

THE STATE OF ACCESS TO EDUCATION BY CHILDREN WITH DISABILITIES IN BUGIRI DISTRICT



ISER

Facilitating Social Justice

INITIATIVE FOR SOCIAL AND ECONOMIC RIGHTS

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1.0 INTRODUCTION

According to UNICEF, Children under 18 years old account for almost one third of the world's population. In many countries, children and youth make up almost one half of the national population and they are among the most marginalized and vulnerable members of society—needing special protective measures to ensure the wholesome development of the child. With an increase in foreign and local investment—coupled with high poverty levels and demand for cheap labour by corporate entities, it is inevitable that business, whether small or large, will interact with and have an effect on the lives of children both directly and indirectly. Children are key stakeholders of business – as consumers, family members of employees, young workers, and as future employees and business leaders. At the same time, children are key members of the communities and environments in which business operates. As such, child labour in most agri-culture and production enterprises is a major challenge in the promotion of children rights. Similarly, many of the children are often pushed into the labour market by their parents to supplement family financial sources and address dire poverty levels.

In 1990, Uganda ratified the Convention on the Rights of the Child (CRC)—which obligates State parties to ensure that all children – without discrimination in any form, benefit from special protection measures and assistance; have access to services such as education and health care; can develop their personalities, abilities and talents to the fullest potential.

Historically, the idea of children having rights was first viewed as revolutionary largely because children were presumed to lack the capacity of adults and to be under the control of their parents.¹

However, this changed with the adoption of the UN Convention on the Rights of Child. In this era of Sustainable Development Goals (SDGs), the state is required to promote and deliver inclusive, quality and equitable education for all children as required by Goal No. 4. Specifically, target 4.8 is aimed at putting in place education facilities that are disability friendly and sensitive by being safe, non-violent, and inclusive for all children.

Since the late 1990s, the government of Uganda has pre-occupied itself with increasing access to education for all children with much attention to children from poor backgrounds and vulnerable groups. This was demonstrated by the introduction of programs aimed at increasing enrolment in primary education. In 1997, the government of Uganda introduced the Universal Primary Education (UPE) education to enable children from poor backgrounds the opportunity to

access primary education.

There has been a significant increase in access to education as a result of introduction of the UPE program. Enrolment in primary schools increased from 3.1 million in 1996 to 5.3 million in 1997, indicating 73% increase.¹ The recent figures indicate 8.6million enrolment in primary schools as of 2016.² However, it is also notable that with the high population growth, the increase in enrolments is inevitable.

Despite the substantial increase in enrollment, there are a number of disparities that still exist in access to primary education in Uganda. The disparities manifest in various forms, for example less enrolments in rural primary schools compared to urban schools. There are also disparities in enrolments based on social groups – there are low enrolments for children with disabilities.

The purpose of the report is to examine Uganda’s delivery of education to children with disabilities in Uganda- a case study of Bugiri District. The district was chosen because it occupies an average position in terms of economic development and education service delivery performance in the country. It has an estimated GDP of \$181 per capita which positions it in the middle quartile of districts³ (64th place out of 116 districts). The district was also chosen based on its 89th position out of 112 district in terms of net intake ratio, completion rate and performance rate in the 2015/16 Education and Sports Sector Annual Performance Report. The district has registered this average performance despite the fact that in addition to government funding, it is also one of the districts that are benefiting from a \$100m four-year grant (Uganda Teacher and School Support Program) from Global Partnership in Education (GPE) ending in 2019⁴. US\$900,000 of the grant was specifically targeted at CWDs by improving access to teacher resources and learning materials for CWDs⁵. This includes an estimated 6.5 million pieces of instructional material, such

1 See Government of Uganda; Education and Sports Sector Analysis, 2019, pp. 43

2 Ibid

3 Rafa, M., Moyer, J., Wang, X., and Sutton, P. (2017) Estimating District GDP in Uganda. USAID. <https://pardee.du.edu/sites/default/files/Estimating%20District%20GDP%20in%20Uganda%20.pdf> [accessed 23/05/2019] Page 17

4 GPE (2018a) Disability and Inclusive Education, A Stocktake of Education Sector Plans and GPE-Funded Grants. Global Partnership for Education. Washington. <https://www.globalpartnership.org/sites/default/files/2018-07-gpe-disability-working-paper.pdf> [accessed 23/05/2019] Page 52

5 Ibid.

as braille and other learning materials for CWDs⁶. While the remaining funds are not specifically targeted at CWDs they are designed to benefit all children and the main grant includes interventions for ‘disadvantaged or marginalized populations, including children with disabilities’⁷.

Specifically, for Uganda the GPE through the World Bank is financing the Uganda Teacher and School Effectiveness Project (UTSEP). The project is being implemented by the MoES. UTSEP is a \$100m (more than sh360b) project, it was developed to support the improvement of teacher and school effectiveness in the Public Primary education system in the country.⁸ The implementation of the project commenced in March 2015 and is expected to close by March 2020. UTSEP’s intervention in primary education has largely focused on enhancing teacher and instructor competencies and practices, intensifying teacher supervision and school inspections, increasing the capacity of school leadership and accountability to the community and improving basic school facilities and supply of instructional materials for learners and teachers.⁹ Such as instructional materials and teacher guides for early grade reading, literacy and numeracy programs, braille and other learning materials for CWDs.¹⁰

The report therefore provides an overview of Uganda’s education system with attention to children with disabilities. In addition, the report looks at the right to education of children with disabilities focusing on the elements of availability, accessibility and acceptability.

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- 6 World Bank (2019a) World Bank Data Bank: Uganda, Fertility rate, total (births per woman): Uganda <https://data.worldbank.org/indicator/SP.DYN.TFRT.IN?locations=UG> [accessed 23/ 05/2019] Page 9.
 - 7 GPE (2018a) Disability and Inclusive Education, A Stocktake of Education Sector Plans and GPE-Funded Grants. Global Partnership for Education. Washington. <https://www.globalpartnership.org/sites/default/files/2018-07-gpe-disability-working-paper.pdf> [accessed 23/05/2019] Page ix.
 - 8 The World Bank, UG Teacher and School Effectiveness Project (P133780); Implementation Status & Results Report. P. 2 Available at <http://documents1.worldbank.org/curated/en/331681529952155723/pdf/Disclosable-Version-of-the-ISR-UG-Teacher-and-School-Effectiveness-Project-P133780-Sequence-No-08.pdf> (last accessed May 23, 2019)
 - 9 Ministry of Education and Sports website, Uganda Teacher and School Effectiveness Project (UTSEP); Transforming Primary Education in Uganda. Available at <http://www.education.go.ug/utsep/project-overview/> (last accessed May 23, 2019)
 - 10 Government of Uganda, 2016, Report of the Auditor General on the Financial Statements of Uganda Teacher and School Effectiveness Project of the Global Partnership for Education (UTSEP) for the Financial Year ended 30th June 2016. Available at <http://documents1.worldbank.org/curated/en/899541523286963160/Audit-Report-for-UTSEP-for-the-year-ended-June-30th-2016.pdf> (accessed May 23, 2019)

ISER acknowledges the efforts that have so far been made by the government of Uganda through the Ministry of Education and Sports to enable children with disabilities access education. However, it also equally notes that a lot needs to be done to enable children with disabilities to equitably access quality education.

2.0 METHODOLOGY

The research employed qualitative methods of data collection including key informant interviews, observation and desk research. Snowball sampling was used to identify respondents. The District Inspector of Schools was able to identify schools that had CWDs on their registers, of which two rural schools and two urban schools were chosen including one with an SNE unit attached. The head teachers at each school and the teachers who had CWDs in their registers were interviewed. The head teachers were able to help the team identify parents of CWDs who attended school and those who did not.

2.1. Literature review

Desk research included a review of laws, policies, reports, articles, papers and case studies relating to access to education by children with disabilities. The desk review also included a review of documents from the Ministry of Education and Sports and relating to education of CWDs, as well as Annual Sector Performance Reports and the Education Management Information System (EMIS). The findings have been organized into the 4A framework; availability, accessibility, acceptability and adaptability.

2.2. Key informant interviews

Key Informant Interviews were held with officials in Bugiri District and Municipal Education Offices and schools. For instance, key informant interviews were used with Bugiri District Inspector of Schools, inspector of schools, the Bugiri Municipal Education officer, the head teachers and teachers. Key informant interviews were also used to give key stakeholders an opportunity to express their opinions, ideas and recommendations about primary education of CWDs in Bugiri district and the entire country – two Local Leaders were interviewed. The Local Leaders were able to respond on behalf of the communities they represented.

Key informant guides generally helped to minimize non-responses and rephrasing of questions. Some of the key interviews, particularly those involving policymakers and 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.

An interview guide was used with head teachers and teachers of the different schools in Bugiri. Face-to-face interviews were conducted with some parents who access services from the selected schools around the areas of study. In-depth interviews

were conducted with head teachers of schools that are accessed by the CWDs communities under study.

Key Informant Interviews were used with district officials to generate information where there were gaps in the findings from the Literature Review. Interviews were conducted to gather insight into the experiences of CWDs at school. In particular, they were used to identify the barriers to access that CWD face and the quality of provision they may experience in school. Interviews were conducted with four head teachers, five teachers, three parents and three children.

2.3. Observations

Intentional observation was used to assess education by CWDs in the different schools, in particular the physical facilities, in the areas of study. The researchers looked directly at what was occurring in the different schools to gather more valid and authentic data. This was used to obtain the best possible representation of the issue under discussion and to provide a contextual overview.

3.0 OVERVIEW OF UGANDA'S EDUCATION SYSTEM

The structure of Uganda's education system is stipulated in s.10 (1) of the Education Act, 2008. The provision enumerates four levels of education; pre – primary education; primary education; post primary education and training; and tertiary and university education. However, under S. 10(2) of the same Act, the state of Uganda is not responsible for the pre – primary education. The provision is to the effect that the private sector and the parents/ guardians are responsible for their children pre – primary education.

As a result, the recognizable education system is the one commonly referred to as 7-4-2-3 system of education.¹¹ This system constitutes of primary education that takes seven years and learners are required to commence learning at the age of 6 years up to 12 years. For primary education which is also known as basic education, the government has committed to ensure that it is free and compulsory to all children in Uganda.¹² This is further emphasized by the fact that even for children who drop out before completing primary education, government is mandated to ensure that those who drop out acquire basic education through alternative approaches.

Currently the state provides primary education through the Universal Primary Education program. However, parents and guardians are still required to cater for food, clothing, shelter, medical care and transport for their children while at school. These items constitutes a cost which runs counter to the principle of free and compulsory basic education.¹³ Also, the government of Uganda is implementing a liberalization policy in the delivery of education. Under S. 6 (c) of the Education Act, private institutions which includes both profit and non – profit are one of the categories of education institutions in Uganda. At primary level, about 39% of the schools are private owned and these enroll about 21% of the learners.¹⁴ The private schools share of primary education enrolment has been growing at an average of about 1% per annum over the last ten years.¹⁵ The growth of the private sector provision of education is largely attributed to the dwindling public investment in

11 Government of Uganda; Comprehensive Evaluation of the Universal Primary Education (UPE) Policy; Thematic Report 1: Policy, Legal, Regulatory and Institutional Framework, 2018 PP. 94. Available at <http://npa.go.ug/wp-content/uploads/2019/02/Thematic-Report-1-Policy-Legal-Regulatory-and-Institutional-Frameworks-080119.pdf>

12 Government of Uganda; The Constitution of the Republic of Uganda, Article 34(2) and S. 4 of the Education Act 2008

13 Government of Uganda; Education Act, 2008, S. 5 (2) (c)

14 Government of Uganda; Education Fact Sheet 2016 &The Education Statistical Abstract 2016)

15 Ibid

education which has affected the quality of education delivered in UPE schools. According to the World Bank, the government of Uganda's public spending on education, as a share of GDP, is one of the lowest in the region.¹⁶ The Education expenditure as a share of the national budget has decreased from 15 to 10% over the last few years.¹⁷ Despite the recent increase in the operation unit cost for each pupil in UPE from UGX 10,000 to 14,000 annually, this is still below the recently recommended per pupil annual expenditure of UGX 63,546 for Urban schools and UGX 59,503 for rural schools respectively.¹⁸

At the end of the primary cycle, pupils are required to sit for the national Primary Leaving Examinations (PLE) to be assessed to determine promotion to the next level. It is allowed upon successful completion of the primary education for a pupil to opt to join a technical institute for a course of three years.¹⁹

The second level is lower secondary education which takes four years. The lower secondary education level is followed by higher secondary which is the third level and learning takes two years. It is noteworthy that for secondary education, the private sector is playing a more pronounced role – over 66% of the schools are private and these have been enrolling on average 51% of students.²⁰ Also, after completing lower secondary, a student can opt to go for a two year advanced course in either a technical or training college.²¹

The fourth level is tertiary or university level, upon acquiring an advanced certificate of education, a learner can either enroll for a diploma for two year or degree for three or more years.

There has been suggestion to reform this system to 8-3-2-3 system as recommended by the Economic Policy Review Commission. However, in its recent report, the

16 World Bank; COVID-19 EMERGENCY EDUCATION RESPONSE PROJECT, 2020, pp. 7

17 Ibid

18 Government of Uganda; Comprehensive Evaluation of the Universal Primary Education (UPE) Policy; Thematic Report 5: FINANCING AND COSTING OF UPE, 2018, P. iii. Available at <http://npa.go.ug/wp-content/uploads/2019/02/Thematic-Report-5-Financing-and-Costing-of-UPE-080119.pdf>

19 Government of Uganda; Comprehensive Evaluation of the Universal Primary Education (UPE) Policy; Thematic Report 1: Policy, Legal, Regulatory and Institutional Framework, 2018 P. 94. Available at <http://npa.go.ug/wp-content/uploads/2019/02/Thematic-Report-1-Policy-Legal-Regulatory-and-Institutional-Frameworks-080119.pdf>

20 Government of Uganda; Education Fact Sheet 2016 & The Education Statistical Abstract 2016), *supra*

21 Ibid, pp.94

National Planning Authority emphasized that the current system is still relevant in terms of delivery of quality education and only needs to be strengthened.²²

The state through the Ministry of Education and Sports is responsible for the governance of the education system in Uganda. The Ministry is responsible for formulating and setting standards for all matters concerning education and training; provide technical guidance and support supervision, coordination, evaluation and regulation of the sector players in the education sector.²³ In doing so, the ministry is supported by its autonomous and semi -autonomous bodies as well other government ministries, departments and agencies.

In terms of provision of education, although the state is the principal provider of education²⁴ non - state actors such as individuals, religious bodies, non - government organizations and companies are allowed to start and operate schools provided they comply with the country's education standards and regulations.²⁵

From the wording and the spirit of the Constitution of the Republic of Uganda and the Education Act, the non - state actors are merely required to play a complementary role in the provision of education and their involvement in the delivery of same does not amount to an ouster of the state because it remains with the principal legal obligation as noted earlier. However, in practically and considering the figures shared earlier, the non - state actors are playing a big role in the provision of education and thus no longer mere complementarians as envisaged by the Constitution.

22 Government of Uganda; Comprehensive Evaluation of the Universal Primary Education (UPE) Policy; Thematic Report 1: Policy, Legal, Regulatory and Institutional Framework, 2018 P. Xxii. Available at <http://npa.go.ug/wp-content/uploads/2019/02/Thematic-Report-1-Policy-Legal-Regulatory-and-Institutional-Frameworks-080119.pdf>

23 See Government of Uganda; Education Act, 2008, S. 5

24 See Government of Uganda; Constitution of the Republic of Uganda, Article 34(2) and Education Act, 2008, S. 5

25 See Government of Uganda; Constitution of the Republic of Uganda, objective XVIII, of the National Objectives and Directive Principles of State Policy and Education Act, 2008, S.6

26 The Education 2030 Framework for Action, which is the roadmap for the realisation of 'SDG' 4 recognizes education as a public good, whose duty is for the state to deliver and a shared societal endeavor as well, which implies an inclusive of non - state actors but with the state having an essential role in 'setting and regulating standards and norms.

4.0 EDUCATION OF CHILDREN WITH DISABILITIES: IS IT SPECIAL NEEDS OR INCLUSIVE EDUCATION?

For a long time, a universally acceptable understanding of disability has been contested. This is due to the conflict between the “social” and “medical” model.²⁷ This has since been reconciled to “bio-psycho-social model”.²⁸ Disability is termed to mean impairments, activity limitations and participation restrictions, referring to the negative aspects of the interaction between an individual (with a health condition) and the individual’s contextual factors (environmental and personal factors).²⁹

The preamble to the Convention on the Rights of Persons with Disabilities recognize that disability is an evolving concept and that it results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others.³⁰

Historically, the issue of access to education by children with disabilities has been associated with the concept of special needs education through special schools.³¹ Special needs education is one where classes or instruction is designed for students having impairments and thus require special attention and additional support.³²

The use of special needs education in delivery of education to children with disabilities was viewed to be perpetuating discrimination and segregation of children with disabilities from those without disabilities. This reform is attributed to the growing tendency of seeing disability as a human rights issue.³³ Indeed since the 1970s, there has been reforms in measures and responses to challenges of persons with disabilities. The policy response to issues of persons with disabilities has now shifted towards community and educational inclusion and abandoning medically-focused solutions.³⁴

27 World Report on Disability, P.3 – 4 Available at https://www.who.int/disabilities/world_report/2011/chapter1.pdf

28 Ibid, P.3 – 4

29 Ibid, p.4

30 See para (e) of the Preamble to the Convention on the Rights of Persons with Disabilities. Available at <https://www.un.org/disabilities/documents/convention/convoptprot-e.pdf>

31 World Report on Disability, Supra, P.3

32 UNESCO; A guide for ensuring inclusivity and Equity in Education, P. 7, Available at <https://unesdoc.unesco.org/ark:/48223/pf0000248254>

33 World Report on Disability, supra, P.3

34 World Report on Disability, supra, P.3

As a result, special needs education has been dropped for Inclusive education. According to UNESCO, inclusive education is the process of strengthening the capacity of the education system to reach out to all learners.³⁵ And for Roger Slee, inclusive education involves the securing and guaranteeing the right of all children to access, presence, participation and success in their local regular school.³⁶ This can be achieved by building the capacity to eliminate barriers to access, presence, and participation in learning for all children.³⁷

It is notable that inclusive education can only be achieved through the principles and actions of fairness, justice and equity.³⁸ This requires the state to ensure equitable distribution of schools with all the basic and minimum standards that can enable equitable access of quality education to all children. Inclusive education is also premised on the political aspiration of achieving an inclusive world thus the need to teach inclusively by ensuring that the curriculum, pedagogy, assessment and the design of a school or classroom is more enabling for all learners.³⁹

Much as Uganda's delivery model of education to children with disabilities is a mixture of both special and inclusive education,⁴⁰ the conception of the idea is more of special needs education. This is demonstrated by the adoption of the formulation and adoption of the Special Needs Education policy, the establishment of the special needs education in the Ministry of Education and Sports and the allocation of special capitation grants to recognized schools that enroll children with disabilities.

However, there are indication of shifting from emphasizing the special needs education model to inclusivity. The Special Needs Education Policy, 2006 has been reviewed and the new policy has been drafted. The draft National Inclusive Education Policy is proposing to approach education service delivery from the angle of creating an education system that is responsive to the learner's diversity and to ensure that all learners have the best possible opportunities to learn.

35 UNESCO; A guide for ensuring inclusivity and Equity in Education, *supra* p. 7

36 Roger Slee (2019), Defining the scope of inclusive education Think piece prepared for the 2020 Global Education Monitoring Report Inclusion and education 2, P. 8. Available at https://www.researchgate.net/publication/330741940_Defining_the_scope_of_inclusive_education_Think_piece_prepared_for_the_2020_Global_Education_Monitoring_Report_Inclusion_and_education_2

37 Ibid, P. 8

38 Ibid, P. 9

39 Ibid, P.9

40 See Government of Uganda, Education and Sports Sector Analysis, 2019, P. 156; Government is using special schools, special units and mainstream schools and inclusive schools to deliver education to children with disabilities in the country.

5.0 STATUS OF CHILDREN WITH DISABILITIES' EDUCATION IN UGANDA

5.1. Enrollment and out of school

Despite efforts and achievements registered by the Education for All and Millennium Development Goals, and now the progress being realized by the Sustainable Development Goals in terms of access to education, a number of children across the world are not accessing education. Globally 63million of primary school going age are out of school, of these 20.8% are in sub – Saharan Africa⁴¹. While in Uganda, data analyzed from the national census of 2014 indicate that 12.5% of the primary school age children (6 – 12 years were not attending school).⁴²

There are a number of reasons attributed to out of school children, financial constraints by households to ably provide for school requirements such as pens, papers, exercise books, uniforms, exams, school feeding, development fees among others are one of the major impediments to regular school attendance and completion.⁴³ Some parents consider their children to be too young to be enrolled in school and others attribute their failure to enroll their children in school on ground of being disabled among others.⁴⁴

Globally, it is acknowledged that there is no clear estimate of the total number of children with disabilities and their enrolment in school. It is estimated that 93 million children under age 14, or 5.1% of the world's children, live with a 'moderate or severe disability'.⁴⁵ Of these, 13 million, or 0.7% of the world's children, experience severe disabilities.⁴⁶ In terms of enrolment, it estimated that one – fourth

41 UNESCO; One in Five Children, Adolescents and Youth is Out of School, Fact Sheet No. 48, 2018. Pp. 1&5, Available at <http://uis.unesco.org/sites/default/files/documents/fs48-one-five-children-adolescents-youth-out-school-2018-en.pdf>

42 According to Uganda Bureau of Statistics 2017, The National Population and Housing Census 2014 –Education in the Thematic Report Series, Kampala, Uganda, Available at https://www.ubos.org/wp-content/uploads/publications/03_2018Education_Monograph_Report_Final_08-12-2017.pdf, the total number of primary school age children amounted to 7.34million in the entire country.

43 Government Of Uganda; Uganda National Household Survey 2016/17, p. 45

44 Ibid

45 United Nations Education Scientific and Cultural Organization and Global Education Monitoring Report; GEM Report summary on disabilities and education, 2020, p. 6. Available at <https://unesdoc.unesco.org/ark:/48223/pf0000265353>

46 Ibid

to one – half of children with disabilities are not in school.⁴⁷ Also, children with disabilities are one of the most marginalized and excluded children, in most cases they are denied their right to education.⁴⁸ It is estimated that one-third of all out-of-school children at the primary level have a disability.⁴⁹

The Ministry of Education and Sports has not been consistent in collecting and keeping data on the percentage of children with special needs who are in and out of school.⁵⁰ Nevertheless, available data indicate that there are 2.5million children with disabilities in Uganda, of these, only 5% can access education within inclusive schools and 10% in special schools and annexes.⁵¹ UNICEF⁵² further reported that only 9% of CWDs at school-going age attend primary school, compared to 92% of all children, and only 6% continue to secondary schools. In addition to this, 19% of CWDs aged seven to sixteen have never been to school and 39% of those aged seventeen to twenty-two have completed fewer than four years of education⁵³.

The Ministry of Education and Sports on its part reports the percentage of children with special needs enrolled in primary school to constitute 1.79% in 2015, 2.06 in 2016⁵⁴ and reduced to 2.0% in 2017.⁵⁵ Enable-Ed and USDC⁵⁶ report that girls with disabilities, children with multiple disabilities and children who live in geographical

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- 47 The International Commission on Financing Global Education Opportunity; The Learning Generation; investing in education for a changing world, P.142, Available at <https://report.educationcommission.org/downloads/>
 - 48 UNESCO; A guide for ensuring inclusivity and Equity in Education, P. 13, Available at <https://unesdoc.unesco.org/ark:/48223/pf0000248254>
 - 49 United Nations Education Scientific and Cultural Organization and Global Education Monitoring Report, Supra p. 7
 - 50 Initiative for Social & Economic Rights (ISER) 2019, “Status of Implementation of SDG 4 on Education: Is Uganda on Track?”
 - 51 Ministry of Gender, Labour and Social Development and UNCIEF (2015) Situation Analysis of Children in Uganda, P.61. Available at <https://www.unicef.org/uganda/media/1791/file/Situation%20analysis%20of%20children%20in%20Uganda%20.pdf>
 - 52 UNICEF (2014) Research study on children with disabilities living in Uganda: Situational analysis on the rights of children with disabilities in Uganda. http://fenu.or.ug/wp-content/uploads/2013/02/UnicefUganda_CwDsStudy_SituationalAnalysisFinalReport_2014.pdf [accessed 23/05/2019] P. 13.
 - 53 Ibid, P.37.
 - 54 Government of Uganda, Education and Sports Sector Annual Performance Report, FY2016/17, P. 195.
 - 55 Government of Uganda, Education and Sports Sector Analysis, 2019, P. 158
 - 56 Enable-Ed and USDC (2017) Inclusive Education in Uganda: Examples of best Practice. Enable-Ed and Uganda Society for Disabled Children <http://afri-can.org/wp-content/uploads/2017/11/Inclusive-Education-in-Uganda-examples-of-best-practice-March-2017..pdf> [accessed 22/5/19] Page 11

areas where enrolment is lower are less likely to enroll than others. Transition between primary and secondary school is a major issue for CWDs. About 94% of CWDs drop out of school between the primary and secondary levels.⁵⁷ However there are some examples of where transition to secondary school has been addressed. Enable-Ed and USDC⁵⁸ cite the example of Iganga Secondary School where the special needs teacher visits feeder primary schools to speak to families about the importance of continuing in education. In Bugiri district, disability prevalence is reported to be 13.6% of adults and 6.2% of children (12,472), which is roughly in-line with national figures⁵⁹. Although the Uganda Bureau of Statistics did not disaggregate enrollment in terms of disability, it provides the school attendance and non – attendance in school in primary as indicated in the table below;

Persons attending and not attending primary school

Persons	Number	Percentage
Persons not attending primary school		
Persons aged 6-15 not attending school	11,427	9.4
Males aged 6-15 not attending school	6,069	9.8
Females aged 6-15 not attending school	5,358	8.9
Persons Attending Primary school		
Persons aged 6-12 not attending school	77,924	86.5
Males aged 6-12 not attending school	39,226	85.9
Females aged 6-12 not attending school	38,698	87.1

Source: Uganda Bureau of Statistics 2017, the National Population and Housing Census 2014-Area Specific Profile Series, Kampala, Uganda.

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- 57 UNICEF (2014) Research study on children with disabilities living in Uganda: Situational analysis on the rights of children with disabilities in Uganda. http://fenu.or.ug/wp-content/uploads/2013/02/UnicefUganda_CwDsStudy_SituationalAnalysisFinalReport_2014.pdf [accessed 23/05/2019] Page 41.
- 58 Enable-Ed and USDC (2017) Inclusive Education in Uganda: Examples of best Practice. Enable-Ed and Uganda Society for Disabled Children <http://afri-can.org/wp-content/uploads/2017/11/Inclusive-Education-in-Uganda-examples-of-best-practice-March-2017..pdf> [accessed 22/5/19] Page 11
- 59 UBOS (2017a), The National Population and Housing Census 2014 – Area Specific Profile Series, Uganda Bureau of Statistics. Kampala, Uganda. <https://www.ubos.org/wp-content/uploads/publications/2014CensusProfiles/BUGIRI.pdf> [accessed 23/05/2019] P.22

As noted earlier, although the available data in the table above is not disaggregated by disability, in most cases, it is the CWDs with high chances of not being in chances. It is therefore high possible that of the children who are not attending primary education, CWDs constitute the majority.

5.2. Availability

The element of availability in regard to the right to education entails a presence of functioning educational institutions and programs. The institutions need to operate with adequate and sufficient sanitation facilities for both sexes, safe drinking water, libraries, trained and well remunerated teachers receiving domestically competitive salaries, teaching materials,⁶⁰ and in this era computer facilities and information technology.

Children with special needs access education in three categories of schools; (i) special schools, (ii) units attached to mainstream schools – these two educate only children with special needs, (iii) inclusive schools – they enroll children with and without special needs to receive education in the same setting.⁶¹ These schools are spread across the country as indicated in the table below;

Table 1: Primary special schools, units and inclusive schools⁶²

Region	Special schools	Units attached to mainstream schools	Inclusive schools
Eastern	3	14	9
Northern	1	22	6
Central	11	20	7
Western	2	28	5
Total	17	84	27

Source: Education and Sports Sector Analysis, 2019

The Education and Sports Sector Analysis highlighted schools in Uganda are grappling with inadequate number of SNE teachers, special equipment and materials, adapted toilet facilities and financial constraints.⁶³ And as a result of all this children with special needs are not able to read or do simple mathematics

60 CESCR General Comment No. 13: The Right to Education (Art. 13), Para. 6 <https://www.refworld.org/pdfid/4538838c22.pdf>

61 Government of Uganda, Education and Sports Sector Analysis, 2019 P. 156

62 Ibid, 157

63 Ibid

assignments due to lack of teaching and learning materials.⁶⁴

5.3. Access

It is a requirement for educational institutions and programs to be accessible to everyone, without discrimination both in law and in fact; they should also be physically accessible; and affordable.⁶⁵ As noted earlier, there are 2.5million children with disabilities in Uganda, of these, only 5% can access education within inclusive schools and 10% in special schools and annexes. These ones mainly access education in the above mentioned schools in table 1 above.

However, in terms of equitable access to education, the central region has the highest number of special schools at 11 schools compared to north and west with one and two schools respectively. For the case of units attached to mainstream schools, the western region has the highest at 28 schools while eastern has the least at 14 schools. And for inclusive schools, eastern has the highest at nine (09) schools, with western having the least at five (05) schools.

First, it is important to note that the Education and Sports Sector Analysis does not indicate the ownership of these schools. Secondly, considering the peculiar situation of SNE learners, the limited distribution of these schools has affected access to education which explains the low enrollment rates. The number of schools is limited to sufficiently cater for SNE learners. It means most of the SNE learners will have to trek long distances to access the schools. Indeed long distances are reported to be one of the reasons for low enrolments and drop out by CWDs.⁶⁶

The drop outs are also being attributed to the high cost of accessing education on the part of the parents or guardians of the children who are required to support their children in form of school tuition and other contributions. It is reported that 35.1% - boys and 33.5% girls drop out of school as a result of education being expensive and thus unfordable.⁶⁷ Also, 32.5% of the boys and 31.1% of the girls dropped out as a result of lack of funding for their education.⁶⁸ This state of affairs is for all learners including those without disabilities. However, when it comes to children with disabilities, the cost is even higher because of the inputs needed in terms of instructional, learning materials and qualified teachers capable of handling

64 Ibid

65 CESCR General Comment No. 13, para 6.

66 Ibid, 158

67 Government of Uganda, Uganda National Household Survey, 2016/17, P. 45

68 Ibid

and teaching learners with special needs.⁶⁹ Also, for some learners enrolled in regular schools, in addition to paying school fees, the parent is also required to hire a sign language interpreter on a monthly basis.⁷⁰ In most cases, some parents fail to meet these costs especially the monthly payments to the interpreters and seek the assistance of non – governmental organizations.⁷¹

Also, in terms of physical access, those who are desirous of or enroll in school find a lot of challenges in staying in the school because of the unfavorable environment. The Equal Opportunities Commission Annual report of 2017 on the State of Equal Opportunities in Uganda undertook an audit of the state of infrastructure in two UPE (Buganda Road and Bat Valley Primary Schools) and one private school (Greenhill Academy). The report indicated that the situation is dire in the UPE schools with physical infrastructure that does not meet the basic minimum for children with disabilities to easily access them. Some of the schools had a computer laboratory but still it was not disability friendly. For the private schools, it was reported to have some of its structures accessible by children with disabilities because of the provision of ramps. This poor state of infrastructure especially in UPE school pose a challenge to access to education by children with disabilities because of lack of a friendly environment for them to access schools.

5.4. Acceptability

This relates to the form and substance of education, it includes; freedom of the parents to choose a school of their choice for their children, curricula and teaching methods,⁷² although this is always subject to compliance with human rights standards. Some of the teaching methods include the language of instruction. For CWDs such as deaf, sign language is their suitable language of instruction.

However, the available literature indicate that the quality of service provided falls short of the minimum acceptable standard. This is explained by various factors:

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- 69 For example see Initiative for Social and Economic Rights (ISER) 2019, “Status of Implementation of SDG 4 on Education: Is Uganda on Track?”P. 86. Available at https://www.iser-uganda.org/images/downloads/Status_of_Implementation_of_SDG_4_on_Education_Is_Uganda_on_Track.pdf
 - 70 Tom Malaba, “What it takes to educate special needs children”, Daily Monitor, February 28, 2020, P.3
 - 71 See for example Initiative for Social and Economic Rights and Uganda National Association of the Deaf Children Petition about Access to Education by Deaf children presented to the Rt. Hon Jacob Oulanya, Deputy Speaker of Parliament of Uganda on August 28, 2018. Available at https://www.iser-uganda.org/images/downloads/ISER_and_UNAD_Petition.pdf.
 - 72 CECSC General Comment No. 13, *supra* Para. 6

inadequate supply of scholastic materials⁷³, discrimination towards CWDs⁷⁴ and even sexual abuse⁷⁵. However, evidence from Guzu⁷⁶, UNICEF⁷⁷ and FHRI⁷⁸ suggest that one of the most significant reasons for this appears to be the lack of SNE-trained teaching staff. This averment is corroborated by the recent Education and Sports Sector Analysis of 2019 that highlights insufficient SNE teachers and instructional materials as the biggest challenge that the schools are grappling with.

The challenge of the limited teaching staff is largely due to absence from the teacher education curricular and most of the teaching workforce do not have the necessary skills to support CWDs.⁷⁹ This is further exacerbated by the promotion of the available few SNE teachers to administrative positions from teaching.⁸⁰ It has also been reported that CWDs face a lot of physical and emotional abuse such as bullying, abusive name calling related to the nature of the child's disability, and social isolation were frequently cited by both caregivers and children.⁸¹ This unfavorable environment for the CWDs is often perpetrated by peers in the

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- 73 Guzu, B. (2014) The state of access to education by women and girls with disabilities: The case of Uganda. A paper submitted to the 58th session of the UN committee of CEDAW – 9th July 2014. Geneva: Switzerland. https://www.faweuganda.org/attachments/article/205/State%20of%20Education%20for%20Girls%20in%20Uganda_NCD%20Paper_July%20%202014.pdf [accessed 23/05/2019]
- 74 UNICEF (2014) Research study on children with disabilities living in Uganda: Situational analysis on the rights of children with disabilities in Uganda. http://fenu.or.ug/wp-content/uploads/2013/02/UnicefUganda_CwDsStudy_SituationalAnalysisFinalReport_2014.pdf [accessed 23/05/2019]
- 75 Guzu, B. (2014) The state of access to education by women and girls with disabilities: The case of Uganda. A paper submitted to the 58th session of the UN committee of CEDAW – 9th July 2014. Geneva: Switzerland. https://www.faweuganda.org/attachments/article/205/State%20of%20Education%20for%20Girls%20in%20Uganda_NCD%20Paper_July%20%202014.pdf [accessed 23/05/2019]
- 76 Ibid
- 77 UNICEF (2014) Research study on children with disabilities living in Uganda: Situational analysis on the rights of children with disabilities in Uganda. http://fenu.or.ug/wp-content/uploads/2013/02/UnicefUganda_CwDsStudy_SituationalAnalysisFinalReport_2014.pdf [accessed 23/05/2019]
- 78 FHRI (2009) Disability is not inability Report 2010 special needs education policy - Uganda. Kampala. Foundation for Human Rights Initiative <https://fhri.or.ug/index.php/2015-07-22-14-08-32/thematic-reports/30-disability-is-not-inability-july-dec-2009> [accessed 23/05/2019]
- 79 Ibid.
- 80 Government of Uganda, Education and Sports Sector Analysis, *supra*
- 81 Plan International (2016) Protect us! Inclusion of children with disabilities in child protection. Plan International <https://plan-international.org/publications/protect-us> [accessed 23/05/2019] Page 30

community or at school.⁸²

It has been underscored that a key factor to achieving acceptable education for CWDs is through qualified special needs teachers with supportive school leadership.⁸³ It is therefore incumbent on the state to recruit and deploy qualified special needs education teachers with capacity to teach and instruct all the learners irrespective of the disability.

5.5. Adaptability

It is a requirement for education services to respond to the needs of students taking into consideration their diverse social and cultural settings.⁸⁴ This requirement speaks to the issue of ensuring inclusivity of all learners in teaching and instruction by taking into consideration their peculiar needs.

In Uganda, the education services are yet to comply with the above requirement. Only 5% of CWDs in public schools are getting specialized education⁸⁵. FHRI⁸⁶ reports that schools are unwilling to make even minor adjustments to accommodate children with physical disabilities. The government has been criticized for putting CWDs in classrooms without providing the necessary modifications⁸⁷. A number of official reports enumerated below suggest that CWDs have no access to specialized equipment to support their learning. Only 2.3% of children with impaired vision have access to glasses, 6.9% of children with difficulties walking have access to equipment to help improve their mobility and 1.4% of children with impaired hearing

82 Ibid

83 The Enable-Ed and USDC (2017: 9)

84 CESC General Comment No. 13, *supra* Para. 6

85 UNICEF (2015). Situation analysis of children in Uganda, Uganda: Ministry of Gender, Labour and Social Development and UNICEF Uganda [https://www.unicef.org/uganda/media/1811/file/Situation%20analysis%20of%20children%20in%20Uganda%20\(Advocacy%20booklet\).pdf](https://www.unicef.org/uganda/media/1811/file/Situation%20analysis%20of%20children%20in%20Uganda%20(Advocacy%20booklet).pdf) [accessed 23/05/2019]

86 FHRI (2009) Disability is not inability Report 2010 special needs education policy - Uganda. Kampala. Foundation for Human Rights Initiative <https://fhri.or.ug/index.php/2015-07-22-14-08-32/thematic-reports/30-disability-is-not-inability-july-dec-2009> [accessed 23/05/2019]

87 United Nations (2010) UN CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES - Uganda's Initial Status Report 2010. United Nations and the Government of Uganda https://www.un.org/disabilities/documents/gadocs/a_67_281.doc [accessed 23/05/2019] Page 41

aids⁸⁸. The FHRI⁸⁹ report into CWDs in Uganda identifies a lack of special needs education as part of all the teachers' education curriculum to be one of the challenges limiting access to education by CWDs as majority of the teachers who graduate from Teachers' Training Colleges are not capable of handling CWDs.

However the ACPF⁹⁰ report finds some positive reflections on teachers of CWDs. The majority of respondents (71%) were satisfied with their teachers, 31% got extra lessons, 52% benefited from adapted teaching aids and 55% reported that their physical environment had been adapted (e.g. additional space, move to the front of class or changes to lighting).⁹¹

88 Uganda Bureau of Statistics (2018a). Uganda Functional Difficulties Survey 2017. Kampala, Uganda

89 FHRI (2009) Disability is not inability Report 2010 special needs education policy - Uganda. Kampala. FOUNDATION FOR HUMAN RIGHTS INITIATIVE <https://fhri.or.ug/index.php/2015-07-22-14-08-32/thematic-reports/30-disability-is-not-inability-july-dec-2009> [accessed 23/05/2019] Page 19

90 African Child Policy Forum (ACPF), (2011) Children with disabilities in Uganda: The hidden Reality, Addis Ababa: The African child Policy Forum <http://afri-can.org/wp-content/uploads/2016/04/Children-with-disabilities-in-Uganda-The-hidden-reality2.pdf> [accessed 23/05 /2019]

91 Ibid page 45.

6.0 FINANCING OF EDUCATION FOR CWDs IN UGANDA

The lack of disaggregated data on disability has severely affected the access of persons with disabilities in Uganda to appropriate social services.⁹² The absence of credible data hinders proper planning, budgeting, implementation, monitoring, reporting and accountability for disability rights. Uganda's legal and policy framework is clear on the state's responsibilities to provide basic education to all children in the country including children with disabilities.⁹³ This is further strengthened by the requirement to offer affirmative action to the marginalized and vulnerable groups such children with disabilities.⁹⁴

The initial Persons with Disabilities Act of 2006 set out the financing framework for the education of children with disabilities. S. 5(j) of the Act made a commitment of 10% of the education sector budget to be allocated towards the education needs of children with disabilities specifically provided that not less than 10% of the education sector. These included; providing special units where inclusive education could not afford CWDs opportunity to attain education, provide instruction materials suitable to SNE learners, recruitment and retention of SNE teachers, provision of assistive devices, and construction of disability friendly facilities among others.

Regrettably, the PWD Act, 2006, was repealed last year with the PWD Act, 2019 and the direct and succinct provision of not less than 10% of the education sector budget to financing of special need education has since been amended. It is notable that since the enactment of the PWD Act of 2006, the education sector budget had never complied with the commitment of the Act to the extent that the budget allocation to SNE never reached even 0.2% of the education sector budget as shown in the table below;

92 Uganda Bureau of Statistics (2018). Uganda Functional Difficulties Survey 2017. Kampala, Uganda, P. vi

93 Government of Uganda, Constitution of the Republic of Uganda, Article 30, 34(2)

94 Ibid, Article 32

Table 2: Budget allocation to SNE FY2006/07 2019 20

FY	Education Sector allocation (bns)	SNE allocation (bns)	% allocation to SNE
2006/07	720.84	0.498	0.069
2007/08	767.07	0.5317	0.0693
2008/09	899.34	0.716	0.0796
2009/10	1,079.62	0.470	0.0435
2010/11	1,243.00	1.301	0.1046
2011/12	1,416.27	1.209	0.0853
2012/13	1,592.48	1.209	0.0759
2013/14	1,942.05	1.209	0.0622
2014/15	2,026.63	3.171	0.107
2015/16	2,029.07	3.183	0.156
2016/17	2,447.66	3.548	0.145
2017/18	2,501.123	3.493	0.139
2018/19	2, 782.570	3. 315	0.12
2019/20	3,397.642	3.467	0.102
Total	19,331.885	26.791	

Source: ISER's compilation based on the Approved Estimates of Revenue and Expenditure FY2006/07 -FY2019/20

The budget allocation to the special needs education shown in the table above does not reflect the magnitude of the inputs needed to afford SNE learners quality education. Much as there has been affirmative action in terms of capitation grants allocated to recognized SNE schools to cater for SNE learners such as CWDs, the allocation is still inadequate. Due to the limited financing, most schools are operating without SNE teachers, teaching and learning materials in braille and sign language and as a result majority of them are not able to read and write.⁹⁵

From the foregoing discussion, it is clear that education for CWDs is grossly underfunded and this has resulted into inequitable access to education by CWDs with a number of them either failing to access education and thus out of school or access education at a very high cost compared to other children which amounts to discrimination.

⁹⁵ Government of Uganda, Education and Sports Sector Analysis, supra, P. 158.

7.0 LEGAL AND POLICY FRAMEWORK: THE RIGHT TO EDUCATION AND CWDs

7.1. International and Regional legal and policy framework

Since the adoption of the Universal Declaration of Human Rights (UDHR) in 1948, the right to education is protected by several international instruments at the international and regional level to which Uganda is a party. The UDHR⁹⁶ states that “[e]very one has a right to education” and this has been reaffirmed in the various international and regional treaties - including the UNESCO Convention against Discrimination in Education⁹⁷, International Convention on Economic, Social and Cultural Rights (ICESCR)⁹⁸, the Convention on the Rights of the Child (CRC)⁹⁹, the Convention on the Elimination of All forms of Discrimination against Women (CEDAW)¹⁰⁰, the African Charter on Human and Peoples’ Rights (ACHPR¹⁰¹) and the African Charter on the Rights and Welfare of the Child (ACRWC)¹⁰².

The International Covenant on Economic, Social and Cultural Rights (ICESCR) devotes two articles on to the right to education: Article 13 and 14- Article 13 of the ICESCR recognizes the universal right to education without discrimination of any kind and sets forward a framework to achieve the full realization of this right. Article 14 on the other hand relates to the obligation of the state to adopt a plan of action to secure free compulsory primary education if it has not been realized. General Comment 13 adopted by the Committee on Economic, Social and Cultural Rights provides the normative content on the right to education. State parties have an obligation to ensure that the right to education conforms to the aims and objectives identified in article 13 details education in all its forms must be available, accessible, acceptable, and adaptable.

General Comment 13 further elaborates the obligations of the state - to respect, protect and fulfill the right to education. Education is both a human right in itself and an indispensable means of realizing other human rights. As an empowerment right, education is the primary vehicle by which economically and socially marginalized adults and children can lift themselves out of poverty and obtain the

96 Article 26

97 Article 5

98 Article 13 & 14

99 Article 28 & 29

100 Article 10

101 Article 17

102 Article 11

means to participate fully in their communities.¹⁰³

Paragraph 35 of General comment 5 addresses the issue of persons with Disabilities in the context of the right to education and states that school programmes in many countries today recognize that persons with disabilities can best be educated within the general education system. Thus the Standard Rules provide that “States should recognize the principle of equal primary, secondary and tertiary educational opportunities for children, youth and adults with disabilities, in integrated settings”. In order to implement such an approach, States should ensure that teachers are trained to educate children with disabilities within regular schools and that the necessary equipment and support are available to bring persons with disabilities up to the same level of education as their non-disabled peers. In the case of deaf children, for example, sign language should be recognized as a separate language to which the children should have access and whose importance should be acknowledged in their overall social environment.¹⁰⁴

The UN Convention on the Rights of the Child (UNCRC) outlines the right to education and the training of all children to accomplish the best level of independence and social integration conceivable. Article 28 (1) (a) of the UNCRC provides that States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity – make primary education compulsory and available free to all.

It should be noted that both the UNCRC and the ICESCR do not provide for the right to inclusive education, although Article 2 of the UNCRC mentions disability in the list of prohibited discrimination grounds and Article 23 (3) states that children with disabilities must have access to education “in a manner conducive to the child’s achieving the fullest possible social integration and development.

The right to education for children with disabilities is specifically protected by the Convention on the Rights of Persons with Disabilities (CRPD)¹⁰⁵ under Article 24 and has been interpreted by General Comment No. 4. Article 24 states that “States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and lifelong learning directed to: a) the full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights,

103 CESCR General Comment 13, contained in document E/C.12/1999/10

104 <https://www.globalhealthrights.org/instrument/cescr-general-comment-no-5-persons-with-disabilities/> Accessed on 18/02/2020

105 2006

fundamental freedoms and human diversity; b) the development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential; and c) enabling persons with disabilities to participate effectively in a free society.”

The Committee on the Rights of Persons with Disabilities interprets the right to inclusive education as laid out in Article 24 of CRPD – Inclusion is key to achieving the right to education for all learners, including those with disabilities. States parties must have regard for the underlying general principles of the convention. In all the measures undertaken to implement inclusive education and must ensure that both the process and outcomes of developing an inclusive education system comply with article 3.¹⁰⁶

Paragraph 7 of its General Comment No. 4 addresses the right to inclusive education- The right to inclusive education encompasses a transformation in culture, policy and practice in all formal and informal educational environments to accommodate the differing requirements and identities of individual students, together with a commitment to remove the barriers that impede that possibility. It involves strengthening the capacity of the education system to reach out to all learners. It focuses on the full and effective participation, accessibility, attendance and achievement of all students, especially those who, for different reasons, are excluded or at risk of being marginalized. Inclusion involves access to and progress in high-quality formal and informal education without discrimination. It seeks to enable communities, systems and structures to combat discrimination, including harmful stereotypes, recognize diversity, promote participation and overcome barriers to learning and participation for all by focusing on well-being and success of students with disabilities. It requires an in-depth transformation of education systems in legislation, policy, and the mechanisms for financing, administration, design, delivery and monitoring of education.

The Salamanca Statement and Framework for Action (UNESCO, 1994) reinforces the schools’ obligation to accommodate all children, regardless of their physical, intellectual, social, emotional, linguistic or other condition.

The Dakar framework for Action (Dakar World Education Conference, UNESCO 2000), the World Education forum highlights the importance of inclusive Education, and reiterates that “the inclusion of children with various educationally disadvantaged positions, such as children with special needs, from

106 CRPD, General Comment 4, para 3

ethnic minorities, remote communities, and others excluded from education, must be an integral part of the strategies to achieve Universal Primary Education”.

At the regional level, the African Charter on Human and People’s Rights (ACHPR) under Article 17, everyone has a right to education. The Resolution on the Right to Education in Africa¹⁰⁷ further urges state parties to guarantee the full scope of the right to education including; The opportunity for all children to enjoy free and compulsory primary education without distinction by progressively providing adequate financial and other resources in their education budget; ensuring equal opportunity and general accessibility, both physical and economic, for all persons to education without discrimination; The provision of high quality and appropriate educational programs that serve the needs of all sectors of society, and in particular girls, vulnerable children such as children with disabilities, refugee children, migrant children, street children, internally displaced children, pregnant children and children from marginalized communities; among other things.

At the national level, Uganda’s laws and policies place the primary responsibility on the government to ensure that quality inclusive education is enjoyed by all. The right to education is provided for in the Uganda Constitution. Article 30 of the Constitution states that that “[a]ll persons have a right to education.”¹⁰⁸ Article 34(2) reiterates that “[a] child is entitled to basic education which shall be the responsibility of the State and the parents of the child.”¹⁰⁹ This right is further fleshed out in the National Objective and Directive Principle of State Policy XVIII which provides that: (i) the State shall promote free and compulsory basic education; (ii) the State shall take appropriate measures to afford every citizen equal opportunity to attain the highest educational standard possible among others.

7.2. National legal and policy framework and CWDs

The Education (Pre-Primary, Primary and Post-Primary) Act,¹¹⁰ is the legal instrument governing education provision in Uganda. It States that “basic education shall be provided and enjoyed as a right by all persons”¹¹¹ The major objective of the Act is to give full effect to education policy of government and functions and services by government. The Act further provides for head teachers to “make the school pupil friendly and especially to the ... and pupils with disabilities”,

107 ACHPR/Res. 346 (LVIII)2016

108 Article 30 of the 1995 Constitution.

109 Article 34 (2) of the 1995 Constitution.

110 2008

111 Ibid Section 4 (2)

and that persons intending to establish a private school must “ensure that the school environment is conducive with special needs”.

The Person with Disabilities Act, 2019 provides for the respect and promotion of the fundamental and other human rights and freedoms of persons with disabilities – including the right to education. Article 6 for example forbids discrimination in the provision of education services on grounds of disabilities; and Article 8 enjoins the minister responsible for education in consultation with the council to provide habilitation and rehabilitation services and programs for persons with disabilities.

Despite the fact that the current Act was touted on the account of bringing the country’s domestic law in conformity with the Convention on the Rights of Persons with Disabilities, the current law is mere reproduction and rewriting of the provisions in the convention and greatly falls short on the legal principle and requirement of domestication of international human rights instruments. Domestication of international instruments means state enacting laws that set out actions and measures that are mainly incumbent on them to ensure respect, protection and promotion of the rights enshrined in the international covenant. The previous Act was stronger on the legal obligations of the state in the protection and promotion of the rights of PWDs compared to the current one.

There have been a number of policies put in place by government to guide the implementation of quality inclusive education for all. A brief overview of each of them is set out below;

1992 Government White Paper on Education: Uganda’s education policies stem from the 1992 Government White Paper on Education. The white paper on education is seen as the foundation of the country’s structure,¹¹² policy, and programming in education. It aims among other things to promote citizenship; moral, ethical and spiritual values; scientific, technical and cultural knowledge; and skills and attitude. In addition, the policy aims to eradicate illiteracy and equip individuals with basic skills and knowledge and the ability to contribute to the building of an integrated, self-sustaining, and independent national economy.

The Second National Development Plan (NDP II)¹¹³: This is a foundational document, which sets out the government policy on all programs ranging from agro – industrialization to human capital development and community mobilization and mindset change program. The human capital development

112 See the 1992 Government White Paper on education structure in annex

113 2020/2021 – 2024/2025

and community mobilization and mindset change program. The human capital development program aims among others to reduce vulnerability in access to social services such as education. The education component under the human capital development emphasizes to equip and support all primary, secondary schools and higher institutions to meet the Basic Requirements and Minimum standards. This is intended to ensure that all schools and education institutions are in position to enroll all learners including those with disabilities.

The Education and Sports Sector Strategic Plan (ESSSP)¹¹⁴: This is hinged on three major policy objectives aimed at improving equitable access to quality and relevant education in the country. These three objectives are to: (i) achieve equitable access to relevant and quality education and training; (ii) ensure delivery of relevant and quality education and training; and (iii) enhance efficiency and effectiveness of education and sports delivery at all levels. The priority interventions that the Ministry plans to implement during this period are based on the 2016- 2021 NRM Election Manifesto, the twenty-three Presidential guidelines, NDPII, international policy Commitments and the Sectors SWOT Analysis.

The Universal Primary Education Policy Guidelines (1997): These guidelines provide opportunities to all school-age children irrespective of disability and any other unique needs, to access free education.

Therefore, from the legal and policy framework discussed above, Uganda has obligations to establish the legislative and policy frameworks together with sufficient resources in order to fulfil the right to education for every child. The state has the primary responsibility of ensuring access to education for Children with Disabilities.

114 2017/2018- 2019/2020

8.0 PRESENTATION OF KEY FINDINGS

This section discusses the key field findings from Bugiri district. The discussion of the key findings provides a summation of the insights gleaned from an analysis of the data collected in the field. The findings are organized in terms of the framework under the literature review looking at issues of enrollment and out of school, availability, accessibility, acceptability and adaptability on one hand and financing on the other of the education services in Bugiri district to the needs of CWDs.

8.1. Enrollment and out of school by CWDs

Until recently, the Bugiri district education authorities have not been undertaking deliberate efforts to collect data on enrolment and out of school by CWDs in the district. According to MOES¹¹⁵, there are 1110 CWDs enrolled in primary schools in Bugiri district. However, the District Inspector of Schools reported that after an inspection of 63 schools (half the total number of government-funded primary schools) they counted only 270 CWDs enrolled in those schools. This suggests that there are far fewer CWDs enrolled in schools than official figures by the Ministry of Education and Sports indicate. Despite lack of data on out of school CWDs, the district and school authorities are aware that there are a number of CWDs who are out of school. One of the head teachers explained that during parents' meetings, the school encourages parents with or those who know other parents with CWDs in their neighborhood to encourage them to enroll them in school. However, in the view of the Inspector of Schools, the number of CWDs of primary school going age who are out of school is low but high for secondary school going age because those who finalize primary, majority cannot transit into secondary because of the high cost of secondary education. That they have to enroll either to Iganga Secondary School or Madela Secondary Schools which are expensive and unfordable to most CWDs.

It is clear from the above analysis and discussion that the MOES lacks credible disaggregated data on CWDs in Bugiri districts. This makes it had for both the district in particular and the MOES undertake proper planning to provide the necessary interventions needed to realize equitable access to education by CWDs.

11) MOES (2016) Education Abstract 2016 The education abstract is a statistical report detailing the findings of the Census 2016. Annual School Education Policy and Planning Department Ministry of Education and Sports. <http://www.education.go.ug/files/downloads/The%20Education%20Statistical%20Abstract%202016.pdf> [accessed 23/05/2019] Page 123

8.2. Availability

In relation to availability of education for CWDs, the field findings indicate that there is limited availability of infrastructure and other facilities, teaching staff and instructional materials for children with disabilities in the district. This confirms the earlier findings in literature review.

8.2.1. Substandard facilities, inadequate instructional materials and equipment in schools

Bugiri district has 145 government primary schools implementing the Universal Primary Education (UPE) program. These are all inclusive schools with the exception of Waluwerere primary school that has a Special Unit school that was established in 2003. The rest of the schools are inclusive and enroll all categories of the children – those with and without disabilities. The District Inspector of Schools explained that at least all the parishes in the district have primary a UPE school with some having more than one. He however explained that some parishes are relatively big. This explanation points to the district achievement of the government policy of a UPE school per parish and therefore making schools nearly available to most learners but considering the fact that some parishes are bigger, one school may not equitably serve all the learners especially those with physical disabilities who may find a challenge reaching the school.

During the visit to the only Special Unit in the district, both the Deputy Head teacher and Head teacher of the school informed the research team that the Special Unit has a total enrollment of 84 pupils with disabilities. The unit operates in a two classroom block from which learners with disabilities receive special classes. There are also dormitories for both girls and boys with disabilities at school. With only two classrooms and two dormitories for both girls and boys, the Special Unit is not in position to enroll beyond one hundred pupils yet it is the only available unit in the district. Also the administrators of the Unit explained that some of the children come to school without mattresses and bedsheets. Furthermore, a number of available mattresses are worn out and two children have to share a bed and a bedsheet and also having insufficient hearing aids. There is a big challenge with feeding – although the school has been implementing a school feeding program, it is largely dependent on the parents' yields from their gardens and during hunger seasons which are caused by droughts due to nature based agriculture they don't contribute food for feeding of the learners.

The Special Unit also operates without a number of basic learning facilities for CWDs. The School administrators interviewed revealed that the unit lacks braille

kits, white canes, talking calculators, flip charts for children that need large prints. Also, three machines that print braille for the blind broke down. They need repair at a cost of UGX 50,000 each and transport for the technician. The school also has two small laptops and projector but one of the laptop is not functional. The school also lacks electricity to run the projector. The school also has a braille embosser and a computer attached but it is not operating because of absence of electricity.

As a result, SNE teachers are facing a number of challenges. One of the senior SNE teacher explained that he teaches sign language for the deaf, braille for the blind, and some communication skills for the children who are mentally challenged. However, he also acknowledged that he faces a number of challenges teaching children with special needs for example not being capable to handle and teach children with diverse special needs. And yet when the parents hear of the special unit at the school, they bring children with any category of disability yet the capacity of the teaching staff is limited such as lacking skills to handle children with autism and dyslexia.

There is also lack of instructional materials to facilitate learning. One of the teachers interviewed added that the school is operating with inadequate instructional materials to facilitate teaching for CWDs. For instance, the school lacks electronics like Television sets to teach deaf children. The Ministry of Education and Sports supplied some computers but they require one more and sign language manuals as well as audio books to help in teaching children with visual impairments.

At Nankoma Primary School, despite the Deputy head teacher explaining that most of the classrooms are accessible by children with disabilities, observation by the research team indicated that out of a total number of 12 classrooms, only two classrooms have ramps which makes most of the classrooms inaccessible by children with physical disabilities. The Deputy Head teacher mainly attributed it to the fact that the school started long ago in 1956 and as a result most of the classrooms are too old with some condemned for demolition and they were being constructed at a time when education for CWDs was not a priority. The Deputy Head teacher further explained that they are planning to start renovation and maintenance of the old classrooms with ramps but the funds are not enough. The school has earmarked one classroom for SNE learning and is lobbying for deployment of SNE teaching staff from the district. The school administrator also observed that with an SNE unit, there will be need to have dormitories for CWDs at school, adequate SNE teachers and assistive devices and gadgets.

Indeed, apart from the Special Unit, the rest of the schools do not have any learning instructional material and equipment for CWDs and teachers teach using gestures. The Head teacher Naigaga Primary school explained that due to lack of learning equipment and gadgets, many pupils are dropping out of school since the schools are not meeting their needs. This amounts to complete denial of such CWDs' right to education.

8.2.2. Insufficient qualified teaching staff for CWDs

With 145 UPE schools, the district has 24 SNE teachers. The Special Unit has 12 SNE teaching staff; 1 bachelors degree holder (Who is also the Deputy Head teacher of Waluwerere Schools and Acting Inspector in charge of SNE in the District), 3 diploma holders, 3 grade three holders and 2 with short course in SNE. There are also three teachers with disabilities of grade three that help out too; 1 blind, 1 deaf and 1 hard of hearing. One of the learners with disabilities appreciated her teachers and noted that the teachers are good, however, she needed a special teacher to support her with mathematics. The teacher should sit in class with her to help interpret the braille.

The research team visited Nankoma Primary School and found it without any SNE teacher. During interview with the teachers of some learners with hearing disabilities, the teachers could not communicate with the learners. One of the staff explained that the school does not have any teacher trained in SNE and there has not been any special support for CWDs from the district in terms of SNE teachers, instructional materials and learning equipment. The school is trying to improvise by hiring some SNE teachers who come in after every two weeks to support those with hearing impairments and the school teachers are required to sit in those classes so that they are able to also learn from the qualified SNE teachers. The District Inspector of Schools pointed out plans by the district to establish a second Special Unit school in Nankoma primary school.

In Naigaga Primary school there is one SNE teacher, the school appears to be in a better position compared to Nankoma primary schools. However, from the explanation of one of the staff, the situation is almost similar. The staff explained that because the school lacks enough SNE teachers, the available SNE teacher tried to train the remaining staff with some basics in sign language- who are now just trying and gambling with the CWDs.

Hindocha Primary School is relying on a teacher who is currently undergoing a three-month short course in sign language at the same school. The teacher is part of the 20 teachers and other people undergoing training in sign language by the the

Uganda National Association of the Deaf (UNAD) an NGO that advocates for the rights of Deaf persons in Uganda. The classes usually start at 4:30pm and end at 5:30pm. The teacher explained that he can communicate with deaf children but there is a challenge of most of the pupils being ignorant about sign language which makes it difficult to effectively communicate with them. And that the mood for learning of CWDs is very low because they are just being introduced to learning. This may speak to the limited capacity of the teachers to meet the learning needs of CWDs which is breeding a poor learning environment for learners with disabilities. For instance, the school lacks learning aids for CWDs such as charts for sign language and special rooms for CWDs. Also the teacher in charge of CWDs acknowledged lacking requisite skills in a number of special needs areas and usually consults a colleague – a class teacher for primary seven who also received a short course in SNE sometime back.

With some schools having only one SNE teacher, these teachers are over stretched because the entire school has to rely on one teacher to provide instructional services to all CWDs more so when the children are either deaf or blind. Also in schools without any SNE teacher, there is either minimal or no learning for some of the CWDs especially the Deaf as the teachers cannot communicate with the learners. This means that the schools are simply wasting these children's time.

8.3. Enrollment and out of school by CWDs

8.3.1. Physical access and affordability of the cost of enrolling CWD in the Special Unit School

As noted earlier, there is only one Special Unit in the entire district. This makes physical access to the Unit very difficult for children who are from the far places from the Unit and yet the UPE schools near them cannot accommodate some of them due to their peculiar situations of either being deaf or blind. The only option available is to enroll such children in the boarding section at the Unit. However, this comes with a cost of UGX 185,000 per term and those on day program are required to pay UGX 18,400 per term – this money is mainly needed for school feeding.

However, some of the CWDs do not pay the school fees but the administrators hastened to add that the school feeds them under the arrangement of vulnerable pupils who are exempted from paying for the school feeding. As a result of unaffordability, some parents keep these children at home, while other parents just send the CWDs to the Special Unit on their own. This was confirmed by the Unit's

administrators who explained that some parents and guardians of CWDs just dump their children to the matron at night. For the children who are a bit mature especially the Deaf, they are brought by Taxis up to the Taxi stage and given to a boda boda to drop them to school. Worse still some parents don't pick their children during holidays and it is the head teacher and teachers who stay with them until the beginning of the new term.

The charging of either tuition fees or non – tuition fees is happening in all the schools that were visited. In Nankoma Primary School, each pupil with disability is required to pay UGX 20,000 per term- to be used by the head teacher to hire the SNE teachers. The parent of a dumb pupil in primary one expressed difficulty in raising this money. She explained that sometimes she has to borrow the money and as a subsistence farmer, she has to wait for harvesting time to sell the produce to be able to pay back the loan.

The physical access and cost is constituting a major barrier on access to education by CWDs as those from poor background have been forced to drop out of school since their parents can neither afford the boarding fees nor the transport means to deliver their children to and from school especially the Special Unit.

8.3.2. Challenging transport means

Related to the above issue, is the challenge of transport means to school for a number of children with disabilities especially those with physical and visual impairments. A local leader in Bugiri Municipal Council explained that some of the children require wheel chairs yet their parents cannot afford. However, another local leader made the point that even if wheelchairs were made available the road infrastructure would still mean schools were inaccessible for those with physical disabilities. A parent for a primary one pupil who is physically disabled in Naigaga primary school explained that it takes his daughter one hour to walk one kilometer to school and that if it were any further away she would stop going to school.

Some of the learners especially those with visual impairments experience challenges of crossing the busy highway to the Special Unit. One of the pupils at the special unit shared with the research team that before she joined the boarding section she had a challenge of crossing the road to and from school. She used to cross the road in the morning with the assistance of her young sisters who used to leave school early (during lunch time) because they were in lower classes leaving her to cross and walk back home alone. Another child who is blind and mentally challenged stopped going to school in primary five due to fear of being knocked by speeding cars while crossing the high way to go to school. The fellow pupils who used to assist her cross

the highway completed primary and joined secondary. The guardian explained that she cannot cross the highway with her daily because she leaves home very early in the morning before time to report to school to tend to the garden. She would have loved to enroll her in boarding section but she cannot afford the fees. However, there are other CWDs who dropped out of school for different reasons. She said that her child had stopped attending school on her own will despite encouragement for her to resume school. The parent has since then accepted her daughter's decision to drop out of school.

Considering the location of the Municipal Council along the country's busiest highway, the crossing of the highway will remain a challenge to CWDs that commute daily from across the road to access the special unit – this simply means that those who are not in position to access the Special Unit despite the fact it could be the only best suited to handle them will continue to be out of school. The medium term solution lies in the municipal authorities building the capacity of other UPE schools in the area to be able to enroll and teach CWDs. In the short term, the municipal council should construct a pedestrian crossing bridge to enable safe commute for more children.

8.3.4. Cultural bias by some parents towards their CWDs

Cultural set up of the community and poor attitude of parents towards CWDs were also highlighted as some of the challenges affecting enrollment and access to education of CWDs in Bugiri. These were mainly raised by the District and Municipal education authorities. The municipal education official explained that for some of the children that are born normal and later become lame, it is taken as witchcraft and such children should not even be enrolled in school. And when a family is too poor to send all of their children to school, the Municipal Education Officer explained, they will focus on those without disability, 'when parents are poor they ignore their children who cannot move fast and focus on those who can'. One of the Local Leaders echoed this point and said that some community members felt that sending CWDs to school would be a 'waste of money'.

The District Inspector of Schools also explained that culturally, disability is associated with misfortune and parents do not see the value of taking a child with disability to school. He also added that the issue of inclusive education has not been appreciated by both parents and teachers who think that CWDs should only be enrolled in special schools to the extent that the teachers advise the parents to only enroll CWDs to special schools. However, a staff at Nankoma Primary school though agrees with the district education official also pointed out that the absence

of facilities that can accommodate CWDs and qualified teaching staff, parents are constrained from enrolling their children in school because they think that even if they take them to school, they will not be taught due to the structural and human resource limitations in schools. However, the staff at Nankoma primary school believes that the moment they get a Special Unit many of them will enroll their children in the school.

The cultural bias of some parents against their CWDs appear to be perpetuated by the cost which forces parents to prioritize among their children. However, when the authorities build the capacity of the schools and relieves the parents of the burden of paying fees, the challenge can easily be dealt with by minimal sensitization of the masses.

8.4. Acceptability

8.4.1. Language of instruction

Language is very crucial in teaching and learning of learners. For example, CWDs like the Deaf can only be instructed through sign language. This requires schools to have sufficient qualified staff in sign language instruction. However, the district has an insufficient number of qualified SNE teachers especially those qualified in sign language. Out of the total number of 145 UPE schools, the district has only 24 SNE teachers with majority of them centered at the Special Unit. During interviews in Nakoma primary school, the class teachers of Deaf pupils could not communicate with them as the teachers had no training in sign language. This appears to be the same situation in the rest of the schools with Deaf pupils but without trained teachers in sign language. This has certainly greatly affected learning of the Deaf children as the teachers are incapable of communicating with them and as a result meet their learning needs.

8.4.2. Non – enforcement of minimum standards

The research findings revealed that the district education authorities have fallen short of enforcing minimum standards regarding teaching staff and environmental safety and accessibility of school structures by CWDs in its UPE schools. As indicated earlier, with the exception of Special Unit and Naigaga primary school that has only one SNE teacher, Hindocha and Nankoma primary schools do not have qualified teachers for CWDs. Also, Nankoma primary school with a total of 12 classrooms only two have ramps.

The district inspector of schools informed the research team that all the UPE schools in the district are offering inclusive education and they are expected to enroll all learners including Children with disabilities. However, the fact that some of the schools lack qualified teaching staff for CWDs and with structures that undermine the safety and protection of learners with disabilities demonstrated the district education authorities' failure to enforce minimum standards in their own schools.

8.5. Adaptability

The field findings support the view that majority of government primary schools have not been adapted to meet the needs of CWDs in Uganda. The district has only one Special Unit which is also operating amidst a number of challenges. Also some schools such as Nankoma primary school are still operating with majority of the classrooms lacking ramps and thus not easily accessible by the children with physical disabilities. However, unlike the FHRI¹¹⁶ report, this research found that all educational officials, head teachers and teachers were keen to try and improve the capacity of schools to meet the needs of CWDs but were unable to do so due to financial constraints.

The research also found that the culture of bullying disabled pupils by fellow pupils is still rampant in schools as this was testified to by CWDs themselves, some head teachers, parents and local leaders. Much as most head teachers and teachers in all the schools visited denied the issue of bullying and abuse of CWDs by fellow pupils, the community leaders and CWDs themselves confirmed the existence of these practices. A local leader explained that parents would wish to enroll their CWDs in inclusive schools but because of discrimination, abuse and bullying, CWDs themselves either fear to go to school or feel discriminated while at school. A case in point is a visually impaired pupil at the Special Unit who informed the research team that some of the fellow pupils abuse them for being blind which affects their confidence and interest in school. This was also confirmed by the Deputy Head Teacher for Nankoma Primary School who noted that sometimes the CWDs feel inferior because of being called funny names by fellow pupils.

It is notable that the research makes different findings from the earlier ones by

116 FHRI (2009) Disability is not inability Report 2010 special needs education policy - Uganda. Kampala. Foundation for Human Rights Initiative <https://fhri.or.ug/index.php/2015-07-22-14-08-32/thematic-reports/30-disability-is-not-inability-july-dec-2009> [accessed 23/05/2019]

Lynch¹¹⁷, Enable-Ed, USDC¹¹⁸ and MoES¹¹⁹ that advanced inclusive education in Uganda. The research findings in this report suggests that there is some support for inclusive education with key stakeholders. The local leaders, teachers and parents expressed support for special units attached to mainstream schools as opposed to all-inclusive mainstream schools – and this was confirmed by the district plans to establish a second special unit at another UPE school and if the funds could enable they could even establish more. The apparent disapproval of inclusive education was an unexpected finding and may be due to the failure of UPE schools to adapt to the needs of CWDs. Uganda has a tradition of providing special schools for CWDs and has only recently shifted towards a more inclusive approach¹²⁰. The development of Inclusive Education throughout the world, and the MoES' lack of funds to provide enough special schools to meet demand may have led to this transition. Although more research is required on whether inclusive education or special units, it appears that Ugandans have not bought into the idea of IE. This presents an additional challenge, if teachers and parents of CWDs do not believe their children should be educated in mainstream schools, then there is a possibility of increased discrimination against CWDs.

Financing of CWDs' education and the Impact of GPE funding on the same
 The district education sector largely depends on conditional releases from the central government for UPE, USE and technical education. The district is also one of the 31 districts benefiting from the Global Partnership for Education (GPE) funding to the education sector in the country. The district education official explained that the district doesn't have a special budget to cater for education of CWDs because it is implementing inclusive education under the UPE program. This was confirmed by the Deputy Head teacher Nankoma Primary School who informed the research team that they are not received any support for CWDs' education from the district.

Even under the GPE funding the district noted that they have not received any funding for construction of schools but rather support in inspection and monitoring of schools by strengthening the capacity of district inspectors and

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- 117 Lynch, J. et al., (2001) Inclusion in education: the participation of disabled learners, Paris: Unesco. <https://unesdoc.unesco.org/ark:/48223/pf0000123486> [accessed 23/05/2019] Enable-Ed and USDC (2017) Inclusive Education in Uganda: Examples of best Practice. Available at <http://afri-can.org/wp-content/uploads/2017/11/Inclusive-Education-in-Uganda-examples-of-best-practice-March-2017..pdf> [accessed 22/5/19]
- 118
- 119 MOES (2019) Special Needs and Inclusive Education Department. The Republic of Uganda: Ministry of Education and Sports <http://www.education.go.ug/data/smenu/15/Special%20Needs%20and%20Inclusive%20Education%20.html> [accessed 23/05/2019]
- 120 Ibid.

provision of tools and tablets for digitalized inspection of schools which they are using to capture enrolment of pupils, including CWDs. Also the schools have been supported with training of Primary one to four teachers in Early Grade Reading and also supplied with reading materials for primary one up to four. One of the head teachers explained that since these teachers and books benefit all the pupils, CWDs who are enrolled in school have at the end benefited from the GPE support.

As per the concept note prepared by the SNE department of the MoES, Starkey Foundation was to provide 1000 hearing aids to learners with hearing impairments in schools across the country. This was part of the funding under the UTSEP. One of the staff members at Waluerere Primary Schools explained that a number of children from the school benefited from this arrangement and their hearing abilities have greatly improved – this was confirmed by one of the learners with hearing impairments that research team interacted with. However, the staff also noted that some learners missed out on this opportunity as their parents could not afford transport to take them to Soroti where the assessment and screening of learners with hearing difficulties was being conducted before provision of the specialized hearing equipment to the learners by Starkey Foundation.

The district official explained that the council did not have a special budget to cater for the education of CWDs. But until recently in the budget for FY2019/20, the council has received funding from MoES amounting to Uganda shillings seven million and eighty hundred thousand shillings (UGX 7.8m) to cater for CWDs in schools to handle special games and equipment, training for sports, provide scholastic materials and purchase some equipment such as wheelchairs, sun – glasses, provision of feeding – because some of the CWDs are just dumped at school by their parents without any support. The Special Unit which is in the Municipal Council receives a subvention grant of UGX 20,000 per pupil per term from the Ministry of Education and Sports and in the next financial year, the grant has been increased to UGX 25,000 per pupil. The administrators explained that despite the increase in funding, the funds are still insufficient to enable them acquire all the requisite devices for teaching of CWDs and also maintaining them in school.

Due to the limited financing, the district is constrained to establish a second special unit at another school in the district. Even the only available Unit is operating without essential instructional materials and equipment and the rest of the UPE schools in the district lack SNE teachers, instructional materials and equipment to facilitate the teaching of CWDs. This has constrained the teaching and learning of CWDs such as the Deaf, blind among others in the district.

9.0 CONCLUSIONS AND RECOMMENDATIONS

Although all UPE schools are inclusive in theory, they do not have the means or capacity to provide an education that meets the needs of CWDs. This is largely due to absence of trained teaching staff and teaching aids and materials to ably handle and manage children with disabilities especially the Deaf and the blind. With the exception of the Special Unit that is also operating with limited devices and equipment, the rest of the schools only had disability friendly toilets although many lacked ramps to access the classrooms. However, even where some communities are near the Special Unit School, some CWDs cannot access the unit because of unaffordability of the school fees and transport challenges. The situation can only be addressed by the MoES allocating more funding towards the education of CWDs. There is also need by development partners such as GPE to ensure that their funding benefit all the learners including those with disabilities.

9.1. Recommendations

Ministry of Education and Sports (MoES)/ Central Government

Increase funding towards the education of CWDs

Despite repealing the provision in the old law that provided for a threshold of funding for CWDs' education, the MoES is not absolved from its responsibility of ensuring equitable access to quality education by all children. The increase in funding should cater for recruitment and equitable deployment of qualified staff in teaching CWDs and procurement and distribution of equipment and devices necessary for teaching CWDs.

Support the district in strengthening of the Special Unit at Waluwerere Primary school and establishing other units

The Special Unit attached to Waluwerere Primary School is a good resource for CWDs. However, it is not only lacking some essential devices and equipment but also remains unavailable and inaccessible for the majority of CWDs in the district based on the fact that it is the only special unit serving the whole district. The ministry needs to support the UPE schools not only in Bugiri district but the entire country in terms of devices, equipment and SNE teaching staff, dormitories to meet the learning needs of children with disabilities.

Collection and proper management of data on enrollment and out of school by CWDs

The Ministry needs to direct all district education departments to start collecting disaggregated and reliable data on access to education by CWDs. The absence of

such data does not only affect planning and financing of CWDs' education but also tracking the progress being made in promoting access to education by vulnerable and marginalized groups such as the CWDs. The ministry needs to design a system of providing tracking identification numbers to all the pupils enrolled in school to enable proper monitoring of their progress while in school.

Review of the teachers' training syllabus

In order to realize adequate teaching staff of CWDs, the Ministry of Education and Sports in conjunction with National Council for Higher Education should ensure that all Primary Teachers' Colleges and University Faculties and Colleges of Education in Uganda offer components of CWDs teaching to ensure that there is an adequate number of teachers with capacity to handle CWDs.

District Local Government and Municipal Council

Ensuring that school facilities are disability friendly

The district authorities should ensure that any new construction is disability friendly and further allocate funds to renovate the old classroom blocks to provide for reasonable accommodation of all learners.

Collection and proper management of data on access to education by CWDs

The district inspectorate needs to build the capacity of the schools especially the teachers to be able to identify CWDs, design and provide the tool to be used to collect data on enrolments by CWDs.

There is need to sensitize parents with CWDs on the need to offer equal support to CWDs with the rest of the children in the family by enrolling them in school.

Construct a pedestrian cross over bridge

Children not only those with disabilities face a lot of challenges and risks crossing the Tororo - Bugiri- Iganga - Jinja - Kampala highway due to running vehicles. The district and municipal authorities need to urgently work with the Ministry of Works and Transport and Uganda National Road Authority to construct a cross over bridge at Naluwerere to facilitate the crossing of the highway.

The schools (head teachers and governance bodies)

- i. Formulate and implement anti-bullying school policies with specific attention on CWDs.

Although bullying was outlawed in schools, the research found out that this practice still persists in schools especially against CWDs. The schools therefore need to design and implement policies with a clear definition of bullying, appropriate consequences for children and adults who are caught in bullying and activities in schools that are designed to ensure that pupils without disabilities appreciate their fellow colleagues with disabilities and prevent bullying.

ii. Appointment a focal teacher on CWDs

Some schools are not sure of the number of children with disabilities they have while others find a difficulty in determining the category of disability of the learners. The establishment of focal teachers who are capacitated would quicken the process of identifying CWDs and as well the collection and management of data on their enrolment and attendance of school.

iii. Undertake inventory of the school facilities without reasonable accommodation for CWDs with a view to making them disability friendly

A number of classrooms in some schools do not have ramps and cannot be easily accessible by CWDs. The schools need to take record of all such buildings and bring the matter to the attention of the district and municipal education authorities such that resources can be appropriated and allocated towards ensuring reasonable accommodation in schools.

Development Partners

There is need for the development partners to ensure that their programs achieve inclusive and equity test of benefiting and supporting the education need of the most vulnerable groups in society such as the poor and disabled.

Civil society

Use the report to advocate for promotion and fulfillment of the rights of CWDs by increasing funding towards the education of CWDs.

Initiative for Social and Economic Rights (ISER)
Plot 60 Valley Drive, Ministers' Village, Ntinda
P.O Box 73646, Kampala - Uganda
Email: info@iser-uganda.org Tel: +256 414 581 041
Website: www.iser-uganda.org



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