

# **The 10<sup>th</sup> Annual National Economic Social and Cultural Rights (ESCRs) Conference**

## **Concept Note**

*Human Capital Development: The Cost of Education in the Era of the National Development Plan (NDP III)*

### **Background and Context**

COVID-19 has had a devastating impact on people's enjoyment of social and economic rights globally with education being among the hardest hit sectors. The severe economic downturn affected a great part of the population and unveiled the stark disparities in the capacity of individuals and communities to cope with the sudden downturns in incomes, livelihoods and social well-being. As a result, there has been a slump in economic growth, a significant part of the population either lost or had their income significantly reduced.<sup>1</sup> In the case of Uganda, pandemic-associated lockdowns resulted in the closure of schools for almost two (2) years. According to the Ministry of Education, over 15 million learners were affected by school closures, especially at the primary level.<sup>2</sup> The National Planning Authority (NPA) estimated that 30% of learners would not return to school after the pandemic.<sup>3</sup> This has partly been attributed to the high number of cases of teenage pregnancies recorded during the lockdowns.<sup>4</sup>

According to the United Nations Population Fund (UNFPA), prior to the COVID-19 pandemic, Uganda recorded a reduction in the number of teenage pregnancies in 2017 before it rose to 6.4 per cent in 2018.<sup>5</sup> Due to the COVID-19 pandemic and associated measures including the closure of schools, the number of teenage pregnancies rose higher by about 7 per cent in 2021, the highest in the last five years.<sup>6</sup> As of 2021, 378,790 pregnant girls aged 15-19 years were recorded at health facilities

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<sup>1</sup> National Planning Authority (NPA), "Position paper on the implications of the Coronavirus on Uganda's economy and the possible interventions" available at <http://www.npa.go.ug/paper-coronavirus/>

<sup>2</sup> Ministry of Education and Sports (2021), "COVID-19 Education Response (GPE) Project (P174033) - Labour Management Plan" at p. 1 available at [https://www.education.go.ug/wp-content/uploads/2021/10/4.-GPE\\_CERP-PROJECT-P174033\\_LABOUR-MANAGEMENT-PLAN-LMP.pdf](https://www.education.go.ug/wp-content/uploads/2021/10/4.-GPE_CERP-PROJECT-P174033_LABOUR-MANAGEMENT-PLAN-LMP.pdf)

<sup>3</sup> National Planning Authority (NPA) (2021), "Towards safe reopening of the education sector in COVID-19 times" Technical Note at p.2 available at <http://www.npa.go.ug/wp-content/uploads/2021/09/NPA-on-Reopening-of-Schools-AmidstCOVID19.pdf>

<sup>4</sup> Ibid.

<sup>5</sup> United Nations Population Fund (UNFPA), "The magnitude of teenage pregnancies in Uganda" Population Matters, issue Brief 19, March 2022 available at [https://uganda.unfpa.org/sites/default/files/pub-pdf/issue\\_brief\\_19\\_cost\\_of\\_inaction\\_on\\_teenage\\_pregnancy\\_print\\_ready\\_final\\_8.4\\_2022.pdf](https://uganda.unfpa.org/sites/default/files/pub-pdf/issue_brief_19_cost_of_inaction_on_teenage_pregnancy_print_ready_final_8.4_2022.pdf) (accessed May 11, 2023)

<sup>6</sup> Ibid.

countrywide.<sup>7</sup> These figures, broken down further, reveal that 31,565 pregnancies were registered every month and about 1,052 pregnancies were recorded daily.<sup>8</sup> The UNFPA warns that if no action is taken to end teenage pregnancy, about 64% of teenage mothers will not complete primary education level; 60% of teenage mothers will end up in peasant agriculture work and more than UGX. 645 billion (USD \$181.8 million) will be spent annually by the Government of Uganda on healthcare for teen mothers and the education of their children.<sup>9</sup>

The status quo challenges the aspirations of the third National Development Plan (NDP III) as regards Human Capital Development (HCD) programme, which aims to increase the productivity of the population for increased competitiveness and better quality of life for all. The phenomenon of teenage pregnancy impacts results areas especially the increased proportion of labour force transiting to gainful employment; increased years of schooling; and improved child and maternal outcomes.

With the rise of poverty levels amidst COVID-19 recovery and the cost of living crisis, the cost of education has become a barrier to access especially for students from poor and low-income backgrounds. There was a notable rise in inequality in access to education as learners arising among others from segregation. Those with access to digital technology continued their education through remote learning, especially in private schools. This was not the case with public schools, these remained closed. Learners with disabilities were also severely affected as they were also unable to access special needs education during this period.<sup>10</sup>

Amidst the myriad of pandemic-associated challenges which continue to plague the sector, education financing has remained low. In FY 2022/23, the education sector faced budget cuts to the tune of UGX 230 billion at a time when high investment was required given the reopening of schools a few months earlier.<sup>11</sup> By the first half of the year, the Finance Ministry had only released 20 per cent of earlier approved domestic development expenditure for the HCD program.<sup>12</sup> This was on account of the freeze in development spending by the government during the first quarter.<sup>13</sup> According to an

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<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

<sup>10</sup> Mutambo, I. (2021), "Rethinking post-COVID inclusive educational mechanisms in Uganda" Includovate available at

<https://www.includovate.com/rethinking-post-covid-inclusive-educational-mechanisms-in-uganda/>

<sup>11</sup> Initiative for Social and Economic Rights (ISER) (2022), "Financing Public Services: An analysis of the FY 2022/23 budget" available at

[https://iser-uganda.org/wp-content/uploads/2022/07/Financing\\_Public\\_Services\\_An\\_analysis\\_of\\_the\\_FY\\_2022\\_23\\_Budget\\_2.pdf](https://iser-uganda.org/wp-content/uploads/2022/07/Financing_Public_Services_An_analysis_of_the_FY_2022_23_Budget_2.pdf)

<sup>12</sup> Ministry of Finance, Planning and Economic Development, "Semi-Annual Budget Performance Report FY 2022/2023" at p.2162.

<sup>13</sup> Ibid.

analysis by the Initiative for Social and Economic Rights (ISER), the ongoing trend of budget cuts will continue even into the next financial year.<sup>14</sup> In FY 2023/2024, the overall budget for the Human Capital Development programme has been slashed by UGX 306 billion.<sup>15</sup>

The wide-scale involvement of private providers in the education sector has also increased the cost of education. Some parents opt for private schools where there are no public schools in their parishes and sub-countries. Even prior to the pandemic, the private sector was heavily relied on in the education sector, structured as purely private to public-private partnerships (PPPs) entities. The additional costs associated with private schools including non-tuition fees serve as an impediment to access to education.<sup>16</sup> However, the issue of cost is not exclusive to the private sector as government-aided schools have also been the spot for charging exorbitant tuition and non-tuition fees.<sup>17</sup>

The pandemic demonstrated the importance of investment in quality education. Uganda has made commitments to realize the right to education under its legal and policy framework. The right is enshrined in the Constitution of Uganda as well as the Education (Pre-Primary, Primary and Post-Primary) Act.<sup>18</sup> At the heart of the National Development Plan III 2020/21-2024/25 (NDP III) is investment in human capital development (HCD), including education. NDP III is also hinged on the Sustainable Development Goals (Agenda 2030) which emphasizes the provision of “inclusive and equitable quality education.” It is against this framework that the Conference will delve into issues related to the cost of education in Uganda to ascertain the extent to which it is an impediment to the achievement of the NDP III objectives and targets.

It against the above background that the 10<sup>th</sup> Annual National Economic Social and Cultural Rights (ESCR) Conference, will be held this year. The Conference will be held under the Theme: *Human Capital Development: The Cost of Education in the Era of the National Development Plan (NDP III)*

The Conference has been organised annually since 2014, as a platform for various stakeholders working on economic, social and cultural rights to engage with the public.

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<sup>14</sup> Initiative for Social and Economic Rights (ISER), “Balancing on a Slippery Edge” April 2023 available at <https://iser-uganda.org/wp-content/uploads/2023/05/Balancing-on-a-slippery-edge-2.pdf>

<sup>15</sup> Ibid.

<sup>16</sup> Initiative for Social and Economic Rights (ISER) and Global Initiative for Social and Economic Rights (2015), “Privatisation, Discrimination and the Right to Education in Uganda” available at [https://iser-uganda.org/wp-content/uploads/2022/05/privatisation\\_discrimination\\_and\\_right\\_to\\_education.pdf](https://iser-uganda.org/wp-content/uploads/2022/05/privatisation_discrimination_and_right_to_education.pdf)

<sup>17</sup> Wesaka, A. (2022), “Petitioners sue government over hiked school fees” Daily Monitor, January 2022 available at <https://www.monitor.co.ug/uganda/news/national/petitioners-sue-govt-over-hiked-school-fees-3686178>

<sup>18</sup> Article 30 of the Constitution of the Republic of Uganda, 1995 and Section 4 of the Education (Pre-Primary, Primary and Post-Primary) Act, 2008.

It has been an effort of both State and non-State actors including the Equal Opportunities Commission (EOC), Uganda Human Rights Commission (UHRC), Initiative for Social and Economic Rights (ISER), Public Interest Law Clinic (PILAC), School of Law, Makerere University and Uganda Consortium on Corporate Accountability (UCCA), among others.

### **Objectives of the Conference**

The 10<sup>th</sup> Annual ESCR Conference will focus on human capital development, particularly the cost of education during the span of the current National Development Plan (III). It aims to serve as a platform for stakeholders countrywide to reflect on the cost of education and its broad implications on the realization of the NDP III targets under the sector.

*The specific objectives of the Conference are:*

- i. To take stock of the National Conference and its impact since 2013;
- ii. To deliberate on the issue of the cost of education and its impact on access to quality education from the primary to university level in Uganda;
- iii. To assess the adequacy of public financing for education in achieving the objectives and goals under the Human Capital Development programme of the National Development Plan III;
- iv. To examine the progress made by the State in regulating public and private education providers; and
- v. To highlight the role of the current fiscal framework in the realisation of the right to education.

*The suggested specific areas for discussion during the panel sessions include the following:*

- i. Reflecting on public education as a driver for inclusive human capital development.
- ii. The role of the Central and Local Governments in regulating the cost of education.
- iii. Opportunities for civil society and communities to engage in regulating the cost of education.
- iv. The cost of education and gender equality: an analysis of the response to the problem of teenage pregnancies countrywide.

- v. Financing for education: A critical reflection on domestic resource mobilisation, public debt and alternatives for financing education.
- vi. The implications of high costs on access to special needs education;
- vii. Review of the school feeding programme, nutrition and impact on education.
- viii. The implications of costs of non-tuition requirements on access to education including school feeding, development; and
- ix. Sustainability of private debt financing for education: primary to university level education

### **Expected outcomes**

It is hoped that the Conference will make short- and longer-term recommendations on addressing the issue of the cost of education. Specifically, the conference will contribute to ascertaining the implications of the costs associated with education on ensuring access to education for all, especially in the aftermath of the pandemic. This will be achieved through countrywide discussions on the right to education. From another perspective, the Conference will result into evidence-based review of its impact.

### **About the Organizers**

#### **Initiative for Social & Economic Rights (ISER)**

ISER is an independent, not-for-profit human rights organization responsible for promoting the effective understanding, monitoring, implementation and realization of Economic and Social Rights in Uganda. This they do by promoting a Human Rights Based approach to the design and implementation of legal and policy frameworks relating to Economic and Social Rights; building awareness about Economic and Social Rights and exploring strategies for securing their realization; broadening individuals' and communities' access to Economic and Social Rights in Uganda; strengthening community participation in the design and implementation of social and economic policies and programs that affect them; ensuring government accountability for Economic and Social Rights through community empowerment; and mobilizing and building the capacity of Non-Governmental organizations and the media to advocate more effectively for Economic and Social Rights including using Regional and International mechanisms. ISER also hosts the Uganda Consortium on Corporate Accountability (UCCA)

#### **Public Interest Law Clinic (PILAC)**

The Public Interest Law Clinic (PILAC) is the premier University Based Law Clinic in Uganda. Established in 2012, PILAC seeks to promote Social Justice through hands-on experiential learning as well as exposing students to 'live' cases of individuals who have been confronted by the law in its varied manifestations. The Clinic has a Clinical Legal Education (CLE) programme, which is intended to equip law students with public lawyering skills. PILAC has also extended the benefits of hands-on practical learning through the establishment of a Community Law Programme and mobile clinic (CLAPMOC), which is used to extend legal literacy sessions and other legal services to the communities around the university. PILAC also hosts the Network of Public Interest Lawyers which is an umbrella organization that brings together individual lawyers, CSOs/NGOs and law firms committed to public interest litigation and advocacy.

### **Uganda Consortium on Corporate Accountability (UCCA)**

The UCCA was established in August 2015 as a civil society consortium on corporate accountability aimed at enhancing accountability by corporations, States, international finance institutions and development partners for violations or abuses of economic, social and cultural rights (ESCRs). It has a founding membership of four organizations specializing in different areas of rights protection, including the Initiative for Social and Economic Rights (ISER), the Public Interest Law Clinic at Makerere University Law School (PILAC), Legal Brains Trust (LBT) and the Center for Health Human Rights and Development (CEHURD). It is currently in the process of widening the consortium membership to include more organizations and community-based organizations to strengthen the platform working around business and human rights issues. The UCCA is an active member of regional and international networks including the African Coalition on Corporate Accountability (ACCA) and the International Network on Economic Social and Cultural Rights (ESCR-Net) among others.

### **The Equal Opportunities Commission (EOC)**

The Equal Opportunities Commission is a constitutional body mandated to eliminate discrimination and inequalities against any individual or group of persons on the ground of sex, age, race, colour, ethnic origin, tribe, birth, creed or religion, health status, social or economic standing, political opinion or disability, and take affirmative action in favour of groups marginalized on the basis of gender, age, disability or any other reason created by history, tradition or custom for the purpose of redressing imbalances which exist against them. Our vision is to have a just and fair society where all persons have equal opportunity to participate and benefit in all spheres of political, economic, social and cultural life. Our role is to assist you to understand your right to equal opportunities and your responsibilities, and to facilitate redress to discrimination. We are committed to fostering a society in which all individuals are equal and are treated with respect and dignity.

