

Uganda's Policy on Retention, Continuity and Reintegration of Pregnant Girls and Adolescent Mothers (PGAMs) in School: Lessons from other African countries

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1.0 Introduction

Globally, it is estimated that 21 million girls aged 15–19 years in developing countries become pregnant, and approximately 12 million of them give birth.¹ There has been a global decline in adolescent birth rates, from 64.5 births per 1000 women (15–19 years) in 2000 to 41.3 births per 1000 women in 2023.² In spite of the decline, sub – Saharan African has maintained the highest rate of adolescent birth rates globally at 99.4 per 1000 women in 2022.³ Uganda is among the sub–Saharan countries grappling with high teenage pregnancy and adolescent births. The country’s teenage pregnancy rate stands at 25%, being the highest among countries in the East African sub-region.⁴

Adolescent pregnancy and child birth results in serious health, social and economic consequences to individuals, families and communities. Teenage pregnancy is one of the main factors which inhibits continued education for girls in Uganda.⁵ For instance in Uganda, it is estimated that 28% of school-aged girls are engaged in sexual activity, resulting in 80.1% of them becoming pregnant, and 97% of those are discontinued from their studies.⁶

In light of the above, various countries have adopted varying policy positions towards access to education by pregnant and child bearing learners in primary and secondary levels of education.

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- 1 Sully EA, Biddlecom A, Daroch J, Riley T, Ashford L, Lince-Deroche N et al., *Adding It Up: Investing in Sexual and Reproductive Health 2019*. New York: Guttmacher Institute; 2020.
 - 2 World Health Organization, Adolescent pregnancy, June 2, 2023 at <https://www.who.int/news-room/fact-sheets/detail/adolescent-pregnancy> accessed on June 9, 2023.
 - 3 United Nations Department of Economic and Social Affairs. World Population Prospects, 2019 Revision: Age-specific fertility rates by region, subregion and country, 1950-2100 (births per 1,000 women) Estimates. Online Edition Available from: <https://population.un.org/wpp/Download/Standard/Fertility/> accessed on June 9, 2023.
 - 4 Uganda Demographic and Health Survey (UDHS), 2016 available at <https://dhsprogram.com/pubs/pdf/FR333/FR333.pdf> accessed on June 10, 2023.
 - 5 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 accessed on June 10, 2023.
 - 6 *Ibid.*

2.0 Uganda's conditioned policy on continued access to learning by pregnant girls and teenage mothers

Currently, the Government of Uganda through the Ministry of Education and Sports (MoES) follows the;- Revised Guidelines on Prevention and Management of Teenage Pregnancy in School Settings.⁷ 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 prevention and management of adolescent pregnancy in school settings.⁸ However, the Guidelines place limitations and conditions for return to school by teenage mothers. They provide for a mandatory leave of one year from the time a female learner is three months pregnant until the baby is six months old.⁹ In case, it is a male learner responsible for the pregnancy, he will also be subjected to the same period of leave.¹⁰ However, were a girl is just a month or two weeks away to sit her promotional exams, permission should be granted to sit for the exams before taking the mandatory leave.

Unfortunately, the foregoing policy position is counterproductive in facilitating the return of such learners and majority end up dropping out of schools. It has been estimated that 97% of the learners that get pregnant discontinue their education.¹¹ Although all countries have unique realities, it is also important to make a comparative analysis on how some of them on the African continent are managing teenage pregnancy since access to education by children is a universal right on the Continent.

⁷ Ministry of Education and Sports (MoES), Revised Guidelines on Prevention and Management of Teenage Pregnancy in School Settings, 2020.

⁸ *Ibid.*

⁹ *Ibid*, Guideline 3.2: 9.

¹⁰ *Ibid*, Guideline 3.3(d).

¹¹ *Ibid.*

3.0 Continued access to learning for Pregnant girls and Adolescent mothers in other African countries

3.1. Sierra Leone

The Sierra Leone Government lifted the ban on continued access to education by pregnant learners in 2021. Sierra Leone's lifting of the ban on pregnant girls and adoption of the progressive policy and legal reforms was in compliance with the decision of the Court of Justice of the Economic Community of the West African States. In its decision in the case of *Women Against Violence and Exploitation in Society (WAVES) v. The Republic of Sierra Leone*,¹² the court set aside the Sierra Leone ten-year policy of banning pregnant girls from mainstream education as a violation of their rights.¹³

The court's decision was followed with the adoption of the National Policy on Radical Inclusion in Schools among others states; "This National Policy on Radical Inclusion in Schools seeks to ensure that schools throughout Sierra Leone are accessible to, and inclusive of, all children – especially those that are typically marginalized or excluded. In particular, the policy focuses on four excluded and marginalized groups: children with disabilities; children from low-income families; children in rural and underserved areas; and girls - especially girls who are currently pregnant and in school or are parent learners."¹⁴

The policy provides the following rights to pregnant learners and teenage mothers;

- i. No student, teacher, or school principal should act as a barrier to a girl's retention in school during pregnancy or return to school after delivery or miscarriage.
- ii. Girls who become pregnant have a right to remain in school during pregnancy, and to return to school after delivery or miscarriage.
- iii. Girls have a right to attend medical appointments during pregnancy.
- vi. Girls have a right of protected absence from school for 1 year after giving birth

¹² ECW/CCJ/JUD/37/19

¹³ Although, the state of Uganda is out of the jurisdiction ECOWAS, the case was determined on the provisions of the regional human rights instruments such as; the African Charter on the Rights and Welfare of the Child and the International Covenant on Economic, Social and Cultural Rights that are applicable to Uganda as signatory to them.

¹⁴ Government of Sierra Leon "National Policy on Radical Inclusion in Schools, March 2021", p. ii at <https://mbsse.gov.sl/wp-content/uploads/2021/04/Radical-Inclusion-Policy.pdf> accessed on May 25, 2023.

- or miscarrying.
- v. Parent learners and girls who have miscarried have a presumptive right to enroll at a new school of their choosing.
 - vi. Girls who are or have been pregnant, and learner mothers, have the right to sit all examinations, including public examinations.
 - vii. Girls who are or have been pregnant, and learner mothers, are supported by a named support person.
 - viii. Girls who are or have been pregnant, and learner mothers, are supported to make up for lost lessons.

In order to give legal effect to some of the above policy positions, on April 24, 2023, the Parliament of Sierra Leone enacted the Revised Basic and Senior Secondary Education Act, 2023 into law. Particularly, Article 19 of the Act states that “Pregnant girls, parent learners, children from the poorest homes, rural areas and underserved communities shall be encouraged to access, stay in, complete school and enjoy all the facilities provided in the school.” The provision further outlaws discrimination among pupils during their admission and treatment while at school throughout the country.

3.2. Zimbabwe

In Zimbabwe, the Ministry of Education, Sport, Art and Culture implemented a re-entry policy that subjected both the pregnant learner and a male learner, in case he was the one responsible for the pregnancy to a maternity and paternity leave of three months and return back to school thereafter.¹⁵ This provision is similar to the provisions in Uganda’s Revised Guidelines on Prevention and Management of Teenage Pregnancy in School setting. However, Zimbabwe has since revised its legal regime to allow continued learning for pregnant girls. This followed the amendment of the Education Act that among others, protects the rights of pregnant girls to access education. The Education Amendment Act, 2019 introduced section 68C that prohibits exclusion of pupils from school for non-payment of school fees or on the basis of pregnancy.¹⁶ The effect of the foregoing provision is to give pregnant learners continued access to education during pregnancy.

¹⁵ Reliefweb “ZIMBABWE: Pregnancy need not put an end to education” August 25, 2010 at <https://reliefweb.int/report/zimbabwe/zimbabwe-pregnancy-need-not-put-end-education> accessed on May 26, 2023

¹⁶ Government of Zimbabwe “Education Amendment Act, 2019 at https://www.veritaszim.net/sites/veritas_d/files/EDUCATION%20AMENDMENT%20ACT%2C%202019%20%5B%20Act%2015-2019%5D_0.pdf accessed on May 26, 2023

The amendment Act was enacted pursuant to Article 75 of the country's constitution that guarantees every person's right to education.¹⁷ This is among the very few countries that has provisions on its statute law books that explicitly bars exclusion and by extension discrimination in access to education.

3.3. Kenya

In 2020, the Government of Kenya adopted the National Guidelines for School Re-Entry in Early Learning and Basic Education, 2020 that recognize early pregnancy as among the lead causes of school dropout.¹⁸ The purpose of the Guidelines is to therefore, to provide a framework for enhancing re-entry of learners who drop out of school, including those with special needs and disabilities, in order to improve retention, transition and completion rates at all levels of basic education.¹⁹ In case a learner gets pregnant, the guidelines expressly state “A learner who is pregnant shall be allowed to remain in school as long as possible in line with existing education policies in Kenya.” The Guidelines also makes the following provisions for learners who dropped out of school due to pregnancy;²⁰

- a. Unconditional return to the same class/ form/ grade that the learner was in before leaving the school. This does not require the learner to spend any specified period of time at home before getting back to school.
- b. In case a learner becomes pregnant more than once, she shall be allowed re-entry into a learning institution as long as she is within the mandatory schooling age. The institution is required to provide the concerned learner and parents/guardians with necessary guidance.
- c. Learners who have attained the age of 18 years shall be advised to enroll in Adult and Continuing Education or vocational training centres to complete their schooling.

The guidelines also make provision for situations where the person responsible for the pregnancy is a school boy or under the age of 18 years. They require such a person to be given guidance and counselling about his responsibilities by the guidance and counseling teacher, or through referral to appropriate services.²¹

¹⁷ *Ibid.*

¹⁸ Government of Kenya “the National Guidelines for School Re-Entry in Early Learning and Basic Education (2020)”, P. 10.

¹⁹ *Ibid*, P. 16.

²⁰ *Ibid*, P. 20

²¹ *Ibid.*

3.4. São Tomé e Príncipe



Just like Kenya, in March 2020 São Tomé e Príncipe rescinded the ministerial decree that required pregnant students to study in night-shift schools after the third month of pregnancy and for its entire duration. The revision in the policy was a condition precedent for the country's education sector to benefit from a World Bank funded project. This simply demonstrates the role that the international community can play in shaping progressive and inclusive policies in the education sector.²²

3.5. South Africa



On November 8, 2021, South Africa adopted the Policy on the Prevention and Management of Learner Pregnancy in Schools.²³ The policy's goal is coached in terms of protecting the pregnant and adolescent mothers' right to basic education. The policy "seeks to promote the Constitutional right of learners to basic education by ensuring they are not excluded from school as a result of pregnancy and child birth, and to provide a supportive environment for them to continue and complete their basic education."²⁴ One of the specific objectives of the policy include ensuring the return and retention of learners, following child birth into an appropriate grade in their schools.²⁵ Consequently, the policy sets out in explicit terms "every female learner of school age has the Constitutional right to basic education and may not be denied access on the basis of her pregnancy, termination thereof or consequent motherhood."²⁶ The effect of the foregoing provision on the pregnant and adolescent mothers is that they have a right to remain in school during their pregnancy; immediately return and continue with their education either upon miscarriage or giving birth. These rights are unqualified as they not subject to any conditionality.

²² Human Rights Watch "Africa: Rights Progress for Pregnant Students; Five More Sub-Saharan Countries Act to Protect Girls' Education; Barriers Remain" September 29, 2021 at <https://www.hrw.org/news/2021/09/29/africa-rights-progress-pregnant-students> May 26, 2023.

²³ Government of South Africa "Basic Department of Education Policy on Prevention and Management of Learner Pregnancy in Schools" 2021.

²⁴ *Ibid*, P.14

²⁵ *bid*, p.14

²⁶ *Ibid*, p.15

4.0 Conclusion and Recommendations

4.1. Conclusion

Pregnancy and child bearing has far reaching implications on the individual learners, their parents, communities and consequently the country's general socio-economic development. The negative implications are even worsened further by policies that constitute barriers to pregnant and adolescent mothers' continued access to education. From the above highlighted comparative analysis, countries with the policies that did not allow continued access to learning have revised them in compliance with the domestic, regional and international human rights regime that guarantee the pregnant and adolescent mothers' right to education. Equally, Uganda's domestic human rights regime and its regional and international commitments enjoins it to respect, protect and promote the pregnant girls' and adolescent mothers' right to continued access to education. The country therefore needs to urgently benchmark the above highlighted African states for its revision and adoption of all-inclusive education policies that would guarantee the pregnant and adolescent mothers' right to continued access to education.

4.2. Recommendations

- i. The Ministry of Education and Sports should undertake reforms in the Revised Guidelines on Prevention and Management of Teenage Pregnancy and abolish the conditioned access to continued learning by PGAMs.
- ii. In the medium term, the Ministry of Education and Sports and Parliament should undertake amendments in the Education Act, 2008 to bar any form of discrimination of learners.
- iii. The Ministry of Education and Sports, particularly the departments in charge of gender, basic and secondary education should undertake benchmarking in African countries such as Kenya, Zimbabwe, South Africa among others to establish how they are facilitating continued learning for PGAMs.



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