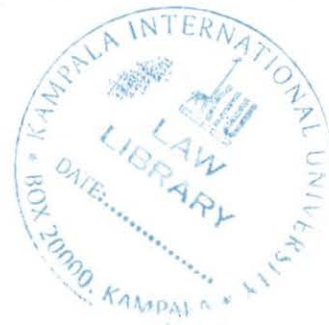


**THE IMPACT OF THE LAW IN RELATION TO THE PROTECTION OF  
CHILDREN'S RIGHT TO EDUCATION**

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## DECLARATION

I Odongo Daniel solely declare that this dissertation is my original work and has never been presented for an award of any degree in any university or any other institution of higher learning. I further declare that all materials cited in this paper which are not my own have been fully acknowledged.

Sign  \_\_\_\_\_

Date 1/8/2012

Odongo Daniel

LLB/10033/81/DU

## DEDICATION

This work is dedicated to my father, mother, sisters and brothers, not forgetting my supervisor Madam Emma Ssali and the entire University of Kampala International University.



## APPROVAL

This dissertation has been done under my guidance and supervision as the appointed University supervisor.

Signature  Date 1/8/2012

Ms. Emma Ssali.

Supervisor.

## ACKNOWLEDGEMENTS

I would like to express my sincere gratitude and appreciation to my supervisor Ms. Emma Ssali for her tiresome work and the precious time that she sacrificed in preparing, monitoring and advising me to make this dissertation a success.

More so, I thank my dear parents for their social and financial help plus their spiritual support that they offered me up to the end of the LLB course.

Lastly, I thank the Almighty God who made me go through the challenges of education and guidance that he offered me up to the time I finished my LLB course. So glory be to God the creator of heaven and earth.

## ABSTRACT

The research will be on the impact of the law in relation to the protection of children's right to education. It will cover part of Kampala district a place which is known as Luzira prison in which the research is yet to be conducted. The abstract will also provide specific objectives and envisaged contribution to knowledge. In addition to that, it will provide the methods to be used and it will also cover the main findings of the study and the implications of the findings.

In conclusion, it will show the problem being investigated and what the researcher will come out with as the results of the study then it will finally be concluded in a very systematic way.

## LIST OF CASES

The supreme court case of Canada Eaton V Brant county Board of education (1997) I

S.C.R 241 paragraph 67.

## LIST OF STATUTES

The Constitution of the Republic of Uganda of 1995

The children's Act Cap 59

The Children's Statute 1996

International Law

Humanitarian Law

## ACRONYMS

CRC	Convention on the Rights of the child
FHRI	Foundation of Human Rights Initiative
NGO's	Non Governmental Organizations
UDHR	Universal Declaration of Human Rights
UNICEF	United Nations International Children's Education Fund
ACHPR	African (Bantu) Charter on Human and People's Rights adopted in June 27 <sup>th</sup> 1981 OAU
VDPWCHR	Vienna Declaration and Programme of Action, World Conference on Human Rights.
ACRWC	African Charter on the Rights and Welfare of the Child
UNCRC	United Nations Convention on the Rights of the Child

## CHAPTER ONE

### 1.0 INTRODUCTION

A child is a person below the age of 18 years<sup>1</sup> He or she should be considered as both an individual as well as a member of a family and a community. Children are human beings with the full range of rights who need special care and attention and therefore vulnerable. Children need a caring society to give them freedom and dignity so that they can develop their full potential and look forward to a full and satisfying adult life. Every child, regardless of origin, birth, race, ethnic group or sex must have the right to speak up and be heard.

#### 1.1 Definition of a child?

The constitution of Uganda of 1995<sup>2</sup> defines a child as a person under the age of sixteen years thus Article 34 (5) provides that for the purposes of clause (4) of this Article, children shall be persons under the age of sixteen years.

Article 1 of the convention of the Rights of the child<sup>3</sup> defines a child as every human being below the age of 18years unless under the law applicable to the child , the

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<sup>1</sup> Human Rights Report 2001-2002 pg 121 by Foundation for Human Rights Initiative.

<sup>2</sup> The constitution of the Republic of Uganda of 1995.

<sup>3</sup> The convention on the Rights of the child.

majority age is attained earlier.” Similarly, the UN convention on the rights of a child 1989<sup>4</sup> defined a child as persons under 18years of age.

Also sec 2 of the children ‘s Act cap 59<sup>5</sup> defined a child as a person who is below the age of eighteen years.

Section 4 of the children’s Act stipulates some of the rights of the children which include ; the right to leave with the parent, maintenance, education, guidance, immunization , adequate diet, clothing, shelter, and medical attention as well as protection from violence and harmful employment.

## **1.2 Back ground of the Study:**

Research has shown that in the way back; the historical background of education in Uganda shows that education of children was not compulsory and also there were no serious laws to enforce education as a right of a child. However the coming into place of the 1995 constitution of the Republic of Uganda which gave rise to the protection of this right to Education by virtue of Article 30 which provides that all persons have the right to education even Article 34(2) provides that a child is entitled to basic education which shall be the responsibility of the state and parents of the child. Similarly, section 5 of the children’s act cap 59 provides that it shall be the duty of a apparent; guardian or any

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<sup>4</sup> UN Conversion on the Rights of the child 1989.

<sup>5</sup> The children’s Act cap 59.



person having custody of a child to maintain that child and in particular; that duty gives a child the right to (a) education and guidance.

Further more , sec 11 of the same statute provides that (1) Any member of the community who has evidence that a child 's rights are being infringed or that a parent ,a guardian or any other person having custody of a child is able to but refuses or neglects to provide the child with adequate food, shelter, clothing, medical care or education shall report the matter to the local government council of the area hence giving a clear back ground of my study.

### **1.3 The statement of the problem;**

Research has shown that many or the majority of children at luzira do not perceive education because of the following reasons that is, due financial constraints or inadequate facilities and scholastic materials, lack of good parental care, discrimination for example in most cases girl children have been denied education on the basis that they were inferior unlike boys who have been given consideration in many different cultures of people who have settled at luzira prison and most of the children are the children of the prison warders and prison officers. Even poverty has led to lack of proper Education of children at luzira prison hence education as a right of a child has not yet been fully realized in luzira prisons despite of Non Governmental organizations

being into place for example the United Nations Organization,<sup>6</sup> and the (UNICEF) Convention on the Rights' of the child<sup>7</sup> whose mission is to advocate for the protection of children's rights and to help them to meet their basic needs and to expand their opportunities to reach their full potentials. Even the government of Uganda through its free programs of Universal Primary and Secondary Education , have at least managed to educate many children through channeling some donations and also improving of the infrastructures at luzira prison plus giving them better facilities like Educational instruments for example Laboratory equipments for science students for learning, free pens, books, clothes, uniforms, and shoes plus pairs of stockings hence improving on their Educational services at luzira prisons.

#### **1.4 Objectives of the Study;**

To find out why children are neglected in luzira prison?

To find out why some children at luzira prison go to schools and others do not?

To find out how much children pay for their education at luzira prison schools?

To determine the level of studies which the children at luzira prison achieve?

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<sup>6</sup> UN Organisation

<sup>7</sup> UNICEF Convension on the rights of the child.

### **1.5 Purposes of the study:**

The sole purpose of this study is to establish the compact of the law on the protection of children's Right to education.

### **1.6 Research Questions;**

Why are some children neglected at luzira prison?

Why do some children go and study at luzira prison schools and other don't?

How much do the children at luzira prison schools pay for the entire term and year?

What are the levels of studies available there at luzira prisons?

### **1.7 Scope of the Study;**

#### **1.7.1 Study Scope;**

This study is limited to the impact of the law relation to the protection of children's right to education.

#### **1.7.2 Time Scope;**

This study covers every aspect of the topic above a period ranging from 1995-2012

#### **1.7.3 Geographical Scope;**

This study is going to be carried out in Uganda especially at luzira prison in Kampala the capital city.

### **1.8 Significance of the Study;**

The findings of the study are expected to show situations why some children study or are having education and others not.

The findings also helps the researcher to obtain the knowledge of good education and also to be able to appreciate the value of education.

### **1.9 Research Hypothesis;**

The problem of illiteracy affects the status and the feature of children at luzira prison.

Lack of education increased the vulnerability of the boys and girls at luzira prison.

The lack of proper educational facilities has led to increased illiteracy in luzira prisons.

There is also lack of financial capacities or financial constraints which have hindered the education of children at luzira prison.

There are also high levels of poverty which have greatly hindered the children in luzira prison from getting their educated opportunities.

There is also lack of proper infrastructures in schools which are at luzira prisons which has greatly hindered the learning process of the children there.

## CHAPTER TWO

### 2.0 Introduction

This chapter presents the literature review and it mainly shows the objectives of the study. It further focuses on the impact of the law in relation to the protection of children's right to education in Luzira prison schools.

### 2.1 Related Literature;

Education plays a very vital role in laying down the foundation of children in a civilized society. It significantly helps children to arraign their goals and to develop their potential academic qualifications.

### 2.2 The children statute 1996<sup>8</sup>

The government of Uganda ratified both the UN convention (1990) and the African charter in 1993. Ratification is the procedure where by the Government of Uganda agreed to be bound by a human Rights treaty, in fulfillment of the commitments made at the regional and international levels so the government enacted the children's statute in 1996<sup>9</sup>. Sec 6 provided that a child has a right to be educated and guided. Similarly Sec 5 of the children's Act Cap 59<sup>10</sup> provides that it shall be the duty of a parent, guardian or

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<sup>8</sup> Children's statute 1996

<sup>9</sup> Human Rights Advocacy in Uganda Hurinel (U)

<sup>10</sup> Children's Act Cap 59

any person having custody of a child to maintain that child and in particular, that duty gives a child the right to education and guidance.

### **2.3 Documents:**

Provides for the summarized list of children's rights in the state and this includes the right to basic education.

### **2.4 Education as a fundamental rights;**

The right to education has a solid basis in the international law on human rights. It has been laid down in several universal and regional documents forexample the UNESCO convention against discrimination in education and the international convention on Economic, social and cultural rights which was provided for under Article S 13 and 14<sup>11</sup>

### **2.5 Characteristics of the right of education**

The right to education can be characterized as an empowerment right. Such a right provides the individual with control over the course of his or her life, and also in particularly the state. Education enhances social mobility based on social status. Furthermore, education promotes the realisation other social, and economic rights such as a right to work, the right to food and health.

The right to education is a universal right, granted to every person, regardless of age, language, social or ethnic origin, or other status with respect to this right as laid down

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<sup>11</sup> The International Convension on economic, social and cultural Rights which was provided for under Articles 13 and 14

in international documents, two aspects can be distinguished, one hand, realization of the right to education demands an effort on the part of the state to make education available and accessible. On the other hand there is personal freedom for individuals to choose between state organized and private education e.g parents have their freedom to ensure that children get basic education.

## **2.6 Element of the core content;**

In my view, some of the elements which makes up the core content of the right to education can be inferred from Article 13 of (ICESCR) which states that the essence of the right to education means that no one shall be denied a right to education. The available primary education must be free and compulsory.

## **2.7 international instruments**

International organizations role to education; in December 1994, the United nations General Assembly proclaimed the period between 1995 – 2005 as a United Nations Decade for Human Rights to education (Resolution 49/ 184 of 23 December 1994<sup>12</sup> The General Assembly also welcomed the plan of Action for the Decade, as contained in the report of the United Nations Secretary General.

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<sup>12</sup> The United nations General Assembly proclaimed in the period between 1995-2005 as a United nations Decay for Human Rights for Education (Resolution 49/184 of 23<sup>rd</sup> December 1994)

This decision was taken pursuant to a recommendation of the world conference on Human rights. In the Vienna Declaration of fuke 1993<sup>13</sup> and programme of Action which stated that human rights to education, training, and public information were essential for the promotion and achievements of stable and harmonious relations among communities and for fostering mutual understanding, tolerance and peace education is a basic human and crucial

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<sup>13</sup> The Vienna declaration of Fuke



## CHAPTER THREE

### METHODOLOGY

#### **3.0 Introduction**

This chapter describes the procedure and method that was employed. It lays out the choice and justification of research the study population sample size and sampling procedures. It further outlines the instruments used in data collection.

#### **3.1 Research design**

The research design consisted of the research objectives and research questions the researcher used descriptive random sampling design to carryout the study.

#### **3.2 target population**

The target population was the entire population of Luzira prisons and to know the largest to the smallest population there at Luzira prisons.

#### **3.3 Sample size**

The sample size was composed of at list 48 respondents and amongst them were children, men and women found at Luzira prison and were considered relevant to give first hand information on the impact of the law on children's right to education.

### **3.4 Sample techniques**

The research was conducted using quantitative sampling which enables the researcher to focus on simple sampling techniques and were used because a target population is considered to be small and manageable. In addition, it was helpful in the final selection of the sample so the rationale for choosing these techniques is to find individuals who are knowledgeable on what will be investigated.

### **3.5 Sample procedures**

The informants were chosen by using a purposive sampling techniques there were 48 respondents. Twenty people from children aged between 9-17, and 15 from women available there plus also to from men who were there this was important in away that people understood the impact of the law on children's right to education as was verified with those using self administered questions.

### **3.6 Data Collection methods**

This was done through getting information from the sample methods and it contained also variables for example age; sex, and these was through standard tests in which the researcher carried out. The data was collected through library use; news papers internet, magazines, journals and textbooks.

### **3.7 Instruments used**

The questionnaires were self-administered questions which were used to collect data from respondents and key informants who were educated and sympathetic.

### **3.8 Interviews**

In this method, oral interviews were carried out with the local population who were vulnerable to the right of education.

### **3.9 Limitations of the study**

The study was limited in ways that the researcher encountered some problems with language barriers since a few people spoke English and the majority spoke Kiswahili language and also Luganda but nevertheless this took me less time to record the data. Lastly, some people were unwilling to give information that was necessary.

## **CHAPTER FOUR**

### **CONCERNS, PRESENTATION, ANALYSIS AND THE DISCUSSION OF THE FINDINGS**

#### **4.0 Introduction**

This chapter presents the analysis and the interpretation of the data which was obtained from the field, documentary analysis and the interpretation of the data was collected.

#### **4.1 Socio-economic and demographic data**

The purpose of the socio-economic and demographic data of the infants is to present their rights as far as education is concerned and this is to portray the characteristics of the respondents and show the representative population in the study.

##### **4.1.1 The distribution of respondents by the age brackets;**

The respondents in Luzira Prison were asked to state their age in order to examine whether they were capable of articulating the issues raised by the research. The respondents are indicated below;

The frequency table showing the distribution of respondents by the age bracket

Age	7-8	9-13	14-16	17-20	Total
Frequency	05	19	16	08	48
Percentage	8.1	41.9	33.1	16.9	100

Source; Data field;

Table 4.1.1 represents that 41.9% of them are of age from 9-13 and have the percentage of 16.9% are involved in some economic activities like farming, retail business among others. 33.1% are of age from and the least are of age 14-16 with the percentage of 8.1%.

#### 4.2 Marital status

The respondents were asked to state their marital status; these were in order to have access to the information of whether they have responsibility in regard to marriage and also whether they have children to educate. The respondents are stated below.

##### 4.2.1 Marital status frequency table;

Marital status	Single	Married	Divorced	Separated	Total
Frequency	15	25	03	05	48
Percentage	30.9	53.6	5.5	8.14	100

Source from the data field;

The results in the table above that is 4.2.1 shows that 53.5% of the respondents were married, 30.9% single, 8.1% separated and 5.5% divorced.

#### 4.2.3 The proximity of schools;

The respondents were asked to illustrate or state whether the schools were closer to their homes and their answer was stated below.

The frequency table 4.2.3, the proximity of schools

Response	Strongly agree	Agree	Disagree	Strongly disagree	Total
Frequency	16	19	08	05	48
Percentage	33.1	41.9	16.9	8.1	100

Source; field data

The results from frequency table 4.2.3 reveals that 41.9% of the respondents agree that the proximity of schools were closer to their homes, 33.1% whereas 16.9% strongly disagree and 8.1% disagree. The majority of the respondents who agree that schools are closer to their homes are 78%.

#### 4.2.4 The contribution of parents/community at Luzira;

The participants in the study were asked to state whether the parents/community supported the education of their children in schools at Luzira prison. So they responded below.

Response	To a small extent	To a larger extent	To a minimal extent	Not at all	Total
Frequency	28	14	05	Nil	48
Percentage	60.	31	0.9	Nil	100

Source; field data

Frequency table 4.2.4 indicates that 60% of the respondents agree that parents/community contributed by educating their children to the smallest extent 31% to a larger extent of 9% to a minimal extent. The majority of the participants agree that parents/the community contributes to the education of their children in schools in Luzira prison.

#### 4.3.1 The class size in Luzira prison schools;

The respondents were asked to demonstrate whether the class size in Luzira prison schools range from 43.48 pupils as a means to have an efficient and effective delivery of the subject matter or the data so below is the table showing the frequency to that effect.

**Frequency table 4.3.5 The Class size in Luzira prison**

Response	Strongly agree	Agree	Disagree	Strongly disagree	Total
Frequency	03	05	25	15	48
Percentage	5.5	8.1	53.6	31.9	100

Source; field data

Luzira prisons ranges from 43-48 pupils, 31.9% strongly disagree while 5.5% of the pupils agree and 8.1% of the respondents strongly agree. The majority 60% of the respondents disagree that the minimal ratio of a class per teacher is 41.1%.

**4.3.2 The sex distribution of the respondents;**

The respondents/informants were asked to specify their gender to indicate/show how representative the sample size was, and they responded as below;

The frequency table showing table 4.3.2 data of the sex distribution of the respondents

Gender	Male	Female	Total
Frequency	28	20	48
Percentage	60.4	39.6	100

Source; field data



The frequency table 4.3.2 shows that 60.4% of the respondents were male while 39.6% were female. The majority of the respondents were males compared to female.

#### 4.3.3 Educational level of the respondents;

The respondents were asked to state their education levels in respect of the data collection in process.

The frequency table below is table 4.3.3 shows the educational level of the respondents;

Education	Primary	Secondary	Tertiary/university	Total
Frequency	06	09	33	48
Percentage	10.5	19.1	69.6	100

Source; field data

The frequency table 4.3.3 shows that 69.6% of the respondents were graduates from tertiary institutions/universities, 19.1% from secondary schools, while 10.5% merely completed primary level. Majority of the respondents have attained some qualification in education from secondary level and university level that enabled them to work in such institutions like the Uganda Prisons Service.

#### 4.3.4 The occupation of the respondents;

The respondents were asked to tell the researcher their occupations as a means to establish their sources of income and how capable they were as far as education of their children is concerned.

Occupation	PTA	CEO	NGOs	Prisons	Teachers	Total
Frequency	09	05	07	08	19	48
Percentage	19.1	8.2	14.5	21.4	37.7	100

Source; field data

The results in the frequency table 4.3.4 indicates that 37.7% of the respondents were teachers, 19.1% from Luzira Prison, 14.5% were members of the parents and teachers association. 8.2% were Non Governmental Organization employees. The majority of the respondents were prison officers who are actually low income earners and they have the biggest work force there in Luzira prison.

#### 4.4.1 The teachers motivation

The respondents were asked to whether the teachers in Luzira prison schools felt satisfied with their incentives. Their responses were as follows.

Frequency table 4.4.1 showing the teachers motivation

Response	Strongly satisfied	Satisfied	Dissatisfied	Strongly dissatisfied	Total
Frequency	Nil	09	23	16	48
Percentage	Nil	17	50	33	100

Source; field data

The result in the frequency table 4.4.1 indicates that 50% of the respondents were dissatisfied with the incentives offered, 33% were strongly dissatisfied while 17% were satisfied. This means that the majority of the respondents in the study were not satisfied with the incentive packages offered at Luzira prison schools.

#### **4.4.2 Government support to education;**

The participants were asked to show whether government offers adequate scholarships to cover other educational cost. According to the Ugandan Government, it has been offering free educational services to children at Luzira for example the Universal Primary Education and also the Universal Secondary Education.

The frequency table showing government support to education

Response	Strongly satisfied	Satisfied	Dissatisfied	Strongly dissatisfied	Total
Frequency	Nil	11	23	14	48
Percentage	Nil	22.5	48.5	30	100

Source; field data

The results in the frequency table 4.4.2 shows that 70% of the respondents disagree that government support to primary schools and secondary schools in Luzira Prison is still inadequate, while 30% agree that it is adequate.

#### **4.5 The rights to education in perspective of the general international human rights instruments**

Article 26(i) of the universal declaration of human rights<sup>14</sup> states that everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

Subsection (ii) also states that Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and

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<sup>14</sup> Universal Declaration of Human Rights

fundamental freedoms. It shall promote understanding tolerance and friendship among all nations, racial or religious groups and shall further the activities of the United Nations for the maintenance of peace.

Subsection (iii) of the same Article 26 still states that parents have prior rights to choose the kind of education that shall be given to their children.

Article 13(i) of the United Nations International Covenant on Economic and social cultural rights<sup>15</sup> states that the state parties to the present covenant recognizes the rights of everyone to education. They 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. They further agree that education shall enable persons to participate effectively in a free society to promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups and further the activities of the United Nations for the maintenance of peace.

Article 17(i) of the African (Banju) Charter on Human and Peoples Rights<sup>16</sup> adopted June 27, 1981<sup>17</sup> states that every individual shall have the rights to education.

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<sup>15</sup> United Nations Convention on Economics, Social and Cultural Rights

<sup>16</sup> The African (Banju) Charter on Human and Peoples Rights

<sup>17</sup> African (Banju) Charter on Human and People's Rights

Part D of the Vienna Declaration and programme of Action World Conference on Human Rights<sup>18</sup> provides for human rights to education, that is Article 78 states that the world conference on human rights considers human rights to education, training and public information essential for the promotion and achievement of a stable promotion and achievement of a stable and harmonious relations among communities and for fostering mutual understanding, tolerance and peace.

Article 79 also states that states should direct education towards the full development of human personality and to the strengthening of respect for human rights and fundamental freedoms.

The world conference on human rights calls on all states and institutions to include human rights, humanitarian law, democracy and rule of law as subject in the curricular of all learning institutions informal and non-formal settings.

Article 80 provides that human rights to education should include peace, democracy, development and social justice, as set forth in international and regional human rights instruments in order to achieve common understanding and awareness with a view to strengthen universal commitment to human rights.

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<sup>18</sup> Vienna Declaration and programme of action of world conference on human rights

Article 28(i) of the convention on the rights of the child<sup>19</sup> states that, states parties recognize the right of the child to education and with a view to achieving this right progressively and on the basis of equal opportunity, they shall in particular make primary education compulsory and available free to all.

Encourage the development of different forms of secondary education, including general and vocational education, make human rights to education, training and public information essential for the promotion and achievements of a stable and harmonious relationship among communities and for fostering mutual understanding, tolerance and peace.

Article 79 also states that states should strive to eradicate illiteracy and should direct education towards the full development of human personality and to the strengthening of respect for human rights and fundamental freedom.

The world conference on human rights<sup>20</sup> calls on all states and institutions to include human rights, humanitarian law, democracy and rule of law as subjects in the curricular of all learning institutions in formal and non-formal settings.

Article 80 provides that human rights to education should include peace, democracy, development and social justice, as set forth in international and regional human rights

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<sup>19</sup> Convention on the Rights of the Child

<sup>20</sup> The world conference on human rights

instruments in order to achieve common understanding and awareness with a view to strengthen universal commitment to human rights.

Article 28(i) of the convention on the rights of the child<sup>21</sup> states that, state parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall in particular; make primary education compulsory and available free to all.

Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need.

Make higher education accessible to all on the basis of capacity by every appropriate means

Make educational and vocational information and guidance available and accessible to all children.

Take measures to encourage regular attendance at schools and the reduction of dropout rates.

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<sup>21</sup> African Charter on the Rights and Welfare of the Child



Subsection 2 states that, the state parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present convention.

Subsection 3 provides that, state parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

Article 29(i) of the convention on the rights of the child, provides that the parties agree that education of the child shall be directed to; the development of the child's personality talents and mental and physical abilities to their fullest potential.

Subsection 2 states that no part of the present article 28 shall be constructed so as to interfere with the liberty of individual and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the state.

Article 11<sup>22</sup> of the African Charter on the rights and welfare of the child<sup>23</sup> provides for education, that every child shall have a right to an education.

Subsection 2 states that the education of the child shall be directed to the promotion and development of the child's personality, talent, mental and physical abilities to their fullest potential.

Subsection 3 also provides that the state parties to the present charter shall take all appropriate measures with a view to achieving the full realization of this right and shall in particular provide free and compulsory basic education, make the higher education accessible to all on the basis of capacity and ability by every appropriate means.

Subsection 6 provides that, state parties to the present charter shall have all appropriate measures to ensure that children who become pregnant before completing their education shall have an opportunity to continue with their education on the basis of their individual ability.

Subsection 7 also states that, no part of this article shall be construed as to interfere with the liberty of individual and bodies to establish and direct educational institutions subject to that observance of the principles setout in paragraph 1 of this article and the requirement. deal the education given in such institutions shall conform to such minimum standards.

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<sup>22</sup> German UNESCO Commission 1995 P. 11

<sup>23</sup> Data field

However, considering the situation of the government of Uganda, children's rights to education have been violated despite of the provisions of international instruments and also article 30 of the constitution of the Republic of Uganda of 1995, which provides that all persons have a right to education, article 34(ii) which also provides that a child is entitled to basic education which shall be the responsibility of the state and the parents of the child. Yet article 34(i) states that subject to the laws enacted in their best interests, children shall have a right to know and be cared for by their parents or those entitled by bringing them up.

#### **4.6 Government effort**

The government of the Republic of Uganda under the provision of article 30 of the 1995 constitution has enabled all persons to have a right to education.

Public awareness campaigns have been undertaken by the government of the Republic of Uganda on matters of children's right to education with an aim of eliminating the backward traditional behavior, beliefs and cultural practices that are prejudicial to the children's rights to education most especially the girl children who have been denied their educational opportunities, and as well as creating awareness about the equal rights to education of boys and girls by virtue of article 34(3) which states that, no child shall be deprived by any person of medical treatment, education, or any other social, economic benefit by reason of religious or other beliefs.

#### **4.6.1 NGO's (Non Governmental Organizations)**

The NGO<sup>24</sup> sector has made initiatives to promote the children's right to education, for example the UNESCO commission for the 21<sup>st</sup> century has placed its faith in the fundamental, positive, civil power of education. It also regards education as one of the most important means of advancing the development of the human race in the most enhanced manner and wish greater non harming of the people under the ongoing education especially children with its help, poverty among parents, ignorance and illiteracy may be reduced.

#### **4.6.2 The Local Community**

The local community elders at Luzira prisons should serve as arbitrators and also advisors to the parents and other community members to take measures and views for aiming at a probable solution to the problems related to education of children. The highest percentage of the respondents argued that it was effective to address the problems and cases related to the higher or denoyal of the children's right to education. The respondents still argued that some of the people who where arrested in Luzira prison were parents who violated their children's rights to education and that the police should take serious note towards the enforcement of children's right to education.

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<sup>24</sup> The Non Governmental Organizations

#### **4.7 Challenges faced by stakeholders in promotion of Children's right to education**

Research has shown that the stakeholders have faced a lot of many challenges in trying to enforce and promote children's right to education at Luzira prison and in Uganda at large.

There is a problem of lack of involvement of all the stakeholders in promoting children's rights to education. For example due to tight security reasons at Luzira prisons. There has been also lack of transparency and commitment in the use of the educational funds in the ministry of education in Uganda and also corruption hence making it not reliable in delivering such educational services at Luzira prison. Most NGOs also lack enough funds and motive to penetrate deep in areas such as Luzira prisons.

#### **4.8 Conclusion**

It is remarkable that the parents, government of Uganda, NGO's and the local community in addressing the problems related to the hindrance of the children's right to education should be a shared responsibility as it cuts across all sectors mentioned above by developing enforcement mechanisms in reference to the provisions of the law on children's right to education and also provide appropriate responses to the needs of children who dropout of schools.

## **CHAPTER FIVE**

### **PRESENTATION AND SUMMARY OF THE FINDINGS**

#### **5.0 Introduction**

This chapter presents the summary of the analysis and the discussion of the findings obtained from the field of study in accordance to chapter four.

#### **5.1 Socio-economic and demographic data**

The purpose of the socio-economic and demographic data of the infants was to present their right to education, characteristics of the respondents and show their representative population in the study.

##### **5.1.1 The distribution of respondents by the age brackets.**

The respondents in Luzira prison were asked to state their age in order to examine whether they were capable of articulating the issues raised by the research.

#### **5.2 Marital status**

The respondents were asked to state their marital status. This was in order to have access to the information of whether they have responsibility in regard to marriages and also whether they have children to take care of most especially in form of education.

### **5.3 The proximity of schools**

The respondents were required to illustrate or state whether the schools were closer to their homes and indeed most of them were close to the schools in Luzira prison.

### **5.4 The contribution of parents/community at Luzira prison**

The participants in the study area were requested to state whether the parents or community contributed towards the support of the education of children in Luzira prison schools.

### **5.5 The class size in Luzira prison schools**

The respondents were asked or requested to demonstrate whether class size in Luzira prison schools range from        pupils as a means to have an efficient and effective delivery of the subject matter or the data.

### **5.6 The sex distribution of the respondents**

The respondents or informants were requested to specify their gender to indicate how representative the sample size was.

### **5.7 Educational level of the respondents**

The respondents were also requested to state their education levels in order to be able to qualify to give some information in the process of collecting data.

## **5.8 The occupation of the respondents**

The respondents were asked or requested to tell the researcher information about their occupations as a means to establish their sources of income and their capacity as parents to take care of their children as far as education was concerned.

### **5.8.1 The teachers motivation**

The respondents were also requested to tell the researcher or inform the researcher whether the teachers in Luzira prison schools felt satisfied with their incentives as far as the education of children was concerned.

## **5.9 Government support to education**

The participants were requested to show whether the government of Uganda offers adequate scholarship to cover up the educational cost. The data collected in the field of the study showed that despite of the government effort to offer state house scholarships and also Universal Primary Education and Universal Secondary Education, the fact still remains that there are many children who have not benefited from all these offers from the government of Uganda, thus making their scholarship and other free educational services still inadequate to children at Luzira Prison schools.

The rights to education in perspective of the general international human rights instruments. Research has shown that very many international organizations and instruments such as the universal declaration of human rights (UDHR), the convention



on the rights of the child (CRC), the foundation for human rights initiatives (FHRI). The United Nations International Children's Education Fund (UNICEF), The African (Banju) Charter on Human and People's Rights adopted in June 27, 1981 OAU Doc..... (ACHPR), The Vienna Declaration and programme of Action of World Conference on Human Rights (VDPWCHR), the African Charter on the Rights and Welfare of the Child (ACRWC), and the United Nations Convention on the Rights of the Child, (UNCRC) have greatly advocated for free educational services in many countries all over the world as far as the children's rights to education is concerned. So all these educational programmes must be adopted and exercised by African countries such as Uganda and others.

#### **5.9.1 Government effort**

The government of the Republic of Uganda has come up with many public awareness campaigns against discrimination of children in the education sector most especially the girl child and these have seen some progress today were by parents have been encouraged to educate all their children irrespective of color, sex, race, and tribal or religious differences hence there is some progress on that matter for example the government through its ministry of education normally offers the girl child 1.5 free points in order to enhance their efforts in UCE and UACE education programmes, and girl children have in most cases beaten or defeated boys in the UNEB Examinations, (Uganda National Examination Board).

## **5.10 NGO's**

The NGO sector has made initiatives to promote the children's right to education for example the UNESCO commission for the 21<sup>st</sup> century has placed its faith in the fundamental, positive, civilizing power of education as a means of enhancing children's education as a right and eradicating poverty, ignorance, and illiteracy in Luzira prison schools.

### **5.10.1 The Local Community**

The Local Community elders through their efforts to advise parents they have enabled many people to consider the education of a child as a constitutional right which must be respected and obeyed in accordance to the law thus Article 30 of the constitutions which accords all persons a right to education.

Challenges faced by stakeholders in promoting children's right to education;

Research has shown that there were very many challenges such as poverty, high school dropouts, lack of motivation and above all corruption and lack of enough funds to run such educational programmes hence hindering children's rights to education in Luzira prison schools.

## **6.0 Conclusion**

In its conclusive evidence that despite of the efforts rendered by the government of the republic of Uganda, international instruments, NGO's, Local community leaders, and

the law which has brought about a positive impact towards children's right to education, there are still some loopholes in the law concerning education in terms of enforcement although Article 50(i) of the Constitution of the Republic of Uganda of 1995 provides that any person who claims that a fundamental or other right or freedom guaranteed under this constitution has been infringed or threatened, is entitled to apply to a competent court for redress which may include compensation hence some parents have always deliberately refused to take their responsibilities of educating their children and they have not been reported to the concerned authorities thus rendering the law useless to some extent.

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# RESEARCH QUESTIONNAIRE

## APPENDICES

### APPENDIX I

#### RESEARCH FOCUS IS ON CHILDREN'S RIGHT TO EDUCATION

#### AREA OF THE STUDY; A CASE STUDY OF LUZIRA PRISON

#### INTRODUCTION LETTER

Dear participant;

I am a law student of Kampala International University and am interested in finding out the impact of the law on the protection of children's right to education. The information you will give to me will be used confidentially and for education purpose.

So please answer these questions honestly and diligently as much as possible.

Section A

Instruction

In this section, you are required to tick in the appropriate boxes.

1. Names of the respondent .....
2. Resident of?

a. Luzira prison

b. Town/city

c. District

d. Country

3. Sex

a. Male

b. Female

4. Age between

a. 15-20

b. 21-30

c. 31-40

d. 41 and above

5. The level of education

a. Primary

b. Secondary

c. Tertiary

d. University



e. Others specified

6. Occupation

a. Student

b. Farming

c. Fishing

d. Trading

e. Cattle keeping

f. Teaching

g. Pastors

h. Prison warden

i. Others specified

7. Marital status

a. Single

b. Married

c. Divorced

d. Others specified

8. Number of children

a. 1-4

b. 5-10

c. 11-15

d. 16-20

e. 20 and above

f. None of the above

### Section B

In this section, you are required to give your answers in short form with some relevant examples where necessary or where need be.

9. What are the education curriculum in Luzira?

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10. How many children go to school or are under going education in Luzira prisons?

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11. What objectives do you as the children want to achieve?

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12. How much do the children here or in Luzira pay for a term?

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13. How much do you the parents pay for a year?

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14. What major problems do children face at Luzira prison while under going education?

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15. What problems do teachers face while teaching these children?

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16. What problems do parents face while educating their children?

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17. Do the parents and the teachers cooperate in order to determine the children's problems as far as education is concerned?

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What are the levels of education available for the children in Luzira prisons?

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18. What role has the government of Uganda placed in order to solve the problems related to the right to child education in Luzira prisons?

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19. What role has been played by the international organizations on instruments in order to determine the solutions to the problems of child education as a right?

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20. What achievements have been put in place in order to determine better educational services rendered to the children of Luzira prisons?

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21. What are the possible solutions to the above problems?

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26. What are the suggested possible mechanisms that can be put to place in order to increase the level of children's involvement in schools at Luzira prison?

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