

**THE ROLE OF NGOS IN THE PROMOTION AND PROTECTION OF  
THE CHILDREN'S RIGHT TO EDUCATION  
CASE STUDY: BUSHENYI DISTRICT**

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### DECLARATION

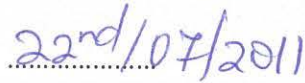
I, **MUHEEBWA PRISCILLA**, hereby declare that this submission is my own work and to the best of my knowledge and belief, has never been published before or written by another person. To a substantial extent, this work has not been accepted for the award of any other degree or diploma of any university or other institute of higher learning.

Acknowledgements, however, have been made in various texts of the work.

SIGNATURE

A handwritten signature in blue ink, appearing to read 'Muheebwa', written over a dotted line.

DATE

A handwritten date '22nd/07/2011' in blue ink, written over a dotted line.

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**(STUDENT)**

### APPROVAL

This research dissertation has been submitted for examination with my approval as a university supervisor.

SIGNATURE



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DATE

29-7-2011

.....

MRS. YAWE PROSCOVIA  
(SUPERVISOR)

### **DEDICATION**

I dedicate this work to my Mum, Mrs. Muheebwa Sarah, for the confidence instilled in me to complete this submission. Sincere dedication to my guardian Mr. Marcellino Bwesigye for the support given to me since the start of the Bachelors Degree until completion.

To my brothers and Sister, for their inspiration and patience in seeing me through until completion

### **ACKNOWLEDGEMENTS**

Learning is indeed a life-long process. In my journey through the bachelor's program, I have been able to learn a number of issues related to children right to education, the legal framework protecting the same and the role played by the NGOs in delivering the same. A number of people have made my learning process worthwhile and have contributed to my ability to move on until completion of my dissertation.

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To my mum, Mrs. Muheebwa Sarah for the commitment undertaken to ensure that she financially and emotionally provides for the carrying out of this research, sisters and brothers for instilling confidence in me and providing moral support. They are constant reminders of how important they are to me in this world.

I truly gratify my Uncle Mr. Marcellino Bwesigye for the support rendered to me and all the endurances undertaken for my success.

**MAY GOD BLESS THEM ALL**

### **ABSTRACT**

This study is a critical analysis of children right to education, the state of the law in promoting and protecting the same as well as the role played by the NGOs towards the promotion and protection of the right to education in Uganda. The study was undertaken because of the growing concern about the illiteracy levels as well as the high numbers of school dropouts at all levels as witnessed in African countries, Uganda being an example.

Children are involved in a number of practices such as prostitution in the commercial and tourism sex industry, forced begging on the streets, and forced soldiering. They may be used as camel, dockkeys, domestic servants, farm labourers/herders, mine labourers, produce porters, roadside sellers/street vendors, sweetshop-industry labourers, cooks and porters for rebels among others which deprive them of their right to education.

Poverty as one of the major causes for the growing numbers of children dropout cases and their involvement in the agricultural sector in Uganda has caused a number of children to engage in child-labour activities to earn extra income for household survival at the peril of education. Many children have opted for partial attendance in school, eventually dropping out. Parents have also frequently influenced children to work on family farms, thus contributing to the children dropping out of school. Child-labour practices have become entrenched in the social and moral fabric of Ugandan society, and for this reason, research endeavors to uncover ways and methods to reverse this situation.

The main objectives of this research were to establish the impact of examine the role played by the NGOS in the promotion and protection of the children's right to education in Uganda.

The study was undertaken in Bushenyi District. The respondents that were used for the study included child labourers, their parents, farmers, and community leaders as well as the NGOs operating from Bushenyi District.

The method used to get to the sample was purposive sampling. Data was collected using questionnaires for written answers and a tape recorder for oral answers. Both primary and secondary data was collected, verified, edited, checked, coded, analyzed, and then exported to Excel and Microsoft word programs for organization.

Collecting the data was a challenging exercise for the researcher. Experiences were varied, in the hospitality and willingness of respondents to learn more about child issues. Although respondents were willing to participate in the data collection exercise, social and cultural values did not permit all of them to share their views with the researcher. To collect data from respondents, the researcher had to ensure that remuneration was in place at the end of the exercise. The respondents filled out the questionnaires only after learning of the availability of a reward for every questionnaire answered. More setbacks were the need to travel long distances, and enduring the poor infrastructure, poor sanitation, and epidemic outbreaks, some of which diluted the quality of data collected. During group interviews, most parents were not entirely truthful about involving their children in child-labour activities at the expense of the children's right to education. Although most respondents had an idea of what the child

right to education is, their ignorance levels on the topic prevented them from stopping their children from working.

The major findings of the research were that the cultural, social and economic setup of the community in the study area favoured not the children's right to education like the girl child and prove the competence of the NGOs in delivering the towards the promotion and protection of the right to education as per the state of the law.

The major recommendations of the research to the study are that culture should not override the Constitution as far as the definition of age limit is concerned. The government should carry out stakeholder analyses, and implement a-life-skills and sensitization programme in order to improve child participation in the UPE as well as the USE programme.



## LIST OF ABBREVIATIONS

AFRUCAN.....	Africans Unite against Child Abuse
AMREF .....	African Medical and Research Foundation
ANPPCAN .....	African Network for Prevention and Protection against Child Abuse and Neglect
ARVS .....	Anti-RetroViral Drugs
BATU .....	British American Tobacco Uganda
CIU.....	Compassion International Uganda
CNN.....	Child Need Network
CPA .....	Concerned Parents' Association
CRC .....	Convention on the Rights of the Child
CSEC.....	Commercial Sexual Exploitation of Children
EEN.....	Enabling Education Network
EMIS .....	Education Management Information System Data
FOCA.....	Friends of Children Association
FUE.....	Federation of Uganda Employers
HIV and AIDS.....	Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome
ICCPR.....	International Convention, Civil and Political Rights
IDP .....	Internally Displaced People's Camp
ILO .....	International Labour Organization
IPEC.....	International Programme on the Elimination of Child Labour
LC .....	Local Council
LRA .....	Lord's Resistance Army
MDGs.....	Millennium Development Goals
MGLSD .....	Ministry of Gender, Labour and Social Development
MOES .....	Ministry of Education and Sports
MORE .....	Model for Orphan Resettlement and Education
NGO.....	Non-Governmental Organization

NHRC..... National Human Rights Commission  
PLE .....Primary Leaving Examinations  
UNICEF..... United Nations Children’s Fund  
UPDF .....Uganda People’s Defence Force  
UPE..... Universal Primary Education  
USA .....United States of America  
USE .....Universal Secondary Education

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- 1.1 a pie chart showing population distribution in Bushenyi district
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## CHAPTER ONE

### INTRODUCTION

#### 1.0 BACKGROUND

#### 1.1 DEFINITION OF A CHILD

A child is defined as a person below 16 years of age.<sup>1</sup> The same position is provided for by the Children Act Cap 59 of 2000 that was enacted to ensure the protection and the promotion of children's rights in Uganda.<sup>2</sup> However, therein a child is defined to mean a person below the age of 18 years of age. Even under the constitution, a person becomes responsible for his or her acts on the attainment of 18 years of age, which indirectly deems a person to be of majority age on attainment of 18 years.<sup>3</sup> The children among the rights afforded therein include the right to education<sup>4</sup> which is casted upon the state and the parents to ensure the fulfillment of the right to education.

##### 1.1.1 EVOLUTION OF EDUCATION IN UGANDA

Education entails the process of teaching, training, and learning especially in schools and colleges to improve knowledge and develop skills.<sup>5</sup> The practice of learning dates as far as the pre-colonial era and children learnt life skills on a communal basis through what is in modern times referred to as informal education.

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<sup>1</sup> Article 34 (5 ) of the constitution

<sup>2</sup> Laws of Uganda

<sup>3</sup> Article 31 of the 1995 constitution of Uganda

<sup>4</sup> Article 34 (2), Article 30, of the 1995 constitution of the Republic of Uganda and section 5 of the Children Act cap 59.

<sup>5</sup> Oxford Advanced Learner's Dictionary, 8<sup>th</sup> Edition



The process of formal education was introduced in Uganda with the coming of the British Colonialists in the evening of the 18<sup>th</sup> century. The first step in ensuring the start of this form of education was made by the missionaries who started the program of building schools and the first schools in this regard included St. Henry's Kitovu, in Masaka District, St. Mary's College Kisubi in Kampala District, Gayaza High School, St. Mary's College Namagunga among others which were church based.

When the colonization was in the last days, the schools that were predominantly run by the white colonialists started involving the Black Africans in the running of their affairs in relation to education. With this, many other schools were started up to extend education facilities to people who were far. On the attainment of independence in 1962, the government became centrally responsible for the running of schools that were directly influenced by state policies.

From the year 1966 to 1986, Uganda started experiencing civil wars that tore apart the economy. They not only retarded the management of the economy, but also affected all the sectors of the economy including educational sector. With rampant bombings, untimely movements and bloodshed among others jointly attributed to the negative development of the educational sector in Uganda. The most affected by all these developments were the children who ought to have afforded education but because of the nature of the state affair at that time, little could be done to sever the situation. This accounts for the large numbers of illiterates in Uganda who are of 25 years and above.<sup>6</sup>

Change was realized from the year 1986 with the coming in power of the NRM government which has seen peace prevail to date and has made tremendous structural changes to ensure

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<sup>6</sup> *Constitutionalism at crossroads* by G.W. Kanyeihamba

that education is tested by all persons from all corners of the country. It was for this that the requirement of education formed part of the issues that were to be great areas of interest that was incorporated in the constitution.<sup>7</sup>

Different undertakings have been made in pursuit for education as a fundamental for all the children and as such it was incorporated under the Millennium Development Goals [MDGs] that Uganda seeks to achieve by the year 2015.<sup>8</sup> In this bid, Uganda introduced Universal Primary Education [U.P.E] in 1997 to ensure that Children were afforded an opportunity of acquiring education at the expense of the state. This program funded by the World Bank has seen considerable increase in the literacy rates in Uganda and has increased children enrolment in education facilities.

Despite this state of affair, the children could not get quality education and many lived devastating lives and most of them got employed in the private sector at an early age in pursuit of livelihood and this account for the high numbers of the children dropout of the schools.

The right to education remains a right on paper, not fully enjoyed by many. In practice, the right to basic education is dependent on one's social class background and the ability to pay for education. The right of poor people to basic education and equality is being violated in many different ways. Many people are excluded from school or victimized because their parents are not able to pay for school fees and secondary costs, such as transport, learning support materials and uniforms. Illegal measures such as the withholding of school reports, learning materials, and the insistence by some schools to produce fees upfront for the following year's schooling occur in many schools.

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<sup>7</sup> Article 30 and Article 34(4) of the 1995 constitution

<sup>8</sup> Goal No. 2 of the MDGs

Uganda's educational structure includes the primary section which takes at least 7 years, Secondary section lasting for at least 6 years and a tertiary institution which lasts for at least 2 years.<sup>9</sup> In a bid to work out this and ensure that the children acquire quality education and live the lives that are desirable, several NGOs have been set-up in this regard fundamentally for providing educational services to the children in Uganda who are vulnerable and can hardly access educational services because of the impediments that exist which deter them from acquiring education.

#### **1.1.2 Definition of NGOs**

A non-governmental organization (NGO) is a legally constituted organization created by natural or legal persons that operates independently from any government and a term usually used by governments to refer to entities that have no government status. In the cases in which NGOs are funded totally or partially by governments, the NGO maintains its non-governmental status by excluding government representatives from membership in the organization. The term is usually applied only to organizations that pursue some wider social aim that has political aspects, but that are not overtly political organizations such as political parties. Unlike the term "intergovernmental organization", the term "non-governmental organization" has no generally agreed legal definition. In many jurisdictions, these types of organization are called "civil society organizations" or referred to by other names.

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<sup>9</sup> Ministry of education 2004 report

NGOs are likewise defined by the World Bank as "private organizations that pursue activities to relieve suffering, promote the interests of the poor, protect the environment, provide basic social services, or undertake community development".<sup>10</sup>

USAID refers to NGOs as *private voluntary organizations*. However many scholars have argued that this definition is highly problematic as many NGOs are in fact state and corporate funded and managed projects with professional staff.<sup>11</sup>

There is a growing movement within the non-profit organization/non-government sector to define itself in a more constructive, accurate way. The "non-profit" designation is seen to be particularly dysfunctional because of at least three reasons: 1) It says nothing about the purpose of the organization, only what it is not; 2) It focuses the mind on "profit" as being the opposite of the organization's purpose; 3) It implies that the organization has few financial resources and may run out of money before completing its mission. Instead of being defined by "non-" words, organizations are suggesting new terminology to describe the sector. The term "social benefit organization" (SBO) is being adopted by some organizations. This defines them in terms of their positive mission. The term "civil society organization" (CSO) has also been used by a growing number of organizations, such as the Center for the Study of Global Governance.<sup>12</sup> The term "citizen sector organization" (CSO) has also been advocated to describe the sector — as one of citizens, for citizens.<sup>13</sup> These labels, SBO and CSO, position the sector as its own entity, without relying on language used for the government or business sectors. However, some have argued that CSO is not particularly helpful, given that most NGOs are in fact funded by

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<sup>10</sup> USAID report 2010

<sup>11</sup> *NGO Research Guide*, Duke University Libraries

<sup>12</sup> Glasius, Marlies, Mary Kaldor and Helmut Anheier (eds.) *"Global Civil Society 2006/7"*. London: Sage, 2005.

<sup>13</sup> Drayton, W: *"Words Matter"*. Alliance Magazine, Vol. 12/No.2, June 2007.

governments and/or profit-driven businesses and that some NGOs are clearly hostile to independently organized people's organizations.<sup>14</sup> The term "social benefit organization" seems to avoid that problem, since it does not assume any particular structure, but rather focuses on the organization's mission.

International non-governmental organizations have a history dating back to at least 1839. It has been estimated that by 1914 there were 1083 NGOs. International NGOs were important in the anti-slavery movement and the movement for women's suffrage, and reached a peak at the time of the World Disarmament Conference.<sup>15</sup>

However, the phrase "non-governmental organization" only came into popular use with the establishment of the United Nations Organization in 1945 with provisions in Article 71 of Chapter 10 of the United Nations Charter<sup>16</sup> for a consultative role for organizations which are neither governments nor member states—see Consultative Status. The definition of "international NGO" (INGO) is first given in resolution 288 (X) of ECOSOC on February 27, 1950: it is defined as "any international organization that is not founded by an international treaty". The vital role of NGOs and other "major groups" in sustainable development was recognized in Chapter 27<sup>17</sup> of Agenda 21, leading to intense arrangements for a consultative relationship between the United Nations and non-governmental organizations.<sup>[14]</sup>

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<sup>14</sup> Pawel Zaleski *Global Non-governmental Administrative System: Geosociology of the Third Sector*

<sup>15</sup> Davies, Thomas Richard (2007). *The Possibilities of Transnational Activism: the Campaign for Disarmament between the Two World Wars*

<sup>16</sup> Charter of the United Nations: Chapter X

<sup>17</sup> Agenda 21 - Chapter 27: Strengthening the Role of Non-governmental Organizations: Partners for Sustainable Development, Earth Summit, 1992

Rapid development of the non-governmental sector occurred in western countries as a result of the processes of restructuring of the welfare state. Further globalization of that process occurred after the fall of the communist system and was an important part of the Washington consensus.

Globalization during the 20th century gave rise to the importance of NGOs. Many problems could not be solved within a nation. International treaties and international organizations such as the World Trade Organization were construed as being too centered on the interests of capitalist enterprises. Some argued that in an attempt to counterbalance this trend, NGOs have developed to emphasize humanitarian issues, developmental aid and sustainable development. A prominent example of this is the World Social Forum, which is a rival convention to the World Economic Forum held annually in January in Davos, Switzerland.

The fifth World Social Forum in Porto Alegre, Brazil, in January 2005 was attended by representatives from more than 1,000 NGOs. Some have argued that in forums like these, NGOs take the place of what should belong to popular movements of the poor. Others argue that NGOs are often imperialist<sup>18</sup> in nature, that they sometimes operate in a racialized manner in third world countries, and that they fulfill a similar function to that of the clergy during the high colonial era. The philosopher Peter Hallward argues that they are an aristocratic form of politics.<sup>19</sup> Whatever the case, NGO transnational networking is now extensive.<sup>20</sup>

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<sup>18</sup> *Abahlali baseMjondolo Rethinking Public Participation from below*, 'Critical Dialogue', 2006

<sup>19</sup> *"Damming the Flood"* (Verso, London, 2007.)

<sup>20</sup> Stone, Diane. "Transfer Agents and Global Networks in the 'Transnationalisation' of Policy", *Journal of European Public Policy*, 11(3) 2004: 545-66

The NGOs entered in Uganda to compliment in the provision of services in areas that were neglected by the government. Among these NGOs include ANNPCAN Uganda chapter, Child Fund Uganda, Compassion International, Save the Children Uganda, World Vision and Uganda Rights NGO Network, among others. These are both national and international NGOs. Because of the requirement of the state permission for their operation, the Non-Governmental Organizations Act [NGO ACT]<sup>21</sup> was enacted in 2000 to ensure that it regulates the actions of the NGOs that were registered in Uganda. This is complimented by the Trustees Act, to ensure that the NGOs are bound therein. Under the NGO Act, there is a requirement of registration of the NGOs before starting to operate in any part of the country. While registering, the NGOs are required to establish their line ministry (ministry in which they seek to provide services) and get permission from the ministry responsible for authorization. As such, the NGOs seeking to provide educational services are bound to get permission from the ministry of education. On to this, they are also required to establish the means of funding to ensure that they do not fraud the unsuspecting public that may be taken advantage of in the guise of being helped.<sup>22</sup>

NGOs have been quite instrumental in the extension of the educational services to the people, who are less advantaged and cannot afford education because of poverty of their parents, their position as orphans which denies them of the parental care and responsibilities, and many of whom have become orphans as a result of wars<sup>23</sup> for example in the Northern Part of Uganda where the Lord's Resistance Army [L.R.A] has had quite an unimaginable impact in terms of

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<sup>21</sup> *Laws of Uganda*

<sup>22</sup> *NGO Act, Laws of Uganda*

<sup>23</sup> *Report of Amnesty International on Human Rights in Uganda, 2010*

suffering of the people, deaths, deprivation of property, violation of human dignity among others, and many have lost their parents as a result of the HIV/AIDS epidemic.<sup>24</sup>

NGOs have greatly meddled in the extension of educational services to the children in Uganda and as a result of their activities; the toll of children that can access educational services in Uganda has likewise increased 2010. This reflects in the number of children that sat the P.L.E Examinations, U.C.E examinations and the U.A.C.E examinations.<sup>25</sup> The rate of school dropout has considerably reduced and it's all attributed to the activities of the NGOs. However, what remains unclear is the role of the NGOs in the promotion and protection of the children's right to education in Uganda which this research seeks to probe into.

## **1.2 Statement of the problem**

Since the genesis of the NGOs in Uganda many of which are engaged in the provision of educational services, education has been considerably accessed by more people compared to when the activities of the NGOs were warningly low. Even when this is attributed to the activities of the NGOs, it remains unclear as to what the NGOs are bound to do to ensure that the children's right to education is promoted and protected in Uganda.

## **1.3 Purpose of study**

The study will probe the role of the NGOs in the ensuring the promotion and protection of the children's right to education in Uganda.

## **1.4 Objectives of study**

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<sup>24</sup> *USAID report 2010 on HIV/AIDS prevalence rates in Uganda*

<sup>25</sup> *The New Vision 23<sup>rd</sup> March 2011*



The study will fundamentally be made to achieve the determination of the role played by the NGOs while protecting and promoting the children's right to education. However, there are other objectives that are ancillary to this which include the following:-

1. To establish what amounts to children's right to education
2. To examine the stakeholders in the promotion and protection of the children's right to education
3. To find out how the children's right to education has been violated
4. To examine the relationship between the promotion and the protection of the right to education and the role played by the NGOs in its promotion and protection for the benefit of the children
5. To advance viable recommendations of how best the children's right to education can be promoted and protected in Uganda

### **1.5 Research questions**

The study will be fundamentally based on the following research questions that the researcher will investigate upon for determination.

1. What amounts to the children's right to education?
2. What are the parties responsible for the promotion and protection of the children's right to education?
3. How has the children's right to education been violated?
4. What is the relationship between the NGOs role and the promotion and protection of the children's right to education?

5. What are the viable recommendations for the promotion and protection of the children's right to education?

### **1.6 Scope of study**

The scope of study will cover the subject scope, time scope and the geographical scope of study.

#### **i) Subject scope**

The study will focus on the role of the NGOs in the promotion and the protection of the children's right to education in Uganda.

#### **ii) Time scope**

The study will cover a period of 10 years dating from 2001 – date reviewing the activities of Children based NGOs that are directly involved in the education sector as their line ministry.

#### **iii) Geographical scope**

The study will be conducted in Uganda and the main area of focus will be in Bushenyi District where a number of children based NGOs have had quite a considerable impact upon the children. Bushenyi District is located in the western part of Uganda, bordered by Ibanda District to the North, Kasese District to the Northeast, Mbarara District to the West, Ntungamo District to the Southwest, Rukungiri District to the South and L. Edward to the East.

## **1.7 Limitations of study**

The researcher is most likely to face a number of challenges while conducting the research and among them will include the following:-

1. There is likely to be a possibility of the researcher to be faced with the problem of insufficient funds, since a lot of money is involved in the data collection process, compilation of findings, moving to different places in pursuit of relevant information, accessing the internet services among others.
2. The researcher will likely face the problem of limited time, as the university has a set deadline for submission of the research report, yet there are a number of activities to be handled during the researching process.
3. The researcher is likely to get the problem of the respondents' unwillingness to release information about them. Since the right to education is also a concern to parents, some parents may be ashamed to tell the truth about the existing situation as regards their role as far as providing education is concerned and what the NGOs might have done in response. With this, the research findings from the respondents may conflict with the already written literature about the research topic.

## **1.8 METHODOLOGY**

### **1.8.0 Introduction**

The study will be conducted to probe issues relating to the role of NGOs in the promotion and protection the children's right to education. While prying this topic, various research techniques, methods, theories and philosophies will be applied.

### **1.8.1 Data sources**

The basic data will be based on both primary and secondary data. Primary data is one obtained directly from the respondents whereas secondary data relates to the already written material in regard to the research topic. Under the secondary data, information written on the research topic contained in textbooks, journals, magazines, tabloids, parliamentary enactments, international instruments, laws and by-laws, among others. Whereas secondary data contains the above, primary data will be extracted from the respondents using various research techniques. This must relate specifically on the role of the NGOs in the promotion and protection of the children's right to education.

### **1.8.2 Research design**

The researcher will use both the descriptive and analytical research designs during the research. In this, both qualitative and quantitative research methods will be employed accordingly, in describing the two variables and establishing the relationship that exists between the NGOs role and the right to education for the children in Uganda. Under the descriptive research design, the researcher will describe in detail the components of the research topic and showing how the two variables link and impact on each other.

### **1.8.3 Data collection techniques**

The researcher will employ a multitude of researching techniques that will help him or her reach at his conclusions about the research topic. These will include both on-field and library research. The techniques that will be used include the following:-

#### **a) Library desk and internet research**

During the research, various materials will be consulted relating to the research topic. This will entail review of the books, journals, papers, research reports already written in this regard, and other materials relevant to the addressing of the problem statement already established.

#### **b) Interviewing**

This is a face-face conversation between the interviewer and the interviewee (respondent) conducted for the purpose of obtaining information. Interviews with people who have adequate knowledge about the research topic like managers of the NGOs, people who have been involved with the Children related NGOs in the service delivery and local administrators among others will be conducted to get a broader picture of the relationship that exists between the two variables. The interviews will contain both the open-ended and close-ended questions in a bid of getting relevant information to the research.

#### **c) Questionnaires**

This will involve the formulation of a set of questions on the topic that will be designed to collect information from the respondents. The researcher intends to issue out questionnaires to different people by answering different questions that will be brought to their attention. This will help the researcher avoid the problems that are associated with the face-face interactions like uncomfortability of the respondent, the respondents who may not have adequate time for the interviews, among others.

#### **d) Sample selection**

A sample is part of the population which is deliberately selected for the purpose of investigating the properties of the parent population. Given the time frame in which the research must be conducted and concluded, it will be quite hard to study the whole population of the children in Uganda who have been involved with the NGOs in accessing education in Uganda. However, when the sample of the parent population is taken, the research findings that will be obtained will be a representation of the parent population for which the study will be conducted.

The sample size will be unrandomly selected and will be based on the researcher's personal judgment. For that justification, researcher intends to take 100 children and four NGOs living and operating from Bushenyi District as the sample size as a representative population for the whole population that will be under investigation by the researcher.

#### **e) Focus Group Discussions (FGDs)**

FGDs will be conducted to obtain data on beliefs, practices, and attitudes towards the provision of education services to children. An unstructured FGD guide will be used to elicit in-depth information on the study topic. Each FGD will comprise of at least 10 members so as to properly record the information to avoid loss of relevant information which is the case with FGDs with many members.

#### **1.8.4 Data analysis and processing**

Data will be analyzed and processed using a computer and organized using statistical analysis packages. The data will be cross-tabulated and statistically tested for the relationship between

the variables using data coding and correlation. Data coding will involve the attaching of weight to the information in form of figures for presentation and analysis in the form of diagrams.

#### **1.8.5 Significance of the study**

The study is anticipated to yield a number of results that are beneficial not only to the researcher but also to the stakeholders and policy implementers. Among them includes the following:-

1. It is hoped that the study will help the policy formulators on how best the activities of NGOs can be relied upon in the promotion and protection of the children's right to education.
2. The research findings about this area of research will add on the existing literature regarding the children's right to education, the role played by the NGOs in this regard, and what ought to be done by other stakeholders in a bid to realize the achievement of the Millennium Development Goal No.2 that relates to the provision of quality education as a means of reducing on the illiteracy levels in Uganda.
3. The research study will benefit the researcher in getting equipped with research skills and get experience in the field of research. Since the research paper is also examinable, the researcher will be, on completion of the research, in a position to get awarded with a Bachelor's Degree in Laws, by getting marks.

## 1.9 CHAPTERIZATION OF REPORT

The report was arranged and organized in a manner shown below;

1. Chapter One- This covers the Introduction to the report, methodology and the literature review of the report
2. Chapter Two-n This covers the discussions on the right to education in Uganda and the Role of NGOs towards the right to education
3. Chapter Three- This covers the state of the law in the promotion and protection of the right to education in Uganda and the international law protecting the same
4. Chapter Four- This covers the presentation of the findings about the research topic
5. Chapter Five- This covers the recommendations and Conclusions made by the researcher.

## 1.10 LITERATURE REVIEW

The available data is quite insufficient as relating to the role played by the NGOs in the promotion and protection of the children's right to education. Even the available data is quite unreliable for it is a mere representation of the ideas and notions of the authors/writers with no sufficient empirical data to correlate their notions.

The National Report on the *Development of Education in Uganda at the Beginning of the 21<sup>st</sup> Century*<sup>26</sup> identifies the main challenges confronting the new century as globalization, modernization, the information age and knowledge-based competition in the global market for which quality basic education should entail. It highlights the reforms in education geared

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<sup>26</sup> Ministry of Education 2003



towards the achievement of EFA and the MDGs, and states that the main policy and investment thrust is on increasing equitable access to quality education. The report never actually concentrated on the achievements that have been posted by the NGOs in helping the needy children attain quality education. As such, this report will seek to reconcile the works and studies conducted by the ministry of education.

Education and building a human resource base have been recognized as a restraint to national development. However, there prevails a gender based approach which ought to be filled. The boys have been considered more than their female counterparts and as such, this gap ought to be filled and get the girl child an opportunity of accessing quality education which has been filled by the NGOs as noted by Kwesiga (2002).

The African Charter on Human and People's Rights provides for the protection and promotion of the right to education,<sup>27</sup> which is more less the same as that provided under the convention on the rights of the child. However, both instruments neglect the role played by the NGOs in the realization of the same. With such deficiencies in the law, the NGOs can likewise neglect the provision of the same services that have been likewise of great impact in the realization of the children's right to education in Uganda.

Much as the right to education forms part of the National Objective and Directive Principles of state Policy<sup>28</sup>, contained under the constitution of the Republic of Uganda, the right to education has been quite neglected by the stakeholders (Government and parents).<sup>29</sup> As such, the NGOs have come up to get involved through the children whose right to the same

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<sup>27</sup> Article 20 therein

<sup>28</sup> Objective XVIII Contained under the Constitution of 1995, Rep. of Uganda

<sup>29</sup> Article 34 of the 1995 Constitution

has been massively violated. However, their limits have not been viably defined in relation to the promotion and protection of the right to education with regard to the children. Because of this, the research will seek to reconcile these provisions to ensure that the works of the NGOs are properly defined.

In the case of *TEBESIGWA V. GEORGE LUKODA*,<sup>30</sup> in which Article 34 of the constitution was considered and the welfare principle as contained under the Children Act, cap 59. The tribunal ordered the defendant to pay the school fees of the children and also ordered him to pay the damages to the complainant because he had the ability to pay.

The same position was reached on by the court in the case of *ALICE NABULOLI OPOLOT V. A.Z KANGA*,<sup>31</sup> in which the defendant claimed that he was not in a position to pay for his children's education because he had lost the job.

In *S. VALLY & B. RAMADILLO*<sup>32</sup> it was noted that the right to education in Uganda is a joint responsibility of not only the government but also the other stakeholders and these include the parents, NGOs among others. As such, everyone is bound to perform the obligations as are set out under the laws. Though set out in that line, it is unclear of all the stake holders, who own the highest liability in ensuring that the children access their constitutional guarantee.

A recent report by Oxfam International,<sup>33</sup> while motivating for abolishing user fees, argues that the cost of education is being transferred to poor families as part of a creeping

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<sup>30</sup> Complaint No.210 of 1998 UHRC

<sup>31</sup> Complaint No. UHRC/MBA/32/2002

<sup>32</sup> Education Rights Project in Africa

<sup>33</sup> 'Education Charges - A Tax on Human Development'

privatization of educational financing. As such the rural people whose income levels find themselves not in a position to pay for their children's education. This prompts NGOs to come in and mitigate the parties by helping the children afford education. What remains unresolved is the question of the quality of education that the NGOs avail to the children and this study will seek to resolve that position.

Looking at the above therefore, it can be summed up that the NGOs that choose to provide education to the children are bound by the responsibilities that they assume. However, a lot has to be done in ensuring that all is done and they perform their obligations diligently.