



ngo group for the crc

## STATE PARTY EXAMINATION OF UGANDA'S SECOND PERIODIC REPORTS

### 40<sup>TH</sup> SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD

12 - 30 SEPTEMBER 2005

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*Uganda ratified the Convention on the Rights of the Child (CRC) in 1990. On 15 September 2005, the Committee on the Rights of the Child (the Committee) examined Uganda's Second Periodic Report.*

## **Opening Comments**

The delegation was headed by the Hon. Zoe Bakoko Bakoru, Minister of Gender, Labour and Social Development. She mentioned the implementation of the Birth and Death Registration Programme and pointed out that the implementation of the Universal Primary Education (UPE) programme resulted in an increase of primary school enrolment. However, she also acknowledged the problem of dropouts, especially for girls. In addition, she said that there was a programme in place to address the 10% of orphan children, which was a major problem due to HIV/AIDS.

The country rapporteurs were Ms. Ouedraogo and Ms. Smith. Ms. Ouedraogo noted that Uganda was trying to implement the CRC, that efforts were being made to reduce poverty, and that programmes aimed at reducing HIV/AIDS had been successful. She also said that the report was well written, clearly demonstrating the problems and concerns. It also referred to the comments by the Committee and presented solutions. Ms. Ouedraogo recognised that Uganda was a poor country and that the conflict in the north, as well as traditional views and customs, stood in the way of the implementation of the CRC. However, she expressed concern regarding the registration of births, allocation of work, child soldiers, refugees, and in particular the conflict in northern Uganda. She was also concerned about the fragmented implementation of the CRC.

Ms. Smith was especially pleased with the chapter on the implementation of the Committee's comments, which demonstrated Uganda's commitment to the CRC. However, Ms. Smith stated that while Uganda was known for its fight against HIV/AIDS, attempts to reduce poverty, and child soldiers, she was concerned that the first two issues were disappearing from Uganda's agenda. She was surprised that Uganda had not made 'ending the conflict in the north' its main priority and stated that since this conflict constituted the worst violation of the CRC, impacting on so many areas of children's rights, the Committee had to make it its main priority.

## **Children's Right to Participation**

The Committee wanted to know more about children's participation in Uganda and their right to be heard according to article 12. According to the Committee this was not an issue of resources since it was not an expensive matter, but rather one of attitude. Traditions and customs meant that children were not consulted, so the Committee enquired what the government was doing to ensure children's participation and suggested children representatives. The delegation replied that the government was trying to improve children's participation and mentioned the forum for children, which was part of the parliament. The delegation also stated that the National Council for Children (NCC) was undergoing reorganisation and that its new structure was to include children representatives.

## **Birth Registration**

The Committee enquired whether the situation regarding birth registration was improving and what happened during 2003 when it was the main theme. The Committee was also curious about the role of the judiciary. The delegation said it was working with the Ministry of justice and that the most important task was to educate the people about the importance of birth and death registration, since this made it possible for children to inherit property as their identity could be verified. The delegation noted that progress was made in various regions and that programmes would continue.

## **The National Council for Children (NCC)**

The Committee noted that the NCC budget was weak and that the council lacked competency, wondering if the new financial budget would be adequate. In addition, the Committee was concerned about the fact that the reorganisation was taking a very long time and wanted to know if anything was being done to speed up the process. The Committee also noted that at the time, each ministry appeared to be working independently from each other and wondered if the reorganisation of the NCC would lead to better coordination. The delegation recognised that the reorganisation was taking a long time and said that it was due to new challenges, such as children caught up in the conflict in

the north, as well as the increasing number of orphans. The delegation also said that to reach the best possible result and an efficient council, the reorganisation should not be rushed but should be allowed to take its time. The Committee wanted to know if the NCC assisted children with HIV, especially children impacted by the conflict in the north. The delegation responded that there were some hospitals that provided children with medication, but not all. The Committee also enquired as to whether children could easily contact the NCC and other authorities. The delegation said that a toll-free phone line was to be established, but it was obviously more difficult for children in poor and rural areas where there was a lack of adequate infrastructure.

## **Uganda Human Rights Commission (UHRC)**

The Committee enquired about the role the UHRC regarding children's rights and wondered if the UHRC could address complaints from children and their families. The Committee also wanted to know more about the establishment, functions, and responsibilities of the UHRC, and paid particular attention to whether the UHRC had an Ombudsman.

The delegation responded that the UHRC was the main body for human rights. It was an independent institution and its members were appointed by the president and approved by parliament. The UHRC investigated any human rights violation and visited detention centres and prisons. The UHRC could also recommend effective measures to the government for its promotion and protection of human rights, and could compensate people who had suffered human rights violations. The UHRC was also responsible for assisting in the education of human rights and for raising awareness among the Ugandan people regarding their rights. The delegation also said that there was an Ombudsman and that the NCC was the main body for addressing children's rights. The Committee wanted to know if the UHRC had offices in the conflict area and the delegation said that it had several regional offices, including some in the northern region.

## **The Conflict in Northern Uganda**

The Committee found the conflict in the north to be one of the most serious problems that Uganda faced and wanted to know what the government was doing to end the conflict and help the children who were exposed to it. The delegation explained that it was trying to help the children in this region and was working together with NGOs. It also highlighted that it was trying to reach out to the rebels, but that it was difficult as the rebels refused to negotiate with the government and used women and children as a shield. The delegation said it was difficult to help the children in the northern part because they had been intimidated into thinking that Uganda was a dangerous place and that the Ugandan army would kill them if they returned. The government worked with NGOs to assist and rehabilitate the children who returned, but it was difficult, as approximately 50% of these children were HIV-positive. This posed a threat to the rest of Uganda where HIV rates had decreased. However, the government still tried to treat northern Uganda as any other region and provided new funding to the areas worst hit by the conflict. The delegation also said that the conflict in Uganda was not hopeless and could be managed internally. The conflict had not been going on non-stop for 20 years, but had slowed down every now and then. In 2005, the aggression had slowed down, mainly due to the improved situation in southern Sudan. According to the delegation, the main issue was poverty and long-term socio- and economic progress, not the conflict.

The Committee also wanted to know why the government was not negotiating directly with the rebels, but was using a representative from the World Bank. The delegation explained that the representative was negotiating together with other government officials and had the full support and assistance of the government.

## **Internally Displaced Persons (IDP) Camps**

The Committee wanted to know more about the situation in the IDP camps, and enquired if there was a comprehensive policy to help children in these camps. The delegation explained that the camps were not created by the government but by the people themselves who had fled their villages

and looked for places where the army was stationed. The government lacked the resources to help these people, but was slowly developing programmes to address the issue. This was difficult as the government was unsure how to go about addressing this new problem. One reason for the difficulty was that some of the IDPs had built permanent houses in the camps and did not want to return home. Progress had been made and the government was slowly starting to understand what needed to be done.

## **Child Soldiers**

The Committee wanted the delegation to guarantee that there were no children under 18 in the army. It also wanted to know what measures were taken to ensure that no child under 18 was recruited by the army. The delegation stated that child soldiers were not a major problem because recruitment had procedures that did not allow children under 18 to join the army, such as screening by doctors and various methods of age verification. The delegation also said that it had more than enough applicants, and therefore had no reason to recruit children. The delegation admitted that some children lied about their age and stressed the importance of the Birth and Death Registration programmes that would assist the army in deciphering whether children were lying. In addition, UNICEF was invited to examine the army. If it suspected any soldiers of being under 18, the army would immediately remove these soldiers.

The Committee also wanted to know exactly what happened to children rescued from the rebels, and those who could not be reunited with their families, as well as the role of NGOs. The delegation explained that government forces, in cooperation with NGOs, briefly took care of these children. During this time, the children provided information about the rebels and realised that the Ugandan army was not dangerous, contrary to propaganda they had received from the rebels. The children were then transferred to rehabilitation centres where they received support and counselling for approximately 2 months. They were later reunited with their families as well as given an education and trained in various skills so that they could support themselves when back in their villages. Some children that were rescued joined the army once they were over 18, usually because they could not be reunited with their families. However, the government usually provided children who could not be reunited with their families a piece of land where they could live and support themselves. Some children were also trained in small arms so they could protect the IDP camps. However, no children were recruited into the Ugandan army.

## **Night Commuters**

The Committee was very concerned about the children who left their villages late afternoon every day and commuted to the cities to seek protection from the rebels. It wanted to know why the government could not protect these children. The Committee pointed out that these children were often hungry and that the commuting put them at risk of dangerous sexual activity, especially girls. The delegation admitted that it was the government's responsibility, but said that it was difficult to protect the children. The delegation pointed out that there was protection close to the military camps but that it was impossible to deploy soldiers to all the rural areas. The delegation also said that the main task was to protect the children from various forms of assault when they were in the cities, and that reported violations were addressed.

## **The Girl Child**

### **Education**

The Committee wanted to know what the government was doing about keeping girls in school, especially beyond primary school. The delegation said that the Universal Primary Education (UPE) programme had a positive impact on girls and that through various policies and legislations more girls were sent to school. The delegation also said that girls were given extra points to help them get into courses beyond primary school. There were also gender-friendly programmes to make sure girls

enrolled and stayed in school, such as making sure girls could compete on the same terms as boys, and through gender-friendly facilities. The government was also sponsoring the Girl's Education Scheme where schools that enrolled more girls and had low dropout rates received increased funding. There was also education to make sure teachers could maintain equality and help girls excel.

### **Female Genital Mutilation (FGM)**

The delegation said there had been a successful programme that, together with UNFPA assistance, had mobilised and changed the mind-set of the communities and given women who performed FGM an alternative income. According to the delegation, the main issue was to change people's mind-set.

### **Reduction of Early Marriages**

The Committee noted the special protection for girls under 18 and that the age of marriage was 18, which was positive. However, it was concerned that in 2002, approximately 65,000 girls under 15 and 387,000 girls between 15 and 18 were married. The Committee recognised that it was a difficult problem to address due to customs and traditions, but wanted more information about what the government was doing. The delegation said that it was keeping girls in school, empowering communities and the girl child. In addition, the fact that girls were becoming a form of social security through education and employment meant that fewer girls were married at an early age. The delegation also pointed out that marrying off girls under 18 was a criminal offence, but that because the penalty was hanging, people were reluctant to report the crime.

### **Family Environment**

The Committee asked what the government was doing to help families run by one person (sometimes a child). The delegation said that school-fees were paid for the children, especially if the conflict had destroyed the family income. The delegation also pointed out that families were often run by elderly people and that resources needed to focus on them.

The Committee also asked about domestic violence. The delegation said a task force was being created to address this issue and that children could report cases of violence to the local council or police protection unit.

### **Education**

The Committee acknowledged that many primary school goals had been reached but wanted to know more about secondary school enrolment. The Committee also wanted more information regarding the quality of education and whether there was a person responsible for overlooking the entire education system, as opposed to leaving it up to separate units and NGOs. Finally, the Committee wanted to know if children who dropped out received any form of vocational training. The delegation explained that the Ministry of Education was in charge of the education system and the funding and that there was vocational training at sub-county level.

### **Corporal Punishment**

The Committee wondered if corporal punishment in school was driving children away. The delegation said that corporal punishment was prohibited by law and that the government wanted to change the attitudes of parents and teachers who sometimes argued that children needed corporal punishment.

### **Drug Abuse**

The delegation explained that drug abuse was a new issue, especially in schools. The problem was being studied and education was needed to prevent it. NGOs were helping with rehabilitation.

## **Juvenile Justice**

The Committee wanted more information about family courts, such as the location, who the judges were, and how readily available the courts were to the children. The Committee also suggested specific children's courts. The delegation explained that the family and children's courts were created by the children's act and handled civil and criminal crimes cases for children below 18 years, except capital and minor offences. The latter were being handled by community councils. The age of criminal responsibility was 12, and no children under 12 were arrested or faced with sanctions but under the children's act, they could be handled by a probation officer. The procedures in the family and children's courts were more informal, names were not published and the people in court did not wear uniforms. There were also many other options in addition to court, such as the police cautioning children. Courts were mandated by a magistrate, but the delegation acknowledged a shortage in magistrates. The delegation was concerned that this meant that children were detained too long as a result of the shortage. However, the delegation explained that a child's case had to be heard within 3 months. Regular courts also had to take juvenile justice rules into consideration when dealing with capital offences and sentencing should take place in family and children's courts. Free legal aid was given to some children, usually by NGOs, and always in capital cases.

## **Child Labour**

The Committee noted that the government's planning policies and its work with the ILO was good. However, it also pointed out that the National Action programme attempted to seek out only 300,000 children performing dangerous work, when approximately 2,7 million children were estimated to work. The Committee wanted to know if the programme was limited and what the situation was for the children not included in the programme. The delegation said that just because children were working, did not mean they were working under hazardous conditions, and that some children still went to school even though they worked. According to the delegation, these children did not need to be included in the programme.

## **Health**

The Committee was concerned about the lack of resources invested in health and social services and wanted to know why this budget had been cut when Uganda had received debt relief. The Committee was especially interested in the issue of malaria. The delegation replied that security, good governance and education were more important areas and that these received more funding. The delegation acknowledged a lack of manpower. It said that many professionals had left the country and that the government was encouraging them to return. The delegation recognised that malaria was a big problem and said that there was a campaign to make people use mosquito nets. The latter were either distributed by NGOs for free or were affordable.

## **HIV/AIDS**

The Committee expressed concern regarding HIV/AIDS, both in terms of available medication and Uganda's fight against HIV/AIDS. The Committee was concerned that the AIDS prevention programme focused too much on abstinence and provided misinformation about condoms. The delegation said that Uganda focused on the ABC for abstinence, be faithful and condoms, underlining that neither abstinence nor condoms alone would provide a solution. The Committee was concerned that there was a prohibition against promoting and distributing condoms in primary and secondary schools. However, the delegation stated that condoms were available at university level and that young people should be given the choice of abstinence.

## **Disabilities**

The Committee noted that there were few programmes and policies in place to address discrimination of disabled children in schools and within the family. The delegation said that the government was working towards improving physical access in schools for disabled children and

that teachers were being educated. There were also programmes in place to make sure disabled children were sent to school, and that children disabled by the conflict would receive assistance.

## **Data Collection**

The Committee noted that a database was in place to collect data but wanted more information on how it was collected, for example in terms of indicators to monitor children's rights. The delegation replied that there was an efficient national programme in place and that at community level the government was recruiting to develop better systems.

## **Street Children**

The Committee said it needed more information about street children and the role NGOs played. The Committee also wanted to know if there was a programme for the reunification with the children's families and if any data existed on new categories of street children. The delegation explained that in cooperation with the police, all street children were removed a few years ago. The new category of street children came from the destabilised northern regions and usually consisted of whole families who begged on the streets.

## **Practice of Sacrificing Children**

The Committee wanted to know what was being done to end the sacrifice of children. The delegation said that people who sacrificed children were reported and prosecuted.

## **Optional Protocol**

The Committee enquired as to the status of the Optional Protocol on children in armed conflict and the report that was due last year. The delegation said it had been ratified and that the report would be submitted to the Committee.

## **Refugees**

The Committee said that the government respected the 'principle of non-refoulement' and accepted many refugees which was positive. However, the Committee recommended that a refugee bill be passed as soon as possible and the delegation replied that this would be the case.

## **Discrimination**

The Committee was concerned that there was discrimination against young boys who engaged in sexual activity when there was consent. The Committee noted that young boys were often accused of sexual assault and sentenced to heavy penalties whereas the girls were treated as victims. The Committee wanted to know if a change in legislation would affect this discrimination. The delegation explained that the law in place was a colonial law and that an amendment was planned in the sexual offence law which would protect both the boy and girl child.

## **Concluding Remarks**

The Ugandan delegation said it appreciated the issues raised and that it would continue seeking the Committee's guidance and support. The Committee said it had been a fruitful discussion and that many questions had been answered. It was also impressed by Uganda's progress in education and juvenile justice. However, the Committee remained concerned about the conflict in the north and the IDP camps, as well as about HIV/AIDS.