Summary of Issues for the
UN Committee on Economic, Social and Cultural Rights
Pre-session, December 2014

UGANDA: Privatisation in education and its impact on the right to education

1. Policies contributing to privatisation in education

Government promotion of private education:

- Enactment of enabling laws
- Institutional restructuring to have a department on private schools and institutions within the Ministry of Education
- No taxing profits of private schools (though this might change).

Applicable laws include:

- The Constitution of Uganda, 1995 as amended
- Education (Pre-Primary, Primary and Past-Primary) Act, 2008

The Education (Pre-Primary, Primary and Post-Primary) Act, 2008, has as one of its objectives the promotion of partnerships with various stakeholders in providing education services. Section 6 of the Act lists the recognised education institutions and includes profit and non-profit private institutions.

2. Rapid increase in private schools in Uganda

- About 27% of schools at primary level and 66% of schools at secondary level are now private.\(^1\) As of 2013, the percentage of private total enrolment stood at 16.2% for primary and 51.0% at secondary level.\(^2\)
- At the previous decade’s rate of annual growth in privatized schools, it is projected that there will be a rapid increase in private school enrollments over the coming decades.

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\(^1\) 5th Periodic Report by the Government of the Republic of Uganda to the African Commission on Human and Peoples’ Rights, presented at the 54th Ordinary Session held in Banjul, the Gambia (22nd October – 5th November, 2013) p. 23.

This rapid growth of the private sector is in the context of declining state investment in public education. Trends in public financing of the education sector show that while spending on education has increased in absolute figures from UShs. 968Bn from the period 2003/4 through 2010/11, to UShs.1.283bn in 2013-2014, it has decreased as a share of GDP to reach 3.3% (against 4.2% in 2003/04).³

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4 Source: 2012/2013 Education and Sports Sector Annual Performance Report
3. Human Rights Impacts:

Growing Inequities

- Widening gap between rich and poor
- Privatization in education has forced some parents to make a choice between paying fees for the girl or the boy.
- Privatization in education that is perceived to deliver “quality” education has concentrated more in the urban areas, while rural areas rely on very poor quality public schools.

Lack of proper regulation, supervision and monitoring of private schools

- Low and unqualified staffing in many private schools. The 2013 World Bank service delivery indicator report, teachers in private schools did not consistently outperform their counterparts in the public sector in measures of ability.
- The Private schools and Institutions Department within the Ministry of Education is charged with the overall coordination, regulation, policy formulation and guidance on all matters regarding private schools, but faces serious challenges in carrying out its mandate due to limited financial and human resources.

Diminished quality

- Private schools at both primary and low secondary levels have also been found to be contributing to the country’s poor quality education.
- There is also disparities in quality between rural and urban private schools; high and low fee private schools

Concerns about low fee private schools (LFPS)

- Limited financing for public schools and over reliance on LFPS
- Low fees still unaffordable by extremely poor families
- Quality of education and value for money in these schools is wanting
- LFPS ask for non-tuition fees in form of school development fees, scholastic material, school uniforms and examination fees which cost double the tuition fees.
4. **Requirements under the ICESCR: Provision of private education must...**

1. Not lead to the creation of or reinforce extreme disparities or discrimination of any sort, or be a factor of segregation or division in societies in general and education in particular;

2. Provide for an true alternative choice to quality public education, and not replace the public system, as the State retains the responsibility to offer quality public education for all;

3. Not lead to a marketization of education which would entail that education is no longer directed to the full development of a child's personality, talents and mental and physical abilities to their fullest, but instead only to achieving measurable outcomes, which would be contrary to the aims of education recognised in human rights law;

4. Be adequately regulated, both in law and in practice, with adequate inspection staffing, effective accountability mechanisms, and without corruption; and

5. Be subject to democratic scrutiny, and open to the human rights principles of transparency and participation.

5. **Recommendations to the State Party:**

The State Party should:

1. Adopt a plan of action for improving the quality of public education in Uganda by among other things increasing financial investment in the sector.

2. Respect, protect and fulfill its obligations under the International Covenant on Economic Social and Cultural Rights (ICESCR) by ensuring equal access to education and taking care that provision of education by private actors does not result in discrimination of any kind.

3. Review its implementation of the liberalisation policy within the education sector and assess its impact on the right to education in the country.

4. Ensure effective implementation of the existing regulations with regard to provision of education by private providers.

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