



Privatisation, Discrimination and the Right to Education in Uganda

*Alternative Report Submitted by the Initiative for Social and Economic Rights and the
Global Initiative for Social and Economic Rights*

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KEY ISSUES ADDRESSED IN THE REPORT

This report demonstrates that:

- **Parents are often forced to resort to private schools because the Ugandan public education system is largely failing, while private schools have common perceptions of better quality;**
- **Despite this, and although privatisation in education is growing, government financing for public education is decreasing. This is contrary to international standards that require that privatisation should only supplement public education;**
- **The State party is gradually releasing itself from its obligation to provide quality public education for all, as it is increasingly relying on private actors to provide education;**
- **The growing private sector in education has not been matched by appropriate regulatory, supervision and monitoring frameworks, resulting in many concerning issues in private schools;**
- **The fees attached to privately provided education are bound to result in discrimination by keeping more children out of school, particularly those from low-income households;**

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I. Introduction

1. Uganda ratified the International Covenant on Economic, Social and Cultural Rights (“the ICESCR”) on 21 January 1987. The State submitted its initial report (“State Report”) on the implementation of the ICESCR, which was initially due in 1990, on 6 December 2012. The United Nations Committee on Economic, Social and Cultural Rights (“CESCR”) considered a List of Issues for Uganda during its 54th session on 1 - 5 December 2014. Uganda will be reviewed by the Committee in June 2015.

2. This parallel report has been compiled by the following non-governmental organisations:

The Initiative for Social and Economic Rights (ISER) is a registered national non-governmental organisation (NGO) in Uganda founded to ensure the full recognition, accountability and realisation of social and economic rights primarily in Uganda, but also within the East African region.

The Global Initiative for Economic, Social and Cultural Rights (GI-ESCR) is an international non-governmental human rights organisation which seeks to advance the realisation of economic, social and cultural rights throughout the world, tackling the endemic problem of global poverty through a human rights lens. The vision of the GI-ESCR is of a world where economic, social and cultural rights are fully respected, protected and fulfilled and on equal footing with civil and political rights, so that all people are able to live in dignity.

3. Our previous report, submitted in October 2014, explored the educational landscape in Uganda, highlighting the concerning trend of increase privatisation at the expense of the public education system.¹ This report builds upon our previous report through the use of an empirical research on a case study. For the purposes of this report, we conducted a research project in the Jambula and Nakamiro zones of Bwaise II, Kawempe division, Uganda, to endeavour to gather first-hand evidence of the discriminatory impact caused by increased privatisation of the Ugandan education sector.

II. Key facts: Privatisation in Education in Uganda

4. Below there is a brief synopsis of the key points raised in our earlier initial report we submitted to the CESCR, report, which was mostly based on the analysis of the existing data and literature, before we explore the findings of our empirical research.

5. In 1997, the Ugandan government introduced Universal Primary Education (UPE), widely heralded as a huge success in boosting enrolment figures and ensuring access to basic education for children in Uganda. However, the growth of privatisation since Uganda liberalised the education sector in 1993 has threatened to undo any progress made by UPE in the past two decades. Low-cost private schools have seized upon the inadequacies of the public education system in recent years and targeted especially low-income families with fallacious promises of better teaching and heightened learning outcomes to persuade parents to send their children to these private schools, many of whom struggle to make ends meet in order to do so. Where the public system functioning in line with internationally expected standards, as it should be, these schools would struggle to entice families to opt for such fee-paying schools over a free alternative of the same quality. Unfortunately this is by no means true in Uganda at present.

¹ See: http://www.iser-uganda.org/images/stories/Downloads/ISER_GIESCR_report_to_UNCESCR.pdf

6. While privatisation in education is a growing global phenomenon threatening the right to education in many countries,² **Uganda is a striking example** of this phenomenon and the harm it can create on the realisation of human rights. An increasing body of research is examining the impact of these developments on human rights and social justice.³ In June 2014, thirteen organisations – including some of the organisations involved in writing this report – met for three days in Geneva to discuss these issues. We held on this occasion a side event at the Human Rights Council, an expert roundtable attended by amongst others, Mr Kishore Singh, the UN Special Rapporteur on the right to education,⁴ and a two-day workshop with national and international civil society organisations from around the world.⁵ **On this occasion, Mr Singh reemphasised that according to human rights standards, private education should only supplement that of the State, which should remain the primary provider of education services.**⁶

1. The education system in Uganda and its privatisation

7. Since the liberalisation of the education sector in 1993 to allow for private actors to supplement government efforts to provide education, the Ugandan government has actively supported the establishment of private schools. The State Report indicates ‘*support for the establishment of private schools*’ as one of the three measures to aid enrolment and retention of pupils in school.⁷
8. The Ugandan private educational sector is diverse, comprising individual investors, community groups, civil society organisations, international NGOs and faith-based organisations running for-profit and not-for-profit private schools. For-profit private schools include high-fee and medium-fee schools that are either fully financed from private sources, or have entered into Public-Private-Partnerships (PPPs) with the Government and therefore receive public funding for government-sponsored students. **Currently, 27% of schools at primary level and 66% of schools at secondary level are private.**⁸ **As of 2013, the private school enrolment as a percentage of total enrolment was 16.2% and 51.0% at primary and secondary levels respectively.**⁹
9. While international human rights law recognises the freedom to establish private educational institutions¹⁰, **private education should not be developed to the detriment of human rights.** In particular, it should not lead to discrimination. Viewed through this human rights lens, there are serious concerns regarding the growth of privatisation in education and its impact on the right to

² See: <http://www.periglobal.org/>

³ See generally the work engaged by a number of leading organizations working in the education fields summed up on: <http://www.right-to-education.org/issue-page/privatisation-education>. See also the project under which this report is being written <http://privatisationeducationhumanright.ning.com>.

⁴ See the summary of the event on: <http://globalinitiative-escr.org/wp-content/uploads/2014/07/GI-ESCR-Summary-of-Privatisation-in-Education-events-Geneva-June-2014-FINAL.pdf>.

⁵ See: <http://globalinitiative-escr.org/privatisation-in-education-advocacy-and-research-workshop-and-public-events-reports>.

⁶ See the summary of the event on <http://globalinitiative-escr.org/wp-content/uploads/2014/07/GI-ESCR-Summary-of-Privatisation-in-Education-events-Geneva-June-2014-FINAL.pdf>

⁷ 5th Periodic Report by the Government of the Republic of Uganda to the African Commission on Human and Peoples’ Rights, presented at the 54th Ordinary Session held in Banjul, the Gambia (22nd October – 5th November, 2013) p. 23.

⁸ Per Ministry of Education and Sports Department of Private Schools and Institutions on <http://www.education.go.ug/data/smenu/50/Private%20Schools%20and%20Institutions.htm> accessed 28 August, 2014.

⁹ Ministry of Education and Sports Sector Fact Sheet 2002 – 2012.

¹⁰ 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).

education in Uganda, especially for the poor and marginalised groups, as well as the State's dwindling commitment to treating education as a public good which ought to be accessible to all individuals. Rapid growth of the private sector amidst declining state investment in public education, inadequacies in the public education system that are forcing parents to enrol children in private schools, the growing government support for low-fee private schools without critical assessment of their impact on the right to education, and weak supervision and regulatory frameworks that facilitate the negative consequences of privatisation, are all issues that create serious threat for the enjoyment of human rights generally, and in particular the right to education.

10. **The poor quality of the public education system, stemming from low government investment in education, especially at primary level, is increasingly forcing parents to resort to private schools, in spite of their very limited income.** According to a survey conducted by ISER on privatisation in education in Uganda in August 2014, 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 system¹¹, or absence of a public school in their area. Private education is thus often not a choice but the only acceptable option for parents, contradicting the international understanding that private education ought only to provide an alternative to public schools, allowing parents the exercise of free choice as to where to educate their children.

2. Human rights concerns arising from privatisation in education in Uganda

11. In light of the evident failures of the public education system, elucidated above, the idea of delivering education through 'low-fee' private schools has been fast gaining momentum. 'Low-fee' private schools are independent, for-profit private schools that target low-income households and that claim to offer a quality education for fees affordable to most. However, ISER's inquiries about the private not-for-profit schools in Uganda revealed that they charge some fees that are not affordable to the poorest families. **Parental support for these private schools appears to stem from the government's failure to fulfil its international obligations to provide a quality public education;** the extent of 'free choice' exercised is debatable.
12. In addition, **expanding privatisation is very unlikely to ensure the enrolment of out-of-school children and may increase school dropout rates because of tuition and other fees.** A recent governmental study of out-of-school children in Uganda pointed to financial constraints as the most prominent factor explaining both non-enrolment and high drop-out rates. Approximately 81% of the households sampled stated that lack of money was the reason as to why their children dropped out of school, while 58% claimed financial constraints was the reason their children never enrolled in school in the first place.¹²
13. **Private schools often charge fees that are above the resources of most Ugandans,** and even low-fee private schools ask for non-tuition fees in the form of school development fees, scholastic material, school uniforms and examination fees as a way of making up for the low tuition paid by

¹¹ 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.

¹² Ministry of Education and Sports, in collaboration with Unicef, Eriks, Save the children, UNHCR and Stromme Foundation, *'Out of School Children Study in Uganda'* (March 2014) page 9.

the students. As a result, the total cost of these additional fees may double the amount payable. This was explored in the course of our research, the results of which are explored below.

14. **Moreover, the growing privatisation in education has not been matched with an appropriate regulatory, supervision and monitoring framework.** According to an official from the Ministry of Education, the private sector has grown much faster than anticipated, driven by market forces, and it is only now that government is endeavouring to catch up with this expansion of the private sector.
15. Accordingly, contrary to assertions that the introduction of private actors in the education sector would result in improvement in the quality of education, private institutions at both primary and secondary levels have also been found to be contributing to the country's poor quality education and to growing disparities in educational standards between rich and poor. As a result, **the reality in Uganda is that parents with higher incomes can ensure a better education for their children**, while the poorest children are forced to attend either failing public schools in marginalised areas or the lowest quality private schools. It is this unfortunate reality that we sought to bring to light through our case-study, which forms the basis for this report.

III. Legal framework on the right to education and privatisation in Uganda

16. The State Party ratified the ICESCR on 21 January 1987, which protects the right to education at its article 13.
17. Furthermore, Uganda's domestic law also guarantees the right to education and crosscutting rights such as equality and non-discrimination.¹³ The Constitution of the Republic of Uganda further affirms that the country's foreign policy shall be based on the principles of respect for international law and treaty obligations, and also reaffirms that Uganda shall continue to be a party to all agreements, treaties and conventions to which it was a party prior to the coming into force of the 1995 Constitution.¹⁴ Therefore, violations of the rights guaranteed under regional and international instruments to which Uganda is a party are violations of Uganda's own domestic law.

¹³ Article 30 of the Constitution of Uganda, 1995 guarantees the right to education, and article 21 guarantees the right to equality and freedom from discrimination

¹⁴ See Objective xxviii and article 287 of the Constitution of the Republic of Uganda respectively.

18. Based on the work we have done on the topic so far, and on the analysis of the situation with regards to privatisation in education in seven other countries,¹⁵ we have developed the following draft framework, which sets out how international human rights law applies to privatisation in education, drawing in particular on article 13 of the ICESCR. A recent report published by the UN Special Rapporteur on the right to education presented at the UN General Assembly examines State responsibility in the face of the explosive growth of private education providers, from a right to education perspective, and lays out some the principles applicable.¹⁶ The principles detailed by the Special Rapporteur are very similar to those we use in our analysis framework, and references are made to them in our analysis.

Privatisation in education human rights draft analysis framework

While private providers of education should and must be allowed, the development of private education should:

1. Not lead to the creation of extreme disparities or discrimination of any sort, or be a factor of segregation or division in societies in general and education in particular;
2. Provide for a true alternative choice to quality free publicly-supported education, and not replace the public system, as the State retains the responsibility to offer quality public education for all;
3. Not lead to a marketization of education which would entail that education is no longer directed to the full development of a child's personality, talents and mental and physical abilities to their fullest, but instead only to achieving measurable outcomes, which would be contrary to the aims of education recognised in human rights law;
4. Offer quality education, which is adequately regulated, both in law and in practice, with adequate inspection staffing, effective accountability mechanisms, and without corruption; and
5. Be a decision which is subject to democratic scrutiny, and open to the human rights principles of transparency and participation.

19. We have so far focused our research on applying the privatisation analysis framework to the situation in Uganda with regards to the aforementioned principles. Our latest research has focused exclusively upon the discriminatory impact of privatisation. The findings are discussed below.

¹⁵ See: <http://globalinitiative-escr.org/advocacy/privatization-in-education-research-initiative/international-advocacy-on-privatisation-in-education> and <http://privatisationeducationhumanright.ning.com>.

¹⁶ Report of the Special Rapporteur on the right to education, A/69/402 (24 September 2014).

IV. Privatisation in Education and Discrimination – A Case Study in a Peri-Urban Area near Kampala

20. Following on from our previous report, ISER decided to conduct a case study in a local community to evaluate how privatisation in education results in discrimination and growing inequalities in society.
21. **Our research focused upon ‘low-fee’, for-profit and privately-owned and managed schools at primary and lower secondary levels.** The justification for this narrow focus is threefold. First, those attending low-fee schools are most likely to benefit from provision of quality public education and are thus likely to suffer most from the impacts of privatisation. Secondly, the government’s obligation to provide basic education covers only primary and lower-secondary levels. Thirdly, the growth of such private schools is of most concern regarding the enjoyment of fundamental human rights.

1. Methodology

22. The research was primarily conducted through field visits in the areas of Jambula and Nakamiro zones in Bwaise II, Kawempe division. Face-to-face interviews were conducted with the parents from the area of study at household level through the administering of structured questionnaires to investigate the inequalities caused by the growth of private schools in Uganda. In-depth interviews were also conducted with teachers and head teachers of both public and private schools that are accessed by the community and also with local council authorities, the Division Education Officer, Members of Parliament and Ministry of Education officials who possess special knowledge on public and private education in the area of study specifically and the country generally. Some of the key interviews, especially with policymakers and top officials in the education sector, were audio-taped and transcribed. In each section, supporting quotations from the interview transcripts were referenced to demonstrate the tone of the discussion.
23. Additionally, focus-group discussions were held with selected groups of parents from the area of study with the aim of establishing the impact of privatisation in education on the right to education, the inequalities in society engendered by the growth of private actors in education in Uganda, and challenges facing public education. These discussions were structured according to a focus-group guide and there was a note-taker present who recorded the key points during the proceedings.
24. Finally, observation was used to assess the status of public and private schools, in particular the number of children of school-going age in the area of study who were either at home or simply on the streets for lack of school fees and inaccessibility of public schools, both which have contributed to inequalities in low income societies.

2. Structural discrimination and segregation

a. Legal framework

25. The Ugandan constitution guarantees the right for all persons to be “*equal before and under the law in all spheres of political, economic, social and cultural life*”¹⁷ and to “*not be discriminated against on the ground of ... social or economic standing*”¹⁸.

¹⁷ Article 21(1) Constitution of Uganda 1995

¹⁸ Article 21(2) Constitution of Uganda 1995

26. International human rights bodies have underscored the importance of non-discrimination. It is an immediate and crosscutting obligation in the ICESCR, which requires States parties to guarantee non-discrimination in the exercise of each of the economic, social and cultural rights.¹⁹
27. CESCR General Comment 20 specifies that any kind of discrimination, whether direct or indirect, formal or substantive is prohibited.²⁰ The States Parties' obligations with respect to non-discrimination are immediate (as opposed to being subject to progressive realization) and require States to pay particular attention to vulnerable or marginalized groups. Non-discrimination also applies to the distribution of government funds and resources for education.
28. According to the CESCR, the State has an obligation to ensure that privatized education '*does not lead to extreme disparities of educational opportunity for some groups in society*'.²¹ Similarly, the Committee on the Rights of the Child has recently noted that States must ensure that the provision of essential services by private actors '*does not threaten children's access to services on the basis of discriminatory criteria*'.²²
29. The issue has also been addressed by the Committee on the Rights of the Child (CRC) in its general observations. Most recently, in the case of Morocco, the CRC expressed concern that the fast development of private education '*has led to the reinforcement of inequalities in the enjoyment of the right to education*'.²³ It has also recommended that Lebanon place stronger emphasis on public education so as to '*prevent any risk of discrimination*'.²⁴
30. Socio-economic segregation is directly linked to discrimination. In a recent list of issues, the CRC explicitly expressed its worry about segregation on a socio-economic basis. It requested Chile to explain the impact of privatization in education and its measures "*to put an end to segregation in the education system and guarantee the right to equality and non-discrimination in terms of access to education and within schools*".²⁵
31. As stated by the UN Special Rapporteur on the right to education, '*[p]rivatization in education cripples the universality of the right to education as well as the fundamental principles of human rights law by aggravating marginalization and exclusion in education and creating inequities in society*', and it '*favours access to education by the privileged*'. The Special Rapporteur also cautioned in his last annual report that '*privatisation 'throws overboard the fundamental principle of equality of opportunity in education, which is common to almost all international human rights treaties*'.²⁶ Access to education based upon the capacity to pay fees, which is a consequence of privatisation, '*flies in the face of prohibited grounds of discrimination*'.²⁷
32. His criticisms of privatisation as "*aggravating marginalisation and exclusion*" and creating "*social inequity*" are central to our study, and we share his view that the time is ripe for governments, including that of Uganda, to be "*expanding public educational opportunities for the marginalised groups, especially children from poor families*".²⁸

¹⁹ See Article 2(2)

²⁰ CESCR, General Comment 20.

²¹ CESCR, General Comment 13, para. 30.

²² CRC General Comment 16, paragraph 34.

²³ CRC, Concluding Observations: Morocco, CRC/C/MAR/CO/3-4 (2009), para. 60.

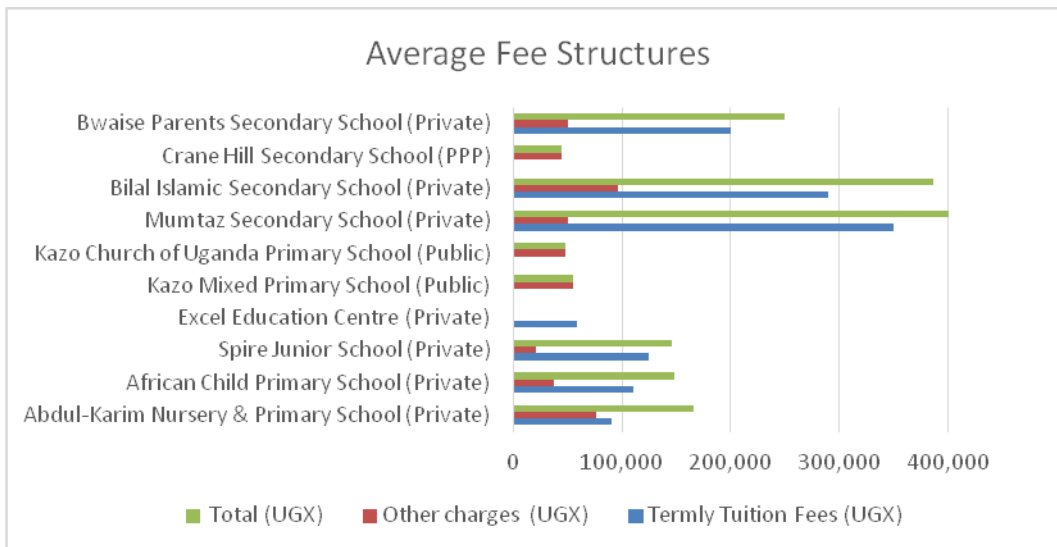
²⁴ CRC, Concluding Observations: Lebanon, CRC/C/15/Add.169 (2002), para. 33.

²⁵ CRC, CRC/C/CHL/Q/4-5, para. 14.

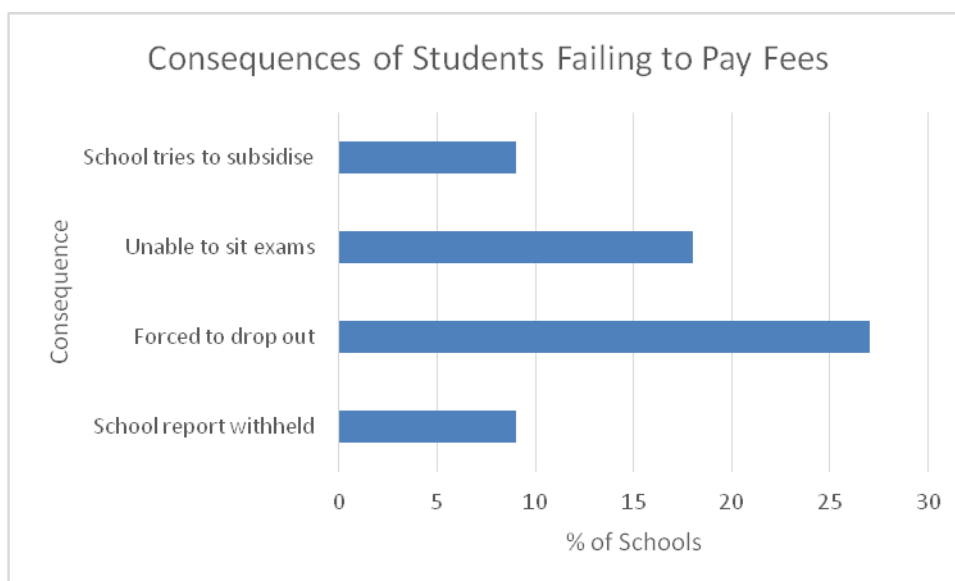
²⁶ Report of the Special Rapporteur on the right to education, A/69/402 (24 September 2014), para. 48.

²⁷ *Ibid.*, para. 45.

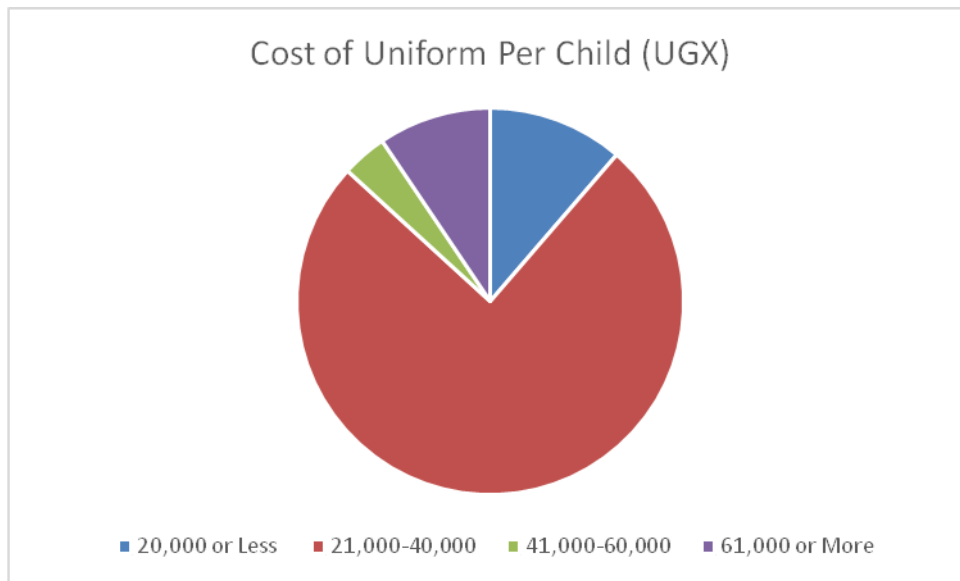
²⁸ *ibid*



33. It had been our intention to compare the average fees for schools in the area with the average parental income. However, the vast majority of parents surveyed are employed in the informal sector, and therefore unable to measure their monthly income with any accuracy, given its unpredictable nature. It was clear, however, that the average monthly income was far lower than the fees demanded by the local private schools.
34. For those parents who are unable to pay the fees to keep their children in school, 27% of the children are forced to drop out, with a further 18% prohibited from sitting exams, as evidenced below.



35. Beyond tuition fees, the hidden costs of schooling proved an additional burden on low-income families. The cost of uniforms alone seems to act as a deterrent for many parents sending their children to school. The chart below demonstrates the costs involved.



36. A recent article reported a story from Kasenyi village, Kalangala district, in central Uganda, where a father was asked why his 11-year-old son was at home on a school day to which he replied “*He has no uniform.*”²⁹ The fact that children can be found languishing at home without an education simply because their parents lack the means to buy them a uniform should be an affront to our conceptions of basic fairness.

37. In addition to uniform costs, families sending children to school incur further financial setbacks: they “*still have to buy scholastic materials including pens, exercise books, clothing and even bricks for classroom construction*”³⁰, which is far beyond the means of many Ugandan families. Our study found that 48% of parents whose children attended private schools had to supply, inter alia, toilet paper, reams of papers, books and stationery, on top of tuition and registration fees. Interestingly, a recent report³¹ criticising the state of Uganda’s education system for its “*very high number of dropouts and poor quality schooling,*”³² with **68% of Ugandan children drop out of primary education before completing seven years of education**, considered these hidden fees to be of most pressing concern.

38. Our research has thus unearthed the very real costs involved in educating a child, in both private and public schools, which the government must tackle as a matter of urgency to prevent inequality entrenching itself in Ugandan society. It lends empirical support to the claim pronounced in the latest Education For All Global Monitoring Report, that “*substantial freedom to choose schools often leads to increased inequality*”³³. It was certainly clear from our discussions with members of the

²⁹ <http://www.theguardian.com/global-development/2015/apr/23/uganda-success-universal-primary-education-falling-apart-upe>, accessed 30 April 2015

³⁰ *ibid*

³¹ *ibid*

³² *ibid*

³³ *supra* note 81

community that “wealthier and higher ability students and the better networked schools end up with the most benefits, and public schools increasingly serve disadvantaged populations”.³⁴

39. It has been argued that, until now, “the great increase in primary school enrolment in Africa ... [has been] due to increased access to no-fee state education”³⁵ . The introduction of UPE in Uganda undoubtedly played a major role in improving school enrolment across the country. In light of our findings, however, it appears we are in danger of undoing the hard work that has gone into improving access to education for all over the past two decades since UPE was implemented.

40. A recent report on privatisation puts it well when it endeavours to sum up the problems of privatisation, which include:

*“the effects on the (already parlous) state of the public system, which ends up catering to only students from the most deprived communities; the removal of especially middle-class children from the public schooling system based on the criterion of affordability and ‘choice’ and their separation from a wider network of social engagements and interactions; deepening social inequality and stratification amongst the citizenry, whatever the ‘gains’ of private education”.*³⁶

41. The same report goes on to consider the particular issues involved with low-cost private schools for the poor, empirical evidence of many of which has emerged from our research, most saliently that “it always increases stratification and inequality ... into the better off, who go private, and the worse-off, who go public”.³⁷ It attributes the crisis faced in the public school system, namely overcrowding, poorly trained teachers, substandard learning materials and crumbling infrastructure, to “thirty + years of neoliberal policies”³⁸ . This certainly appears to have been the trend in Uganda since the liberalisation of the education sector in 1993 to permit privatisation. More generally, high levels of privatisation in education have been shown to affect particularly marginalised and vulnerable groups, such as girls, as shown in a recent submission made to the CEDAW.³⁹

3. Right to access quality free education

a. Legal framework

42. Article 28 of the Convention on the Rights of the Child (ICRC) requires state parties to ‘make primary education compulsory and available free to all’ and to progressively introduce free secondary education. Article 13 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), which protects the right to education, takes a similar position.

43. According to the Committee on Economic, Social and Cultural Rights (CESCR), interpreting article 13 of the ICESCR:

³⁴ *ibid*

³⁵ <http://www.capx.co/africa-young-gifted-and-out-of-school/> accessed 30 April 2015

³⁶ Privatisation of Schools, Selling Out the Right to Quality Public Education for All, Education Rights Project, book 20, at 6

³⁷ *supra*, at 8

³⁸ *ibid*

³⁹ Global Initiative for Economic, Social and Cultural Rights, ‘Privatisation and its Impact on the right to education of Women and Girls’, *Submission to the Half-Day General Discussion on Education of the UN Committee on the Elimination of Discrimination Against Women*, June 2014, accessible here: <http://globalinitiative-escr.org/wp-content/uploads/2014/07/140627-Right-to-Education-Submission-to-CEDAW-Final-with-logos.pdf>

First, it is clear that article 13 regards States as having **principal responsibility for the direct provision of education in most circumstances**; States parties recognize, for example, that the “development of a system of schools at all levels shall be actively pursued” (art. 13 (2) (e)). Secondly, given the differential wording of article 13 (2) in relation to primary, secondary, higher and fundamental education, the parameters of a State party's obligation to fulfill (provide) are not the same for all levels of education. Accordingly, in light of the text of the Covenant, **States parties have an enhanced obligation to fulfill (provide) regarding the right to education**, but the extent of this obligation is not uniform for all levels of education. The Committee observes that this interpretation of the obligation to fulfil (provide) in relation to article 13 coincides with the law and practice of numerous States parties.⁴⁰

44. It should also be noted that Article 13 (3) of the ICESCR protects the liberty of parents and legal guardians to choose for their children schools “other than those established by the public authorities”, thereby assuming that there is a system of public schools available, which private schools provide an alternative too. The UNESCO Convention against Discrimination in Education takes a similar approach in its Article 2 which provides that the establishment or maintenance of private educational institutions does not constitute discrimination when it is to provide educational facilities *in addition to those* provided by the public authorities.⁴¹ It should also be noted that in its indicators on the right to education, the OHCHR suggests measuring child enrolments in *public* education institutions as an indicator of compliance with human rights standards.⁴²

45. A former Special Rapporteur on the Right to Education, the late Katarina Tomaševski, emphasised that:

“[i]nternational human rights law defines free and compulsory education as a government obligation, thus implying that it should be a free public service, while permitting private education for those parents who desire and can afford it, bearing in mind most private schools charge for their services.”⁴³

46. Thus, it is permissible and even required, to allow the development of private education, but the State retains the positive obligation to fulfil the right to education, and the obligation to provide primary education for all is an immediate duty of States.⁴⁴

47. The SR RtE made it explicitly clear by emphasizing that:

*Education must be safeguarded as a public good. Drawing upon the adverse impact of privatization in education and the consequent growing disparities in education, **Governments should ensure that private providers only supplement public education, the provision of which is the Government's responsibility, rather than supplant it.** [...] It is important to ensure that States do not disinvest in public education by relying on private providers.*

⁴⁰ CESCR, General Comment 13, para. 48 – emphasis added.

⁴¹ UNESCO Convention against Discrimination in Education, 1960. It can also be noted that in Africa, the African Commission on Human and Peoples' Right also considers the African Charter on Human and People's Rights to requires States ‘to respect the liberty of parents and guardians to establish and choose for their children schools, *other than those established by the public authorities*’, clearly emphasizing the primacy of public schools.⁴¹

⁴² OHCHR, Human Rights Indicators: A Guide to Measurement and Implementation (2012).

⁴³ Katarina Tomaševski, *Manual on rights-based education*, UNESCO (2004), p. 55.

⁴⁴ CESCR, General Comment 13, para. 51.

48. The Committee on the Rights of the Child has also provided guidance on the implementation of the ICRC in the context of privatisation in General Comment No. 5:

*The Committee emphasizes that enabling the private sector to provide services, run institutions and so on does not in any way lessen the State's obligation to ensure for all children within its jurisdiction the full recognition and realization of all rights in the Convention (arts. 2 (1) and 3 (2)).*⁴⁵

49. The CRC also addressed the issue of privatisation during its Day of Discussion on 'The private sector as service provider and its role in implementing child rights' in 2002. The Committee made a number of recommendations including:

*The Committee further recommends that, in order to ensure economic accessibility, policies on services, in particular health care and education services, be so formulated as to reduce the financial burden on low-income groups, particularly the poor, for example by reducing and eliminating user fees for those groups that cannot afford them, especially the poor.*⁴⁶

50. UN treaty bodies, including the CRC, have made a number of observations on the impact of privatisation and fees on the realisation right to education, with a direct link between the right to free education and the right to non-discrimination. For instance, with regards to Colombia, the Committee noted that the legislative provision that allows costs to be levied by schools upon those who can afford to pay '*has created a discriminatory educational system marked by arbitrary fees and social exclusion.*'⁴⁷

51. Similarly the CESCR's concluding observations have highlighted the negative and discriminatory impact of tuition fees. Despite the existence of scholarships and bursaries in Canada, the Committee expressed '*concern about the discriminatory impact of tuition fee increases on low-income persons.*'⁴⁸ It connected the importance of free education with the realisation of the right to non-discrimination, including discrimination on socio-economic grounds. In the case of Nepal, the CESCR was concerned that '*in practice primary education is not completely free due to various fees charged to parents, such as for school supplies and uniforms.*'⁴⁹

52. Further, in its review of the Republic of Korea, the CESCR clearly highlighted that access to education should not be based on financial capacity or, in the case of higher education, solely based on ability. It expressed its concerns with the '*high associated costs of education required to be paid by parents,*' '*the deepening inequality in education,*' and '*the fact that the chances of entering a high-level university for students are often determined by their parents' ability to afford after-school tutoring or private education.*' The CESCR recommended that the Republic of Korea '*ensure that education is equally accessible to all and without discrimination, on the basis of ability, not financial capacity.*'⁵⁰

53. More recently,⁵¹ the UN Special Rapporteur on the right to education has condemned "*governments that have failed to meet their obligation to provide universal, free and high-quality education for*

⁴⁵ Committee on the Rights of the Child, General Comment 5, CRC/GC/2003/5, para 44.

⁴⁶ *Op. cit.* paragraph 23.

⁴⁷ CRC, Concluding Observations: Colombia, CRC/C/COL/CO/3 (2009), para. 33. See also CRC, Concluding Observations: Sri Lanka, E/CRC/C/LKA/CO/3-4 (2010), para. 62.

⁴⁸ CESCR, Concluding Observations: Canada, E/C.12/CAN/CO/4 E/C.12/CAN/CO/5 (2006), para. 31.

⁴⁹ CESCR, Concluding Observations: Nepal, E/C.12/1/ADD.66 (2001), para. 57.

⁵⁰ CESCR, Concluding Observations: Republic of Korea, E/C.12/KOR/CO/3 (2009), para. 76.

⁵¹ <http://www.theguardian.com/global-development/2015/apr/23/education-is-a-basic-human-right-why-private-schools-must-be-resisted>, accessed 30 April 2015

all”⁵², asserting that providing “*basic education, free of cost, is not only a core obligation of states, but also a moral imperative*”.⁵³ Furthermore, he underlined the importance to ensure education does not become “*a privilege of the rich and well-to-do*”⁵⁴.

54. Finally, States have an obligation to ensure that the maximum available resources are devoted to achieving education outcomes, and thus have the burden of demonstrating that any State resources diverted to private providers of education cannot be better utilized by allocating them to the direct provision of public education. It is also worth noting that the privatisation of State services has repeatedly been struck down or limited by courts.⁵⁵

b. Situation in the State Party

55. A recent report on privatisation has summed up the essence of the issue of choice succinctly:

*“It is falsely argued that privatisation provides choices to parents, makes schools more responsive, and produces greater cost efficiencies and better quality education ... privatisation does not solve the problems in education; rather, it makes them worse”*⁵⁶

56. The “*mushrooming*”⁵⁷ of private schools in Uganda, far from demonstrating an increase in choice for parents as to where to send their children to school, is a damning indictment of the government’s failure to fulfil its obligation to provide universal and free basic education. In line with the trend in other countries, acknowledged by the latest EFA report, “*the private sector has grown due to inadequate supply, parents’ desires and a perception of higher quality*”⁵⁸. This is despite there being “*almost no evidence that private schools offer innovative ways to improve the quality of education*”⁵⁹. This EFA Report spells out that, far from private schools being the preference for parents for due to a genuine exercise of free choice, their popularity has increased for two reasons:

*“First, where public sector supply of schools, classrooms and teachers has not kept pace with population growth, private schools may have filled a gap, providing education for mainstream populations. Second, where public schools have failed to provide education access to disadvantaged populations, such as slum children, low-fee private schools have entered the market”*⁶⁰

57. The Ugandan education system is premised upon the notion of offering free choice to parents to choose the best school for their children. However, the reality is that there is **little more than an illusion of choice for the vast majority of families, with only the most socio-economically advantaged groups possessing the financial security to exercise their choice freely**. The result is a segregated education system, with low-income families confined to schools within their financial means, which tend to be of lower quality.

⁵² *ibid*

⁵³ *ibid*

⁵⁴ *ibid*

⁵⁵ *Argentina, Aquino, Isacio vs. Cargo Servicios Industriales S. A. s/accidentes ley 9688 (2004)*; *South Africa, Nkonkobe Municipality v Water Services South Africa (PTY) Ltd & Others (2001)*; *Argentina, Defensora del Pueblo de la Ciudad de Buenos Aires y otro c. Instituto Nacional de Servicios Sociales para Jubilados y Pensionados (1999)*.

⁵⁶ *supra* note 64 at 4

⁵⁷ *supra* note 50

⁵⁸ *supra* note 55 at 93

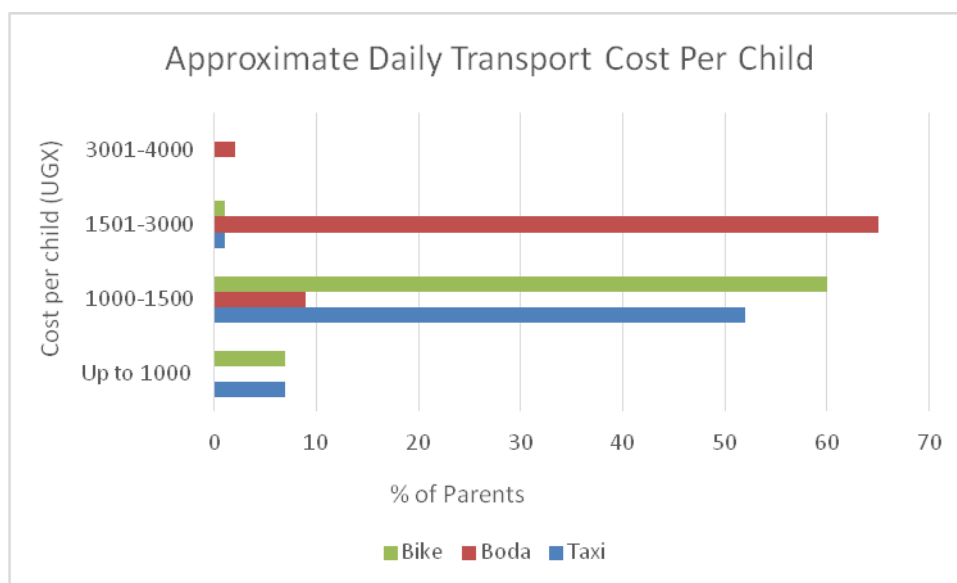
⁵⁹ *supra* note 55 at 215

⁶⁰ *supra* note 80

58. This is also common in other countries, with parents opting for private schools not out of informed decision-making but rather from *“frustration with government systems”*⁶¹. This was certainly a factor emanating from our research.
59. In the community where we conducted our research, there are only two easily accessible government primary schools, namely Kazo Mixed Primary School and Kazo Church of Uganda Primary School. There is just one secondary school under Public Private Partnership, Crane Hill Secondary School. Even then, the chart below shows that the public schools are far from being close-by for many children.

No.	Name of the public school	Distance to school (KMs)	Walking time to school (Minutes)	Average cost to reach school (UGX)
1	Kazo Mixed Primary	3.5	40	2000
2	Kazo C/U Primary	3	30	1000
3	Crane Hill Secondary	2.5	20	2000

60. The chart below goes further to demonstrate the costs involved in travelling to and from schools in the community in which our research was undertaken.



61. With large families and an unpredictable, if any, monthly parental income being the norm in Ugandan society, transport costs can rapidly add up to an unaffordable total, likely to act as a determinative factor in parental choice as to which school their children should attend, or indeed whether to send them to school at all. Pupil absenteeism and skipping classes are also both inevitable consequences of such transport costs, which undoubtedly have a severe impact on the quality of education.

⁶¹ <http://www.theguardian.com/sustainable-business/2015/mar/16/private-education-development-public-research-profit> accessed 30 April 2015

62. Furthermore, a survey of head teachers from the 10 schools visited, a number of schools in the community showed that 91% had witnessed students changing schools within the past two years. However, far from this demonstrating parents' exercising their right of choice, 21% of those had moved from private to public schools, with 100% citing lack of money as their motivation.
63. Moreover, 82% of the head teachers we surveyed acknowledged the dramatic growth of private schools in the area within the last year, with 56% attributing this growth to the lack of public schools, and the poor quality of those which do exist.
64. The lack of access to the free public education is reinforced by parents' perception of poor quality of public education. 56% of parents surveyed believed that private schools had better learning outcomes, with a further 38% suggesting there were better levels of teaching and care. Teachers interviewed had similar views on the discrepancies between public and private education, with 67% arguing teachers in public schools needed to be better trained, equipped and paid, and 22% suggesting learning materials in public schools were inadequate and needed to be improved. However, it is worth pointing out that the notion of public schools employing poorly-trained teachers is somewhat of a misconception, premised on perception rather than reality. Private schools indeed often hire unqualified teachers to keep their costs low and thus retain their profit margin.
65. It is also telling that, during an interview, Honorable Lubega MP suggested the first priority is to *"uplift government schools ... so that it lowers the demand for private schools"*⁶². In other words, if the government was meeting its international obligations to provide quality public education, the difficulty of monitoring the vast swathes of private schools preoccupied with profit-making would largely dissolve.
66. The Ugandan government therefore appears in breach of its several of its international obligations with respect to the right to education. First, it appears to have neglected its *"principal responsibility"*⁶³ to deliver public education services, in breach of article 13 ICESCR. Notably, the CESCR in its List of Issues has requested information on any increase in budget allocations for the realisation of the right to education which it recognises has *"not increased in recent years despite the growing demand for these sectors' services"*⁶⁴. Second, it has contradicted Article 29(2) CRC by allowing the provision of education by non-State providers to be detrimental to the fulfilment of the right to education. Third, by allowing private schools to all but replace public schools in many areas, the government has acted contrary to Article 13 of the ICESCR which clearly stipulated that private educational institutions are permitted only in addition to those provided by public authorities.

4. Private school regulation, in law and in practice

a. Legal framework

67. Article 13 of the ICESCR, as does article 29 of the ICRC, 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".

⁶² *supra* note 100

⁶³ ICESCR, article 13

⁶⁴ CESCR, Uganda List of Issues, December 2014, para 9

68. In its General Comment 16, the CRC clearly emphasised that “*legislation and regulation are essential instruments for ensuring that the activities and operations of business enterprises do not adversely impact on or violate the rights of the child*”.⁶⁵ It also highlighted the obligation to protect as it relates to the role of businesses:

*It means that States must take all necessary, appropriate and reasonable measures to prevent business enterprises from causing or contributing to abuses of children’s rights. Such measures can encompass the passing of law and regulation, their monitoring and enforcement, and policy adoption that frame how business enterprises can impact on children’s rights.*⁶⁶

69. Moreover, it is suggested that

*Agencies with oversight powers relevant to children’s rights, including labour, education and health and safety inspectorates, environmental tribunals, taxation authorities, national human rights institutions and bodies focusing on equality in the business sector can also play a role in the provision of remedies. These agencies can proactively investigate and monitor abuses and may also have regulatory powers allowing them to impose administrative sanctions on businesses which infringe on children’s rights.*⁶⁷

70. The CRC has further emphasised in its General Comment 5 the importance of an adequate regulatory body to ensure the respect of the Convention:

*Article 3 (3) requires the establishment of appropriate standards by competent bodies (bodies with the appropriate legal competence), in particular, in the areas of health, and with regard to the number and suitability of staff. This requires rigorous inspection to ensure compliance with the Convention. The Committee proposes that there should be a permanent monitoring mechanism or process aimed at ensuring that all State and non-State service providers’ respect the Convention.*⁶⁸

71. The CRC also addressed the issue of privatisation during its Day of Discussion on ‘The private sector as service provider and its role in implementing child rights’ in 2002. The Committee made a number of recommendations including:

*The Committee recommends that States parties take appropriate legislative measures and establish a permanent monitoring mechanism aimed at ensuring that non-State service providers respect the relevant principles and provisions of the Convention, especially article 4.*⁶⁹

72. Importantly, the CRC has recognised that “*it is the lack of implementation or the poor enforcement of laws regulating business that pose the most critical problems for children*”, and it has made a number of recommendations to ensure adequate enforcement of laws and policies.⁷⁰

73. These obligations entail States regulating private providers, monitoring and evaluating their compliance and educational outcomes and enforcing compliance where necessary. The CRC indicated that States have ‘*an obligation to set standards in conformity with the Convention and closely monitor them*’.⁷¹ Failure to do so amounts to a violation of the Convention.⁷²

⁶⁵ CRC, General Comment 16, para. 53.

⁶⁶ CRC, General Comment 16, para. 28.

⁶⁷ CRC, General Comment 16, para. 30.

⁶⁸ Committee on the Rights of the Child, General Comment 5, CRC/GC/2003/5, para 44.

⁶⁹ *Op cit.* paragraph 8.

⁷⁰ CRC, General Comment 16, para. 61.

⁷¹ CRC General Comment 16, paragraph 34.

74. The UN Special Rapporteur on the right to education warned that a considerable proportion of low-fee private schools, “*save costs by hiring ill-trained teachers and running large classes in substandard school buildings*”⁷³ and yet, he has commented, “*commercial publicity often tempts parents to opt for private schools in the expectation that their children will receive a better education*”⁷⁴ despite being an unsupported claim. The latest EFA report has warned of the long-term effect of governmental failings in respect of monitoring and evaluation, namely that “*unregulated private sector growth can lead to situations where public schools are stigmatised*”.⁷⁵ This has arguably already begun to be the case in Uganda, as our study has demonstrated.
75. The latest EFA Report has recognised that “*many low cost private schools operate in conditions so poor that they do not stand a chance of government registration*”⁷⁶ and “*never engage with the government for fear of closure over lack of compliance*”⁷⁷. Troublingly, it has pronounced government regulation of private schools “*minimal*”.⁷⁸
76. Currently, Uganda’s private education sector is regulated by the *Education (Pre-Primary, Primary and Post-Primary) Act, 2008*. Specifically, Part VII of the Act provides for setting up and registration of private schools, but it is only recently in 2014 that the Ministry of Education issued guidelines to give effect to the Act.⁷⁹ Gaps remain in terms of quality control, and protecting families from exploitation by private schools. This was confirmed by the 2012/2013 Education and Sports Sector Annual Report (ESSAPR) which indicates that there is no clear policy on quality assessment at all education levels, and there are inadequate school inspection services in the country.⁸⁰ The Private Schools and Institutions department is charged with the overall coordination, regulation, policy formulation and guidance on all matters regarding private schools, but it faces serious challenges in carrying out its mandate due to limited financial and human resources. The lack of regular monitoring was recognised as problematic during the course of our research, considered below.
77. Private schools in Uganda, far from endeavouring to provide a quality education for children, appear to focus primarily on profit-making. **This marketization of education is a key contributor to the discrimination and segregation evident throughout Uganda’s education system.** The opinion was widely held by teachers that private schools are too business-oriented. Moreover, the Division Education Officer indicated that “*90% of the private schools are opened up for business purposes*”⁸¹, citing “*quick returns*”⁸² as their primary motivation.

⁷² Ibid., CESCR General Comment 13, paragraph 59 which states that failure to maintain a transparent and effective system to monitor conformity with ICESCR Article 13(1) is a violation of Article 13.

⁷³ *supra* note 50

⁷⁴ *ibid*

⁷⁵ *supra* note 81

⁷⁶ *supra* note 80

⁷⁷ *supra* note 55 at 65

⁷⁸ *supra* note 81

⁷⁹ See Ministry of Education and Sports, Guidelines for Establishment, Licensing, Registration and Classification of Private Schools/Institutions in Uganda (2014).

⁸⁰ 2012/2013 Education and Sports Sector Annual Report (ESSAPR)

⁸¹ Interview with Division Education Officer, conducted March 2015

⁸² *ibid*

Interview with Headteachers of Secondary Schools

Interviews conducted by our researchers with headteachers of secondary schools in the community demonstrates the priorities where private education is concerned. (The schools' names have been withheld for confidentiality purposes).

"Why should you sympathise with a child who has defaulted on fees ... how do you expect the school to run? This is business not charity ..."

"Private schools have grown like any other business ... it is for making profits. Business people do not care whether there are teachers or not ..."

78. The sheer volume of private schools is suggestive of a lack of regulation, with 46 different schools attended by the children of the 82 parents we surveyed in one community. Moreover, only 45% of those schools we approached were monitored regularly by the Department of Education, with 43% of those who were not even receiving the report following an inspection. The Division Education Officer to his credit acknowledged the inadequacy of monitoring, pointing to the challenges faced by the Division, which include a lack of transport and manpower in comparison to the sheer volume of private schools, explaining *"there are only 3 inspectors of schools in the whole division yet there are 200 primary schools, 1000 secondary schools and 300 Nursery schools"*⁸³. This does appear a daunting task, and he has conceded that *"[although] a school should receive 3 inspections in a term ... the Division visits 1/10 in a year due to inadequate man power"*⁸⁴, noting that last year only 200 schools were visited.
79. Irrespective of the extent of the task, the government is certainly not acting in line with the obligations on the state to monitor and evaluate private education. More than that, Honourable Gudoï Yahaya Bungokho MP suggested it was *"political will [which is] allowing these schools to blossom"*.⁸⁵ Without it, he suggested, private schools *"would not be multiplying like they are today"*.⁸⁶ This suggests the government is not only failing to deal with private schools when they arise, but is actively encouraging their growth at the expense of public education.
80. Honourable Nakabira Gertrude Lubega MP admitted during our interview with her that *"there is a weakness in the government ... some of these private schools are not really schools"*⁸⁷. Her suggestion for how this particular problem of monitoring could be improved was to *"license all those private schools and to cross-check whether they meet minimum standards"*⁸⁸, echoed by Honourable Gudoï Yahaya Bungokho MP who argued that the government *"should ensure that [the] private sector adheres to the set standards [and put in place] stringent measures that can monitor private schools to see to it that whatever goes on there is in conformity with the regulations"*⁸⁹.

⁸³ *supra* note 96

⁸⁴ *ibid*

⁸⁵ Interview with Honourable Nakabira Gertrude Lubega MP, conducted March 2015

⁸⁶ *ibid*

⁸⁷ *ibid*

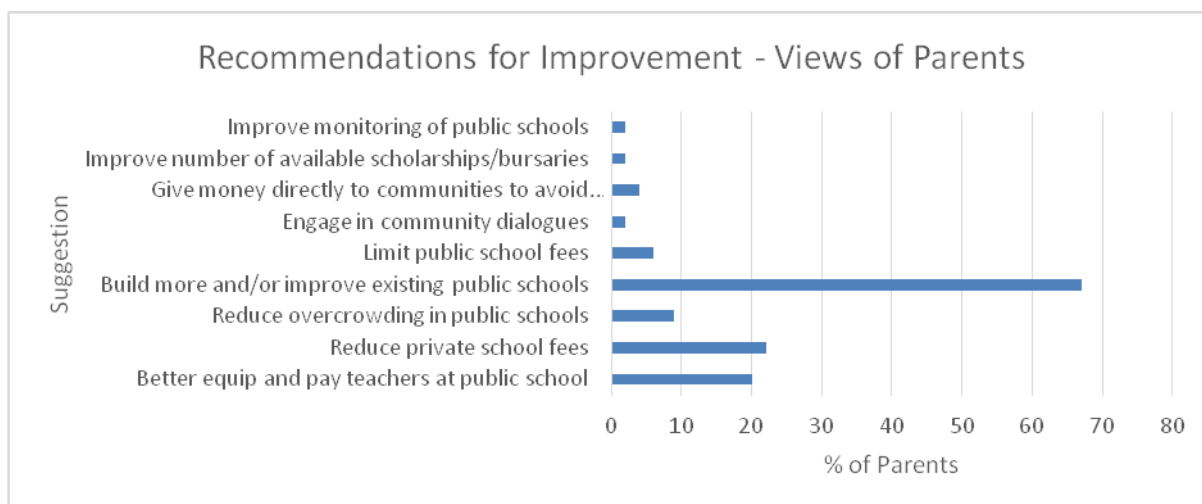
⁸⁸ *ibid*

⁸⁹ Interview with Honourable Gudoï Yajaya Bungokho MP, conducted March 2015

81. Reducing education to a business should be rightly condemned for it “*distorts the purposes of good quality public education*”⁹⁰. Privatisation is championed as a way to progress education, and yet “*too often everything is about the bottom line*”⁹¹ rather than the interests of the child. This comes through in our study. There are strong reasons for the Ugandan government to invest in public education rather than continue to promote private schools, since “*private and corporate interests in education unduly influences policy, detracts from democratic control of schools, and diminishes the quality of education guaranteed to all students*”⁹².
82. The failures of the Ugandan government in this respect appear to run directly against the crucial paragraph 59 of General Comment 13, which states that a failure to maintain a transparent and effective system to monitor conformity with ICESCR Article 13(1) is itself a breach of Article 13.

V. Recent reforms and way forward

83. There is little evidence of any concrete plans in place by the government to reform the public education system, although according to Honourable MP Bungokho there are policies to be introduced bringing in new rules on feeding children, providing teachers with a living wage, and ensuring that new public schools are “*built and equipped with all facilities*”⁹³. Further, it was somewhat encouraging to hear from the Division Education Officer that the government is “*working towards regulating [the] excessive requirements that schools ask from parents*”⁹⁴, citing a particular need for “*government interventions on extra charges levied in schools*”⁹⁵ which he pronounced “*extortion*”⁹⁶.
84. Yet in spite of these assurances, it is telling that, **of the parents surveyed during the course of our research, 74% were unaware of any plans of the authorities to improve the education system in their community.** Parents, teachers and head teachers in the community were subsequently all asked for their views on recommendations that they would give to the authorities as to how to improve the current situation. The results are displayed in the charts below.



⁹⁰ *supra* note 68

⁹¹ *supra* note 64, at 9

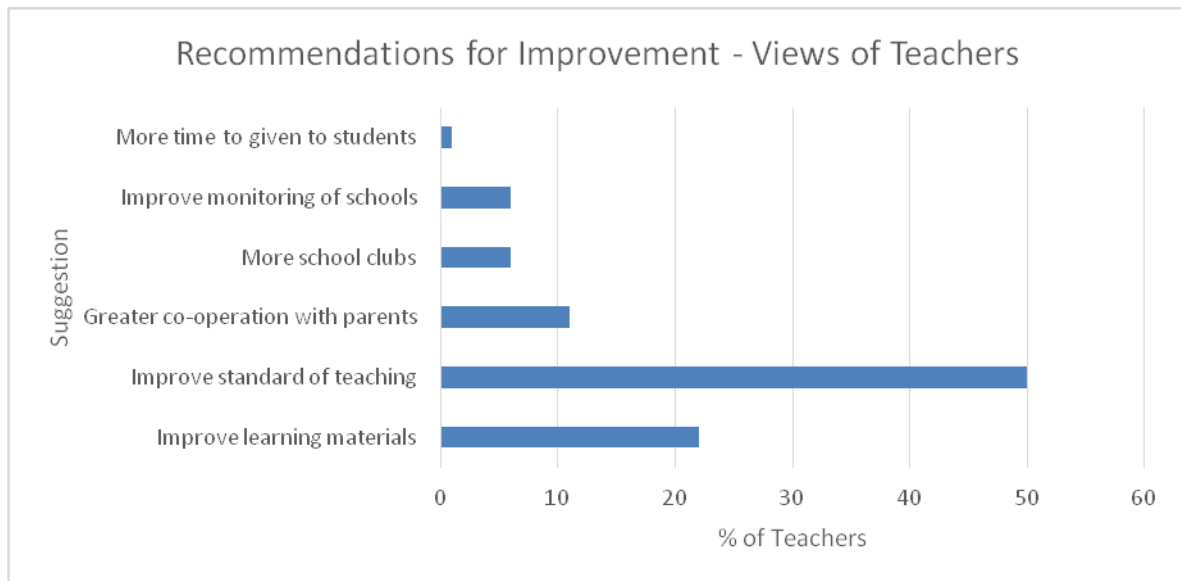
⁹² *supra* note 64 at 19

⁹³ *supra* note 104

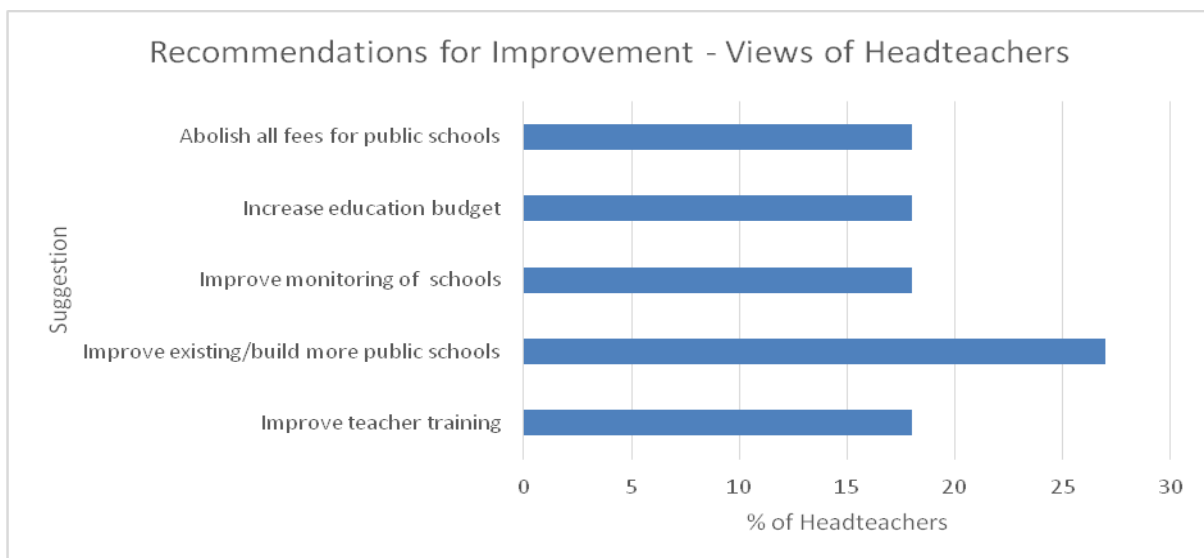
⁹⁴ *supra* note 96

⁹⁵ *ibid*

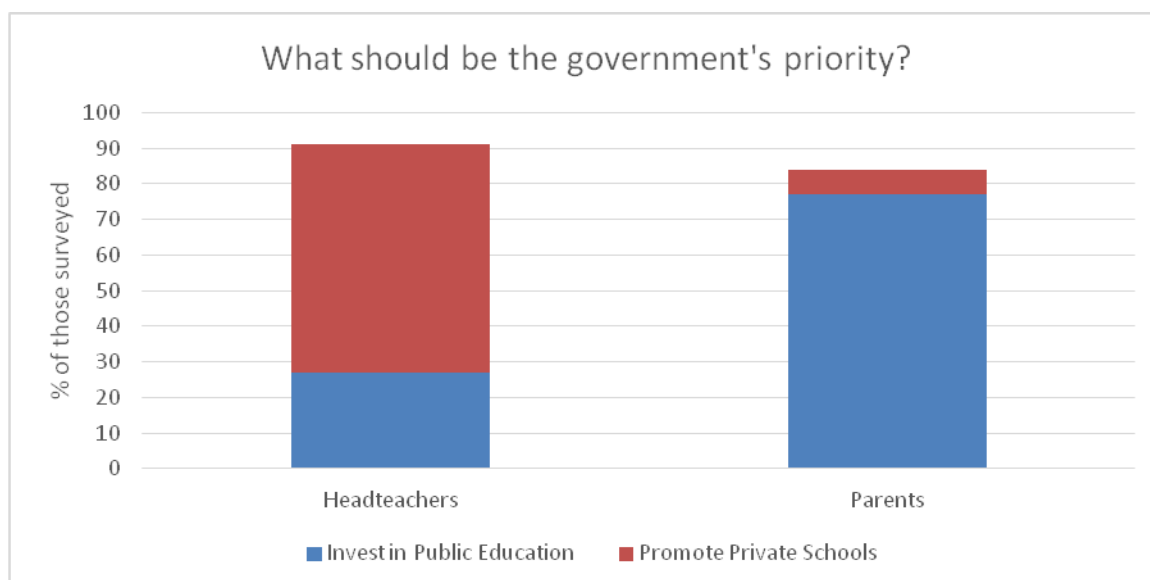
⁹⁶ *ibid*



85. The two suggestions that shone through most obviously during this section of the interviews was the desire for there to be more, and better quality, public schools as well as the need for there to be better trained and educated teachers in the public system. In addition, 22% of parents suggested that the government should reduce private fees. The idea behind this suggestion exposes the crux of the problem, namely that school fees are too high, which is having a discriminatory impact on low-income families across Uganda.



86. Finally, both parents and head teachers were asked whether they felt the government should invest more in public education or promote private schools. Their responses are captured below.



87. As illustrated, when asked whether the government ought to focus upon investing in public education or promoting public schools, 64% of head teachers argued for the latter, with only 7% of parents concurring when asked the same question. This difference in response comes from the fact that headteachers of private schools are inevitably approaching this question with the understanding that private schools are of better quality, resulting in better learning outcomes. The latest EFA report understands that this is a common opinion. However, as it explains, *“this private-public gap is likely attributable to the fact that students from wealthier and more advantaged backgrounds typically attend private schools”*⁹⁷ and in reality, as stated above, there is *“almost no evidence that private schools offer innovative ways to improve the quality of education”*.⁹⁸ Our research unearthed such misconceptions; during an interview with Honourable Nakabira Gertrude Lubega MP, she also explained that parents *“believe that it’s only private education [through which] students can perform better;”*⁹⁹ despite the Division Education Officer reiterating that *“so many public schools are performing better”*.¹⁰⁰

88. If the government fulfilled its international obligations to provide quality free public education, there would be no need for private education on the scale at which it currently is seen in Uganda, beyond the need for certain private schools to be permitted to reflect the allowable choice in the international standards, for example to enable parents with religious preferences to send their children to a religious school. It is this which must be the government’s focus.

VI. Recommendations to the State party

89. Privatisation should be acknowledged for what it is, *“an assault on the very essence of public education and education as a human right”*¹⁰¹, with low-fee schools in particular representing no more than *“profiteering disguised as philanthropy”*¹⁰² stemming from governmental failure to fulfil

⁹⁷ *supra* note 81.

⁹⁸ *Ibid.*

⁹⁹ *supra* note 104.

¹⁰⁰ *supra* note 96.

¹⁰¹ *supra* note 64 at 4

¹⁰² *ibid*

their international obligations to provide quality free public education. The Ugandan government's failure in this respect must therefore be addressed as a matter of urgency.

90. In light of the discussion above, we make the following preliminary recommendations to Uganda:

Recommendations for the Ugandan government

- a. Put in place a plan of action for improving the quality of public education in Uganda by among other things immediately increasing financial investment in the public education sector, as and match as a minimum the international target of 6% of GDP or 20% of the budget dedicated to education.
- b. Assess the direct and indirect impacts of the implementation of the liberalisation policy under the National Education Policy and the 2008 Education Act and the development of private education in the last ten years, in the light of its obligations to ensure that private education supplements but does not supplant public education and does not foster discrimination.
- c. Regularly collect and make publically available data on private school fees and social diversity amongst the pupils attending private and public schools, so as to be able to transparently identify and understand inequalities.
- d. Take all necessary measures, to avoid any direct or indirect harmful impact of the private educational sector and to ensure that the private sector contributes to the fulfilment of the right to education for all in Uganda, and review and amend if necessary its laws and policies governing private education providers to ensure the enjoyment of the right to education without any discrimination.
- e. Review the Income tax Act (cap 340.) to ensure that private schools are taxed as any other profit-making entity in the country, in line with the current bill under discussion.
- f. Ensure it has the necessary human and regulatory capacities to ensure effective implementation of the existing regulations with regard to provision of education by private providers, and halt further development of private education until the State has developed more comprehensive regulations and human capacities to adequately monitor private schools.
- g. To review its current public-private partnership policy in the education sector, and redistribute

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