

Universal Periodic Review
(26th session, October-November 2016)
Contribution of UNESCO to Compilation of UN information
(to Part I. A. and to Part III - F, J, K, and P)

Uganda

I. BACKGROUND AND FRAMEWORK

Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO

I.1. Table:

<i>Title</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education (1960)	State party to this Convention (1968)	<i>Reservations to this Convention shall not be permitted</i>		Right to education
Convention on Technical and Vocational Education. (1989)	Not state party to this Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	20/11/1987 Acceptance	NA	N/A	Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	13/05/2009 Ratification	NA	N/A	Right to take part in cultural life
Convention on the Protection and		NA		

Promotion of the Diversity of Cultural Expressions (2005)	08/04/2015 Ratification		N/A	Right to take part in cultural life
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II. INPUT TO PART III. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS, TAKING INTO ACCOUNT APPLICABLE INTERNATIONAL HUMANITARIAN LAW TO ITEMS F, J, K, AND P

Right to education

1. NORMATIVE FRAMEWORK

1.1. Constitutional Framework

1. The Constitution of Uganda of 1995 (as last amended in 2005)¹ enshrines the right to education in its **Article 30** by providing that “All persons have a right to education.”
2. According to **Article 34**, “[...] (2) A child is entitled to basic education which shall be the responsibility of the State and the parents of the child [...]”; (3) No child shall be deprived by any person of [...] education [...] by reason of religious or other beliefs; (4) Children are entitled to be protected from social or economic exploitation and shall not be employed in or required to perform work that is likely to be hazardous or to interfere with their education or to be harmful to their health or physical, mental, spiritual, moral or social development. [...]; (7) The law shall accord special protection to orphans and other vulnerable children.”
3. Besides, according to **Paragraph XIV on General social and economic objectives**², “The State shall endeavour to fulfil the fundamental rights of all Ugandans to social justice and economic development and shall, in particular, ensure that— [...] (b) all Ugandans enjoy rights and opportunities and access to education...”
4. Moreover, **Paragraph XVIII on Educational objectives** sets out 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.”

¹ The Constitution of Uganda of 1995 (as last amended in 2005) accessible at:

<http://www.unesco.org/education/edurights/media/docs/5224a98e7cea9daa1e5e984d6a3b1bed47ed922c.pdf>

² The objectives and principles written down in the Constitution “shall guide all organs and agencies of the State, all citizens, organisations and other bodies and persons in applying the Constitution and any other law and policy decisions” (Paragraph I).

5. Concerning language of instruction, **Article 6** provides that “(1) The official language of Uganda is English; (2) Swahili shall be the second official language in Uganda to be used in such circumstances as Parliament may by law prescribe; (3) Subject to this Article, any other language may be used as a medium of instruction in schools or other educational institutions or for legislative, administrative or judicial purposes as Parliament may by law prescribe.”
6. Moreover, concerning children with special needs, **Article 35** provides that “(1) Persons with disabilities have a right to respect and human dignity, and the State and society shall take appropriate measures to ensure that they realise their full mental and physical potential; (2) Parliament shall enact laws appropriate for the protection of persons with disabilities.”
7. **Article 21** also stipulates that “(1) All persons are equal before and under the law in all spheres of political, economic, social and cultural life and in every other respect and shall enjoy equal protection of the law; (2) Without prejudice to clause (1) of this article, a person shall not be discriminated against on the ground of sex, race, colour, ethnic origin, tribe, birth, creed or religion, social or economic standing, political opinion or disability. [...]; (4) Nothing in this article shall prevent Parliament from enacting laws that are necessary for— (a) implementing policies and programmes aimed at redressing social, economic, educational or other imbalance in society [...].”
8. Regarding affirmative action, **Article 32** provides: “(1) Notwithstanding anything in this Constitution, the State shall take affirmative action in favour of groups marginalised 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; (2) Laws, cultures, customs and traditions which are against the dignity, welfare or interest of women or any other marginalised group to which clause (1) relates or which undermine their status, are prohibited by this Constitution; (3) There shall be a commission called the Equal Opportunities Commission whose composition and functions shall be determined by an Act of Parliament; (4) The Equal Opportunities Commission shall be established within one year after the coming into force of the Constitution (Amendment) Act, 2005; (5) Parliament shall make laws for the purpose of giving full effect to this article.”
9. Finally, concerning Human Rights Education, **Articles 52** provides that the Uganda Human Rights Commission shall “[...] (c) establish a continuing programme of research, education and information to enhance respect of human rights [...]”.
10. According to the **Schedules** of the Constitution: “The *Government* is responsible for education policy (Sixth Schedule, Part 1) (...); A regional government is responsible for secondary education and tertiary institutions except national universities and other national institutions. (Fifth Schedule, Paragraph 9 (a)) (...); *District councils* are responsible, subject for education services, which cover nursery, primary, secondary, trade, special education and technical education; promoting schemes of education; (Sixth Schedule, Part 2) (...); *Urban councils* are responsible for education services which cover primary and secondary schools, special education, trade and technical schools. Sixth Schedule, Part 3) (...); *District councils* and *urban councils* are also responsible for aiding and supporting the establishment an maintenance of schools and providing bursaries to assist in the education of children of persons residing in the district or in the area of jurisdiction; providing and managing sporting and recreational facilities and programmes of informal education for both adults and young people, including the running or provision of community centres. (Sixth

Schedule, Part 2 and 3) (...); Provision of nursery, primary education and adult education are devolved by a district council to lower *local government councils*. (Sixth Schedule, Part 4) (...); Health education, AIDS education, primary and nursery education, monitoring the utilisation of grants to schools are devolved by a city or municipal council to *divisions*. (Sixth Schedule, Part 5)”³

1.2. Legislative Framework

11. **The Education (pre-primary, primary and post-primary) Act of 2008**⁴ is “An Act to amend, consolidate and stream line the existing law relating to the development and regulation of education and training, to repeal the Education Act and to provide for other related matters”.⁵

12. According to **Article 1**, “The objectives of the Act are—

- i. to give full effect to education policy of Government and functions and services by Government;
- ii. to give full effect to the decentralization of education services;
- iii. to give full effect to the Universal Primary Education Policy of Government;
- iv. to give full effect to the Universal Post Primary Education and Training Policy of Government;
- v. to promote partnership with the various stakeholders in providing education services;
- vi. to promote quality control of education and training
- vii. to promote physical education and sports in school.”

13. According to **Article 10 (3)** “(a) primary education shall be universal and compulsory for pupils aged 6 (six) years and above which shall last seven years; [...]”

14. The **Universities and other tertiary institutions Act of 2001**⁶ provides in **Section 28** on Admission to a Public University that: “(1) Admission to a Public University shall be open to all qualified citizens of Uganda and without discrimination; (2) It shall be lawful for the Public University to admit to the University any person qualified for admission who is not a citizen of Uganda; (3) The Admission Committee of a Public University shall take into consideration affirmative action in favour of marginalised groups on the basis of gender, disability and disadvantaged schools. [...]”

³ The Constitution of Uganda of 1995 (as last amended in 2005) p. 121 to 127 available at:

<http://www.unesco.org/education/edurights/media/docs/5d1b721a509097c2833561341ead3d788906cf4a.pdf>

⁴ <http://www.unesco.org/education/edurights/media/docs/5d1b721a509097c2833561341ead3d788906cf4a.pdf>

⁵ Education (pre-primary, primary and post-primary) Act of 2008, p. 4, accessible at:

<http://www.unesco.org/education/edurights/media/docs/5d1b721a509097c2833561341ead3d788906cf4a.pdf>

⁶ <http://www.unesco.org/education/edurights/media/docs/6b15d8613dfaad14c90bff6406f8df0bc93ed3c9.pdf>

15. **Circular No. 2/2015 (August 2015) “ban on all acts of violence against children in schools, institutes and colleges”.**⁷ “1. The Ministry of Education, Science, Technology and Sports has noted with great concern the increasing acts of violence against children/learners in schools, particularly bullying, administration of corporal punishment (caning), sexual abuse such as defilement and rape, use of and distribution of pornographic materials, sexual harassment, emotional violence, neglect and negligent treatment. 2. Violence against children/learners undermines the security and safety of children in schools, inflicts pain and fear among children in schools, reduces children's retention and performance in schools, undermines their right to education, right to protection and a right to development. 3. The Government of Uganda through the 1995 Constitution Article 24, the Children Act Cap 59 (2008), the Penal Code (Amendment) Act 8 (2007), the Domestic Violence Act (2010), Employment Act (2006) outlaws acts of violence against children in schools.
16. **Paragraph 4** of the Circular contains the term of the prohibition as well as the definition of corporal punishment: “The following measures must be observed by all the educational institutions, whether government aided, community or private. **a)** All acts of violence against children/learners i.e. corporal punishment, bullying, neglect and negligent treatment such as failure to meet the children/learners physical needs like food, water, menstrual hygiene related needs for girls; sexual abuse such as defilement and rape, speaking to children in a sexual manner, making marriage proposals to learners, fondling/touching in a sexual manner, subjecting learners to watch sexual scenes, audio and print materials of sexual nature; drug abuse; emotional violence; school fires among others must stop forthwith. **b)** Teachers/Instructors/Tutors should utilise their privileged relationship with children/learners to detect children at risk of violence, take measures to support children/learners to open up and report such cases to the Senior Woman/Man Teacher/Instructor/Tutor for guidance and counseling and any other support that can help prevent the cycle of violence. **c)** Schools/Colleges/Institutes should assign the Senior Woman/Man Teachers/Instructor/ Tutor or School/College Counselor the role of the Violence Against Children in Schools (VACiS) Coordinator and put in place appropriate and child friendly communication mechanisms such as suggestion boxes, toll free telephone services/contacts to encourage children/learners report cases of violence in schools/colleges/institutes freely and confidentially. **d)** The Head teacher/Principal with the support of the Senior Woman/Man Teacher/Instructor/Tutor should record, report and follow-up all acts of violence against children encountered in schools/Institutes and colleges with other relevant actors (...).”

1.3. Institutional Framework

17. “Up to until 2008, the **Poverty Eradication Action Plan (PEAP)** was the overarching planning framework for the country and unimpressive growth averaging over 7% was attained. In 2009, the **National Development Plan (NDP 2010/’11-2014/’15)**, and **Uganda Vision 2040** took over and are currently the overarching planning frameworks for Uganda. As Well as under PEAP, the Education and Sports sector constituted a key sector under pillar 5 which addresses the challenge of human development in the country. In the same

⁷ Circular No. 2/2015 accessible at:

<http://www.unesco.org/education/edurights/media/docs/a0b0029cfacac682723492b1679f7bd2dc6c767c.pdf>

vein, **NDP (2010/’11-2014/’15)** also underscore the importance of education in the development of human resources need to transform the economy. This is articulated in its Vision to “be knowledge based, informed and skilled” [8] It also lays emphasis on education as a basis for human resource development, lifelong education and promotion of science and technology.”⁹

18. “At the Education and Sports sector level, the **Sector Wide Approach (SWAp)** still provides a framework for planning and financing since **1999**. It promotes a holistic and forward approach to planning Education and Sports services delivery by integrating all sector activities into one common, fully costed programme. It has also enhanced government ownership of sector priorities; promoted the participation of all the key stakeholders in decision making; institutionalized public-private sector partnerships and created a mechanism for effective coordination of external aid to the education sector. The integration of all Education and Sports activities into mainstream structures and processes of the MoES created a basis for their long term sustainability as well as implementation of EFA goals.”¹⁰
19. There are sub sectorial specific policy plans: **Business, Technical and Vocational Education and Training (BTJET), Strategic Plan 2011-2020, and Strategic Plan for Secondary Education in Uganda (2009-2018)**.

1.4. Policy Framework

i) General information

20. The basic objectives of the education sector are derived from the [**Education Sector Strategic Plan**] (**ESSP**) (2004-2015)¹¹ framework that forms the basis for planning and investment over the medium term. The **ESSP** policies and strategies are consistent with broader national policies as spelt out in the **Government White Paper on Education** (1992), **Uganda Vision 2025** and the [**Poverty Eradication Action Plan**] **PEAP (2003)**.¹²
21. The **National development plan (2010/11 – 2014/15)** was launched in April 2010.¹³

⁸ The National Development Plan (2010/11-2014/15) accessible at:

http://planipolis.iiep.unesco.org/upload/Uganda/Uganda_NDP_April_2010.pdf

⁹ Education For All 2015 National Review Uganda p. 10/11 Accessible at :

<http://unesdoc.unesco.org/images/0023/002317/231727e.pdf>

¹⁰ Education For All 2015 National Review Uganda p. 12 Accessible at :

<http://unesdoc.unesco.org/images/0023/002317/231727e.pdf>

¹¹ Education Sector Strategic Plan (ESSP) (2004-2015), available online at:

http://planipolis.iiep.unesco.org/upload/Uganda/Uganda_ESSP_2004_2015.pdf (Accessed 27 February 2014)

¹² Uganda Country Status Report on Progress towards Achievement of the Dakar 2000 EFA Goals, UNESCO Nairobi Cluster EFA Coordinators’ Consultation, Nairobi, Kenya, 2006, p. 19, accessible at:

http://planipolis.iiep.unesco.org/upload/Uganda/UGANDA_Progress_EFA_2006.pdf (Accessed 27 February 2014)

¹³ National development plan (2010/11 – 2014/15), accessible at:

http://planipolis.iiep.unesco.org/upload/Uganda/Uganda_NDP_April_2010.pdf

22. The implementation of EFA Goal 2 was supported by many national plans. Among these national plans are included; the **Poverty Eradication Action Plan (PEAP-1&2)**; **Education Investment Plan (ESIP, 1998-2003)** and its successor **Education and Sports Sector Strategic Plan (ESSP, 2004-2015)**, and the **Strategic Plan for Universal Secondary Education in Uganda (2009-2018)**.¹⁴

ii) Inclusive Education

23. “Conflict has made it more difficult to attract teachers to the north. For example, in late 2006, 500 teaching positions were advertised in Kitgum, but only 180 viable applications were received. High rates of teacher absenteeism reflect underlying problems. Many schools lack teacher housing, so teachers have to commute long distances, sometimes along insecure routes. Teacher income also tends to be far lower than in more prosperous areas, partly because poverty reduces the supplements households pay. The fragile peace in the north gives the government and donors an opportunity to support an ‘education catch-up’. Seizing the opportunity may require a review of public financing. Mapping of educational disadvantage highlights the special needs of the north, but on a per capita basis the area receives roughly the same in government transfers as the rest of the country. There is a strong case for preferential financing for this disadvantaged area.”¹⁵
24. “Uganda have some of the worst inequality in access by wealth”¹⁶ in pre-primary schooling.
25. “Uganda has been particularly successful [in eliminating school fee and thus increasing enrolment of disadvantaged groups] : studies found that fee abolition for primary education reduced delayed entry into schooling, incentivized enrolment and reduced dropout, particularly for girls and for children in rural areas (Deininger, 2003; Grogan, 2009; Nishimura et al., 2009). »¹⁷

iii) Teachers

26. The share of female teachers in urban primary schools is about 60%, compared with 15% to 35% in rural areas.¹⁸
27. A recent study on teacher attrition found housing to be a key factor in assuring retention, especially in rural areas. The government responded by allocating a grant for the construction of teacher housing in 2005.¹⁹
28. “A 2011 survey of schools in Uganda found that, on average, 21% of head teachers were absent on the day the schools were visited.”²⁰

¹⁴ EFA National Review of Uganda 2015 p. 38 accessible at: <http://unesdoc.unesco.org/images/0023/002317/231727e.pdf>

¹⁵ EFA Global Monitoring Report 2010, p. 147, accessible at : <http://unesdoc.unesco.org/images/0018/001866/186606e.pdf>

¹⁶ GMR 2015 (2000-2015) p.59

¹⁷ EFA GMR 2015 (2000-2015) p. 88 <http://unesdoc.unesco.org/images/0023/002322/232205e.pdf>

¹⁸ EFA Global Monitoring Report 2010, p. 116, accessible at : <http://unesdoc.unesco.org/images/0018/001866/186606e.pdf>

¹⁹ EFA Global Monitoring Report 2010, p. 198, accessible at : <http://unesdoc.unesco.org/images/0018/001866/186606e.pdf>

²⁰ EFA GMR 2013-2014, p 31 <http://unesdoc.unesco.org/images/0022/002256/225660e.pdf>

29. Training for non-formal education teachers is included in 11 of the 40 plans. Uganda emphasizes working with NGO providers to expand primary education to disadvantaged rural and urban areas, including by training teachers in these schools and developing a costed plan to fund their salaries through the government payroll.”²¹
30. “Estimates for 21 countries for 2004–2011 indicate that the teacher absenteeism rate in primary education exceeded 20% in (...) Uganda (Patrinos, 2013). (...)In Uganda, with primary teacher absenteeism of 27%, many teachers who were in the classroom were not actually teaching (Chaudhury et al., 2006).”²²

iv) Quality education

31. At the pre-primary and primary level, emphasis was put on recruitment of teachers to implement the new teacher allocation formula of one teacher per class with emphasis on gender-balance (MPS: 2012/13; 2). Other issues emphasized to improve the quality of education included improving the quality of the learning environment; Quality of curricula and their content; Quality of the teaching/learning process; Quality of learning achievements, Quality of instructional materials and Teacher recruitment.”²³
32. “Early childhood teachers and carers play a crucial role in preparing children for school and supporting their social, emotional and cognitive development. The quality of care and teaching depends critically on the pupil/teacher ratio, teacher training and the creation of an active learning environment [...]. Many countries do not meet minimum standards of quality, however. In Uganda [and other countries], for example, the pre-primary pupil/teacher ratio was 40:1 or higher in 2007. [...]
33. National average pupil/teacher ratios can conceal large disparities. A recent review of teacher deployment patterns examined differences across regions in ten countries in sub-Saharan Africa [...]. In some countries the ratios vary by a factor of three. While low ratios are often found in rural areas with highly dispersed populations, high ratios tend to be concentrated in areas marked by poverty and acute disadvantage. In Uganda, northern regions affected by conflict were marked by pupil/teacher ratios in excess of 90:1 –nearly double the national average [...].”²⁴
34. “**Strategic Plan for Secondary Education in Uganda (2009-2018)**: Objective 2 of the Strategic Plan for USE is to improve the **quality** and relevancy of secondary education”.²⁵
35. “**National Development Plan (NDP) 2010/11-2014/15**; whose theme is “Strengthening Competitiveness for Sustainable Wealth Creation, Employment and Inclusive growth”.

²¹ EFA GMR 2013-2014, p 218-219 <http://unesdoc.unesco.org/images/0022/002256/225660e.pdf>

²² EFA GMR 2015 p. 204-205 <http://unesdoc.unesco.org/images/0023/002322/232205e.pdf>

²³ NSGE 2015-2019, p 11 www.ungei.org/resources/files/Resource_Uganda_NSGE.pdf

²⁴ EFA Global Monitoring Report 2010, pp. 114-115, accessible at : <http://unesdoc.unesco.org/images/0018/001866/186606e.pdf>

²⁵ Education For All 2015 National Review Uganda p. 52 Accessible at : <http://unesdoc.unesco.org/images/0023/002317/231727e.pdf>

36. Aspects of the long term plan for quality enhancement include the entire review of education curriculum to align it with the global and national socio-economic needs; and building a modern world class education system comparable in middle income economies. Government pledges to better lives of Ugandans through focusing on improving the quality of educational services.
37. **Education Sector Strategic Plan (2004 - 2015) (ESSP revised 2007 – 2015)**; emphasizes the need by government to provide quality basic education as a fundamental right.
38. ESSP focuses on three thematic areas:
- i. a) Learners in primary schools not receiving adequate literacy, numeracy and basic life skills, while;
 - ii. b) Learners in secondary schools lacking the skills and knowledge required to either join the work force or to pursue tertiary education, and;
 - iii. c) The tertiary education not accessible to students from disadvantaged backgrounds ».²⁶
39. “Uganda’s **school feeding programme** reduced boys’ repetition by 20 percentage points”²⁷
40. “Total teacher numbers and average pupil/ teacher ratios can conceal unequal distributions of teachers within countries, raising equity concerns. Imbalances can be associated with school type, geographical location and teacher training. There is generally a marked and sustained gap between government and nongovernment providers. Analysis by the GMR team of data from the UIS database showed that, in several countries, (...) **Uganda, the pupil/teacher ratio of public primary schools exceeds that of private schools by nearly 30 pupils or more.**”²⁸
41. “In the past 15 years, several countries, including (...) Uganda, have adopted a child-friendly school model that owes much to the work of United Nations bodies, especially UNICEF. The model, drawing its authority from the Convention on the Rights of the Child, emphasizes the school as a place that provides learning opportunities relevant to life and livelihood, in a healthy, safe environment that is inclusive and protective, is sensitive to gender equity and equality and involves the participation of students, families and communities (UNICEF, 2009a).”²⁹

v) Curriculum³⁰

²⁶ Education For All 2015 National Review Uganda p. 91 Accessible at :

<http://unesdoc.unesco.org/images/0023/002317/231727e.pdf>

²⁷ EFA GMR 2015 p. 89 <http://unesdoc.unesco.org/images/0023/002322/232205e.pdf> also find the World Food Programme Uganda Brief Reporting Period: 1st April to 30th June 2015

<http://documents.wfp.org/stellent/groups/public/documents/ep/wfp272249.pdf>

²⁸ EFA GMR 2015 p.199 <http://unesdoc.unesco.org/images/0023/002322/232205e.pdf>

²⁹ EFA GMR 2015 p.2014 <http://unesdoc.unesco.org/images/0023/002322/232205e.pdf>

³⁰ See the website of the National Curriculum Development Centre accessible at:

http://www.ncdc.go.ug/index.php?option=com_content&view=featured&Itemid=464

42. The curriculum for initial primary teacher education devotes 262 hours of instructional time to teaching methods and pedagogical theory, and only about 120 hours each to mathematics, language (English) and science. [...] ³¹ “In 2005/06, Uganda developed a primary school ‘thematic curriculum’ based on three main principles: rapid development of basic literacy, numeracy and life skills in the early grades; the use of themes relevant to children’s lives; and teaching in languages in which children were already proficient. Teachers were asked to use learner-centred methods and to adapt the direction of lessons to take children’s reactions into account. Teachers received 10 days of intensive training before the new curriculum was introduced nationwide in early 2007. [...]”³²
43. “The move towards competency-based curricula generally occurred in lower primary grades, with the secondary level moving to more structured learning. In Uganda’s 2007 thematic curriculum, knowledge and competencies were organized around themes for the lower three grades while a subject-based curriculum was adopted in upper grades (NCDC, 2006).”³³
44. “In (...) Uganda and the United Republic of Tanzania, teachers often did not understand the objectives of the curricula, partly due to a mismatch with teacher training and a lack of support mechanisms in the classroom (Pryor et al., 2012) [regarding curriculum planning and implementation].”³⁴
45. “[Regarding the effective implementation of curriculum in classes] In Uganda, primary school teachers in Kampala changed classroom layouts in response to promotion of learner-centred pedagogy in the new curriculum, but most found it difficult to place students in groups in overcrowded classrooms or to carry out meaningful pair or group activities (Altinyelken, 2010).”³⁵

vi) Financing of education

46. Funding for Education Service delivery is a cooperative responsibility of Government, Education Development Partners, Private Sector, NGOS, the Community and Parents. Government funding is provided annually through the Sector Budgets appropriated by Parliament. It reflects domestic and Official Donor Aid resources allotted for educational service provision and development. External resources are provided by donors working under the umbrella of Education Development Partners (EDPs). The private sector too complements government through direct investment in education service provision particularly in the establishment of privately owned educational institutions at all levels. NGOs also support education service provision in marginalized communities or areas; while parents remain the backbone of education funding and service provision. They not only provide complementary funding for pedagogic materials (e.g. pens, pencils, exercise books etc), but are also solely responsible for non-pedagogic costs such as uniform, feeding, health

³¹ EFA GMR 2013-2014, p 238 <http://unesdoc.unesco.org/images/0022/002256/225660e.pdf>

³² EFA GMR 2013-2014, p 245-246 <http://unesdoc.unesco.org/images/0022/002256/225660e.pdf>

³³ EFA GMR 2015 p. 207 <http://unesdoc.unesco.org/images/0023/002322/232205e.pdf>

³⁴ EFA GMR 2015 p.208 <http://unesdoc.unesco.org/images/0023/002322/232205e.pdf>

³⁵ EFA GMR 2015 p.208 <http://unesdoc.unesco.org/images/0023/002322/232205e.pdf>

care and accommodation. The communities to provide supplementary funding to the sector in terms of direct labor, financial contributions, voluntary participation in School Management Committees and other school activities.

47. During the development of the ESSIP 200-2007, MFPED anticipated that the budget for education would increase by 76% between 2003/04 and 2013/14. The share of education as a total government expenditure has declined from 20.6% in 2002/03 to fluctuate between 17% to 18% in 2008/09. Budget allocations continue to face pressure from competing priorities from other sectors such as energy, infrastructure among others.”³⁶
48. “Since the country did not have a national strategic plan, there was there was therefore, financing framework for ECD development during the decade. Instead, individual actors (both public and private) financed only those activities within their mandates that their internal budgets could afford. Consequently, investment in ECD during the decade remained low and skewed in favor of economically well-to-do section of the society. The economically poor and socially disadvantaged groups were generally left out, safe areas where non state actors funded ECD activities. This explained why national investment in ECD remained low (...).”³⁷
49. Universalization of basic education program like all other Education and Sports sector programs is integrated into one strategic plan financed through the **Medium Term Budget Framework (MTBF)**.³⁸
50. “During the period under review, financing of Goal 3 [LIFE SKILLS AND LIFE LONG LEARNING OF YOUNG PEOPLE AND ADULTS: “Ensuring that the learning needs of all young people and adults are met through equitable access to appropriate learning and life skills programs”] activities was a collaborative effort of **government, Education Development Partners (EDPs)** and **non-state actors**. Non state actors include the private sector, nongovernmental organizations including faith Based Organizations, Civil society Organizations, Parents and the Community. Privately owned BTVET institutions are funded mainly by charges levied on the trainees, an apprentice system, and employee training expenditures. In some cases donors provide support to private BTVET institutions through equipment and other capital costs.
51. The bulk of government funding for formal skills development is provided within the Education and Sports Sector budget. Education Development partners (EDPs) channel their resources both through the government budget and directly to private training providers as mentioned above. However additional government funding comes through other line ministries which have skills development institutions including; Ministry of Works, Housing and Communication, Ministry of Tourism, Trade and Industry, Ministry of Agriculture, Animal Husbandry & Fisheries, Ministry of Energy & Mineral Development, Ministry of Gender and Social Development, Ministry of Health and Civil Aviation. Companies also provide financial resources to cater for work place training of employees and industrial attachment for trainees. The private sector provides funding through direct investment in privately owned institutions. NGOs including faith based and civil society

³⁶ EFA National Review of Uganda 2015 p. 13 accessible at: <http://unesdoc.unesco.org/images/0023/002317/231727e.pdf>

³⁷ EFA National Review of Uganda 2015 p. 29/30 accessible at: <http://unesdoc.unesco.org/images/0023/002317/231727e.pdf>

³⁸ EFA National Review of Uganda 2015 p. 40 accessible at: <http://unesdoc.unesco.org/images/0023/002317/231727e.pdf>

organizations usually provide funding for skills training of marginalized or vulnerable groups (*to finance pedagogical and non-pedagogical materials*), parents too finance skills development through payment of tuitions fees while the community provide assistance through land donations and other material assistance.”³⁹

52. A **cash transfer programme** conditional on pre-school attendance, funded by UNICEF and the World Food Programme, led to an improvement in visual reception skills, fine motor skills and receptive or expressive language.⁴⁰
53. Uganda allocated as little as 1.7% of its primary education recurrent budget on textbooks and learning materials in 2009, which was equivalent to US\$1.30 per student.”⁴¹
54. “Financing of gender-based activities in Education have (...), mainly been supported by off budget funding in which the Education Development Partners fund specific activities. The funding agencies include among others; UNICEF, World Bank, African Development Bank, FAWE, IRISH AID among others.”⁴²
55. The government plans to introduce a small monthly per-child subsidy to ECCE centres, conditional on meeting minimum standards and complying with the curriculum (van Ravens, 2014), to support implementation of **the Education Sector Early Childhood Development Policy 2007**.⁴³
56. A substantial problem was well-documented corruption in capitation grant programmes, including in (...) Uganda (Bold et al., 2010).”⁴⁴

vii) Gender equality

57. The **National Development Plan (NPD) (2010)** “calls for the promotion of gender equality and the empowerment of women throughout the economy sectors, particularly in the areas of governance, education, among others, through gender responsive strategies such as improving retention and participation rates for girls in schools.”⁴⁵
58. The **Uganda Gender Policy (2007)** situates “itself as a guiding framework for gender mainstreaming in Uganda. The policy further calls upon all actors (state and non-state) to take appropriate action to address gender inequalities within their areas of mandate. At the sector level, the **Gender in Education Policy (2009)** provides a guiding framework for the implementation and monitoring of a gender sensitive and responsive education system in

³⁹ EFA National Review of Uganda 2015 p. 54/55 accessible at:

<http://unesdoc.unesco.org/images/0023/002317/231727e.pdf>

⁴⁰ EFA GMR 2013-2014, p 48 <http://unesdoc.unesco.org/images/0022/002256/225660e.pdf>

⁴¹ EFA GMR 2013-2014, p 88 <http://unesdoc.unesco.org/images/0022/002256/225660e.pdf>

⁴² EFA National Review of Uganda 2015 p. 85 accessible at: <http://unesdoc.unesco.org/images/0023/002317/231727e.pdf>

⁴³ GMR 2015 (2000-2015) p.66

⁴⁴ EFA GMR 2015 (2000-2015) p.88 <http://unesdoc.unesco.org/images/0023/002322/232205e.pdf>

⁴⁵ NSGE 2015-2019, p 9-10 www.ungei.org/resources/files/Resource_Uganda_NSGE.pdf

Uganda. The Policy also indicates that achieving gender equality at all levels of education is regarded as a Human Rights issue.”⁴⁶

59. The need to deal with gender inequality is re-echoed in the **Revised Education Sector Strategic Plan (2007 – 2015)**, “MoES re-echoes the need to deal with gender inequalities, particularly, addressing barriers to girls’ education. The sector has further committed itself to mainstreaming gender in education as a cross cutting issue, developed a **Gender in education Policy (2009)** and developed programmes particularly to promote girls’ education. Some of these programmes include curriculum reviews to include gender, creating gender responsive school environment, construction of separate sanitary facilities for boys and girls, promoting sex education, and recruitment of teachers, particularly females as role models for young girls. At pre – Primary and Primary school level, MoES has developed a policy on Early Childhood Development (ECD) to guide the development of ECD curricula, training of ECD teachers and care givers, and to inspect and monitor ECD centres and nursery schools. The Ministry is also encouraging community initiatives in ECD programmes. With a favourable policy environment in the sector, there have been several avenues created for various interventions in girls’ education particularly in the area of girls’ access and participation in education sector.”⁴⁷
60. The **National Strategy for Girl’s Education (NSGE) in Uganda (2015-2019)** “Promote[s] girls’ education as an integral part of efforts to create gender equity and equality in the education system in Uganda (Paragraph 3.1)”. Its purpose “is to establish a clear framework for identification, implementation and coordination of interventions designed to achieve promote girls’ education in Uganda. This is a broad national strategy that guides national programming for girls’ education. It is a tool that different stakeholders in promoting girls’ education should use to carve out activities related to their areas of mandate on girls’ education (Paragraph 3.2)”. It has for Strategic Objectives to: “ 1. To ensure that the NSGE is utilized as an effective Policy implementation Framework to promote girls’ education to guide in the design and implementation of strategic interventions on girls’ education; 2. To harmonize Education Sector Programmes on Girls’ Education for effective coordination, monitoring and Evaluation; 3. To ensure adequate commitment of requisite human and financial resources by government and other education stakeholders to promote girls’ education; 4. To institutionalize research on Girls’ Education to inform policy development, implementation, monitoring and evaluation; 5. To strengthen the capacity of education actors for their meaningful participation in addressing gender concerns in girls’ education (Paragraph 3.3)”.⁴⁸
61. **“Increase in Girls’ Access to Education:** There has been an increase in the number of girls accessing education, at the level of entry, **particularly for primary schooling which is almost reaching the 50/50 mark.** (...) The introduction of Universal Secondary Education (USE) and Universal Post Primary Education Training (UPPET) in 2007 **increased secondary school enrolment by 25 per cent from 814,087 in 2006 to 1,088,744 in 2008, with girls constituting 46 per cent.** In the same period, **enrolment of girls in BTVET increased by 46 per cent from 25,682 to 47,298 (NDP, 2010; 20).** At the university level, **there has been an increase in girls’ enrollment partly due to the**

⁴⁶ NSGE 2015-2019, p 9 www.ungei.org/resources/files/Resource_Uganda_NSGE.pdf

⁴⁷ NSGE 2015-2019, p 10 www.ungei.org/resources/files/Resource_Uganda_NSGE.pdf

⁴⁸ NSGE 2015-2019, p.17 paragraphs 3.1 ;3.2 and 3.3 www.ungei.org/resources/files/Resource_Uganda_NSGE.pdf

affirmative action scheme of 1.5 additional points to girls in public universities. This enrolment reached its peak in 2004 when female enrolment hit a 48% mark. (MoFPED, 2010). **There has been relative expansion of functional Adult literacy and non formal education.**⁴⁹

62. “Persistent Challenges to Girls’ Education:
- i. gap between policy and practice (not enough transparency and promotion of the policies and strategies put in place to help their implementation)
 - ii. Persistent gender gaps at critical points of education access
 - iii. Persistence of low Value attached to Girls’ Education
 - iv. Sexual Abuse of Girls: An Urgent Matter of National Importance
 - v. Early Sexual Engagement
 - vi. Teenage Pregnancy
 - vii. Lack of child friendly School environment
 - viii. Inadequate Life Skills Training
 - ix. Inadequate Gender Capacities among Key Actors”⁵⁰
63. “[P]rimary attainment rate – that includes all school-age children in a population rather than just those enrolled, gender disparity in completion of primary schooling has often remained far wider among the poorest children than the richest (...). Despite overall progress in reducing gender disparity in primary attainment since 2000, the poorest girls still face severe disadvantage in entering and completing primary education. In countries such as (...) Uganda, where gender parity in primary attainment has been achieved since 2000 for the richest girls, the poorest girls still lag far behind the poorest boys.”⁵¹

viii) Other (as appropriate)

64. Uganda has over the past decade advocated and strengthened public-private partnerships. “This strategy was undertaken to hold every party involved in national development accountable, as well as agitate for the full participation of the private sector in education provision. The move has seen the participation of stakeholders especially employers and parents in consultation forums for curriculum development and discussion of other pertinent issues faced by the BTEVT sub-sector. In addition, the move has also boosted accessibility to BTEVT education by construction institutions”.⁵²
65. The Committee on Economic Social and Cultural rights has recently addressed the issue of the role of private actors in education in Uganda including concluding observations on the issue.
66. **CESCR list of issue** “Please also provide information on the impact the growth of private education in the State party has had on the right to education of girls and children living in poverty. Please also indicate steps taken to improve quality of education and qualifications and skills of teachers”.⁵³

⁴⁹ NSGE 2015-2019,p 11 www.ungei.org/resources/files/Resource_Uganda_NSGE.pdf

⁵⁰ NSGE 2015-2019,p 13-16 www.ungei.org/resources/files/Resource_Uganda_NSGE.pdf

⁵¹ EFA GMR 2015 p. 159 <http://unesdoc.unesco.org/images/0023/002322/232205e.pdf>

⁵² EFA National Review of Uganda 2015 p. 54 accessible at: <http://unesdoc.unesco.org/images/0023/002317/231727e.pdf>

⁵³ List of issues E/C.12/UGA/Q/1, para. 32 (22 December 2014) accessible at: <http://bit.ly/1QPVIbs>

67. **Uganda CESCR Concluding observations:** “ It also expresses concern at the: (c) Widening of the gap in access to quality education resulting from the increase in the provision of private education and disproportionately affecting girls and children of low-income families; Recalling its general comment No. 13 on right to education, the Committee recommends that the State party assumes primary responsibility for the provision of quality education to all children. To this end it should: (b) Allocate sufficient resources to the education sector with a view to improving infrastructure of schools including sanitation, working conditions of teachers, and teaching materials; (c) Strengthen regulations and expand monitoring and oversight mechanisms for private education institutions”.⁵⁴

2. COOPERATION

68. Uganda is **party** to the 1960 UNESCO Convention against Discrimination in Education since 09/09/1968.

69. Uganda **did not** report to UNESCO on the measures taken for the implementation of the 1960 UNESCO Convention against Discrimination in Education within the framework of the:

- i. **Sixth Consultation** of Member States (covering the period 1994-1999)
- ii. **Eighth Consultation** of Member States (covering the period 2006-2011)

70. However, Uganda reported within the framework of the **Seventh Consultation** of Member States (covering the period 2000-2005).

71. Uganda **did not report** to UNESCO on the measures taken for the implementation of the 1974 UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms within the framework of the:

- i. **Fourth Consultation** of Member States (covering the period 2005-2008)
- ii. **Fifth Consultation** of Member States (covering the period 2009-2012)

72. Uganda **did not report** to UNESCO on the measures taken for the implementation of the 1976 UNESCO Recommendation on the Development of Adult Education within the framework of the **First Consultation** of Member States (1993). However, it reported within the framework of the **Second Consultation** of Member States (2011).

73. Uganda is **not party** to the 1989 UNESCO Convention on Technical and Vocational Education and Training.

⁵⁴ CESCR Concluding Observation E/C.12/UGA/CO/1, para. 36 (24 June 2015) accessible at: <http://bit.ly/1BK6OrO>

Freedom of opinion and expression

1. Constitutional and Legislative Framework:

74. The constitution of Uganda guarantees the right for freedom of speech and expression, including freedom of the press and other media, according to Article 29.⁵⁵
75. The Press and Journalist Act⁵⁶ regulates media activities in Uganda. However media is also regulated through several other laws, such as the Uganda Communication Act⁵⁷, which regulates radio and television stations and requires them to gain a license at the Uganda Communications Commission; The Ugandan Anti-Terrorist Legislation⁵⁸, which makes it a criminal act to publish or disseminate news that ‘promotes terrorism’; The Regulation of Interception of Communication Act⁵⁹, which enables communication service providers to interception of communication; the Public Order Management Act⁶⁰, which provides regulation and restrictions for public meetings.
76. The right of access to information is guaranteed in Article 41 of the Constitution of Uganda⁶¹, “except where the release of the information is likely to prejudice the security or sovereignty of the State or interfere with the right to the privacy of any other person.”
77. The government also passed an Access to Information Act⁶², which grants every citizen the right to access information, except when the release of information affects state sovereignty or interferes with privacy rights. Also, the Official Secrets Act, 1964 (Cap 302)⁶³ requires public officials not to release information to the public which is considered to be prejudicial to the safety or interests of Uganda.

⁵⁵ https://www.constituteproject.org/constitution/Uganda_2005

⁵⁶ <http://opm.go.ug/assets/media/resources/306/PRESS%20&JOURNALISTS%20ACT.pdf>

⁵⁷ <http://www.ucc.co.ug/files/downloads/UCC%20Act%202013.pdf>

⁵⁸ http://www.vertic.org/media/National%20Legislation/Uganda/UG_Anti-Terrorism_Act_2002.pdf (Section 9)

⁵⁹ <http://www.ulii.org/files/Regulations%20of%20Interception%20of%20Communications%20Act,%202010.pdf> (Section 8)

⁶⁰ <http://www.ulii.org/files/PUBLIC%20ORDER%20MANAGEMENT%20ACT.pdf>

⁶¹ https://www.constituteproject.org/constitution/Uganda_2005

⁶² <http://www.ulii.org/ug/legislation/statutory-instrument/17-1>

⁶³ <http://www.ulii.org/ug/legislation/consolidated-act/302>

78. The Penal Code⁶⁴ criminalizes defamation, in Article 180(1) and Article 182. There is no set fine. Civil defamation sanctions are determined at the discretion of the court depending on the case, which ranges from a warning up to one million shillings.⁶⁵

2. Media Self-Regulation:

79. The National Institute of Journalists of Uganda (NIJU), as per the Press and Journalist Act⁶⁶, has adopted a Profession Code of Ethics for journalists and editors.

80. Self-regulatory functions are also performed by the Independent Media Council of Uganda (IMCU), which is formed by 42 media houses and associations, and adopted a Code of Conduct.⁶⁷

81. The main professional organization in Uganda is the Uganda Journalist Association.

3. Safety of journalists:

82. UNESCO recorded the killing of 4 journalists since 2010.⁶⁸ By the end of 2015, no response from the authorities has been forthcoming to official requests by UNESCO about information on judicial investigations into the deaths.

III RECOMMENDATIONS

Right to education

83. **Recommendations made within the framework of the first cycle of the Working Group on the Universal Periodic Review, considered on (please check the date on the following web site:**
<http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx>)

⁶⁴ http://www.wipo.int/wipolex/en/text.jsp?file_id=170005

⁶⁵ Ronald Ssemuusi was convicted for defamation with a fee of 1 million shillings
<http://allafrica.com/stories/201410081206.html>

⁶⁶ <http://mediacouncil.ug/files/downloads/Press%20&%20Jour%20Fourth%20Sch1.pdf>

⁶⁷ https://www.academia.edu/7413904/Media_Regulation_and_Practice_in_Uganda_A_Journalists_Handbook
 (see Appendix 1)

⁶⁸ <http://www.unesco.org/new/en/communication-and-information/freedom-of-expression/press-freedom/unesco-condemns-killing-of-journalists/countries/uganda/>

84. Analysis:

Uganda adopted a **National Strategy for Girl's Education (NSGE) 2015-2019** in order to implement national policies promoting and enforcing girl's right to education and remove discrimination in education as well as to overcome social disparities and constraints through access to education, health and sexual education, preventive and prohibitive measures for sexual abuses and harassment toward girls in education. Nevertheless, to the extent of our knowledge, Uganda still needs to take the necessary steps to implement concrete policies or legislations in line with the NSGE. In addition, Uganda has implemented free and compulsory primary education which has, to the extent of our knowledge, increased equality in access to education for disadvantaged groups. Nevertheless, according to the available information, corruption as well as teacher's absenteeism and lack of appropriate training has lowered the level of quality of the public educational system. Uganda had taken the commitment to include human rights, voter education and civic education in the education curriculum of schools to the Human Right Council Universal Periodic Review in 2011⁶⁹. To the extent of our knowledge, Uganda has not yet taken the appropriate steps to include human rights education in its curriculums.

85. Specific Recommendations:

- i. Uganda should be strongly encouraged to further submit state reports for the periodic consultations of UNESCO's education related standard-setting instruments.
- ii. Uganda should be encouraged to further develop policies promoting girl's right to education in line with their NSGE.
- iii. Uganda could be encouraged to further take steps toward including human rights education in their curricula, especially age-appropriate sexual and health education for girls.
- iv. Uganda could be encouraged to continue improving access to education to disadvantaged groups and increase the quality of the public educational system.

Cultural Rights

86. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972)⁷⁰, the Convention for the Safeguarding of the Intangible Cultural Heritage (2003), and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005), Uganda is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of

⁶⁹ See the recommendations made by the HRC about the right to education : <http://www.unesco.org/education/edurights/index.php?action=countries&lng=en>

⁷⁰ Periodic Report available at : <http://unesdoc.unesco.org/images/0019/001930/193019e.pdf>.

the International Covenant on Economic, Social and Cultural Rights. In doing so, Uganda is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

Freedom of opinion and expression

87. Uganda is recommended to decriminalize defamation and place it within a civil code that is in accordance with international standards⁷¹.
88. The government is also urged to investigate the cases of killed journalists, and to voluntarily report on the status of judicial follow-up to UNESCO. The government may wish to consider taking advantage of the UN Plan of Action on the Safety of Journalists and the Issue of Impunity as a means to strengthen protection of journalists and freedom of expression.

Freedom of scientific research and the right to benefit from scientific progress and its applications

89. Uganda, in the framework of the 2015-2017 consultations related to the revision and monitoring of the Recommendation on the Status of Scientific Researchers is encouraged to report to UNESCO on any legislative or other steps undertaken by it with the aim to implement this international standard-setting instrument, adopted by UNESCO in 1974. Uganda did not submit its 2011-2012 report on the implementation of the 1974 Recommendation. In providing its report in 2015-2017 on this matter, Uganda is kindly invited to pay a particular attention to the legal provisions and regulatory frameworks which ensure that scientific researchers have the responsibility and the right to work in the spirit of the principles enshrined in the 1974 Recommendation.

⁷¹ See for example, General Comments No 34. of the International Covenant on Civil and Political Rights (ICCPR), 2006 Recommendation of the 87th Session Human Rights Committee, the recommendations of the UN Special Rapporteurs on the Right to Freedom of Opinion and Expression, and Resolution 1577 (2007) of the Parliamentary Assembly of the Council of Europe.