variations. Children in Central and Western regions consistently outperform children in Eastern and Northern regions.

28. We recommend for increased inspection at all levels and ensuring that schools are inspect three times a year but not once a year as it is the case now.

Report compiled by:

COUPSTA *Coalition of Uganda Private School Teachers Association*

ISER *Initiative for Social & Economic Rights*

HURINET-U *Human Rights Network Uganda*

FENU *Forum for Education NGOs in Uganda*

TWAWEZA/ UWEZO,

BRIDGE BUILDERS

WEGCDA *Women and Girl Child Development Association*

PENAM