

## **Status Report on Child Rights in Uganda**

### **1.0 Background**

The child rights status report is presented by the Uganda Child Rights NGO Network (representing over 100 CSOs working with children in Uganda) for the Universal Periodic Review (UPR) for Uganda during the 12<sup>th</sup> Session of UPR scheduled to take place in October 2011. The report focuses on the status of implementation of regional and international obligations by the government of Uganda and makes concrete recommendations for action by government, the United Nations Agencies and Civil Society Organizations (CSO's).

### **2.0 Overview of International and Regional obligations**

#### ***2.1 Status of Ratification and Domestication of the instruments***

UCRNN acknowledges the commitment demonstrated by the government of Uganda through ratification of United Nations Convention on the rights of the child (UNCRC) and a number of other child related covenants<sup>1</sup> both regional and international. UCRNN however notes that the provisions of the two Optional Protocols<sup>2</sup> have not been domesticated. Although some of the provisions of these Protocols are covered in the Penal Code Act, they do not comprehensively cover all the provisions in the Protocol. UCRNN also notes with concern that Uganda has not yet ratified the highly important Hague Convention on Inter Country Adoption.

#### **Recommendations:**

- I) *The children's act review process currently underway should incorporate provisions of protocols. Government should in addition review other legislation and bring it in conformity with regional and international instruments so far ratified.*
- II) *The government of Uganda should expedite the process of ratifying and subsequently domesticating the Hague Convention on Inter Country Adoption*

#### ***2.2 Progress on Reporting***

Uganda has to a large degree fulfilled its reporting obligation as evidenced by the submission of four reports to the UN Committee of Experts on the Rights of the Child, and one to the African Committee on the Rights of the child. The treaty bodies have in response presented to Uganda comments and observations on the status of implementation of the instruments reviewed.

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<sup>1</sup> The African Charter on the Rights and Welfare of the Child, The ILO Convention 182 and 138, the Optional protocols to the UNCRC, the Convention on the rights of Persons with Disabilities and its protocol, CEDAW,

<sup>2</sup> The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the PO-CRC-CAC

UCRNN however notes the implementation of these recommendations is still weak and largely left to the Ministry of Gender Labour and Social Development and CSO actors.

***Recommendation:***

i) *The government should develop a deliberate strategy for dissemination of the concluding observations and strengthen inter ministerial coordination and ensure ownership across all line ministries.*

### **3.0 Implementation of international and Regional human rights obligations**

#### ***3.1 Right to equality and non-discrimination***

The government of Uganda constitution prohibits discrimination on grounds of sex, race, color, ethnic origin, tribe, creed, and religion, social or economic standard or political opinion. In this regard significant progress has been made in promoting girl child education through the affirmative action program, political representation of special interest groups such as women, the disabled, the youth etc as well as deliberately promoting the provision of equality. Despite these efforts UCRNN notes that discrimination against certain groups of children still exist, including access to education for children with disabilities, children affected by and/or infected with HIV/AIDS and children from minority groups such as the Batwa children and Albino children.

***Recommendations:***

- i) *The government of Uganda institute measures to prevent and prohibit all forms of discrimination against all children particularly children with disabilities and avail resources for operationalising the provisions of the Equal Opportunities Act 2008.*
- ii) *Government should institute special protection measures for children with Albinism*

#### ***3.2 Right to life and Access to health Services***

UCRNN acknowledges the significant investment by the government in the health sector though construction of new health centers in the country side, rehabilitation of existing health facilities improvement in medical supplies and equipment which have improved quality and access to health care services. UCRNN is concerned at the high infant and under five mortality rates, high maternal mortality, low immunization uptake and Rampant stunting and wasting due to malnutrition - with an estimated 1/3 of children stunted. The limited drug supplies at the health facilities, lack of trained personnel greatly impact on access to health services by children. UCRNN also notes with concern the decrease in budget allocated for the health sector for the financial year 2010/2011.

**Recommendations:**

- I) *The government of Uganda should increase the supply drugs in all health centers. Review the current drug distribution and management system with a view to decentralizing drug distribution.*
- II) *Government should make the provision of neo natal and post natal services to all expectant mothers at all health facilities mandatory.*
- III) *Government should revisit the current budget provision for the health sector and avail adequate resources the management of communicable diseases especially malaria.*
- IV) *Government should take all necessary measures to provide special services for children in fishing and pastoral communities.*

**3.2 Protection form abuse and Exploitation**

**3.2.1 Sexual Abuse, trafficking and CSEC**

Notwithstanding the progressive legislation that have been instituted by government including but not limited to; penal code amendment, judicatures Act, trafficking in persons Act and the establishment of an institutional mechanisms (Police family and child protection unit) to respond to sexual abuse and, trafficking of children, cases of child abuse, commercial sexual exploitation and trafficking are still rampant. UCRNN also notes the limited capacity of the police to gather evidence so as to speed up investigations.

**Recommendations:**

- I) *The government of Uganda avail sufficient resources for implementation of the National Plan of Action on Sexual Exploitation and the Anti trafficking in persons Act.*
- II) *Government should establish child friendly courts including the provisions for trail in camera, fast tracking child abuse case and care and support services for victims of abuse.*
- III) *Government should operationalize the domestic violence act and disseminate the act and other laws on drug abuse;*
- IV) *CSOs and government should strengthening the ability of community structures to prevent violence*

### **3.2.2 Harmful cultural Practices**

UCRNN acknowledges the enactment of the law prohibiting FGM specifically by law<sup>3</sup> . However UCRNN is alarmed that the practice still continues. UCRNN also notes the emerging phenomenon of child sacrifice. The Uganda Human Rights Commission reports that the practice manifests itself in the form of killing of human beings with the motive of appeasing gods in order to achieve desired personal [superstitious] goals particularly the attainment of massive wealth. UCRNN also notes the persistence of other harmful traditional practices such as early marriage.

#### ***Recommendations:***

- I) Government should build the capacity of police force to carryout investigation especially on child sacrifice.*
- II) The government of Uganda should strengthen and implement legislation related to child sacrifice by reviewing the witchcraft act 1966.*
- III) The government should commit adequate resources for the protection of children and work with CSOs to empower communities in child protection through massive awareness programs.*
- IV) The government of Uganda should take immediate action to fund the full implementation of the prohibition of FGM*

### **3.2.3 Children with disability**

The number of children aged between 0-17 years in Uganda who live with disabilities is estimated at 205,000<sup>4</sup> representing two percent of all children. UCRNN notes the tremendous progress made by the government in guaranteeing the rights of children with disabilities. Through regulations and targeted measures attempts have been made by the government to reach out to the CWDs and enhance their access to education. Despite these gains, children with disabilities continue to be excluded, rejected, exploited Limited training opportunities for children with learning disabilities.

#### ***Recommendations:***

- I) The government should implement all provisions of legislation relating to children with disabilities. In addition prevent and prohibit all forms of*

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<sup>3</sup> Anti Female Genital Mutilation Act 2010

<sup>4</sup> UBOS 2006 cited in SOS, 2008, MGLSD OVC Status Report June 2010

*discrimination against children with disabilities and ensure that they have equal opportunities to participate fully in all spheres of life.*

- II) Government should Subsidize the health care services for children with disabilities*
- III) Deploy at least one special needs Teacher in each school.*

### **3.2.4 Protection of Children without parental care**

UCRNN notes that Government interventions to support vulnerable families and households are enshrined within the Social Sector Investment and Development Plan (SIDP). Through SDIP government seeks to enhance the capacity of the people and protection of the vulnerable by instituting effective support programs for OVCs and children in vulnerable families – HIV-affected, Poverty stricken and, single parent families and child headed households. The implementation of the OVC policy and its attendant Strategic Program Plan of Investment has also contributed to reaching out to children without parental care. Despite these efforts UCRNN notes that only a very small percentage of OVC's are benefiting from these services due to limited government financial resources towards full implementation of the plan.

#### ***Recommendations:***

- i) Government should appropriate the requisite financial resources for comprehensive implementation National Strategic Plan for Orphans and Vulnerable Children*
- ii) Government should institute a conditional financial grant to local governments for implementation of actions operationalising the National Strategic Plan for Orphans and Vulnerable Children*
- iii) Government should put in place a facilitative environment for civil society to contribute to the implementation of the National Strategic Plan for Orphans and Vulnerable Children*

### **3.2.5 Corporal Punishment**

While acknowledging government effort on corporal punishment through the issuance of a circular prohibiting Corporal punishment in schools, UCRNN also notes the positive efforts by the ministry in developing a handbook highlighting alternatives to corporal punishment. In addition UCRNN also notes the inclusion of corporal punishment in the penal system under the Penal Code Act, and a provision in the Children's Act amendment bill 106 B the regarding prohibition of corporal punishment in schools. UCRNN is still concerned that Corporal punishment still rampant in schools and homes.

**Recommendations:**

- i) *Government should amend legislation to explicitly prohibit all forms of corporal punishment in all settings, including in the family, the school and alternative child care.*
- ii) *Government should make available resources for implementation and enforcement of this law.*

**3.2.6 Children affected by conflict**

UCRNN applauds the government on the cessation of hostilities in northern Uganda for the last 4 years as well as the supporting legislation for the humanitarian situation that prevailed during the 20-years hostilities such as the Amnesty Act 2000 (as amended). The PRDP and other GoU Plans and Programmes to mitigate the impact the conflict and facilitate recovery and development are however, lacking in their focus on the war-affected children in the region. The return-home-campaign targeting all those living in IDP camps is also lacking in child-centered logistical and infrastructural facilitation for returning children.

*Recommendations:*

- i. *The Government of Uganda should institute affirmative action programs in basic education, health, protection and livelihoods and food security for children in conflict affected areas.*
- ii. *The Peace Recovery and Development Plan for northern Uganda and the Karamoja Integrated Disarmament and Development Plan and other such regional and nation-wide development plans must have a fully drawn up provision on protection of children before, during and after [armed] conflict and other disasters etc. especially in providing options for service delivery intended for children.*
- iii. *Government of Uganda is encouraged to implement the national action plan on SCR1612 intended to address issues of underage recruitment and sexual exploitation and abuse by armed forces*

**3.2.7 Children in contact and conflict with the law**

UCRNN acknowledges government effort in the establishments of Family and Children's Courts and remand homes in selected districts. UCRNN however notes the slow progress achieved in establishing a functioning system for protection of child victims of violence and abuse and juvenile justice throughout the country. UCRNN also notes the steadily increasing number of

children in conflict with the law. This coupled with poor pre-trial detention facilities and lack of access to legal representation increases the vulnerability of these children. UCRNN also notes with concern the increase in the number of children in prison and the challenges children of prisoners face once their parents have been convicted.

### **Recommendations**

- i) *Ensure that juvenile justice standards are fully implemented to be in compliance with UNCRC art 37 (b), 40 and 39, as well as the United Nations Standard Minimum Rules for the Administration and the United Nations Guidelines for the Prevention of Juvenile Delinquency.*
- ii) *The government of Uganda should take all necessary measures to secure sufficient funding for the establishment of Family and Children's Court in every District as required by law and secure*
- iii) *Improve on conditions of the detention centres, staffing and financing for magistrates, lawyers including trainings for staff that handle children in conflict with the law*
- iv) *Operationalize the principle of 'detention as a measure of last resort and for the shortest time possible'. Emphasize more restorative rather than retributive justice, tackling more the conditions that lead to juvenile delinquency, such as unemployment by the parents and the need for survival.*
- v) *Government through the judiciary should have provisions to take into consideration children's interests/ status during the sentencing process of their parents. ( Pro longed absence of parents from the home due to imprisonment has disastrous effects on children.*

## **3.3 Civil and Political Rights**

### **3.3.1 Birth Registration**

Although the current legal framework provides a reasonable platform for sustaining a country wide birth and death registration program, many children are still remain unregistered. Birth certificates only become relevant at a point of joining higher institutions of learning, or joining the police or the army and voting. The challenges in the registration of children and hence inability to prove ages of children leaves them vulnerable to abuses such as defilement, trafficking, recruitment to armed conflict and recruitment into the worst forms of child labor.

Without proof of age, children can be married off early and perpetrators of abuse cannot be pinned.<sup>5</sup>

**Recommendations:**

- i) *Institute a comprehensive policy framework supported by adequate financing of the birth registration bureau to engender a sustainable birth and death registration program at all levels including making birth registration easy and free*
- ii) *Government should Expedite the process of reviewing the law on birth registration and institute integrated services at health centers to include birth registration.*

### **3.3.2 Child Participation**

UCRNN acknowledges efforts by the government of Uganda in institutionalizing child participation through the development and rolling out of a national child participation guide. Despite this appreciation and subsequent application of the concept is still limited at all levels.

***Recommendations:***

- i) *Government should develop a deliberate strategy to promote the use of the CP guide among all stakeholders and in addition institutionalize child participation by making it a policy*

### **3.4 Protection of children infected/ affected by HIV/AIDS.**

While noting the progress made in preventing HIV/AIDS infection among children through Prevention of Mother To Child Transmission of HIV/AIDS(PMTCT) services, stigma and discrimination still remain rampant. Evidence shows that stigma was one of the reasons 58% of Uganda's children cannot access ARVs. Other challenges include lack of equipment for testing children below 18 months, and lack of health personnel to handle psycho social needs of children.

***Recommendations:***

- i) *Government should Institue economic empowerment programs to support such children in need of special protection including psychosocial programs for children affected by HIV and AIDS*

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<sup>5</sup> Yiga Deo 2010 An Assessment of Child Protection Systems in Uganda



- ii) *The need to scale up prevention, treatment and care services for children especially Provision of pediatric ARVs for those living with HIV and AIDS*
- iii) *The government of Uganda should immediately take all necessary measures to increase access to prevention of mother to child transmission of HIV/AIDS (PMTCT) services*
- iv) *Expediently enact the draft National HIV/AIDS policy and the HIV/AIDS Prevention and Control Bill .*
- v) *Strengthen partnership between CSOs and government in provision of pediatric care and support .*

### **3.4 Economic exploitation of children- child labour**

UCRNN acknowledges progress made by government in setting standards for employment of children as well as elimination of the worst form of child labour through the ratification and domestication of the ILO Convention 138 and 182 respectively. UCRNN is however concerned about the increasing use of under aged children in employment as well as economic exploitation through street vending and begging.

#### ***Recommendations:***

- i) *Government should strengthen the labour inspectorate to facilitate monitoring and withdrawal of children engaged in labour.*
- ii) *Government should develop economic empowerment programs for children withdrawn or engaged in child labour.*

### **3.4 Education**

UCRNN acknowledges the remarkable progress made in the education sector including but not limited to; the recruitment of teachers, the construction of classrooms, the enactment of the education Act 2008 that includes Non Formal Education as a major component, UCRNN is still concerned about the high drop outs rates, the low transitions rate to secondary school and the insufficient number of trained teachers and in particular the deteriorating quality of education. The free education policy of government still has challenges because of Hidden costs of free education; uniforms, school meals etc

#### ***Recommendations:***

- i) *Government should undertake measures to ensure equal access to education to vulnerable groups of children; street children, orphans, minority children,*

*children with disabilities, child domestic workers and children in post conflict areas.*

- ii) Government should institute an absolutely free education policy eliminate indirect costs of school education*
- iii) Government should put more emphasis on the quality of learning for children in UPE and USE instead of the completion rate.*

#### **4.0 General Measures : Resources for children**

Notwithstanding the relatively high rate of economic growth in Uganda's gross national product/total national budget and that considerable debt relief has been provided via the Heavily Indebted Poor Country Initiative, UCRNN is still concerned that the resources allocated for children are very limited and insufficient to respond to national and local priorities for the protection and promotion of children's rights.

#### ***Recommendations:***

- i) In the light of the obligation in UNCRC art 4, the government of Uganda should urgently prioritize and increase budgetary allocations for children at both national and local levels*
- ii) Adequately facilitate the work of the District Probation and Welfare Office, to ensure all levels in the implementation of the rights of the child, and in particular to pay attention to the protection of the rights of children belonging to vulnerable groups, including children with disabilities, children affected by and/or infected with HIV/AIDS, children living in poverty ad those in the remote areas.*