

**An Applied Political Economy Analysis  
(APEA) on girls' access to education in  
Uganda: A case study of Ngogwe and Najja  
sub-counties in Buikwe district, Uganda**

**FEBRUARY 2023**

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## List of Acronyms

AMEI	Adolescent Mothers' Education Initiative
APEA	Applied Political Economy Analysis
ACERWC	African Committee of Experts on the Rights and Welfare of the Child
BoG	Board of Governors
CSOs	Civil Society Organisations
CDO	Community Development Officer
DEO	District Education Officer
ECOWAS	Economic Community of West African States
GDP	Gross Domestic Product
MOES	Ministry of Education and Sports
NDP	National Development Plan
NPA	National Planning Authority
NSGE	National Strategy for Girls Education in Uganda
PGAM	Pregnant Girls and Adolescent Mothers
SDGs	Sustainable Development Goals
SMCs	School Management Committees
SHC	School Health Committees
SRH	Sexual Reproductive Health
UBOS	Uganda Bureau of Statistics
UDHS	Uganda Demographic and Health Survey
UNESCO	United Nations Educational Scientific and Cultural Organisation
UNEB	Uganda National Examinations Board
UPE	Universal Primary Education
USE	Universal Secondary Education
VHT	Village Health Team

# 1. Introduction

This Applied Political Economy Analysis (APEA) on Girls' Access to Education in Uganda seeks to understand the current country and sectorial context and how it relates to access to and participation in education for pregnant girls and adolescent mothers (PGAMs). The report analyzes and investigates the historical context, policy, legislative framework to establish the interaction of formal and informal structures, institutions, and key stakeholders in Uganda in decision-making processes on access to education for PGAMs. As such, the study provides a thorough examination of key power dynamics and social, political, economic, and other incentives at work, as well as an examination of local systems, enabling environments, and key stakeholders' behavior and attitudes concerning the education of PGAMs. The study considers the dynamic nature of political processes, formal and informal modes of societal interaction, cooperation, and power contestation and seeks to comprehend the role of various structures, institutions, and actors with regard to access to education for PGAMs in Uganda.

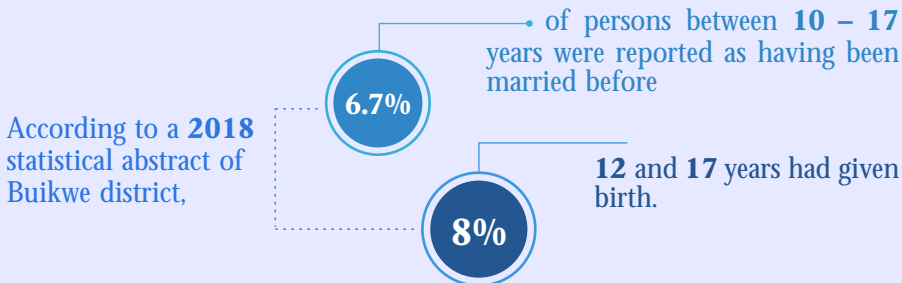
The APEA will inform the Adolescent Mothers' Education Initiative (AMEI) project that ISER is implementing in two sub-counties of Ngogwe and Najja located in Buikwe district. Buikwe district is located in the central region of Uganda, sharing borders with the district of Jinja in the east, Kayunga along river Sezibwa in the north, Mukono in the west, and Buvuma in Lake Victoria. The district has one county (i.e. Buikwe) with four rural sub-counties, three town councils and municipalities. The sub-counties include Buikwe, Najja, Ngogwe, and Ssi-Bukunja.

The total population as per the last population census stood at **422, 771** with majority of the population (54.5%) in the 0-17 years age bracket.<sup>1</sup>

The study focused on Ngogwe and Najja sub - counties located along the shores of Sezibwa River. In terms of economic activities, the district has a number of

<sup>1</sup> Uganda Bureau of Statistics, "The National Population and Housing Census 2014 - Area Specific Profile Series" 2017, Kampala Uganda available at <https://www.ubos.org/wp-content/uploads/publications/2014CensusProfiles/BUIKWE.pdf> [last accessed on January 23, 2023].

factories, large sugarcane plantations as well as small scale farming and fishing. Ngogwe and Najja Sub-counties, in particular, are on the shore of Lake Victoria with fishing and sugarcane growing being the major activities.



with majority of the cases reported in Najja sub-county,<sup>3</sup> among the highest rates when compared with other districts.<sup>4</sup> While the study is limited in geographical scope to Ngogwe and Najja sub-counties, it is hoped that the findings will contribute to the ongoing debate on continued education of PGAMs in Uganda.

The report is presented in five (5) sections.

**Section 1** provides a background and rationale of the study, highlights the research objectives and questions, significance, scope, literature review and research methodology.

**Section 2** outlines Uganda’s policy, legislative and normative framework for Girls’ Access to Education in Uganda.

**Section 3** discusses the actors and dynamics involved in access to education for PGAMs in Uganda.

**Section 4** notes the conclusions and highlights recommendations on access to education for PGAMs.

- 2 Buikwe District Local Government Statistical Abstract 2018 available at <https://buikwe.go.ug/media/buikwe-district-local-government-statistical-abstract-2018> [last accessed on January 23, 2023].
- 3 Sabano, J., “Uganda: Buikwe Leaders Stuck with Teenage Pregnancies as Numbers Surge,” Daily Monitor, September 26, 2021 available at <https://allafrica.com/stories/202109270390.html> [last accessed on October 30, 2022].
- 4 UNFPA Uganda, “Fact Sheet on Teenage Pregnancy, 2021” available at [https://uganda.unfpa.org/sites/default/files/pub-pdf/teenpregnancy\\_factsheet\\_3.pdf](https://uganda.unfpa.org/sites/default/files/pub-pdf/teenpregnancy_factsheet_3.pdf) [last accessed on January 23, 2023].

## 1.1 Background and context

Uganda has made significant progress in its efforts to achieve gender equality,<sup>5</sup> specifically in expanding educational opportunities for girls and ensuring access to primary and secondary education for girls. This is in line with commitments Uganda has made under international and regional human rights frameworks, the Constitution of the Republic of Uganda which provides for the right to education and tasks the State to promote free and compulsory basic education,<sup>6</sup> as well as Goals 4 and 5 of the UN 2030 Sustainable Development Goals (SDGs) Agenda.<sup>7</sup>

In 1997 and 2007, Uganda introduced Universal Primary Education (UPE) and Universal Secondary Education (USE) respectively. These state funded programmes aim to achieve equitable access to conducive, quality, relevant and affordable primary and secondary education to all children without discrimination.<sup>8</sup> This resulted in significant increase in enrollment almost fourfold from 2.7 million in 1996 to 8.2 million in 2009.<sup>9</sup> At primary level, the UPE has greatly improved gender parity with the net enrollment for both boys and girls standing at 91% in 2019.<sup>10 11</sup> However, slower progress has been registered with secondary education. Although the introduction of USE has increased the number of female learners transitioning from primary to secondary,

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<sup>5</sup> Ministry of Education and Sports, “National Strategy for Girls’ Education in Uganda (2015-2019)” available at <https://scorecard.prb.org/wp-content/uploads/2018/05/National-Strategy-for-Girls%E2%80%99-Education-in-Uganda-2015-2019.pdf> [last accessed on October 11, 2022].

<sup>6</sup> The Constitution of the Republic of Uganda, 1996 (as amended); Article XIV, XVIII, Article 30 and 34 (2).

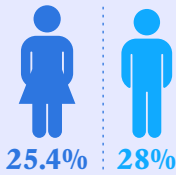
<sup>7</sup> UN Sustainable Development Goals (SDGs) available at <https://sdgs.un.org/2030agenda>. (accessed on October 14, 2022)

<sup>8</sup> Section 2 of the Education Act, 2008

<sup>9</sup> Right to Education Project, Right to Education Country Factsheet, May 2012 at [https://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/RTE-Country\\_Factsheet\\_Uganda\\_2012.pdf](https://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/RTE-Country_Factsheet_Uganda_2012.pdf) [last accessed on October 10, 2022]

<sup>10</sup> Ministry of Education and Sports (2019), Education and Sports Sector Analysis, Kampala.

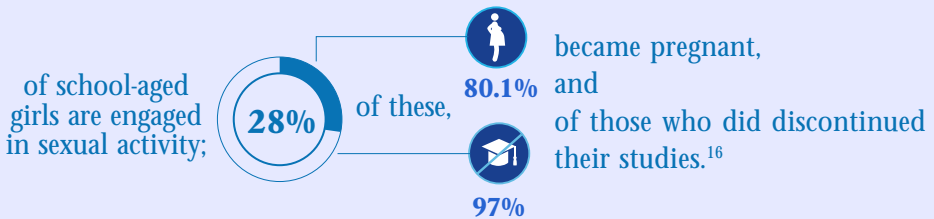
<sup>11</sup> Uganda Bureau of Statistics, Uganda National Household Survey 2019/20 at [https://www.ubos.org/wp-content/uploads/publications/06\\_2021UNHS2019-20\\_presentation.pdf](https://www.ubos.org/wp-content/uploads/publications/06_2021UNHS2019-20_presentation.pdf) [last accessed on October 12, 2022].



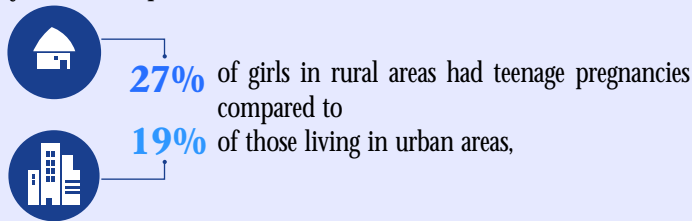
the enrollment rate remains low, especially for girls at 25.4% compared to 28% for boys.<sup>12</sup>

National data shows that school dropout rates remain significantly high, particularly for girls in upper primary, with a 34% survival rate, resulting in a low transition rate to secondary school.<sup>13</sup>

Teenage pregnancy is one of the main factors which inhibits continued education for girls in Uganda.<sup>14</sup> The teenage pregnancy rate stands at 25%, the highest among countries in the East African sub-region.<sup>15</sup> According to the Uganda Demographic and Health Survey,



The most recent data shows that teenage pregnancy does not affect girls uniformly. For example,



<sup>12</sup> Ministry of Education and Sports, “Education and Sports Sector Analysis,” 2019, Kampala, Uganda.

<sup>13</sup> Ministry of Education and Sports, “Education and Sports Sector Strategic Plan 2017-2020” available at <http://npa.go.ug/wp-content/uploads/2018/11/EDUCATION-AND-SPORTS-SECTOR-STRATEGIC-PLAN.pdf> [last accessed on October 14, 2022].

<sup>14</sup> Uganda Bureau of Statistics (UBOS), 2021, “Uganda National Household Survey 2019/2020” at p. 29 available at [https://www.ubos.org/wp-content/uploads/publications/09\\_2021Uganda-National-Survey-Report-2019-2020.pdf](https://www.ubos.org/wp-content/uploads/publications/09_2021Uganda-National-Survey-Report-2019-2020.pdf) [last accessed on October 14, 2022].

<sup>15</sup> Uganda Demographic and Health Survey (UDHS), 2016 available at <https://dhsprogram.com/pubs/pdf/FR333/FR333.pdf>

<sup>16</sup> *Ibid.*



with the former having twice as many births.<sup>17</sup> Teenage girls from the poorest households begin bearing children earlier (33.5%) than those from wealthy backgrounds (15.1%).<sup>18</sup>

Teenage pregnancies are closely linked with other issues, associated with unequal power and gender norms, including early and child marriages, lack of access to sexual and reproductive health information and services, as well as sexual and gender-based violence.<sup>19</sup> A 2021 study revealed that



With the recent COVID-19 pandemic, the situation has worsened. There was a marked increase in teenage pregnancies during the two-year school closure period. For example, from



<sup>17</sup> National Strategy to End Child Marriage and Teenage Pregnancy, 2022-2027 available at <https://www.unicef.org/uganda/media/13666/file/National%20Strategy%20to%20end%20Child%20marriage%20and%20Teenage%20Pregnancy%202022-2027.pdf>.

<sup>18</sup> *Ibid.*

<sup>19</sup> Ninsiima, AB. et al. “‘Girls Have More Challenges; They Need to Be Locked Up’: A Qualitative Study of Gender Norms and the Sexuality of Young Adolescents in Uganda available at <https://pubmed.ncbi.nlm.nih.gov/29364192/> [last accessed on October 14, 2022].

<sup>20</sup> The Right to education Index, Uganda RTEI Score 2021, at <https://www.rtei.org/documents/data/latest/> accessed on December 6, 2022.

<sup>21</sup> UNFPA, Fact Sheet on Teenage Pregnancy, 2021 at [https://uganda.unfpa.org/sites/default/files/pub-pdf/teenpregnancy\\_factsheet\\_3.pdf](https://uganda.unfpa.org/sites/default/files/pub-pdf/teenpregnancy_factsheet_3.pdf). (Accessed 14, October, 2022).

As many as **18% of primary six** and **30.5% of senior three girls** did not return to school due to pregnancy, while early marriages precluded **10% of primary six** and **23% of senior three learners** from returning to school.<sup>22</sup> According to the Ministry of Education and Sports (MoES), **80.1% of the 28%** of girls who were sexually active while still in school became pregnant **97% of the 80.1%** dropped out of school as a result of being pregnant.<sup>23</sup>

It has been estimated that close to 30% of learners (4.5 million of approximately 15 million learners) may not return to school upon the nationwide reopening of schools largely due to teenage pregnancy, child marriages, and child labour.<sup>24</sup> Unfortunately, only 8% of girls who dropped out of school due to pregnancy were allowed to re-enroll.<sup>25</sup> Pregnant girls are regularly rejected at home and sent away; they are branded as ‘useless’, ‘a burden’, ‘sinful’, ‘abominable’, ‘outcasts’, and a ‘waste’; they are isolated and denied assistance, even in cases where their families have the resources to offer support.<sup>26</sup>

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<sup>22</sup> Uganda National Examinations Board (UNEB), “Effects of COVID - 19 Pandemic on Teaching and Learning at Primary and Secondary Education levels in Uganda” available at <https://www.mediacentre.go.ug/sites/default/files/media/REPORT%20ND%20REVIEWED%20FOR%20DISSEMINATION%202021.pdf> [last accessed on October 18, 2022].

<sup>23</sup> Ministry of Education and Sports, Revised Guidelines for the Prevention and Management of Teenage Pregnancy in School Settings in Uganda, 2020 available at <https://www.ungei.org/sites/default/files/2021-02/Revised-Guidelines-Prevention-Management%20-Teenage-Pregnancy-School-Settings-Uganda-2020-eng.pdf> [last accessed on October 18, 2022].

<sup>24</sup> National Planning Authority (NPA), “Towards Safe Opening of The Education Sector in Covid-19 Times: Technical Note” available at <http://www.npa.go.ug/wp-content/uploads/2021/09/NPA-on-Reopening-of-Schools-AmidstCOVID19.pdf> [last accessed on October 18, 2022].

<sup>25</sup> Ministry of Education and Sports, Revised Guidelines for the Prevention and Management of Teenage Pregnancy in School Settings in Uganda, 2020 available at <https://www.ungei.org/sites/default/files/2021-02/Revised-Guidelines-Prevention-Management%20-Teenage-Pregnancy-School-Settings-Uganda-2020-eng.pdf> [last accessed on October 14, 2022].

<sup>26</sup> *Ibid.*

Amidst the Covid-19 pandemic and nationwide closure of schools, the MoES issued the Revised Guidelines on Prevention and Management of Teenage Pregnancy in School Settings (Guidelines).<sup>27</sup> The Guidelines were developed to assist adolescent mothers and pregnant girls in completing their school cycles, as well as to provide schools with guidance on the management of adolescent pregnancy in school settings.<sup>28</sup> Prior to the adoption of the Guidelines, although there were policies and guidelines in place, including on adolescent reproductive health, schools were hampered from implementing these policies and directives, in part due to a lack of clarity. As a result, the current Guidelines are intended to fill this void.<sup>29</sup>

The Guidelines provide for a mandatory leave of one year from the time a girl is three months pregnant until the baby is six months old. However, according to recent media reports quoting the Minister of Education and Sports, the situation may get worse because the Cabinet has announced plans to amend the Guidelines to require any female learner who is discovered to be pregnant to leave school immediately and return only when the newborn child is one-year-old, instead of the six months stipulated in the Guidelines.<sup>30</sup> This is contrary to the President’s earlier position on allowing pregnant learners attend school.<sup>31</sup> He is quoted as saying, “being pregnant is not dying but only a complication. I won’t agree to condemning the child not to continue with her education. I can’t accept that. It is neither logical nor certainly religious. If the child made a mistake, you can’t condemn her life.”<sup>32</sup> However, he hastened to add that he would have a discussion with the

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<sup>27</sup> *Ibid.*

<sup>28</sup> *Ibid.*

<sup>29</sup> *Ibid.*

<sup>30</sup> Rumanzi P. “Pregnant students to resume school a year after giving birth” Daily Monitor, Monday, May 23, 2022 available at <https://www.monitor.co.ug/uganda/news/national/pregnant-students-to-resume-school-a-year-after-giving-birth-3824634> [last accessed on October 8, 2022].

<sup>31</sup> Kazibwe Keneth. “Uganda: Museveni Speaks Out on Keeping Pregnant Girls in School” The Independent, January 27, 2022 available at <https://nilepost.co.ug/2022/01/27/museveni-speaks-out-on-keeping-pregnant-girls-in-school/> [last accessed on October 8, 2022].

<sup>32</sup> *Ibid.*

Cabinet over the issue.<sup>33</sup> From the Cabinet position that was later shared by the Minister of Education and Sports as discussed earlier, the President seems to have failed to convince his cabinet to adopt his position.

The proposal by the President to allow PGAMs to continue schooling received harsh criticism from religious leaders, particularly church leaders, who have expressed opposition on moral grounds, specifically, that their admission would condone immorality and set a bad example for other school-going girls.<sup>34</sup> Cultural leaders have largely remained non-committal on the subject.<sup>35</sup>

## 1.2 Aims and objectives of the study and research questions

The primary goal of this research is to examine the political economy of Uganda's education sector as it relates to access to and participation in education for PGAMs. The study is issue-specific analysis that aims to provide a complete understanding of the context, power, actors, processes, and relationships in Uganda, specifically in Buikwe district's sub-counties of Najja and Ngogwe.

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<sup>33</sup> *Ibid.*

<sup>34</sup> Kazibwe K. "Kaziimba speaks out on blocking pregnant girls from church schools" Nile Post, January 12, 2022 available at <https://nilepost.co.ug/2022/01/12/kaziimba-speaks-out-on-blocking-pregnant-girls-from-church-schools/> [last accessed on October 8, 2022]. See also Ashaba A. "Don't allow pregnant girls in school, says Ruwenzori bishop" Daily Monitor, Tuesday, January 18, 2022 available at <https://www.monitor.co.ug/uganda/news/national/don-t-allow-pregnant-girls-in-school-says-ruwenzori-bishop-3685684?view=htmlamp> [last accessed on October 8, 2022].

<sup>35</sup> At the height of the debate on return of pregnant learners to school during the beginning of the school calendar year, some members of the General Assembly of the Buganda Kingdom, the biggest cultural institution in the country, moved proposals to have pregnant learners banned from school and only return after giving birth, however, the Kingdom's Prime Minister indicated that the matters was still under discussion and that it would issue a statement on its position at a later date. See Nassuuna N., "Buganda yet to decide fate of pregnant learners" KFM January 17, 2022 available at <https://www.kfm.co.ug/news/buganda-yet-to-decide-fate-of-pregnant-learners.html> [last accessed on October 18, 2022].

The purpose of the APEA is to inform the AMEI programme design and implementation, to inform the appropriate and effective advocacy strategies towards realizing continued access to learning by PGAMs and finally to inform the development of the Monitoring, Evaluation, Accountability and Learning framework for AMEI project in Uganda .

This study is based on World Vision’s *An applied political economy analysis (APEA) field guide for staff*<sup>36</sup> and uses the following framework and research questions, which also formed the basis of engagement with respondents:

## I. Foundational factors

- a. How has the state-society relations specific to history, geography, economics and fiscal policies, social and cultural and other aspects influence government decision making in regard to provision of education to the PGAMs?
- b. Are budgetary allocations by the Central Government sufficient to facilitate the provision and access to education by the PGAMs?
- c. How do cultural norms influence and shape education policy in regard to access to education for PGAMs?

## II. The legal and policy framework

- a. Which formal and informal rules, policies, legislations are relevant to access to education for PGAMs?
- b. Are these implemented or not? If not, why are they not effectively implemented?
- c. If there is a deficiency in law, why haven’t new laws and policies which support access to education for PGAMs been introduced?
- d. To what extent are frontline service providers especially the SMCs following existing laws and policies with regard to access to education for PGAMs?

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<sup>36</sup> World Vision International, Identifying key decision makers and Understanding political dynamics: An applied political economy analysis (APEA) field guide for staff, 2019.

### III. Formal and informal influencers

- a. Who are the most influential formal and informal stakeholders (individuals, institutions and others) with respect to PGAMs access to education?
- b. Who are the project level actors (Buikwe district), sectoral and/or national level in regard to access to education for PGAMs?

### IV. Engagement dynamics and mechanisms

- a. Which formal and informal rules, policies, legislations are relevant to access to education for PGAMs?
- b. Are these implemented or not? If not, why are they not effectively implemented?
- c. If there is a deficiency in law, why haven't new laws and policies which support access to education for PGAMs been introduced?
- d. To what extent are frontline service providers especially the SMCs following existing laws and policies with regard to access to education for PGAMs?

## 1.3 Research methods

### i. Desk Review

The study analyzed the existing literature on the subject to better understand the political economy of girls' access to education in Uganda. This entailed conducting extensive desktop research on relevant secondary data on policy and access to education for PGAMs in Uganda. This included the laws and policies on access to education in Uganda as well as reports from relevant government ministries, agencies, and departments, as well as organizations working on access to education for girls in Uganda. This information laid the ground work for the field research and revealed the gaps in the existing literature that this study sought to fill.

## ii. Key Informant Interviews

From the desk review, we ascertained that there is a dearth of literature on the implementation of laws and policies on access to education of PGAMs in Uganda as well as the roles and dynamics of various actors involved. In-depth interviews were held with relevant government ministries, agencies, and departments at a national and district level, CSOs, adolescent mothers and pregnant girls, head teachers of schools in Ngogwe and Najja sub-counties, religious leaders, and community based workers and Village Health teams (Annex 1) to fill these gaps. These interviews were semi-structured. As such, while based on an interview guide, as much as possible the interactions were designed to allow the key informants to provide broad information.

For this study, 23 respondents were interviewed: Ministry of Education and Sports officials specifically under the Gender Unit and Policy departments; the District Education Officer, Buikwe district; Ngogwe sub-county chief; Najja sub-county chief; Community Development Officer, Najja sub-county; and Chairperson, Health Unit Management Committee, Ngogwe sub-county. Others were: 6 Adolescent mothers and pregnant girls in Ngogwe and Najja sub-counties, Buikwe District, 2 Heads of School Management Committees (SMCs) of Primary Schools in Ngogwe and Najja sub-county, Buikwe district, Head Teachers of 2 Schools in Ngogwe and Najja sub-county, Buikwe district, and 1 Village Health Teams (VHTs) in Ngogwe sub-county, Buikwe district, 2 religious leaders at Buikwe district: Imam and Arch Deacon and CSOs.

Respondents who are adolescent mothers and pregnant girls were selected through snowball sampling given the stigma around teenage pregnancy/motherhood. As such, respondents were selected through introductions by other PGAMs, schools, and local leadership. To protect the privacy of the selected interviewees, their real names have not been disclosed in the final study report. The other respondents for the study were selected through purposive sampling based on their work and their respective mandates.

## 1.4 Limitations

While there are myriad actors at play with respect to access to education for PGAMs, the study focused on a small sample size of key informant interviews at a national and district level. As such the findings of the APEA are not extrapolatable to other sub-counties in Buikwe district nor the rest of the country. Further, the study focused on the education sector players and did not engage actors from other key ministries, such as the Ministry of Health or Gender.



## 2. Findings and discussions

### 2.1 Policy, legislative and normative framework on access to education for PGAMs in Uganda

This section comprehensively discusses the policy, legislative and normative framework governing access to education for pregnant girls and adolescent mothers in Uganda.

#### 2.1.1 Domestic legal and policy framework on access to education for PGAMs

While Uganda has laws on the right to education for girls, currently, there is no specific law on access to education for PGAMs. The primary policy document on access to and participation in education for PGAMs is the Revised Guidelines for Prevention and Management of Teenage Pregnancy in School Settings in Uganda (the Guidelines) adopted by the Ministry of Education in 2021. The adoption of the Guidelines was premised on the fact that despite the existence of several policies that highlight mechanisms needed for the prevention of teenage pregnancy, schools face constraints in implementing them partly due to a lack of harmonized guidelines and a lack of clarity, thus the Revised Guidelines aim to fill that gap.<sup>37</sup>

The Guidelines aptly recognise the need for change in attitudes towards pregnant girls especially those that are rooted in gender bias and violate the right to education of girls – particularly their continuity and re-entry in school.<sup>38</sup> They highlight the need for dissemination and sensitization of the stakeholders to eliminate the perceived negative influence of retention of pregnant girls in school.<sup>39</sup>

In effect, the Guidelines call for several policy measures to improve PGAMs' access to education. They require schools to prioritize re-admission of

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<sup>37</sup> Government of Uganda, Revised Guidelines on Prevention and Management of Teenage Pregnancy in School Setting, 2020, p. 13

<sup>38</sup> *Ibid.*

<sup>39</sup> *Ibid.*

PGAMs and provides children and parents with recourse when public schools refuse to enroll them. They also guide schools on how to combat stigma, discrimination, and violence against pregnant or parenting students. This, notwithstanding, the Guidelines also impose numerous conditions for continued education. The stringent "re-entry" conditions, such as requiring girls to leave when they are three months pregnant and take mandatory six-month maternity leave, may serve as an effective barrier, especially given that girls will be required to stay out of school for close to a year.<sup>40</sup> The position is slightly different for learners in candidate/final years. Students in primary seven, senior four, and six are also subjected to the same mandatory leave, however, the Guidelines stipulate that they will sit for the national Primary Leaving Examinations, Uganda Certificate of Education, and Uganda Advanced Certificate of Education. This is a mandatory requirement on school administrators whereas, for the promotional exams from one to class to another, it is upon the PGAM to decide to take them if they wish to<sup>41</sup>.

One of the major weaknesses of the Guidelines is they are not hinged on any policy on access to education by the PGAMs or an education sector plan. The last Strategic Plan expired in 2020 and no new one has been adopted since then.<sup>42</sup> As such, they seem to be a piece meal effort rather than a holistic and comprehensive approach by the Ministry of Education and Sports to respond to the challenge of low access to education for PGAMs as highlighted in the following sections.

Besides the Guidelines, the government has adopted policies which have a direct impact on the issue of teenage pregnancy. The new National Strategy to End Child Marriage and Teenage Pregnancy 2022/2023 - 2026/2027<sup>43</sup>, under the Ministry of Gender, Labour and Social Development, adopts a

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<sup>40</sup> *Ibid*, Guideline 3.9

<sup>41</sup> *Ibid*.

<sup>42</sup> Uganda Education and Sports Sector Strategic Plan 2017-2020 available at <http://npa.go.ug/wp-content/uploads/2018/11/EDUCATION-AND-SPORTS-SECTOR-STRATEGIC-PLAN.pdf>

<sup>43</sup> <https://www.unicef.org/uganda/media/13666/file/National%20Strategy%20to%20end%20Child%20marriage%20and%20Teenage%20Pregnancy%202022-2027.pdf>

multi-sectoral programming on ending child marriage and teenage pregnancy in Uganda.<sup>44</sup> One of its proposed strategic interventions to increase access to social services including education is facilitation of the “process to return and reintegration of teenage mothers back to school.” It should be noted that while the Strategy builds on existing policies, including the Guidelines, it is silent on the issue of continued access to education for pregnant girls and immediate re-entry for adolescent mothers.

Nevertheless, the strategy contains a number of strategic interventions that need to be prioritized with respect to teenage pregnancies and adolescent motherhood. These include:

- i. Translate, simplify, disseminate and sensitize the public and all duty-bearers about laws and policies around integrated sexual and reproductive health rights of children and adolescents and the importance of girls’ education.
- ii. Develop and disseminate inclusive IEC and edutainment materials on child marriage and teenage pregnancy.
- iii. Build the capacity of media to engage on issues related to child marriages and teenage pregnancy.
- iv. Support safe re-integration/entry of teenage mothers into communities.
- v. Strengthen mechanisms for prevention of teenage pregnancies escalating into early marriages.
- vi. Identify champions and role models as change agents to sensitize communities and young people on the value of girl’s education and dangers of child marriages and teenage pregnancy.
- vii. Strengthen children’s capacity to advocate and protect themselves and others from child marriage and teenage pregnancy.<sup>45</sup>

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<sup>44</sup> National Strategy to End Child Marriage and Teenage Pregnancy, 2022-2027 available at <https://www.unicef.org/uganda/media/13666/file/National%20Strategy%20to%20end%20Child%20marriage%20and%20Teenage%20Pregnancy%202022-2027.pdf>.

<sup>45</sup> *Ibid*, p. 22 – 23.

<sup>46</sup> *Ibid*, p. 31.

In its current form, the Strategy complements the Guidelines insofar as it proposes effective measures geared towards ensuring reduction in teenage pregnancy but also supporting PGAMs.<sup>46</sup> However, there remains a need for a specific policy/plan by the Ministry of Education and Sports on continued education of PGAMs.

Reducing teenage pregnancy also features as a key intervention under the Third National Development Plan 2020/21 – 2024/25 (NDP III).<sup>47</sup> The NDP III Human Capital Development Programme Implementation Action Plan (2020) details various interventions regarding the reduction of teenage pregnancy rates.<sup>48</sup> First, establishment of the Community (Parish) Pregnancy Prevention Committees and supporting them to create awareness on the negative implications of child marriages, teenage pregnancies, school dropout and youth unemployment on development.<sup>49</sup> Secondly, development and implementation of a comprehensive set of interventions to reduce teenage pregnancies, with a special focus on hot spot districts.<sup>50</sup> Thirdly, provision of age-appropriate quality Sexual Reproductive Health (SRH) information and services to all age groups as part of the Minimum Health Care Package.<sup>51</sup> The National Adolescent Health Policy for Uganda 2004<sup>52</sup> also establishes a framework for the development of adolescent health programmes and services

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<sup>47</sup> National Planning Authority (2020) Third National Development Plan (NDPIII) 2020/ 21 – 2024/25 at p.173, 175 available at [http://www.npa.go.ug/wp-content/uploads/2020/08/NDPIII-Finale\\_Compressed.pdf](http://www.npa.go.ug/wp-content/uploads/2020/08/NDPIII-Finale_Compressed.pdf) [last accessed 18 October 2022].

Under objective four to improve population health, safety and management, intervention four is developing and implementing a comprehensive set of interventions to reduce teenage pregnancies, with a special focus on hot spot districts. The plan sets targets for reducing teenage pregnancy from the baseline of 25% for the duration of the plan (p.307).

<sup>48</sup> National Planning Authority (2020) *NDPIII Human Capital Development Programme Implementation Action Plan*. Available at <https://mlhud.go.ug/wp-content/uploads/2021/03/HUMAN-CAPITAL-DEVELOPMENT.pdf> (Accessed 18 July 2022)

<sup>49</sup> *Ibid*, p.89.

<sup>50</sup> *Ibid*, p.73.

<sup>51</sup> *Ibid*, p.81.

<sup>52</sup> National Adolescent Health Policy for Uganda 2004 available at [https://healtheducationresources.unesco.org/sites/default/files/resources/national\\_adolescent\\_health\\_policy\\_for\\_uganda.pdf](https://healtheducationresources.unesco.org/sites/default/files/resources/national_adolescent_health_policy_for_uganda.pdf)

aimed at among others, reduction of pregnancy among adolescents, readmission of adolescent mothers into school, and establishment of psycho social support institutions. These policies demonstrate the importance of a multi-sectoral approach to respond to teenage pregnancies and adolescent motherhood.

With respect to the right to education, it is recognized and protected by several laws. First, the Constitution of the Republic of Uganda guarantees the right to education for all,<sup>53</sup> which is reiterated in the Education Act<sup>54</sup> and the Children (Amendment) Act.<sup>55</sup> Article 30 of the Constitution provides for the right to education in general terms while Article 34 (2) states that “*a child is entitled to basic education which shall be the responsibility of the State and the parents of the Child.*” Section 4 (2) of The Education Act, 2008, the primary legislation governing the provision of pre – primary, primary and secondary education, allocates responsibilities to both government and parents as far as education of children is concerned.

Under Section 8 of the Education Act, the responsibilities of the government towards the government aided schools, majority of which are implementing UPE and USE programmes, include; meeting financial obligations such as payment of salaries and statutory grants for schools. For the parents or guardians, Section 5 (2) of the Education Act lists responsibilities including registering their children of school going age at school and providing parental guidance and psychosocial welfare to their children.

Specific to education of girls, some provisions in the Constitution require that girls are offered special attention to combat discrimination, including in access to social services. Article 21 of the Constitution broadly prohibits discrimination on among others on the basis of sex. Article 32 (2) prohibits

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<sup>53</sup> Articles 30 and 34(2) and Objective XVIII of the National Objectives and Directive Principles of State Policy.

<sup>54</sup> Section 4(2), Government of Uganda, Education (Pre – Primary, Primary and Post – Primary), Act, 2008.

<sup>55</sup> Section 5, Government of Uganda, The Children (Amendment) Act, 2016.

laws that are against the dignity, welfare and interest of women in society while Article 33 (3) requires the State to provide facilities and opportunities necessary to enhance the welfare of women and girls and enable them to realise their full potential. Although, these provisions do not particularly address the aspect of PGAMs access to education, they aim to ensure equal access to opportunities and services for men and women thus they apply with respect to affording girls the equal opportunity to access education.

Further, the Children (Amendment) Act provides for the right to non-discrimination on the basis of gender.<sup>56</sup> It also requires all organs of the state to act in the best interests of the child in developing policies, enacting laws, and making administrative decisions affecting children's welfare.<sup>57</sup>

### 2.1.2 Regional and international human rights obligations on access to education for PGAMs

Uganda is a state party to various international and regional human rights treaties which guarantee the right of PGAMs to access education. Article 3 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) requires state parties to adopt measures including legislation and policy formulation that promote the full development and advancement of women for purposes of enabling them realise and enjoy their rights such as education.

The State has committed to provide free and compulsory basic education to all children as well as take progressive steps to provide secondary education.<sup>59</sup> The country also made a political commitment under Goal 4 of Agenda 2030

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<sup>56</sup> *Ibid*, Section 4 (1) (j).

<sup>57</sup> Children (Amendment) Act, Section 3.

<sup>58</sup> Convention on the Elimination of All Forms of Discrimination Against Women, 18 December 1979, United Nations, Treaty Series, vol. 1249, p. 13, available at <https://www.refworld.org/docid/3ae6b3970.html> [accessed October 28, 2022]

<sup>59</sup> Article 13 & 14, UN General Assembly, International Covenant on Economic, Social and Cultural Rights, 16 December 1966, United Nations, Treaty Series, vol. 993, p. 3, available at: <https://www.refworld.org/docid/3ae6b36c0.html> [accessed October 28, 2022]

for Sustainable Development Goals (SDGs) to ensure that all girls and boys can attain free, equitable, and high-quality primary and secondary education by 2030.<sup>60</sup> However, despite being a core and immediate obligation, free and compulsory primary education has not been achieved to date,<sup>61</sup> and the COVID-19 pandemic exacerbated the already existing challenges.

At a regional level, the African Charter on the Rights and Welfare of the Child in respect of the PGAMs requires States to take special measures to ensure equal access to education for girls.<sup>62</sup> It requires them to take all appropriate measures to ensure that children who become pregnant before completing their education are granted an opportunity to continue their education. Similarly, the Protocol to the African Charter on Human and Peoples' Rights on the rights of Women (Maputo Protocol) explicitly requires governments to protect girls from all forms of abuse, including sexual harassment while in schools, promote of education and training for women at all levels and ensure enrolment and retention of girls in schools.<sup>63</sup>

Sub-Saharan Africa has the highest rate of teenage pregnancy in the world<sup>64</sup> yet several countries continue to exclude PGAMs from accessing education. This has been the subject to litigation before regional human rights bodies. For instance, in 2020, the Economic Community of West African States (ECOWAS) court found that the Sierra Leone government's decision to ban pregnant girls from attending school was discriminatory insofar as it denied

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<sup>60</sup> SDGs, Target 4.1

<sup>61</sup> Mugisha Chrispus, "Uganda's Education to be completely free by 2026 - Museveni" Nile Post, July 2022 available at <https://nilepost.co.ug/2022/07/26/ugandas-education-to-be-completely-free-by-2026-museveni/> [last accessed on January 22, 2023].

<sup>62</sup> Article 11 (3) (e), African Charter on the Rights and Welfare of the Child, 11 July 1990, CAB/LEG/24.9/49 (1990), available at <https://www.refworld.org/docid/3ae6b38c18.html> [last accessed October 28, 2022]

<sup>63</sup> Article 12 (1) & (2), African Union, *Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa*, 11 July 2003, available at <https://www.refworld.org/docid/3f4b139d4.html> [last accessed October 28, 2022]

<sup>64</sup> *Ibid.*

pregnant girls their right to access education.<sup>65</sup> In Tanzania, the law on the expulsion of pregnant girls from school dates back to 1960, and in 2017, the late former president, John Magafuli reaffirmed the country's intention to implement the policy.<sup>66</sup> The policy was successfully challenged before the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) which found that it violated numerous human rights of Tanzanian pregnant girls including the right to education, equality and non-discrimination, health and dignity.<sup>67</sup>

Regional and international human rights law requires of the state to adopt measures to promote continued access to education and reduce female student drop-out rates or offer alternative education programmes to girls who have left school prematurely.<sup>68</sup> The Guidelines do not meet this standard. For instance, they exclude pregnant teenagers from continuing their education. Further, they are not in line with recommendations made by international bodies such as Committee on Elimination of All forms of Discrimination Against Women with regard to access to education of PGAMs.<sup>69</sup> The Committee urged States to adopt policies which allow PGAMs “to remain in or return to school without delay” yet the Guidelines stipulate a mandatory leave.

### 2.1.3 State obligations on elimination of discrimination against PGAMs

On discrimination, Uganda is bound by several international and regional instruments which prohibit unequal treatment of boys and girls, which manifests through laws, policies and practices, that affects the enjoyment of

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<sup>65</sup> *Women Against Violence and Exploitation in Society (WAVES) v. The Republic of Sierra Leone*, ECW/CCJ/JUD/37/19.

<sup>66</sup> World Vision International, *supra*, p. 6

<sup>67</sup> *Legal and Human Rights Centre and Centre for Reproductive Rights (on behalf of Tanzanian girls) v. United Republic of Tanzania* Communication No. 0012/Com/001/2019, Decision No. 002/2022.

<sup>68</sup> CEDAW, *supra*, Article 3.

<sup>69</sup> See for instance, CEDAW, General Recommendation No. 36 on the right of girls and women to education, 2017.



the right to education on an equal footing. The UNESCO Convention against Discrimination in Education defines discrimination as;

any distinction, exclusion, limitation or preference which being based on race, colour, sex .... with the purpose or effect of nullifying or impairing equality of treatment in education, in particular; depriving any persons or group of persons of access to education of any type or any level; and limiting any person or group of persons to the education of an inferior standard.<sup>70</sup>

Such discrimination can be exhibited in form of social and health status of the learners for instance being pregnant, poverty and as a result not being in position to afford education. Discrimination in access to education is prohibited both in law and in fact.<sup>71</sup>

The African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol)<sup>72</sup> and the African Charter on the Rights and Welfare of the Child (ACRWC) offers protection for the right of girls in Africa to access education, taking into account the traditions, cultural beliefs and practices which deny women access to educational opportunities.<sup>73</sup> Equally, the African Youth Charter prohibits discrimination and entitles every young person in Africa to the rights provided in the charter including

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<sup>70</sup> UNESCO, Convention against Discrimination in Education available at <https://www.unesco.org/en/legal-affairs/convention-against-discrimination-education>. [last accessed October 14, 2022].

<sup>71</sup> Committee on Economic Social and Cultural Rights, General Comment No. 13: The Right to Education (Art. 13) Adopted at the Twenty-first Session on 8 December 1999, para 6.

<sup>72</sup> Article 12, African Union, *Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa*, 11 July 2003, available at <https://www.refworld.org/docid/3f4b139d4.html> [last accessed October 28, 2022]

<sup>73</sup> Article 11, *African Charter on the Rights and Welfare of the Child*, 11 July 1990, CAB/LEG/24.9/49 (1990), available at <https://www.refworld.org/docid/3ae6b38c18.html> [last accessed October 28, 2022]

the right to education.<sup>74</sup> Specifically, the Charter requires States to ensure that girls and young women who become pregnant or married before completing their education shall have the opportunity to continue their education.<sup>75</sup>

The Ugandan government is therefore has an obligation to abrogate any statutory provisions and practices that perpetuate discrimination in access to education.<sup>76</sup> The Constitution of Uganda enjoins the State to ensure that women have equal treatment with men and prohibits discrimination on the basis of sex. Uganda has committed to the *Leaving No One Behind* agenda and has pledged to empower all women and girls by ending all forms of discrimination and eliminating harmful practices.<sup>77</sup> This, notwithstanding, for decades the practice has been that PGAMs are expelled from school or prohibited from continuing their education which amounts to discrimination on the basis of pregnancy. It is noteworthy that the Guidelines require teachers to protect PGAMs from discrimination<sup>78</sup> and classify discrimination as “a form of psychological and emotional violence.”<sup>79</sup> However, it should be noted that the Guidelines do not have the force of law thus they are not binding and to date, no Ugandan court has pronounced itself on the issue of discrimination on the basis of pregnancy.

Nonetheless, the above foregoing human rights principles in regional and international law and policies are binding on the Ugandan government which is required to undertake interventions that reflect its commitments.<sup>80</sup> The laws and policies discussed in this section provide the basis for this study which seeks to interrogate why, despite the existence of a legal and policy framework protecting the right of PGAMs to access education, there is resistance to their continued education in the country.

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<sup>74</sup> Article 2 of the African Youth Charter (AYC), 2006

<sup>75</sup> *Ibid*, Article 13.

<sup>76</sup> Article 3, UNESCO, Convention against Discrimination in Education, Adopted by the General Conference, Paris, 14, December 1960.

<sup>77</sup> UN Sustainable Development Goals, Target 5.1 and 5.3.

<sup>78</sup> Guideline 3.2 (11).

<sup>79</sup> Guideline 4,2 (6).

<sup>80</sup> Article 287 of the *Constitution of the Republic of Uganda*, 1995 (As Amended).

## 2.1.4 Factors which are affecting progress in implementation of laws and policies on access to education for PGAMs

### 2.1.4.1 Inadequate financing allocated to implementing the Guidelines

Previously, there has been no formal policy or law that prohibits pregnant girls from continued learning, however the practice for decades has been that pregnant girls are either suspended or expelled from school.<sup>81</sup> There was no clear position on this by the Ministry of Education and Sports which left pregnant girls at the discretion of the school administration<sup>82</sup> and as a result, management of teenage pregnancy in school settings varied from one school to another.

When the Ministry finally adopted and published Guidelines, there was backlash and mixed reactions from different stakeholders.<sup>83</sup> Amidst all this, the study found that the needle has hardly moved on implementation of the Guidelines since they were passed. The Guidelines require undertaking of adolescent sexuality education programmes aimed at reducing pregnancy among adolescents, offering psychosocial support for pregnant teenagers and adolescent mothers readmitted into school, sensitization in schools and communities among others. These interventions have financial implications

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<sup>81</sup> Ahikire, J. and Madanda, A. “A Survey on Re-entry of Pregnant Girls in Primary and Secondary Schools in Uganda,” FAWE, 2010, p. 3 available at [https://education.go.ug/wp-content/uploads/2019/07/gender\\_Report-on-Girls-Re-entry-in-school.pdf](https://education.go.ug/wp-content/uploads/2019/07/gender_Report-on-Girls-Re-entry-in-school.pdf) [last accessed on August 1, 2022].

<sup>82</sup> *Ibid.*

<sup>83</sup> Opponents argue that allowing pregnant girls in school will send mixed messages to children and instead recommend a firm stance against allowing pregnant girls to continue learning until they give birth whereupon they can safely return to school. However, the proponents posit, rightly so, that disallowing PGAMs is discriminatory in law insofar as it denies them access to education on an equal basis with other children. See Maratho, E. “Send correct message for girls to stay in school” Daily Monitor, January 24, 2022, p. 15. See also, Kitooke, A., “The Expulsion of Pregnant Students in Uganda: Teacher Perspective on Contravention of ‘Education for All’” Thesis submitted as part of the International Master Programme in Educational Research offered by the Department of Education and Special Education, University of Gothenburg. For this graduate programme, 2021, unpublished, p.2 at [https://gupea.ub.gu.se/bitstream/handle/2077/69369/gupea\\_2077\\_69369\\_1.pdf?sequence=1&isAllowed=y](https://gupea.ub.gu.se/bitstream/handle/2077/69369/gupea_2077_69369_1.pdf?sequence=1&isAllowed=y) (accessed on August 1, 2022)

yet the Guidelines are silent on the funding requirements and commitments.

The education sector is insufficiently funded. For instance in FY2022/23, the education sector was allocated UGX 4.1trillion representing a percentage allocation of 8.6% of the national budget (UGX 48.13 trillion)<sup>84</sup> and an expenditure on education of 2.7 % as percentage of the GDP.<sup>85</sup> This is below the 20% minimum requirement for African Union member States under the Dakar commitment on the Education for All as well as the Incheon Declaration.<sup>86</sup>

As a result of low budgetary allocations to the education sector, even the funds that trickle down to programmes such as UPE and USE are insufficient. It is evident that the current financing arrangements, specifically for public schools implementing UPE and USE, are inadequate to meet the needs of PGAMs in schools. Beyond a few media reports noting that some schools that have created breastfeeding rooms for adolescent mothers,<sup>87</sup> there is barely any information on progress on implementation of the Guidelines.

Unfortunately, the capitation grant funds that are allocated to UPE and USE schools to facilitate their operations do not cover such expenditure. For instance the UPE capitation grants are required to be spent as follows: 50% on instructional materials, 30% on co-curricular activities, 15% on the school

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<sup>84</sup> See Ministry of Finance, Planning and Economic Development, Citizen's Guide to the Budget FY2022/23 <https://budget.finance.go.ug/sites/default/files/National%20Budget%20docs/Citizen%27s%20Guide%20to%20the%20Budget%20FY%202022-23.pdf> accessed on January 23, 2023.

<sup>85</sup> See Uganda – Public Spending on Education as percentage of GDP at <https://tradingeconomics.com/uganda/public-spending-on-education-total-percent-of-gdp-wb-data.html> [accessed on January 23, 2023.]

<sup>86</sup> The Incheon Declaration urges governments to allocate at least 4-6% of GDP on education and 15-20% on public education. See the Incheon Declaration and Framework for Action for the Implementation of Sustainable Development Goal 4 available at <https://unesdoc.unesco.org/ark:/48223/pf0000245656>

<sup>87</sup> URN “Schools create safe spaces for pregnant, breastfeeding learners” The Independent, January 14, 2022 at <https://www.independent.co.ug/schools-create-safe-spaces-for-pregnant-breastfeeding-learners/> accessed on December 8, 2022.

management, maintenance and payment of utility bills and 5% on administrative costs. Considering the insufficiency of the current allocation, public schools are not in position to meet the needs of PGAMs.<sup>88</sup>

In 2018, the National Planning Authority recommended

Increment of  
Caption grants from  
UGX 10,000/= per  
pupil per year to

Rural Schools UGX 59,503/=

Urban Schools UGX63,546/=

if the schools were to attain the desired quality of education.<sup>89</sup> In FY201/22, the media reported an increase in capitation grants to UGX 20,000/= per pupil per year,<sup>90</sup> which is still way below the recommended amount.

It is important to note that charging of fees is prohibited in UPE and USE schools thus any attempt to resort to parents to meet the needs of their children is illegal. But even when the schools to demand fees from parents, it has been demonstrated that a number of them cannot not afford it. The 2019/20 National Household Survey revealed that 6 out of 10 persons drop out of school due to the high cost of education.<sup>91</sup> Due to the negative economic effects of the Covid-19 pandemic, it has been estimated that 64.6%

<sup>88</sup> Martin Kitubi “ Schools Capitation grants slashed” New Vision, September 05, 2022 at <https://www.newvision.co.ug/category/news/schools-capitation-grant-slashed-142347> accessed on December 8, 2022.

<sup>89</sup> National Planning Authority (2018), *Comprehensive Evaluation of The Universal Primary Education (UPE) Policy, Thematic Report 5: Financing and Costing of UPE*, Kampala, p. iii at <http://npa.go.ug/wp-content/uploads/2019/02/Thematic-Report-5-Financing-and-Costing-of-UPE-080119.pdf> accessed on December 8, 2022.

<sup>90</sup> URN “Gov’t increases school capitation grants, injects more cash in inspection” *The Independent*, May, 5, 2022 at <https://www.independent.co.ug/govt-increases-school-capitation-grants-injects-more-cash-in-inspection/> accessed on September 2, 2022.

<sup>91</sup> Uganda Bureau of Statistics (UBOS), 2021. *Uganda National Household Survey 2019/2020*. Kampala, Uganda; UBOS, p. 29 at [https://www.ubos.org/wp-content/uploads/publications/09\\_2021Uganda-National-Survey-Report-2019-2020.pdf](https://www.ubos.org/wp-content/uploads/publications/09_2021Uganda-National-Survey-Report-2019-2020.pdf) accessed on December 8, 2022.

of parents are either struggling or not in a position to afford tuition and non-tuition fees for their children.<sup>92</sup>

#### 2.1.4.2 Weak data collection measures

The country is grappling with collection of disaggregated data on teenage pregnancies at both a national and district level. The current national teenage pregnancy rate of 25% is based on outdated data that was collected in 2016<sup>93</sup> which does not reflect the massive rise in cases reported during the COVID-19 pandemic. Similarly, there is no current data available on the number of PGAMs who have left school on mandatory leave and been readmitted to school, the status of children aged 6-12 years attending school or the highest grade completed by those 15 years and above in Buikwe district. As such it is difficult to ascertain the number of enrolled girls who get pregnant, percentage drop-outs due to pregnancy or the re-entry and completion rates of adolescent mothers. The most recent data from the 2018 Buikwe District Local Government Statistical Abstract indicates that 6.7% of persons between 10 and 17 years have been married before and 8% of children between 12 and 17 years have ever given birth. However this data, collected during the last national population census in 2014, is old and is not reflective of the current situation.<sup>94</sup>

Under the Guidelines, the Ministry of Education and Sports is mandated to oversee the “collection of accurate, up-to-date and disaggregated data on the incidences of pregnancy, circumstances that led to pregnancy, school re-entry and as well as data on the effectiveness of existing programmes and

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<sup>92</sup> National Planning Authority (2021), *Towards Safe Opening of The Education Sector in Covid-19 Times: Technical Note*, Kampala, p. 12 <http://www.npa.go.ug/wp-content/uploads/2021/09/NPA-on-Reopening-of-Schools-AmidstCOVID19.pdf> accessed on December 8, 2022

<sup>93</sup> Uganda Demographic and Health Survey (UDHS), 2016 available at <https://dhsprogram.com/pubs/pdf/FR333/FR333.pdf>

<sup>94</sup> Uganda Bureau of Statistics, “The National Population and Housing Census 2014 – Area Specific Profile Series” 2017, Kampala Uganda available at <https://www.ubos.org/wp-content/uploads/publications/2014CensusProfiles/BUIKWE.pdf> [last accessed on January 23, 2023].

approaches.”<sup>95</sup> This data should be collected from monitoring and evaluation reports by the District Education, Health and Community Development Officers who are required to conduct regular monitoring, evaluation and data collection.<sup>96</sup> Schools are also required to submit both termly and annual reports to the district leadership.<sup>97</sup> This information should be fed into a national data resource for prevention of teenage pregnancy in school settings at the Ministry of Education.

However, there has barely been any reporting by schools and no sanctions are imposed for declining or failing to report. District officials admitted that there is low capacity, lack of equipment and inadequate financial resources at their level to track information such as school drop outs or re-entry of adolescent mothers in schools.<sup>98</sup>

Outside of the Guidelines, the Ministry of Education collects data through the Education Management Information System (EMIS) and publishes the same in its Annual Statistical Abstract. One of the main weaknesses of EMIS is that the flow of information is mostly one sided that is from schools to districts to MoES Headquarters while there is hardly any information, in form of feedback, which flows back through the EMIS to the districts and schools. This is due to various factors including insufficient budgetary resources, insufficient personnel and outdated data practices.<sup>100</sup> As such, even when some schools do not participate in the data collection processes, it is highly probable that there are no consequences for non-compliance by the Ministry.<sup>101</sup>

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<sup>95</sup> The Guidelines at p.25.

<sup>96</sup> *Ibid* at p. 26.

<sup>97</sup> Guideline 6.2, Revised Guidelines for Prevention and Management of Teenage Pregnancy in School Setting 2020

<sup>98</sup> Interview with Kibirige Abbey, Community Development Officer (CDO), Najja Sub-county held on 1/9/2022.

<sup>99</sup> Background To EMIS, A Paper Prepared To Guide The Work Of EMIS Review Task Force 2017 at p.3 at <https://www.education.go.ug/wp-content/uploads/2019/08/BACKGROUND-TO-UGANDAS-EMIS.pdf>

<sup>100</sup> *Ibid*.

<sup>101</sup> Ministry of Education and Sports, Annual Stastical Abstract 2017, Kampala at p. viii available at <https://www.education.go.ug/wp-content/uploads/2019/08/Abstract-2017.pdf>

Relatedly, the Ministry of Health records data on health aspects of PGAMs such as maternal services using the Health Management Information Services (HMIS) while the Ministry of Gender, Labour and Social Development (MGLSD) records data on gender based violence.<sup>102</sup> The Uganda Bureau of Standards (UBOS) also conducts national household surveys that provide data on demographic and socio-economic characteristics of households including education statistics.<sup>103</sup> One notable challenge is the weak collaboration across the sectors which collect information and report on adolescents programmes and services.<sup>104</sup>

Without accurate and cross sectoral data on adolescents in Uganda, it is difficult to assess, monitor, and evaluate the impact of interventions and programmes targeting this group. The recently adopted National Strategy to End Child Marriage and Teenage Pregnancy, 2022-2027 proposes interventions on data collection which could potentially improve data collection on teenage pregnancy in Uganda.<sup>105</sup> These include: developing an Information Management System (IMS) to record information on teenage pregnancies, developing “an effective harmonized and centralized system for tracking school completion rates”, generating robust data and evidence to inform laws, policies and programming on teenage pregnancies across sectors among others.

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<sup>102</sup> MOES, National Multi-Sectoral Coordination Framework for ADOLESCENT GIRLS 2017/2018 -2021/22 3 available at <https://www.unicef.org/uganda/media/3911/file>.

<sup>103</sup> Uganda Bureau of Statistics, Uganda National Survey Report 2019/2020 at [https://www.ubos.org/wp-content/uploads/publications/09\\_2021Uganda-National-Survey-Report-2019-2020.pdf](https://www.ubos.org/wp-content/uploads/publications/09_2021Uganda-National-Survey-Report-2019-2020.pdf).

<sup>104</sup> Ministry of Health, The Uganda National Adolescent Health Landscape And Recommendations For Improved Service Delivery, 2019 available at <https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKewiptKev9qD8AhU38rsIHezmAF4QFnoECAoQAQ&url=https%3A%2F%2Fwww.health.go.ug%2Fdownload-attachment%2F46gzU1DGnTHwfaR1SycQ-5dBU2oLY2a8PGhFr1598Aw%2C&usg=AOvVaw092DsV2-rzW0yzArsHvbJ4>

<sup>105</sup> National Strategy to End Child Marriage and Teenage Pregnancy, 2022-2027 available at <https://www.unicef.org/uganda/media/13666/file/National%20Strategy%20to%20end%20Child%20marriage%20and%20Teenage%20Pregnancy%202022-2027.pdf>.



### 2.1.4.3 Lack of sexuality education in schools

Adolescents girls in Uganda face various sexual and reproductive health and rights (SRHR) challenges, making it one of the most-at-risk populations. According to the Uganda Demographic and Health Survey,

**28%** of school-aged girls engaged in sexual activity; of these, **80.1%** became pregnant, and **97%** of those who did discontinued their studies.<sup>106</sup>



Uganda's unmet need for family planning among adolescents aged 15-19 years is estimated at 30.4%.<sup>107</sup> It is estimated that among sexually active adolescents who do not want to get pregnant, six in ten (61%) have an unmet need for modern contraception.<sup>108</sup> "These adolescents either do not use any form of contraception or use traditional methods that are typically ineffective. This group accounts for 88% of all adolescent unintended pregnancies in the country."<sup>109</sup>

The Guidelines rightly emphasize the value of providing sexuality education which is expected to be conducted through various means including counselling, advocacy, campaigns and competitions.<sup>110</sup> While Uganda's 2004 National Adolescent Health Policy and 2012 National Policy Guidelines and Service Standards for Sexual and Reproductive Health and Rights list adolescents as part of the target population, there is significant backlash

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<sup>106</sup> Uganda Demographic and Health Survey, 2016 available at <https://dhsprogram.com/pubs/pdf/FR333/FR333.pdf>

<sup>107</sup> Uganda Demographic and Health Survey 2016 cited in UNFPA, "Population Matters" Issue Brief 15, 2020 available at [https://uganda.unfpa.org/sites/default/files/pub-pdf/unfpa\\_news\\_letter\\_2020\\_issue\\_15\\_upload.pdf](https://uganda.unfpa.org/sites/default/files/pub-pdf/unfpa_news_letter_2020_issue_15_upload.pdf)

<sup>108</sup> Guttmacher Institute, "Adding it up: investing in contraception and maternal and newborn health, 2017.;" Fact Sheet, New York, 2017, <https://www.guttmacher.org/fact-sheet/adding-it-up-contraception-mnh-2017>

<sup>109</sup> *Ibid.*

<sup>110</sup> Guideline 2.2 (10).

among various stakeholders including religious leaders and parents on appropriateness of sexuality education and services for young people.<sup>111</sup>

Uganda's response to the HIV/AIDS epidemic, for decades has placed a huge focus on abstinence-only programmes, endorsed by religious leaders, and discouraged use of contraceptives.<sup>112</sup> Efforts by the Ministry of Education and Sports to adopt a more comprehensive policy, the National Sexuality Education Framework (the Framework) have been slow.<sup>113</sup> The Framework aimed to embed sexuality education in Uganda's education system and highlights the sexuality education needs of various age groups starting from 3-5 year olds. It was heavily criticized for exposing young children to sex and promiscuity and being against moral and religious values,<sup>114</sup> and religious leaders, in particular, indicated that they would not allow for the policy to be implemented in the schools they run.<sup>115</sup> The Ministry has since shelved the Framework pending discussions with stakeholders. In 2020, the High Court, relying on obligations in domestic law including the Constitution and Children (Amendment Act) and as well as international human rights instruments ratified by the State, ordered the government to develop a comprehensive sexuality education policy within two years.<sup>116</sup> This timeline

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<sup>111</sup> Nakanze S. (2020), "Delayed Sexuality Education Program Divides Parents" Global Press Journal available at <https://globalpressjournal.com/africa/uganda/ugandas-delayed-sexuality-education-program-divides-parents/>

<sup>112</sup> Human Rights Watch, "The less they know, the better: Abstinence-Only HIV/AIDS Programs In Uganda" 2005 available at <https://www.hrw.org/report/2005/03/30/less-they-know-better/abstinence-only-hiv/aids-programs-uganda>

<sup>113</sup> Okello, F.W, "Uganda: Sex education will ruin children's lives, district leaders say" June 2019 available at <https://allafrica.com/stories/201806280430.html> National Sexuality Education Framework available at <https://scorecard.prb.org/wp-content/uploads/2019/06/Uganda-NATIONAL-SEXUALITY-EDUCATION-FRAMEWORK.pdf>.

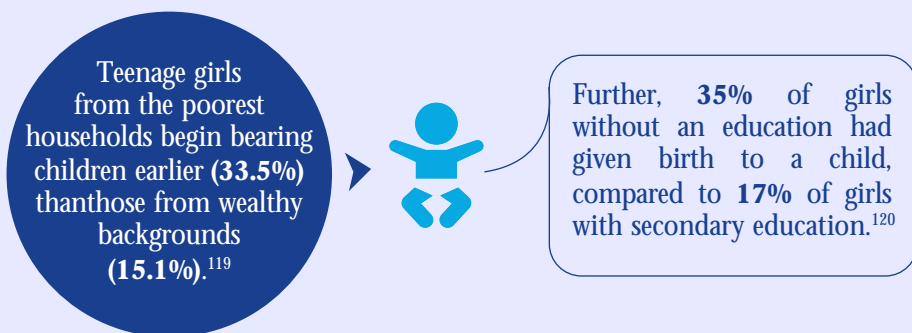
<sup>114</sup> Kaduyu, R. and Yawe, MJ, "Sex Education in Primary Schools an Evaluation of Parents' Perception in Uganda" available at [https://hrmars.com/papers\\_submitted/14520/sex-education-in-primary-schools-an-evaluation-of-parents-perception-in-uganda.pdf](https://hrmars.com/papers_submitted/14520/sex-education-in-primary-schools-an-evaluation-of-parents-perception-in-uganda.pdf).

<sup>115</sup> Ahimbisibwe, P. (2019), "Church's protest delays bid for sexuality education in schools" Daily Monitor, September 2020 available at <https://www.monitor.co.ug/uganda/news/national/church-s-protest-delays-bid-for-sexuality-education-in-schools-1798208>

<sup>116</sup> CEHURD vs. Attorney General & Family Life Network [Miscellaneous Cause No. 309 of 2016] available at <https://www.cehurd.org/publications/download-tag/cse-case-ruling/>

has since elapsed. More recently, female legislators have also urged the government to review the Framework to ensure that it also covers teenage girls who have dropped out of school.<sup>117</sup>

The delay in adopting a sexuality education policy disproportionately impacts girls in rural areas and from poorer households, who are at a higher risk of teenage pregnancy, than their counterparts from urban communities and wealthy households. Recent data shows that 27% of girls in rural areas had teenage pregnancies compared to 19% of those living in urban areas, with the former having twice as many births.<sup>118</sup>



Study participants affirmed that there is a direct linkage between the lack of sexuality education and high rate in teenage pregnancies. A community development officer noted:<sup>121</sup>

One of the reasons many girls become pregnant is the lack of sexual reproductive health education. Parents do not offer

<sup>117</sup> Nasasira, RD. (2022), “MPs call for review of the National Sexuality Education Framework” Daily Monitor, October 4, 2022 available at <https://www.monitor.co.ug/uganda/news/national/mps-call-for-review-of-the-national-sexuality-education-framework-3973248>

<sup>118</sup> National Strategy to End Child Marriage and Teenage Pregnancy , 2022-2027 available at <https://www.unicef.org/uganda/media/13666/file/National%20Strategy%20to%20end%20Child%20marriage%20and%20Teenage%20Pregnancy%202022-2027.pdf>.

<sup>119</sup> *Ibid.*

<sup>120</sup> Uganda Demographic Health Survey, 2016 available at <https://dhsprogram.com/pubs/pdf/FR333/FR333.pdf>

<sup>121</sup> Interview with Kibirige Abbey, Community Development Officer (CDO), Najja Sub-county held on 1/9/2022.

sexuality education to the children and some only notice that they are pregnant when they have symptoms. Adolescent girls are not accessing information and services on sexual and reproductive health. Even schools do not offer sexuality education as their focus is mainly on the syllabus.

While the Guidelines can be utilized to ensure provision of sexuality education, especially in school settings, they heavily rely on school health clubs and senior women to provide counselling services to girls. However, these are typically not trained nor do they possess the required materials to impart this knowledge. While the Ministry adopted guidelines for senior women teachers,<sup>122</sup> the participants in this study revealed that they are under equipped to undertake these roles and require training.

## 2.2 Influence of social norms on access to education for PGAMs

Social norms have been defined as, “ideals that create shared expectations and dictate informal rules that influence how people should behave.”<sup>123</sup> They differ across families, communities and societies. They reward adherence through acceptance in a community and exclusion or punishments for those who do not comply.<sup>124</sup> Gender norms in particular refer to, “norms that relate specifically to gender differences, reinforcing systemic inequality that undermine the rights of women and girls.”<sup>125</sup> These norms can influence perceptions and feed into roles which ought to be done by women or men.

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<sup>122</sup> MOES, Guidelines For The Implementation Of The Roles And Responsibilities Of The Senior Women And Senior Men Teachers In Uganda available at <https://www.ungei.org/sites/default/files/2021-02/Guidelines-Implementation-Roles-Responsibilities-Senior-Teachers-Uganda-2020-eng.pdf>.

<sup>123</sup> Gender at The Centre Initiative (GCI), “Social Norms and Girls’ Education: A Study of Eight Sub-Saharan African Countries, Policy Paper,” 2022 at [https://www.ungei.org/sites/default/files/2022-05/GCI\\_Policy\\_Paper\\_V5.pdf](https://www.ungei.org/sites/default/files/2022-05/GCI_Policy_Paper_V5.pdf). (October 28, 2022).

<sup>124</sup> *Ibid.*

<sup>125</sup> *Ibid.*

The defined gender roles ascribed to women and girls and are typically influenced by the cultural and religious beliefs of a specific society.

With regard to PGAMs, gender stereotypes perpetuate gender inequality and worsen the barriers to their continued access to education. Such stereotyping can cut across various spheres of life and institutions including family, religion, communities and school structures and processes which attach a lower value to education of girls.<sup>126</sup> Viewing girls as homemakers and caregivers often results in their education being deprioritized because it is expected they will become wives and mothers compared to boys who are stereotypically viewed as future breadwinners.<sup>127</sup> This was affirmed by study participants who noted that the education of girls is not deemed a priority, especially those from poor families, due to the belief that they are expected to be wives.<sup>128</sup> Additionally, cultural expectations that once girls have gotten pregnant, they will marry and therefore move to their husbands' families' home and become their responsibility still hinder girls' access to education.<sup>129</sup> This reduces chances for majority of PGAMs to continue with their education, especially in rural areas. These gender stereotypes also have the effect of pressurizing girls to drop out of school and get married particularly because of the varying expectations, both in terms of education and employment, for teenage boys and girls who have children.<sup>130</sup>

School systems are also dominated by gender stereotypes that impact the treatment of PGAMs. Adolescent mothers reported that they encountered

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<sup>126</sup> Right to Education Initiative, "Legal factsheet: Gender stereotypes and the right to education" 2017, available at [https://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/RTE\\_Gender\\_%20stereotypes\\_and\\_the\\_right\\_to\\_education\\_2017\\_En.pdf](https://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/RTE_Gender_%20stereotypes_and_the_right_to_education_2017_En.pdf)

Ministry of Education, National Strategy for Girls Education in Uganda, 2015-2019. <https://scorecard.prb.org/wp-content/uploads/2018/05/National-Strategy-for-Girls%E2%80%99-Education-in-Uganda-2015-2019.pdf>.

<sup>127</sup> Right to Education Initiative, *ibid.*

<sup>128</sup> Interview with Lukwago Musa, Najja Sub-County Chief held on 1/9/2022.

<sup>129</sup> *Ibid.* Interview with Kibirige Abbey, Community Development Officer (CDO), Najja Sub-county held on 1/9/2022.

<sup>130</sup> Interview with Lukwago Musa, Najja Sub-County Chief held on 1/9/2022.

“ridicule and discriminatory acts” from teachers, fellow students and parents when they return to school.<sup>131</sup> In most cases, such acts are influenced by the negative attitudes towards PGAMs, who are often considered a bad influence to the rest of the learners. One PGAM interviewed for this study stated, “I was not able to go to school any more. Even though I wanted to stay in school, the administration decided to stop my studies after the other students' parents learned about it and protested against my continued presence in school.”<sup>132</sup> Even after the formulation of the Revised Guidelines, negative attitudes from teachers, peers, parents and communities continue to ostracize pregnant girls and young mothers seeking to continue their education.

Stigma and fear shape parental decisions around girls' education. Often girls refuse to continue their education after getting pregnant, even in cases where parents are supportive and finances are available, due to the fear of being ridiculed and stigmatized by other parents, students and communities.<sup>133</sup> According to Sarah (not her real name), a 15-year-old pregnant girl in Najja sub county, her mother's negative attitude was the biggest challenge she faced. As soon as her mother found out that she was pregnant, she demanded that Sarah stay at home until she gave birth and refused to continue paying her school fees. Rita (not her real name), on the other hand, did not experience similar challenges due to her mother's positive attitude and support. Like Sarah, Rita became pregnant whilst in school and recounts;

I studied throughout my pregnancy and only missed one month because I had to give birth. I was not discriminated against and when I missed school occasionally other

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<sup>131</sup> Interview with Sarah (not real name), a pregnant teenager aged 15 years in Najja Sub-County held on 1/9/2022.

<sup>132</sup> Interview with Zurah (not real name), a pregnant teenager aged 16 years in Najja Sub-County held on 1/9/2022.

<sup>133</sup> *Ibid.*

See also, Akua O.B., et al, “Case Study On Girls Who Have Dropped Out Of School Due To Pregnancy And Factors Facilitating And/or Preventing Their Re-Entry Into School After Delivery” available at <https://www.unicef.org/ghana/media/1361/file/UN263291.pdf> [last accessed October, 20, 2022].

students brought me their books to catch up with the lessons taught at school. I now look forward to attending my Primary Leaving Examinations.<sup>134</sup>

## 2.3 Actors and dynamics involved in access to education for PGAMs in Uganda

This section examines the key stakeholders and the current state of affairs with respect to access to education for PGAMs in Uganda, describing stakeholders, assessing strategic links to related issues, and gauging the impact of COVID-19. Several actors, structures, and institutions influence Uganda's education sector, and play a key role in decision-making, – in particular policy formulation and implementation as regards access to education for PGAMs.

### 2.3.1 Historical context on the role of various actors in shaping policy on access to education for PGAMs in Uganda

Before the emergence of the missionaries in Uganda, education was community based, conducted by passing down laws and customs to the younger generation. It involved sharing patterns of social, economic and political behaviour through modes such a storytelling or meetings of the elders.<sup>135</sup> In the 19th Century, Christian missionaries in collaboration with the traditional leaders introduced the formal school system in Uganda, prior to Uganda becoming a British protectorate. The mission schools they built based on western models of education were known for their strong religious ties.<sup>136</sup> While these schools were originally established to educate children of

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<sup>134</sup> *Ibid.*

<sup>135</sup> Scanlon, D., "Education in Uganda," 1964 available at <https://files.eric.ed.gov/fulltext/ED544160.pdf> [last accessed October 25, 2022].

<sup>136</sup> Namukasa, I., "Decentralization and Education in Uganda," 2007 available at [https://ir.lib.uwo.ca/cgi/viewcontent.cgi?article=1024&context=cie-eci#:~:text=Education%20decentralization%20in%20Uganda%20was,reform%20\(Stasavage%2C%202005\)](https://ir.lib.uwo.ca/cgi/viewcontent.cgi?article=1024&context=cie-eci#:~:text=Education%20decentralization%20in%20Uganda%20was,reform%20(Stasavage%2C%202005)) [last accessed on October 27, 2022].

prominent personalities in society, including tribal leaders, they eventually opened their doors for other children when the government passed the 1959 Education Ordinance that allowed any child regardless of his or her race and religion to attend any school in Uganda.<sup>137</sup> This history explains the unique and dominant role that religious institutions, such as the church, play in the delivery of education in the country to date.

After independence in 1962, the immediate post-colonial governments set out to broaden access to primary education by building several primary schools across the country and adopted policies against administration of schools along religious lines. In 1963 the government passed the first Education Act which brought all grant-aided schools under the control of the government.<sup>138</sup>

To expand access to education for all, the government introduced the Universal Primary Education (UPE) programmes in 1997 that led to rapid increase in enrolment of girls in primary education while USE increased enrolment at secondary level.<sup>139</sup> However, despite the gains in promoting access to education by the post-colonial governments, girls have lagged behind their male counterparts.<sup>140</sup> In 1992, a Government White Paper on education indicated that, girls were lagging behind due to school drop outs.<sup>141</sup> It was reported that 60% of those who enter primary one dropped out of school without completing the primary one cycle and 90 % of those that

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<sup>137</sup> History and Development of Education in Uganda (Fountain Publishers, 1997, 245 p.) accessed at <http://www.nzdl.org/cgi-bin/library?e=d-00000-00--off-0unescoen-00-0--0-10-0--0--0direct-10--4-----0-11-11-en-50--20-about--00-0-1-00-0-0-11---0-0-&cl=CL1.4&d=HASH5a996944f627034add15bf.15&x=1>. [accessed October, 24, 2022].

<sup>138</sup> *Ibid*

<sup>139</sup> <https://unesdoc.unesco.org/ark:/48223/pf0000231727>.

<sup>140</sup> In 1996, girls accounted for about 26 per cent of the pupils enrolled in Primary One, 18 per cent in Primary Two, 16 per cent in Primary Three, 14 per cent in Primary Four, 11 per cent in Primary Five, 9 per cent in Primary Six and 6 per cent in Primary Seven. See Ministry of Education and Sports, Statistical Abstract, 1995.

<sup>141</sup> The Government White Paper on Education Policy Review Report, “Education for National Integration and Development”, 1992 available at <https://searchworks.stanford.edu/view/3479618> (accessed on October 26, 2022).



completed primary did not proceed to secondary school, the majority of which were girls.

By 2001, 13% of **school drop outs** among girls at primary level was attributed to pregnancies and early marriages.<sup>142</sup> By 2017, girls in upper primary had a **34% survival rate**, resulting in a low transition rate to secondary level.<sup>143</sup>

Despite efforts to reduce the influence of religion, religious beliefs retained a strong hold of education system in the post colonial period and continue to play a significant roles in the sector to date. The UPE and USE programmes are implemented in close partnership with churches and mosques through the grant - aiding of the religious founded schools to deliver universal primary and secondary education. While the Ministry of Education and Sports is responsible for providing technical support, guidance, coordination, regulation, and promotion of the delivery of quality primary education to all children in Uganda, the religious institutions play a key role in the administration and management of several UPE and USE schools. Under the Education (Pre - Primary, Primary and Post Primary Education) 2008, Act, the government empowers several stakeholders to play a role in providing education services.<sup>144</sup> Foundation bodies, which can be of a religious nature for instance, are authorised to participate in management of schools and ensure promotion of religious and moral values.<sup>145</sup>

<sup>142</sup> Atekyereza, P. "The Education of Girls and Women in Uganda" 2001 at <https://www.researchgate.net/publication/238071743> The education of girls and women in Uganda [accessed on October 27, 2022].

<sup>143</sup> Ministry of Education and Sports, "Education and Sports Sector Strategic Plan 2017-2020" available at <http://npa.go.ug/wp-content/uploads/2018/11/EDUCATION-AND-SPORTS-SECTOR-STRATEGIC-PLAN.pdf> [last accessed on September 10, 2022]. Girls made up 47.8% of the 1,284,000 students enrolled in secondary schools in 2015. In 2017, there were 1,371,000 secondary school students (654,000 girls and 716,000 boys), with 47.7% being female

<sup>144</sup> See Section 5 of the Education (Pre - Primary, Primary and Post Primary Education) 2008, Act.

<sup>145</sup> *Ibid*, section 5 (3).

The School Management Committees (SMCs) and the Board of Governors (BoGs), which manage the schools on behalf of the government, are primarily comprised of representatives from the foundation bodies, parents, old students and local council authorities.<sup>146</sup> The two bodies are required to run the schools in line with government policies and also adopt their own school operation policies as the law empowers foundation bodies to promote, “religious, cultural and moral values and attitudes in schools.” Through the SMCs and BoGs, the foundation bodies are in position to set and implement school policies that are inclined to their religious and cultural beliefs including disallowing access to education by PGAMs.

## 2.3.2 The current role of various actors in shaping policy on access to education for PGAMs in Uganda

### 2.3.2.1 Pregnant girls and adolescent mothers (PGAMs)

The study found that although they are the most impacted, PGAMs barely have a say with regard to their continued education as they typically have minimal influence over their families, communities, and schools. PGAMs lack the agency and power that would enable them to more effectively advocate for their right to education in the event in pregnancy. They are frequently ignored, silenced, or their opinions are not considered. They are at the mercy of their parents and school administrators. In some cases, they are forced to marry the father of their baby to spare their families from the embarrassment associated with being an single mother.

Sarah (not her real name), a pregnant 15-year-old recounted as follows:

When the school and my mother found out I was pregnant, they told me to stay at home and stop my studies. I was afraid that my fellow students would make fun of me if I

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<sup>146</sup> *Ibid.*

continued to study. At home, community members would scorn me and tell other girls in the community not to speak to me.<sup>147</sup>

Additionally, although there are policies on the re-entry of education and reintegration of PGAMs, it is ultimately up to the parents and the school administrations to decide whether or not PGAMs should continue their education because the Guidelines are not enforced. Rita, a 16-year-old adolescent mother noted:

I studied throughout my pregnancy. My mother took me to school and asked the administration to allow me to study. I was not ill-treated and only missed one month of school since I had a premature delivery. The school followed the President's directive which allowed pregnant girls to continue their education. Once the school allowed me to study, the community adjusted to it.<sup>148</sup>

Even though adolescent mothers are more accepted in schools than pregnant teenagers, they also face myriad barriers that prevent many of them from returning to school. These include stigma, responsibility of looking after their child absence of facilities at schools for their nursing needs,<sup>149</sup> financial obligations, society expectations that they should marry or stay at home to look after their children among others. Of all PGAMs interviewed for the study, only those with support of their parents were able to continue or had hopes of re-enrolling in their education while the rest were considering taking on employment opportunities to be able to fend for their children.

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<sup>147</sup> Interview with Sarah (not real name), a pregnant teenager in Najja Sub-County held on 1/9/2022.

<sup>148</sup> Interview with Rita (not real name), an adolescent mother in Najja Sub-County held on 1/9/2022.

Interview with Kavuma Stanley, Head teacher, Tom & Margaret Carroll Primary School,

<sup>149</sup> Najja Sub-county held on 1/9/2022.

### 2.3.2.2 Parents and local communities

Parents are a key stakeholder with respect to continued education of PGAMs. The Guidelines assign to the parents the responsibility of enrolling adolescent mothers in school and seeking appropriate support services for PGAMs. The study found that support for PGAMs varies from family to family. Some parents support their daughters to return to or stay in school while others are hesitant or express strong resistance to it. Some parents are so committed to ensuring the continued education of their children that they act as champions in challenging unfair school policies and practices. For instance, in the ongoing matter of *Auma Lucy (Suing through her next Friend Odongo Alfred) v. The Board of Governors of Fatima Aloi Girls' School*, a parent is challenging a school's<sup>150</sup> decision to expel his child for allegedly being pregnant.

However, there are parents who perpetuate child marriages and do not support their pregnant children to stay in school or re-enroll after giving birth. Such parents are driven by a number of dynamics, motivations and behaviours. First, by a girl getting pregnant, they see it as an opportunity to offload themselves of the responsibility to provide for the education needs of their children. Secondly, it is an opportunity to make money by marrying off the child. In fact, some parents actively encouraged PGAMs to get married in order to receive bride price from the family of the responsible male. Thirdly, they see more value in pursuing economic activities over education. A community development officer noted that, “Najja sub county is boarded by Kiyundi landing site which has fishing communities that have earned a living through fishing. In such communities, priority is given to fishing over education.”<sup>151</sup>

According to the Community Development Officer (CDO) for Najja Sub County, parents frequently report instances of defilement (rape of a

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<sup>150</sup> *Auma Lucy (Suing through her next friend Odongo Alfred) versus Fatima Aloi Girls Comprehensive Senior Secondary School*, Civil Suit No. 034 of 2018 (unreported).

<sup>151</sup> Interview with Kibirige Abbey, Community Development Officer (CDO), Najja Sub-county held on 1/9/2022.

minor/statutory rape) of girls and these cases are often forwarded to the appropriate authorities to handle.<sup>152</sup> However, even when the perpetrators are reported, in numerous cases, victims may not access justice due to delays and other challenges associated with the criminal justice system thus some parents opt to settle the matter out of court and receive monetary or in-kind compensation from the perpetrators.<sup>153</sup>

Such behavioural attitudes can be dealt with through awareness raising at the community level to change perceptions and attitudes towards teenage pregnancies. Parents are potentially allies in the cause for continued education of PGAMs, however, there is hardly any knowledge of the responsibility of parents to re-enroll adolescent mothers in schools under the Guidelines. Wide dissemination of the Guidelines can potentially play a role in influencing parents of PGAMs to be more supportive of continued education since as highlighted above, they are essentially the primary influencer who ultimately determine the fate of PGAMs.

The above notwithstanding, there are supportive parents who have encouraged re-entry of PGAMs in schools who can act as champions to advocate for continued access to education for PGAMs as well challenging the unfair policies which discriminate against PGAMs in school settings as well as at the community level.

### 2.3.2.3 Religious institutions (foundation bodies)

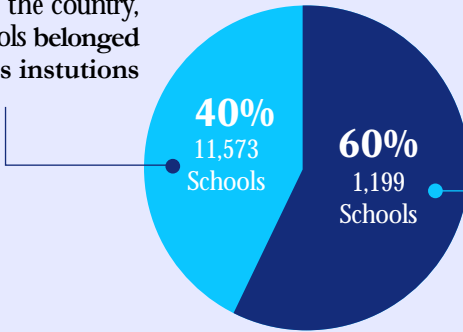
As noted earlier, religious institutions played a leading role in the introduction of formal primary and secondary education and continue to occupy a significant space in the education sector.

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<sup>152</sup> Interview with Kibirige Abbey, Community Development Officer (CDO), Najja Sub-county held on 1/9/2022.

<sup>153</sup> *Ibid.*

As of 2017, out of the 19,251 primary schools in the country, 11,573 schools belonged to religious institutions (60%)



while at secondary level, out of 2,995 schools, 1,199 are owned by religious institutions (40%).<sup>154</sup>

Both historical dynamics, as highlighted in Section 2.3.1 of this report, and the legal framework governing the education sector place the religious institutions at the table of decision making for education delivery in the country. Foundation bodies are mandated to undertake various responsibilities including ensuring proper management of schools of their foundation; ensuring the promotion of religious, cultural and moral values and attitudes in schools of their foundation; participating in policy formulation; and participating in implementation, monitoring and evaluation of education and services.<sup>155</sup> The foundation bodies also advise the government on the leadership of their schools. They exercise that power directly or through the School Management Committees for the case of primary schools and the Board of Governors for secondary schools as they appoint the largest share of the membership of the two governing bodies of the schools.<sup>156</sup> Also with regard to appointment of head teachers, the foundation bodies have a say/influence who should be appointed to their respective schools and in some cases, head teachers have been rejected for not meeting their preferred

<sup>154</sup> Ministry of Education and Sports, 2017, *supra*, pp. 27 – 28 & 54

<sup>155</sup> Section 5 (3) of the Education Act.

<sup>156</sup> See the Second Schedule on the Education (Management Committee) Regulations and Third Schedule on the Education (Board of Governors) Regulations that provide for the composition of SMCs & BoGs.

qualities.<sup>157</sup> Therefore religious bodies have considerable control on planning, development and management of schools.

As they have considerable control on the running and management of schools, religious institutions can use their vantage positions to influence the policies and practices of schools.<sup>158</sup> Religious institutions have expressed resistance towards the continued education for pregnant learners in schools on grounds that it perpetuates immorality and is against their religious practices and values.<sup>159</sup> Some religious figures openly defied the directives of the Ministry of Education and Sports to allow adolescent mothers to attend school. For instance, in January 2022, a Bishop ordered teachers in schools founded by Church of Uganda to prevent pregnant and nursing girls from attending classes.<sup>160</sup> He stated that the “government did not take into account the effects of allowing PGAMs to continue their education and they should not be permitted to enrol in schools for primary and secondary level.”

The study findings reveal that religious leaders at a district level align themselves with the position of their leadership at a national level that pregnant girls should not be allowed to study at primary and secondary level. Religious leaders also admitted that they only spend a brief amount of time with the girls in school settings and are therefore unable to provide meaningful support or guidance.<sup>161</sup> It is also imperative to note that most religious leaders

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<sup>157</sup> See for instance, Daily Monitor “School rejects head teacher for not being legally married” Tuesday, May 07, 2019 – updated on September 17, 2020 at <https://www.monitor.co.ug/uganda/news/national/school-rejects-head-teacher-for-not-being-legally-married-1824392> accessed on August 1, 2022.

<sup>158</sup> Najjuma, M., “Contribution Of Religious Foundation Bodies On The Development Of Secondary Schools In Kayunga District, Uganda” 2012 at <https://ir.kiu.ac.ug/bitstream/20.500.12306/11520/1/Mary%20Najjuma.pdf> (Accessed November 7, 2022)

<sup>159</sup> URN “Religious leaders want pregnant girls barred from School” The Witness, January 12, 2022 at <https://witness.co.ug/religious-leaders-want-pregnant-girls-barred-from-school/> accessed on December 23, 2022.

<sup>160</sup> Muzaale, F., “Block Pregnant Girls From Attending School, Bishop Tells Teachers” available at <https://www.monitor.co.ug/uganda/news/national/block-pregnant-girls-from-attending-school-bishop-tells-teachers-3677180> [last accessed November 6, 2022].

<sup>161</sup> Interview with Arch Deacon, Stephen Kironde held on 3/9/2022.

are male and may not understand the unique challenges PGAMs face.

Although, religious groups are likely to remain in opposition of continued access to education for pregnant learners, there might be some room to advocate for enrolment of teenage mothers. It would therefore be important to engage them through their Inter - Religious Council of Uganda to allow teenage mothers to re-enroll in school.

It is vital to note that while reference to religious leaders in this study predominantly refers to christian sects, they are not a homogenous group. Other religious groups including the muslim community have not publicly stated their stance. An Imam interviewed for the study expressed support for continued education of PGAMs noting that they should be encouraged to remain in school. It is therefore essential to engage with other religious groups to determine whether they could be potential allies.

#### 2.3.2.4 School Management Committees (SMCs) and Board of Governors (BoGs)

SMCs and BoGs play critical roles in the country's primary education service delivery.<sup>162</sup> Their core function is to govern the primary and secondary schools respectively on behalf of the government, foundation bodies, parents, and communities.<sup>162</sup> Specifically, on PGAMs' education, they are responsible for; putting in place school rules and regulations for the protection of adolescents against sexual abuse, overseeing compliance to their established rules and regulation in line with the revised guidelines, put in place strategies for the reintegration of teenage mothers back in school.<sup>163</sup>

However, over the years the question of the efficiency and effectiveness of the SMCs and BoGs to execute their statutory mandate have been questioned. ISER research on the effectiveness of the social accountability structures such

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<sup>162</sup> See S. 5 of the Education Act, 2008.

<sup>163</sup> Revised Guidelines for Prevention and Management of Teenage Pregnancy in School Setting, *supra*, p. 27.



as SMCs points to the fact that policy framework and structural and supervisory weaknesses contribute to the limitations of these structures.<sup>164</sup> In regard to the development of progressive school regulations that can facilitate continued learning for the PGAMs, because a big representation of the SMCs and BoGs is appointed by the foundation bodies, they may have to act in line with the interest of their appointing authorities who are against PGAMs' continued access to education. Those who may go against the positions of their appointing authority risk not being nominated to continue serving at the end of their term.

A member of a SMC noted that while SMCs are in position to track PGAMs in schools and communities, advise parents to support their daughters and utilize community support systems to help PGAMs, they do not have sufficient financial resources to do so.<sup>165</sup> Understandably, the role of the members of the SMCs is a voluntary one. They require capacity building specific to ensuring access to education for PGAMs for instance, advocating for adoption and implementation of school policies that are favourable to PGAMs and sensitizing their fellow parents during school meetings and community gatherings. From the interviews, there was no resistance noted from the SMCs and BOGs towards continued education thus wide dissemination of their roles under the Guidelines can serve to be helpful in winning them over as allies, especially with respect to reintegration of adolescent mothers in schools.

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<sup>164</sup> ISER, (2017), "Are They Effective? An Audit of Social Accountability Mechanisms in Local Government Processes in Uganda," at p. 51 available at [https://www.iser-uganda.org/images/downloads/Are\\_They\\_Effective\\_An\\_Audit\\_of\\_Social\\_Accountability\\_Mechanisms\\_in\\_Local\\_Government\\_Processes\\_in\\_Uganda.pdf](https://www.iser-uganda.org/images/downloads/Are_They_Effective_An_Audit_of_Social_Accountability_Mechanisms_in_Local_Government_Processes_in_Uganda.pdf) [last accessed on August 1, 2022].

<sup>165</sup> Interview with Nalongo Justine, SMC chairperson of Tom & Margaret Carroll, Najja Sub county held on 1/09/2022.

### 2.3.2.5 School teaching staff

The manner in which schools manage teenage pregnancies varies with little (if any) oversight from the Ministry of Education and Sports, District Education Office and sometimes SMCs or BoGs. Most schools expel pregnant girls; however, this is mainly on moral grounds particularly that accepting pregnant girls to continue studying would encourage other girls to get pregnant and result in an increase in teenage pregnancies.<sup>166</sup> This is contrary to what the Revised Guidelines stipulate.<sup>167</sup> Following the re-opening of schools in January 2022, most schools, especially church founded ones, did not allow pregnant girls to re-enroll in school.<sup>168</sup>

In some schools, PGAMs are asked to return home, deliver their child and then re-enroll in school, with the exception of those in candidate classes (primary seven, senior four and senior six).<sup>169</sup> Further, adolescent mothers are required to leave their children at home when they re-enroll due to the lack of facilities, such as nurseries or rooms for infants, that were required.<sup>170</sup> However, this study also found that when adolescent mothers return to school, they are often met with, "ridicule and discriminatory language from both teachers and fellow students."<sup>171</sup> A community development officer noted:

Even teachers and the community school leaders have negative attitude towards PGAMs. This creates fear among

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<sup>166</sup> Interview with Kavuma Stanley, Head teacher, Tom & Margaret Carroll Primary School, Najja Sub-county held on 1/9/2022.

<sup>167</sup> Revised Guidelines for Prevention and Management of Teenage Pregnancy in School Setting, *supra*, p. 18.

<sup>168</sup> Interview with Lukwago Musa, Najja Sub-County Chief on 1/9/2022 and interview with Kavuma Stanley, Head teacher, Tom & Margaret Carroll Primary School, Najja Sub-county held on 1/9/2022.

<sup>169</sup> Interview with Lukwago Musa, Najja Sub-County Chief held on 1/9/2022.

<sup>170</sup> Interview with Kavuma Stanley, Head teacher, Tom & Margaret Carroll Primary School, Najja Sub-county held on 1/9/2022.

<sup>171</sup> Revised Guidelines on the Prevention and Management of Teenage Mothers, p.10 at <https://www.ungei.org/sites/default/files/2021-02/Revised-Guidelines-Prevention-Management-%20Teenage-Pregnancy-School-Settings-Uganda-2020-eng.pdf>. (Accessed November, 3, 2022).

the girls. Currently the practice is that as soon as school identifies PGAMs. They are expelled... this negative attitude has affected PGAMs who normally prefer change schools after they give birth to avoid the stigma.

Some teachers and administrators revealed that they are opposed to keeping girls in school while they are pregnant but supported the option of allowing them to return to school after giving birth.<sup>172</sup> This is influenced by their religious backgrounds and further exacerbated where they serve in religious founded institutions whose practices and directives they have to follow.

The study found that some schools, through their senior female teachers, provide counselling to pregnant girls and parents before they are sent home to encourage the girls to re-enroll.<sup>173</sup> However, typically, senior female teachers lack the capacity to provide professional counselling thus ultimately, the responsibility of re-integration is left solely to the teenager and their parents. It was also revealed that some schools do not even offer sexual and reproductive health education to teenage girls despite the strong stance of the Ministry of Education on prevention of teenage pregnancies.<sup>174</sup>

It is therefore paramount that the Ministry adopts a comprehensive sexuality education policy and ensures that this education is mainstreamed in the curriculum. The role of providing sexuality education cannot be left to senior women teachers or health clubs alone thus financial resources are required to train teachers.

Further, the Guidelines require schools to re-enroll adolescent mothers and allow for parents to report to the District Education Officer where their

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<sup>172</sup> Interviews with Kavuma Stanley, Head teacher, Tom & Margaret Carroll Primary School, Najja Sub-county and Nalongo Justine, SMC chairperson of Tom & Margaret Carroll, Najja Sub county held on 1/09/2022 and interview with Rosette Nyanzi, Gender Unit, Ministry of Education held on 18/9/2022.

<sup>173</sup> *ibid*

<sup>174</sup> Interview with Kibirige Abbey, Community Development Officer (CDO), Najja Sub-county held on 1/9/2022.

children are denied re-entry. As such, empowerment of parents and communities to demand re-entry of adolescent mothers in schools could have the effect of applying pressure on school administrators who are resistant to continued education. Although, it is important to note that it might be difficult to achieve this outcome in religious founded schools and in the absence of consequences for non-compliance by schools as highlighted below.

### 2.3.2.6 Ministry of Education and Sports

The Ministry of Education and Sports is responsible for policy formulation, resource mobilization, monitoring and implementation of policies, plans, strategies and programmes as well as technical guidance and support for delivery of quality education.<sup>175</sup> At the political level, the Minister is the main powerholder especially with respect to ensuring that education related policies are adopted by Cabinet while at the technical level, the Permanent Secretary is in charge of policy formulation and overseeing the operations of the ministry (including implementation of laws and policies at national and district level).

It is worthy to note that the Education Act empowers the Minister of Education to issue statutory instruments and regulations on various matters pertaining to education, including gender aspects.<sup>176</sup> However, there are hardly any regulations or statutory instruments that have been issued since the enactment of the Education Act in 2008. Even with respect to the prevention and management of teenage pregnancies, the Minister issued Guidelines, which do not have the force of law, as opposed to regulations or statutory instruments despite the sharp rise in cases of teenage pregnancy reported during the COVID-19 pandemic. It is possible that the rationale behind was to avoid the lengthy legislative process which would most likely

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<sup>175</sup> Ministry of Education And Sports, “Education And Sports Sector Strategic Plan 2017/18 - 2019/20” available at <http://npa.go.ug/wp-content/uploads/2018/11/EDUCATION-AND-SPORTS-SECTOR-STRATEGIC-PLAN.pdf> [last accessed November, 4, 2022].

<sup>176</sup> Sections 3 and 57 of the Education Act.

involve clashes with actors in opposition to continued education of PGAMs (as with the sexuality education policy discussed above).

With regard to the position of the Ministry on access to education for PGAMs, it is evident that technical staff are in support. The Guidelines were drafted by technical officials as a first step to allowing adolescent mothers to return to school, an indication of their support for continued education. In October 2020, the Permanent Secretary of the Ministry of Education informed the press that, “all schools are expected to prioritize the admission of young mothers after pregnancy and parents are called upon to report schools that have refused to admit their daughters to the district education officer.”<sup>177</sup> This position was confirmed by the Commissioner in charge of policy and research in the Ministry interviewed for the study.<sup>178</sup> Despite this public declaration, several schools countrywide refused to implement the Guidelines and the Ministry has not taken a stand against them for non-compliance.

Ultimately, it is the responsibility of the Ministry of Education to ensure that teaching staff are implementing its policies in schools. However, despite efforts by the Ministry of Education, it does not operate in a vacuum and as such, it has to try as much as possible to balance the dynamics and interests of other key players involved in the sector. The Ministry is in loose partnership with the religious institutions in the provision and implementation of both UPE and USE. Its incentive in issuing “loose” Guidelines as opposed to a policy or law on management of teenage pregnancies in schools and requiring that pregnant learners go on mandatory leave may be a compromise to ensure the continued smooth relationship with religious actors. This is also the case with the delayed adoption of a comprehensive sexuality education policy which met stiff resistance from religious leaders. Further, the absence

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<sup>177</sup> Carol Kasujja, Government issues Revised Rules on School Pregnancy, New Vision, Oct, 2020 at <https://www.newvision.co.ug/news/1530003/govt-issues-revised-rules-school-pregnancy>. (Accessed Nov 4, 2022).

<sup>178</sup> Interview with the Commissioner in charge of Education Policy and Research at the Ministry of Education and Sports.

of a clear position from the political leadership (Cabinet) on this issue has played a role in creating ambiguity around continued education of PGAMs and further tying the hands of the technical staff at the Ministry.

### 2.3.2.7 Ministry of Gender, Labour and Social Development

The overall aim of this Ministry is to achieve a better standard of living, equity and social cohesion and it is tasked with the protection and promotion of the rights of the vulnerable populations, addressing gender inequalities as well as community mobilization and empowerment.<sup>179</sup> In regard to the situation of PGAMs, the Guidelines mandate the Ministry of Gender to allocate resources for eliminating violence against children; provide policy directions and formulation on sexual and gender-based violence; supervision and monitoring and evaluation of implementation of guidelines; advocate and train parents and communities on sexual violence against children and responsibilities on protection of children against sexual violence and early marriage.

The study found that community development officers, under the Ministry of Gender, undertake sensitization programmes in communities, offer psychosocial support for PGAMs and collect information on PGAMs. However, it was noted that this work is underfunded by the government and while civil society offers support, it is not sustainable.<sup>180</sup>

Recently, the Ministry issued the National Strategy to End Child Marriage and Teenage Pregnancy 2022/2023 – 2026/2027 that seeks to eradicate child marriage and teenage pregnancy. The Strategy highlights re-entry of teenage mothers in schools as a key intervention on access to education. As such, the Ministry and its district level officials (community development officers) are allies who can advance the cause of continued education for PGAMs especially with respect to working with communities, parents and district

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<sup>179</sup> See <https://mglsd.go.ug/about-us/>

<sup>180</sup> Interview with Kibiige Abbey Community Development Officer (CDO) Najja Sub-County on 1/9/2022.

local leaders to raise awareness, combat gender stereotypes and stigma faced by PGAMs. They are particularly important as a player who can strengthen the cross sectoral linkages between the education, health and local government sectors to holistically address the issue of teenage pregnancies.

### 2.3.2.8 Ministry of Health

The Ministry is tasked with policy review and development, setting standards and quality assurance, and advising other ministries, departments and agencies on health-related matters.<sup>181</sup> Indeed as far as prevention and management of teenage pregnancy in school setting is concerned, the Guidelines mandate the ministry to provide technical guidance, support and assistance to partner organizations and line ministries implementing sexual reproductive health programmes and scaling up of the same nationally as well as setting service standards and ensuring the integration of adolescent health into existing programmes.

The Ministry of Health is especially crucial with respect to providing sexual and reproductive health services to adolescents and can be considered an ally. The current Ministry of Health Strategic Plan 2019/20–2024/25,<sup>182</sup> which is aligned to the NDPIII and the Second National Health Policy (2010),<sup>183</sup> incorporates the national development targets to reduce teenage pregnancy rates, and also focuses on increasing, ‘access to sexual and reproductive health services with special focus on family planning and age-appropriate information.’<sup>184</sup> Hence as part of its mandate, the Ministry is required to set service standards and ensure the integration of adolescent health into other programmes/sectors including education.

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<sup>181</sup> See <https://www.health.go.ug/about-moh/>

<sup>182</sup> Ministry of Health (2020) Ministry of Health Strategic Plan 2020/21–2024/25 available at <https://www.health.go.ug/cause/ministry-of-health-strategic-plan-2020-21-2024-25/> (Accessed 18 July 2022)

<sup>183</sup> Ministry of Health (2010) *Second National Health Policy*. Available at <http://library.health.go.ug/download/file/fid/469> (Accessed 18 July 2022)

<sup>184</sup> Ministry of Health (2020) Ministry of Health Strategic Plan 2020/21–2024/25, p.77.

A clear area for collaboration between the education and health sectors at the national level is on the issue of adoption of a school health policy. In 2021, the Ministry of Education and Sports informed Parliament that it planned to table a draft policy document before the Cabinet,<sup>185</sup> however, there has not been much progress on that front. It is important to note that the Guidelines do not offer any explanation or justification for the mandatory leave that pregnant and teenage mothers are subjected to and it is possible that the adoption of this position was informed by the technical guidance emanating from the Ministry of Health. There is no official position by the Ministry of Health on the issue of continued education of PGAMs.

### 2.3.2.9 Cabinet

Cabinet is the highest policy making organ of the executive arm of government tasked with formulating, determining and implementing the policies of government.<sup>186</sup> It is upon this basis that Cabinet decided to review the government position on continued access to learning by PGAMs under the Guidelines and instead propose immediate mandatory leave once the learner is discovered to be pregnant and allowing them to return to school one year after giving birth.<sup>187</sup> This change in position was due to stiff resistance from religious leaders who were against allowing pregnant learners (three months and below) and breastfeeding teenage mothers (with babies of six months) to attend school as stipulated in the Guidelines. They argued that this position was not arrived at through a consultative process of all the stakeholders involved in provision of education.<sup>188</sup> It is not clear who

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<sup>185</sup> Parliament of Uganda, “Cabinet to consider National School Health Policy” available at <https://www.parliament.go.ug/news/5283/cabinet-consider-national-school-health-policy> [accessed on January 22, 2023].

<sup>186</sup> Government of Uganda, The Cabinet Handbook, 2008 available at <https://regulatoryreform.com/wp-content/uploads/2016/09/Uganda-Final-Cabinet-Handbook-2008.pdf> [accessed on December 23, 2022]

<sup>187</sup> Rumanzi, P., “Pregnant students to resume school a year after giving birth” Daily Monitor available at <https://www.monitor.co.ug/uganda/news/national/pregnant-students-to-resume-school-a-year-after-giving-birth-3824634>

<sup>188</sup> *Ibid.*



particular advocated for moving away from the position in the Guidelines given the secrecy around Cabinet meetings.<sup>189</sup>

This speaks to the powerful position that other stakeholders, particularly religious institutions, hold in shaping education policy in the country. While it is important for the government to have a unified position, it is clear that power dynamics within the sector play a role in creating varying positions within the political leadership. As much as the policy makers within ministries may be potential allies, ultimately, the Cabinet decision takes priority.

### 2.3.2.10 Local Government

The Constitution of the Republic of Uganda devolves the mandate to provide services and monitor the provision of government services or the implementation of projects in from the Central Government to Local Government.<sup>190</sup> The current system is organized based on the district as a unit under which there are lower local governments and administrative units including sub-county, city, city division, municipal and municipal division councils. These councils have political authority within their area of jurisdiction and can also exercise legislative and executive powers.<sup>191</sup> The sub county or town council are the lower local government of the district.

The district chairperson is the political head of the district and monitors and coordinates the activities of the subcounties/town councils and of other lower local governments and administrative units in the district. The district executive committee, chaired by the district chairperson, initiates and formulates policy for approval by the councils, oversees the implementation

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<sup>189</sup> Uganda Cabinet Secretariat, “The Cabinet Handbook” at p.14 available at <https://regulatoryreform.com/wp-content/uploads/2016/09/Uganda-Final-Cabinet-Handbook-2008.pdf>

<sup>190</sup> Constitution of the Republic of Uganda, 1995 (as amended), Article 149. See Objective XVIII of the National Objectives and Directive Principles of State Policy and Articles 30 and 34(2) of the Constitution of Uganda

<sup>191</sup> *Ibid.*

of the government and the council's policies and programmes. The district executive committees also monitor and coordinate activities of non-governmental organisations in a district.<sup>192</sup> The district council is the equivalent of the legislative organ of the district. Equally, even sub counties have the same structures as those of the district. Both districts and subcounties have law making power - passing of ordinances and byelaws respectively.

The Universal Primary Education (UPE) programmes, when introduced in 1997, became part of the mandate of local governments.<sup>193</sup> According to the Education Act, local governments are responsible for setting policy for all matters concerning education; setting and maintaining the national goals and broad aims of education; regulating, establishing, and registering of Educational institutions; and management, monitoring, supervising and disciplining of staff and students.<sup>194</sup>

Along with the various councils, local governments have technical staff such as the district education office with education officers, district health office, inspectors of schools, community development officers (CDOs), and other officers as required to carry out their mandate.

The Revised Guidelines assign key local government offices roles. The District Education Officer has a mandate to promote awareness about the importance of the guidelines, coordinate district-wide activities for promoting the use of the guidelines, provide technical support to schools in the use of the guidelines, ensure that schools implement the guidelines, and conduct regular monitoring, evaluation, and data collection on the use of the guidelines.<sup>195</sup> The District Community Development Officer promotes and increases

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<sup>192</sup> Supra.

<sup>193</sup> <https://bulletin.ids.ac.uk/index.php/idsbo/article/download/2862/ONLINE%20ARTICLE?inline=1>.

<sup>194</sup> Education Act No 13 of 2008.

<sup>195</sup> Revised Guidelines for Prevention and Management of Teenage Pregnancy in School Setting, supra, p. 32

awareness about the importance of the guidelines; provides technical support to community-based workers in use of the guidelines; ensures that community-based workers implement the guidelines and conducts regular monitoring, evaluation and data collection.<sup>196</sup> Other key actors at the district level includes the District Health Officers whose role is to promote and increase awareness about the importance of the guidelines; ensure that health systems implement the guidelines and conduct regular monitoring, evaluation and data collection on use of the guidelines.

Teenage pregnancies and early marriages increased drastically in Buikwe district during the COVID-19 pandemic. Despite the adoption of the Revised Guidelines, there was slow implementation attributed to varying positions by political and religious leaders, ignorance of some lower local government officials of the Guidelines and disregard for the same by some school owners and administrators. All Anglican founded schools in the area followed the Arch Bishop of Mukono Diocese's directive to send all pregnant girls in school settings back home in early 2022.<sup>197</sup> Buikwe district falls within the jurisdiction of the Mukono Diocese, a key demonstration of the influence of religious leaders on other actors.

As a result, it appears that the practice of sending away pregnant teenagers has remained in place despite the adoption of the Guidelines. The sub county leadership in Ngogwe Sub County is aware of the guidelines on the management of PGAMs through directives announced in the media but are yet to receive specific directions on the same and no structures have been established on the ground.<sup>198</sup> The issue of ensuring that PGAMs continue to access education has been largely left to parents and the PGAMs.

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<sup>196</sup> *Ibid*

<sup>197</sup> Interview with Lukwago Musa, Najja Sub-County Chief on 1/9/2022 and interview with Kibiige Abbey Community Development Officer (CDO) Najja Sub-County on 1/9/2022. See also, Muzaale, F., "Block Pregnant Girls From Attending School, Bishop Tells Teachers" available at <https://www.monitor.co.ug/uganda/news/national/block-pregnant-girls-from-attending-school-bishop-tells-teachers-3677180> [last accessed November 6, 2022].

<sup>198</sup> Interview with Mbalule James LC III Chairperson, Ngogwe sub county held on 02/09/2022.

Nonetheless, there are notable efforts by the local government in Najja Sub County such as awareness campaigns, psychosocial support, guidance, and counselling targeting PGAMs to encourage them to pursue further education. For instance, the sub county receives information on PGAMs from the Village Health Teams (VHTs), who in turn reports to the Community Development Officer (CDO), who reports to the sub county, as part of its monitoring of existing community structures.<sup>199</sup> The VHTs conducts the reporting as part of their work as the first health structure of the health sector. The analysis of the data presented by reported by the VHTs can be utilized by the district for a number of ways. First, to establish the number of PGAMs who are out of school and secondly, the data can be utilized to undertake local interventions such as community awareness and enactment of byelaws or ordinances at the district level. These local structures can be strengthened and utilized as potential allies in highlighting the extent of the problem of teenage pregnancies at a local level and ensuring continued education of PGAMs.

### 2.3.2.11 Cultural leaders

Cultural institutions have not pronounced themselves formally on the issue of PGAMs continued access to education. For instance, at the height of the debate on return of pregnant learners to school during the beginning of the school calendar year, some members of the General Assembly of the Buganda Kingdom, the biggest cultural institution in the country moved proposals to have pregnant learners banded from school and only return after giving birth, however, the Kingdom's Prime Minister indicated that the matters was still under discussion and that it would issue a statement on its position at a later date.<sup>200</sup> It is therefore important to explore a relationship with the cultural institutions to establish their standing in regard to PGAMs continued access to learning.

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<sup>199</sup> Interview with Musa Lukwago, Sub County Chief Najja Sub-County held on 1/9/2022.

<sup>200</sup> See Nassuuna, N. "Buganda yet to decide fate of pregnant learners" KFM, January 17, 2022 available at <https://www.kfm.co.ug/news/buganda-yet-to-decide-fate-of-pregnant-learners.html> [last accessed July 8, 2022]

### 2.3.2.12 Civil society

Civil Society Organisations (CSOs) have a key role of monitoring, inspecting of education services, advocacy, and where possible, funding the education of PGAMs. As development partners they facilitate the implementation of government policies on access to girls' education by participating in the planning, providing of finances, monitoring and evaluating government programmes together with line ministries. The guidelines highlight the role of CSOs to include: supporting local government to disseminate and popularize the guidelines; collaborating with schools to implement these guidelines; supporting PGAMs; resourcing school health clubs; and advocating for the children's rights including right to complete school by the pregnant girls and adolescent mothers.

CSOs have been at the forefront of activism against pregnant girls being blocked from attending school in Buikwe district. Various study participants revealed that CSOs, including World Vision, Baylor Uganda, Loham Childcare Ministries and Youth Association for Rural Development (YARD) are working to reduce cases of school dropouts and early marriages by providing sexual and reproductive health services, counselling, empowering PGAMs and sensitizing the public.<sup>201</sup> It is imperative to note however that the mandate of CSOs within district is limited to that covered under the Memorandum of Understanding signed by the CSOs and the district, sub county or line ministries.<sup>202</sup> Additionally, CSOs must implement projects through existing local government structures and based on fixed budgets and timelines provided by their partners. The sustainability of such CSO led projects is another challenge since their interventions usually cease when their projects conclude. Nevertheless, the efforts of CSOs can be leveraged to continue influencing government policy on continued access to education for PGAMs.

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<sup>201</sup> Interview with Lukwago Musa, Najja Sub-County Chief on 1/9/2022.

<sup>202</sup> *Ibid.*

### 3. Conclusions and recommendations

Nationwide, early and unintended pregnancy prevents girls from accessing education - due to social isolation, stigma, poverty, and discriminatory practices. The laws and policies in place are clear that teenage girls have a right to access to education and should not be denied because of pregnancy or motherhood. Despite this, pregnant girls and young mothers continue to face exclusion from educational systems, barriers to access, and the lack of enjoyment of their right to education for various factors including the lack of a harmonized position among actors with influence, religious, social and cultural norms and low level of awareness about the laws and policies at the district level.

From the above findings, the study makes the following recommendations: ***Increase financing for access to education for PGAMs.*** It is evident that the Central Government and Ministry of Education need to allocate more financial and human resources to facilitate continued access to education for girls. Particularly, adequate funds need to be allocated towards implementation of the Guidelines at the district level. The lack of resources to implement policies on access to education for PGAMs partly account for wide gaps between policy and practice at the district level, especially for actors who could play a key role such as School Management Committees (SMCs) and senior women and men teachers. A key gap to address is the absence of facilities and support at schools to facilitate continued education of adolescent mothers, including counselling services for PGAMs, nursing and child care facilities and reasonable accommodations to enable them to study whilst taking a break to give birth and later return to school. The government should also consider taking measures to encourage re-entry in school by PGAMs including waiving fees or providing bursaries for their education.

***Raising awareness of the existing legal and policy framework among the various actors, particularly at district level.*** This study has demonstrated that there is low knowledge of the laws and policies on access to education for PGAMs at district level, especially among PGAMs,

parents and communities. It is partly for this reason that the stance of other actors such as religious and cultural leaders are able to influence decision making on continued access to education in schools, homes as well as communities. Raising awareness about the importance of girls' education especially among parents and communities, defining the roles of various stakeholders (teachers, parents, senior women/matrons, school counsellors, political and district leaders, etc.) and highlighting the cultural and social norms that restrict girls' access to education is essential.

*Empowerment and support for PGAMs.* Many teenage girls are coerced into having sex or getting married at an early age while others are victims of violence. While there are notable efforts in raising awareness about violence against all girls, PGAMs do not seem aware of their right to continued access to education. All girls need to be empowered to make informed decisions for themselves, access sexual and reproductive health services as well as access to education. They ought to be consulted and included in the design and implementation of the reintegration process for it to be successful since as noted from interviews, they expressed fears about returning to school due to the stigma associated with pregnancy and motherhood.

*Provision for safe and supportive environment.* Beyond the requirement in the Revised Guidelines for schools to provide a safe and supportive environment, free from hostility, harassment and discrimination, for PGAMs to continue their education, PGAMs should be involved and encouraged to share their needs and concerns. Support services such as counselling specifically designed to address concerns of PGAMs are essential. This safe environment should not only be implemented in the school settings but also in communities as such, local leadership should be equipped to raise awareness, enforce the laws and policies and monitor their implementation at a district level. Adolescent mothers also require psycho-social support as well as support from schools to continue their education including nursing facilities at schools. This will necessitate training of teaching staff, including senior women, who are tasked to provide counselling to PGAMs.

*Adoption of a comprehensive sexuality education policy and school health policy.* The government has a firm stance on prevention of teenage pregnancies and the value of comprehensive sexuality education cannot be overstated. Access to sexuality education and sexual and reproductive health services is essential in empowering adolescents with the information they need to prevent pregnancy. There is need to enhance collaboration across the education, health and gender ministries and train staff at a district level including teachers, health workers and community development officers to offer appropriate services to adolescents. Due to the possibility of continued resistance to these policies, advocacy efforts by CSOs, media, academia, legislators in support and development partners will be required to push the needle forward.

*Improve data collection systems and collect high quality human rights data.* The current data on teenage pregnancies in the country needs to be updated to be more reflective of the rise in teenage pregnancies during the pandemic. The National Strategy to End Child Marriage and Teenage Pregnancy, 2022-2027 makes good proposals for improvement of data collection on teenage pregnancies in Uganda including developing an Information Management System (IMS) to record information on teenage pregnancies, developing a harmonized and centralized system for tracking school completion rates, and “generating robust data and evidence to inform laws, policies and programming on teenage pregnancies across sectors.”



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## Annex 1: List of Interviews

- Rosette Nyanzi, Gender Unit, Ministry of Education and Sports
- Brighton Barugahare, Commissioner, Policy and Research, Ministry of Education and Sports
- Julius Musasizi, District Education Officer, Buikwe District
- Lukwago. P. Musa, Sub County, Chief Najja Sub-county
- Kibirige Abbey, Community Development Officer (CDO), Najja Sub-county
- Mbalule James, LC III Ngogwe Sub-county
- Jingo Joseph, Chairperson Health Centre III, Ngogwe Sub-county
- Kavuma Stanley, Head Master, Tom & Margaret Carroll Primary School, Najja Sub-county
- Nalongo Justine, Head SMC, Tom & Margaret Carroll, Najja Sub county
- 3 Adolescent mothers and pregnant girls in Najja Sub-county, Buikwe District
  - Zurah (real name withheld)
  - Sarah (real name withheld)
  - Rita (real name withheld)
- 3 Adolescent mothers and pregnant girls in Najja Sub-County, Buikwe District
  - Jennifer (real name withheld)
  - Josephine (real name withheld)
  - Edna (real name withheld)
- Mayanja Aticah, Head Administration, Jack Standard Primary School, Ngogwe Sub-county
- Mugalu Sulaiman, Imam, Lugasa Mosque, Ngogwe Sub-county
- Ven Stephen Kironde, Arch Deacon Ngogwe Sub-county
- Bakyasi Mary, Member, Village Health Team, Ngogwe Sub-county
- SMC Member: Nakimbugwe Ruth, Ngogwe Sub-county
- Majorie Seruwo, Concern for The Girl
- Kemigisha Elizabeth, FIDA-U





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