Educational Marginalization of Muslims in Uganda: Historical Perspective, Legal Implications & Challenges

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Abstract

Educational marginalization is the major factor for the social, cultural, economic, and political marginalization of any community in any country. Literacy and educational levels of Muslims in Uganda are far below that of their Christian counterparts. Muslims in Africa have been marginalized in formal education since the colonial days. Anecdotal evidence suggests a nearly ubiquitous gap in Muslim educational attainment across Uganda. While the magnitude of inequality in Muslim educational attainment in Uganda has been changing over time, limited scholarly attention has been given to this issue. Against this backdrop, this position paper analyses the historical and current perspective of educational marginalization of Muslims in Uganda, its legal implications & measures to mitigate this marginalization, and challenges to mitigating the marginalization. The paper advocates for the need to take affirmative action in favour of Muslims to address past and present educational injustices.

Keywords: educational marginalization, historical perspective, legal implications, challenges

There is no education system in the world that is entirely free of unequal educational opportunities. Aspects such as socio-economic background, gender, religious background, and the policy/political context, among others are the most likely candidates in explaining differences among access to education opportunities in education systems (Open Society Foundations, 2012). In Uganda, Muslims constitute the largest religious minority in Uganda. While the Uganda National Population and Housing Census 2002 placed Muslims at 12.5% of the population, the Central Intelligence Agency (CIA) act Book puts the figure at 16%. Educationally, however, Muslims in Uganda are one of the most marginalized communities in the country. Educational marginalization is the major factor for the social, cultural, economic, and political backwardness of

communities the world over. It is an open secret that literacy and educational levels of Muslims in Uganda are far below that of their Christian counterparts. As a social process, the notion of educational marginalization is in reference to a situation where a certain section of the population is educationally relegated to the fringes or margins of the society (Abidi, 2015). Educational marginalization, in the context of this paper, is a process in which the Muslim community is socially, politically and economically excluded as a result of their systematic blocking from or denial of access to a quality formal education process, which is basic for full and fruitful integration of all citizens in the Ugandan society. This marginalization explains the educational inequality Muslims in Uganda have suffered and continue to suffer.

Educational inequality is the unequal distribution of academic resources, including but not limited to; school funding, qualified and experienced teachers, books, and technologies to socially excluded communities. These communities tend to be historically disadvantaged and oppressed. More times than not, individuals belonging to these marginalized groups are also denied access to schools with abundant resources. Inequality leads to major differences in the educational success or efficiency of these individuals and ultimately suppresses social and economic mobility (Ferreira, Francisco, Gignoux, & Jeremie, 2014). In line with the foregoing conceptualization, Abidi (2015) concurs that marginalization of Muslims in education inhibits them from enjoying the rights, privileges, opportunities and resources that are typically available to their Christian compatriots.

Accordingly, there exists a discordant relationship between Christians in relation to Muslims who are the victims of this state of affairs. The current position paper argues the case for changing the status quo and proposes a possible legal solution. We therefore undertook to analyse literature pertaining to the marginalization of Muslims by focusing on the history of injustice and marginalization of Muslims in Uganda, the current situation of marginalization with particular reference to education, the legal implication of Muslims in Uganda.

History of injustice and marginalization of Muslims in Uganda

The circumstances surrounding the current marginalization of Muslims in formal or secular education in Uganda are rooted in the country's history of formal education. In the colonial period, Muslim organizations were often a prerequisite for establishing Muslim schools, just as Christian organizations were a prerequisite for establishing Christian schools (Dilger, 2013). Nevertheless, Muslims were at a disadvantage as regards access to quality formal education compared to their Christian compatriots. While the spread of Christianity was a purposeful project, the spread of Islam was more or less a by-product of trade. As a result, Christianity as an institution was more organized and also enjoyed more financial support from its benefactors outside Africa than Islam (Ssekamwa, 2000).

Even in cases where Muslims had already established their own education institutions, colonial authorities were very reluctant to extend financial and logistical support to Muslim education enterprises. This was largely because of the differences in culture of the two religious groups, which was a recipe for conflicts. Secondly, the Christian missionaries perceived a low demand among Muslim families for Western style education because of the latter's reluctance to send children to Christian founded schools for fear that children would be converted to Christianity. Thirdly, Christian missionaries who were the primary providers of formal education in most cases prevented Muslim children from attending Missionary founded schools. Thus, during the colonial period, Christian Missionaries enjoyed a disproportionate share of the education budget compared to Muslims (Weswala, 2017). For instance, the 1956 education report shows that out of a total education budget of £134,000 in Uganda, Muslims were given £156 (Kasozi, 1986, 2007).

In order to educate their children, Muslim families in Uganda relied on *Madarasa* or *Qur'an* schools. These were schools mainly established in homes of a few prominent Muslim Scholars (*Mu'alim*), where lessons were usually taught on verandas or any available space. There were also a few notable *Qur'an* schools such as the one at Bwaise in Kampala, Tikkalu in Bombo, Kabigi in Masaka, Katuumu in Bulemezi, Lukalu in Butambala and Arua in West Nile. But even then, the bulk of education provided in these schools was religious and not secular in nature (Kiyimba, 2007; Kasozi, 1986). Thus, majority of the children in Muslim families had no access to secular education at the time, which underlies the current marginalization of Muslims in the modern political and economic realms in the country.

This was at a time when the socio-economic dynamics demanded that exposure to modern economic and political opportunities were closely tied to one's formal educational attainment and status. Christians who had access to formal education associated well with the colonial government, which gave educated Christians a big advantage given that Western education was a prerequisite for better jobs and leadership in the colonial establishment. This encouraged Christians to place a higher value on formal/secular education compared to their Muslim compatriots (Ssekamwa, 2000). Limited proximity to the colonial government and the post-independence state adversely affected the political and economic fortunes of Muslims. It also curtailed the demands Muslims could make upon colonial and post-colonial governments in Uganda. The marginalization of the Muslim community in the provision of social services and in the colonial state at large was regarded critically by Muslims (Dilger,

and in the colonial state at large was regarded critically by Muslims (Dilger, 2013), particularly in Buganda, the seat of the colonial government. Muslim elites in Buganda realized that success and opportunities available to their Christian counterparts was largely due to their comparative advantage in secular education. These individuals knew that to remain relevant in the colonial and post-

independence governments, Muslims needed to acquire skills their Christian counterparts possessed. Consequently, Prince Nuhu Mbogo and his son Prince Badru Kakungulu championed secular education among Muslims. The promoters of Muslim education knew that the ability of Muslims to acquire such skills hinged critically on the existence of Muslim founded secular schools (Bwire, 2013; Kiyimba, 2007; Kasozi, 1986).

In 1944, Prince Badru Kakungulu started a campaign to promote secular education in Qur'anic schools. In 1947, the Prince established Uganda Muslim Education Association (UMEA) to facilitate access of Muslim children to formal education without the fear of being converted to Christianity. By mid-1960s, UMEA was running over 180 primary schools, eight junior secondary schools, one senior secondary school and one teacher training college (Bwire, 2012). Out of the national enrolment of 632,162 at the time, 49,000 children in school were Muslims. While the figures indicate significant headway, Muslim participation in formal education at the time was only 7.8% of total enrolment in secular education (Kasozi, 1986; Songayroun, 2007). By independence in 1962, Muslim founded schools had risen significantly, but compared to Christians, the number of Muslim graduates at all levels was very minor. By that time only two Muslims had obtained a university degree (Kasozi, 1986). The colonial government passed on the mantel of the newly independent Uganda to Christians as the new breed of the political elites of the day. Even the subsequent post-independence administrations were simply a change of guards that upheld the status quo not only in the field of education, but also in all other sectors of the polity.

The current situation of marginalization of Muslims in Uganda

Muslims constitute between 12% and 15% of the population in Uganda, depending on the source of information compared to over 60% of Christians. But even then, the number of Muslims holding key positions in governments such as the executive, legislature, judiciary, police, and the military and diplomatic corps has been and is still disproportionate. Besides, Christian educational, health care, and civil society organizations are more copious, better established and of higher quality in comparison to Muslim founded organizations. In the New Vision Newspaper of Jan. 24. 2017, Ronald Musoke, under the heading; Decade's best performing O'level schools, traces the performance of 1778 schools from 2000 to 2015. Musoke inadvertently highlighted what could pass as faith disaggregated data on education perceptions, participation and performance of members of different religious groups in Uganda. According to the story, Christian founded and affiliated schools such as Mt. St. Mary's College Namagunga, Uganda Martyrs SSS Namugongo, St. Mary's SS, Kitende, St. Mary's College Kisubi, and St. Henry's College Kitovu were on top. Among the best 10 performing schools in the country, only Nabisunsa Girls School was the only Muslim founded school in the 9th position. Among the best 50 schools listed, fewer than 10 were Muslim founded or affiliated. The rest were Christian founded schools such as Immaculate Heart Girls, St. Joseph of Nazareth HS, Seroma Christian HS, Bishop Cyprian Kihangire SS, and Our Lady of Good Counsel. While a discerning reader may question the scientific rigour of a Newspaper story, the picture so painted is a reflection of the situation as it is in the country.

The situation is supported by literature at a continental and global level. Izama, in his paper *Muslim Education in Sub-Saharan Africa*, prepared for the 2013 Ulama Graduate Student Workshop shows that Muslims constitute approximately one-third of the population in sub-Saharan Africa (SSA). The region is home to 15% of the global Muslim population with 13 majority Muslim countries and 17 countries with Muslim populations ranging from 5% to 49% of the total population (Izama, 2013). A study titled, *Religion and Education around the World*, done by the Pew Research Centre in USA and published in December 2016 gives a recent analysis of different levels of accomplishment in education among the believers of the major religions of the world. Analysing census and survey data from 151 countries of which 36 were from SSA, the study particularly focused on the educational levels between Christians and Muslims. Nevertheless, the study established that the difference in educational attainment between Christians and Muslims in SSA was among the largest intra-regional gaps in the world (Lugo, 2010).

Furthermore, the same study shows that 65% of Muslims in SSA had no formal education compared to about 30% of Christians. In 18 out of the 27 SSA countries with substantial Muslim and Christian population Uganda inclusive, Muslims are more likely than their Christian compatriots to have no formal schooling. On average, the disparity in the number of years of schooling received by Christians and Muslims is as wide as 10 percent points. Yet Christians and Muslims account for up to 93% of the population in SSA. Experts predict that much of the global growth in Islam and Christianity over the coming decades will take place in SSA. This disparity verges on the marginalization of the Muslim community, whose origin can be traced to the history of formal education in colonial Africa.

Data from the Uganda's Ministry of Education and Sports statistical abstract is a reflection of the findings by the Pew Research Centre's publication (2016). The Education Abstract depicts that out of the 2,695 secondary schools surveyed in 2015, 493 were Catholic founded (18.3%), 481 Church of Uganda founded (17.8%) and 126 Muslim-founded (4.7%) (Education Abstract, 2016). Out of the 18,889 primary schools surveyed in the same year, a 5,351 (28.3%) schools were Church of Uganda-founded, 4,678 schools (24.8%) were Catholic founded and 1,127 (6%) were Muslim-founded. Among the Business, Technical & Vocational Training and Primary Teachers' Colleges level, Catholic founded institutions were 20%, Church of Uganda founded were 18%, and Muslimfounded were 2%. At the university level, the Ministry of Education as of Jan. 23, 2015 listed 32 universities of which five were government owned and 27 private owned. Out of the 27 privately owned universities, 7 were Christian-leaning while 2 were Muslim-founded. The picture so painted may be cursory and limited in scope since it does not bring out faith disaggregated data on enrolment, courses

pursued at higher levels of education, number of graduates, drop-outs and repeaters, average years of schooling, etc. Nevertheless, it serves as a wakeup call for key stakeholders to pay due attention to such obtrusive but generally ignored phenomenon that has far reaching ramifications.

In addition, Alhai Nsereko Mutumba, the Public Relations officer, Uganda Muslim Supreme Council unveiled the state of marginalization of Muslims in the Ministry of Education echelon. According to Nsereko Mutumba, Muslims, like any other religious denomination are key stakeholders in the education system of the country. Yet none of the four ministers in the education ministry is a Muslim. Out of the 15 functional departments in the Ministry of Education and Sports, 12 of them are headed by Catholics and the remaining 3 are headed by Anglicans. There is no single Muslim commissioner in the entire ministry, yet commissioners sit in the ministry strategic committee meetings where strategic decisions that impact the development of schools are taken. He continues that going by the promotional ladder and seniority levels, it may take about 15 years to have a Muslim Commissioner in the ministry. Out of the 31 Assistant Commissioners, only 3 are Muslims; two of whom were due to retire in 2016 and going by the promotional ladder, these two were likely to be replaced by non-Muslims. At the level of principal education officers, there are only two Muslims out of the 52 in the entire ministry. As regards the 60 contract staff in the same ministry, only 2 were Muslims. Most of the Muslim staff in the Ministry were drivers and office attendants (Nsereko Mutumba, 2016).

In spite of the glaring inequities among believers of major religions in Uganda, there is no hard data to substantiate this sorry state of affairs incontrovertibly. Indeed lack of faith disaggregated data regarding levels of participation and accomplishment in education between Christians and Muslims is a major obstacle to unearthing this sorry state of affairs. Absence of religious disaggregated data on literacy rates, enrolment rates, graduation rates, and drop-out rates at all levels of education remains a formidable bottleneck in ascertaining the scale of marginalization of Muslims in all walks of life. Thus, in the event of overall lack of religious disaggregated data, it is more likely that the corresponding figures for Muslim in this regard are still lower than any other religious community. It's on this basis that this paper gives a glimpse of the said marginalization gleaned from the scanty literature available. We however, hasten to stress that the intention of many of the sources reviewed was not to reveal the level of marginalization of Muslims.

Ideally a multitude of steps, policies and programmes have been put in place over the years to contend with the cumulative disadvantage Ugandans have suffered as a result of colonial injustice, kinship structures, customs, traditions and beliefs. In reality however, the goal of equitable access to opportunities remains elusive to Muslims. It is true Muslims in Uganda have come a long way from formal education obscurity and complete subordination to a position where in theory, Muslims are considered to be at the same level with their Christian compatriots. This is attributed to the "non-discriminative" Government initiatives such as: Universalizing primary and secondary education in 1997 and 2007 respectively, establishment of seed schools in remote rural areas, the District quarter system at higher education levels, promoting girl-child education, alternative basic education for Karamoja and the establishment of Higher Education Financing Board to extend loans to financially disadvantaged but academically eligible students. Indeed these initiatives are a step in the right direction, are highly appreciated and surely Muslims have benefited as a result.

The initiatives so taken, however, have done little to address the cumulative disadvantage suffered by Muslims in the field of education or in any other sectors for that matter. For instance, out of the 75 cabinet ministers in Uganda in 2012, there was only one Muslim substantive cabinet minister and five state ministers. First, the disparity between Muslims and Christians in education is widening because of the very big head start enjoyed by the former. This means that Muslims have to run much faster if they are to remain still, which is easier said than done. The reality is that educational initiatives meant to benefit all regardless of historical disadvantages suffered are not likely to be very helpful to Muslims. Given the small number and sorry state of the few Muslim founded schools in the country, Muslim children who patronize such schools are unlikely to make it to higher education levels to benefit from loan scheme, District quarter schemes or even the 1.5 point scheme for female university entrants. Thus the education system is still fraught with deep rooted injustice that continues to compound the marginalization of Muslims.

On the basis of the foregoing review, there is need for a systemic affirmative action in favour of Muslims, because of their historically disadvantaged position. This is important for Muslims as well as the Christian majority because the hungry, angry and frustrated masses of ill-educated, uneducated and uneducated Muslim youths is akin to a ticking time bomb waiting to explode. This poses a clear and present danger to the entire nation. Yet once the bulk of these masses is properly educated and civilized, it can make a huge contribution to the advancement of society, where everybody will benefit and live in relative peace and harmony. Besides, apart from being unfair, marginalization of Muslims is also unconstitutional and may require legal attention and redress.

Legal implications and possible measures

This paper takes the position that without a legally backed affirmative action intervention, the quest of Muslim for equal opportunity in education is likely to be held hostage to the fortunes of various political, religious and cultural tendencies, both internal and external. The legal implication for this marginalization can be derived from the relevant articles in the Constitution of the Republic of Uganda (1995). Article 21 of the Constitution of the Republic of Uganda confers on men and women equality and freedom from discrimination thus:

- i. All persons are equal before and under the law in all spheres of political, economic, social and cultural life and in every other respect and shall enjoy equal protection of the law.
- ii. Without prejudice to clause (i) of this article, a person shall not be discriminated against on the ground of sex, race, colour, ethnic origin, tribe, birth, creed or religion, social or economic standing, political opinion or disability. For the purposes of this article, "discriminate" means to give different treatment to different persons attributable only or mainly to their respective descriptions by sex, race, colour, ethnic origin, tribe, birth, creed or religion, social or economic standing, political opinion or disability.
- iii. Article 30 confers on men and women the right to education that all persons have a right to education.
- iv. Article 32 confers on the marginalized men and women or groups affirmative action. Notwithstanding anything in the Constitution, the State shall take affirmative action in favour of groups marginalised on the basis of gender, age, disability or any other reason created by history, tradition or custom, for the purpose of redressing imbalances which exist against them.
- v. Article 34 is concerned with the Rights of children and it stipulates that: Subject to laws enacted in their best interests, children shall have the right to know and be cared for by their parents or those entitled by law to bring them up. A child is entitled to basic education which shall be the responsibility of the State and the parents of the child. No child shall be deprived by any person of medical treatment, education or any other social or economic benefit by reason of religious or other beliefs (Government of the Republic of Uganda, 1995).

The educational marginalization of Muslims therefore presents constitutional concerns that need to be addressed and redressed. One mechanism Government of Uganda has in place to achieve this is taking affirmative action in favour of the marginalized. This can be done under the auspices of the Equal Opportunities Commission (EOC). The commission is a constitutional body mandated to eliminate discrimination and inequalities against any individual or group of persons. The powers of the Commission Act, 2007. Under Sub-section 14 and 15 of the Equal Opportunities Commission Act, 2007. Under Sub-section 1, the functions of the Commission are to monitor, evaluate and ensure that policies, laws, plans, programs, activities, practices, traditions, cultures, usages and customs of: organs of state at all levels; statutory bodies and agencies; public bodies and authorities; private businesses and enterprises; non-governmental organizations, and social and cultural communities, are compliant with equal opportunities and affirmative action in favour of groups marginalized on the basis of sex, race, colour, ethnic origin, tribe, creed, religion, social or economic

standing, political opinion, disability, gender, age or any other reason created by history, tradition or custom.

Without prejudice to the generality of subsection (1) the Commission may: 1) investigate or inquire into, on its own initiative or on a complaint made by any person or group of persons, any act, circumstance, conduct, omission, programme, activity or practice which seems to amount to or constitute discrimination, marginalization or to otherwise undermine equal opportunities; 2) examine any law, proposed law, policy, culture, tradition, usage, custom or plan which is likely to have effect of nullifying or impairing equal opportunities to persons in employment or enjoyment of human rights; 3) develop, conduct and manage information and educational programs to facilitate and promote public awareness, understanding and acceptance of equal opportunities and treatment in employment, occupation, education and all social services. If the Commission is satisfied that there has been marginalization or discrimination on the basis of sex, age, race, colour, ethnic origin, tribe, birth, creed or religion, health status, social or economic standing, political opinion or disability, it may order: payment of compensation, or any other legal remedy or redress. The Commission may rectify, settle or remedy any act, omission, circumstance, practice, tradition, culture, usage or custom that is found to constitute discrimination, marginalization or which otherwise undermines equal opportunities through mediation, conciliation, negotiation, settlement or other dispute resolution mechanism (Government of Uganda EOC Act, 2007).

Apart from the EOC, Parliament has the mandate to make laws for the purpose of giving full effect to affirmative action in favour of marginalized groups. This provides opportunity for Muslims to access affirmative action. The principle of affirmative action also provided for in the Constitution of Uganda honours the diversity of society by making provision for favouring marginalised groups. The law therefore has in place mechanisms that can be used to ensure that Muslims participate and are fairly represented in governance and other spheres of life; are provided special opportunities in economic fields, and above all, are provided special opportunities for access to quality education. Besides, within the boundaries of the constitutional provisions, special funds could be allocated or special measures can be taken in favour of development of the most disadvantaged Muslims in the country. Such measures are not without precedent. For instance affirmative action has been implemented in political leadership and access to higher education, much as a lot more remains to be done in the areas of economic opportunities and capacity building (Vision Reporter, 2011). Addressing the issue of educational marginalization of Muslims, however, is confronted by a number of challenges.

Challenges to alleviation of marginalization

The constitutional provisions so highlighted as well as the provision for their operationalization suggest that in theory, the opportunity and avenues for

redressing the issue are clearly provided for. In practice however, this undertaking is marred by several challenges:

- i. This Constitutional principle on affirmative action for marginalised groups does not explicitly state the kind of action the state is mandated to take. Best practices from other parts of the world have instituted actions such as: Establishment of quotas for marginalised groups in political, economic and social spheres of life. Quotas have, for example, been instituted to facilitate economic empowerment whereby banks are obliged to grant loans to marginalised groups at subsidised rates; or providing a certain percentage of jobs or positions for marginalised groups; or granting additional credit ratings in the education sector such as the 1.5 point programme, implemented at Makerere University which ensures that by awarding 1.5 points, more female students are guaranteed to access higher education;
- ii. The marginalized status of Muslims is not well documented and therefore, information on Muslims, particularly on their social position, problems and prospects is not readily available yet such data is needed before any action is taken. Conducting an objective investigation to gather irrefutable empirical evidence of Muslim discrimination focusing on the relative share of Muslims in relevant positions/posts is quite challenging. This means gathering faith disaggregated data to provide irrefutable evidence that compared to Christians, Muslims are not only marginalised but that their marginalization is conclusively a result of their historically determined disadvantaged position in formal education participation;
- iii. The capacity and/or willingness of the relevant authorities to investigate the issue of Muslim marginalization is a challenge in light of the sensitive nature of religious matters in the country. The composition of the investigating team and its leadership as well as the necessary resources is also challenging. The likelihood that the commission will even consider looking into this matter and gather its own evidence is a far cry given the religio-political implications of such findings for government and society at large;
- iv. Collecting unbiased, accurate, complete, and/or internally consistent data is something one should not underestimate. The credibility of the data gathering process is paramount if the data gathered is to inform policy and guide proper intervention;
- v. It is a challenge to bring together religious leaders, the media, educators, and community leaders to discuss the causes and consequences of marginalization of Muslims and to develop strategies to counter this phenomenon.

Conclusion

This position paper explored the issue of educational marginalization of Muslims in Uganda and zeroed on colonial rule as the genesis for this marginalization. Since formal education was introduced by Missionaries who worked hand in hand with the colonial government in Uganda, religion was and still is intrinsic to the askew educational system that favours Christians more than Muslims. We showed how the educational system is at the intersection of the country's entrenched history of formal education whose deep rooted socialreligious inequality dynamics largely explain the educational marginalization of Muslims in Uganda today. We further indicated how student performance and achievement in Christian and Muslim schools is a reflection of these dynamics. We deduced that the educational marginalization of Muslims in Uganda raises constitutional concerns that need active legal scrutiny and redress. Finally, we posit that without a legally backed affirmative action intervention, the quest of Muslims for equal opportunity in education is likely to be held hostage to the fortunes of various political, religious and cultural tendencies, both internal and external.

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