

**THE IMPLEMENTATION OF CHILDREN'S RIGHT TO EDUCATION IN  
PADER DISTRICT**

**By**

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**A RESEARCH PROJECT SUBMITTED TO THE FACULTY OF LAW  
IN PARTIAL FULFILLMENT FOR THE REQUIREMENT  
OF THE AWARD OF DIPLOMA IN LAW OF KAMPALA  
INTERNATIONAL UNIVERSITY**

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**DECLARATION**

I Okot Benard do declare that to the best of my knowledge and belief, that this is my original piece of work and that it has never been submitted for the award of any credentials in any university or college as a whole or part.

I further declare that all the materials cited in this research project which are not my own have been fully acknowledged

Signature:

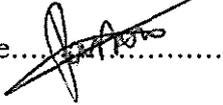
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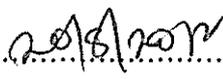
**APPROVAL**

This Research Project is submitted with the approval of my supervisor.

Signature..........

Madam Twikirize Parton Head of department diploma in law.

Supervisor

DATE: ..........

## **DEDICATION**

This work is dedicated to my beloved parents Otto Gabriel and Apio Gabriela as a thank for showing me the light of the day. It also dedicated to my brothers Otto Thomas Mak-Mot, Komakech Charles for their financial support to me.

## **ACKNOWLEDGEMENT**

This research work has taken a lot of my time and other resources to come to a final stage. Which was still not enough and it has also involved other people who helped me.

I made a substantial proportion of references and literature both oral and contemporary. I am grateful to learn authors of those writings. I also grateful to my supervisor Madam Twikirize Parton, who read through this work, advised and guided me accordingly. I considered comments and also the criticism were very important.

Above all I am grateful for the almighty father who has empowered me with wisdom and whose strength and guidance alone have enabled me to complete this work.

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## CHAPTER ONE

### 1.1 Synopsis of the study.

Chapter one deals with the introduction, background of the study the statement of the problem, general objectives of the study, the scope of the study, significant of the study and others

### 1.2 Background of Pader District.

The historians believe that Pader came to be in existence in around 1880 after the falling of 'der' which meant a star, in the counter yard (compound) belonging to Obot and Pino, the duo are clan of Lamogi and after the fall of the 'der' (a star), so many people came to see it and the family of Obot and Pino named 'Jo-Pa-der' around six months after the date of the fall of 'der' (a star). This word 'Jo-pa-der' means 'Jo' means people, 'pa' belonging to, 'der' means a star, the word Pader now means people belonging to a star, The distance from Pader town to Kampala is around 462 kilometers<sup>1</sup>.

Pader district is bordered by Lamwo district to the northwest, Kitgum district to the northeast, Agago District to the east, Otuke district to the southeast, Lira District to the south, Oyam district to the southwest and Gulu District to the west. The district headquarters at Pader are located approximately 130kms (81 miles), by road northeast of Gulu, the largest city in the sub region. The coordinates of the district are 02 50N,33 05E<sup>2</sup>

The district is relatively new having been part of Kitgum district in the past. In December 2001, the Aruu county and Agogo county were carved out of Kitgum district to form Pader district. The seat of the district government, Pader is located in the center of the district. The district along with Amuru district Agago district, Gulu district, Lamwo district, Nwoya district, and Kitgum district constitutes Acholi sub-region,

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<sup>1</sup> According to my interview with Apio from Lamogi clan in Pader district), on 09 July 2012

<sup>2</sup> (<http://www.wikipedia.freedictionary> accessed on the 9<sup>th</sup> July 2012)

considered to be the historical homeland of the Acholi ethnic group, and home to an estimated 1.1 million inhabitants in 2002, according to the national census conducted that year <sup>3</sup>

The population of Pader district according to the 2002 national census estimated the population of the district as configured after July 2010, at approximately 142,320 people. For the greater part of the first decade of the 2000s, the majority of the population within the district has been living in camps for internally displaced people (IDP), as the result of the Lord's Resistance war. With the cessation of the hostilities between the LRA and the UPDF in 2006 the majority of the people in the IDP camps have moved back their homes.

### **1.3 Background of the study.**

Prior to colonization the law that governs the children's right to education was mainly customary. The form of education was mostly informal education where the parents of the children were duties bound to educate their children in that girls were taught by their mothers on how to cook, the boys were taught by their fathers and uncles on how to make mats, hunting and military tactics for security.

The written law in Uganda came into force with the adoption of colonization. Before that cultural practices and customs prevailed whereby each society embarked on its own cultural practices thus colonization in place, law applicable in England became applicable in Uganda by virtue of order in council. <sup>4</sup>

With colonization the situation changed and new laws which were in operation in the colonies of the colonizing country were adapted and under article 34 of the constitution of the republic of Uganda the

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<sup>3</sup>(<http://www.wikipedia.freedictionary> accessed on the 9<sup>th</sup> July 2012)

<sup>4</sup> (1902 African Order in Council)

children's rights are provided for and also article 30<sup>5</sup>, provides that every person has the right to education.

#### **1.4 Statement of the problem.**

Although Uganda was lauded for guaranteeing the rights of children to education under the article 30 of the constitution of the Republic of Uganda, this remains paper right and yet to be interpreted and the question is how many children are not going to school because the parents cannot afford to pay their school fees? According to my research in *Barajwa* ward with one of the inhabitants, almost 30% of the total number of children in that village did not go to school.<sup>6</sup>

#### **1.5 Hypothesis of the study**

Demeaning cultural practices, social attitudes among others has inhabited the implementation of the right to education.

Lack of laws and policies protecting the implementation of the children's right to education in Pader district.

#### **1.6 Research question**

The research questions to be tackled included,

Is it demeaning cultural practices, social attitudes among others has inhabited the implementations of the children's right to education?

Is it lack of laws and policies protecting the implementation of children are right to education in Pader district?

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<sup>5</sup> (Article 30 of the constitution of the Republic of Uganda 1995 as amended )

<sup>6</sup> (According to my interview one of the inhabitants okello of barajwa ward in Pader district on 02/ june 2012)

## **1.7 objectives of the study**

### **1.7.1 General objectives of the study.**

To examine how the government is implementing the right to education and other loopholes.

### **1.7.2 Specific objectives**

- i. To determine whether demeaning cultural practices, social attitudes among others has inhibited the implementations of the children's right to education
- ii. To find out whether lack of laws and policies protecting the implementation of children are right to education in Pader district

### **1.8 Scope of the study.**

The study was carried out in *Pader district* and focused on the challenges the government in facing to implement the right to education between a period of 2007 and 2012.

### **1.9 Significant of the study.**

It is believed that when this study is carried out it will contribute significantly to the identifying the weaknesses of the law governing education. To provide commendable knowledge to the Court, Police, ministry of education and sports, Human Rights Commission and international bodies.

### **1.10 RESEARCH METHODOLOGY**

With the view of implementing our study objectives the following method were employed to obtain data from the field. It will further define and described the research method used in obtaining data from the field. Due to limited time my case was limited to Pader district in the northern Uganda.

### **1.11 Research design**

Both quantitative and qualitative methods of data were used.

### **1.12 Sample procedure.**

Samples were arrived at by first estimating the total population of the participants, where samples were randomly selected from grouped samples in order to make perfect sample selection. For example sample were selected from 40 participants (pupils from various schools in Pader district as respondents that were done randomly)

### **1.13 Questionnaires**

This will be used to test the population, the number of teacher in various schools in Pader district, the children who can read and write and in general to obtain data from the field, it is time saving and helps in knowing people's reaction.

### **1.14 Library research**

References will be made to the already existing data for example, scholar works text books, debates on the subject matter, magazines newspapers and internet or websites were consulted and interviews to access the required information to enlighten us on the research process.

### **1.15 Data analysis**

During this study data will be processed using qualitative and quantitative research designs, it will be descriptive and prescriptive in nature.

My study is descriptive because it defines the current law relating to children's right to education and it is also prescriptive as it gives recommendation in areas where changes is necessary in order to realize this fundamental right today.

## 1.16 LITERATURE REVIEW

In Uganda, the right to education of the girl child has historically been affected by a complex interaction of political, social, household, economic and community factors. Kwesiga<sup>7</sup> notes that formal education for women started later than that of men, and women's access to education was limited by the number of educational institutions available to them from the beginning. The current study will examine education rights from a holistic perspective so as to address issues of gender and other vulnerable groups within the context of the operation of the system of universal primary education. I agree with the findings

Chapter 9 of the Uganda human rights commission Annual report of 2004 discusses issues in the Right to education particularly the scope, the obligations of the government and the current status towards the realization of the right to education. The chapter puts an emphasis on free and compulsory primary education for all children; the progressive introduction of free secondary education for all; equal access to free higher education on the basis of academic capacity, intensification of fundamental (basic) education ;and prioritizations of equal access of education for the girl child<sup>8</sup>. I agree with the findings.

Although education is the largest share of state and local government budgets, very little comprehensive information has been available on all 50 states related to state financing policies and program for public elementary and secondary education. A new study provides comprehensive information on public education finance systems in each state, presented in themes such as funding for special student populations, accountability and equity issues<sup>9</sup>. In Uganda, there is very little comprehensive information about education especially in the villages.

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<sup>7</sup> (Kwesiga , (2002))

<sup>8</sup> ( Uganda human rights commission, 2004, at 135)

<sup>9</sup> (Reno , professor publishes a study on public education finance systems university of Nevada)

## CHAPTER TWO

### 2.1 INTERNATIONAL LEGAL FRAME WORK ON THE RIGHT TO EDUCATION

The UDHR<sup>10</sup> 1948 states that the right to education is for all people, elementary education should be free and compulsory and that the higher level of education would be accessible to all on the basis of merit.<sup>11</sup> Between 1976 and 1990 a series of International Covenants and Conventions were promulgated which provide a comprehensive legal basis for required measures to protect and deliver human rights. The Universal Declaration of Human Rights, the ICCPR and ICESCR, constitute the International Bill of Human Rights. Collectively, they provide for compulsory and free primary education and they also emphasize the right to non discrimination in education.

#### **The international covenant on economic, social and cultural rights<sup>12</sup>**

Article 13 of the ICESCR provides for compulsory and free primary education for all, secondary education which shall be generally available and accessible to all; such education includes its different forms such as technical and vocational secondary education. Higher education is to be made equally accessible to all by progressive introduction of free education. Article 13 also provides for fundamental education for those who have not received or completed the whole period of primary education. The same article provides for the continuous improvement in the material conditions of teaching staff. Article 13 also recognises the liberty of parents/legal guardians to choose for their children schools, other than public schools and to ensure the religious and moral education of their children in conformity with their convictions. The

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<sup>10</sup> Adpted by United Nations General Assemmbly Res. 217A (111) 10 Dec. 1948

<sup>11</sup> See article 26

<sup>12</sup> Adpted by UN General Assemmbly Res. 2200 A (XXI), 21 UN GAOR Sup. NO. 16, at 49 UN Doc. 1966

article also alludes to the liberty of individuals and bodies to establish and direct education institutions.

On its part, **the Convention on the Rights of the Child (CRC), (1989)** contains the most comprehensive set of legally enforceable commitments concerning both rights to education and to gender equality. The CRC contains strong guarantees of the right to education. It reaffirms the right of every child, “without discrimination of any kind” to free and compulsory primary schooling, and states that the higher levels shall be “accessible to all.” It also protects the child from exploitation that would interfere with education<sup>13</sup>.’ Implementation of the rights to education and to gender equality within the instrument is patchy and the process of reporting placed on governments has been avoided by about one third of states.

In the **State of the World’s children of 1999**, UNICEF observes that over 40 million children do not attend school. Gaining access to education by many children in Africa remains a struggle. UNICEF’s 1998 report on making the Right to Education a Reality. From Africa Recovery highlights the level of commitment that African governments require in order to realize the right to education. It is further noted that Sub-Saharan Africa needs to spend an extra \$1.9 billion a year in order to attain universal primary enrolment by 2010.

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<sup>13</sup> Article 3.2/32.2

## **2.2 REGIONAL LEGAL FRAMEWORK ON THE RIGHT TO EDUCATION.**

According to article 11(3)<sup>14</sup> states parties to the present charter shall take all appropriate measures with a view to achieving the full realization of the right and shall in particular , provide, free and compulsory basic education .

Encourages the development of secondary education in its different forms and to progressively make it free and accessible to all.

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

Take special measures in respect of female, gifted and disadvantaged children, to ensure equal access to education for all sections of the community.

States parties to the present charter shall respect the rights and duties of parents and where applicable, of legal guardians to choose for their children schools, other than those established by public authority which conform to such minimum standards as may be approved by the state, to ensure the religious and moral education of the child in a manner consistent with the evolving capacities of the child.

States parties to the present charter shall take all appropriate measures to ensure that a child who is subjected to school or parental discipline shall be treated with humanity and with respect for the inherent dignity of the child and in conformity with the present charter.

States 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.

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<sup>14</sup> (Article 11 of the African Charter on the Rights and Welfare of the Child)

In line with the above states obligations the government has ratified the right to education under Article 30<sup>15</sup> and it states that every person has a right to education and also Articles 34<sup>16</sup> provides for the right for children.

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<sup>15</sup> (Article 30 of the Constitution of the Republic of Uganda 1995 as amended).

<sup>16</sup>(Article 34 of the Constitution of the Republic of Uganda 1995 as amended)

## **2.3 DOMESTIC INSTRUMENTS ON THE RIGHT TO EDUCATION**

### **2.3.1 The 1995 Uganda constitution**

The Uganda constitution<sup>17</sup> makes provision for the right to education. This is expressly stated in Article 30: All persons have a right to education. In addition to Article 30, stated in Article 34 refers to the right of children and states: "A child is entitled to basic education which shall be the responsibility of the state and the parents of the child. In addition to these provisions in the bill of rights, the national objectives and directive principles of state policy provide that the state promote free and compulsory education, take appropriate measures to afford every citizen equal opportunity to attain the highest educational standards possible and that individuals, religious bodies and other non-governmental organizations shall be free to found and operate educational institutions if they comply with general educational policy of the country and maintain national standards.<sup>17</sup>

### **2.3.2 Legislation**

Section 3 of the Children Act<sup>18</sup> provides that the welfare principles and the children's rights set out in the first schedule to the Act shall be the guiding principles in making any decision based on the Act. Paragraph 3 of the schedule to the Act provides that in making any decision affecting a child, a Court, authority or person making the decision shall have regard in particular to, inter alia the child's educational needs.

The Education Act<sup>19</sup> relates mainly to the regulation of formal education, the registration and licensing of teachers and other connected matters. It has no direct provisions guaranteeing the right to education. However, section 7(4) empowers the minister to cause to be prepared

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<sup>17</sup> (See objectives XVIII)

<sup>18</sup> (Cap. 59)

<sup>19</sup> (Cap. 127)

educational development plans geared towards the promotion of educational services in the country.

Tertiary Institutions Act<sup>20</sup> provides for the regulation of the establishment, administration and standards of Universities and other institutions of higher education. Section 24 of the act sets out the functions of a public university which include among others: the provision of higher education, promotion of research and learning; dissemination of knowledge and giving opportunity of acquiring higher education to all persons including persons with disabilities wishing to do so regardless of race, political opinion, colour creed, or sex and the provision of accessible physical facilities to the users of the public university.

Section 28 (1) stipulates that admission to a Public University shall be open to all qualified citizens of Uganda; while S.28 (3) provides that the Admission committee of a Public university shall take into consideration affirmative action in favour of marginalized groups on the basis of gender, disability and disadvantaged groups .Likewise, admission shall also take into account persons with special talents in sports, music and other social activities for their enhancement.

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<sup>20</sup> (Act 7 of 2001)

## CHAPTER THREE

### VIOLATION OF CHILDREN'S RIGHT TO EDUCATION

#### 3.1 Introductions

Right is defined as what a person should have by virtue of him or her being a human being. A child<sup>21</sup> is defined as a person who is below the age is 18 years (every human being below the age of 18yrs) and in the Ugandan constitution under<sup>22</sup> a child has so many rights which includes; right to education, medical care, freedom to play, right to eat, freedom of speech, right to life, right to live with parents, freedom from any form of exploitation and so many others; all these rights should be for the best interest and welfare of the child. In Uganda children's rights are provided for under Article 34 of the Constitution of the Republic of Uganda

The right education is provided for under Article 11<sup>23</sup> and this has been ratified under article 30<sup>24</sup>, which state that every person has a right to education. It should be noted that right to education been interpreted as right to life, because today those who are educated most of them are very rich and by this they can afford medical expenses for example going for treatment in United States of America for a disease which would not be treated well here in Uganda so failure to provide education, is in violation of right to life. In the Indian case of **Krishnan Vs States of Andra Pradesh**<sup>25</sup>

The petitioner presented a petition contending that a failure of the respondents to provide for universal free education contradicts the provision of the Indian constitution, the supreme court, held that

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<sup>21</sup> (Article 2 of the African charter on the Rights and welfare of child)

<sup>22</sup> (Article 257 of the Constitution of the Republic of Uganda 1995)

<sup>23</sup> (Article 11 of the African charter on the Rights and welfare of the child)

<sup>24</sup> (Article 30 of Constitution the Republic of Uganda 1995)

<sup>25</sup> (1993)4 LRC 234)

education tends dignity to the individual and in effect, the failure to provide elementary education compromised that dignity as an attribute to the right to life.

### **3.2 HOW CHILDREN'S RIGHT TO EDUCATION IS BEING VIOLATED AND WHO VIOLATES**

The right to education in Pader (northern Uganda) is being violated by the following categories of people, and in the following ways.

#### **a) Parents to the children**

when I was in an interview with one of the pupils of Paipir primary school in Pader Town Council<sup>26</sup>, he said his parents do make him to dig in the garden during class hours this has made him perform badly in the examinations because he does miss lessons.

#### **b) Teachers,**

A case in point in Agago Army Primary School which is situated in Kilak sub-country, Pader district, where a teacher of which I am not going to mention his name gave one of the pupils ten strokes of the cane and that pupil sustained a serious wound on the wrist (hand) and this child took weeks in the hospital called Kalongo in Agago district. This indeed affected the performances of this child in the class and this pupil got third grade in primary leaving examinations last year 2011.

#### **c) Government agency for example the police,**

A case in point is that when a police officer has committed crimes, like defilement, the case is even something not taken to court. There is one man who is a police officer married a girl from Pader town council who is of age 15 years, the parent of the girl received two million as a bride for

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<sup>26</sup> (According to my interview with Ojok one of the pupils of Paipir primary school in Pader on 2<sup>nd</sup> June 2012)

defilement case so, the police are the very people violating the children's right to education there is need for government to sensitize these police officers , most of them are ignorance about the law and yet their primary role is to keep law and order, how can you keep law and order yet yourself are in breach of the laws. This child is married and no more for education this is sad.

**d) Court official,**

Today justice system in Uganda has become a place where a business can be done. Here I mean a person can commit murder today, tomorrow his or she is freed, a case in point a man in Ogom sub-county had carnal knowledge of his sister of age 16 years and according to the Penal Code Act, this is aggravated defilement and this case should be heard before High Court. To my surprise, the Magistrate grade I of Pader District gave this man a cash bail worth 700,000/- (seven hundred thousand Uganda shillings) and the girl is now pregnant and her right to education has been violated.

**In the case of Assanand and sons (U) Ltd Vs East African Records Ltd<sup>27</sup>** A court cannot give itself jurisdiction in the case otherwise outside its jurisdiction on the ground that it would be for the convenience of the parties and witness. So this means that whatever judgment and orders that may arise are more nullities and not only voidable. They are void and have no effect either at estoppels or otherwise and may not only be set aside anytime by the court but declared void by every court.

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<sup>27</sup> (1959) EA 360

### **3.3 IMPLEMENTATION**

The government has ratified the provisions of the African charter on the Rights and Welfare of the Child through putting in the Constitution. Of the Republic of Uganda 1995 as amended and the followings are the ways the government of Uganda is implementing the right to education in Pader district (northern Uganda).

Universal primary education, the government providing free and compulsory primary school, there has increased the number of pupils who do sit for primary leaving examinations and the government has put a duty to every parents to make sure that children attend their free education and also universal secondary education .The government has issued a policy that a pupil should not repeat classes in case he or she fails and the maximum aggregate for one to be admitted to senior one is 28.This means, the government is aiming at quantity not quality of the education.

Infrastructural development for example building of schools and hospitals. In every sub -counties in Pader district at least, there is a primary school and secondary school this has made education accessible to children. But development can not only be seen by buildings but quality of those schools in line with their performances.

Recruitment of teachers, of recently the government has recruited about one thousand and five hundred secondary teachers, this is one of the ways of implementing the right to education in Pader district according to the New vision dated 26 of June 2012<sup>28</sup> Pader got only five new secondary teachers of the many secondary schools owned by government.

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<sup>28</sup> (Editorial, New vision,26 June 2012)

The Inspectors General of Government also played a role in combating corruption for the universal primary and secondary education funds through arresting the crooks and prosecuting them. This makes the funds reach the final users.

Provision of food to the primary schools, this has encourage a higher numbers of the pupils to go to schools, because they are sure of eating even if no teach had taught them .For example in Paipir Primary Schools in an interview with one of the pupils, he told me that since lunch is prepared at the school, he does not now waste time going for, but simply concentrates on books and this student got aggregate 14 and was the best in the school.

The government is providing scholarship to students at the university level for example the district quarter, where students who sat for Uganda Advanced Certificate of Education from their homes districts are admitted for some specific courses to the public universities, in Pader district they do take around eleven (11) students per year so the right to education is being implanted.

The government has outlawed corporal punishment from the Penal Code Act and in all schools teachers are not allowed to beat pupils or students, in this way torture has reduced at school .When a pupil is beaten like the case in Pajule Lacani Primary School in Pader district where a teacher had beaten a pupil and broke away the hand and this child took almost three months in the hospital. This teacher was charged with assault occasioning actual bodily harm and up to date he is still in prison.

Mass sensitization, the government is trying to sensitize the people the advantages of education through talk shows on radios, organizing drams. There is a Latin maxim "UBI JUSE IDI REME DIUM". Which means where there is a right, there must be a remedy. So government is looking for solutions on how the children obtain this right .There are many sign

posts in the school compound for example in Paipir Primary School, written on, study and become a doctor ,members of parliament and many others.

The issue of pregnancy nowadays, is treated differently some years back once a pupil or student gets pregnant, the school administrators could chase away that child from the school but these days they are encourage to study and they should not be chased away from schools, I admit that it is a good policy by the government but it also has more cons on others who are not pregnant.

### **3.4 CRITIQUE**

In line or light of the states obligations and the implementation strategies, the government of Uganda has failed to implement the right to education in the following ways as per the Latin maxim “Meno Judex in cause sua’ that is to say no one can be a judge of his or her own, we are the one to judge what the government has done.

The government has provided universal primary and secondary educations and their main objectives is to find majority of the pupils and students studying, not thinking of the quality of education in an interview with one of the pupils of Opolacen Primary School in Pader district ,Ogom sub country , in the name of Ojok Okeny who is in primary six this year I found out that this child cannot even write a letter in English .Yet when I was in primary four, I could write letters and even we were taught how to write an application. Government should put its standard of education but not looking at the good structure of the schools.

The provision of district quarters for every district. In Pader district there is a friend of mine who studies peace and conflict resolution and other course like Bachelor of Arts with Art. These courses with the high rate of unemployment getting jobs is hard for other .Yet in Pader district there is

no medical doctor up to now, why should the government specify the courses for district quarter? Governments of Uganda think of the people of Northern Uganda.

The outlawed of the corporal punishment has also affected the level of education in Pader district, today if a parent beats up his son or daughter, tomorrow you find the police coming to arrest that parent. There is a child in Pader district who is around 10 years old, he has left the father's place and wandering around the streets, his father one day caught him and took him home gave him four strokes of the cane, the next day (following day) he was arrested for child abuse and torture. This has made trainings and upbringing of children hard to parents. So government should quell this dog's breakfast; otherwise we are going nowhere.

The government has recruited secondary schools teachers and according to the report adduced by the new vision only five (5) teachers were sent to Pader district, this is really injustice, Pader district has around six (6) government owned secondary schools. What criteria has government used to send only this figure? The Right to education is not properly implemented

Another thing the government is failing to do is combatment of corruption. Every year in Pader district, there are always issues of misuse of Universal Primary Education Funds and in most cases, these people suspected are not even arrested and prosecuted. But of recently there was a group of people sent to investigate into the universal primary education fund.

The government has really failed to sensitize the people of the importance of education. People in Pader district are so ignorant of the pros of education, because in most cases most of their children end up not completing their studies and in the end they do not see the advantages of

education. Children should be encouraged to study and this would enable their parents to see the advantages and therefore sending more children to school.

The entry to public universities on government sponsorship has become a nut to crack for the students from Pader district. According to my research only two students who sat from the schools within Pader district went on government sponsorship on merits apart from district quarter. This is because the weights required for one to be selected on government sponsorship on merits are so high. Special attention is needed for the children of Pader district in order to make them compete for these sponsorships on merits.

## **CHAPTER FOUR**

### **4.1 FACTORS HINDERING THE IMPLEMENTATION OF THE CHILDREN'S RIGHT TO EDUCATION IN PADER DISTRICT IN NORTHERN UGANDA**

#### **4.1.1 Infrastructure;**

Poor roads has led to most of the teachers who reside in town and teach in the village where these schools are located not doing their duties, sometimes these teachers may stay in town without teaching for a week, this resulted into poor performance, sometimes the Pupil need to cross at least a river to reach to those schools by swimming and in case of rainy season, this becomes difficult. Still on infrastructure some schools for example Pagwari Primary School in Pader Town Council still lacks classroom, where Primary one pupil are studying under the tree up to now. So the study here is then based on weather condition, if there is rain, it means no studies.

#### **4.1.2 Inadequate scholastic materials,**

For example textbooks, chalks, yet there is Universal Primary Education Funds, due to corruption of some head teachers a case in point was that a head teacher for a certain School in Pader district, of which I won't mention the names, kept Universal Primary Education Funds for a year without using it for buying scholastic materials for the school and his intention was that he would withdraw and use it for his own good and good enough, the chairperson local council five for Pader ordered for his arrest should he came to withdraw the money and he was arrested.

#### **4.1.3 Poverty**

The greater percentage of the people who are in poverty are from northern Uganda and approximately contributes to 50% of the total poverty level in Uganda according to my research, this has been as a result of the war which lasted for over two decades. In the village called Pagwari in Pader town council, there is nobody who has reached the level

of senior four, it is so painful but that is the fact, this is because although there is universal secondary education, the parents to the children cannot get money for other school requirements.

#### **4.1.4 Lack of parental guidance especially concerning the goals of these children.**

For example when a pupil wants to become a Doctor, an Advocate, he or she should be guided on the subjects, that he or she should put much concern on and at the end their goals are achieved. Unlike in some schools in Central Uganda there is always old boys and old girls parties where those who studied from that a school are evoked for a party and this gives motivations to the young ones because they will see others who had become Doctors, Advocates and many others.

#### **4.1.5 Lack of parental involvement in the affairs and policies making of the schools.**

This has led to tensions between the parents and the school. There is a saying "use a thief to catch a thief" when a school wants to come up with a policy, they do not involve parents in making this policy and once it has come for its implementation it faces oppositions. So it is always good to use parents or involve parents in making the school policy sometimes. For example a policy was brought at the end of the year for a Primary School called **Olworngur** that all pupils were to wear shoes while in the school compound (closed shoes) black in colour, later the parents reacted and the head teacher was transferred to a different school.

#### **4.1.6 Political differences,**

It has been a policy by the opposition, to the ruling government that whenever, policy the government has come with is not good and they have always gone opposing it. A case in point in Pader district, the Chairperson local council five in from National Resistance Movement Party and also the woman Member of Parliament while the Aruu county Member of Parliament is from Forum for Democratic Change. There are

so much political differences especially from the Aruu county Member of Parliament who has for a donkey's year failed to sponsor students, who do claimed that he is the opposition and hence does not have money and lobbying capacities. Yet they are being paid salary. This is affecting the implementation of education, because whatever funds the government brings in, is always opposed and sometimes not even brought to the district.

#### **4.1.7 Land Wrangle,**

War has gone and in northern Uganda, there is peace, but the war we still have is the land wrangle, a case in Ogom sub-county Pader district, where a man murdered his brother over a piece of land and he is being detained in Patongo Prison in Agago district, this has hindered the education of his three sons who were in senior one, senior three and senior five respectively as per now, his children are not studying because of fees, he usually cultivates maize and sells after which he pays their school fees, so there is no way now.

#### **4.1.8 Alcoholism,**

The greater percentages of the alcoholics are in northern Uganda especially the district of Pader. Last year because of excessive drinking of alcohol about 30 people died in northern Uganda. At Paipir Primary School a sachet of Beckham gin was got from the pocket of one of the primary seven candidates this year in first term in an interview when he was asked, why he was in possession of the alcohol, he said every day after classes they do drink alcohol with five other pupils so as to forget the past war in northern Uganda. This means that he had been even taking it from home. These children were dismissed from the school and their studies has been affected in one way or the other, because I think no school administrators will allow these pupils to join their schools and hence implementation of their rights becomes difficult.

#### **4.1.9 Ignorance**

That is lack of information regarding education in Pader district, a village called Ogaleng one of the parents told her daughter that education has no values and it is better for her daughter to get a man for marriage or engage herself in growing of crops .The daughter immediately got married at the age of 16 years yet the government is still sending universal primary education funds to the primary school she left.

## **CHAPTER FIVE**

### **5.0 RECOMMENDATIONS AND CONCLUSIONS**

#### **5.1 RECOMMENDATIONS**

The provisions of universal primary and secondary education have lowered the standard and quality of education in Pader district, today a primary seven pupils cannot write good English, government should aimed at the quality of the education but not quantity of the education, I think government should stop the issue of universal education It has more cons than pros.

Government should create more employment so that these educated persons get jobs after completion of their studies this could encourage parents to send their children to school and creation of more vocational schools.

The recruitment of teachers is good thing but the issue is, are these teachers committed to their duties. According to my research at Opolacen primary school I got a teacher who was drunk during his lesson at the school compound .District inspectors of schools and district education officer should be very serious on those teachers who are neglecting their duties.

Combatment of corruption: corruption means misuse of republic funds by some individuals to meet their own wants. On Monday 16/07/2012, a commission of inquiry was sent to investigate the mismanagement of universal Primary Education Funds .There is need for the government to make law such that whoever has used the public funds for his own goals be compelled to refund the money in addition imprisoned and at last terminated. This is because so government servants after misusing some billions of money ended up being imprisoned for three years and after that, they will come and use these billions of money for their own development. It actually a dog's breakfast in Uganda.

There is need for the government to build more classrooms and improves on its roads. Pupils of Pagwari primary school in Pader district are still studying under trees.

There is need for the government to provide more text books for various schools in Pader district .According to New vision<sup>29</sup> .The government has created more 25 district making a total of 137 districts in Uganda, the government is aiming at quantity, this money which is budgeted for these new districts would have been used to buy text books, building of classrooms in areas where are lacking .There is a saying “a bird at hand is worth two in the bush”.

I submit the government should come up with a policy that once a girl is pregnant she should be send home. Failure to do this, will encourage others also to do the same, of recent in Lamwo district, almost half of the numbers of pupils got pregnant, where are we going the people of northern Uganda?, we need to join hands to work hard for development.

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<sup>29</sup> (Editorial New vision Thursday 19/07/2012)

## 5.2 CONCLUSION

In conclusion, Pader district means, the district for the people belong, to a star, the children's right to Education is being violated by the parents, teachers, government agency (police) and even Court official in various ways as discussed earlier. There are various factors hindering the implementation of this right to education which includes corruption, inadequate scholastic materials , poverty, lack of parental guidance, Alcoholism, Ignorance and political differences .The government has tried to implement this right through Universal Primary Education and Universal Secondary Education, recruitment of teachers, mass sanitization, building of schools among others .However these face so many criticism and challenges on the grounds and government needs to strength it's laws as per **Savigny** one of the scholars of the Historical school of law, who said "Law grows with the growth of the society, strengthens with strength of the society and eventually dies". There is a problem of corruption and the government is looking at educating many children, not putting much emphasis on quality of education this shall affect Uganda in the future.

**APPENDIX: RESEARCH QUESTIONNAIRE FOR IMPLEMENTATION OF THE CHILDREN'S RIGHT TO EDUCATION IN PADER DISTRICT NORTHERN UGANDA**

1. Back ground information of the respondent

a) Name.....

b) Age.....

c) Religion.....

d) Work.....

e) Studying or not.....

f) Resident.....

2. What are responsible for your right to education violation?

.....

3. What are the factors hindering your right to education?

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4. What is the government doing to implement your right to education

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5. What do you think the government should do to implement your right to education

.....

## REFERENCES

### TEXT BOOK USED

- **KAMYA JOHN;**, a compilation of international, regional and Ugandans legal Human Rights instrument
- **Frederick W.Juko and Constance Kabonesa;**, Universal Primary Education in Contemporary Uganda: Right or privilege HURIPPEC Working Paper NO. 8 May 2007

### JOURNALS

- RENO, Professor Publishes study on public education finance system, University of Nevada, November 4 2011. Accessed on 30/ July/2012
- **Amnesty International:** Human Rights for Human Dignity/ a premier on economic, Social and cultural Rights.
- Save the Children, Denied a Future to the Right to Education of Roma / Gypsy and travelers children in Europe, London 2001.
- Uganda Human Rights Commission Annual Report of 2004 at 135.
- Kwesiga 2002

### STATUTES USED

- The constitution of the Republic of Uganda 1995 as amended.
- OAU DOC.CAB/LEG/24.9/49(1990),entered into force NOV.29,1999. African Charter on the Rights and Welfare of the Child.
- Children Act CAP 59