

A STUDY ON THE ACTUALIZATION OF THE RIGHT TO EDUCATION THROUGH A
SOCIAL AND ECONOMIC RIGHTS LENS.

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Declaration

I, Nafula Terry Angella, do hereby declare that this research is an original work, and as far as this research topic is concerned, to the best of my knowledge, it has not been previously, in part or in its entirety, been submitted to any other university for a degree or diploma. The other works which are cited or referred to are also acknowledged.

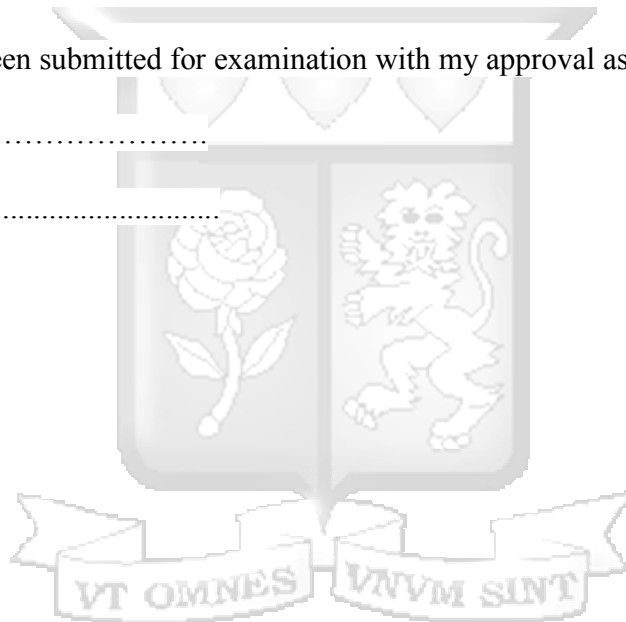
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ABSTRACT.

Social economic rights and freedoms are essential for the life and survival of all human beings as they seek to ensure that the basic dignity of the human being is respected and ensured. This is made possible by their nature as they focus on the living conditions of people; right to housing, right to work, right to health, right to education and so many other forms through which they come as enshrined in Article 23- 25 of the Universal Declaration of Human Rights. States have an obligation to ensure that these rights are actualized in their countries, and to enforce measures which would bring people closer to an enjoyment of their social economic rights and freedoms.

One of the notable ways through which this can be achieved is through empowerment. This comes in many forms, but this research will focus on how education can empower people to attain the capabilities required to live a full and flourishing life through Armatya Sen's capability theory. Education has been termed as an upstream right through which other rights can be acquired. This research seeks to ascertain the influence of education on the future realization of socioeconomic rights and thereafter assess whether or not Uganda has actualized the right to education. The area of reference would be Uganda, which promulgated the Universal Primary Education program, to ensure free education for children, since 1997. This makes it feasible to assess the effect of education on the socioeconomic status of the citizens of Uganda since 1997, in light of the reality that it is a progressive right, whose benefits cannot be assessed with immediate effect. This research will use qualitative research, to explore the actualization of socioeconomic rights in Uganda as a result of Uganda's investment in education.

List of abbreviations

ISER-Initiative for Social and Economic Rights

UDHR- Universal Declaration of Human Rights

UNESCO-United Nations Educational, Scientific and Cultural Organization

UNGA- United Nations General Assembly

UPE- Universal Primary Education



CHAPTER 1

1.1 Background

Education is a fundamental aspect of human and societal development. It is a tool for societal transformation and it plays a pertinent role in achieving ideological, moral, intellectual, and social development for the people in society.¹ The right to education is referred to as an “upstream” right in that it enables individuals to exercise their other rights.² The chances of exercising one’s civil, political, economic, and social rights without a certain minimum education are very minimal because of a lack of knowledge.³ One’s freedom of opinion and expression is bound to be limited without access to knowledge of the full range of opinions because they have not accessed this knowledge through education.⁴ Therefore, education pervades diverse fields of life and its quality can be a conduit of individual and societal development or a limit to it.

This makes the enforcement of this right pertinent to the fulfillment of most of the other constitutional rights. Education is also a tool for the promotion of development within a nation.⁵ This is why it is a pillar of the human capital theory of development. It views education as a tool through which skills and abilities are nurtured within human beings as a capital investment for society.⁶ The logic of this theory is that education and training enable higher productivity which will benefit the individual and the community inevitably. It would enable them to utilize their potential to work and earn wages, which will in turn ease their ability to access their socio-economic needs which fulfills the ends of constitutionalism.

¹ Education policy review commission Uganda, *Education for national integration and development*, 1992, 1.

² Daudet Y, Singh K, *The right to education : An analysis of UNESCO’s standard-setting Instruments*, United Nations Educational and Scientific Organization, Paris, 2001.

³ Daudet Y, Singh K, *The right to education : An analysis of UNESCO’s standard-setting Instruments*, United Nations Educational and Scientific Organization, Paris, 2001.

⁴ Daudet Y, Singh K, *The right to education : An analysis of UNESCO’s standard-setting Instruments*, United Nations Educational and Scientific Organization, Paris, 2001.

⁵ Tan E, ‘Human capital theory: A holistic criticism’ *Review of educational research*, 84(3) 2014, 411.

⁶ Oliver E D, ‘Human capital theory and higher education in developing countries’ *Journal of thought*, 39(1), 2004, 120.

This right is widely recognized both internationally and nationally. Internationally, it is recognized by UNESCO, an agency of the United Nations that seeks to promote sustainable development through different means, education is one of them.⁷ Uganda is one of the member states of UNESCO.⁸ It has made conscious efforts to promote education within the country.

The goals of the Ugandan education system are embodied in the Government White Papers which possess recommendations for education policy review.⁹ Uganda also has an Education Act which defines the structure of the education system and the scope of the roles of different statutory bodies within the education system.¹⁰ The law in Uganda recognizes and has created institutions and bodies, through which it gives a blueprint as to how to ensure access to education in Uganda.

Among the various efforts made by the government of Uganda to actualize the right to education, Universal Primary Education was introduced in 1997. This widened access to education all over the country. Access to free primary education increased from 2.5 million students to 7.5 million students between 1997 and 2008.¹¹ However, despite efforts made to improve the economy, many citizens were disillusioned by these developments in education as it hadn't achieved the intended aims of education, which supersede mere knowledge, but seek to equip people to use the knowledge imparted for their sustenance and prosperity within the society. This was evident in the high rates of unemployment, which affected their ability to afford a decent living.¹² This achievement can be assessed through an assessment of the populace's ability to enjoy their social and economic needs.¹³

Studies show that people who have attained a quality education are healthier, have higher job opportunities, and can attain a standard of living that upholds human dignity, which encompasses

⁷ <<https://www.un.org/youthenvoy/2013/08/unesco-united-nations-educational-scientific-and-cultural-organization>> on 11 January 2023.

⁸ National development plan, *final draft*, 2010.

⁹ Education policy review commission Uganda, *Education for national integration and development*, April 1992, 1.

¹⁰ International development center of Japan, *Basic education sector analysis report*, August 2012, 7.

¹¹ National Development Plan, *final draft*, 2010.

¹² Owori L, 'Educational decentralization and public secondary schools efficiency in Luwero district, Uganda' unpublished, Kampala International University, Kampala, 2015, 3.

¹³ Owori L, 'Educational decentralization and public secondary schools efficiency in Luwero district, Uganda', 3.

the social and economic rights spectrum.¹⁴ This sheds light on the possibility that the quality of education can be assessed through its long-term effects on people's ability to enjoy and access their social and economic rights. This paper seeks to assess whether or not this right has been actualized from the social and economic lens with the theoretical framework of Amartya Sen's capability theory.

1.2 Statement of problem

Research has shown that access to education improves people's ability to access and enjoy their social and economic rights.¹⁵ Therefore, one can assess whether or not this right has been actualized from a capabilities approach perspective. Uganda is a country with a vast population of people, who struggle to meet most of their social and economic needs albeit a majority of them have been educated at some point in their lives.¹⁶ The move to improve the education system through Universal Primary education has been incorporated for twenty-six years but with no visible improvement in their ability to access their social and economic needs in the long run.¹⁷ Much as the government has made moves to improve access to education, to equip the citizens with skills for self-sustenance, many Ugandans are living below the poverty line which affects their ability to enjoy their social and economic rights.¹⁸ Education is one of the fundamental rights through which people are equipped to access their other rights and freedoms.¹⁹ A populace within a nation whose citizenry doesn't seem to possess these results then brings to question whether or not the actualization of the right to education has been achieved. This study seeks to assess whether Uganda actualized the right to education and through the UPE program by assessing the capabilities of its citizens to exercise and enjoy their social and economic rights and freedoms.

¹⁴ Schlabach S, Yabiku ST, 'Social Change and the Relationships Between Education and Employment' *Population research and policy review*, 2009 200, <<https://doi.org/10.1007/s11113-008-9117-2>> on 1 November 2023.

¹⁵ Daudet Y, Singh K, *The right to education : An analysis of UNESCO's standard-setting Instruments*, United Nations Educational and Scientific Organization, Paris, 2001.

¹⁶ International Labour Organization, *School to work transitions surveys*, January 2017, 1.

¹⁷ Byomuhangi J, 'The state of economic, social and cultural rights in Uganda and emerging issues', *Joint Submission to the United Nations Universal Periodic Review*, 8.

¹⁸ <<https://www.macrotrends.net/countries/UGA/uganda/poverty-rate>> on 4 March 2023.

¹⁹ Schlabach S, Yabiku ST, 'Social Change and the Relationships Between Education and Employment' 200.

1.3 Research Objectives

1. To explore the nature of the relationship between education and social and economic rights and freedoms.
2. To assess the prospects of the future realization of socio-economic rights through Uganda's Universal Primary Education program.
3. To evaluate the extent to which Ugandan citizens have been able to achieve and enjoy their socio-economic rights and freedoms since the commencement of the UPE program.

1.4 Research questions

1. What does the relationship between education and the achievement of social-economic rights and freedoms entail?
2. What are the prospects of the future realization of socio-economic rights in Uganda based on the UPE program?
3. To what extent have Ugandan citizens been able to achieve and enjoy their social-economic rights and freedoms since the commencement of the UPE program?

1.5 Hypothesis

Constitutionalism seeks to protect, respect, and fulfill the fundamental rights and freedoms of people. Research has shown that education is an enabling right for access to other rights.²⁰ Quality education can equip an individual with skills and information which when synthesized, can be used to solve the needs within their context and enable them to earn a living, enabling them to enjoy and exercise their socio-economic rights which inevitably achieves the ends of constitutionalism. Furthermore, it also equips the minds of the citizenry with knowledge through which they can participate in the civic world effectively. It is impossible to enjoy a freedom or

²⁰ Daudet Y, Singh K, *The right to education : An analysis of UNESCO's standard-setting Instruments*, United Nations Educational and Scientific Organization, Paris, 2001.

right which they know not. It could be possible that the chances of experiencing and enjoying one's social and economic rights and freedoms are linked to the quality of education they received. Among many various factors, enjoyment of the right to education plays a role in the citizenry's ability to enjoy and exercise their social and economic rights, which is a legal end in itself.

1.6 Justification

Uganda made efforts to improve the education system as a long-term plan to improve the economy of the country.²¹ However, despite these efforts, since 1997, the country remains below the poverty line and many of its citizens are unemployed and are struggling to access their social and economic rights.²² This points to the fact that building more schools and creating opportunities for free education may not single-handedly guarantee the actualization of the right to education. The education provided must be able to have tangible benefits to those educated, which are evident in their standards of living. This study seeks to assess whether or not the actualization of the right to education has been achieved since the establishment of Universal Primary Education through a social and economic rights lens.

This study points to education as a plausible means through which constitutional rights could be actualized, simplifying the role of law enforcers and the judiciary. It presents how the fulfillment of the right to education can also fulfill other rights, like socio-economic rights, civil rights, and political rights. This could guide lawmakers in the creation of more stringent legal frameworks, around educational institutions which seek to actualize the right to education. This is hinged on the fact that education is an upstream right, enabling individuals to know, access, and exercise their other rights and freedoms. This approach could also provide a methodology through which the actualization of a right like education, can be assessed, as it is viewed as a progressive right and henceforth cannot be assessed in a short span of time. The study is also beneficial to educationists as it sheds light on pertinent factors that could facilitate the creation of relevant curriculums that will equip the citizens with a skillset for the labor market, enabling them to enjoy their social and economic rights.

²¹ National development plan, *final draft*, 2010. See also Oliver E D, 'Human capital theory and higher education in developing countries' *Journal of thought*, 39(1), 2004, 120.

²² —<<https://www.macrotrends.net/countries/UGA/uganda/poverty-rate>>— on 4 March 2023.

1.7 Theoretical framework

Having established the nature of the problem that this study wishes to explore, it is imperative to understand the theoretical framework with which this research will be carried out. The theoretical framework developing this study will take on Armatya Sen's capability approach through which it will assess the actualization of the right to education.

Capabilities simply allude to what a person has the capacity to do to meet their desired ends. Education plays an instrumental role in enabling people to participate in informed decision-making processes, because it is fundamentally a knowledge-planting process.²³ The upstream nature of the right to education as a door to access other rights places an onus upon educational frameworks to seek to fully protect the right to education. This is because education strongly influences people's ability to enjoy other rights too, and inevitably the entire livelihoods of people within society.²⁴ Sen's theory posits that the focus of basic education must be on actual learning acquisition, in this instance, acquisition will be assessed through the the capabilities which enable the enjoyment of social and economic rights and freedoms. This will go beyond the common assessment of the actualization of the right to education exclusively on the enrolment rates, the longevity of participation, and the completion of certification requirements.²⁵ The aforementioned prongs of assessment of the actualization of the right to education are myopic, calling for a more holistic assessment.

Armatya Sen's capability theory will be beneficial in assessing the substantial benefits of education socially and economically in the lives of people. The essence of a right can be assessed in two ways; firstly, the content of the right in itself, which is present in legislation, constitutionally

²³ Mehrotra S, 'Human Capital or Human Development? Search for a Knowledge Paradigm for Education and Development' 4(40) *Economic and political weekly*, 2005, 300.

²⁴ Schlabach S, Yabiku ST, 'Social Change and the Relationships between Education and Employment' 200.

²⁵ Meyer JW, 'The Effects of Education as an Institution' 83(1), *American journal of sociology*, 1977, 67.

enshrined and acts created to ensure the fulfillment of that right.²⁶ The second way would be by assessing its substantial benefits as a threshold below which, the integrity of human dignity is no longer respected.²⁷ This study seeks to employ the latter approach, through Armatya's capability theory which will focus on the ability of educated individuals to enjoy their social and economic rights and freedoms. This approach sees beyond the presence of statutes enshrining the right to education, but a realization of certain minimum standards through which human dignity is upheld. This is why the study assesses the actualization of the right to education through the rates at which adult citizens have the capability to enjoy and access their socioeconomic rights as a result of an investment in education.

This study takes on this framework because the right to education is regarded as a progressive right which makes its immediate actualization complex.²⁸ With the Universal Primary Education system in Uganda having been in place for twenty-six years, this paper will explore the long term influence of this measure on the ability of its citizens to enjoy their social-economic rights and freedoms in Uganda to assess whether or not this right has been actualized. This assessment will be carried out in the aforementioned region because the universal education program has been in action for the past twenty-six years, which would be a reasonable time to assess its actualization on the population, specifically on their ability to access and enjoy their social and economic rights.

1.8 Literature review

Most of the current literature approaches the issues of education and socioeconomic rights separately. In relation to socioeconomic rights, the authors have assessed the various reasons for Uganda's socioeconomic status which include violence, war, and government negligence but not much about the realization of the right to education affecting the future realization of socioeconomic rights is mentioned. Concerning education, literature has revolved around analyses

²⁶ Heymann J, Sprague A, Raub A, 'The right to education: A foundation for equal opportunities' *Advancing equality: How constitutional rights can make a difference worldwide.* *Advancing Equality: How Constitutional Rights Can Make a Difference Worldwide*, 1st ed, University of California Press, California, 2020, 208.

²⁷ Heymann J, Sprague A, Raub A, 'The right to education: A foundation for equal opportunities' *Advancing equality: How constitutional rights can make a difference worldwide* "The Right to Education: A Foundation for Equal Opportunities."208.

²⁸ Beco DG, 'The Right to Inclusive Education in International Human Rights Law'(eds) *Progressive Realisation and the Right to Inclusive Education* 1st ed, Cambridge University Press, Cambridge, 2019, 195.

of the education system's structural successes or failures and the socioeconomic conditions of Uganda. Literature on education has focused on enrolment rates and dropouts²⁹, the structural framework regulating it,³⁰ while other authors judged its success on whether or not the education system made students more aware of their human rights.³¹ Some authors have also approached this discussion through an economic lens, concerning whether or not the right to education is a solution to Uganda's economic problems.³² However, the literature doesn't take on the view that education is a way through which socioeconomic rights can be realized in the future of those who receive it. This research seeks to assess the actualization of the right to education within Uganda by assessing its influence on the future realization of social and economic rights and freedoms.

1.8.1 On social economic rights in Uganda

In regards to socioeconomic rights, Mbazira argues that the law in Uganda has lagged behind in the actualization of socioeconomic rights. This is attributed to long periods of political instability and the weaknesses of the judicial system. Mbazira argues that the independence of the judiciary has not been upheld and this has interfered with the acquisition of justice. He also adds that ignorance of the law and legal rights has contributed to the inaccessibility to the debilitating socioeconomic scene in Uganda.³³

Furthermore, Ottunu criticizes the social and economic sphere in Uganda for perpetuating colonial structures. He argues that the perpetuation of the violation of human rights in Uganda is because of the discriminatory and oppressive structures of the colonial times which have continued even after Uganda gained independence. He specifically notes that the education provided by the colonialists sought to train its students to collaborate with and accommodate the interests of the

²⁹ National planning authority, *Comprehensive evaluation of the universal primary education policy*, November 2018, 78.

³⁰ National planning authority, *Comprehensive evaluation of the universal primary education Policy*, November 2018, 78.

³¹ Juuko WF, Kabonesa C, 'Universal primary education (U.P.E) in contemporary Uganda: right or privilege?' Human rights and peace center, HURIPEC working paper number 8, 2007, 7. https://huripec.mak.ac.ug/wp-content/uploads/Docs/Publications/working_paper_8.pdf on 6th March 2023.

³² Namukasa I, Buye R, 'Decentralization and education in Uganda' *Comparative and international education*, 36(1), 2007, 113.

³³ Mbazira C, 'Public interest litigation and judicial activism in Uganda : improving the enforcement of economic, social and cultural rights,' Human rights and peace center, Huripec working paper Number 24, 2009, 75, — <https://searchworks.stanford.edu/view/8106745> on 29 January 2024.

colonial regime. It was described as a form of ‘training, and not education, enslavement and not liberation.’³⁴ He views the socioeconomic issues in Uganda as a result of oppressive colonial systems.

Torres argues that the wealth disparities in Uganda are proof of the poor socioeconomic conditions of Uganda. Basic necessities are accessible to some people while other people live in very poor living conditions. He argues that Uganda hasn’t fully complied with its international obligations to protect and provide for its citizens’ socioeconomic needs.³⁵ These assessments are made from an analysis of the state’s response to victims of violence from rebel groups. Other authors approach socioeconomic needs from the perspective of mental health. They argue that the high rates of poverty in Uganda increase the inaccessibility to socioeconomic needs like housing, education, and access to health facilities. This cumulatively leads to mental health issues like depression.³⁶ As shown above, there is literature on various aspects of socioeconomic rights, but without a direct correlation to the right to education and its upstream nature.

1.8.2 Literature on the actualization of the right to education in Uganda

There is also independent research on the right to education in Uganda, assessing its actualization, however, without an assessment of education’s influence on the future realization of socioeconomic rights. Kiche assesses the right to education by assessing whether Uganda has complied with international provisions requiring the fulfillment of the right to education.³⁷ He also assesses issues of gender equity in education and appreciates the improvements in female education, criticizes the urbanist and elitist nature of preschool education which affects its accessibility and adaptability.³⁸ He also avers that this right hasn’t been fully actualized because

³⁴Otunnu O, ‘Socio-economic and political crises in Uganda: Reasons for human rights and violations and refugees’ 11(3) *Canada’s journal on refugees*, 1992, 26.

³⁵Torres FE, ‘Economic and social rights, reparations and the aftermath of widespread violence: The African human rights system and beyond,’ 21(4) *Human rights law review*, 2021, 949.

³⁶Jenkins R, Baingana F, Ahmad R, McDaid D, Atun R, ‘Social, economic, human rights and political challenges to global mental health’ 8(2) *Mental Health in Family Medicine*, 2011, 90.

³⁷Kiche J, ‘The legal promotion and protection of the rights of children to education in Ugandan system, a case study of Arua district, Northern Uganda’ Unpublished, Uganda Pentecostal university, 2010, 65.

³⁸Kiche J, ‘The legal promotion and protection of the rights of children to education in Ugandan system, a case study of Arua district, Northern Uganda’, 65.

the schools are poorly equipped, understaffed, and fewer compared to the children seeking an education.³⁹

Juuko and Kabonesa criticize the fact that the education program is predominantly dependent on external resources, which are unsustainable. This dependence affects the long-term success of the program.⁴⁰ The effects of this dependence are manifest in the absence of structural facilities and high dropout rates with no legal framework set in place to restore such students to school.⁴¹ They also aver that the primary education program in Uganda is mainly channeled towards poverty reduction; a macro-economic goal, and is less concerned with the reality of its citizens' livelihoods. They note that this is evident in the minimal levels of litigation about the right to education which brings to light the issue of the citizens' unawareness of the justiciability of this right.⁴² It also points to the lack of clarity of a regulatory framework and which bodies are should be held accountable in instances of their failure to execute their duties as prescribed by law. This proves that there is redundancy within the very institution whose duty it is to ensure that this right is actualized in the lives of the citizens of Uganda.

A report by Stiftung found that there was a gap between the curriculum and the actual needs of the market. She states that "the gap between the theory and practice is too large."⁴³ One of the reasons for this is that Uganda's education system takes its cues from the 1950s before it was an independent state from the UK.⁴⁴ This system does not prove relevant to the current needs of the labor market, making it incompatible with the current society.

³⁹ Kiche J, 'The legal promotion and protection of the rights of children to education in Ugandan system, a case study of Arua district, Northern Uganda', 65.

⁴⁰ Juuko WF, Kabonesa C, 'Universal primary education (U.P.E) in contemporary Uganda: right or privilege?' Human rights and peace center, HURIPPEC working paper number 8, 2007, 7. https://huripec.mak.ac.ug/wp-content/uploads/Docs/Publications/working_paper_8.pdf on 6th March 2023.

⁴¹ Juuko WF, Kabonesa C, 'Universal primary education (U.P.E) in contemporary Uganda: right or privilege?' 52.

⁴² Juuko WF, Kabonesa C, 'Universal primary education (UPE) in contemporary Uganda: right or privilege?' 52.

⁴³ Stiftung AK, 'Uganda's youth: Young people and their political involvement' 2013, 28. <http://www.jstor.com/stable/resrep10123.5> on 6th March 2023.

⁴⁴ Stiftung AK, 'Uganda's youth: Young people and their political involvement' 2013, 28. <http://www.jstor.com/stable/resrep10123.5> on 6th March 2023.

Namusobya, criticizes the current education system in Uganda, by outlining some major concerns.⁴⁵ She first criticizes the government's low investment in public education, which has led many to resort to private education.⁴⁶ She also criticizes the insufficiency of resources in public schools like classrooms, furniture, textbooks, and other resources.⁴⁷ Children of different ages, in different classes are forced to share the same cramped classrooms.⁴⁸ This has impeded quality education within Uganda. She analyses education disparities as the major causes of discrimination and segregation.⁴⁹ The lack of proper regulatory and monitoring mechanisms in private schools has led to a generic inefficiency in the public education system.

Some have also focused on identifying the major barriers in ensuring an efficient education system.⁵⁰ There is a disconnect between the number of pupils and the available teachers which has led to some of the classes in various schools not having adequate syllabus coverage.⁵¹ They have estimated the population to grow, from 27 million people to 127 million people in 2050. This could potentially become a challenge for the Ministry of Education to maintain accessibility and quality in education.⁵²

The literature has paid heed to the social economic conditions in Uganda and the right to education distinctively, but it hasn't employed the idea that the rate at which socioeconomic rights and freedoms are accessed and enjoyed can be a reflection of the actualization or failure to actualize the right to education.



⁴⁵ Legal resources center, *'Realising the right to education in Uganda,'* March 2015, 5.

⁴⁶ Legal resources center, *'Realising the right to education in Uganda,'* March 2015, 5.

⁴⁷ Legal resources center, *'Realising the right to education in Uganda,'* March 2015, 5.

⁴⁸ ISER, *'Privatisation in education and discrimination: its impact on the right to education in Uganda'* May 2017, 2.

⁴⁹ ISER, *'Privatisation in education and discrimination: its impact on the right to education in Uganda'* May 2017, 2.

⁵⁰ ISER, *'Privatisation in education and discrimination: its impact on the right to education in Uganda'* May 2017, 2.

⁵¹ African population and health research center, *'The quality of education in Uganda: A case of Iganga and Mayuge districts'* May 2016, 26.

⁵² African population and health research center, *'The quality of education in Uganda: A case of Iganga and Mayuge districts'* May 2016, 26.

1.9 Contribution

This study could fulfill the ends of constitutionalism and enhance the realization of the right to education and consequentially; socioeconomic rights. This is because it seeks to propel the government to ensure that not only are people attending schools, but they are also being taught information that equips them for a decent livelihood through the curriculums, which would increase their chances of enjoying and exercising their social and economic rights. This would therefore provide a perspective through which people could holistically enjoy their human rights. This study will also contribute to Uganda's education system by presenting a unique perspective on the right to education in Uganda for the actual fulfillment of the right to education. .

1.10 Methodology

The research conducted in this study will be predominantly qualitative for the main sources of information will be secondary sources which include, journal articles, theses, reports, book chapters, dissertations, and other internet sources. It will also use primary sources like the Education Act(2008), the Government White papers, and other acts in relation to education in Uganda. These findings will be arrived at through a deductive method through which the author will attempt to prove the aforementioned hypothesis. This will be accomplished through the information attained from the research guided by the research questions stated in 1.4.

The research will take on a generally deductive approach. This will happen by a generic analysis of the outcomes of educated individuals in their different dimensions of life in regard to their social and economic living conditions. This qualitative data will be contrasted through the outcomes of less educated and uneducated individuals socially and economically with the outcomes of those in various geographical regions with more educated individuals. Through this, the study will establish the pertinence of education to the access to social and economic rights. This will also be the basis on which the study will assess whether or not the right to education has been actualized within Uganda. Therefore the study will take on a deductive conclusion from qualitative data to assess the realization of the right to education through its effects on the social and economic dimensions of people's lives in Uganda. Lastly, with the use of statistical data the study will assess the

livelihoods of the educated and the livelihoods of the uneducated alongside the poorly educated in Uganda since the promulgation of the UPE program to assess whether or not the right to education was actualized. Their livelihoods will be analyzed based on their capabilities to access and enjoy their socio-economic rights and freedoms.

The study will also make use of primary sources like the Education Act, and other statutory laws on education to assess whether there is a clear legal framework in place to regulate the implementation of the decentralized Universal Primary Education program. I will come to an inductive conclusion on whether Uganda has a clear legal framework through which the actualization of the right to education is to be implemented.

1.11 Chapter breakdown

Chapter one is the introductory part of this research. It will relay the background of this research, the objectives, and the research questions through which the objectives will be determined. Chapter two will then assess the nature of the relationship between the right to education and the realization of social and economic rights. Chapter three will then assess whether the educational framework of Uganda could enable the future realization of socioeconomic rights. This assessment will take on Armatya Sen's capability approach theory to assess the potency of the UPE program in Uganda. It will also look into statistical qualitative data to assess how many people within the country were able to receive the benefits of the UPE program, which would then infer that they received the capabilities that education is meant to impart to its agents. Lastly, chapter four will study Uganda's educational framework Uganda and its efforts to facilitate the actualization of the right to education. The findings from the previous chapter along with these will then be reconciled to assess whether the right to education has been fully actualized by assessing the capabilities attained by the citizens of Uganda to enjoy their social and economic rights through education. This assessment will be carried out in Uganda because the UPE program has been in action for the past twenty-six years, which would be a reasonable time to assess its effects on the population, specifically on their ability to access and enjoy their social and economic rights.

CHAPTER 2

2.1 INTRODUCTION

This chapter will seek to first explore the origin and substance of social-economic rights. This will then set the basis for the argument that these are essential for the respect of the dignity and integrity of all human beings in the world. After establishing their importance, this chapter will explore the effects of education on each of the aspects within the social and economic rights spectrum. This will establish the link between education and social and economic rights. This will then form the basis for the next stage of this assessment, as to which factors in an educational framework are pertinent to the achievement of social and economic rights.

2.2 What is the relationship between education and the achievement of social-economic rights and freedoms?

Social-economic rights were internationally recognized as essential aspects of human life and as necessary for a healthy and purposeful livelihood. They seek to achieve the common good which entails the ability of people to have all that they need to attain their ultimate purpose, which eventually culminates into the common good.⁵³ Social-economic rights are enshrined in various international covenants by which parties to these covenants are bound and are expected to promulgate laws nationally in pursuance of these rights.⁵⁴ Among these rights, is the right to education, however, in this context, the right to education is viewed as a factor that influences the ability of people to experience these social and economic rights.

Social economic rights came to rise after the Second World War after outrageous atrocities were committed against millions of people during the war.⁵⁵ The International Community united and formed various covenants like the Universal Declaration of Human Rights, and the International Covenant on Economic, Social, and Cultural Rights.⁵⁶ These treaties sought to prevent the

⁵³ Mastromatteo G, Solari S, 'The idea of common good and the role of the state in present day social economics' 122(1) *Rivista Internazionale di Scienze Sociali*, 2014, 86.

⁵⁴ Siegel RL, 'Socioeconomic Human Rights: Past and Future' 3(7) *Human Rights Quarterly*, 1985, 225.

⁵⁵ Siegel RL, 'Socioeconomic Human Rights: Past and Future' 225.

⁵⁶ Siegel RL, 'Socioeconomic Human Rights: Past and Future' 257.

reoccurrence of the atrocities committed against humanity during the world wars.⁵⁷ They set out obligations that States are bound to respect, protect, and fulfill.⁵⁸ The obligation to protect means that States should not interfere with or curtail the enjoyment of human rights while the obligation to respect requires states to protect individuals and groups against human rights abuses.⁵⁹ Finally, the obligation to fulfill implores states to take positive action to facilitate the enjoyment of human rights. Of the three approaches to human rights, social-economic rights are mostly under the State's obligation to fulfill.⁶⁰

2.3 What do social economic rights entail?

The preamble to the International Covenant on Economic, Social, and Cultural Rights recognizes that these rights are derived from the inherent dignity of the human person.⁶¹ It asserts that the ideal of free human beings enjoying freedom from fear and want can only be accomplished when they can enjoy their economic, social, and cultural rights.⁶² This chapter, however, will only focus on social and economic rights.

Article 26 of the UDHR addresses the right to education: It states that education ought to be channeled to the full development of the human personality and to strengthen respect for human rights and fundamental freedoms.⁶³ This elucidates on the foundational nature of the right to education to the actualization of the human person, through its ability and capacity to strengthen the respect for other human rights and fundamental freedoms. These rights and freedoms fundamentally seek to respect and uphold the ability of the human person to live a life that respects their inherent dignity. However, if they have no understanding of this inherent dignity and the life they ought to live, their ignorance would be the first impediment to their ability to fight for, advocate, and even appreciate these fundamental rights and freedoms.⁶⁴ Education informs the

⁵⁷ —<<https://www.un.org/en/about-us/udhr/foundation-of-international-human-rights-law>>— on 31 October 2023.

⁵⁸ —<<https://www.un.org/en/about-us/udhr/foundation-of-international-human-rights-law>>—on 31 October 2023.

⁵⁹ —<<https://www.un.org/en/about-us/udhr/foundation-of-international-human-rights-law>>—on 31 October 2023.

⁶⁰ —<<https://www.un.org/en/about-us/udhr/foundation-of-international-human-rights-law>>— on 31 October 2023.

⁶¹ UNGA, *International covenant on economic, social and cultural rights*, Treaty Series 999, December 171.

⁶² UNGA, *International covenant on economic, social and cultural rights*, Treaty Series 999, December 171.

⁶³ UNGA, *General Assembly, Universal Declaration of Human Rights*, 10 December 1948.

⁶⁴ Reardon BA 'Educating for Human Dignity: Learning About Rights and Responsibilities' University of Pennsylvania Press, Pennsylvania, 1995, 203.

human mind of its identity and teaches people how to access, achieve, and advocate for their fundamental rights and freedoms.⁶⁵ This is why areas with low standards of education people have records of the highest rates of poor standards of living as many are unable to access and enjoy the social and economic needs that should be afforded to them by the State.⁶⁶

The UDHR furthermore elucidates the various social and economic rights human persons are entitled to achieve and enjoy. Article 23 revolves around the right to work, and its various aspects. This specific provision seeks to protect, respect, and fulfill the economic needs of people. It states that everyone has the right to work, to just and favorable conditions of work, to free choice of employment, and protection against unemployment.⁶⁷ It furthermore possess provisions for equal pay for work, to a just and favorable remuneration ensuring for himself and his family an existence worthy of human dignity and supplemented if necessary by other means of social protection.⁶⁸ This right is reiterated by Article 6 of the International Covenant on Economic, Social, and Cultural Rights. It takes a further step to place an obligation on State parties to take up steps to achieve its full realization through various technical trainings and vocational programs.⁶⁹ This is with the end of achieving steady economic, social, and cultural development in the lives of people. The recommended steps in this article allude to educational programs and their part in enabling the full realization of these rights, foregrounding education's foundational value to the realization of these rights.

Article 25 then addresses matters related to the social dimension of human life; everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including housing, medical care, clothing, food, and necessary social services.⁷⁰ It then also addresses the right to security in case of the occurrence of sickness, disability, unemployment, widowhood, old age, or other lack of livelihood in circumstances beyond his control.⁷¹ Article 11

⁶⁵ Ehrlich JH, 'The Issue: Education and human dignity; theory into practice' 3(2), *Intergroup-Relations Education*, 1963, 117.

⁶⁶ OECD, 'Equity and Quality in Education: Supporting Disadvantaged Students and Schools,' OECD publishing, 2012 -<<https://doi.org/10.1787/9789264130852-en>>- .

⁶⁷ UNGA, *Universal Declaration of Human Rights*, 10 December 1948, 217, A (III).

⁶⁸ UNGA, *Universal Declaration of Human Rights*, 10 December 1948, 217, A (III).

⁶⁹ UNGA, International covenant on economic, social and cultural rights, *Treaty Series* 999 (December): 171.

⁷⁰ UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, 217 A (III).

⁷¹ UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, 217 A (III).

of the ICESCR also reiterates this right.⁷² It can be inferred from the aforementioned provisions that these rights entail the standards of living revolving around health, and the availability of the basic needs for the survival of any human being; clothing, housing, and medical care, notwithstanding other social services that are essential for the human being's survival.

Having established what social economic rights entail, the next part of this chapter seeks to assess whether a link exists between the right to education and social economic rights by assessing the link between education and the various social and economic rights highlighted above.

2.4 The right to education and its influence on the realization of the right to health

Article 12 of the ICESCR recognizes the right of everyone to enjoy the highest attainable standard of physical and mental health.⁷³ It obligates state parties to achieve the full realization of this right through various means. This part seeks to assess whether or not education influences people's ability to enjoy this right.

Research by Raghupathi has shown that more educated individuals in the US report better health conditions and they tend to face lower mortality risk.⁷⁴ They also suffer fewer instances of anxiety, and depression, and fewer functional limitations.⁷⁵ It also found that better-educated parents had healthier children, who grow up to be healthier adults.⁷⁶

The link between education and health is established by various factors which lie within economic, social-psychological, health-behavioral, and access to health care.⁷⁷ In the behavioral dimension, Raghupathi notes that educated individuals tend to be healthier because they are knowledgeable

⁷² UNGA, International covenant on economic, social and cultural rights, *Treaty Series* 999 (December): 171.

⁷³ Raghupathi V, Raghupathi W, 'The influence of education on health: an empirical assessment of OECD countries for the period 1995-2015,' 7, 2020. –<https://archpublichealth.biomedcentral.com/articles/10.1186/s13690-020-00402-532280462> > on 31 October 2023.

⁷⁴ Raghupathi V, Raghupathi W, 'The influence of education on health: an empirical assessment of OECD countries for the period 1995-2015' 8.

⁷⁵ Raghupathi V, Raghupathi W, 'The influence of education on health: an empirical assessment of OECD countries for the period 1995-2015' 8.

⁷⁶ Raghupathi V, Raghupathi W, 'The influence of education on health: an empirical assessment of OECD countries for the period 1995-2015' 8.

⁷⁷ Zajacova A, Lawrence EM, 'The Relationship Between Education and Health: Reducing Disparities Through a Contextual Approach' 2018, 273, –<<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5880718/>>– on 3 November 2023.

enough to recognize symptoms of illnesses in time to seek the needed medical help.⁷⁸ Zajacova notes that health behaviors are only a partial effect of education on health.⁷⁹ Adults who are less educated are more prone to adopting habits of smoking, unhealthy diets, and lack of exercise.⁸⁰ Ragupathi also notes that uneducated adults tend to have worse health conditions, more chronic illnesses, and more functional disabilities and limitations.⁸¹ Economically, well-educated people are less likely to be unemployed, providing resources and support through the wealth accumulated.⁸² This provides a decent standard of living through which basic needs are easily provided, reducing chances of malnourished diseases, while increasing chances of healthier lifestyles.⁸³

Zajacova goes on to recognize that health disparities developed hand in hand with the socio-economic inequalities within society.⁸⁴ This reinforces the reality that poor health also leads to a further depreciation in people's socio-economic standards of living. However, poor health can be caused by many reasons, ignorance being one of them, which is a problem only education can cure. Education influences health through the knowledge it imparts to people which promotes and sustains healthy decisions they make.⁸⁵ Increased levels of education lead to different decision-making and thinking patterns which affect the health patterns of people.⁸⁶

⁷⁸ Zajacova A, Lawrence EM, 'The Relationship Between Education and Health: Reducing Disparities Through a Contextual Approach' 2018, 273, <<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5880718/>> on 3 November 2023.

⁷⁹ Raghupathi V, Raghupathi W, 'The influence of education on health: an empirical assessment of OECD countries for the period 1995-2015' 10.

⁸⁰ Raghupathi V, Raghupathi W, 'The influence of education on health: an empirical assessment of OECD countries for the period 1995-2015' 10.

⁸¹ Raghupathi V, Raghupathi W, 'The influence of education on health: an empirical assessment of OECD countries for the period 1995-2015' 10.

⁸² Zajacova A, Lawrence EM, 'The Relationship Between Education and Health: Reducing Disparities Through a Contextual Approach' 2018, 274, <<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5880718/>> on 3 November 2023.

⁸³ Zajacova A, Lawrence EM, 'The Relationship Between Education and Health: Reducing Disparities Through a Contextual Approach' 274.

⁸⁴ Zajacova A, Lawrence EM, 'The Relationship Between Education and Health: Reducing Disparities Through a Contextual Approach' 274.

⁸⁵ Zajacova A, Lawrence EM, 'The Relationship Between Education and Health: Reducing Disparities Through a Contextual Approach' 274.

⁸⁶ Raghupathi V, Raghupathi W, 'The influence of education on health: an empirical assessment of OECD countries for the period 1995-2015' 10.

2.5 Education and the right to work

Economic factors pervade almost all dimensions of human life. Employment however, is the predominant bedrock of the individual's economic security. For the International Labour Organization, a decent work-life sums up the idea that people are able to meet their aspirations in their work life, people ought to have opportunities for work that are not only productive but also deliver fair income, work place security and social protection for workers' families. Furthermore, they also ought to have greater opportunities for social integration, their personal development, and the freedom to organize and participate in the decisions which affect their personal lives.

Aksoy argues that education facilitates people's employability in the work world, as it equips them with the qualifications that are necessary for whichever vocations or professions they seek to participate in.⁸⁷ Through this, they are able to attain decent living conditions and meet their economic needs.

Ross argues that the right to education is a pertinent factor in shaping one's likelihood of employment, income, and the kind of jobs one can get.⁸⁸ Poorly educated people and the uneducated are more likely to choose hazardous jobs due to a lack of knowledge of the implications of these hazards, ignorance of their rights, or desperation for money to survive, which inevitably affects their ability to advocate for better working conditions or better pay.⁸⁹ This inevitably affects their ability to live under decent living conditions which uphold their inherent dignity as enshrined in Article (25) of the ICESCR. According to statistics from the International Labour Organization, there at least 270 million work-related hazards, of them, 160 million were work related illnesses and 2 million deaths.⁹⁰ The statistics also speak of millions of people in precarious job situations within the informal sector, where most poorly educated or uneducated people lie.⁹¹ These statistics tell of millions of people whose Article 7 of the ICECSR right is contravened due to their circumstantial situations.

⁸⁷Zajacova A, Lawrence EM, 'The Relationship Between Education and Health: Reducing Disparities Through a Contextual Approach' 274.

⁸⁸Ross CE, Wu C, 'The links between education and health,' 5(60) *American sociological review*, 1995, 7.

⁸⁹ Ross CE, Wu C, 'The links between education and health,' 7.

⁹⁰ Ozden M, 'The right to work' CETIM, 2008, 2.

⁹¹ Ozden M, 'The right to work' CETIM, 2002, 8.

This chapter doesn't seek to place education as the only factor that influences the future outcomes of people within society, but it argues that access to quality education improves one's ability to enjoy and achieve their social and economic rights.



CHAPTER 3

3.1 INTRODUCTION

Having established that the various dimensions of socio-economic rights can be ensured through increased access to education, this chapter will seek to assess the educational framework within Uganda, to assess its potential to ensure the future realization of socioeconomic rights. The chapter will focus on the law regulating the UPE program and it will take on a theoretical approach, which will provide a lens through which education could ensure the future realization of socioeconomic rights in Uganda. Therefore, it will also take on Armatya Sen's human development theory as the fundamental lens through which education can secure the future realization of socioeconomic rights. The final part of this chapter will be an assessment of the progress in Uganda's enrolment rates since the start of the UPE program.

3.2 Regulatory framework of the UPE program in Uganda

The Education Act is the foundational regulatory document with the necessary guidelines necessary for the implementation of the UPE program. The 1998 UPE program implementation guidelines were enshrined in the Education Act.⁹² These provide that it is the government's duty to provide textbooks and teacher's guides and that it is its sole responsibility for the construction of basic school facilities such as classrooms, teacher houses, and libraries, and the supervision of the implementation of the program.⁹³ However, it doesn't specify which specific body within the government is to supervise the implementation of the program, making the accountability channels blurry. It also stipulates that there shall be a collection of fees for building classrooms, teachers' houses, latrines, uniforms, buying textbooks, furniture, tests, or examinations.⁹⁴ Schools are only allowed to charge for administrative and utility fees at a cost not exceeding 10,400/= per school year.⁹⁵

⁹² Section 5, *Education Act* (No. 44 of 2008).

⁹³ Section 5, *Education Act* (No. 44 of 2008).

⁹⁴ Section 5, *Education Act* (No. 44 of 2008).

⁹⁵ Section 5, *Education Act* (No. 44 of 2008).

Consequently, the parents are have a duty to provide scholastic materials, and the other basic needs for their children.⁹⁶ The government intervention was meant to reduce the financial burdens on the parents so that they could easily use their funds to provide these miniature needs for their children. There is no seperate official document detailing what exactly UPE is and how it was supposed to be implemented in Uganda. There are hardly any statutory instruments issued to regulate the program as required by the Education Act.⁹⁷ This could impede the efficient execution of the UPE program due to the lack of guidelines to enforce the program. This also affects the forums for accountability and justiciability in case of inefficiencies or discrepancies in the system. An inefficient education program could inevitably affect the social and economic benefits that come with access to education, which could make it an ineffective program. This flaw shows a lack of intentionality by the Ugandan government on its enforcement of the right to education through the Universal Primary Education program. Therefore, the analysis will be based mainly on the theoretical potential of education to ensure the future realization of socioeconomic rights, and in the next chapter, on its effects on the social and economic needs of its beneficiaries.

3.1 Human development Process/ capabilities approach

Sen believes that beyond eradicating poverty, developing the capabilities of people possesses intrinsic value.⁹⁸ Capabilities simply allude to what a person can do or be. Education plays an instrumental role in enabling people to participate in informed decision-making processes, because it is fundamentally a knowledge-planting process.⁹⁹ When people know more, they possess the freedom to make various life decisions because they aren't limited by a lack of means, opportunity, or knowledge, ensuring that they can have a decent livelihood. Literacy, attained from education also fosters public debate and dialogue through which people can enunciate their needs, and advocate for change in their nations.¹⁰⁰ Education can also redress injustices by empowering

⁹⁶ National planning authority, '*Comprehensive evaluation of the universal primary education policy*,' November 2018,80.

⁹⁷ National planning authority, *Planning for development*, 2019 2.

⁹⁸ Turiel E, 'Striving for justice equality and decent lives' 46(6), *Human development*, 2003, 364.

⁹⁹ Mehrotra S, 'Human Capital or Human Development? Search for a Knowledge Paradigm for Education and Development' 4(40) *Economic and political weekly*, 2005, 300.

¹⁰⁰ Mehrotra S, 'Human Capital or Human Development? Search for a Knowledge Paradigm for Education and Development' 300.

marginalized and excluded groups to participate in social and economic decisions that affect their lives. Education does this by providing them with an equal platform to grant them the capabilities needed to access life opportunities and to live a decent life.¹⁰¹ It could therefore be inferred that social, redistributive and transformative goals of a nation are more effectively accomplished when its people are educated.

Since social economic rights are concerned with the livelihood of people, in the various dimensions of their need for survival, this theory will be beneficial in assessing the Universal Primary Education program's contribution to the future realization of socioeconomic rights to assess Uganda's achievements in the realization of socioeconomic rights. Considering that the government of Uganda adopted the UPE program as a means to eradicate poverty, the human capabilities approach widens the prospects of investments in education, for improved livelihoods for its citizens. This approach is a necessary framework that pays heed to both the learning processes and social value of education which spills over into the social dimension of people's lives, which can ensure the realization of social and economic rights. It takes on a view of education as a tool for further realization of other rights, and not simply a right which all children have to simply enjoy and experience without an appreciation of its future benefits. Social economic rights are quite compatible with the capability approach because these are rights individuals can actually enjoy and access if they are equipped with basic knowledge, which enhances their capabilities, with which they could diversely make decisions on the best way to live their lives.

3.2 The link between socioeconomic rights and the capabilities approach

Capabilities are more centered on people's ability to achieve the things which they value. This approach measures well-being by analyzing people's freedom to make various choices with the capabilities they possess. This approach is cognizant of the multidimensional nature of the human being. The aspect of human development focuses on providing conditions that will facilitate the ability of people to lead flourishing lives.

This multidimensional form of freedom is affected by three factors of conversion, which have a direct correlation to social and economic rights. These include; personal characteristics like

¹⁰¹ Mehrotra S, 'Human Capital or Human Development? Search for a Knowledge Paradigm for Education and Development' 300.

physical condition, literacy, and intelligence. Social characteristics will include social norms, discriminatory practices, gender roles, societal hierarchies, infrastructure, institutions, and public goods. It is notable that the capabilities approach seeks to embrace the development of the multi-faceted nature of the human being, which is similar to the role of enshrined social and economic rights in international and national conventions. These characteristics are comprehensively embodied in the spectrum of social economic rights, which ensure that all individuals enjoy and access facilities that are necessary for a decent livelihood. The right to work, the right to education, and the right to health services all ought to be accessible to an individual to live a flourishing livelihood. This paper argues that if more people have access to education early in their lives, they are liberated to exercise their freedoms in all the aforementioned spheres of their lives.

Education improves their awareness of what they can be, and can do within their lives, and enables them to make the best decisions for their lives, and these decisions are a way through which they can realize their social and economic rights, to live a life which they value. This reflects on the effectiveness of education on the lives of its agents, which is also a dimension of the realization of the right. This is why merely assessing people's access to education is not sufficient because it pays no heed to what exactly education is meant to achieve in the lives of people. An education is insufficient if it does not improve the capabilities of individuals because it is through these capabilities that the acquisition of social and economic rights can be realized.¹⁰²

Notably, after the start of the UPE program, there was a dramatic increase in school enrolment rates. The enrolment rate in 1996 was at 3,068,625. When the UPE program started in 1997, the enrolment rate increased to 5,303,564, an increase of 58 percent.¹⁰³ The figures for Gross enrolment rates were equally rapid when they scaled up from 77 percent in 1996 to 137 percent in 1997 and the figures for net enrolment rate scaled up to 85 percent in 1997 from 57 percent in 1996.¹⁰⁴ Based on the capabilities approach, the increased enrolment rates would imply greater

¹⁰² Lee SE, 'Education as a human right in the 21st century' 21(1) *Democracy and education*, 2013, 3.

¹⁰³ National planning authority, *Comprehensive evaluation of the universal primary education policy*, November 2018,80.

¹⁰⁴ National planning authority, *Comprehensive evaluation of the universal primary education policy*, November 2018,80.

capability levels for more children in school, which would increase their chances to enjoy and access their socioeconomic rights in the future.

This, however, does not seek to imply that similar educational opportunities will guarantee similar learning outcomes for all students. The theory simply posits that educational resources build capacities within individuals to convert the knowledge acquired to different ends. The individuality and competence built in the human person through education enhances their chances of living healthier lifestyles, getting well-paid jobs, and exercising their rights and freedoms which fulfills the need for people to enjoy their socioeconomic rights. The point simply is that education offers equality in capabilities amongst its agents.

It is also notable that other factors affect the success of education in enabling the future realization of socioeconomic rights; for example, as more children were enrolled in school, they lacked the necessities for an effective educational experience. The government expenditure on education has declined from 18.6 percent to 13.3 percent between 2005 and 2018.¹⁰⁵ There has been a great decline in the funding for the primary education sub-sector which has posed a great danger to the possible benefits that could come with increased access to education.¹⁰⁶ This could perpetuate continued cycles of poverty within the country, impeding the future access and enjoyment of social and economic rights and freedoms.

Therefore, more than assessing how many children are enrolled in schools, one needs to assess whether individuals are free to participate freely in society as a result of education, with decent living conditions.¹⁰⁷ This then makes the quality of education very pertinent for the acquisition of socioeconomic rights.

3.3 School enrolment rates as indicators of future realization of socioeconomic rights

¹⁰⁵ Initiative for Social and Economic Rights, *Beyond statistics*, 14 November, 14.

¹⁰⁶ Center for health, human rights and development, *Universal primary education, human rights and the right to health*, July 2015,3.

¹⁰⁷Rajapakse N, 'Amartya Sen's Capability Approach and Education: Enhancing Social Justice' *Revue lisa*, 2016 – <<https://doi.org/10.4000/lisa.8913>> on 24 January 2024.

The effectiveness of the Universal Primary program as a tool for the realization of the right to education rights could also be predicted by the school completion rates. What makes this critical is the reality that the completion of primary schooling would expand capabilities, creating the relevant capacity within the students for further studies and specializations and eventually, stable careers. School completion has its important benefits; education is associated with socioeconomic achievements and capabilities which include maintaining good health through creating awareness and earning higher wages, accessing employment opportunities, affording decent housing, and many other living facilities.¹⁰⁸ The accomplishment of basic school would also impart knowledge to students about disease control methods and healthy lifestyles which would mitigate health risks, enabling them to reach their core life potentials.¹⁰⁹

Unfortunately, much as the enrolment rates increased, the school completion rates are still low within the UPE program. Findings have also shown that the program's rate of retaining students between grade one and grade seven in 2000 was at 74% which later on dropped to 30% in 2015.¹¹⁰ Among all East African public schools, Uganda was found to have the highest pupil dropout rate at 68% and was ranked second in Africa after Chad at 72%.¹¹¹ This shows that much as free education through the UPE program is available, it hasn't guaranteed the successful completion of schooling by students, and this could perpetuate the very dangers which the program seeks to alleviate. If students are unable to complete their educational journey, they will not receive the full benefits of an education which will negatively affect future outcomes socially and economically. Curriculums and school program years are arranged as they are in order to enable children to attain a complete learning experience. This is to the end that students are enabled to attain a stable standard of living by which they can enjoy and experience their social and economic rights.

¹⁰⁸Office of the United Nations High Commissioner for Human Rights, *The right to health*, World health organization.

¹⁰⁹Office of the United Nations High Commissioner for Human Rights, *The right to health*, World health organization.

¹¹⁰ National planning authority, *Comprehensive evaluation of the universal primary education policy*, November 2018, 80.

¹¹¹ Adam S, Adom D, Bediako BA, 'The Major Factors That Influence Basic School Dropout in Rural Ghana: The Case of Asunafo South District in the Brong Ahafo Region of Ghana' 28(7) *Journal of Education and Practice*, 2016, 2.

Primary education is the core of a schooling system because it takes up the largest sum of expenditure on education and builds the foundation of human capital development.¹¹² Unfortunately, a deeper inspection of the program reveals that the program is running with numerous human resource and infrastructural constraints. These range from laboratories, classrooms, sanitation facilities, teacher staff quarters, etc.¹¹³ The pupil-classroom ratio is also wanting at a ratio of 71:1.¹¹⁴ These could be caused by the low funding in the education sector. The failure to increase funding to education has deterred the provision of quality education to students and has contributed to the dropout rates. Low funding for education is inexcusable because funding is the first reasonable step in the progressive realization of socioeconomic rights. In the Grootboom case, it was asserted that states ought not to postpone their obligations, but are required to take immediate steps to use the resources available to realize those rights.¹¹⁵ Justice Lydia Mugambe held that where a state has not effectively or satisfactorily implemented its obligation to protect the right to education, it will be found responsible for the infringement of children's rights.¹¹⁶ Based on the aforementioned factors, Uganda's UPE framework has the potential to enable the future realization of socio-economic rights, but it has not invested sufficient resources into the actualization of the right to education, which inhibits the chances of children in Uganda to enjoy their social economic rights and freedoms which would reflect on its failure to fully actualize the right to education.

¹¹² Mehrotra S, 'Human Capital or Human Development? Search for a Knowledge Paradigm for Education and Development' 300.

¹¹³ Toukan EVD, 'The communities we live in: providing meaningful contexts for the application and generation of knowledge through service in Uganda,' 6(48), *Compare: A journal of comparative and international education*, 2018, 7.

¹¹⁴ Toukan EVD, 'The communities we live in: providing meaningful contexts for the application and generation of knowledge through service in Uganda', 7.

¹¹⁵ Government of the republic of South Africa v Grootboom(2000) Constitutional court of South Africa.

¹¹⁶ Initiative for Social and Economic Rights (ISER) v. Attorney General(2016) The high court of Uganda.

CHAPTER 4

4.1 Introduction

Uganda, a landlocked and developing nation in Africa, has a ranking of 143/169 and 161/187 respectively in the world in terms of socioeconomic factors.¹¹⁷ The acquisition of socioeconomic rights has been dependent on various factors, some of which include government expenditure, political climate, education, and many other factors.¹¹⁸ This chapter doesn't seek to assert that education is the only influential factor affecting the socioeconomic status of Ugandans. It simply views education as a contributive factor in that it is a door to the acquisition of other rights as was established previously. However, its obligations should also be interpreted to mean that they should effectively and expeditiously move towards that goal.¹¹⁹ Therefore, this chapter seeks to assess whether the investment in education over the past 26 years could have improved the socio-economic status of Ugandans, which would be a ground for assessing the actualization of, or the failure to actualize the right to education.

A report on Uganda's education sector revealed that education was one of the government's major strategies to reduce poverty in the nation, which could greatly improve access to socio-economic rights. The actualization of the right to education could therefore be assessed by its effects on the livelihoods of people, as strategised by the government of Uganda. One could therefore infer that the rates of poor socioeconomic conditions would be a reflection of the actualization or failure to actualize the right to education. Therefore this analysis will make inferences that education contributed in some way to the socioeconomic status of the citizens of Uganda. This chapter will assess of the rates of poverty, access to health services, the average health standards of people within the nation, and finally employment rates of the country. These aspects of human life are concerned with the socioeconomic rights of people, as guided by Article 23 of the UDHR, which will be a result of the actualization or failure to actualize the right to education.¹²⁰

¹¹⁷ United Nations Development Program, *Socio economic update of Uganda*, 2022, 11.

¹¹⁸ World Bank Group, *The Uganda Poverty Assessment Report*, September 2016, 8.

¹¹⁹ Government of the Republic of South Africa v Grootboom(2000) Constitutional court of South Africa.

¹²⁰ UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, 217 A (III).

4.2 Poverty rates as a standard of socioeconomic rights assessment

The socioeconomic status of people within the nation is often inferred from the rates of people living in poverty within the nation.¹²¹ The proportion of Ugandans living in poverty halved from 1993 to 2013, by the standard of both the national poverty line and the international poverty line.¹²² The percentage encompassing the population living below the national poverty line decreased from 56.4 percent to 19.7 percent between 1993 and 2013.¹²³ The statistics also show that the percentage of households which were lived below the international extreme poverty line of the US \$1.90 a day, lowered significantly from 68.1 percent to 34.6 percent in 2013.¹²⁴ Within this period, the UPE education program had been promulgated by the Ugandan government, and while other factors could have contributed to poverty alleviation, the enactment of U.P.E was also among many efforts by the government to alleviate poverty and improve the living conditions of Ugandans. More people were being enrolled in primary schools, equipping them with the knowledge and skills required to attain decent living conditions.

Further research was carried out in households to assess the impact of UPE on household income; empirical evidence has shown that those who completed seven years of primary education increased their income by 10.2 percent.¹²⁵ The analysis also showed that additional years of school improved the Primary Health Care results of these households alongside equipping individuals with the basic skills and knowledge with which they can exploit the environment for their self-development and ultimately, national development.¹²⁶

However, efforts by the government to alleviate poverty through UPE have not sufficed as real shields from poverty, because many Ugandans are still vulnerable to falling back into poverty in case of any shock to the economy or their sources of livelihood. The proportion of Ugandans who are not poor but are vulnerable to poverty increased from 33% to 4% between 1993 and 2017.

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<<https://www.apa.org/pi/ses/resources/publications/education#:~:text=Socioeconomic%20status%20can%20encompass%20quality,multiple%20physical%20and%20psychosocial%20stressors>> on 4 January 2024.

¹²²World Bank Group, *The Uganda Poverty Assessment Report*, September 2016, 8.

¹²³ World Bank Group, *The Uganda Poverty Assessment Report*, September 2016, 8.

¹²⁴ World Bank Group, *The Uganda Poverty Assessment Report*, September 2016, 8.

¹²⁵ Center for health, human rights and development, *Universal primary education, human rights and the right to health*, July 2015,3.

¹²⁶ Center for health, human rights and development, *Universal primary education, human rights and the right to health*, July 2015,3.

COVID-19 has also exacerbated the problem as statistics show that 300,000 more Ugandans slid back into poverty.¹²⁷ By 2020, 30% of Ugandans were living in poverty, which wasn't a great improvement from 2013, when 31% of Ugandans were living in poverty, which amounted to more than a third of its citizens.¹²⁸ This is still a large proportion of Ugandans living in very poor conditions, making them vulnerable to the socioeconomic problems that accompany poverty. Poverty inhibits access to health services, adequate housing facilities, and even education amongst many other social economic rights. The poorer the people in a nation, the higher the chances they have of not enjoying and accessing their socio-economic rights.

However, criticisms have arisen as to the standards by which poverty is assessed. Sen argues that poverty supersedes income levels, as it also delves into health, or standards of living, which engulf social rights for example access to housing, education, water, and social or political discrimination.¹²⁹ Based on this approach, it has been found that the poverty levels of Ugandans have increased significantly.¹³⁰ In 2016, it was reported 51.1% of the Ugandan population was considered to live in this kind of multidimensional poverty, and 33.3% of its population was considered to live in severe multi-dimensional poverty. Despite increased access to education, poverty is still a prevalent problem in many parts of Uganda and this affects people's socioeconomic status inevitably. Much as more Ugandans have had opportunities to go to school for the past two decades, it has not brought substantive results in their lives, which endangers their ability to access and enjoy their socio-economic rights.

Datzberger criticizes the framework for poverty alleviation in Uganda for being assimilation-based.¹³¹ This does not improve the economic, and social structures that cause poverty in the first instance. In his perspective, he argues that the education system has not benefited or improved the lives of the inhabitants of Uganda because of its Eurocentric and ahistorical.¹³² The danger with these features within the education system, is that the students are unable to apply the information

¹²⁷Uganda poverty assessment, *Strengthening resilience to accelerate poverty reduction*, June 2022, 38.

¹²⁸Uganda poverty assessment, *Strengthening resilience to accelerate poverty reduction*, June 2022, 38.

¹²⁹World Bank Group, *The Uganda Poverty Assessment Report*, September 2016, 9.

¹³⁰Datzberger S, 'Why education is not helping the poor,' World development, 2018, 19 —<
<https://doi.org/10.1016/j.worlddev.2018.05.022>> on 12th November 2023.

¹³¹Datzberger S, 'Why education is not helping the poor,' 20.

¹³²Datzberger S, 'Why education is not helping the poor,' 9.

attained in school within their local contexts, making their education unproductive and unfruitful in their lives. Furthermore, he argues that they don't address the primary causes of poverty and they simply refer to traditional/ undeveloped societies as backward, implying that there is only a one way method for civilization to evolve.¹³³ The criticisms mentioned point to the reality that investment in education requires more than increased enrollment and it ought to delve further into the substance of education. Learners will always struggle to apply the knowledge they have in a context where their knowledge does not apply making the entire investment counterintuitive. They also haven't been empowered with the wisdom and knowledge to challenge the unfair social, political, and economic structures that perpetuate poverty within the nation. This keeps many generations within the same limitations and standards of living, a very dangerous condition for a predominantly poor country

4.3 Socioeconomic status and the right to health

Ignorance is highlighted as a hindrance to good health practices which has highly affected the standards of health within the nation.¹³⁴ This has led to the death of many by preventable diseases.¹³⁵ Ignorance is a result of a lack of education or insufficiency in the educational curricula, which shows that education is part and parcel of the daily livelihoods of people.

Ignorance is also evident in the poor health practices carried out by a multitude of the citizens of Uganda, suffering from preventable diseases. Epidemiological studies have shown that most children are predisposed to diseases like malaria, diarrhoea, and cholera, as a result of poor community health and hygiene.¹³⁶ Uneducated parents are predisposed to unhealthy living practices. These unhealthy living practices affect the chances of their children to live healthy lives and acquire an education, for a decent standard of living in the future. Findings also show a prevalence of malnutrition in children, poor sanitation, lack of safe and clean drinking water, poor hygiene and increased incidences of young mothers.¹³⁷ This has a domino effect on the ability of young people to acquire an education, as sickness interrupts their academic progress inhibiting

¹³³ Datzberger S, 'Why education is not helping the poor,' 9.

¹³⁴ UNESCO, *Education for sustainable development Uganda implementation strategy*, May 2010, 29.

¹³⁵ UNESCO, *Education for sustainable development Uganda implementation strategy*, May 2010, 29.

¹³⁶ UNESCO, *Education for sustainable development Uganda implementation strategy*, May 2010, 29.

¹³⁷ Uganda poverty assessment, *Strengthening resilience to accelerate poverty reduction*, June 2022, 38.

their chances of graduating or even completing school. Ignorance has a cyclical effect on the lives of people, which is a problem education can cure.

More research has shown that only 31.3 percent of households in Uganda, which is only a third of its population, live in places with adequate levels of sanitation while a quarter of poor households lack toilet facilities.¹³⁸ Only 14 percent of the Ugandan households have access to electricity, which places it among the lowest ranks in the world.¹³⁹ There have been arguments that much as access to education has increased, most students do not learn enough to be fully equipped for a decent income for decent living standards. Increased access has inevitably led to increased costs, which affect quality the quality of education which is necessary for the desired results of access to education.¹⁴⁰

Datzberger criticizes education in Uganda for failing to empower Ugandans to think and reflect critically.¹⁴¹ This inhibits their judgement when required to evaluate situations that could affect their health and wealth. Traditional and religious influences seem to have a greater influence on the decisions they make.¹⁴²

The findings are also cognizant of other factors that contribute to poor health situations like the commercialization of traditional food crops, which has led to increased cases of malnutrition, sickness and disease.¹⁴³ Geographical problems have also affected access to health services as the government has inequitably positioned health facilities within the nation, with the poorer having less health facilities in proximity to them.¹⁴⁴ This inequitable positioning of health facilities within the nation, with the poorer having greater difficulties in accessing health facilities and centers has

¹³⁸ Uganda poverty assessment, *Strengthening resilience to accelerate poverty reduction*, June 2022,38.

¹³⁹ Uganda poverty assessment, *Strengthening resilience to accelerate poverty reduction*, June 2022,38.

¹⁴⁰ Hanushek EA, Woessman L, 'Do better schools lead to more growth? Cognitive skills, economic outcomes, causation,' 274 —

<<https://hanushek.stanford.edu/sites/default/files/publications/Hanushek%2BWoessmann%202012%20JEconGrowth%2017%284%29.pdf>> on 23 December 2023.

¹⁴¹ Datzberger S, 'Why education is not helping the poor,' 12.

¹⁴² Datzberger S, 'Why education is not helping the poor,' 12.

¹⁴³ Adams, B. N., Wasikhongo, J, Nahemow, N, ' Socio-Economic Status and Educational Aspirations in Uganda,' *Canadian Journal of African Studies* 21(2), 224, 1987.

¹⁴⁴ Dowhaniuk N, 'Exploring country-wide equitable government health care facility access in Uganda' *International journal for equity in health*, 5, —<<https://doi.org/10.1186/s12939-020-01371-5>> on 23 December 2023.

increased mortality rates in the nation and contributed to the poor living conditions within the nation.¹⁴⁵

4.4 Employment rates as indicators of socioeconomic rights acquisition

The rates of unemployment are also a factor through which one can assess the socioeconomic status of Ugandans. Employment enables people to access income through which they can access their socioeconomic needs. The unemployment rate of the youth in Uganda increased from 12.7% in 2012 to 13.3% in 2017, in spite a decline in the national unemployment rate from 11.1% to 9.2%.¹⁴⁶ This poses serious challenges for government efforts to eradicate poverty, and inevitably efforts to increase the enjoyment of social economic rights and freedoms.

The Ugandan youth who has attained some level of education is more likely to be unemployed compared to those with no education.¹⁴⁷ The less educated are probably employed in lower paying jobs, and the highly educated has no job. This is rather paradoxical as it veers off from the predictable outcomes of an education, but it also attests to the reality that the UPE program may not have attained the goals it sought to achieve. With 78% of its population under the age of 30, Uganda has one of the youngest populations in the world.¹⁴⁸ This shows a substantial level of potential in terms of how much the youth can contribute to economic growth. Unfortunately, the rates of youth unemployment are increasing persistently, which has weakened the potential for economic growth. The rate of unemployment for youth aged between 18 and 30 was at 4.5% in 2015, and eventually tripled to 13.3% in 2017.¹⁴⁹ This was because almost half of the youths were undereducated for the job market, which could be due to the high drop out rates in the country. Uganda, being a developing country is unquestionably in need of a supply of labour force to

¹⁴⁵ Dowhaniuk N, 'Exploring country-wide equitable government health care facility access in Uganda' 5.

¹⁴⁶ Egessa A, Nyanzi JB, Muwanga, J, 'Determinants of youth unemployment in Uganda: The role of gender, education, residence, and age,' *IZA Journal of Labor Policy*, 6,—<<http://dx.doi.org/10.2478/izajolp-2021-0008>> on 24 December 2023.

¹⁴⁷ Egessa A, Nyanzi JB, Muwanga, J, 'Determinants of youth unemployment in Uganda: The role of gender, education, residence, and age,' 5.

¹⁴⁸ Solutions for Youth Employment, *Towards solutions for youth unemployment*, October 2015.

¹⁴⁹ Egessa A, Nyanzi JB, Muwanga, J, 'Determinants of youth unemployment in Uganda: The role of gender, education, residence, and age,' 2.

contribute to economic growth, however this requires a compatibility between the educational content and the contextual needs of the labour market.

This once again reinforces the reality that increased access to schools is not a guarantee of the future realization of socioeconomic rights. However, this is not because education cannot affect future realization of socioeconomic rights, it is because education requires efficiency and contextual relevance to be able to ensure the intended results, atleast to an extent. Egessa also notes various factors that have contributed to youth unemployment, which include, drug addictions, crime and violence, commercial sex work, and the contraction of deadly diseases because of idleness.¹⁵⁰ One could still argue that these factors could be a result of a lack of education, or early school drop outs. However, this doesnt seek to negate the reality that even the educated can make conscious decisions of the sort, leading to their unemployment.

CHAPTER 5

¹⁵⁰ Egessa A, Nyanzi JB, Muwanga, J, 'Determinants of youth unemployment in Uganda: The role of gender, education, residence, and age,' 2.

FINDINGS RECOMMENDATIONS AND CONCLUSIONS

This chapter highlights the findings, recommendations and conclusions of this study. It also seeks to assess whether the research objectives and hypothesis of this study have been achieved.

5.1 Findings

The influence of education on socioeconomic rights has been established in the studies carried out in the prior chapters. Education has been established to have an enabling effect on one's ability to access socioeconomic rights because it is an enabling right with the ability to shape the future outcomes of people. It is treated as an investment in human capital since the benefits accrue to an individual over a set amount of time. Education improves the chances of one's standard of living because it equips people with knowledge. Knowledge by which they acquire the skills required for a job, where they could attain an income. Knowledge by which they could also live by healthy living standards, enabling them to attain basic minimum living conditions like maintenance of personal hygiene, proper sanitation etc. Knowledge also enables them to become active participants in the civil society, which is beneficial for good governance. All in all, education is a door for the acquisition of many other rights.

5.2 Actualization of the right to education

The actualization of the right to education is difficult to assess because it is a progressive right. Being a progressive right makes it difficult to judge its system within a short time span. The danger with this progressive nature is that it is difficult to directly attribute the success of a people on education because other factors affect future outcomes of people. This makes it more complex to assess the success of efforts made by governments to improve this right and to actualize the right. The socioeconomic status of a people is affected by various factors, some that have nothing to do with education, for example bad leadership, corruption, poor governance, economic shocks, and even pandemics.

However, this doesn't negate the real effects of education on the livelihood of people. Education is an enabler, and offers opportunities for people to venture into the economic world and earn a living.

5.3 Contextual factors

Education is also hinged on various factors like curriculum design, contextual relevance, and cultural influences. If a majority of people don't believe in the education of girls, there will be an inequitable access to education between boys and girls. Furthermore, higher enrolments are not a guarantee of better future outcomes. For example, the rates of school drop outs are higher, which could inhibit the envisioned benefits if an access to education. It is also necessary to make sure that the content taught is actually contextually relevant and applicable to the societal needs. Education is dependent on so many various factors, which makes it a complex investment. An under investment in education leads to higher government spending in the long run on socioeconomic benefits for people within the nation. Education as a foundational bedrock for a decent livelihood has the potential to shield people from the dangers of unemployment, poor health conditions, and decent living conditions like housing facilities, access to electricity etc.

5.4 Recommendations

Since it has been established that education has the ability to enable the enjoyment of socioeconomic rights, it is imperative to note that increased access to schools is not a guarantee of the enjoyment of socio-economic rights. Governments ought to look more into curriculum development and invest more in quality education. Training teachers, equipping classes, and providing sufficient learning equipment, in an equitable manner across the country would greatly improve the future realization of socioeconomic rights and freedoms. Creating contextually relevant study content helps learners to understand faster and apply the acquired knowledge in their daily lives, which will benefit them financially, socially and economically.

5.5 Conclusion

This study has proved its hypothesis, fulfilled the research objectives and has given a response to the problem statement. The objectives of this study were as follows:

The first objective sought to explore the nuances within the relationship between education and social and economic rights and freedoms. After the establishment of this relationship, the next objective sought to assess whether the UPE framework in Uganda possessed the capacity to enable the future enjoyment and realization of socio-economic rights to gauge its prospective success in the actualization of the right to education through the UPE program. The final chapter finally evaluated the current situation in Uganda socioeconomically, with education as a contributory factor to the current status of socio-economic rights.

The findings of the first objective explored the connection between education and the future realization of socioeconomic rights. It affirmed that education is a door for the access of socioeconomic rights. The more educated showed results of greater enjoyment of socioeconomic rights, and the less educated struggled to access and enjoy their socioeconomic rights and freedoms. Thereafter, the study has examined the prospects of primary education in enabling the future realization of socioeconomic rights in Uganda. It has found loopholes and weaknesses within the structure, which inhibit the success of the UPE program. These flaws have inevitably inhibited the projected benefits of the UPE program's socioeconomic rights and freedoms.

The study finally found that the socioeconomic status of Ugandans is still predominantly low despite the creation of the UPE program. This, however, is because of the flaws within the education system's structure. The chapter ends with potential causes of these results. It ends up proving that an investment in quality education is key for the attainment of socioeconomic rights.

This study hypothesized that education enables the acquisition of socioeconomic rights. Chapter 2 established that education improves one's future prospects of enjoying their social and economic rights. More educated individuals are able to work and earn an income for a decent standard of living, they also have knowledge by which they can exercise better health habits keeping them in good health. Chapter 3 then assessed whether the UPE structure would enable future realization of social and economic rights. Findings showed that it managed to enrol more students, but it had low retention rates, which inevitably inhibit the projected results of the program. Chapter 4 then assessed the rates to which Ugandans are able to enjoy their socioeconomic rights due to the improved access to education in the past 26 years. More people were alleviated from poverty, however, many still live in poverty, as a result of the inefficient education system. This proved

that increased access to schools is not sufficient for the full actualization of the right to education because it did not lead to the acquisition of the capabilities necessary for the enjoyment of social and economic rights.

BIBLIOGRAPHY

Books

1. Beco DG, 'The Right to Inclusive Education in International Human Rights Law'(eds) *Progressive Realisation and the Right to Inclusive Education* 1st ed, Cambridge University Press, Cambridge, 2019, 195.
2. Reardon BA 'Educating for Human Dignity: Learning About Rights and Responsibilities' University of Pennsylvania Press, Pennsylvania, 1995, 203.

Chapters in Books

1. Heymann J, Sprague A, Raub A, 'The right to education: A foundation for equal opportunities' Advancing equality: How constitutional rights can make a difference worldwide.' *Advancing Equality: How Constitutional Rights Can Make a Difference Worldwide*, 1st ed, University of California Press, California, 2020,

Journal Articles

1. Rajapakse N, 'Amartya Sen's Capability Approach and Education: Enhancing Social Justice' *Revue lisa*, 2016 –<<https://doi.org/10.4000/lisa.8913>> on 24 January 2024.
2. Jenkins R, Baingana F, Ahmad R, McDaid D, Atun R, 'Social, economic, human rights and political challenges to global mental health' 8(2) *Mental Health in Family Medicine*, 2011, 90.
3. Otunnu O, 'Socio-economic and political crises in Uganda: Reasons for human rights and violations and refugees' 11(3) *Canada's journal on refugees*, 1992, 26.
4. Torres FE, 'Economic and social rights, reparations and the aftermath of widespread violence: The African human rights system and beyond,' 21(4) *Human rights law review*, 2021, 949.
5. Tan E, 'Human capital theory: A holistic criticism' *Review of educational research*, 84(3) 2014.
6. Oliver E D, 'Human capital theory and higher education in developing countries' *Journal of thought*, 39(1), 2004.
7. Schlabach S, Yabiku ST, 'Social Change and the Relationships Between Education and Employment' *Population research and policy review*, 2009, – <<https://doi.org/10.1007/s11113-008-9117-2>>–.
8. Oliver E D, 'Human capital theory and higher education in developing countries' *Journal of thought*, 39(1), 2004.
9. Meyer JW, 'The Effects of Education as an Institution' 83(1), *American journal of sociology*, 1977.

10. Mastromatteo G, Solari S, 'The idea of common good and the role of the state in present day social economics' 122(1) *Rivista Internazionale di Scienze Sociali* , 2014.
11. Datzberger S, 'Why education is not helping the poor,' World development, 2018, 19 —<
<https://doi.org/10.1016/j.worlddev.2018.05.022>>
12. Siegel RL, 'Socioeconomic Human Rights: Past and Future' 3(7) *Human Rights Quarterly*, 1985.
13. Mehrotra S, 'Human Capital or Human Development? Search for a Knowledge Paradigm for Education and Development' 4(40) *Economic and political weekly*, 2005.
14. Ehrlich JH, 'The Issue: Education and human dignity; theory into practice' 3(2) , *Intergroup-Relations Education*, 1963.
15. Raghupathi V, Raghupathi W, 'The influence of education on health: an empirical assessment of OECD countries for the period 1995-2015,'7, 2020 —
<https://archpublichealth.biomedcentral.com/articles/10.1186/s13690-020-00402-532280462> > on 31 October 2023.
16. Zajacova A, Lawrence EM, 'The Relationship Between Education and Health: Reducing Disparities Through a Contextual Approach' 2018, 273, —
<<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5880718/>>.
17. Ross CE, Wu C, 'The links between education and health,' 5(60) *American sociological review*, 1995, 7.
18. Dowhaniuk N, 'Exploring country-wide equitable government health care facility access in Uganda' *International journal for equity in health*, 5, —
<<https://doi.org/10.1186/s12939-020-01371-5>> .
19. Adams, B. N., Wasikhongo, J, Nahemow, N, ' Socio-Economic Status and Educational Aspirations in Uganda,' *Canadian Journal of African Studies* 21(2),1987.
20. Egezza A, Nnyanzi JB, Muwanga, J, 'Determinants of youth unemployment in Uganda: The role of gender, education, residence, and age,' *IZA Journal of Labor Policy*, 6,—
<<http://dx.doi.org/10.2478/izajolp-2021-0008>>.
21. Namukasa I, Buye R, 'Decentralization and education in Uganda' *Comparative and international education*, 36(1), 2007.

22. Byamugisha A, Ogaawa K, 'Universal primary education policy and quality of education in Uganda: The cases of Kabale and Soroti districts' 1(1) *Africa educational research journal*, 2010, 61.
23. Stiftung AK, 'Uganda's youth: Young people and their political involvement' 2013, 28 <http://www.jstor.com/stable/resrep10123.5>.
24. Reardon BA 'Educating for Human Dignity: Learning About Rights and Responsibilities' University of Pennsylvania Press, Pennsylvania, 1995.
25. Ehrlich JH, 'The Issue: Education and human dignity; theory into practice' 3(2) , *Intergroup-Relations Education*, 1963.
26. Musika WR, 'Universal Primary Education and the Uganda's Economy' 2019, 43,— <https://files.eric.ed.gov/fulltext/ED616904.pdf>.
27. Christenson SL, Thurlow LM, 'School Dropouts: Prevention considerations, interventions and challenges.' 1(13) *Current directions in psychological science*, 2004.
28. Adam S, Adom D, Bediako BA, 'The Major Factors That Influence Basic School Dropout in Rural Ghana: The Case of Asunafo South District in the Brong Ahafo Region of Ghana' 28(7) *Journal of Education and Practice*, 2016.
29. Toukan EVD, 'The communities we live in: providing meaningful contexts for the application and generation of knowledge through service in Uganda,'6(48), *Compare: A journal of comparative and international education*, 2018.
30. Namukwaya VA, Kibirige I, 'Parents' perceptions of universal primary education in Kotido District, Uganda' 29(2) *Issues in educational research*, 2019, 503.

Dissertations and Theses

1. Kiche J, 'The legal promotion and protection of the rights of children to education in Ugandan system, a case study of Arua district, Northern Uganda', 65.

2. Owori L, 'Educational decentralization and public secondary schools efficiency in Luwero district, Uganda' unpublished, Kampala International University, Kampala, 2015, 3.

Reports

1. OECD, 'Equity and Quality in Education: Supporting Disadvantaged Students and Schools,' OECD publishing, 2012 –<<https://doi.org/10.1787/9789264130852-en>>– on 31 October 2023.
2. Daudet Y, Singh K, *The right to education : An analysis of UNESCO's standard-setting Instruments*, United Nations Educational and Scientific Organization, Paris, 2001.
3. Byomuhangi J, 'The state of economic, social and cultural rights in Uganda and emerging issues', *Joint Submission to the United Nations Universal Periodic Review*, 8.
4. National planning authority, *Comprehensive evaluation of the universal primary education policy*, November 2018.
5. IMF, *Uganda, Selected issues*, April 2019.
6. National planning authority, *Planning for development*, 2019.
7. Center for health, human rights and development, *Universal primary education, human rights and the right to health*, July 2015.
8. United Nations Development Program, *Socio economic update of Uganda*, 2022.
9. World Bank Group, *The Uganda Poverty Assessment Report*, September 2016.
10. Uganda poverty assessment, *Strengthening resilience to accelerate poverty reduction*, June 2022.
11. UNESCO, *Education for sustainable development Uganda implementation strategy*, May 2010.
12. Office of the United Nations High Commissioner for Human Rights, *The right to health*, World health organization.

Internet sources

1. UNESCO, *Education for sustainable development Uganda implementation strategy*, May 2010, 29.
2. Uganda poverty assessment, *Strengthening resilience to accelerate poverty reduction*, June 2022, 38.
3. International Labour Organization, *School to work transitions surveys*, January 2017, 1.
4. —< <https://www.macrotrends.net/countries/UGA/uganda/poverty-rate>>— on 4 March 2023.
5. UNGA, *International covenant on economic, social and cultural rights, Treaty Series 999*, December 171.
6. UNGA, *Universal Declaration of Human Rights*, 10 December 1948, 217, A (III).
7. Ozden M, ‘The right to work’ CETIM, 2008, 2.
8. <<https://www.apa.org/pi/ses/resources/publications/education#:~:text=Socioeconomic%20status%20can%20encompass%20quality,multiple%20physical%20and%20psychosocial%20stressors.>>>

Working papers.

1. Kjaer, A. M. Muwanga, N. K. ‘Inclusion as political mobilisation: The political economy of quality education initiatives in Uganda’ The University of Manchester, ESID Working paper No.65, 2016, 13. —<<http://www.effective-states.org/>>.
- 2.
3. Juuko WF, Kabonesa C, ‘Universal primary education (U.P.E) in contemporary Uganda: right or privilege?’ Human rights and peace center, HURIPPEC working paper number 8, 2007, https://huripec.mak.ac.ug/wp-content/uploads/Docs/Publications/working_paper_8.pdf
4. Mbazira C, ‘Public interest litigation and judicial activism in Uganda : improving the enforcement of economic, social and cultural rights,’ Human rights and peace center, Huripec working paper Number 24, 2009, 75, — <https://searchworks.stanford.edu/view/8106745> on 29 January 2024.

Case law

1. Government of the Republic of South Africa v Grootboom(2000) Constitutional court of South Africa.

- 2.
3. Initiative for Social and Economic Rights (ISER) v. Attorney General(2016) The high court of Uganda.

