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Reasonable Accommodation for Deaf / Hard of Hearing Children in Uganda's Education System



Police containing the striking deaf / hard of hearing students of Wakiso Secondary School for the Deaf. Picture by UNAD

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"The failure to ensure equity in school enrolment levels for deaf / hard of hearing children to match the national levels amounts to violation of their right to equality and non-discrimination and the right to education."

Introduction

The Right to Education is guaranteed under Article 30 of the Constitution of the Republic of Uganda, and the country is party to International Conventions that guarantee the right, including the International Convention on Economic, Social and Cultural Rights. The country has been praised for introducing free Universal Primary Education (UPE) and is scoring relatively well on Millennium Development Goal 2 with very high enrollment figures. Uganda also introduced Universal Secondary Education (USE).

However, despite the progress made, the education system is not all inclusive and discriminates against children with disabilities (CWDs) - particularly the deaf / hard of hearing. The enrollment levels of deaf / hard of hearing children is still very low, their quality of education under the UPE and USE schemes remains very poor and is characterized by high dropout and failure rates. This is despite the fact that the Disability Act of 2006 under Section 5 states that government shall promote the educational development of persons with disabilities, and one of the policy objectives of providing UPE is to make basic education equitable, accessible and relevant to the nation.

According to the Global Survey Report of the World Federation for the Deaf (No.5 of 2008) Regional Secretariat for Southern and Eastern Africa, 60% of the deaf population in Uganda is illiterate.

Disturbing status quo

Enrollment in schools: It is estimated that there are above 300,000 deaf children in Uganda. The national enrolment level for UPE is 94% (UNICEF, 2012), but only 10% of the hearing impaired children are enrolled for UPE. There is no system for early identification of hearing impairment in children which results in late enrolment in appropriate school programmes. The deaf / hard of hearing children who enroll at very late stages find it difficult to use the sign language that has been taught to their counterparts who joined school earlier. Early enrollment in school positively impacts on the language and communication of a child with hearing impairment. There is no system in place targeting deaf children in early child development.

School dropout rates: The 2007 Education Statistical abstract indicated that the number of children attending primary school significantly dwindles as they move into higher classes. For example there were 11,567

Lack of sign language teachers: Despite the numerous teachers who have been trained at the university level, a significant proportion of SNE teachers are still required to realize the desired ratio of 1:1 for the deaf-blind and other children with multiple disabilities, 1:3 for the deaf and 1:10 for the blind but their development is neither deliberately planned for nor guided by policy.

The Ministry of Education statistics indicate that out of the 122,904 teachers on government payroll for Primary education, only 1,050 teachers have been trained to work with children with disabilities. However, the special needs education training runs on a curriculum that introduces teachers to generally handle all students with special needs. Therefore sign language is only a small component of what is taught. Accordingly, majority of special needs education teachers are not fluent in sign language and cannot effectively handle deaf / hard of hearing children.

Government has not facilitated the regular schools to give quality education to the deaf / hard of hearing children and they are reluctant to take on deaf / hard of hearing students. Notably, some parents have been forced to take their children to private schools where they have to pay for an interpreter. This is for example the case for a student attending Maryland High School in Entebbe. Special Needs Education teachers are indiscriminately transferred from schools where they are needed to schools where there are no children with special needs.



Deaf pupils of Mulago School of the Deaf signing the word CHILD at ANPPCAN Uganda offices. Picture by UNAD

Performance in examinations: Under the Ugandan education system, one must pass PLE examinations to be able to continue with secondary education. The current National Primary Leaving Examinations (which must be passed to be given the opportunity to continue to higher education) demands that the deaf be fluent in English before they are graded in a given subject - a situation which ignores the fact that learning any second language is influenced by one's mother tongue. The end result is significant failure rates and eventual drop out

sat for PLE at Ntinda School for the Deaf, only one student passed in Division 2, while the rest failed.

In some instances, school authorities have denied the deaf / hard of hearing children the opportunity to sit for national exams because they have pre-determined that they will fail. In October 2010, it was reported that the academic committee of St Mark VI primary school in Kalungu District blocked 14 pupils from sitting their Primary Leaving Examinations because they are deaf / hard of hearing. According to the report, the head teacher of the school said that the school academic committee decided to disqualify the pupils after determining that they would not pass.

Opportunities for higher education: According to the Uganda Population and Housing Census 2002 (last census conducted in Uganda), approximately 90% of Persons with Disability (PWDs) in Uganda do not go beyond primary education, and PWDs who are out of school are four times more than those in school.

At the secondary level, much as the Uganda government provides for Universal Secondary Education (USE) and there are many secondary and vocational schools for the regular students in Uganda, there are only 2 secondary schools (in Wakiso and Mbale districts); 1 vocational institute (Namirembe) for the deaf / hard of hearing; and 1 resource centre at Namanve, Mukono district.

The Wakiso Secondary School for the Deaf for example was set up in 2006 but still faces enormous staffing and syllabus challenges. At the inauguration of the school, the Commissioner Special Education, in the Ministry of Education and Sports noted that there were no teachers that have specialized in teaching the deaf / hard of hearing at secondary level, and stated that the ministry would have to invest in on-job training.

However, not much has been done to date and the country still has very few sign language teachers. The on-job training has led to frustrations amongst the students because they can't communicate well with their teachers. The frustration culminated into a major school strike in September 2012 which was the first in Uganda history.

Accordingly, the deaf / hard of hearing children who are lucky enough to afford studying outside the country have mostly been going to Kenya, while some have taken on vocational training as the only viable option. Only 2.2% of PWDs in Uganda have attained post secondary level education, according to the Uganda Population and Housing Census 2002.

Death of statistics: The biggest challenge in coming up with this brief was the lack of consistent, disaggregated data regarding the education of persons with disabilities, specifically the deaf / hard of hearing. The last census conducted in Uganda was in 2002, and the Ministry of Education report formats differ from

making comparison very difficult. While you may find data in one report broken down by disability, the next report will have a lump sum figure representing all persons with disability. Disaggregation by sex and type of disability is not consistent in the government report. There are no reliable statistics on the enrollment of children with disabilities in either UPE or USE schools to guide planning and budgeting in the education sector.

Essential instruction materials: Majority of the schools lack essential instruction materials to cater for deaf / hard of hearing children. The Ministry of Education and Sports through its Special Needs department distributes Braille papers, Perkins brailers and brailled text books to special units. However, these materials are insufficient to meet the needs of all schools in the country. Worse still, the Department mostly supplies equipment and materials to the visually impaired, ignoring the other disabilities.

Lack of implementation of existing policies/ laws: This is because of three reasons: gaps in the policies; obscured policies and lack of operational guidelines. In the first case, the policies do not explicitly mention disabilities and require reasonable accommodation which results in lack of prioritizing disability in resource allocation. Such policies are ambiguous and thus subjects them to any form of interpretation, making them prone to abuse.

In the second case, there is obscurity in the policies and laws, for instance, the PWDs Act 2006 promotes both inclusive schools and special schools.

In the third case, the lack of guidelines to operationalize various legislations is attributed to weak institutional capacity of Ministry of Gender Labour & Social Development which is the lead ministry. Lack of operational guidelines makes such legislation useless as implementers are required by the law to base their decisions on the relevant government approved operational guidelines. For example, section 5(j) of the PWDs Act 2006 requires the state to commit not less than 10% of all educational expenditure to the educational needs of persons with disabilities at all levels but it has never been implemented due to lack of operational guidelines.

Deaf children have a right to Education: Article 30 of the 1995 Republic of Uganda Constitution provides for the right to education for all. The Persons with Disability Act, 2006 and the Universities and Other Tertiary Institutions Act, 2001 also operationalise the right to Education for Persons with Disabilities. However, the positive legal and policy framework have not been matched by the necessary adequate facilitation to implement the policies and monitoring to ensure that deaf / hard of hearing children compete on equal footing with their counterparts. The Disability Act of 2006, section 5, states that government shall promote the

development of persons with disabilities. Section 10 of the 1996 Children's Statute also states that Parents of Children with Disabilities shall assess CWDs as early as possible, offer appropriate treatment and provide facilities for rehabilitation and equal opportunities to education. Still, very few children with disabilities go to school and huge problems remain, including appropriate instructional materials like Braille material and books in Braille, audio equipment, and qualified teachers. Earlier teachers were trained in specific disabilities, whereas now they need broad competences within all disabilities in order for all to be included.

Deaf Children have a right to equality and non-discrimination: Article 21 (2) of the Constitution of the Republic of Uganda guarantees the right to equality and non-discrimination for all persons, and specifically lists non-discrimination on the basis of disability. Article 35(1) further provides that PWDs have a right to respect and human dignity. However, while the national school enrolment percentages currently stand at 83% and continues to improve, that of deaf children is only 10% and continues to dwindle. This is an indication that in their effort to improve the enrolment levels, government has not done much to ensure that deaf children are not left behind.

What is the Government Responsibility?

At the international level, Uganda has ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) the Convention on the Rights of the Child (CRC), and the Convention on the Rights of Persons with Disabilities (CRPD) and committed itself to achieving free primary education for all children through the Millennium Development Goals (MDGs, 2000) and the Education for All (EFA, 1990).

At the domestic level, Uganda included the right to education and the rights of Persons with Disabilities in the 1995 Constitution, and has made efforts to operationalise its international obligations through the Childrens' Act (1996), and the Persons with Disabilities Act. Uganda also has the Education Act (2008) and the latest policy on Special Needs and Inclusive Education (MoES, 2011) that focus on provisions for children with special needs in education.

An assessment of the international and domestic legal and policy instruments reveals that at a minimum, the right to education for deaf children means that they are entitled to:

- Equal opportunity in accessing free and appropriate Primary Education (CRC, CRPD, UC, EFA, MDG), and Universal Secondary Education (the latter because Uganda has committed to provide it),
- Adequate facilitation once enrolled into school to ensure that the children are not hindered in acquiring an education (CRPD),

- Sign language as first language in life and within education. (CRPD, P-SNIE, UC),
- Appropriate curriculum and assessment (P-SNIE)

The government has the responsibility to fulfill the right to education based on the principles of availability, accessibility, acceptability and adaptability. The concept of *availability* entails the presence of schools, both private and state sponsored schools. The concept of *accessibility* entails that the government is obliged to secure free primary education for all children, this includes the charges for educational materials and uniforms. The *acceptability* of education is concerned with the quality of education all of the teaching materials as well as the teaching. The *adaptability* of education means that education needs to meet the specific needs of different children, instead of children adapting to one educational system.



*A dormitory that houses 21 deaf pupils at Sembabule Town Primary School.
Picture by UNAD*

Article 32 (1) of the Constitution of the Republic of Uganda enjoins the state to take affirmative action in favor of marginalized groups - including persons with disabilities for the purpose of redressing imbalances which exist against them. Furthermore, 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.

Section 5 of the Disability Act 2006 states that the government shall promote the educational development of persons with disabilities.

Section 11(5) of the Children's Statute provides that Local Government Councils shall keep a register of Children with disabilities within their area of jurisdiction. This is meant to allow for proper planning, among others for these children.

Towards inclusion of deaf children / hard of hearing in the education system: What needs to be done?

Government should take all appropriate measures to eliminate obstacles limiting effective access to quality education for deaf / hard of hearing children in Uganda, and ensure that the school enrolment of deaf / hard of hearing children matches the national standards. Specifically, government should take the following immediate and progressive steps to achieve this goal.

A: Immediate steps in preparing the ground for inclusion

Establish baseline information and keep up-to-date statistics: There is an urgent need to fill the disaggregated statistical gap relating to persons with disabilities in Uganda. Government should conduct a baseline study, and thereafter ensure to keep adequate statistics regarding deaf / hard of hearing children, especially at district level to facilitate proper planning and monitoring. Future national surveys and population censuses should collect disaggregated data on PWDs, including their status in education.

Increasing budgetary allocation for special needs training: The government should increase budgetary allocation for special needs education and recruit personnel trained specifically to deal with deaf / hard of hearing children; a special budget to promote quality education of deaf / hard of hearing children should be allocated by Ministry of Finance, Planning and Economic Development to enable them benefit from inclusive education; the government through the Ministry of Education should provide special needs teachers/ teachers of the deaf incentives to encourage them to remain in schools.

Develop monitoring framework: Government should put in place a monitoring framework to track the education of deaf / hard of hearing children by designing disability specific indicators in relation to the Education Sector Strategic Plan and keeping up-to-date statistics on education for the deaf / hard of hearing.

Conduct in-depth research on inclusive education within the Ugandan context: Currently it is generally agreed that Uganda is not yet ready to fully implement inclusive education for Persons With Disability, however there is no comprehensive study on how the country can roll out a programme on inclusive education, and to determine whether there will still be need for the country to maintain some special schools for example to cater for children with multiple disabilities or the deaf / hard of hearing as has severally been suggested.

Ensure early intervention: Early identification of deaf / hard of hearing children and the availability of sign language for both deaf / hard of hearing children at a very young age and their community are essential in achieving the development of deaf children to their full potential as is their right according to the Ugandan constitution.

This means availability of screening all through the country, more sign language courses and preschool opportunities. Government should take appropriate steps to sensitize parents and communities to ensure early identification of hearing impairment in children.

Resource pooling: That government avails the necessary funds or secures the necessary funds through international assistance to facilitate existing schools for the deaf / hard of hearing, retain trained teachers, avail the necessary learning materials, and establish more schools to cater for education for the deaf / hard of hearing. The Persons with Disabilities Act currently requires that 10% of the Education budget should go to the provision of Special needs education, but currently the department is only receiving 2%. This is an immediate obligation that government should enforce and ensure that the budget is ring fenced to cater for instruction materials, and other facilitation to enable the learning of children with disabilities.

Legal and Policy framework: Government should take immediate steps to pass the Regulations to the Persons with Disabilities Act, 2006 in order to give full implementation effect. Government should also develop a policy on sign language teaching that also ensures retention and deployment of sign languages teachers in schools with deaf / hard of hearing students.

Adaptation of teaching curriculum: The teaching curriculum should be adapted to cater for deaf / hard of hearing children to use sign language as the first language, and English as the second language. National examination scripts should be translated into sign language to enable students understand the questions properly.

B: Towards full inclusion of the deaf / hard of hearing children in the education system

Progressive implementation of inclusive education: Government should develop a policy for the progressive introduction of inclusive education with a clear strategy on how the policy will be progressively implemented. Resources should be set aside and tied specifically to implementation of the policy. The policy should make provision for immediate establishment of government pilot schools to inform later implementation of the whole policy.

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