



Children with Disabilities in Universal Primary Education in Uganda: A Rights-Based Analysis to Inclusive Education

A Research Paper presented by:

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(Uganda)

In partial fulfilment of the requirements for obtaining the degree of
MASTERS OF ARTS IN DEVELOPMENT STUDIES

Specialization:

Human Rights, Development and Social Justice
(HDS)

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The Hague, The Netherlands
December 2012

Disclaimer:

This document represents part of the author's study programme while at the Institute of Social Studies. The views stated therein are those of the author and not necessarily those of the Institute.

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List of Acronyms/ Abbreviations

CRC	Convention/ Committee on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
CWDs	Children with Disabilities
DFID	Department for International Development
GC9	General Comment No. 9
HRBA	Human Rights Based Approach
ICESCR	International Covenant on Economic, Social and Cultural Rights
NUDIPU	National Union of Disabled Persons of Uganda
PWDs	Persons with Disabilities
SNE	Special Needs Education
UHRC	Uganda Human Rights Commission
UNESCO	United Nations Educational, Scientific and Cultural Organisation
UNICEF	United Nations Children's Fund
UPE	Universal Primary Education
USDC	Uganda Society for Disabled Children
VPU	Vulnerable Persons Unit

Acknowledgement

Pursuing this MA programme in general and writing this research paper in particular, was an undertaking that attracted various forms of support from various individuals and organizations.

First and foremost my participation in the course probably would not have been possible without the financial support from the Dutch government. I will eternally be grateful for this support. I wish also to thank my employer, the Uganda Human Rights Commission for granting me the study leave to concentrate on the course; and all the support I was accorded while I was away. It was a gesture that will forever remain etched in my mind.

I wish to express my sincere gratitude to my Supervisor and Reader Prof. Dr. Karin Arts and Dr. Auma Okwany respectively for all the support and guidance you rendered me throughout the entire process of this research paper. I owe the success of this research project to your unwavering support. In the same breath, I convey my heartfelt thanks to the HDS Convenor, Dr. Jeff Handmaker and all the lecturers. Thanks for imparting knowledge and making us we have become at the end of the programme.

My gratitude further goes to the individuals and organizations that made my data collection possible. Officials from the Primary Schools I visited – St. Jude Primary School, Naguru; Kyambogo Primary School, St. Paul Primary School, Banda and Ntinda Primary School, thank you for your time and the information you provided me. My key respondents from Parliament of Uganda; Ministry of Education and Sports – Department of Inclusive and Non-formal Education; Kyambogo University, Faculty of Special Needs Education and Rehabilitation; Uganda Society for Disabled Children; National Curriculum Development Centre; and Uganda Human Rights Commission. I am immensely grateful for your various contributions.

I wish to thank my parents: Mr. and Mrs. Hussein Gabiri, thank you so much for always being there for me. To my wife Najat Nyende, I always counted on your support throughout the programme. Thank you for the patience, support and courage, above all, for taking care of our little sons, Bashar and Akram.

To my HDS folks, you were such a wonderful group. I am proud of you and grateful for the wonderful experience and time we had together as a group. Thandiwe Mathews, thanks for lending a hand in my RP process as discussant.

Lastly but certainly not least, to all friends and well-wishers, thank you for support.

Dedication

This paper is dedicated to my lovely sons Bashar and Akram. May it be a source of inspiration to shape your destiny and spur you to greater academic heights.

Abstract

The Universal Declaration of Human Rights provides in article 1 that: '[a]ll human beings are born free and equal in dignity and rights'. Several other international human rights instruments have similar clauses on non-discrimination. The elaborate legal framework notwithstanding, persons with disabilities continue to experience multiple forms of discrimination and exclusion. This study looked at the right to education for children with disabilities in Uganda who, despite the inclusive label of Universal Primary Education, continue to get peripheral benefits from the programme.

This paper contains five chapters. Chapter one introduces the subject of the research – highlighting the background of inclusive education and Uganda's efforts thus far; justifications of the research; and research methodology, among others. Chapter two discusses the concept of disability with specific reference being made to the dominant models of understanding disability i.e. the Medical/Individual and the Social models which, by and large, play a key contributory role in either excluding or including persons with disability. The chapter also delves in detail the right to education in which the rights-based approach is analysed, pointing out States responsibilities to realise the right to education. Chapter three highlights the current practices under UPE to include CWDs. How effective have they been?

Chapter four, from a rights-based perspective attempts to identify possible interventions that might have to be taken in order to make UPE meaningful to its beneficiaries especially the CWDs. Chapter five makes a recap of the study, particularly noting State's obligations under international human rights law to realise human rights. Unless the State enforces its obligations under the right to education, the future of CWDs may be compromised.

Relevance to Development Studies

Persons with disabilities in general and children with disabilities in particular, continue to face various forms of discrimination in the enjoyment of human rights especially social rights. Education is one of the key sectors where the magnitude of exclusion for children with disabilities is astounding. Yet education, according to Wilson (2005: 105) is the 'gateway from poverty to prosperity, from exclusion to inclusion and from exploitation to emancipation (...). Millennium Development Goal (MDG) 2 is on ensuring universal primary education by 2015, further underscoring the primacy of education in the development discourse. There is therefore need to highlight and combat these discriminatory practices in education in order to fast-track the realization of the MDGs as well as engendering sustainable improvement in the living standards of the underprivileged.

Keywords

Disability, Exclusion, Right to Education, and Universal Primary Education in Uganda

Chapter 1: Introduction

1.1 Introduction

This study looks at the implementation of the Universal Primary Education (UPE) programme in Uganda with a specific focus on children with disabilities (CWDs). The programme started as (or at least was meant to be) inclusive, taking care of all needs of children (Okwany 2010). After years of its implementation, it is clear that some groups of children have not benefited as much from the UPE as others. CWDs as a specific category continue to be largely excluded from benefiting from UPE as this paper will substantiate. This study thus analyses the extent of inclusion of CWDs in the main-stream framework of the UPE programme in Uganda. Taking a human rights-based approach, the study situates education as a human right, the realization of which should benefit all groups without discriminating against any.

This paper contains five chapters. Chapter one, the introduction, introduces the subject of study, the theoretical framework and the methodology adopted, among others. Chapter two is the literature review chapter explaining the various concepts and models as used in disability discourses. The chapter gives a detailed exposition of the right to education and what its realisation means for CWDs. Chapter three highlights the current situation of implementation of the UPE programme and the state of education for CWDs. Chapter four reflects on what should possibly be done to enhance realisation of the right to education for CWDs, while chapter five makes the concluding observations of the study.

1.2 Education for CWDs in Uganda: Policy Context, Causes and Issues

The realisation of universal education has been of prime interest to the international community since the 1940s. Bloom and Cohen (2002: 84) observed that '[u]niversal education has been on the global agenda since the 1948 Universal Declaration of Human Rights proclaimed free and compulsory education to be a basic human right. The [1989] Convention on the Rights of the Child, [ratified] by all but two of the world's governments, reaffirmed this right as a legally binding obligation'. From the 1990's onwards further efforts were made to ensure that universal education takes shape, especially in the corners of the world where it hadn't been realised yet. 'In 1990, two global conferences — the Jomtien Conference and the World Summit for Children — set the target of universal primary education by the year 2000. By 2000, however, it was clear that progress had been too slow in too many countries for the target to be met' (Delamonica et al. 2004: 3). This led to the setting of new targets during the Dakar Education Conference of 2000, which eventually influenced Millennium Development Goal 2 on universal primary education by 2015 (Maas 2012).

There is wide acknowledgment within the UN that to achieve the MDGs a number of strategies will be required and one of them is inclusive education (Peters 2007). Cognizant of this fact, Peters (2007: 08) noted that 'inclusive education is identified as a key strategy to address marginalization and exclusion in relation to the millennium development goal (...). One of the groups

that are prone to various forms of exclusion is the persons with disabilities. Specifically on education, Bines and Lei (2011: 419) contended that 'disability remains a significant factor in exclusion from schooling'. However having an impairment per se shouldn't spell doom for a person living with disability as long as the barriers created by disability are addressed. This is in line with Susan Peters' observation when she wrote that '[i]f disabled people are denied educational opportunities, then it is the lack of education and not their disabilities that limit them' (Peters 2009: 149). Therefore to address exclusion of persons with disabilities and the various forms of inequities they face, education should be part of the solution, a solution that was earlier prescribed by the World Education for All (EFA) Declaration. Peters noted that '[t]o address inequities of disabled individuals, the world EFA declaration in 2000 clearly identified inclusive education as one of the key strategies to address issues of marginalization and exclusion' (ibid: 159).

The situation of children with disabilities (CWDs) in the Ugandan context needs particular attention in this regard. Recent and exact figures on disability in Uganda are difficult to come by, the last census having been conducted in 2002. However, the 2005/2006 estimates of the Uganda Demographic and Health Survey report put persons with a disability at 7 per cent of the population (USDC 2011). With the projected population standing at 31 million people, as of 2011, 2.17 million persons are estimated to be living with disability of which 1.22 million are estimated to be children (ibid).

According to UNICEF, there are numerous causes of disabilities (UNICEF 2002, cited in Combrinck 2008). But, specifically in the developing world, the following causes account for most of the cases of disabilities: prevalence of communicable diseases; poor nutrition – e.g. blindness caused by vitamin A deficiency; inadequate prenatal, childbirth and neonatal health care services; armed conflicts and their aftermath – e.g. unexploded landmines (Combrinck 2008). Poverty is identified as both a cause and consequence of disability, for instance through children being exposed to poor nutrition, limited access to health services etc. (ibid).

In the Ugandan context, the situation isn't much different from the above representation. There are multiple forms of disabilities, and various accounts to explain the causes of disability. 'Some of the common disabilities in Uganda include visual impairments; physical disabilities; hearing impairment; multiple disabilities; mental and psycho-socio disabilities; intellectual disabilities and albinism. The major causes of disability include but are not limited to communicable diseases, congenital abnormalities and injuries' (NUDIPU n.d para 3).

The Ugandan Constitution (1995) in article 21(1) provides that '[a]ll persons are equal before and under the law in all spheres (...) and shall enjoy equal protection of the law'. The article goes on: 'a person shall not be discriminated against on the ground of sex, race, colour, ethnic origin, tribe, birth, creed or religion, or social or economic standing, political opinion or disability'. On education, article 30 provides that 'all persons have a right to education'. The National Objectives and Directive Principles of State Policy further elucidate on the right to education in which they provide that 'the State shall promote free and compulsory basic education' and it 'shall take appropriate measures to afford every citizen equal opportunity to attain the highest educational standard possible'. Although there are guarantees for equal opportunity and commitments as expressed above, the situation on the ground shows a differ-

ent picture: ‘Only five per cent of children with disabilities are able to access education within inclusive setting in the regular schools while 10 per cent access education through special schools and annexes’ (UNICEF 2012: 1).

The introduction of UPE in Uganda in 1997 allowed [initially] four children per family to receive free education. Children with disabilities were given priority among the beneficiaries of this programme (USDC 2003). Although UPE is open to every child, including CWDs, an enabling environment to integrate CWDs in the general UPE arrangement has not been established: ‘physical structures including the walkways, toilets, corridors are not accessible, and special educational equipment such as Braille machines and hearing aids are not available’ (*ibid*: 5). UPE programme in Uganda has also been characterised by too large integrated classes, making it impossible for teachers to attend to the special learning needs of CWDs (*ibid*).

Further, the curriculum has not undergone the modification that is necessary for it to become relevant to the children with special needs. The USDC (2003: 5) noted that ‘[t]he curriculum at primary level has become increasingly irrelevant to the skills that these children need in their day-to-day lives outside school. The emphasis is on academic subjects, rather than balancing theory with the teaching of independent living skills’.

Education for CWDs was also a matter of concern during the Universal Periodic Review of Uganda in 2011. In a report by the Human Rights Network, a consortium of NGOs working on human rights, to the Human Rights Council’s Working Group on the Universal Periodic Review, it was noted that ‘while Uganda promoted inclusive education, there were no special needs teachers and limited teaching aids which made it difficult for children with disabilities to get quality education. Also, the curriculum did not take into account children with disabilities’ (HURINET 2011: 15).

The present schooling environment for CWDs in Uganda therefore leaves a lot to be desired. The inclusive element of the UPE as a universal programme meant to accommodate all groups of primary school going-age children, is yet to embrace the CWDs.

1.3 Relevance and Justification of the Research Topic

Working with a human rights-based organisation since 2004 has been a source of inspiration in which I have come to appreciate the value of all human beings enjoying their rights equally without any form of discrimination. Although Uganda’s legal regime (specifically article 21 of the Constitution of Uganda) upholds the principle of non-discrimination, equality in the enjoyment of human rights still eludes many. This study focusses on children with disabilities, the main concern being their right to access education. Disabled children often nurture the same aspirations as non-disabled children, and their disability status should not result into a differentiated form of living from that of the non-disabled persons. McConachie et al. (2006: 1157) rightly noted that ‘[d]isabled children have the same aspirations as all children, hoping for health, security, respect, opportunities to learn skills, meaningful occupation and the possibility of contributing to the lives of others’.

As earlier noted, the implementation of the UPE programme in its present form paints a grim picture of education for children with disabilities in Uganda.

Yet, the value of education in a person's life needs no emphasis. Regardless of whether the potential beneficiary is disabled or not, education carries the same value and importance. Bruns et al. (2003: 28) noted that:

Education provides people with (...) the essential and individual power to reflect, make better choices, seek a voice in society and enjoy a better life. Education and particularly primary education, also promotes achievement of all the other Millennium Development Goals: poverty reduction, gender equity, child health, maternal health, lower HIV/AIDS and other communicable diseases, and environmental sustainability.

Human rights are framed taking note of the fact that no human being should be discriminated against in the enjoyment of human rights. The relevance of education as espoused by Bruns et al., should therefore be enjoyed by a person with disability as much as it should for a person without a disability. Non-discrimination is thus a key aspect in the human rights discourse. As Brennan (2005: 97) noted, 'the right of everyone, without distinction, to enjoy all human rights and fundamental freedoms lies at the heart of international human rights law'.

The appalling state of education being offered to children with disabilities forms the motivation and basis for this study. Without nuanced measures being undertaken to better their education, CWDs are at a greater risk of being condemned to an imbalanced life in their later years. Richler (2005: 32, cited in Combrinck 2008: 318) noted that 'a lack of education is a life sentence to poverty and exclusion'. Education should therefore be a key priority intervention if the situation and future of CWDs is to be brightened. As Tomasevski (2003: 32) observed, 'redressing imbalances in life chances without full recognition of the right to education is impossible'. Besides, the fact that every individual can get disabled, as Combrinck (2008: 303) put it 'disability can be acquired at any point in a person's life', should be a rallying point for duty-bearers to take steps to address the prevailing gaps in the education for CWDs as well as proactively establishing an environment capable of dealing with any would-be cases of disability.

While there have been several studies on disability-related issues in Uganda, little is known specifically on the plight of CWDs in the UPE framework. This study attempts to fill this gap by specifically bringing out the role of the duty-bearers, most importantly the government, in the realisation of the right to education for CWDs. It is hoped that the findings of the study will be a valuable tool for policy makers in taking all possible steps to ensure that education offered to CWDs is meaningful and will contribute to their wellbeing in society.

1.4 Specific Research Problem Statement

According to the stated objectives for its establishment, the UPE programme in Uganda was started in 1997 to offer an opportunity to children regardless of their social status or disability, among others, to acquire primary education free of cost. Several years of its implementation down the road, the inclusive element of UPE to cater for all categories of children continues to be in need of realization for many of them, and especially for CWDs. Whereas there have been some efforts to implement an inclusive education system to take care of all groups in the country, by and large inclusive education remains to be ex-

pressed in policy documents but with little to show on the ground. The Uganda Human Rights Commission, in its 2009 analysis of the government's inclusive education policy, aptly captured the current state of Uganda's inclusive education. According to the report:

[t]he inclusive education policy spells out Government's commitment to provide primary education to all children irrespective of their origin, social group or gender. It emphasises inclusion of children with special needs in ordinary primary schools. However, the policy of inclusive education does not elaborate what inclusion means with regard to CWDs. No appropriate provisions have been made for CWDs to date (UHRC 2009: 105).

The result has been increasing rates of dropouts and declining enrolment among CWDs. According to the Uganda Human Rights Commission report:

[t]he number of CWDs at the primary school level decreased by 5.8% in 2008, and their percentage of total enrolment also decreased from 24.3 in 2007 to 23.1% in 2008. The retention rate had also declined, as 39,840 CWDs enrolled in 2007 in Primary One (Grade one) compared to 35,278 who enrolled in Primary One in 2008. There was also a sharp decline in completion rates. Whereas 35,278 CWDs were in Primary One in 2008, only 11,456 were in Primary Seven, indicating that many CWDs had dropped out of school (ibid: 108).

These figures illustrate discrepancies between the pronouncements of UPE as an inclusive programme and the reality on the ground which portrays a different picture.

1.5 Objectives of the Research and Research Questions

This study seeks to critically analyse, from a human rights perspective, the performance record of the Universal Primary Education and more broadly in enhancing their attainment of the right to (primary) education. The specific objectives include:

- a) To deconstruct the 'right to education' with regard to CWDs (this specific objective is motivated by the fact that what it takes to realise the right to education for a non-disabled child may not be the same for a disabled one).
- b) To analyse the effectiveness of efforts under UPE programme to include CWDs.
- c) To chart out possible ways in which the right to education for CWDs in Uganda can be enhanced.

The following two main research questions will be addressed in this paper:

- How has the right to education for, and inclusion of children with disabilities, been promoted in the implementation of the Universal Primary Education programme in Uganda?
- What could be done to improve the realization of the right to education of children with disabilities in Uganda in future?

Specific Research Questions

- a) What does the realisation of the right to education imply for children with disabilities?
- b) How effective have the efforts under the UPE programme been in terms of the realisation of the right to education for CWDs in Uganda?
- c) How can the realisation of the right to education of CWDs be enhanced in Uganda in the present circumstances?

1.6 Methodology

For the purpose of this study, methodology has a dual function. First, it focuses on how the rights-based approach, the adopted theoretical framework for this study, will be operationalized for assessing the realization of the right to education for CWDs. Second, the methodology looks at the process of data collection for the study, in which the methods of data collection, sampling techniques, study area, challenges and limitations are presented.

1.6.1 Theoretical Framework

In analysing the right to primary education of CWDs and how its realisation might be enhanced, the study looks at education from the lens of a rights-based approach. This will involve analysing the responses of, among others, the legislative and institutional framework for the realisation of the right to education of CWDs. In chapter 2, several concrete directions are identified for assessing the responses of the government and its institutions, as the primary duty-bearer, in meeting its international human rights obligations on the right to education of CWDs.

1.6.2 Data Collection

The study mainly used qualitative techniques of data collection. In addressing the implementation of the UPE programme to assess its record in including CWDs in its framework, there wouldn't have been a more nuanced process of assessing the UPE related efforts to promote inclusion of CWDs than getting the views of persons who have been part of the process. In relation to this fact, Uyangoda (2010: 105) posited that:

[i]n order to produce thick accounts of genuinely human experiences, phenomenology social research [the study of occurrences forming part of human experiences] employs qualitative research methods. The phenomenology commitment to qualitative social research emanates from another phenomenology commitment: interpretative understanding, rather than explaining, the social world through various ways in which the world appears in human consciousness.

Data collection was done in two-phased processes. The first phase involved, randomly identifying four schools that were implementing Universal Primary Education. The purpose was to examine the schooling environment for children with special needs with regard to implementation of the universal primary education. The findings generated from the first phase, determined the second phase which involved key respondent selection.

The second phase thus involved interfacing with a selected number of stakeholders, among whom the following officials: Assistant Commissioner –

Inclusive and Non-formal Education, Ministry of Education and Sports; Lecturer – Department of Special Needs, Faculty of Special Needs Education and Rehabilitation, Kyambogo University; Executive Director – Uganda Society for Disabled Children; Curriculum Specialist – National Curriculum Development centre; Member of Parliament representing persons with disabilities; and Senior Human Rights Officer, Uganda Human Rights Commission. The identification of these stakeholders was informed by their distinct roles/functions which have a bearing on the education for children with disabilities. As Uyangoda further noted, '[i]n phenomenology research, there is an overwhelming concern to bring out the accounts and interpretations of the people themselves who experience the social world' (ibid).

The study also considered secondary sources of data. This was mainly through reviewing data of the Ministry of Education and Sports on children with special needs and various other reports especially from NGOs.

1.6.3 Data Collection Methods

To reflect the qualitative tradition of the study referred to earlier, data collection methods included interviews, observations and literature review. Interviews was the most applied technique in the data collection. The first category of respondents interviewed were at the school level and they included Deputy Head teachers in three out of the four schools visited, designated teachers for CWDs and a Counsellor (one school). The second category of respondents interviewed included respondents (stakeholders) who were purposefully identified to respond to issues raised in the first phase i.e. the phase that involved interviewing personnel at the schools visited.

Observation as a technique of data collection was found to be pertinent in ascertaining whether the necessary learning environment, for example construction of ramps, modified toilets, availability of assistive devices, among others, existed for CWDs in the schools visited. Literature review included review of reports especially NGO reports. It was mostly relevant in getting access to people's lived experiences with disability issues. Review of reports worked as a perfect substitute for Focus Group Discussions (FGDs) which were not possible, as the time for data collection coincided with examination period and school holidays.

1.6.4 Sampling Technique

The selection of the schools visited was done randomly. This was due to the fact that all UPE schools in the country draw their operational guidelines from the Ministry of Education and Sports, implying that all schools are subjected to the same guidelines with regard to the implementation of UPE. Although the data collected to a small extent differed in content, this was not because schools applied different guidelines but was influenced by other factors including attitudes of some school authorities and their own perception of the concept of inclusive education. Therefore the selection of any UPE school would most likely serve the purpose of the study.

The selection of other respondents outside the schools, was non-random or purposive. This was motivated by the fact that their responses mainly concerned the findings generated in the first phase of data collection which was at school level. The selection of these stakeholders was therefore purposive based on the distinct functions of their offices which relate to the implementation of

inclusive education and thus only cautiously identified respondents would be able to respond to such issues. The non-random selection was therefore meant to tap into the experience of these particular individuals on the implementation of the UPE programme. Against this background, while supporting non-random over random sampling technique, Tongco (2007: 154) citing Tremblay (1957) wrote that 'the random member of a community may not be as knowledgeable and observant as an expert informant'.

1.6.5 Study Area

UPE is a country-wide government-implemented programme. Its implementation guidelines are drawn by the Ministry of Education and Sports. The study was conducted in Nakawa Division, one of the five Divisions forming Kampala District. The country-wide nature of the UPE programme meant that there is largely uniformity across the country, with minimal differences, in the implementation of UPE programme with regard to CWDs. Random selection was therefore preferred as any selected school would most likely provide the same facts on CWDs in UPE schools. The extra consideration for Kampala district was the proximity of the institutions with key respondents interviewed for the study. The Ministry of Education and Sports; Kyambogo University (with a faculty on special needs education); the National Curriculum Development Centre; Uganda Human Rights Commission; Parliament of Uganda; and Uganda Society for Disabled Children, are all Kampala-based or have their head offices in Kampala.

1.7 Ethical Considerations

Before leaving for field data collection, I secured a letter from the Registration Office, Institute of Social Studies, which introduced me to the various respondents I interacted with. Additionally, I also secured recommendation from my place of work, The Uganda Human Rights Commission, to access some documents from the Ministry of Education and Sports; as well as permission to interview Primary School teachers, who fall under the direct supervision of Ministry of Education and Sports. Both letters are attached.

Also, taking into consideration ethical concerns of conducting this study, verbal consent was obtained from respondents to mention their names in my report.

1.8 Challenges and Limitations

There is an absence of disaggregated data on CWDs and how they have fared so far under UPE. As indicated above, and as analysed in later chapters of this report, the schooling environment that facilitates inclusion of CWDs is wanting. This implies that this state of affairs has affected the right to education of CWDs. Efforts to get disaggregated data from the Ministry of Education and Sports came were not successful. The latest education abstract (2011) does not provide this information. Yet this information would have been immensely relevant in portraying the true situation of CWDs and their right to education under the UPE programme. Nonetheless, the Annual Report (2009) of the Uganda Human Rights Commission sufficed for the purpose.

Another challenge encountered was a series of events that made me to deviate from the propositions I had made in my research design. Data collection

coincided with a general teachers' strike across the country; end of term examinations; and school holidays. The coincidence of these occurrences prevented me from getting lived experience examples directly from teachers and pupils on the implementation of inclusive education. These lived experiences I had planned to gather through conducting Focus Group Discussions. NGO reports to a certain extent filled this gap.

The theft of my laptop and the loss of information thereon presented yet another challenge to my data collection. The laptop had much of the literature I had collected for the research, so losing it at such a time was a big setback. The incident was also destabilising at a time I needed to be focussed on the research project. Luckily, I was able to get some of the lost information through my supervisors and colleagues who sent me some of the literature.

Chapter 2: Disability, Exclusion and the Right to Education

2.1 Introduction

The chapter begins by defining and exploring the various articulations of the concept of disability. It thereafter discusses the two concepts of exclusion and inclusion, the concepts which are closely associated with disability and how it is articulated. On the debate of including CWDs in mainstream education, the chapter reflects on provisions of the Salamanca Statement. The chapter lastly looks at right to education and situates it in the human rights framework by presenting some of the relevant international instruments with provisions on education. General Comment No. 9 of the Committee on the Rights of the Child, is given specific attention as it addresses rights of children with disabilities, education inclusive. The chapter concludes by analysing the content and implications of applying Rights-Based Approach in realising the right to education for CWDs.

2.2 Disability: Definitions and Approaches

There isn't any particular definition that can exhaustively give the meaning of the term 'disability' instead it is open to various definitions and conceptualisations used by different actors. Even the UN Convention on the Rights of Persons with Disabilities (CRPD) does not define disability in explicit terms, apart from elucidating on the different categories of disabilities. It provides that '[p]ersons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others' (Article 1 CRPD). Citing Basser and Jones (2002: 255-6), Combrinck (2008: 302-3) wrote that the 'concept [of disability] includes people whose activity is limited by physical disabilities, those with visual or hearing disabilities, those with chronic illness, mental health and communication disorders, those with intellectual disabilities, genetic disorders and disfigurement, and those with problems associated with aging or with delay in achieving developmental milestones'.

The Uganda Society for Disabled Children (USDC), an NGO with experience in disabilities spanning over 20 years, defined disability as 'inability to perform in a manner considered "normal" in a particular society or community. Disability can arise as a result of impairment or other cause' (USDC 2011: 4). Although the phraseology differs in the above understandings of disability, one key common feature is the fact that disability curtails participation of the affected individual in various life affairs. While there may be consensus on participation being curtailed by disability, the concept is open to differing interpretations. The different approaches of conceptualising disability are discussed below.

The USDC presented the two main two perceptions of disability, one treating disability as an individual problem and the other looking at it as social problem. The individual discourse of disability on the one hand views disability as 'directly caused by disease, trauma or other health condition, which requires

medical care provided in the form of individual treatment by professionals. The child [or any other person] is seen as a problem of defective person' (USDC 2011: 4). The social discourse of disability on the other hand looks at disability as 'a socially created problem. It is not an attribute of the individual, but rather a complex collection of conditions, many of which are created by the social environment (the disabling world)' (ibid: 5). Examples of the disabling world include among others, badly designed buildings, prejudiced attitudes, segregated education system, inaccessible transport, isolated families and absence of lifts or ramps in buildings.

These two different views on disability were echoed by Susan Peters when she made a distinction between disablement and impairment. She wrote that 'Impairment conceptualizes the individual as in need of medical treatment, [while] Disability conceptualizes the environment as the catalyst for disability when it is constructed in such a way to limit opportunities — either in terms of physical barriers or attitudinal barriers' (Peters 2009: 153).

Another model referred to in the disability discourse is the Human Rights Approach which is more or less similar to the Social Model (Combrinck 2008). The approach provides that 'the problem of disability stems from a lack of responsiveness by the State and civil society to the difference that disabilities represent' (ibid: 301). It (Human Rights Approach) identifies the state as a duty-bearer in addressing the barriers created by disability. 'The state has responsibility to address socially created obstacles in order to ensure full respect for the dignity and equal rights of all persons' (ibid). The approach roots for inclusive societies that 'value difference and respect the dignity and equality of all human beings regardless of difference' (ibid: 302).

The above perceptions on disability mean a lot in relation to the approaches adopted in addressing the barriers disability creates. The Individual or Medical Model, locates the barriers of disability within the individual. As a solution to dealing with disabilities, the Medical Model as the name suggests, considers treatment as the way forward. 'The medical understanding of disability gave rise to a social welfare approach to policy, which traditionally provides for the treatment for the different needs of persons with disabilities in segregated settings such as special schools' (Heyer 2002 cited in Combrinck 2008: 301). The thinking is premised on grounds that the needs of persons with disabilities are better attended to in separate arrangements. As a consequence, Combrinck wrote that 'the exclusion of people with disabilities is not seen as discriminatory, but as a necessary outcome of their medical limitations, and is deemed just because these persons are believed incapable of coping with society at large and all or most major life activities' (ibid).

The Social Model, as opposed to the Medical Model, looks at society as the problem. It defines disability 'as exclusively a political and social problem, to be analyzed as a result of oppressive relationships. It is not medicine that is needed but the transformation of society' (Combrinck 2008). The aim of the Model moves away from looking at the disabled person but instead focus on the disabling environment.

Social exclusion is not an inevitable consequence of disability; it is as result of discriminatory attitudes and a history of exclusion from institutions that have failed to adapt to the needs of the majority (...) Persons with disabilities are

therefore transformed from passive patients and welfare recipients to holders of rights that are enforceable by law, (ibid).

2.3 Social Exclusion and Social Inclusion

The preceding discussion highlighted the various interpretations of disability and how it should be addressed. The Medical model perspective of disability, does not see exclusion as a form of discrimination, a view that is contrasted by the Social model. In this section, we reflect further on the concept of exclusion and its implications in the disability discourse. The concept of social exclusion is open to be defined in various ways. Walker and Walker (1997 cited in Jones 2011: 64) defined social exclusion as the 'dynamic process of being shut out, fully or partially, from any of the social, economic, political or cultural systems which determine the social integration of a person in society. Social exclusion may therefore be seen as the denial (non-realization) of the civil, political or social rights of citizenship'. Teague and Wilson (1995 cited in Jones 2011: 64) on their part, look at social exclusion as 'a set of processes (...) by which individuals, households, communities or even whole social groups are pushed towards or kept within the margins of society, it encompasses not only material deprivation but more broadly the denial of opportunities to participate fully in social life. It is associated with stigmatization and stereotyping'.

Disability, depending on how it is interpreted, can therefore be a limiting factor in the enjoyment of social rights. Klasen (2001: 415) posited that 'it is well recognized that physical or mental disability generates a powerful barrier to the ability to interact with society'. The limited interaction with society becomes an impediment to recognition as full members of society which is further reflected into denial of some services. As such Klasen continued, 'the state has some obligation to reduce or remove these barriers' (ibid). Children are one of the categories affected by the barriers created by disability where the state is called upon to remedy their situation. A child is said to be suffering from social exclusion when it relates to the 'inability to participate in, and be recognised by society' (Klasen 2001: 419). If an education system cannot adequately cater for a portion of the population then it is exclusionary in practice (ibid).

The solution or part of it, then lies in taking steps to include the excluded groups. Inclusion is the principle that provides that 'whatever benefits accrue to members of a society are the heritage of people, not just those who are able-bodied' (Jones 2011: 57). Regardless of people's varied statuses, every person should be recognized as full members of the human family. Jones (ibid) further noted that 'the right to inclusion, requires that persons with disabilities are not merely seen but are heard and acknowledged'. For inclusion to work, Jones identifies three dimensions, i.e. non-discriminatory attitude, access to participation and facilitation of inclusion. Non-discrimination entails 'acceptance of difference and willingness to celebrate diversity; inclusion is predicated upon good interaction between people with and without disabilities'. Accessibility on its part reflects the articulation of the social model of disability which aims at eliminating restrictions that prevent inclusion. Lastly, facilitation of inclusion, enjoins establishing an environment that enables persons with disability to participate in society. For instance 'providing equipment or medicine, modified curriculum for intellectually retarded, audio format for whom reading is diffi-

cult. Facilitation of this sort makes a massive difference to the impact of disability and to the autonomy of the individual' (ibid: 60).

2.4 Disability and the Development of Inclusive Education

The form of education preferred for children with disabilities is by and large influenced by the perspective one interprets disability. As already pointed out, the individual discourse perspective of disability has been the driving force behind treating CWDs to a segregated education system. Proponents of this form of education portend that 'for children with some types of disabilities (for example those with deafness, blindness or both), small specialised units and schools are required in order to guarantee their right to education in the medium of sign language and access to deaf culture' (UNESCO 2006, cited in Combrinck 2008: 304). The rationale of segregation was however questioned, leading to another form of education called integration (Combrinck 2008). Integration entails 'bringing children with disabilities into mainstream school' (ibid: 304). It may take different forms, but the most cited example of integration is having small units for the disabled children attached to the mainstream school (ibid). Like segregation, integration has also come under criticism for, it requires 'that learners with disabilities need to change or become 'ready' for accommodation in the mainstream' (Balescut and Eklindh 2005; Stubs 2005, cited in Combrinck 2008: 305). This implies that instead of the school environment adjusting to the needs of the child, it is the child to adjust.

As a way of mitigating these ills that are largely associated with exclusionary practices as it is evident in the segregation and integration systems of education, the thinking has shifted to inclusive education. Citing UNESCO (2000b: 16), Peters (2009: 156) wrote that '[c]oncern about inclusion has evolved from a struggle on behalf of children "having special needs" into one that challenges all exclusionary policies and practices in education. . . . Instead of focusing on preparing children to fit into existing schools, the new emphasis focuses on preparing schools so that they can deliberately reach out to all children'. Inclusive education is meant to ensure that CWDs benefit as much as non-disabled children from education. Peters et al. (2005: 142) observed that:

the international community, through the Convention on the Rights of the Child (1989) and the EFA Framework for Action (2000), has recognized education as a fundamental right of all children and youth, and has committed to redress the exclusion of disabled children (and others). To address effectively this fundamental right and the exclusion of disabled children and youth, a commitment to system-wide change is necessary.

They further contended that '[t]he philosophy of Inclusive Education is based on the right of all individuals to a quality education with equal opportunity — one that develops their potential and respects their human dignity. These supports may include flexible curriculum for some students, adequately prepared teachers, and a welcoming school community culture that goes beyond tolerance to acceptance' (ibid). An inclusive approach to education portends that all children have the potential to learn without making reference to their differences. By enabling 'education structures, systems and methodologies to meet the needs of all children' (Combrinck 2008: 305), the focus shifts to the systems that must be arranged in such a way that all children with their var-

ied statuses are accommodated within the schooling system. ‘All children have a right to attend their local community school – this does not depend on the characteristics of the child or the preferences of the teacher’ (ibid).

Inclusive education was given a boost following the world conference on education for all. A UNESCO-organised conference in Salamanca, Spain in 1994 brought together senior education officials, administrators, policy-makers and specialists, as well as representatives of the United Nations and the Specialized Agencies, other international governmental organizations, non-governmental organizations and donor agencies (UNESCO 1994). The conference was mainly to further the objective of Education for All by considering the fundamental policy shifts required to promote the approach of inclusive education, namely enabling schools to serve all children, particularly those with special educational needs. The Salamanca Statement remains the most detailed and guiding international document on inclusive education. Article 7 of the statement provides that:

[t]he fundamental principle of the inclusive school is that all children should learn together, wherever possible, regardless of any difficulties or differences they may have. Inclusive schools must recognize and respond to the diverse needs of their students, accommodating both different styles and rates of learning and ensuring quality education to all through appropriate curricula, organizational arrangements, teaching strategies, resource use and partnerships with their communities. There should be a continuum of support and services to match the continuum of special needs encountered in every school.

The advocacy for inclusive education and its virtues notwithstanding, progress towards embracing it has been slow. Graves and Tracy (1998: 224) noted that ‘[i]n spite of the weight of educational research and ethical arguments, education systems have been slow to change. Most countries still have significant numbers of children with disabilities in special schools or special classes’. The continued segregation in education impacts negatively on non-disabled as much as it does for the disabled ones. Graves and Tracy contend that:

segregation in education not only disadvantages children with special needs and their families, but also their nondisabled peers. The latter are deprived of the opportunities to discover these children as peers and as friends and are encouraged to grow up with a correspondingly narrow view of the richness and diversity of humanity. They are also deprived of the benefits that flow generally from a more flexible and individual approach to education (ibid).

2.5 Rights-Based Approach to Education for CWDs in Uganda

This study adopts a Rights-based Approach as theoretical framework to analyse the CWDs’ right to education in the UPE framework. Before delving into the content and implications of the RBA, the section addresses the right to education in the international human rights law. The right to education enjoys a broad recognition in international human rights law, which demonstrates the magnitude of priority accorded to education. Relevant human rights instruments to consider in this regard include: the Universal Declaration of Human Rights, International Covenant on Economic, Social and Cultural Rights, the

Convention on the Rights of the Child, the Convention on the Elimination of all forms of Discrimination (Sepulveda et al. 2004: 292) and the Convention on the Rights of Persons with Disabilities.

Article 13 (1) of ICESCR recognizes the right of everyone to education. States parties agree that 'education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms' (Banning et al. 2004: 5). The article further provides in paragraph (2)(a) that 'with a view to achieving the full realization of this right primary education shall be compulsory and available free to all' .

Article 28 of the CRC recognizes the right of the child to education '(...) and on the basis of equal opportunity shall, in particular, make primary education compulsory and available free to all (...)' . Article 29 provides that 'the education of the child shall be directed to the development of child's personality, talents, and mental and physical abilities to their fullest potential (...); the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national, and religious groups, and persons of indigenous origin.'

Article 24 (1)(b) of the Convention on the Rights of Persons with Disabilities (CRPD), recognizes the right of persons with disabilities to education. It provides that 'with a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and lifelong learning directed to (...) the development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential' (Lang and Murangira 2009: 21).

The UN Convention on the Rights of the Child (UNCRC) is singled out as the first international human rights instrument to dedicate a provision on disability (Combrinck 2008). General Comment No. 9 (herein referred to as GC9), issued on 29th September 2006 by the Committee on the Rights of the Child (CRC), provides guidance and assistance to states parties in their implementation efforts to the realisation of the rights of CWDs. The GC9 covers various rights of CWDs but this section will mainly focus on its provisions in the realisation of the right to education of CWDs.

The GC9 enjoins inclusion of CWDs in mainstream affairs of society, when it provides in paragraph 11 that '[m]easures taken for the implementation of the rights contained in the Convention regarding children with disabilities, for example in the areas of education and health, should explicitly aim at the maximum inclusion of those children in society'. Inclusion of CWDs is therefore no longer an option upon States parties but a requirement in which they have to take whatever measures possible to ensure that CWDs are not excluded in service enjoyment.

The CRC enjoins states parties to keep accurate data on CWDs. The GC9 in paragraph 19 states 'it is necessary for States parties to set up and develop mechanisms for collecting data which are accurate, standardized and allow disaggregation, and which reflect the actual situation of children with disabilities. The importance of this issue is often overlooked and not viewed as a priority

despite the fact that it has an impact not only on the measures that need to be taken in terms of prevention but also on the distribution of very valuable resources needed to fund programmes'.

Related to budget allocation, the CRC charges States parties to 'undertake such measures to the maximum extent of their available resources' (paragraph 20 of GC9). No specific budget targets are set by the Convention although it states that 'children should be a priority' in resource allocation. It goes on to provide that '[r]esources allocated to children with disabilities should be sufficient (...) to cover all their needs'. Also, 'funding must also be ensured for other programmes aimed at including children with disabilities into mainstream education, *inter alia* by renovating schools to render them physically accessible to children with disabilities' (*ibid*).

Paragraph 62 of GC9 recognizes that:

[c]hildren with disabilities have the same right to education as all other children and shall enjoy this right without any discrimination and on the basis of equal opportunity as stipulated in the Convention. For this purpose, effective access of children with disabilities to education has to be ensured (...) The Convention recognizes the need for modification to school practices and for training of regular teachers to prepare them to teach children with diverse abilities and ensure that they achieve positive educational outcomes.

The right to education is therefore strongly anchored in the international human rights law, imposing binding obligations upon States Parties. Uganda is a state party to all abovementioned conventions (UHRC 2009), which brings us to the rights-based approach in which we assess Uganda's compliance with its obligations in the education for CWDs.

The Office of the High Commissioner for Human Rights which, as cited by Marks (2005: 28) defined a rights-based approach to development as 'a conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights'. Among the key elements espoused by the rights-based approach are: express linkage to rights; accountability; empowerment; participation; and non-discrimination and attention to vulnerable groups (*ibid*). RBA 'seeks to analyse inequalities which lie at the heart of development problems and redress discriminatory practices and unjust distributions of power that impede development progress' (OHCHR 2006: 15).

Efforts to realise the right to education therefore require integration of the human rights principles in the different phases of the programming, including assessment and analysis, programme planning and design, implementation, monitoring and evaluation (OHCHR 2006). RBA offers a mechanism that ensures that the rights-holders can claim their rights while the duty-bearers also fulfil their obligations to realise these rights. Save the Children (2005: 23) illustrated this aspect when it stated that:

rights-based approaches hold powerful people and institutions accountable for their responsibilities to those with less power. Rights based programmes support rights-holders - especially the poor, powerless and discriminated-against - to claim their rights. They have the potential to increase impact and

strengthen sustainability by addressing the underlying causes of violations of rights, and bringing about policy and practice changes to make a sustained difference to the lives of individuals, both now, and in the future.

The realisation of the right to education under a RBA sets benchmarks upon which assessments can be based. ‘The development of a human rights-based approach to education requires a framework that addresses the right of access to education, the right to quality education and respect for human rights in education’ (Das 2010: 34). Das (*ibid*) further noted that ‘the right to education requires a commitment to ensuring universal access, including taking all necessary measures to reach the most marginalised children’. This requirement enjoins duty-bearers to take steps to ensure that all children of school-going age attend school without discriminating against any.

2.6 Human Rights Obligations in Education

To realise the right to education, the State as a party to international human rights instruments is obliged to take measures to enhance the realisation of the right to education. With specific reference to the right to education, Wilson (2005: 106) called this framework the ‘4-A scheme of governmental obligations’ i.e. education should be acceptable, adaptable, accessible, and available. Under this arrangement ‘government should ensure that education is acceptable according to human rights principles, that it adapts to help realize them (and adapts to the individual) and that no barriers (real or metaphorical) block access and completion’ (*ibid*). From a disability perspective, the Social Model identifies the state as key player in addressing barriers caused by disability. Pinto (2011: 453) posited that ‘[s]ince it is society, not individuals that need to be “fixed” this [social model] approach emphasizes states’ responsibility in bringing about systemic and structural change aimed at eliminating barriers and obstacles and creating genuinely inclusive societies’.

The 4-A scheme of governmental obligations demands particular actions from the state and from A RBA perspective, the following issues demand keen attention in assessing state’s compliance with the obligation to realise the right to education for CWDs: How has the principle of non-discrimination been applied in education practices (see article 1 of CRC) e.g. admission of students? To what extent has the state committed its available resources to the realisation of the right to education for CWDs? Are the domestic laws and policies relating to the right to education, aligned to international human rights instruments? To what extent has the state considered reports/ recommendations of independent human rights monitoring bodies (see paragraphs 24 of GC9)? Have practical steps been taken by the state to involve other stakeholders in efforts to realise the right to education (see article 5 of CRC)? Answers to these questions would shade light on government’s commitments to its international human rights obligations, and will be key reference points in the next chapters.

Chapter 3: Universal Primary Education and Inclusive Education in Uganda

3.1 Introduction

This chapter presents the findings from the field on inclusion of CWDs in the main stream UPE education in Uganda. The findings reflect stakeholders' assessment of how inclusive education is being implemented. The stakeholders interviewed included officials from schools, Ministry of Education, National Curriculum Development Centre, Kyambogo University – Faculty for Special Needs Education and Rehabilitation; and Uganda Society for Disable Children. The interviews were mainly focussed on key features in the schooling environment that contribute to including CWDs in the mainstream programme.

In making sense of these findings, the chapter juxtaposes responses from the field with international standards to establish whether they meet RBA criteria for realisation of the right to education for CWDs. Reference is mainly be to the General Comment No. 9 of the Committee on the Right of the Child, Salamanca Statement and Framework for Action on Special Needs Education (hereafter referred to as Salamanca Statement), UNESCO Policy Guidelines on Inclusive Education (hereafter referred to as UNESCO Guidelines). The Salamanca Statement and the UNESCO Guidelines, though not binding upon States, are framed in human rights language and also carry universal recognition in the realisation of inclusive education.

3.2 School Admission Procedures

Uganda is a party to international human rights instruments that outlaw discrimination based on any grounds. Besides, domestic laws have been aligned with these instruments providing that all human beings are equal before the law and should therefore be treated equally without discriminating against any. This section analyses the admission criteria applied by the schools with regard to CWDs. Uganda's international as well as domestic human rights obligations referred to above, provide that all children regardless of their varied statuses should be admitted to school. The very first interest of the study in assessing the schooling environment for CWDs, was to establish the criteria applied in admitting children to schools. The underlying assumption was that some CWDs were denied admission in inclusive schools based on their disability status.

All the schools visited were found to use a form which is filled by the child's parent/guardian and is used by management on taking a decision on admission of the child. The form, among others, requires disclosure of whether a child has any form of disability. All the schools except one said that they admit all children regardless of the status and severity of children's disability. The admission was however found to be temporary, pending establishing the severity of the disability. Upon assessing the degree of disability, management then takes a decision to either retain the child or do otherwise. Reasons for not admitting children included: when a child is violent hence threatening the safety of other learners; when the form of disability requires a lot of attention yet it is not available at the school; when the infrastructural environment was not con-

ducive for CWDs e.g. the school terrain can't facilitate wheel-chaired children; and when the necessary equipment and assistive devices are not available at the school, among others.

In some cases the disabilities reported were actually not disabilities but instead ailments that required seeking medical attention. In such situations parents/guardians were advised to first take their children for medication. If it turned out that actually it was a disability then the decision to admit would depend on the degree of severity as already alluded to above. Other reported cases of disability would require services of a counsellor. The Ministry of Education's policy on admission is that all children should be admitted regardless of their different statuses. But as noted earlier, children with severe forms of disabilities were in most cases referred to special schools. Asked about how they arrive at a decision not to admit children with disabilities, all the respondents (teachers) said that the decision is made by the school in consultation with parents/guardians.

Mr. Negris Onen, Assistant Commissioner – Inclusive and Non-formal education, Ministry of Education and Sports, when interviewed on 10th August 2012 in his office at the Ministry of Education and Sports, said that the Ministry was aware of such decisions but that 'the position of the Ministry was that no one should be discriminated against as it contravenes the laws of Uganda which are against discrimination regardless of any grounds'. However, he added that sometimes one would appreciate the situation. For instance he asked, 'what would be the rationale of admitting a severely visually impaired child when on the teaching staff, there isn't even a single teacher with skills to use Braille'? He also faulted some managers of schools whose attitudes towards CWDs were the driving force to not admitting them. He noted that if other schools with the same facilitation do admit them, why should others turn them away?

The inadequacy of resources (both in human and financial terms) notwithstanding, the government's position on admission of CWDs is less clear. Government officials are 'sympathetic' to schools that turn away children with disabilities for lack of the necessary enabling environment to take on CWDs but at the same time claim that it is discriminatory to deny them admission. This illustrates the glaring gaps in and the lack of clearly set guidelines on the implementation of inclusive education.

3.3 Detection of Disability

The above discussion on admission of CWDs brings us to another key aspect of detection of disabilities upon which a decision whether to admit a child or not, is based. The DFID Guidance Note on improving access and quality of education for CWDs (referred to here as DFID Guide) provides that there should be provision of health checks and screening during admission to enable teachers to detect learners' special needs (DFID n.d). It is of paramount importance therefore that during admission, school authorities are able to detect whether among the admitted children there are some with impairments.

When asked about how they detected disabilities among their children, a Teacher at St. Jude Primary School said that 'there isn't any specific criterion we apply but we mainly rely on observation especially for physical impairments; and disclosure by parents for non-observable impairments like mental retardation, sickle cells, HIV/AIDS status'. The respondent added that for im-

pairments which can't easily be observed, it was not always easy to come by. He said 'most parents, either for fear of their children being denied admission or their children being stigmatized, do not disclose that their children have disabilities'. From these revelations, it is apparent that the schools lack the necessary expertise and equipment to detect disabilities and would admit children (or turn them away) without conclusive knowledge on their status. This demonstrates the degree of impertinence in which UPE programme is implemented. As noted earlier in the background information, UPE programme started way back in 1997 and no clear-cut criterion has been in place to detect disabilities to date.

3.4 Teacher Training

'Appropriate preparation of all educational personnel stands out as a key factor in promoting progress towards inclusive schools' (UNESCO 1994: 27). Teacher training is a valuable item in any learning environment and this is particularly crucial if the learners have situations that require specialized skills in imparting knowledge. Paragraph 41 of the Salamanca Statement provides that 'the knowledge and skills required [in an inclusive learning environment] are mainly those of good teaching and include assessing special needs, adapting curriculum content, utilizing assistive technology, individualizing teaching procedures to suit a larger range of abilities, etc.'. Across the board during my interaction with primary school teachers, they reported that teachers were not trained to deal with CWDs. The lack of training meant that children, with or without disabilities, were combined together and subjected to the same teaching methods without due consideration for CWDs.

Three of the four schools visited reported one teacher having undergone some form of training to handle CWDs; even then, the only trained teacher could have skills just in one or two forms of disabilities hence lacking the skills to handle others. Besides, it was revealed that the trained teacher was also still required to carry out other duties not necessarily relating to CWDs alone. In the Ugandan case, primary education consists of seven (7) levels (grades), implying that this only trained teacher is responsible for all children with special needs in all grades. As if this is not serious enough, classes under UPE are characteristically big with over 50 pupils. It is practically impossible therefore that one teacher can ably and adequately dispense his/her services to optimally deal with CWD's issues.

Uganda is privileged to have a university with a fully-fledged faculty on special needs education and rehabilitation. Kyambogo University offers courses on special needs education both at diploma and degree levels and this has been the case since 1988, when the Institute of Teacher Education Kyambogo began offering courses on special needs education. Despite the presence of this university, the number of teachers with skills to handle children with special needs is disappointingly low to meet the demand. Why is this the case? Mr. Stackus Okwput is a Lecturer in the department of Special Needs Education Studies. When interviewed on 23rd August in his office, he attributed the problem to resource constraint and lack of motivation for teachers handling children with special needs. He noted that:

to prepare a good teacher requires substantial time and resources. Resources have drastically reduced both at national and local government level. Some

officials at the district level including District Education Officers (DEOs), who play a key role in resource allocation at district level, do not understand or appreciate the concept of inclusive education and therefore funding for SNE rarely attracts the priority it should.

The declining enrolment is further compounded by the poor motivation of the teachers that qualify to handle children with special needs. Mr. Okwput further argued that:

little has been done by the government to motivate teachers who qualify with skills in SNE. Handling children with special needs comes with extra work. At one time the government had offered top-ups to teachers handling CWDs, this has never been implemented. What happens, many of these teachers, since they qualify with skills to handle both classes in the regular as well as special needs education, they chose to concentrate only on the former and abandon the latter.

3.5 Curriculum

The curriculum in an inclusive education setting should be adapted to suit the needs of all the learners. The Salamanca Statement devotes considerable attention on the nature of curriculum that should be used in an inclusive setting. The Statement provides in paragraph 28 that ‘curricula should be adapted to children’s needs, not vice versa’. Across the schools visited and the interviews conducted with selected teachers, respondents reported that the curriculum had not been adjusted to accommodate children with disabilities. Mr. Willy Turyahikahe, a Senior Man Teacher at St. Jude Primary School said that it was a responsibility of the teacher handling a combined class of both children with and those without disabilities, to ‘improvise’ and take care of CWDs. He said ‘in the end, only those that can cope will benefit because there is no way a teacher can improvise’.

It also emerged that the curriculum currently under implementation in most, if not all, UPE schools was more theoretical and exam-oriented. Ms. Abuku Beatrice, a Teacher at Kyambogo Primary School opined that ‘a practical-oriented curriculum would be ideal for CWDs’. Her position was echoed by another teacher at St. Paul Primary School, Mr. Haswa Ibrahim who said ‘Curriculum would be appropriate if it emphasized practical teaching. There is need for more practical skills than theory – knitting, weaving, carpentry, etc.’ Paragraph 30 of the Salamanca Statement provides that:

The acquisition of knowledge is not only a matter of formal and theoretical instruction. The content of education should be geared to high standards and the needs of individuals with a view to enabling them to participate fully in development. Teaching should be related to pupils’ own experience and to practical concerns in order to motivate them better.

The present design of the curriculum is more appropriate for the non-disabled children. This makes it hard for CWDs to participate actively. Although they may continue attending, it is unlikely that the knowledge and skills imparted in such an arrangement will have impact on their lives. Abosi and Koay (2008: 8) had the following to say on a vocational-oriented curriculum:

Education of children with disabilities should aim at assisting the children to acquire survival skills. This means that any curriculum that is designed for the

participation of children with disabilities must be vocational oriented. (...). The curriculum of an inclusive system should include training in skills such as carpentry, sewing, telephone operating, computers, art work, home economics, and music.

The curriculum was further found to be inflexible especially with regard to the design and management of timetables. When interviewed Ms Abuku Beatrice added that 'during exams, the timetable does not take care of CWDs yet in ideal situations a child with special needs would need more time for instance, to accomplish the same assignment done by a non-disabled peer'. The UNESCO guidelines on inclusive education provide that:

an inclusive approach to curriculum policy has built-in flexibility and can be adjusted to different needs so that everyone benefits from a commonly accepted basic level of quality education. This ranges from varying the time that students devote to particular subjects, to (...) allowing more time for guided classroom-based work.

3.6 Facilities

Apparently, adaptation of education under the UPE to suit needs of CWDs cuts across many key aspects. As the curriculum requires modification to accommodate CWDs so are the facilities. Paragraph 33 of the Salamanca Statement thus provides that 'appropriate and affordable technology should be used when necessary to enhance success in the school curriculum and to aid communication, mobility and learning'. Through the interaction with teachers it was revealed that generally the environment supportive of CWDs was non-existent. For instance in three of the schools visited, toilets were only favourable for non-disabled children. There was no Braille for sight-impaired children. The physical infrastructure remained as it was before the introduction of inclusive education i.e. no ramps, no pathways for wheel-chaired pupils, among others. Ms Betty Nalubega – Deputy Head teacher of the Ntinda Primary School revealed in an interview that 'the school as it was constructed in 1954 has never undergone any modification necessary to facilitate learning for CWDs'.

Only one school, with earlier support from donors, had modified toilets, a customized classroom (used as a preparatory class for CWDs before they could be integrated in inclusive classes). Ms Beatrice Abuku said that all this happened when the donor support was still coming and since the cessation of donor support, no repairs have been done to the building and some of the equipment that was procured has since rusted. Without assistive devices, which are a must for disabled pupils, their continued participation means nothing to them in terms of acquiring skills. What is evident here is the lack of response from the government to ensure that the environment supports learning of all children. These findings generally reflect the status of disabled children elsewhere in the country. In a study conducted by the Uganda Society for Disabled Children, one child with visual impairment is quoted to have said

I have never seen or touched a skeleton yet I am required to explain what a skeleton is in the examinations' (USDC 2003: 53)

3.7 Grant to cater for SNEs

The DFID Guide says that there should be '[provision of] stipends to encourage enrolment, attendance and achievement of children with disabilities. These can be financial or in form of uniforms, textbooks or stationery' (DFID n.d: 17). Respondents were asked if there was a grant from the Ministry of Education in support of education for CWDs. Two of the schools which had a sizable number of CWDs admitted receiving a grant, the amount of which was commensurate to the number of CWDs a school may have at a time. Kyambogo primary school, which had a population of 43 CWDs at the time of the study, was receiving Ugandan Shillings 650,000 – 800,000 (about 265 – 330 US\$). Asked about the purpose of the grant, it was said that the money was meant for buying a First aid kit, light meals (like porridge) and buying playing materials.

A question was put to the Assistant Commissioner to get a clue on the effectiveness of the grant. His response corroborated with findings from the schools on the purpose of the grant i.e. provision of light meals like porridge, buying a first aid kit and purchasing instructional materials that may include coloured drawings, manila papers, coloured pencils, markers, etc. With regard to the effectiveness of the grant, he said 'the amount remitted is over and above what the Ministry gives to schools under the general implementation of the UPE programme, hence enough for the purpose it is meant for'.

To gauge the effectiveness of this remittance, it would be necessary to make a comparison between the grant remitted and the various needs of CWDs in a learning environment. As noted in the preceding sections, an environment that facilitates learning for CWDs is currently non-existent in most UPE schools, manifested in the absence of assistive devices, un-conducive physical infrastructure, and a non-aligned curriculum to cater for CWDs, to mention a few. The Assistant Commissioner's assessment of whether the amount remitted was effective or not, was in comparison with what the Ministry remits for the implementation of UPE, which ideally shouldn't be a unit of measurement. The needs of CWDs in an education system that responds to these needs are over and above what the Education Ministry remits.

3.8 Lack of clarity on Education for CWDs

Besides the myriad of inadequacies curtailing inclusive education, there are also contradictions on the standpoint of the government on education for children with disabilities. The Draft Policy (MoES 2011: 19) provides that 'some special learning needs may require specific setting; in such cases, guidance will be sought from SN&IE experts. The overall decision to shift to another or other schools will be the choice of the parent'. Although the Policy hasn't been adopted and therefore cannot be addressed as an established policy, the same position is reflected in other laws. For example the Persons with Disabilities Act (2006), Section 5 on education provides that 'Government shall promote the educational development of persons with disabilities through the establishment of special schools and units, where inclusive education is not possible'. The question that merits asking is whether this stance embodies scepticism among government organs on the implementation of inclusive education? Firstly, the stance is in contradiction with Uganda's international human rights obligation especially the CRPD which expressly recognises inclusive education

(see article 24). Secondly, the stance breeds confusion as to which direction the country is taking on education for CWDs. Nowhere is the lack of clarity on inclusive education more expressed than in a Disability Scoping Study. The following excerpt was quoted from the report:

at an event attended by the President of Uganda, leaders of the disabled people's organizations lobbied for the extension and building of more special schools, in the belief that children with disabilities receive a far better education in such environments than in mainstream schools. Subsequently, the President issued a Decree sent to the Ministry of Education and Sports to build more special schools (Lang and Murangira (2009: 22).

Although this study did not establish the authenticity of this allegation and also establish whether such a decision has had policy implications with regard to the realization of inclusive education for CWDs, this kind of mentality would be retrogressive in efforts to improve education for CWDs. Lang and Murangira continued:

Therefore, Uganda's education policy with respect to disability is in a state of hiatus and confusion. On the one hand, the Government is committed to the principle of inclusive education, (evidenced by the ratification of the UN Convention and the adoption of a universal primary education policy). On the other hand, it is clear that some people with disabilities and their representative organizations are pressing for more special schools to be built (ibid)

With these contradictions, it becomes unclear whether the inability by the government to establish an enabling environment in which CWDs can meaningfully participate in education, is deliberate to frustrate meaningful inclusive education or other factors come into play.

3.9 Legal and Policy Implementation

The government of Uganda is a State party to a number of international human rights instruments (UHRC 2009), and has also enacted legislations and drafted policies that further enjoyment of rights by among others, the persons with disabilities, (Lang and Murangira 2009). The biggest challenge has been implementing these laws and policies. Taking the example of disabled children and their enjoyment of right to education, the provisions expressed in these instruments, legislations and policies are not reflected in the lives of children they are meant for as this study has attempted to demonstrate.

Hon. Safia Nalule is a Member of Parliament representing persons with disabilities. Parliament is responsible for making laws in Uganda. In a phone interview conducted on 23rd September 2012, I sought her views on the slow implementation of laws in Uganda especially laws pertaining to persons with disabilities. She blamed the slow implementation on enacting laws without sanctions, implying that implementation is left to the discretion of individuals especially technocrats in the line Ministries whether to implement a particular law or not. Specifically on the Persons with Disability Act (already referred to above), she cited Ministry of Gender, Labour and Social Development for stifling the implementation of the Act. The Act, if implemented, has progressive provisions ranging from teacher training, budgetary allocations, to curriculum

modification, that would facilitate inclusive education for CWDs. To date, the Act remains unimplemented. The Hon. MP said on Act that:

the Act, before being signed into law, was presented to Parliament as Private Members Bill without the blessing of the line Ministry. Although it was later passed, the Ministry that was opposed to its passing into law, is the same Ministry that is supposed to make regulations for its implementation. To date, the Ministry has not come up with regulations for implementation. Had the Act been enacted with sanctions, perhaps the situation would be different.

The views of the MP relate to lack of political will in the implementation of laws. The nature of enacting the law, whether presented as a Private Members Bill or not, apparently shouldn't be a stumbling block in the implementation of the law. From a rights perspective government is obliged to enact laws that facilitate the enjoyment of human rights. Government is also required to domesticate international instruments upon ratifying them.

The government also came up with a White Paper on education (1992) whose emphasis was on the development of education in Uganda. Among its provisions, the Paper provided for 'total inclusion of persons with disabilities in mainstream schools, rather than segregation in regards to the Universal Primary Education system [sic]' (USDC 2003: 29). However this Paper, as Mr. Stackus Okwaput observed when interviewed, has never been discussed and its provisions never operationalized.

The government's sluggish response to implementation of legislation has not only been at the local level but the same response equally applies to its international obligations specifically the reporting obligations. The government has been steadfast in ratifying but slow to report on its progress in the implementation of these instruments. Uganda like any other states parties to UN treaties, is obliged to submit initial and periodic reports to treaty bodies (see article 44 of CRC). For example the government is yet to submit its initial report on ICESCR, 25 years after its ratification, while for the CRC, government last reported in 2004, and the initial report for CRPD was due in 2010 but was never submitted (UHRC 2011). The inability by the government to submit these reports creates a vacuum to have its progress in implementation of international human rights obligations scrutinized and also to be guided where necessary by the UN specialized bodies.

Arts wrote 'to be seen to be meeting their CRC obligations, all governments will have to provide credible arguments [before the UN Committee on the Rights of the Child] substantiating that they have mobilized the best available budget within their means' (Arts 2010: 16). Although Arts was specifically addressing budgetary issues, state reporting would yield similar results where a State reports on various issues in the convention under review. Therefore where a State is defaulting on its reporting obligations, as in the case of Uganda, assessing whether the government's current efforts in enforcing rights are on course, is shrouded with ambiguities without expert analysis by the UN treaty bodies. Practical recommendations to remedy the shortcomings/ challenges in enforcement of human rights can only be made with a clear sketch of the prevailing circumstances, which is difficult at the moment without comprehensive reporting by the government.

3.10 The role of Independent Monitoring Bodies

The Convention on the Rights of the Child recognises the role played in the promotion and protection of the rights of the child by independent national human rights institutions (see paragraph 24 of the GC9). The Uganda Human Rights Commission (referred to here as Commission) is the national body with the mandate to promote and protect human rights in the country (article 52 of the Constitution of Uganda). Among other functions, the Commission is mandated to monitor government's compliance with its human rights obligations (*ibid*).

Ms Priscilla Nyarugoye is Senior Human Rights Officer in charge of the Vulnerable Persons Unit of the Commission. In a phone interview on 24th September 2012, I asked her what the Commission, as a monitoring body, has done with regard to the realisation of the right to education for CWDs. Her response referred to, among others, the establishment of the Vulnerable Persons Unit (VPU) whose role is to monitor government's compliance with its treaty obligations specifically treaties relating to vulnerable persons like the CRPD. The VPU covers various vulnerable persons' issues, asked specifically what it has done with regard to CWDs' right to education; Ms Nyarugoye had the following to say:

[The Commission has] advocated for more funds to be allocated for special needs. In the 2011 Annual Report a chapter was devoted on Budget analysis for the education sector, [in which] it was established that the number of children with special needs both in primary and secondary was reported to have increased by 11.9% and yet the special needs sub-sector had continued receiving minimal funding. [The Commission also] advocated for increasing the number of teachers trained in special needs; promoting physical accessibility to the learning/teaching environment in schools. The commission specifically provides technical skills in the Human Rights Based Approaches (HRBA) which focus on influencing its partners i.e. government, NGOs and private sector to plan and budget from a human rights perspective most especially to mainstream disability in their work.

While the Commission appears to be doing a pivotal role especially in advocacy, its recommendations have largely gone unheeded by the government. Most of the recommendations quoted above and in light of the earlier analysis in this chapter, have not been implemented. Accessibility, teacher training in special needs education, budgetary inadequacies, are still hampering inclusive education efforts.

3.11 Conclusion

This chapter has tried to present the implementation of the UPE program and what it implies for the realisation of the right to education of the CWDs. The striking reality is that inclusive as it may sound, accommodation of CWDs in the present implementation of the UPE programme is far from real. The key duty-bearer, the government, appears to be indifferent to what is happening. The schools implementing the UPE programme, some were constructed over 50 years ago, have never undergone any modification to be relevant to the needs of CWDs. Conventions have been ratified, legislations enacted and policies passed, however there isn't much to show to reflect the provisions therein.

The special needs education sub-sector can barely do anything with the meagre allocations of below 1% of the Ministry of Education budget (further discussion on the budget in next chapter).

Chapter 4: Enhancing the Right to Education for Children with Disabilities

4.1 Introduction

In the preceding chapter, I sketched the current schooling environment for CWDs under the UPE programme. It is evident that the current UPE implementation framework is riddled with a myriad of challenges. If these challenges will not be addressed, the right to education for CWDs as espoused from a rights-based perspective, will remain illusory. This chapter continues with the analysis of the research findings and additionally makes suggestions on how the realisation of the right to education for CWDs can be enhanced.

4.2 School Admission in Practice

It was earlier noted that CWDs are discriminated against in admission. This runs contrary to the law, both domestic and international. To address this anomaly, The Assistant Commissioner pointed out that ‘the Ministry through its function of monitoring tries to ensure that such practices, where schools act in contravention of the law, are not allowed but are always constrained in terms of human and financial resources to be able to curb the practice’. Also, in a bid to strengthen the inspection function, the Ministry came up with the arrangement to have Inspectors in charge of SNE at division/district levels to supervise and sensitise schools on the implementation of special needs education.

It was however found out that the inspectors’ supervisory work was hardly felt by the schools they were meant to serve. One teacher for example observed that ‘it is not uncommon to spend an entire term or even two terms without seeing this official’. The Assistant Commissioner, in support of the SNE inspectors, added that ‘originally Inspectors in charge of SNE were based at Division/district level but later on, the decision was decentralized so that every school had a teacher responsible for SNE’. This seems to imply that the teacher at every school responsible for SNE would carry out some of the duties of these division/district inspectors although they were not a replacement.

Whereas the Ministry of Education and Sports is contemplating to strengthen the supervisory function of the Ministry (as the Assistant Commissioner posited) to address the discrepancy in admission, the present challenges at schools implementing the UPE programme transcend supervisory needs. Strengthened supervision is indeed needed, however, it would be half-work done to have supervision strengthened while the very endemic circumstances that prompt exclusion of CWDs in admission are not keenly considered. If, as the Assistant Commissioner observed, non-admission of CWDs is sometimes as a result of lack of the necessary facilities to cater for them, then the onus is on the government to take the necessary measures through equipping schools with the needed materials to enable them do their work.

4.3 Teacher Training Issues

The human rights obligations in education (discussed earlier in chapter 2) entail, among others, adapting education to the best interest of each child. With reference to teacher training, adapting education to the needs of CWDs would translate into having teachers with the competence to offer a pedagogy which responds to the needs of these learners. In the Draft Policy on special needs and inclusive education (hereafter referred to as Draft Policy), Kyambogo university is credited for having ‘conducted in-service and distance education learning programs for teachers in Diploma and Degree levels’ (MEoS 2011: 8). The Policy continues: ‘however the university needs to expand these programs so as to empower as many teachers as possible to acquire the necessary skills to support children with diverse learning needs’ (*ibid*).

While the government wants the university to expand the programmes, what is missing is the corresponding commitment by the government to increase financial support to the university to fulfil its (government) objective. How else can the university empower as many teachers as possible amidst marginal financial support? Asked whether the university receives preferential support because of its unique services to the public in form of bursaries and scholarships to students specialising in special needs education, Mr Okwput noted that:

between 1993 – 2003, almost 95% of the students offering courses in special needs education were government-sponsored. Then, the Uganda National Institute of Special Education (UNISE), before it became a faculty under Kyambogo University, was receiving direct funding from the government. From 2003 however funding reduced considerably. Today, below 10% of the number of students admitted to the faculty, do stand any chance of being admitted on government sponsorship. With the majority of admissions having to be privately financed, the number of students enrolling is less than it used to be.

A rights perspective to funding would require examining how resources are devoted to programmes with a trickle-down effect to children. Paragraph 20 of the GC9 provides that ‘[r]esources allocated to children with disabilities should be sufficient (...) to cover all their needs, including programmes established for training professionals working with children with disabilities such as teachers’. Kyambogo is such an asset in the education of CWDs in Uganda but without affirmative action to funding, the university will continue being underutilized at a time of great need of its services.

During interviews with primary school teachers, it also emerged that training of teachers while at training colleges should be inclusive. The suggestion would imply that all teachers qualifying as teachers have all round knowledge and skills to deal with children in all situations. Asked about the orientation of the courses offered at Kyambogo University and how possible it would be to have an inclusive curriculum, Mr. Okwput said:

inclusive training for teachers has been in place since 1998 when a diploma program was introduced in which all students would graduate with skills and knowledge to handle all impairments. This however is being revised to emphasise specific areas (disabilities) to specialise in. The decision is based on information from beneficiaries, that it is better to specialise in a particular impairment, as opposed to having a general curriculum’.

If adopted, the revised curriculum will have wider implications on the training of teachers. At the moment, the country is grappling with a challenge of inadequately qualified personnel to implement an inclusive curriculum, yet there is less emphasis on whether teachers have all round skills to handle CWDs.

4.4 Curriculum

No adaptations on the curriculum to correspond to the needs of an inclusive arrangement have been undertaken, as earlier reported, and teachers are required to improvise so that they can bring CWDs on board while conducting lessons in inclusive classes. This mechanical way of handling classes cannot facilitate meaningful learning. Leaving the curriculum to be decided at the discretion of teachers is counterproductive, instead there should be well-elaborated procedures detailing how knowledge and skills should be imparted. The Salamanca Statement provides that ‘schools should provide curricular opportunities to suit children with different abilities and interests’ (*ibid*).

The absence of an adapted curriculum is further compounded by a more theoretical-oriented curriculum. The Draft Policy admits that ‘there is no adopted curriculum to guide implementers of vocational training of learners with special needs’ (MoES 2011: 9). The policy further provides that ‘(...) there is need to ensure that all the learning material is friendly to each individual learner. The adaptation of the curriculum shall hence be observed for relevant levels’ (*ibid*: 21). This latter provision of the policy is less precise as it does not clearly spell out whether the adapted curriculum will also take care of vocational needs of some learners.

The Draft Policy identifies the National Curriculum Development Centre (NCDC) as a key institution in the realization of inclusive education, whose responsibilities include, among others: ‘designing, reviewing and adapting the curricula to suit special needs education; orienting teachers on designing and using special needs instructional materials and equipment in SNE; orienting teachers on curriculum adaptation and implementation’ (MEoS 2011: 28). In an interview Ms Rosert Kemizano, Curriculum Specialist – Special Needs Education at the National Curriculum Development Centre, was asked about having a vocational-oriented curriculum, in which she acknowledged the exam-orientation of the current curriculum but added that:

There are efforts for trying to make it more practical but it will take time to make it a reality. Our community is already brainwashed thinking that passing examinations is everything. (...) children with special needs find it difficult but there is no way out because that is the trend.

If the Curriculum Specialist’s position is anything to go by, it is a further evidence of the need to involve the community in the implementation of programmes for CWDs. By involving them, an opportunity is availed to bridge the gap by elaborating some of the misunderstandings that still obscure CWDs’ enjoyment of their social rights where they suffer immense levels of exclusion. Efforts will have to be taken to sensitize communities on wide-ranging disability issues.

4.5 The Resource Factor

Across the interviews with the various respondents the issue of inadequate finances emerged as one single and constant factor, ranging from procuring assistive devices for children with special needs; aligning the curriculum to suit the needs of these children; training of teachers; to modifying physical infrastructure; to mention a few. These aspects directly or indirectly impede progress in the realisation of the right to education for CWDs. The importance of resources in the realisation of human rights needs no elaboration. 'If a government is unable to raise revenue so as to be able to comply with its human rights obligations, human rights guarantees become illusory' (Tomasevski 1997: 240, cited in Deacon 2000: 35, cited in Sayed and Soudien 2003: 16). Lack of resources erodes the capacity of developing countries to spend on the realisation of human rights especially social and economic rights whose realisation is pegged on availability of resources. Some writers have gone to the extent to express their pessimism about meeting international human rights obligations amidst inadequate resources. In his analysis of the provisions of UN Convention on the Rights of the Child on inclusive education, Carl Parsons wrote:

[t]hese principles are aspirational, and they are unattainable in some of the world's poorest countries without significant and scarcely imaginable global redistributions of wealth. The inclusion of all in mainstream education is probably idealized and unattainable. It is a position that takes no account of limited economic resources, (Parsons 2005: 200).

Uganda being a poor country, one would be forgiven to render credence to the fears expressed above on enforcing human rights obligations in poor countries. Is the international human rights law therefore oblivious of these contextual issues of states' ability to realise human rights? Article 4 of the Convention on the Rights of the Child provides in part that 'States parties shall undertake such measures to the maximum extent [best available budget] of their available resources'. This provision thus does not require standardised outcomes among States parties with regard to implementation of the Convention, instead to realise human rights in light of the available resources. Arts (2010: 16) wrote that the 'Convention [on the Right of the Child] seeks to accommodate diversity in assigning differentiated implementation obligations, essentially determined by the implementation capacity of states'. Arts further noted: '[c]are for disabled children is also to be provided subject to available resources (...)'.

How should Uganda's marginal performance in the realisation of the right to education for CWDs thus be explained? Looking at figures of the past three financial years, as shown in the table below, just a paltry of resources (below 1%) has been allocated to special needs education. This is happening against the background that 10% of the education budget should be allocated to cater for the needs of children with special needs, according to the Persons with Disabilities Act (2006) (MoES 2011).

Table 1: Special needs budget allocation in the MoES

Financial year	Education budget	Amount allocated in billion UGX	% of education budget
2009/2010	177.674	0.470	0.075
2010/2011	206.271	1.307	0.63
2011/2012	155.443	1.217	0.78

Source: UHRC

With the meagre allocations to special needs education under the special needs education sub-sector, the implementation of inclusive education with its attendant requirements is almost impossible. Paragraph 10 of the Maastricht Guidelines provides that ‘resource scarcity does not relieve States of certain minimum obligations in respect of the implementation of economic, social and cultural rights’. Although the Maastricht Guidelines specifically relate to the implementation of the ICESCR, the subject under study, i.e. education, falls under the category of social rights and its realisation largely hinges on the availability of resources.

It is illusory to believe that inclusive education can be actualised without spending the necessary required resources to establish the learning environment for CWDs. Assistive devices such as Braille and hearing aids, for instance, are a must for children with visual and hearing impairments respectively, to facilitate their participation in a learning process. The government hasn’t demonstrated that such resources do not exist but instead it is resource allocation which is problematic. The government is reminded that it has a duty under international law to abide by the obligations it took on by ratifying conventions like the CRC and CRPD, and it is expected to take all possible measures to ensure that these obligations are met.

4.6 Legal/Policy Reform and Reporting Mechanisms

Having laws and policies that contradict Uganda’s international human rights obligations defeats the very purpose the state undertook to ratify such instruments. It is a requirement that such laws and policies are repealed to rhyme with human rights standards. A case in point is the Persons with Disabilities (PWD) Act which was enacted before the UN adopted the Convention on the Rights of Persons with Disabilities (CRPD). A closer look at the provisions in the Act exposes that some contradict the CRPD. For example, while the CRPD expressly recognizes inclusive education for all learners without distinction on the basis of disability, the Act instead provides that in some situations there may be a ‘need’ to keep disabled children in segregated (special) schools. The Draft Policy too reiterates a similar position of the Act. The Uganda Human Rights Commission has recommended before that the PWD Act be amended to align its provisions with the CRPD but to date no tangible progress has been registered in this regard (UHRC 2009).

The government needs to take these recommendations seriously because the presence of such laws and policies sows discord in efforts to realise the rights enshrined in international human rights instruments. Legal and policy reform should be supplemented with robust reporting by the state on its human rights obligations. Only then can the current practices and efforts be au-

dited to measure Uganda's compliance with international human rights obligations.

4.7 Facilities

From this study it is evident that, although the government embraced an inclusive education system at least in theory, little has been done to make the necessary reforms that should have come with embracing such a system. Since the inception of the programme, the curriculum, facilities and physical infrastructure, among others, have not undergone the kind of modification that would enable CWDs to participate meaningfully in the UPE programme. As such CWDs have been treated to standardised procedures/processes of implementation of the UPE programme. Non-adaptability of the schooling environment contravenes Uganda's obligations as regards the right to education. In the current environment, education for CWDs is neither acceptable nor accessible, which is a further violation of the right to education.

The government needs to embark on conscientious planning in which the rights in education for CWDs are taken care of. It is laudable that the government drafted a policy on inclusive education which isn't passed yet. However, it is important to note that the government has also had a history of drafting policies and enacting laws without taking steps to implement them. Cases in point are the Education White Paper (1992) and the PWD Act (2006), among others, whose provisions are yet to materialise. The government should expedite the assent and implementation of the policy on inclusive education, taking into account the aforementioned recommendation to align its provisions with international human rights instruments such as the CRPD. With a policy in place, there will be tangible targets against which progress can be measured.

4.8 Community and Parental Involvement

Community members in general and parents in particular have a critical role to play in the education of CWDs. Most aspects relating to stigmatization of persons with disabilities stem from communities (USDC 2011). This implies therefore that any efforts meant to improve service delivery for persons with disabilities in general and CWDs in particular should labour to involve communities and parents. In this particular study, it has been found out that parents were ironically a stumbling block in the wider spectrum of attainment of education for CWDs. In one particular aspect, for instance in admission of children to school, parents were found not to cooperate with school authorities. Yet this cooperation is crucial in helping to take the right decision serving the best interest of the child.

Article 5 of CRC recognises the responsibilities, rights and duties of parents and community to provide appropriate direction and guidance in the exercise by the child of the rights covered in CRC. Paragraph 59 of the Salamanca Statement provides in part that 'the education of children with educational needs is a shared task of parents and professionals. A positive attitude on the part of parents favours school and social integration'. The statement further notes that 'parents need support in order to assume the role of a parent of child with special needs. The role of families and parents could be enhanced by the provision of necessary in simple and clear language' (ibid). Community

and parental participation can be enhanced with specific programmes e.g. sensitisations, undertaken to involve them.

4.9 Inclusive Education: The Views of a Civil Society Organisation

The implementation of inclusive education in the lens of government's current efforts under the UPE enterprise would prompt one to think that it is a system more idealised than practical. Tangible progress remains to be seen. Yet in the eyes of a civil society organisation that has ventured in the area of inclusive education, it is feasible and realisable. The Uganda Society for Disabled Children (USDC) is an NGO which has been working on disability-related issues in Uganda for over 20 years. USDC has been implementing an inclusive education campaign.

Ms Dolorence Were, who is USDC's Executive Director, in an interview on 14 August 2012 at her office, when asked how the USDC had gone about inclusive education, stated that inclusive education can be achieved, if preceded by the necessary planning. She also said that there are demonstration schools in each region of Uganda where the USDC has constructed schools, equipped them, trained teachers and carried out sensitisation of the communities. She said that if the government can replicate what USDC has done, there is nothing that can stop inclusive education from taking shape. The main challenges to inclusive education that she identified were the negative attitudes in communities about which government has not done much; delays in passing and implementing policies; and corruption in government departments.

For better results, the government should therefore interest itself in partnering with civil society organisations. The scenario presented by the USDC shows that with proper planning inclusive education is attainable. Through sharing knowledge and best practices, especially on how the demonstration schools have been able to work, inclusive education will be strengthened within the mainstream education and the realisation of the right to education will be given a huge boost which is glaringly lacking at the moment.

4.10 Conclusion

In this chapter, it has been demonstrated that with focussed planning on the part of the duty-bearers, inclusive education can be achieved. The current efforts are characterised by indifference among those in whose hands the responsibility to implement inclusive education for CWDs lies. Government needs to focus keenly on the policy and legal framework, budgetary allocations, involvement of a host of stakeholders – including civil society, communities and parents, among others. With such efforts and synergies, no doubt meaningful inclusive education will be achieved.

Chapter 5: Concluding Observations

This study set out with the main objective to analyse the record of the UPE as an inclusive programme in Uganda, to include CWDs in its implementation so as to contribute to the realisation of their right to education. To assess the UPE programme's responses to issues concerning inclusivity of CWDs, the study focussed on: the realisation of the right to education and what this means for CWDs in Uganda; assessing the effectiveness of the UPE programme in including CWDs; and lastly, on exploring how the realisation of the right to education for CWDs in Uganda can be enhanced.

To recap some of the key discussions in this study, there exist various models of understanding and addressing disabilities as already referred to and discussed. The Medical/ Individual model of disability locates the barriers of disability within the individual. The Model provides for medication as a solution to addressing the barriers of disability. The exclusionary practices in which persons with disabilities are put in secluded environment, e.g. special schools, stem from the articulations of the Medical model. The Social Model on its part locates the barriers created by disability in the society. The model posits that it is society that fails to transform itself so as to accommodate persons living with disabilities. For instance '[w]hen a facility is being built, there is no reason why it cannot be designed with the needs of mobility-impaired people in mind' (Jones 2011: 75). With a disability-conscious society, it is possible that persons with disabilities can live in inclusive settings without being discriminated against.

The specific focus of the study on education also led to exploration of the different forms of education preferred for CWDs. The study looked at segregation in education which reflects the Medical model propositions, and claims that CWDs stand to benefit more in separate arrangements. The practice has however been found to be discriminatory against CWDs. Integration was yet another form of education discussed in this study in which CWDs learn in separate units attached to mainstream education systems. The practice has also been discredited for 'requiring' CWDs to adapt themselves to inclusive settings before they can be accommodated. The weaknesses and criticisms of these practices (segregation and integration) led to the new of thinking of inclusive education. It stems from the Social model and in practice portends that CWDs have the potential to learn in inclusive settings as long as their peculiar needs are taken care of. Inclusive education resonates the language expressed in human rights instruments especially the principle of non-discrimination in the enjoyment of human rights.

Against this background, the study adopted the rights-based approach as a framework to analyse the right to education of CWDs in the UPE framework. State obligations in education are summed up in what Wilson (2005) called the '4-A scheme of governmental obligations' in which education must be accessible, adaptable, acceptable and available. To meet these obligations a rights-

based analysis requires the state to take particular steps. This study looked at legal and policy frameworks; government commitment to implement its obligations; budgetary allocations to the education sector particularly the special needs education sub-sector; government's responses to observations and recommendations of independent human rights bodies, among others.

In assessing the effectiveness of UPE in including CWDs, this study has demonstrated that CWDs in Uganda continue to face exclusion in education. This study has shown that efforts that would genuinely engender an inclusive education are glaringly absent in the current spectrum of UPE implementation in Uganda. The state obligations referred to in the preceding paragraph have not taken hold. Adaptability of the education system through aligning the curriculum to cater for CWDs; modification of the physical infrastructure to respond to the situation of CWDs; having trained teachers with competence to deliver a pedagogy relevant for CWDs, among other things, only remain to be theorized about in the current arrangement. To enhance the realization of the right to education for CWDs, the state will have to take an active role as prescribed in a rights-based framework.

5.1 Conclusion

Human rights apply to all peoples around the world, regardless of whom they are and where they live (...) All human rights are of equal importance and all are equally essential for the dignity and worth of the person. In other words, no right can be really achieved if all others are not similarly guaranteed (Pinto 2011: 451).

I wish to conclude this paper by reflecting further on the above quote. As espoused by the Universal Declaration of Human Rights several decades ago, all human beings are born equal in dignity and rights (see article 1 of UDHR). This provision is also mentioned numerous times in a host of other international human rights instruments, yet the practice of it, points in the opposite direction. The status of an individual shouldn't be a basis for a differentiated treatment if such treatment is not an act of affirmative action meant to better their affairs. This study analyzed the participation of CWDs in the UPE programme in Uganda. While the programme started broadly to take care of the needs of all children, the practice has however negated its all-inclusive label in which particularly the CWDs have had their needs in education not adequately attended to. CWDs have been excluded from meaningful participation in the programme through non realignment of UPE implementation to the needs of the beneficiaries. The present environment for CWDs as highlighted in this study, portends a dim response from the state in the realization of the right to education for CWDs.

A schooling situation with an enabling environment for CWDs to participate meaningfully is virtually non-existent in Uganda. This is consistent with

Pinto's general observation that '[d]espite being included in theory in the dispositions of existing human rights instruments, in practice people with disabilities have been denied the rights and fundamental freedoms enjoyed by all others' (Pinto 2011: 452). The government of Uganda is legally obliged to meet its international human rights obligations and therefore required to take practical measures to ensure that individuals, particularly CWDs, enjoy their rights as the rest of the population. This study began by emphasizing the importance of education in a person's life. The same call is reiterated here, reminding the government of its noble duty to take all possible measures that will guarantee education for CWDs, a type of education that will serve to improve their lives and enable them to lead a dignified life like any other members of the human family.

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Appendices

i. Interview Guide – School level Interviews

1. What is the entire school population and of these how many can be categorised as CWDs?
2. During admission do you carry out tests to ascertain the different disabilities children may have?
3. During admission are there children with specific forms of disabilities that are turned away?
 - a. If yes, is the decision done by the school or there are other authorities you involve?
 - b. Name the specific forms of disabilities that are turned away and why do you turn them away?
4. What is your assessment of the schooling environment for CWDs under the UPE programme with regard to:
 - a. Teacher training
 - b. Curriculum
 - c. Facilities
5. Do you get any specific support from the government to take care of the needs of CWDs in form of e.g. grants?
6. Are there any supervisory services you get from the government in the implementation of inclusive education?
7. What are the strong areas for success of inclusive education under UPE?
8. What specific challenges/constraints do you face in fostering inclusive education for CWDs?
9. What can be done to make schooling environment better for CWDs to maximise their learning potentials?
10. In your own view what is your projection for the future of inclusive education in the UPE framework?

ii. Employer's recommendation letter



UGANDA HUMAN RIGHTS COMMISSION

Plot 20/22/24 Buganda Road, P.O.Box 4929, Kampala
Tel: 256-414-348007/8, 233757, Fax: 256-414-255261
Email: uhrc@uhrc.ug Website: http://www.uhrc.ug

HRC/P/1192

(41)

Our Ref: SEC/53/00

Your Ref:

Date: 13th July 2012

The Permanent Secretary,
Ministry of Education and Sports
P.O Box 7063
Kampala.

Dear Sir,

RE: MR. NYENDE FAROUK

I wish to introduce to you the above named person who is an employee of the Uganda Human Rights Commission, working as a Senior Human Rights Officer in the Office of the Chairperson. He is currently on study leave, pursuing a Master of Arts (MA) Degree in Development Studies, specializing in Human Rights, Development and Social Justice at the Institute of Social Studies in The Hague, Netherlands.

Mr. Nyende is in the country to conduct research titled '*Inclusive Education for Children with Disabilities in Main-Stream Universal Primary Education: An Analysis of Possibilities and Constraints*', as a requirement for his MA programme.

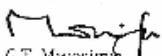
The purpose of this letter is to request your Ministry facilitate him with the following information to enable him write his research;

1. Policy on Inclusive education
2. Trend analysis 2006 - 2010
3. Any other relevant information on education for CWDs

Mr. Nyende will further require your clearance to conduct interviews with some selected UPe schools around Kampala.

Please refer to the attached letter for more information.

Yours Sincerely,


C.T. Mwesigye
Secretary to the Commission

Encl.



iii. ISS introduction letter

 ISS International Institute of Social Studies
Erasmus

ISS is the International Institute of Social Studies
of Erasmus University Rotterdam

19 June 2012

TO WHOM IT MAY CONCERN:

This is to certify that Mr Nyende, Farouk from Uganda is enrolled as a participant in this Institute's Master of Arts Programme (Development Studies), 2011/2012, with specialization in "Human Rights, Development & Social Justice" (HDS) which is being held from 5 September 2011 until 14 December 2012.

Mr Nyende wishes to travel to Uganda from 22 June 2012 until 03 September 2012 for the purpose of his academic research entitled "*Inclusive Education for Children with Disabilities in Main-Stream Universal Primary Education: An Analysis of the Possibilities and Constraints. The Case of Kampala, Uganda*" which is being supervised by Prof. Karin Arts and Dr. Auma Okwany. We would appreciate it if you would give him the necessary collaboration and information regarding his research.

After this visit he will return to The Netherlands to complete his studies at the ISS. All assistance you may give Mr Nyende, Farouk will be highly appreciated.


A. vd Berg (Ms)
Head, Office of Student Affairs
ISS

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