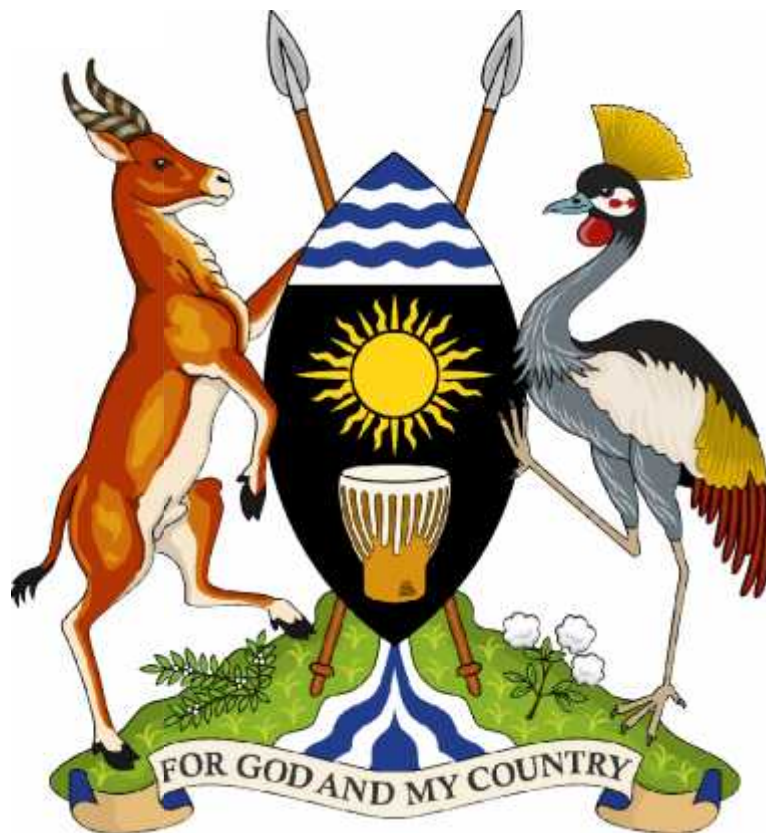


**THE REPUBLIC OF UGANDA**



**PERIODIC REPORT  
TO THE AFRICAN COMMITTEE OF EXPERTS ON THE  
RIGHTS AND WELFARE OF THE CHILD**

**ON  
THE IMPLEMENTATION OF THE AFRICAN CHARTER ON  
THE RIGHTS AND WELFARE OF THE CHILD**

**2020**

## ABBREVIATIONS

AIDS	Acquired Immunodeficiency Syndrome
ALP	Accelerated Learning Programme
ARV	Antiretroviral
BEUPA	Basic Education for Urban Poverty Areas
BTVET	Business, Technical Education and Vocational Training
CID	Criminal Investigations Department
CMA	Computer Misuse Act
COA	Child Online Abuse
COPE	Complimentary Opportunities for Primary Education
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
CSEA	Child Sexual Exploitation and Abuse
CWD	Children with Disabilities
ODPP	Directorate of Public Prosecutions
ECD	Early Childhood Development
EFA	Education For All
EGR	Early Grade Reading
EUPEC	Enhancement of Universal Primary Education and Community
FGM	Female Genital Mutilation
FIDA	Federation of Women Lawyers
GDP	Gross Domestic Product
Government	Government of Uganda
GWDs	Girls With Disabilities
HIV	Human Immunodeficiency Virus
IAAF	International Association of Athletics Federation
ICT	Information Communication and Technology
IMG	Indigenous Minority Groups
IOM	International Organisation for Migration
LRA	Lord's Resistance Army
MGLSD	Ministry of Gender, Labour and Social Development
MoES	Ministry of Education and Sports
MoFA	Ministry of Foreign Affairs
MoIA	Ministry of Internal Affairs
MoJCA	Ministry of Justice and Constitutional Affairs
MTEF	Medium Term Expenditure Framework
NDP II	National Development Programme 2
NGO	Non-Governmental Organisation
NIECD	National Integrated Early Childhood Development Policy

NIRA	National Identification and Registration Authority
NITA	National Information Technology Authority
NUDIPU	National Union of Disabled Persons of Uganda
NUSAF	Northern Uganda Social Fund
OPAC	Convention on the Rights of the Child; Optional Protocol on the Involvement of Children in Armed Conflict
OVC	Orphans and Vulnerable Children
PPP	Public Private Partnership
PSWO	Probation and Social Welfare Officer
PTC	Primary Teachers Training Colleges
PTIP	Prevention of Trafficking in Persons Act
SAGE	Social Assistance Grants for Empowerment
SCORE	Sustainable Comprehensive Responses
SDGs	Sustainable Development Goals
SGBV	Sexual and Gender Based Violence
SNE	Special Needs Education
TTI	Teachers Training Institution
UCC	Uganda Communications Commission
UDHS	Uganda Demographic Health Survey
UHRC	Uganda Human Rights Commission
ULRC	Uganda Law Reform Commission
UNAFRI	United Nations African Institute for the Prevention of Crime and the Treatment of Offenders
UNESCO	United Nations Educational Scientific and Cultural Organisation
UNHS	Uganda National Household Survey
UNICEF	United Nations Children’s Education Fund
UPDF	Uganda People’s defense Forces
UPE	Universal Primary Education
UPF	Uganda Police Force
UPPET	Uganda Post Primary Education and Teaching
USE	Universal Secondary Education
WASH	Water, Sanitation and Hygiene
YLP	Youth Livelihood Programme
YWCA	Young Women’s Christian Association

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## Introduction

The Government of Uganda (Government) presents its second and third report to the African Committee of Experts on the Rights of the Child.

The Ministry of Gender, Labour and Social Development (MGLSD) prepared this report, which adheres to the reporting guidelines stipulated by the Committee of Experts on the Rights and Welfare of the Child. The report was developed through a consultative process that involved national and regional consultations with key stakeholders in government departments, ministries and agencies as well as civil society. Children were also involved in providing views on the implementation of the African Charter on the Rights and Welfare of the Child.

## **I. GENERAL INFORMATION ABOUT THE STATE PARTY**

Uganda is a sovereign state located in East Africa. Uganda is endowed with great natural resources, climate and a very mix of rich peoples and cultures. Her major sources of income are agriculture and tourism, courtesy of her fertile land and rich and varied wildlife.

Uganda as at 2014 had a population of 34.6 million, 55% of whom are children under the age of 18. Uganda has one of the youngest populations in the world. This presents plenty of social and economic opportunities and equally, challenges for the realization of the aspirations of her people and her children especially as pertains to enjoyment of all the rights enshrined in the Constitution, national laws and international protocols.

Since 2007, Uganda has evidenced many reforms at the governance level. In 2011 and 2016, democratic elections were held at Presidential and Parliamentary level. Uganda has evidenced economic and social growth due to the commitment of the leadership to principles of inclusive growth and rights based approaches to development.

Several legislative, policy and institutional reforms regarding children's rights and protection have been undertaken at national and sectoral level, as discussed in Section II. Uganda continues to show commitment to child rights by signing onto key treaties at regional and international level with a bearing on the rights of Ugandans, including children. Many of these are elaborated in this report. Furthermore, Uganda has increased monitoring the situation of children in Uganda through multisectoral frameworks, approaches and partnerships, to ensure holistic approaches to child rights protection and promotion.

Uganda is part of the East African Community (EAC). There are a number of integration protocols and policies that have been agreed to that may have a bearing on children, whether directly or indirectly. Uganda seeks to ensure that all these accrue benefits and protections for children.

## **II. GENERAL MEASURES OF IMPLEMENTATION**

### **a) Enabling Legislative and Policy Frameworks for Children Rights**

#### **The Constitution of Uganda, 1995**

The Constitution specifically stipulates that is the duty of a Uganda citizen 'to protect children and vulnerable persons against any form of abuse, harassment or ill-treatment.'<sup>1</sup>It further expounds on the rights of children who are foundlings or adopted, to citizenship.<sup>2</sup> The

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<sup>1</sup>Uganda Constitution 1995, Article 16.

<sup>2</sup> Article 11 of the Constitution



Constitution also provides for the rights of children to protection against any form of abuse, harassment or ill-treatment;<sup>3</sup> right and duty of parents to care for and bring up their children<sup>4</sup>. It further states that 'children may not be separated from their families or the persons entitled to bring them up against the will of their families or of those persons, except in accordance with the law.'<sup>5</sup> Article 34 elaborates the rights of children in Uganda in diverse aspects. It is in these areas that laws and policies have been passed since 2007, to give effect to the Constitutional rights, responsibilities and protections to the children of Uganda.

### **Child related laws passed since 2007**

Uganda has since the initial report in 2007 enacted a significant number of laws and developed policies and strategic plans, as well as established child rights related institutions. Their main objective is to ensure, enable and guide the implementation of and enjoyment of the children's rights in all spheres. The major laws enacted or amended in this regard include:

- 1) Prevention of Trafficking in Persons Act, 2009 expressly prohibits the trafficking of children.
- 2) The Prohibition of Female Genital Mutilation Act 2010 prohibits the harmful cultural practice against girls.
- 3) The Anti-Pornography Act, 2014 provides specific provisions to criminalise all acts of pornography and includes specific provisions on combatting child pornography. The Children act as amended (2016) 2016 also contains prohibitions on pornography, sexual exploitation and trafficking of children.
- 4) The Children Act, (Cap 59). This law was amended in 2016. The Children Act Cap 59 as amended (2016) underscores the standards of regional and international conventions like the African Charter on the Rights and Welfare of the Child and the UN Convention on the Rights of the Child and its Optional Protocols. It consolidates the principles and provisions of various laws, legal frameworks and policies on children's rights and provides a more responsive legal environment to current challenges faced by Uganda's children. Key amendments cover expanded rights of children, care, protection and maintenance of children and enablement of institutions like the National Children Authority. The Act outlaws social and customary practices that are harmful to children's health.

#### **b) Policies, strategies and Plans**

A number of policies have been adopted by the government to facilitate and guide the implementation of the child related laws in the area of civil, economic, social and cultural rights.

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<sup>3</sup> Article 17 1(c) of the Constitution

<sup>4</sup> Article 32 (4) of the Constitution

<sup>5</sup> Article 32 (5) of the Constitution

Uganda has also institutionalised various action plans and strategies to facilitate implementation of child friendly practices in all spheres of life and national development.

**The National Strategic Programme Plan of Interventions for Orphans and Other Vulnerable Children 2011/12–2015/16** was a follow-up to the first National Strategic Programme Plan of Interventions for Orphans and Other Vulnerable Children (NSPPI) that was implemented from 2005/6 to 2009/10. The NSPPI has provided a blue print to enable progressive realization of the rights of orphans and other vulnerable children.

**The National Strategy to End Child Marriage and Teenage Pregnancy 2014/2015 – 2019/2020** seeks to address the situation of early and forced child marriage as well as the elimination of teenage pregnancy

**The National Action Plan for Child Wellbeing (2016-2021)** links to the five sustainable development goals of survival, development, protection, participation and implementation.

**The Gender in Education Policy (2016)** provides guidance on effective mainstreaming of gender throughout the Education and Sports Sector in order to achieve gender equality in education and sports learning outcomes. This will enhance equal access and participation for girls and boys in the sector.

**The National Disability Inclusive Planning Guidelines for Uganda 2017** seek to address issues of disability in Uganda. Uganda has officially recognized local sign language to enable children with disability overcome communication barriers. **The Special Needs Education and Non-Formal Education Policy 2013** promotes broader learning frameworks for children and young persons with disabilities

**The Special Needs Education and Non-Formal Education Policy 2013** promotes broader learning frameworks for children and young persons with disabilities.

**The National Child Participation Strategy 2017/18 - 2021/22** will ensure that children are given voice and agency to articulate their views and perspectives at all levels of government.

**The National Child Policy 2020 and the National Program Implementation Plan 2020/2021 – 2024/2025 was developed.** It links to five sustainable development goals; survival, development, protection, participation and implementation

### **c) Institutional Developments**

Based on these initiatives, the Government is focusing on reforms and strategies to meet the survival and development needs of children at the national and local government level. There is increasing emphasis on child participation, stakeholders' responsiveness and promoting the rights of all children.

Several bodies and entities are charged with the protection and promotion of children's rights.

### **The National Children's Authority**

This was established as an autonomous body pursuant to the Children act as amended (2016) 2016. It is meant to provide advice, monitoring and supervision of all activities, programmes, policies, strategies and plans relating to the promotion, protection and realisation of children's rights. The authority is in its formative phase as it takes over from the National Children's Council (NCC). The Authority works with the Ministry of Gender, Labour and Social Development, which has the mandate to protect vulnerable persons and promote social protection.

### **Uganda Human Rights Commission-Vulnerable Persons Unit**

The Uganda Human Rights monitors the rights and welfare of children under the Vulnerable Persons Unit and has consistently reported on various issues to the national Parliament. In addition, the Tribunal handles cases of violation of children's rights based on the principles of the best interests of the child.

### **Uganda Equal Opportunities Commission**

The Commission that was established in 2010 works to eliminate discrimination and inequalities against any individual or group of persons including children in Uganda. It conducts research, monitors the implementation of government interventions and identifies gaps in government policies and programmes that may perpetuate discriminatory tendencies towards children and other marginalised groups.

### **Uganda Police Force**

Uganda Police Force has a dedicated Child and Family Protection Unit and is a key partner in the prevention of trafficking of children and other persons. The Police Information Resource Centre has an online list of Licensed Private Employment Agencies. ([www.upf.go.ug](http://www.upf.go.ug)) these operate within the law and provide a sieve for children not to be recruited countries where Ugandan migrant workers seek employment.

### **The Office of the Directorate of Public Prosecutions (ODPP)**

The ODPP established the Children, Gender and Sexual Offences Department in 2015. State attorneys and prosecutors have received training on handling child witnesses and victims of crime as well as children suspected or accused of conflicting with a law.

### **Courts of Judicature**

The Family and Children Courts handle cases of children accused of crime, as well as care proceedings. The Magistrates Grade 1 Courts have been mandated to handle cases of children by constituting themselves as a Family and Children Court. The High Court has jurisdiction over cases of adoption and cases where children are accused of capital offences. The Family and Children Court Rules ensure that Courts observe child-friendly procedures when handling cases involving children, and the Judiciary has developed a Manual on Child Friendly procedures for children accessing the courts of law.

**Uganda Bureau of Statistics** takes charge of, collects and collates child related data that feeds into periodic surveys for government to base important decisions and planning including on resource allocation. They include;

- i. The National Population and Housing Census, the most current being 2014;
- ii. Uganda National Household Survey (UNHS), the most current being 2016/17;
- iii. The Uganda Demographic and Health Survey (UDHS), the most current being 2016;

**National Child Protection Working Group.** Established in September 2009, it is a multi-stakeholder coordination forum for child rights protection. It comprises of government ministries and departments and civil society organisations as well as development partners. It addresses child vulnerability nationwide, particularly for children whose rights are violated. The Working group also serves clears all new policy frameworks on Children under the Ministry of Gender, Labour and Social Development (MGLSD).

**Uganda Parliamentary Forum for Children.** The forum was initiated in the seventh parliament(2001-2006) and pertains to date. The Forum's primary consideration is: Refugee and internally displaced or war affected children; Children in institutional care; Fostered/adopted children; Street children; Child headed households; Orphans in care of grandparents; Children in conflict with the law; Children with disabilities; Children experiencing abuse; Children affected by HIV/AIDS and; Working children. It lobbies for children's rights at the national assembly level and ensures that children's issues are considered in the processing and revision of existing laws.

**The Orphan and Vulnerable Children (OVC) Programme and Management Information System OVC-MIS.** This web-based system was established in 2009 and to date has been rolled out to all the districts in Uganda. OVC-MIS has promoted improved planning, coordination, transparency and accountability by government agencies charged with child rights protection for vulnerable children and their communities.

### **Partners**

Several partners supplement the government's efforts to ensure that Uganda's children enjoy their constitutional rights through providing financial, human and technical resources. These include, but are not limited to development partners including UNICEF, the Uganda Child Rights NGOs Network, (UCRNN) - an umbrella organisation of various civil society organisations that work to promote child rights in Uganda and have made significant contributions to the development of child friendly laws and policies. Traditional and cultural institutions as well as faith-based organisations and the media are also working towards promoting the rights and responsibilities of the children of Uganda.

## **III. DEFINITION OF A CHILD (ARTICLE 2)**

*The Committee observes that even though the law on the child recognizes the child as any person under 18 years of age, in the employment sector, the age of work on the other hand varies from 14 to 16 years according to the type of work and with regard to the law,*

***the age of penal responsibility is set at 12 years. Concerning marriage, the Committee notes that the Constitution sets the age of marriage at 18 years, but there are laws on customary marriage, African marriage and the law on the marriage of Moslems which sets the age of marriage at 16 years or below.***

***For a better protection of the child, the Committee recommends to the State party the harmonization of these texts with the definition of the child as stated in the African Charter on the Rights and Welfare of the Child***

### **State Party Response**

In Uganda a child is defined and established as any person who has not attained the age of 18 (eighteen) years of age.<sup>6</sup>The Constitution of 1995 prohibits marriage below the age of 18 years.

Article 2 of the Constitution states that If any other law or any custom is inconsistent with any of the provisions of this Constitution, the Constitution shall prevail, and that other law or custom shall, to the extent of the inconsistency, be void. Uganda has made efforts to align existing laws on marriage with the Constitution. The UgandaLaw Reform Commission has developed legislative proposals to govern the institution of marriage, contained in the Marriage Bill 2017. The Marriage Bill 2017 seeks to consolidate and repeal theexisting family laws to align the law on marriage with the Constitution of Uganda and set the minimum age of marriage at 18. These laws to be reformed include: the Customary Marriage (Registration) Act (Cap. 248); the Hindu Marriage and Divorce Act (Cap. 250); the Marriage Act (Cap. 251); and the Marriage of Africans Act (Cap. 253).The Penal Code Act, criminalises sexual intercourse with a child below the age of 18.

Section 8 (2) of the Children Act as amended (2016) sets the minimum age of employment of a child at 16 years.

The Registration of Persons Act of 2015 was intended to assist in age verification for children. The National Identification Registration Authority (NIRA) has since 2017 embarked on registration of all school-going children to aid in proper ascertainment of age in order to protect children in the quest to enhance child protection.

## **IV. GENERAL PRINCIPLES**

### **Non-Discrimination (Article 3)**

***The Committee recommends the State party to raise the awareness of the population about giving up socio cultural practices or other behaviors, which are harmful to the rights and welfare of the child.***

### **State Party Réponse**

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<sup>6</sup> The Children Act as amended (2016)

Government has made great strides in addressing discrimination against children. The Constitution prohibits non-discrimination in the case of all persons, including children, as stated in Article 21, and calls for affirmative action for marginalised groups, who may include children. Section 4 (1) (j) of the Children Act as amended(2016) prohibits children from being subjected to discrimination based on any factors or grounds. The law bans discrimination irrespective of race, colour, religion, belief, age, status, culture, language, ethnicity, nationality, social origin, political or social opinion and property, among others.

Discrimination against children at the family and community level persists based on societal practices. Socio-cultural factors like discrimination against vulnerable children results in the marginalisation of children within their own families and communities. While government has intensified its efforts to protect the girl child, children with disabilities and children from poor families through legal reform, programmatic interventions and social protection measures, such categories of children may face discrimination. The National Disability Inclusive Planning Guidelines for Uganda 2017 seek to address issues of discrimination against children with disabilities.

Government established the Equal Opportunities Commission whose mandate is to monitor and eliminate all forms of discrimination and inequalities against any individual or groups or persons, and to lead the effort in affirmative action to rectify any existing or emerging marginalisation.<sup>7</sup> This extends to protecting children. In addition, the Uganda Human Rights Commission is monitoring the situation of children in various arenas to ensure that they enjoy their rights on an equal basis and without discrimination.

Probation and Social welfare officers based at district level as well as community development officers, are working with child protection committees, civil society organisations, schools and community leaders to change attitudes towards protecting the rights of the child. Government is working with traditional and cultural institutions to eliminate attitudes of discrimination against children, especially vulnerable children.

#### **Best interests of the child (Article 4)**

***The Committee recommends the State party to pursue the activities of GEM clubs and the Sara Initiative; it encourages the promotion of the manual designed in synergy by the Government, UNICEF, the civil society, in favour of children, on the participation of children, with the establishment of a child representative leadership.***

#### **State Party Response**

The welfare and guiding principle applies in every legal institution (courts, tribunals), parliament, government office/authority, person or group of persons with the authority and capacity to

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<sup>7</sup> Article 32(4) Constitution of Uganda 1995 and Equal Opportunities Commission Act of Uganda, 2007.

determine a child's health, education, custody, administration of property and any other issue that pertains to a child.<sup>8</sup>

The Children Act as amended (2016) provides that a child has a right to express his or her views, belief and opinion on any matter that affects his or her wellbeing. This is reiterated in the National Child Participation Strategy 2017/18 - 2021/22 which addresses the lack of voice and articulation of issues concerning children, by children, often due to societal constructions on the role and place of the children. The Strategy emphasises the need to give children a visible role in articulating the issues that concern them. This will lead to policies, plans and programmes reflecting children's priorities. Government in the Strategy has emphasised that it will develop and integrate child friendly structures, tools and approaches for imparting and receiving information to/from children from the national to subnational level.

Courts are particularly charged to consider the wishes, feelings and needs of the child and to assess any actual or imminent harm that the child may suffer and make every decision in the best interests of the child. Government has undertaken capacity-building initiatives across the Justice, Law and Order Sector (JLOS) to ensure that child protection, diversion, custodial arrangements and alternative care decisions are made under this principle.

Child Protection Committees, probation officers and community development officers are working with communities at the district level to educate parents and individuals on the rights of the child. Communities are being sensitised on the importance of making decisions in the best interests of the child from a rights-based perspective.

## **Survival and Development (Article 5)**

The Constitution guarantees the right to life for all children.<sup>9</sup> There are several policies and programmatic measures in place to ensure the survival and development of children into adulthood. These are implemented from the health, nutrition, legal, and educational perspective under various plans, strategies and policies in Uganda. The National Integrated Early Childhood Development Policy Action Plan (2016-2021) articulates these aspects. It targets all children, including the vulnerable and marginalized, from conception to eight years of age, to provide holistic services for nutrition, health, nurturing, protection, stimulation and training. One challenge to education of the child is that 80% of the Early Childhood Development (ECD) learning facilities are owned by non-state actors. Most facilities are in urban areas where providers can realise a return on their investment. 60% being located in the Central and Eastern regions of the Country.<sup>10</sup>

The Reproductive Health Division of the Ministry of Health conducts Maternal, Perinatal and Child Death Reviews to identify major causes of death and the associated risks and avoidable

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<sup>8</sup> Section 3 Children's Act as amended (2016)

<sup>9</sup> Article 22 of the 1995 Constitution guarantees the right to life for all.

<sup>10</sup> Second National Development Plan 2015/16 – 2019/20, page 34

factors with a view to finding solutions to ending child mortality and preventable deaths. In order to provide integrated effective services for the children, the Policy targets the primary care givers of the children such as parents, grandparents, other relatives and care providers. The Policy calls for the designing of programs that will ensure that all the developmental domains (physical, mental, social, emotional and linguistic) are met.

The Children Act as amended (2016) specifies that the death sentence is not applicable to children, regardless of the crime. Children in Uganda are not sentenced to death by the Judiciary but rather, are referred to the National Rehabilitation Centre for rehabilitation and reintegration into society.

## V. CIVIL RIGHTS AND FREEDOMS (ARTICLES 6-10 AND 16)

### Name and Nationality (Article 6)

***The Committee recommends the State party to ensure that registration of children at birth is mandatory and free. The Committee also urges the Government to raise the awareness of local authorities and populations about the future consequences of the non registration of children on the civil status registry.***

***The Committee further urges the Government to include the registration of births and deaths, if it has not already done so, in the Investment Plan, the budgets of the Justice and Law Enforcement Sectors, as wished for by the Recommendations of the review of the justice sector.***

### State Party Response

The Children Act as amended (2016) states that every child shall have a right to 'be registered after birth' and a right to 'a name and nationality.' This accords the child the full rights of citizenship; clear identification and social belonging; and the benefits that accrue from proof of age in legal processes, access to education and other social services.

The Registration of Persons Act of 2015 established and mandated the National Identification Registration Authority (NIRA) to register all persons in the country for purposes of issuance of National Identification Numbers for citizens and Alien Identification Numbers for aliens. This data has been compiled to form the National Identification Register. NIRA which is an institution of the Justice, Law and Order Sector has, since 2017, undertaken the free registration of all school going children in Uganda. This has also been done for refugee and other foreign children.

The Uganda Citizenship Control and Immigration Act (Chapter 66) confers citizenship on all children under the age of five found in Uganda without known parentage and citizenship.



Children under the age of eighteen, whose parents are not Ugandan but have been adopted by a Ugandan citizen, can apply for citizenship upon attainment of the age of eighteen.

## Birth registration

The Registration of Persons Act (2015) requires a child to be registered by a parent, guardian or caretaker immediately after the date of birth or when a child whose parenthood cannot be established is found. A Ugandan child or alien child is assigned a national identification number upon birth or after being found, after the procedural requirements have been followed as prescribed by the law. Under the law, registration of every birth in Uganda is free and compulsory. Children without parents can obtain registration through the help of guardians and caretakers.

Birth registration is on the rise due to government's innovation and use of technology to ease the process of registration. The registration of children under five years rose from 30% in 2011 to 60% in 2017. Measures to enhance birth registration have utilised electronic and mobile registration at various registration points in order to ease, de-concentrate and intensify registration of children. The Mobile Vital Record System utilised by NIRA relied on a web based online registration platform to register births in 135 hospitals and 85 districts by 2017. Mothers are registering at the point of delivery in hospital or when they take children for immunisation. Births of children in hospital are registered and birth notifications issued immediately. Private hospitals are increasingly filing returns on births and deaths.

27% of births of children occur outside the hospital and NIRA has focused on increasing the registration uptake at this level. Births occurring outside health facilities are notified on non-online registration platforms utilising SIM card notifications by mobile phone from registration agents based at the community level. Despite this, challenges are evidenced in the communities that do not appreciate the need to register children.

Challenges are evidenced with obtaining birth certificates. Only 11% children had birth certificates according to the UNHS 2016/17, with the proportion of persons possessing birth certificates in urban areas being nearly twice that in rural areas (15% and 9% respectively). Low possession of birth certificates is attributable in part to parents' inability to afford the registration fee to process the certificate of birth, low appreciation of the benefits of having the certificate, as well as lack of knowledge of the procedural requirements. The distances involved in registration also act as a deterrent and some guardians are reluctant to execute their responsibility to register orphans and other vulnerable children.

In line with SDG 16, the National Disability Inclusive Planning Guidelines for Uganda 2017 have set an indicator target relating to the percentage of children under 5 whose births have been registered with a civil authority, disaggregated for children with or without disabilities.

## Freedom of Expression, Association, Thought, Conscience and Religion (Articles 7, 8,9)

***The Committee encourages the "Young Talk" (young people talk) and recommends the continuation of the facilities granted to children in terms of access to media freedom of speech, right of access to information, which are rights provided in the constitution and which allow children to express their points of view, outside the family boundaries.***

### **State Party response**

The rights to freedom of expression, association, thought, conscience and religion are guaranteed in Article 29 of the 1995 Constitution. Section 4 of the Children Act as amended (2016) further enshrines the child's right to freely express his or her views in any matter that affects his or her well-being.

Children's right to associate is being promoted through Rights Clubs, which have gained traction in most schools. These provide a platform for children to discuss and express their concerns, fears and opinions and therefore become more aware of the content, range and exercise of their rights and responsibilities. They generate constructive dialogue on issues like rights, responsibilities, violence, HIV/AIDS prevention and treatment, behaviour change, careers, channels through which they can seek help and other topical social issues. There are regional variations in the level of activity and engagement.

The right of children to seek and impart information on current issues of concern to them has benefitted from technological innovations. The U-Report initiative launched by UNICEF in 2011 allows children and youth with mobile phones to participate in giving opinions on issues pertinent to them and their concerns are relayed to government stakeholders, including members of parliament and other government agencies. Out of 377,506 U-Reports, 5% (18,875) fall in the bracket of 15-19 years.

## Protection of Privacy (Article 10)

The Children Act as amended (2016) and the Constitution guarantee the right to privacy. Children are further protected from any publicity, including publications that may lead to identification and/or harm of the child except with the express permission of the court. It is criminal to publish the names, location or image of a child. There is a concerted effort to ensure that children in conflict with the law and child witnesses are protected from publicity during court proceedings by promoting hearing of cases in chambers rather than open court.

## Protection against Child Abuse and Torture (Article 16)

***The Committee observes that the Report doesn't provide any data pertaining to cases of child rape or sexual abuse and recommends that these data be included in the next reports.***

## State Response

The Uganda Constitution (1995) expressly states that ‘No person shall be subjected to any form of torture or cruel, inhuman or degrading treatment or punishment.’ The Prevention and Prohibition of Torture Act 2012 prohibits acts of torture carried out in official or private capacity, and torture of a child can lead to a sentence of life imprisonment.<sup>11</sup> The Children Act as amended (2016) that prohibits any employment of children that can be deemed torturous or abusive in any way further augments this.

Government and the media have invested resources in sensitization of the public against child abuse and the torture of children. There is increasing public awareness around the vice of torture and therefore reporting of such cases in the media and to the Police and local councils in charge of protecting children.

Violence against children in Uganda mostly persists due to harmful societal or cultural practices that result in physical, mental and emotional harm. Domestic workers, parents, stepparents and other adults who look after children perpetrate violence in the home. Children are often the victims of abuse and exploitation as manifested through crime. The Annual Uganda Police Crime/Traffic Road Safety Report 2013 noted 6,522 cases where children were the direct targets/victims of crime, compared to 3,984 in 2012, representing a 38.9% increase. These cases relate to neglect, abuse, desertion, torture, kidnap, abduction, infanticide and child stealing and trafficking. 9,598 cases of defilement were reported and investigated in 2013 as against 8,076 cases in 2012.

Violence against children in schools is also a challenge. A study by the Ministry of Education and Sports conducted in 2012 in 50 schools established that despite the existence of various initiatives, guidelines, measures, laws and policies against violence, schools could not guarantee the safety of learners, raising the risks of physical, emotional or sexual abuse.<sup>12</sup> 81% of 10-18-year olds experienced different forms of violence in school, with teachers perpetrating the violence 68% of the time.

By 2006, the Ministry of Education and Sports had banned corporal punishment in schools and disseminated a Handbook on ‘Alternatives to Corporal Punishment’ to raise awareness on the ban. Corporal punishment was abolished for all persons under the Penal code act as amended (2016) 8 (2007) and prohibited for children specifically under the Children act as amended (2016) 2016). Unfortunately, there remain pockets of teachers who administer corporal punishment as a form of disciplining children or pushing them to work harder. Probation officers and community development officers are sensitising schools and teachers associations to divert them away from this harmful practice and in some instances, referring deviations to the law enforcement agencies.

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<sup>11</sup> Prevention and Prohibition of Torture Act of Uganda, sections 2,3,4 & 5.

<sup>12</sup> Ministry of Education (2012) Assessing Child Protection, Safety & Security Issues for Children in Ugandan Primary and Secondary Schools.

The Ministry of Education and Sports is taking measures to implement the ban on corporal punishment in schools, as well as implementing the Strategic Plan on Violence against Children in Schools.

## **Government responses to violence against children**

The Police, in 2013, established the Gender Based Violence and Sexual Related Offences Department in addition to the Child and Family Protection Unit that had been in existence, which has been upgraded to a department. These addresses cases of child victims of abuse.

Local Council Authorities are required to protect children who are under threat or risk of potential harm. At the local council 1 and 2 levels, exist child protection committees. Child protection committees are working with development partners and NGOs to establish them at village and parish levels. Community members are constituting themselves into child protection committees that monitor and report cases of child abuse and neglect and raise awareness on child friendly justice systems. This is supporting the work of the Probation and Social Welfare officers and community development officers who have the mandate to protect vulnerable children at the community level. These efforts are limited by human resource constraints that limit supervision, including for example the existence of only one probation officer per district and lack of awareness at the community level of their roles in reporting violence against children. Government intends to strengthen the mandate of the Probation Officers and proposals have been approved for two Probation Offices at district level and one Probation Officer in every municipality.

The Children Act as amended (2016) requires all adults who witness child abuse to report it to the appropriate authorities. Reporting of any act witnessed by a teacher, local councillor at level 1, a medical practitioner or social worker is mandatory under the Children As amended (2016) (2016).

A national Child Helpline was established by MGLSD since 2014. It is a toll-free emergency number (116) that children or adults can use to report situations of violence against children and abuse. It has facilitated the reporting of cases of child abuse by victims and community members.

The National Child Helpline call centres are operated by the MGLSD in partnership with UNICEF and Civil Society Organizations. 115 districts have been sensitised on the national helplines and children, men and women are utilising them. Most of the calls are made from the central region and child neglect tops the list of cases, followed by sexual and physical abuse. The 2016 Child Helpline Report notes that a total of 2,878 cases of child abuse were reported, 1,118 callers sought counselling services and 15,825 callers made inquiries about various services in 2017, 201,153 calls were made, of which 2,844 related to child abuse. In 2016, a total of 238,629 calls were made, of which 2,251 were made by children, who reported 294 of the 2,878 cases of abuse. In 2015, 239,420 calls were made through the Helpline. 0.85% or 2,029 children utilised the help line to report cases of abuse. Overall, 3008 cases of abuse were

reported, of which 1609 were referred to the justice system and probation officers.<sup>13</sup> In 2014, 338,052 calls were made to the child helpline resulting in the identification of 3,820 cases of abuse, of which 241 of these cases were referred to the justice system.<sup>14</sup>

In addition, U-report recorded 2,576 cases reported, many of which involved child abuse. This activism by and on behalf of children using the helpline has enabled the reporting of 3,502 cases of child abuse for follow up by 2015, of which 2,106 were handled and concluded while 1,187 were deferred for further investigation by the courts, police, probation officers and local council authorities. The challenge is the effective follow up of cases, which is constrained by lack of adequate resources.

The Justice, Law and Order Secretariat established a Justice for Children Programme in 2011 that currently operates in the High Court circuits. This programme mainstreams child protection into the planning, implementation and monitoring frameworks of law enforcement agents. Coordinators are deployed at district level to work with government agencies such as the police, probation and social welfare officers, state attorneys and family and children courts to ensure that children at risk of violence or who have suffered violence are protected through legal and social measures.

Under the Domestic Violence Act, 2010, economic abuse entails failure to realise the provision of economic and financial resources to which the victim is entitled to by law, including denial of household necessities for child victims. Denial of child maintenance is on the rise. 18% of the cases handled by the Uganda Human Rights Tribunal in 2016 related to lack of child maintenance, while in 2014 the figure was 14.4%, down from 17.1% in 2012. The JLOS Annual Report 2015/16 indicates that the sector handled 11,519 cases of child neglect in 2013, 11,791 in 2014 and 11,921 in 2015. Child maintenance denial results in curtailment of other rights such as education, medical care and shelter, leading to increased vulnerability in children and affecting their welfare and development rights.

### **School based initiatives**

With the introduction of universal primary and secondary education programmes, more children are able to attend school. Consequently, government has designed various school-based strategies to combat violence against children. The National Strategic Plan on Violence against Children in Schools (2015-2020) emphasises government's zero tolerance policy to violence against children in schools. Children's rights school clubs serve as hubs for anti-violence interventions and measures, focusing on the building of life skills around factors that predispose children to greater risk of violence and abuse. A National Inter-Sectoral Committee on Violence against Children in Schools was established in 2012 to combat violence against children and in 2014, government issued the Reporting, Tracking, Referral and Response Guidelines on

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<sup>13</sup> The Child Helpline Service Annual Report 2015

<sup>14</sup> The Child Helpline Service Annual Report 2014

Violence against Children in Schools to guide school administrators on the required measures to combat the violence.

### **Increasing online security**

The Computer Misuse Act 2011 criminalises child pornography, cyber stalking and electronic communication with the intent to disturb the peace, quiet or right of privacy of any child. The National Information Technology Authority (NITA) and the Internet Society of Uganda are disseminating the Online Safety Educational Toolkit that helps children to recognise potential risks online and offline and to prevent and address intrusions or victimisation caused by online activities. The kit provides children with information on where to report incidences of child online sexual abuse and how to seek assistance.

The Pornography Control Committee was established in 2017 to monitor adherence to the law against pornography. The Uganda Computer Emergency Response Team of the Uganda Communication Commission also works on issues of child online abuse. The challenge is that this information is not widely known by children, who may fear to report these kinds of cases or lack telephones to call these cases on 116 (Child Helpline). There is a multi-sectoral working group promoting Child Online Protection that educates children and other users on how to engage the Internet responsibly. The MGLSD is taking this message to schools and educational institutions. NITA has put in place a child sexual abuse reporting page although there is insufficient awareness on the portal and its usage.

The Anti-Pornography Act 2014 creates stiff penalties for depicting children in pornographic images or content and publishing, importing or exporting as well as trafficking such content. The Children act as amended (2016) expands on the definition of child pornography and adds the element of information technology in the dissemination of the pornographic content. Reports from former child commercial sex workers indicate that the Internet is used as a medium for commercial transactions whereby adults solicit children using phones and social media to exchange sexual images of children. These transactions sometimes are disseminated online without the children's knowledge, under coercive or exploitative circumstances.<sup>15</sup>

### **Sectoral strategies for combating trafficking in children and sexual exploitation of children**

Vulnerable young persons who are illegally taken abroad for labour purposes are increasingly reporting various forms of abuse and violence with little to no protections in their host countries. Children trafficked internally also obtain work as unskilled labourers where they are susceptible to further abuse, with few social and legal protections. The MGLSD has increased its vigilance over licensed and unlicensed job recruitment companies and individuals that recruit children to work abroad. The MGLSD has been regulating and licencing recruitment firms. By 2013, 31 recruitment companies had been licenced and their names published to improve transparency and prevent unscrupulous acts such as trafficking children. In November 2013, the government

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<sup>15</sup> Centre for Justice and Crime Prevention 'Uganda Child Online Protection Scoping Study' 2016

established a website –[www.crtuganda.com](http://www.crtuganda.com)– to raise awareness about trafficking in Uganda. The site includes contact information for Ugandan consular officials and the Coordination Office for Combat Trafficking in Persons to aid reporting.

The Guidelines on the Recruitment and Placement of Ugandan Migrant Workers Abroad, (2015) omit children from the scope of recruitment firms, as they require a person being recruited to be above 18 years.

There is a National Counter Human Trafficking Taskforce in the Uganda Police Force that links cybercrime to trafficking. The Ministry of Internal Affairs Anti-human trafficking task force is conducting outreach efforts in schools to raise awareness among vulnerable children on the perils of trafficking. The Coordination Office to Combat Trafficking in Persons has been making efforts to raise public awareness on the issue of trafficking in persons including children. Government is undertaking training for law enforcement agencies and immigration officers on a continuous basis in order to build appropriate skills on investigation techniques and victim handling. Capacity building efforts were undertaken for 350 law enforcement agents and 98 immigration officers over 2013.

The Prevention of Trafficking in Persons Act 2009 makes provisions for jurisdiction, extra-territorial jurisdiction and extradition. The Act also provides for arrangements by the Ugandan government to arrange for victims of trafficking to receive state assistance/support in the countries where the offences have occurred if it is deemed that repatriation will be more harmful than helpful to the victims. Social workers are empowered and trained to help families and communities to reintegrate victims and reduce stigmatization and re-victimisation. Mandatory reporting of child abuse is also meant to reduce re-victimisation of vulnerable children.

The Prevention of Trafficking in Persons Act provides for Government to establish a data bank on cases of trafficking in persons, conduct continuing research, and study on the pattern and scheme of trafficking in persons, which shall form the basis for policy formulation and program direction. The Ministry of Internal Affairs has maintained a national database on Trafficking in Persons since 2013.

The main institutional arrangement for combatting Child Sexual Exploitation and Abuse in Uganda is the Working Group to prevent and respond to Online Child Sexual Abuse and Exploitation. Coordinated by the Ministry of Internal Affairs (MoIA) and comprised of senior officials from a range of government, criminal justice and civil society organisations, this body coordinates activities designed to combat child sexual exploitation and abuse. This multi-agency approach ensures a multi-pronged, holistic and better-coordinated response to problems of online child abuse. A draft national plan on Child Sexual Exploitation is in existence and will facilitate implementation of the various laws protecting children.

## **VI. ECONOMIC, SOCIAL AND CULTURAL RIGHTS (ARTS. 11-12 AND 14)**

### **Education (Article 11)**

*The Committee urges the Ugandan Government to:*

- continue the school enrolment policies of girls;*
- continue universal primary education (UPE);*
- liberalize the education sector so as to increase the proportion of private institutions which can compensate the shortage of public institutions. The Committee further recommends to the Ugandan Government:*
- to Invest more resources in the secondary so as to anticipate the massive influx of children from the primary to the secondary;*
- to emphasize the training of teachers, the increase of their number and to ensure their equitable distribution across the country*
- to create motivation conditions of teachers;*
- to create conditions of completion of the primary cycle to increase the rates of enrolment in the secondary ;*
- to put in place a subsidy policy in favor of private schools so as to be able to take in students of the public schools to solve the problem of shortage of public institutions;*
- to give greater attention to children from disadvantaged zones;*
- to emphasize measures for fighting against poverty.*

The Education and Sports Sector's overall Legal Framework is derived from the Constitution of the Republic of Uganda (1995). This is reinforced, among others, by the

- Local Government Act (1997) as amended,
- Higher Education Students Finance Act (2014),
- Education Act (2008),
- Business, Technical, Vocational Education and Training (BTVET) Act (2008),
- Universities and other Tertiary Institutions Act (2001),
- Uganda National Examinations Board (UNEB) Act (1983),
- National Curriculum Development Centre (NCDC) Act (2000),
- Industrial Training Act Cap 130;
- Education Service Act (2002).

The Uganda Constitution of 1995 Article 30 declares that 'all persons have a right to education.' One of the major issues in addressing discrimination is unequal access to quality education. The Government of Uganda, in an effort to mitigate this, has instituted Universal Primary



Education and Universal Secondary Education (USE) in all areas of the country. This is further augmented by an ongoing effort to build a seed secondary school in every sub-county and a primary school in every parish. Efforts are underway to harmonise existing Early Childhood Development Centres, and eventually build public ECD centres countrywide. Rollout of Business, Technical, Vocational Education Training (BTJET) and other vocational training in rural areas is an ongoing process in order to provide opportunities to any child that is willing and able to learn.

There is gender parity (1:1) in primary school enrolment and in early childhood development (ECD) centres. The Gender in Education Sector Policy (2016) seeks to promote gender equality in education.

The transition rate from Primary 7 to S1 increased by 12.3% from 50.9 % to 63.2% in the period 2007 to 2015. However, according to the 2014 Census data 962,665 children aged 6-12 were out of school and 913, 097 children aged 13-17 were out of school, out of 19,032,031 children.

The Education Sector Strategic Plan 2017/18 to 2019/20 is a comprehensive document that aims to improve the quality and relevance of education and training by realigning the curriculum and strengthening the inspection and regulation functions; improving the management capacity at all levels, supporting teacher development; promoting community engagement, increasing and improving infrastructure and, importantly, ensuring better resource utilization.

The Government of Uganda is committed to ensuring the re-integration of child-mothers back into the education system, especially for primary and secondary school. A Ministry of Education directive of 2009 requires that girls who get pregnant be allowed to sit for final examinations (Primary 7, Senior 4 and Senior 6.) The National Strategy for Girls' Education in Uganda (2014 – 2019) states that the government will develop regulations on teenage pregnancy in schools, provide mechanisms for retention of pregnant girls. The main challenge that faces such child mothers is availability of resources to meet both their education and the child's needs. Sometimes the fathers are also still in school and the social support that is necessary to enable the child-mother to access meaningful formal education is lacking.

The Education Act (2008) provides that financing of education shall be through fees, grants, donations, training levies, education tax, and any other means as deemed appropriate by Government.<sup>16</sup> Government continues to fund and implement universal primary (since 1997) and universal secondary (since 2007) education that is accessible to all with no age, sex or other discrimination. This has aided the achievement of the principles of inclusivity, equitability and lifelong learning as anticipated by the Sustainable Development Goal number 4. There has been increased primary enrolment from 7,537,971 to 8,264,317 in 2015. USE and Uganda Post 'O' Level Education and Training (UPOLET) enrolment has gone up from 954,328 in 2007 to 1,284,008 in 2015.

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<sup>16</sup> Education Act, 2008, 4. Policy on the Provision of Education and Training

The 2016 National Service Delivery Survey indicated that 8 in every 10 primary schools were funded by Government (79%) with a higher percentage of schools in rural areas (86%) compared to urban areas (63%). Availability of classrooms was nearly universal. However, only 34% of primary schools had adequate classrooms.

Government has invested in the establishment of new schools and training institutions at all levels, construction of new classroom blocks, workshops, renovation and expansion of existing facilities resulting in improvements in the pupil classroom ratio (PCR) from 72:1 in 2007 to 63:1 in 2015. Government is working towards having 1 government primary school per parish, 1 secondary school per sub-county, and a PCR of 50:1. Further, government has deliberately encouraged private sector participation in provision of education in order to improve access. This has brought the proportion of privately owned education institutions to 36% for primary, 62% for secondary and 53% for post primary.

The percentage share for education in the national budget reduced from 15.6% in 2012/13 to 11.08% in 2016/17 though the absolute amount allocated has increased progressively from Uganda Shillings 210.68 billion in 2012/13 to Uganda Shillings 624.70 billion in 2016/17. The Education Sector Medium Term Expenditure Framework (MTEF) budget allocation for the financial year 2017/18 is Uganda Shillings 2,474.24 billion. This is 11.25% of the overall national budget of Uganda Shillings 21,993.16 billion, although a reduction from 0.73% points from the 2016/17 sector budget share.<sup>17</sup> Public current expenditure on education as a percentage of Gross Domestic Product was at 1.02% for primary education in 2016. The bulk of financing for education goes to the primary education sector. In 2015/16, 53.9% of the total (education) sector budget was allocated to Primary education, 18% to Secondary education, 16% to Tertiary education, 9% to BTVET and 4% to others (Physical Education and Sports, Special Needs Education, Guidance and Counselling and Policy, Planning and Support Services).<sup>18</sup>

Government receives additional direct and indirect funding, grants and loans from development partners, multilateral agencies and other organisations. These funds contribute towards funding education programmes, training, building physical infrastructure, renovation and provision of equipment.

Uganda has noted successes in accountability for education funding and public expenditure tracking surveys for education funding. Government initiated a newspaper campaign to publish information on the amount and timing of capitation grant disbursements by the central government to school districts.

The Government's commitment to the right to education is revealed in the various strategies in the education sector, including the fact that it is one of the few low income countries to produce

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<sup>17</sup> Ministerial Policy Statement of the Ministry of Education and Sports for Financial Year 2017/18

<sup>18</sup> The Education and Sports Sector Annual Performance Report) Financial Year 2015/2016

an Annual Performance Report on the performance of the sector, a fact for which is has been commended by UNESCO.<sup>19</sup>

In an effort to provide holistic education that equips students for a meaningful future and roles in the African and international contexts, Uganda has introduced a Thematic Curriculum that delivers learning content arranged around issues that are familiar to the learners. The recommended language of instruction is the local language or mother tongue in order to enable comprehension without the additional burden of learning in a new language. Non-text book materials are used.

There are some problems of governance and accountability in the sector such as teacher absenteeism, estimated at 20-30%. However, ongoing initiatives on participatory school monitoring such as C U @School, a mobile phone texting service and other participatory monitoring initiatives at village level have reduced absenteeism of teachers.<sup>20</sup>

The Ministry developed guidelines for the establishment, licensing, registration and classification of private schools and institutions in 2014. The guidelines help to consolidate and clarify the relevant basic requirements and minimum standards and offer prospective school owners with access to information regarding legal and quality requirements for establishment of schools. The Ministry of Education and Sports has taken remedial action for schools that are not compliant with required standards of quality education such as stopping the operation of schools and applying stringent licensing measures.

Swahili is being taught in schools and in teacher training colleges where resources are available. It is taught as an optional subject in secondary school and is examinable at UCE and UACE.

## Early Childhood Development (ECD)

The National Integrated Early Childhood Development Policy of Uganda (NIECD) was launched in March 2016 to integrate, harmonise and guide implementation of programmes and policies affecting children from birth to the age of eight years across all sectors. Government recognises the importance of disaggregating ECD data from primary school and also to move towards making pre-primary education compulsory. This will improve children's rights to survival, protection, development and participation. Essential ECD services include prenatal and postnatal care, early infant stimulation and education, parent education, health and nutrition education and care, sanitation, and protection against abuse, exploitation and violence.<sup>21</sup> The Ministry of Local Government is mandated in the NIECD to ensure integration of ECD in budgets and funding, sensitization, implementation and monitoring of the ECD through all local

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<sup>19</sup> UNESCO 2017, Global Education Monitoring Report. At <http://unesdoc.unesco.org/images/0025/002593/259338e.pdf>

<sup>20</sup> Barr et al (2012) Management and Motivation in Uganda Primary Schools. Partnership for Economic Policy. At [https://ageconsearch.umn.edu/bitstream/164412/2/1357671419-WP\\_2012-14\\_PIERI-11857.public.pdf](https://ageconsearch.umn.edu/bitstream/164412/2/1357671419-WP_2012-14_PIERI-11857.public.pdf)

<sup>21</sup> NIECD 2016

governments. This is expected to improve the girl child's access to education, especially in rural areas.

Government identifies ECD as the first step of education in the Education Act 2008, ECD Policy 2007, NIECD Policy and Action Plan 2016-2021. Early Child Development Index (ECDI) score is calculated as the percentage of children who are developmentally on track in at least three of four domains namely Numeracy-Literacy, Physical, Social-Emotional and Learning. Uganda scores an ECDI 64.6 with the Numeracy-Literacy and Social-Emotional being the lower score domains<sup>22</sup>.

Government is addressing early childhood education as a matter of priority. 6,798 pre-primary schools were registered in Uganda in 2016 compared to 5763 in 2015 and 2361 in 2011, a significant increment from 1032 in 2002.<sup>23</sup> In 2015/16, in collaboration with the Uganda Teacher and School Effectiveness Project, the Ministry of Education and Sports conducted face to face trainings with 1,000 care givers on improving competencies of Early Childhood Education (ECE) in 15 Primary Teachers' Colleges throughout the country. The Ministry licensed a total of 2,403 care givers from 13 districts in addition to 1,281 caregivers from 30 Early Childhood Development teacher training institutions. 575 ECE caregivers/teachers were registered for the Certificate in Early Childhood and 55 were licensed. Under the Certificate in Community Child Care, (CCC) a total of 2,529 were registered. Licensing and registration of ECE centres enables them to operate in a more legally acceptable environment since all of them are privately owned.

One challenge is that 80% of the early childhood development (ECD) learning facilities are owned by non-state actors. Most facilities are in urban areas where providers can realise a return on their investment. 60% being located in the central and eastern regions of the country.<sup>24</sup> This excludes over 80% of the population who are poor and live in rural areas. There are few qualified teachers for this level, and most of the infrastructure is poor quality as investors seek to minimise input costs.

ECD is taught in the first year of teacher education in all government instituted curricular. It is also available as a specialisation for the Bachelor of Teacher Education (these train the teachers) and the Diploma in Education. There is some Certificates in ECD being coordinated and awarded by Kyambogo and Makerere Universities through the teacher training institutions. There are few relevant materials, a factor that is in turn tied to the inadequate framework for training teachers. Government is planning and working to expand community based ECD centres and to attach ECD centres to primary schools, as well as implementing a comprehensive policy framework for ECD.

## Primary Education

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<sup>22</sup> Uganda Demographic and Health Survey 2016, Key Indicators Report

<sup>23</sup> Ministry of Education and Sports 'Education and Sports Sector Fact Sheet 2002 – 2016'

<sup>24</sup> Second National Development Plan 2015/16 – 2019/20, page 34

The government has made significant progress in its objective of ensuring that each parish has a primary school and that each sub-county has a secondary school. As a result, over 84% of children now live within 3 kilometres of a primary school. However, 54% of rural children live more than 5 kilometres away from a secondary school, while it is 26% for children in urban areas. On average, 47% of Ugandan children live within 3 kilometres of a secondary school. This is a result of investment by government in the construction of primary schools with an aim of having 1 government aided primary school per parish.

There is no gender discrimination for enrolment and the gender gap in enrolment has reduced to about 1% (50.5 % girls and 49.5 % boys). Secondary school gross enrolment increased by 136.2% from 518,931 (290,176 boys; 228,755 girls) (2000) to 1,225,692 (boys 654,971 and 570,721 girls) (2010).<sup>25</sup> The introduction of USE in 2007 notably increased the enrolment of girls at secondary school level and decreasing the gender gap progressively. In 2015 enrolment at secondary school level stood at 1,391,250 with 738,391 boys and 652,859 girls (46.90%).

The Primary School Net Enrolment Ratio for Uganda was 80 percent in 2016/17.<sup>26</sup> Completion rates have risen steadily and were at 61.6% for primary 7 and 37.8% in Senior 4 in 2016. Transition rate from Primary 7 to Senior 1 increased from 47% in 2006/07 to 73% in 2013/14 and access to secondary education increased by 67.4 % over the same period. These figures are evidence of the success of UPE and USE. Evidence of success is also visible from literacy rates that have improved significantly. In 2015/16, the literacy rate for children aged 10 years and above was estimated at 74%, with higher rates for males (78%) than females (70%). In order to promote universal education government introduced the automatic promotion policy in 2007.

There have been some challenges noted in the implementation of Universal Primary Education. Literacy and numeracy proficiency at Primary 6 level were at 40.15% and 41.40% in 2013 respectively. The realisation of the right to education can be affected by harmful socio-cultural factors such as early marriages and teenage pregnancies, all of which contribute to dropping out of school.<sup>27</sup> The Education Strategy on Girl Child Education in Uganda (2014-2019), provides for the development of regulations on teenage pregnancy in schools and the retention of pregnant girls as well as the establishment of mechanisms for prevention of childhood pregnancies.

Improvements were noted in the pupil-teacher ratio and declines in the pupil classroom ratio in the Primary sector. The pupil teacher ratio improved from 46:1 (54:1 government schools; 29:1 private schools) in 2014/15 to 43:1 (53:1 government schools; 23:1 private schools) in 2015/16. The pupil classroom ratio declined from 59:1 in 2014/15 to 63:1 in 2015/16. This decline is attributed to the rapid increase of enrolment, which does not match the rate at which classrooms are being constructed.

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<sup>25</sup> Uganda Education for All Report, 2015

<sup>26</sup> UNHS (Uganda National Household Survey) 2016/17

<sup>27</sup> Ministry of Education and Sports 'Annual Sector Performance Report' 2015/16

## Secondary Education

The government entered into partnerships with private secondary schools in areas where there was limited access to government-aided secondary schools, to increase equitable access. Under this arrangement, Government has been providing US\$ 41,000 per student per year to cover tuition in lower cost private secondary schools especially in rural areas. There are an estimated 4,000 private secondary schools of which 879 are implementing Universal Secondary Education and benefitting from government subsidies. However, high costs involved by private education providers and poor quality of infrastructure, instructors and instructional materials result in low quality of education. This initiative is currently being phased out in some of the schools that have been part of this arrangement due to some of the aforementioned challenges.

Under the Universal Secondary Education Programme, the Net Enrolment Rate decreased by 4% points from 26% (27% boys, 25% girls) in 2014/15 to 22% (23% boys, 21% girls) in 2015/16. Transition rates to Senior Five also declined by 5% points from 30% 2014/15 to 25.0 in 2015/16. The student classroom ratio declined from 50:1 2014/15 to 52.1 in 2015/16 while the student teacher ratio remained constant at 22:1 between 2014/15 and 2015/16.

It is noteworthy that pass rates of girls and boys at PLE, UCE and UACE are consistently nearly the same implying that Uganda is making steady improvement in ensuring that girls have equal access to quality education<sup>28</sup>.

## Informal and Tertiary Education

The Uganda Post Primary Education and Training (UPPET) Policy is aimed at improving access to the first four years of post-primary education and to Business, Technical, Vocational Education and Training (BTVET). UPPET and USE have caused a reduction in post-primary dropout levels with transition rates from primary to secondary school increasing from 47% in financial year 2006/07 to financial year 73% in 2012/13.<sup>29</sup> Technical/vocational education is expensive and requires soft and hard infrastructure that is additional to the regular infrastructure. Unfortunately, it is perceived by many communities as secondary to academic training and hence does not receive the essential parental and community support. BTVET enrolment has increased from 21,763 in 2007 to 45,242 in 2016. Enrolment in primary teachers training colleges (PTC) has increased from 17,960 (2002) to 18,043 (2016).<sup>30</sup>

The overall enrolment in Business, Technical and Vocational Education and Training (BTVET) increased by 16.2% from 111,479 students (female 48,012 and male 63,467) in 2014/15 to 129,599 (Female: 59,351 and Male 70,248) in 2015/16. There were 129,599 students enrolled in BTVET programmes in 2015/16.<sup>31</sup> The male students continue to out-number the female students in BTVET institutions. This is due to a number of factors including the current

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<sup>28</sup> Ministry of Education and Sports 'Education and Sports Sector Fact Sheet 2002 – 2016

<sup>29</sup> Second National Development Plan 2015/16 – 2019/20

<sup>30</sup> Ministry of Education and Sports 'Education and Sports Sector Fact Sheet 2002 – 2016

<sup>31</sup> Ibid

perceptions on male versus female labour intensive roles.<sup>32</sup>

The Government of Uganda provides scholarships on merit for courses in public universities, teachers and medical (nursing, paramedical and clinical officer) colleges, business institutes and other vocational facilities. An additional 1.5 points is added to female students grades at advanced level so that they have a better chance at accessing these institutions and better courses than they would have. Government has, since 2012, provided loans through the Higher Education Students Financing Board to students to enable them pay for tertiary education. A total of 1,325 loans were provided in 2016/17 with 922 being male and 403 females.

### **Education on human rights and civic education**

The National Action Plan for Formal Human Rights Education in Uganda 2016-2021 frames the major objectives and targets of human rights education in Uganda. Uganda has incorporated the teaching of rights to children in the curriculum for primary and secondary schools. Awareness on human rights is conveyed mostly through mass media and campaigns sponsored and implemented by Uganda Human Rights Commission (UHRC) through its Baraza system and civil society organisations and local government leaders.

UHRC is engaging the youth in secondary schools through facilitating the formation on of Human Rights Peace Clubs and building the capacity of the already existing ones.

Because of human rights education by the Uganda Human Rights Commission and various NGO partners, there has been a notable increase in human rights awareness in the communities. There is also enhanced media coverage, which has improved the capacity of persons to identify and report rights abuses. However, despite these efforts, many Ugandans have low awareness of their rights.

### **Leisure and Sports (Article 12)**

Children in school enjoy the right to leisure in their extra-curricular activities within school premises and school excursions. The Physical Education and Sports Policy encourages the undertaking of sports for health and wellbeing of the child. The Education Sector declared Physical Education and Sports a compulsory subject in primary and secondary schools in 2009.<sup>33</sup> This has resulted in remarkably increased participation of both boys and girls in school in sports competition across the board, and up to, national level. During 2015/16, the Ministry of Education and sports facilitated the participation of Technical Institutions Games, 2,300 pupils and Special Needs Learners national ball games; and, secondary school ball games.<sup>34</sup>

The Ministry also provided health care and recreation (sports and games) facilities for 3,592 students. Uganda has signed a Cooperation Agreement with International Association of

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<sup>32</sup> Ministry of Education and Sports, Annual Sector Performance Report 2015/16

<sup>33</sup> NDP II 2015/16 – 2019/20

<sup>34</sup> Ministry of Education Annual Performance Report 2015/16

Athletics Federation (IAAF), which led to standardization of primary schools sports competitions geared towards talent identification and provision of age appropriate sports activity. Most government owned/run educational facilities have sufficient space for play and recreation.

Uganda is a nation endowed with a multiplicity of cultures and languages. Where possible, it is now government policy to teach in the local languages from primary 1 to primary 3. This enables learners to pick up real concepts without being hindered by a new language. This will help weave and sustain the fabric and culture of local communities. Ministry of Gender, Labour and Social Development and Ministry of Education and Sports facilitate, through the local governments, music, dance and drama festivals at district and national level. Government encourages investment in and even organises arts festivals at different levels so as to encourage the development of the child's personality, talents and mental and physical abilities. In these competitive festivals topical issues such as culture, violence, negative ethnicity/tribalism, primary healthcare and the environment are brought into focus in a uniform way across the regions or country.

### **Alternative education frameworks for disadvantaged children**

Although there is no policy in place yet, Uganda is implementing Alternative Basic Education programs for disadvantaged (un-reached) children. These programmes include Complementary Opportunity for Primary Education program, Alternative Basic Education for Karamoja (ABEK), Basic Education for Urban Poverty Areas, Child-centered Alternative Non-formal Community Based Education; and ELSE.

Government continued implementing the Non-formal Training Programme to increase access and cater for learners that do not otherwise qualify for the formal BTVET training and education. In 2014/15, government disbursed capitation grants amounting to Uganda shillings 2.5 billion for training and Assessment of the beneficiary trainees under the programme. In 2013/14, 27,749 children (Boys 13, 659; Girls 14,090) were supported in 289 Non Formal Education Centres, the majority of whom were from the Alternative Basic Education Programme in Karamoja sub-region. Government also trained 1500 instructors in 6 Primary teachers colleges on non-formal education methodologies, to improve teaching and learning.

The Accelerated Learning Programme innovation by Save the Children International Uganda is designed to bring back to school children that had dropped out and support them to complete primary education or transit into mainstream schools. It uses a condensed curriculum derived from the current national primary school curriculum and targets children and youth whose formal schooling has been interrupted by challenges for various reasons. This may arise from factors such as insurgency or insecurity; early child marriage, remoteness from schools, formerly abducted children, orphans, child heads of households and children with disability. The programme pays special attention to unaccompanied children and those under foster care.

Learners who complete the Accelerated Learning Programme level 3 may sit for Primary Leaving Exams and either join secondary education or vocational Courses. Most Accelerated



Learning programmes have met or exceeded either met the targeted number of school children, including gender parity in the composition of learners.<sup>35</sup> The programme has benefitted children who would otherwise fail to access education in the formal learning system. 1702 children in the Rwenzori and Northern region have utilised this programme and 2168 children in the Congolese refugee settlements in Western Uganda and the South Sudanese Refugee Settlements in West Nile Region have benefited from the programme.<sup>36</sup>

UPE attendance and retention is affected by the availability of lunch at school. Government and local governments at all levels are making localised efforts to provide lunch at school so as to retain children in school. In some rural areas, provision of lunch at school has caused an increase in registration and retention of children in school.

Uganda faces hurdles in providing education for children at all levels from island and migratory communities. There is a particular shortage of secondary school facilities on the islands. Transport between islands is unsafe, expensive and not readily accessible on a daily basis. This limits the participation of children from these communities in education.

## Health and Welfare (Article 14)

***The Committee regrets the absence of data which could enable it to evaluate the health status in the State party, among others:***

- ***data on the numbers of doctors, of midwives and nurses per inhabitant;***
- ***the number of Public, private and community health centres by district;***
- ***the situation of prenatal and infant mortality;***
- ***the vaccination coverage;***
- ***the accessibility of health care and health centers.***

### State Party Response

The Committee recommends to the State party to kindly include these data in the next reports. Uganda has made tremendous strides in improving health care. This includes knowledge on disease prevention and management at all levels; vaccinations, health service and treatment access, provision outcomes in all regions of the country; and health resource service, management and allocation. Uganda has enjoyed the support of development partners such as the multi-donor funded Global Alliance for Vaccines, Global Fund to Fight HIV/AIDS, TB and Malaria and various other agencies which have provided sustained funding for programmes covering vaccines, malaria, HIV/AIDS, tuberculosis and nutrition, health system strengthening and revamping, and renovation and expansion of health care facilities. This has resulted in particularly improved general health and treatment outcomes for children and, therefore, their ability to enjoy their other rights.

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<sup>35</sup> Save the Children Uganda Report 'Non-Formal Education Research: Assessment of Complementary Basic Education Across Uganda' 2017

<sup>36</sup> *ibid*

## Infant and Child Health

Government has made remarkable effort in addressing the most prevalent health challenges that affect the survival and development rights of the child. The commitment to a multi-sectoral approach to health service delivery is reflected in the Investment Case for Reproductive, Maternal, New-born, Child and Adolescent Health Sharpened Plan for Uganda 2016/17 – 2019/20. In particular, government is prioritising policy frameworks that emphasise critical demand side and supply side health care interventions. Uganda launched the Campaign for accelerated reduction of maternal mortality (CARMMA) to combat child mortality as well.

The percentage share of budgetary allocations to the Health and Water Sectors has been balanced against government prioritization of other critical infrastructure in the energy and roads sectors that are equally important in the functioning of the health sector. There is critical linkage between stable electricity supply and roads leading to major health facilities and proper functioning of the health system. In 2015/15 the budgetary allocation to health was 6.9% of the overall budget, in 2016/17 it was 8.9% and in 2017/18 the allocation was 8.3% of the total budget. The water and environment budgetary allocation was 3.0% in 2015/16, in 2016/17 it was 3.4% and in 2017/18 it was 2.9%.

Uganda's Child Survival and Development Strategy focuses among other things on new born care utilising various interventions including care of HIV exposed children; eliminating mother to child transmission of HIV; skilling labour involved in child health care; intensifying campaign efforts against communicable disease; and promoting treatment for children from birth.

Government efforts have elicited progress toward meeting targets. In 2011, there was a remarkable decline in all levels of childhood mortality compared to 2000-01. In the same period, infant mortality declined by 39%, from 89 deaths per 1,000 live births to 54 deaths per 1,000 live births. Under five mortality declined by 37% from 143 deaths per 1,000 live births, to 90 deaths per 1,000 live births. In 2016, the Uganda Demographic and Household Survey found that under five mortality rates have declined from 116 deaths per 1,000 live births (2002-2006) to 64 deaths per 1,000 live births (2012-2016). From 2011-2015, the infant mortality rate was 43 deaths per 1,000 live births and child mortality rate was 22 deaths per 1,000 children surviving to the age of 12 months. Nonetheless, there are still gaps in the interventions as 135,000 children still die per year of preventable disease.

Neonatal mortality is decreasing at a slower pace than mortality amongst children 1–59 months. The number of infants under 1 month dying has fallen from 33 per 1,000 live births in 2001 to 27 per 1000 live births in 2016 (UDHS 2016/17). Neonatal mortality rate is slightly higher in urban at 31 per 1,000 live births compared to rural areas at 30 per 1,000 live births, indicating that this may also be a result of under-reporting. There are still a significant number of Traditional Birth Attendant (TBA) assisted births in rural Uganda. This continues in spite of increasing ante-natal visits for vaccinations, HIV tests and treatment of other. However, the government aims to improve access to trained midwives and fully resourced health facilities.

Vaccination programmes are reaching more children than ever before, improving child survival. Half of the children age 12-23 months (52%) were fully vaccinated in 2011, an increase of 46% from 2006. The number of children immunizations increased by 3% from 1,969,794 in 2013/14 to 2,028,888 in 2014/15. Immunisation for children under one year for Pentavalent (a vaccine targeting five diseases namely diphtheria, tetanus, whooping cough, hepatitis B, haemophilus influenza type B) was 102.4 (104.5 males & 99.5% females) in 2014/15 up from 93% (91 males & 95% females) in 2013/14. Vaccination for measles in 2014/2015 was at 90% compared to 87% in 2013/14 and by 2015/15 coverage improved from 90% to 96% with 718,100 males reached with coverage of 96% (747,246) among males, and 715,692 females with coverage of 93% (790,297). The 2016 National Service Delivery Report revealed that close to nine in every ten (86%) of children aged 12-23 months were fully immunised at the time of the survey.

Following a mass polio campaign by Uganda National Expanded Programme on Immunisation (UNEPI) from 2015- 2016, Uganda was certified polio free after conducting mass polio and measles vaccinations. In 2015, government trained facility-based staff on the effective management of common childhood and new-born illness. 2,350 health workers were trained in new born resuscitation in order to improve new born health and survival. This resulted in increasing the percentage of trained health workers to 39 % between 2014 and 2013. Integrated Community Case Management now covers 75 districts. These achievements are related to the improvement in Neo Maternal Rates from 27 per 1000 live births in 2011 to 22 per 1,000 live births in 2015.

There is however, still a challenge posed by the continuous inflow of refugees that may not have had access to full immunization. Uganda has made targeted efforts to provide these with all immunisations through the public health care system with funding from development partners like Japan, UKaid and UNICEF. The last mass polio vaccination drive was carried out in September 2017 and targeted 73 high risk districts.<sup>i</sup>

Despite all these significant gains, there are challenges related to child survival efforts. There is still a big malaria, pneumonia and diarrhoea burden and monitoring diseases requires adequate staffing at key levels, which posts are not filled. There have been several projects and programmes that have supplemented human resources for health but these need to be nationalised and done all over the country in a more sustainable manner. Effective supervision is limited in some districts due to lack of human and logistical support, and maintenance of medical equipment nationwide is not up to the required standards.

## **Adolescent Health**

One of the major goals of the National Health Policy 2004 is to protect and promote the rights of adolescents to health information, education, and care services. The Policy has targeted the incorporation of adolescent reproductive health in the curricula of all health training institutions and schools. It also recognises the rights of pregnant school girls to be readmitted and continue with education system after they have delivered. Uganda is finalising the National Multi-sectoral

Framework for Adolescent Girls, 2017/2018 - 2021/22. The Ministry of Education and Sports has developed a National Framework on Sexuality education to guide on school health education programmes.

The incidence of teenage pregnancy is high. It is estimated that out of every 1000 female Ugandan adolescents aged 15-19 years, 25% of have given birth and 19% of women age 15-19 have given birth.<sup>37</sup> Teenage pregnancy affects young girls in several ways, including physically, emotionally and economically. While the National Adolescent Health policy recognises the rights of girls to return to school after pregnancy, in practice girls who become mothers drop out of school in high rates.

The UDHS 2016/17 found that 25% of adolescents age 15-19 in Uganda have been involved in childbearing, with more adolescent births registered in the rural areas at 27% compared to urban adolescent births at 17%. The introduction of UPE and USE succeeds in part in keeping children in school and averting childhood pregnancies. The UDHS 2016/17 statistics bears out this correlation, finding that the proportion of teenagers who have started childbearing decreases with increasing level of education: slightly more than one third of teenagers age 15-19 with no education (35 percent) have begun childbearing compared with 11 percent of those who have more than secondary education. In 2015, there were teen pregnancy/end child marriage campaigns conducted that reached approximately four and a half million people.

HIV and sexual and reproductive health intersect in the lives of young persons. The Uganda AIDS Commission conducted a situational analysis on adolescent HIV and Sexual and Reproductive Health at 335 sites across the country to assess the key factors and challenges and used the findings to develop the National Adolescent Health and Development Strategy, 2011-2015. A Sexual and Reproductive Health/HIV vulnerability mapping study for adolescents and young people was also completed in 2016. The Ministry of Education and Sports from 2014 has disseminated Sexual and Reproductive Health and HIV information to schools. In 2016, it intensified outreach activities to over 800 primary and secondary schools, focusing on the risks of multiple partnerships, cross-generational, transactional and early sex.

Sanitary and accessible conditions and structures are important for all children and particularly for girls and children with disabilities. Uganda developed the Water, Sanitation and Hygiene (WASH) Strategic Plan in 2006, under which the Ministry of Education and Sports provides leadership working with local governments in partnership with NGOs and development partners. WASH in schools provides facility grants for construction of accessible latrines, and facilities for girls to wash during menstruation. The Guidelines for Establishing, Licensing, Registering and Classification of Private Schools/Institutions in Uganda also require similar sanitary and construction standards in private schools. The 2016 National Service Delivery Survey shows that 97% of primary schools surveyed had gender segregated toilet facilities.

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<sup>37</sup> Uganda Demographic and Health Survey 2016

While efforts have been made to comply with WASH standards in more recently built school facilities, the older constructions do not comply with the WASH requirements. In many schools, the prescribed ratio of 1 latrine per 40 pupils or students is not matched by investment in WASH infrastructural development due to high enrolment of learners under universal education in primary and secondary schools.

Government undertook research on menstrual management in 120 primary schools in 6 districts, which revealed that a key factor of girls' school absenteeism was related to menstruation and challenges with information and management. In 2013, the Ministry of Education and Sports developed a reader for school going children on menstrual health to help them cope with this phase in their school going lives. Schools are working with NGOs to provide sanitary towels to those most in need and training young girls to make reusable sanitary towels in a bid to combat low school attendance. The government removed VAT on sanitary pads in 2017 to improve cost access.

## **HIV/AIDS and the rights of the child**

HIV prevalence remains low among children, and a significant ratio of the prevalence of HIV in children is linked to prevalence in mothers. Under the Elimination of Mother to Child Transmission Pledge and Campaign, Uganda set out in 2015 to reduce the number of children newly infected with HIV by 90%. Mother to child transmission of HIV contributes 22% of children born with HIV and in 2009, 9% of infants were born to HIV- infected mothers. Data indicates that by 2009, 1,192,372 people were infected with HIV of which 149,661 (13%) were children aged 0-14 years. Regarding children aged 0-5 years, only 0.7% of them were HIV infected. The infection rates are declining. For example, according to the State of the Population Report 2014, 190,000 children below 15 years were living with HIV/AIDS in 2014. The results of the 2016 Uganda Population HIV Impact Assessment reveal that among children under age five, HIV prevalence is 0.5%, while among those aged 5–14 years, it is 0.5%.

Prevention or elimination of mother to child transmission programmes have contributed towards the decreased numbers of children who are born with HIV. HIV positive pregnant women receiving ARVs for elimination of Mother to Child Transmission during pregnancy, labour, delivery and postpartum were 72% in 2013/14 and 68.3 in 2015/16. Uganda is nearing virtual elimination of mother-to-child transmission of HIV and the number of children born with HIV infection in Uganda declined by 86% between 2011 and 2015.<sup>38</sup>

Children with HIV have access to free antiretroviral therapy (ART). Out of 260,865 people accessing treatment, 21,763 (9%) children aged 0-14 years accessed ARVs in 2009.<sup>39</sup> The percentage of children who are on ART increased in 2013/2014 to 56,269 (38%) and by end of 2015, 60,029 children were on ART. By 2009, there were 64,016 AIDS related deaths of which 20% were children aged 0-14 years. By end of 2015, the number of new infections among

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<sup>38</sup> Annual Health Sector Performance Report for Financial Year 2015/16

<sup>39</sup> Ministry of Health HIV/AIDS Epidemiological Surveillance Report 2010

children fell to 3500 (86%) and Uganda is leading on reduced infections in Eastern and Southern Africa.<sup>40</sup>

Ministry of Education and Sports revised the Education and Sports HIV Strategic Plan 2017-2022. Its HIV/AIDS unit has reached 359,327 children in schools and dance and drama clubs for awareness raising through HIV and health education sessions. The Ministry is using dance and drama, debate, and HIV talking messaging sessions and integrating HIV into co-curricular activities. By 2016, 37.8% of young women and 36.9% of young men aged between 15-17 years showed comprehensive knowledge about HIV.<sup>41</sup> This involved knowledge about condom use and negating common local misconceptions about transmission or prevention of HIV. 89.4% of young persons aged 15-19 knew where to get an HIV test and 53.6% had undergone testing.

The HIV prevalence among adolescents aged (15-19 years) currently is at 1.1% with a slightly higher prevalence among adolescent girls (1.8%) (Ministry of Health, 2017). The National Strategic Plan on HIV 2015/16-2019/2020 has prioritised the reduction of HIV in this population by 70% by 2020. A Ministry of Health 2013 baseline survey found that the number of adolescents receiving HIV related care and on ART also improved from 21,641 to 25,283.

In December 2014, The Communication for Healthy Communities 'Obulamu' campaign themed 'How's your cool life' targeted adolescents among other groups, utilising youth friendly channels. It is estimated that 10.3 million people including adolescents were reached using channels such as social media platforms and public gathering places such as health centres, places of worship, community forums, transport stations/routes (stages) and upcountry bound buses.

Government also developed a National Action Plan on Women, Girls, Gender Equality and HIV & AIDS 2016/17 – 2020/21 that provides a clear framework for all actors in the HIV and AIDS response to intensify efforts designed to promote gender equality

The President of Uganda in June 2017 launched a five point Presidential Fast-track Initiative on the ending of HIV/AIDS in Uganda by 2030. The initiative targeted, among others, young persons. The National HIV/AIDS Campaign 'Protect the goal' used football as an interesting way to captivate the interest of young persons and reach them with youth related programs on HIV/AIDS awareness. In 2015, over 40 adolescent peer networks were established to support adolescents living with HIV to access sexual and reproductive health rights and 111 facilities were founded to provide adolescent friendly services.

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<sup>40</sup> The Uganda HIV and AIDS Country Progress Report, July 2015 – June 2016

<sup>41</sup>UDHS 2016

## **VII. FAMILY ENVIRONMENT AND ALTERNATIVE CARE (ARTICLES 18-20 AND 24)**

### **Family environment and alternative care**

Section 4 of the Children Act as amended (2016) provides that every child shall have the right to live with his or her parents or guardian. Under this law, it is the duty of a parent, guardian or any person having custody of a child to maintain that child and help that child to realise the right to education and guidance; immunisation; adequate diet; clothing; shelter and medical attention as well as protect the child from discrimination, violence, abuse and neglect.

Section 6 of the Children Act as amended (2016) states that every parent shall have parental responsibility for his or her child. Where the natural parents of a child are deceased, parental responsibility may be passed on to relatives of either parent, or by way of a care order, to the warden of an approved home, or to a foster parent. The Children Act as amended (2016) emphasised recognition of customary guardianship based on culture and tradition as a valid form of guardianship in cases where a child's parents are deceased or incapacitated. The government provides support and facilitation for parents to exercise their responsibilities through providing an enabling national environment; supportive legal and institutional frameworks; and free or affordable basic health care and education. Provision of child care for children of working parents is still an ongoing challenge with very few childcare arrangements at the workplace in place. There is one such facility at the national Parliament.

Parents and guardians require support to create the correct environment in which to bring up children. Pursuant to Section, 42B of the Children Act as amended (2016), MGLSD undertook to develop a comprehensive national strategy aimed at securing the provisions of early intervention and prevention programmes to families, parents, caregivers and children across the country, namely the Alternative Care Framework, in line with the UN Guidelines on Alternative Care. The Alternative Care Framework has been established in order to maintain a child's family environment as much as possible.

### **Child custody**

Most married and/or co-habiting parents that separate do not refer to courts for child custody arbitration. The traditional systems and socio-economic realities generally facilitate and/or dictate the contact between children separated, for any cause including threat of harm, from their parents. Where referred to, the Courts decide cases in the best interests of the child based on many factors including the child's age.

### **Adoption**

The Children Act as amended (2016) repealed legal guardianship for foreign nationals, which loophole was exploited to evade the exactitudes of legal adoption. The law reserves legal guardianship strictly for Ugandan nationals. The Act reduces the time required for in-country

supervised pre-adoption fostering for adoptive parents from 36 to 12 months. This also reduces the room for child exploitation through legal guardianship and yet leaves sufficient time for Ugandan authority interventions in the best interest of the child. The Act also provides for mandatory periodic reports and updates on the condition of the adopted child from the adoptive foreign parents and their national social services to be submitted to the Ugandan government agencies.

Statistics on adoption and guardianship are obtained from court records. A 2014 study on adoption trends and practices in Uganda found that 122 children were formally adopted through formal court orders from 2006-2013. The number is estimated to be higher.<sup>42</sup> Digitisation and improvement of the court case management system will enable the collection of better statistics on adoption in Uganda.

## **Alternative care**

The Alternative Care Framework establishes a Central Inter-Departmental Adoption Secretariat aimed at advocating for, promoting and recruiting Ugandan families to adopt children in care. A central list of children available for adoption is to be developed as well as a framework for matching prospective parents and children. The framework enjoins the numerous existing institutions to transform themselves and become key partners in delivering the Framework or face closure.

The Diversion Guidelines aim to ensure that children in conflict with the law are not separated from their parents, but can receive counselling and be released back to their families in privacy, as opposed to being detained and punished. The underlying logic of these guides is to ensure that institutionalisation is used as a last resort and only with the aim of rehabilitating the child.

## **Family reunification**

The Children Act as amended (2016) (2016) provides that where a child is placed in alternative care, child protection services shall aim at reunification when it is appropriate to do so. Uganda's child protection framework is two-fold in nature. Child Protection programs should be both preventive, minimising children's risk of facing violence, abuse, exploitation and neglect, and responsive, providing specialised services in cases where children are at especially high risk for, or have experienced, child protection violations.

The Uganda Refugee Act (2006) is supportive of family reunification. The Act guarantees the rights of refugees, including the rights of families of refugees. It provides for the recognition of refugees to enjoy protection and be issued with all necessary documents relevant to his or her status. Moreover, on the death of a recognised refugee, any member of the family of the recognised refugee in Uganda shall continue to enjoy the protection and shall remain in Uganda until otherwise disqualified.

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<sup>42</sup> Among, H., 2014. Legal Guardianship and Adoption Practice in Uganda. UNICEF.



Refugee and internally displaced person reception centres and processing systems always collect as much information as possible to enable reunification at the earliest feasible opportunity. The efficacy of these records and efforts shall be severely tested at the repatriation of the DRC and South Sudan refugees whose numbers consist mostly of children, many of them unaccompanied and undocumented on arrival.

### **Recovery of maintenance for the child**

Without proper parental support, a child may lack his or her necessities that foster survival and development. The Family and Children Court has jurisdiction to entertain applications for maintenance orders where a parent is in neglect of the child's welfare. An application for a maintenance order may be made by a person who has custody of a child against one of the child's parents as appropriate (in cases of divorce, separation, nullity or application for a declaration of parentage), during a subsisting pregnancy or before a child turns 18.

There is increasing focus on the rights of a child to an adequate standard of living in keeping with the child's stages of development. The Uganda Human Rights Commission Tribunal, which has a Vulnerable Persons Unit, is mandated to grant child maintenance orders. In 2016, the Commission received and handled 192 complaints of denial of child maintenance, compared to 131 cases in 2014 and 6 cases in 2012.<sup>43</sup> The Justice Centres Uganda, a state legal aid service provider under JLOS, handles child maintenance cases to parental support. Several legal aid service providers are providing legal aid to children in accordance with the Children Act as amended (2016) to secure maintenance orders for children either through mediation or through court proceedings.

### **Children deprived of a family environment**

Of the numerous orphanages or residential care institutions in existence, only 80 are approved and licensed by MGLSD. It is estimated that these homes house about 50,000 children in orphanages and institutions, and that 85% of these have no proactive resettlement programmes. Moreover, 75% of these homes do not have the requisite professional social work capacity. Over 80% do not have a child protection policy and more than 50% have completely unacceptable care standards. Furthermore, over 55% of children in orphanages are there illegally. Less than 5% orphanages have the required carer to child ratio, and nearly 70% have inadequate child records. 95% of these orphanages are externally funded and foreigners have established a number of such institutions. The coverage of these institutions is uneven and some areas of the country have more institutions than others.

Inquiries by the MGLSD found that some individuals and organisations invest in such institutions, and hence feel a need to fill them, recruit children with promises of a better life than

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<sup>43</sup> Uganda Human Rights Commission, 19th Annual Report, 2016.

their current home situation. In many cases, parents in situations of extreme poverty also abdicate their parental responsibility over children, including in some instances children with severe disabilities. There are cases of teenage mothers who lack the capacity to take care of their children and seek to avoid the stigma associated with this status. Children conceived as a result of rape or incest are also likely to be abandoned, as are children who commit crimes.

In response to the crisis posed by the proliferation of unregulated (un)approved homes, an Alternative Care Task Force was established (2010). It has now been embedded as a sub-committee of the National Child Protection Working Group. The recently developed Alternative Care Framework and the Children act as amended (2016) (2016) together guide the implementation of alternative care.

The Alternative Care Framework seeks to reduce the number of children in institutional (orphanage) care by providing guidelines on placement options and mechanisms to support existing government structures to carry out their statutory responsibilities for overseeing the care of children in alternative care.

The framework provides for a continuum of care. As such all children in institutional care must have an exit strategy– reunification, kinship care, community based alternative care, fostering or domestic adoption. Each district will have an Alternative Care Panel that will make decisions on all resettlements, foster care, adoptions and other forms of alternative care plus decisions on children’s homes in their district. Districts will also have an Alternative Care Fund that can be used to support families during resettlement. The funds are to be allocated on a case-by-case basis.

## VIII. PROTECTION OF CHILDREN IN MOST VULNERABLE SITUATIONS (ARTICLES 13, 22-23 AND 25)

### Children with disabilities

***However, the Committee observes that there is some need of specialized teachers and suggests to the Government to kindly take the necessary measures to cover the needs for teachers.***

***The Committee recommends to the Ugandan Government to put in place a policy of integration of disabled persons with degree in the administration and to build the capacity of specialized institutions and associations, which strive for the wellbeing of disabled children.***

The Uganda Demographic Household Survey 2011 shows that the prevalence of disability was 19% of persons age 5 and above. 12% of children aged 5-9 suffer sight and mobility disabilities, these being the most common types. By May 2014, child disability prevalence was estimated at about 13%, i.e. approximately 2.5 million children.<sup>44</sup> The disability prevalence varies across the country: the Northern region appears to have the highest rate while the Eastern and Central regions have the lowest rates.

About 6% of children (6-17 years) had at least one form of disability (difficulty in seeing, hearing, walking or remembering). There were more children with disabilities in rural than urban areas. However, there are still several instances of concealment of children with disabilities by family members, which results in marginalisation of children with disabilities. While data on children with disabilities is limited, it is estimated that there were 183,537 and 11,415 learners with disabilities in primary and secondary school respectively in 2008.

Government's obligations towards the rights of children with disabilities are reflected in the Persons with Disabilities Act 2006, which touches on the duty to formulate policies that provide children with disabilities access to relevant education, paying particular attention to the requirements of the girl child and children in rural areas. The Children act as amended (2016) emphasises the rights of children with disabilities or with special needs, who are not to be discriminated against based on their special needs or disability. Children with disabilities or special needs are entitled to be supported by government facilities required for their needs. In addition, they are entitled to education that is suitable for their special needs or that addresses their disabilities.

The National Disability Inclusive Planning Guidelines for Uganda 2017 estimate that only about 9% of children with disabilities of school-going age attend primary school, compared with a

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<sup>44</sup> Ministry of Gender, Labour and Social Development/UNICEF 'Situational analysis on the Rights of children with disabilities in Uganda' May 2014

National average of 92%, and only 6% of them continue to secondary school (national average is 25%).

Government continues to promote special needs education and inclusive education for children with disabilities and those with special needs. Children with disabilities obtain learning support in special schools and are integrated in special classes within mainstream schools or mainstream classes. Barriers to learning and development are thus addressed in an inclusive setting, although the same model does pose challenges requiring specialised support and pedagogical methods and equipment.

Government has demonstrated commitment to inclusive education through its policy frameworks, strengthening of collaborations with NGOs and private partnerships working with learners with disabilities. Special needs education has been adopted as a matter of policy through the Special Needs and Inclusive Education Implementation Strategy 2012 – 2017. In 2013, the Special Needs Education and Non-Formal Education Policy were approved by Cabinet and policy guidelines developed.

The National Development Plan (2010/11 – 2014/15) prioritised the requirement for all schools to be constructed on the principle of inclusiveness and accessible physical infrastructure for students with disabilities. The National Development Plan emphasised the need for bursary schemes for learners with disabilities and special needs and through subvention grants for learners with disabilities, government is increasing access and equity towards this goal. In 2015 government paid subvention grants for 5,000 learners with special educational needs in 100 schools. To deal with the challenge of disabling physical environments that discourage school going children disabilities, Government is focusing on increasing the accessibility of school infrastructure of children with disabilities.

The Building Control Act 2013 has mainstreamed disability issues within its provisions and seeks to create a barrier free environment. This law is meant to ensure that the design and construction of buildings and utilities to which the public have access caters for the rights and dignity of persons with disabilities. Schools are now required to comply with the specifications of construction of classrooms with ramps and supportive structures in pit latrines. Efforts have been made to ensure that all new school structures provide for ramps for children with disabilities.

The Special Needs Education and Inclusive Education Policy integrates Water, Sanitation and Hygiene (WASH). WASH emphasises infrastructural developments that improve the sanitary conditions under which children learn. This includes ensuring that WASH facilities are available and accessible to all. However, the 2016 National Service Delivery Survey showed that only half of the primary schools (49%) had toilets that catered for the physically disabled. Older schools have to redo existing structures to make them suitable for disabled children. This is an expensive especially for government supported schools.

There are 113 special schools catering to children with disabilities, although they are not available in every district. About 9% of children with disabilities at school-going age attend primary school and only 6% transition to secondary school education. In 2012/13, 6.4 males and 4.9 females aged 6-10 indicated non-attendance of schools because of disability statuses. In 2016/17, the situation improved with only 1.8 males and 2.2 females failing to attend school because of disability.<sup>45</sup>

Improvements have been registered in the enrolment of children with disabilities. Enrolment increased from 2.36% of the overall school population (boys 2.54%; girls 2.32%) in 2013 to 2.45% (boys 2.61; girls 2.30%) in 2014. However, the learner teacher ratio is still stretched even though all teachers are trained in special needs education (SNE). Government has intensified efforts to train and retrain special needs educationalists, school inspectors, district education officers, as well as training teachers on inclusive education methods and functional assessments. All teachers are trained in special needs pedagogical methods although only a few utilise them in schools, because they view it as add-on work without extra pay.

In general, children with disabilities drop out due to failure to cope with challenges like physical access and absence of enabling communication like sign language and braille services. This is also reflected in the education curriculum and readily available materials. To make learning more adaptable to special needs of children, government adopted a new thematic curriculum specifically for the blind and deaf and for learners with intellectual disabilities.

Children with disabilities are encouraged to participate in sporting activities within schools as a way of promoting their right to leisure. Participation in sports such as the special needs ball games and athletic competitions has increased, even with limitations of insufficient instructors and out dated instructional methods and material.

The Special Needs Education and Non-Formal Education Policy developed in 2013 promotes broader learning frameworks for children and young persons with disabilities. Business, Technical, Vocational Education Training (BTJET) Act, No. 12 of 2008 seeks to increase equitable access to people with disabilities and create linkages between formal and non-formal education. This takes into account the challenges faced by children with disability in accessing formal education by providing a continuum of educational services. BTJET provides relevant knowledge and practical skills for academic progression and specific employment-oriented skills in the labour market and is being implemented in collaboration with NUDIPU and the Special Needs Education department to facilitate inclusion of children with special needs.

The Faculty of Special Needs and Rehabilitation at Kyambogo University serves as a resource for capacitating teachers in special needs education and fulfils the mandate of the former Uganda National Institute of Special Education. Despite this, the numbers of SNE teachers are still fewer than the stipulated rations in the Special Needs and Inclusive Education Policy, 2010. To mainstream this capacity, all students at Primary Teachers' Colleges are subjected to

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<sup>45</sup>Uganda National Household Survey 2016/17

mandatory examinations on special needs education as a means of increasing their potential to engage in SNE.

Children with disabilities continue to benefit from community based rehabilitation programmes where they receive medical assessments, referrals, counselling with the support of the community. A continuing challenge with providing support to children with disabilities is the tendency for families to under-report such children's existence which limits service provision. Civil society organisations in partnership with district sectoral service providers such as community development officers, health officers and district education officers and even para-social workers are complementing the work of government in providing such services. The National Action Plan for disabilities developed by MGLSD is being disseminated in the different districts. Despite this, not all districts have access to specialised services required for special needs of children.

Monitoring of 60 Special Needs Education schools is on going with a view to promoting SNE qualitative services. These efforts notwithstanding, there is inadequate data on the situation of children with disabilities and special needs. Lack of data limits effective planning and response initiatives and causes inadequate coordination between local governments and the centre. There are inadequate numbers of specialised inspectorate officers for SNE at the district level; hence, supervision is uneven across the country.<sup>46</sup> Government plans to scale up the monitoring of institutions supporting children with special education needs and procurement of instructional material and equipment for learners.<sup>47</sup>

## Children in armed conflict and child abduction

***The Committee observes that the Report doesn't provide enough data on the status of child soldiers in Uganda, it recommends consequently that more information should be mentioned in the next reports.***

***The Committee urges the State party to continue with the implementation of the measures taken for the settlement of the issue of the abduction of children and recommends it to persevere in its efforts to put a final end to this phenomenon.***

### State Party Response

In addition to the rights stipulated in this Charter, Uganda ratified the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (OPAC) in 2002. Its principles are reiterated in the Children's Act (2016), the Uganda People's Defence Forces (UPDF) Act (2005) and Employment Act (2006).

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<sup>46</sup> Ministry of Education and Sports Sector Annual Performance Report 2013/14

<sup>47</sup> Ministry of Education and Sports Ministerial Policy statements 2016/2017

Since the end of the Lord's Resistance Army (LRA) insurgency in Uganda in 2006, there is no in-country recruitment or involvement of children in Uganda in hostilities. There are no reported cases of involvement of children in the terrorist attacks that have happened in Uganda. Various NGOs are offering rehabilitation and reintegration services for former child soldiers and abductees of the LRA through psychosocial support.

The UPDF has actively taken steps, in partnership with actors like the Uganda Human Rights Commission, UNICEF, to integrate the OPAC in training of UPDF staff and in operationalising its principles in the way the military handles children. These principles also guide operations in peacekeeping missions. The UPDF has developed a Child Protection Curriculum and Toolkit since 2008 for training officers.

There is an Action plan in place since 2006 for the prevention, removal and integration of any child soldiers found in UPDF. UPDF since May 2011 has had in place Standard Operating Procedures for Reception and Handover of children rescued from the Lord's Resistance Army. Under the Standard Operating Procedures, children in the care of UPDF are provided food, shelter, medical care and protection from violence, abuse and neglect until they are handed over to civilian authorities under the auspices of UNICEF, UN or humanitarian agencies.

In the past, underage recruitment into armed forces in the absence of a system to verify age was a challenge to the Government. Even then the UPDF required a birth certificate as well as age verification from Local Councils and doctors. Currently, national identification cards are compulsory for recruitment.

The UPDF has a Directorate of Human Rights, which equips its officers with knowledge on child protection and child rights for children in and affected by conflict. These cover, among others Security Council Resolutions and legal instruments in armed conflict. Through the project 'Strengthening Child Protection in African Union Peace Support Operations in East and West Africa', Save the Children has developed a training curriculum on child protection with the aim of operationalizing it within the African Standby Force. This process will see the peace support operations personnel undergo a standardized and mandatory pre-deployment training. The UPDF is participating in this training and the content will be incorporated into its military training curriculum.

About 35,000 abducted children abducted by the LRA were used in direct and indirect conflict and have since returned to Uganda while more continue to return. The UPDF Child Protection Unit was set up to receive these children and is still active in receiving the returning children. The Unit screens, demobilises and debriefs them before handing them over to civilian organisations. These organisations make efforts towards further rehabilitation including family tracing and reunification; medical, financial, counselling and psychosocial support; and impartation of basic skills in order to facilitate their survival and re-integration into the community.

The Amnesty Commission registered and assisted over 5,677 children that were involved in the Northern Uganda Conflict and government has dropped charges against children who were abducted by rebel forces.

The National Curriculum Development Centre in 2016 incorporated Transitional Justice into the lower secondary school curriculum. The Centre worked with an NGO to pilot this initiative in 10 schools.<sup>48</sup>

### Refugee Children (Article 23)

Uganda has been commended for its open and welcoming refugee policy, which gives refugee children and asylum seekers the same rights including access to government services such as health and education on an equal basis with other children. Uganda is now Africa's leading refugee-hosting country, having jumped from the eighth largest refugee-hosting country in the world in mid-2016 to the third largest today.<sup>49</sup>

The Refugee Act of 2006 creates a conducive environment for refugees to integrate and lead meaningful lives in Ugandan society. It provides specifically that refugee children shall be accorded the same treatment as nationals with respect to elementary education. A refugee child is entitled to the enjoyment of the rights and freedoms contained in the Children act as amended (2016) 2016, African Charter on the Rights and Welfare of the Child, 1981 and the Convention on the Rights of the Child, 1989. It also states that refugee children shall enjoy the rights in the Geneva Convention, irrespective of the child's parent's or legal guardian's race, ethnic group, colour, sex, language, relation, political or other opinion, national and social origin, fortune, birth or other status. Identification documents for children and unaccompanied minors are issued in accordance with the principles applicable to a recognised refugee.<sup>50</sup>

There is a concerted effort by government and partners to screen all refugee children that enter Uganda through official border points. Children are screened for among others, medical intervention needs, nutrition levels, immunisation and psychological trauma (including involvement in conflict). The government strives to meet the most urgent needs especially medical and psychosocial support.

The government has initiated a concerted resource mobilisation drive, together with international development agencies and NGOs, including gathering resources for early childhood and primary school sites.

Uganda hosts about 1,400,218 million refugees and asylum seekers<sup>51</sup> and affords refugee children the right, among others, to identification, access to education and other public services.

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<sup>48</sup> Refugee Law Project 'Incorporation of Transitional Justice issues into lower secondary school curriculum'

<sup>49</sup> UNICEF report at <https://reliefweb.int/report/uganda/children-s-refugee-crisis>

<sup>50</sup> Section 32, Refugee Act 2006

<sup>51</sup> UNHCR October 2017 Statistical Summary



61% of these are children (798,008). This causes further strain on the limited resources in the schools and communities that host the refugees. In 2013, Government trained over 214 refugee teachers in refugee settlements to create awareness of the Ugandan curriculum and equipped them with skills to carry out psychosocial support to learners who may be traumatized. Challenges identified include insufficient resources to effectively integrate refugees into host communities and national education systems, and a shortage of education supplies and trained teachers.

### Separation from Parents (Article 25)

The Constitution of Uganda, Article 31 states that children may not be separated from their families or the persons entitled to bring them up against the will of their families or of those persons, except in accordance with the law. It was estimated in 2012/13 that 20% of Uganda's children were not living with a biological parent and at least 2.3 million children (12.7 %) lost at least one or both parents.

The Children Act as amended (2016) (2016) provides for a child to be removed from their parents only if it is in their best interests; if it is proven that the child is likely to suffer harm or abuse. The Act emphasizes that preserving family structure is always a priority, as is equipping families to identify and solve their own problems with the assistance of state agencies such as the Probation and Social Welfare Officers (section 42B).

There is a proliferation of children's homes, estimated at over 800 across the country. Unfortunately, some of these homes have created a pull factor for poor families to abandon their children to such institutions in the hopes of giving them a better future. Government has sent out a clear message that poverty and the resulting inability of parents to adequately care for their children should not be viewed as an opportunity to draw children into institutional care or to put them up for inter-country adoption but rather require the economic strengthening of families.<sup>52</sup>

Uganda has enacted the Children (Approved Home) Regulations 2013 and the Children (Approved Home) Regulations Assessment Toolkit was updated 2013. These guidelines provide a standard for the running of homes. The MGLSD has prioritised the closure of homes that fall far below the standard and to improve compliance in this area.

There is a National Alternative Care Framework which is in charge of clearing all Social Welfare Reports concerning Legal Guardianship, Adoption and Inter- Country Adoption. The National Action Plan for Child Well-Being gives clear direction for our collective efforts to build a Uganda in which all children can survive, grow and develop to their full potential, protected from the many threats that jeopardize their future. The Alternative Care Implementation Unit (ACIU) of

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<sup>52</sup> Ministerial Policy Statement on Alternative Care in Uganda, available at <https://www.molg.go.ug/sites/default/files/Ministerial-Policy-Statement-Local-Government-and-LGFC.pdf>

the Ministry of Gender Labour and Social Development (MGLSD) will contribute to alternative childcare reform and deinstitutionalization efforts in Uganda.

### Children with incarcerated parents and living in prison with their mothers (Article 30)

***The Committee observes that the Report doesn't provide information pertaining to the treatments given to incarcerated pregnant mothers and incarcerated mothers of babies and young children and recommends that this information be included in the next reports***

#### State Party Response

It is estimated that 200,000 children in Uganda have a parent in prison at any one time. Children with parents in prison in Uganda face denial of their rights to survival and development under enabling environments. The trauma of separation, as well as stigma and discrimination they face because of their parent's involvement with the criminal justice system places them in a doubly difficult situation.<sup>53</sup>

The Prisons Act provides that children may stay with their mothers in prison up to the age of 18 months, although many stay longer if there is no extended family or NGO to take care of them. Whereas progress has been made in reducing the period of pre-trial detention, it is still a problem and over 54% of all prisoners are on pre-trial detention.

The judiciary developed the 2013 Sentencing Guidelines that take into account care-giving responsibilities as a mitigating factor during sentencing procedures. However, the sentencing guidelines are administered inconsistently and depend on the discretion of the individual judicial officer. Children are allowed to visit their parents within the regular incarceration system should the parents deem it appropriate.

The Uganda Prisons Services has taken into the plight of infant children who are kept with their mothers and piloted a number of affirmative actions for such children. Measures have been put in place to provide beds for the children. Recreational facilities for childcare taking have been set up and the mothers are provided access to medicine and nutritional food for their children

### Children in street situations

The numbers of street children arisedue to orphan hood, vulnerability and the exploitative habit of trafficking children internally. Some children are trafficked internally by unscrupulous people

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<sup>53</sup> Penal Reform International and Foundation for Human Rights Initiative, 2013. *A shared sentence: children of imprisoned parents in Uganda*. At [https://cdn.penalreform.org/wp-content/uploads/2015/11/PRI-FHRI\\_GC-No1%C2%AD-Exec-Summary-ENGLISH-WEB.pdf](https://cdn.penalreform.org/wp-content/uploads/2015/11/PRI-FHRI_GC-No1%C2%AD-Exec-Summary-ENGLISH-WEB.pdf)

to beg on the streets. The total numbers of street children in the country is estimated at more than 15,000.

In order to address the root causes of the street children problem, the OVC Policy prioritises care and support, child protection, education, health, food security and nutrition, psychosocial support, socio-economic security, conflict resolution and peace building. These interventions constitute the Essential Services Package for orphans and other vulnerable children.<sup>54</sup> The recently formulated Alternative Care Framework, which focuses on strengthening families and communities in order to reduce hardship, violence, and other factors that lead to family separation through parents abandoning children or children running away from their families supplement this policy.

Kampala City Council Authority and the Probation and Welfare Department are responsible for street children in Kampala, and local government councils (municipal councils and town councils in urban areas) across the country are responsible for any street children in their jurisdictions. In order to rehabilitate and resettle street children, KCCA has set up a Transit Centre at Nsumba. Secondly, basing on the National Street Children Strategy, KCCA has entered into dialogue with rural based districts to induce them back to their original homes and play an active role in their rehabilitation and reintegration into society.

### **Sexual Violence and Commercial Sexual Exploitation of Children (Article 27)**

The Children Act as amended (2016) 2016 criminalises sexual exploitation and abuse.

Defilement is on the increase and was the top leading crime in 2014.<sup>55</sup> 12,077 cases were investigated in 2014 compared to 9,598 cases in 2013, an increase of 25.8%, as against 8,076 cases in 2012. 35% females and 17% males experienced sexual violence before attaining the age of 18 in 2015. In terms of physical violence, in 2015, males experienced more violence than girls at the rate of 65:59 respectively. Most acts of sexual violence experienced by girls occur in the private arena i.e. homes of the girls or the perpetrators, at 35% and 18% respectively, and in schools, 19%. Sexual violence against boys occurs mostly in schools at an incidence of 31% and in their homes and perpetrators' homes at rates of 22% and 11% respectively. The perpetrators tend to be friends, neighbours, teachers, classmates, authority figures and family members.

Beyond the immediate trauma of sexual violence, children suffer medium to long-term physical, psychological health complications. These include sexually transmitted infections, HIV and childhood pregnancies, leading to maternal and child mortality among others. However, due to their vulnerability, reportage and help-seeking behaviour in children is low. As will be discussed in the section ahead on Child Justice, Government has scaled up interventions to combat crime

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<sup>54</sup> National Orphans and Vulnerable Children Policy

<sup>55</sup> Uganda Police Annual Crime Report 2014

against children through the specialised child justice interventions and systems that cater for children as victims and witnesses of crime.

### Trafficking in Children (Article 29)

Trafficking in children in Uganda is mostly driven by poverty and desperation in a search for employment and basic survival. There is a considerable amount of cross-border trafficking for labour and commercial sex work. Intermediaries, guardians and family members who use them as sources of forced or cheap labour, prostitution and even organised crime, in circumstances akin to slavery, pick children from their villages of origin. In 2013, 37 children reported having been trafficked internally and suffered child marriage and other forms of exploitation, while 25 children suffered similar fate transnationally.<sup>56</sup> The Ministry of Internal Affairs has also identified instances of fraudulent adoptions tied to illegal children's homes and orphanages that use children for farm labour.

Uganda is a source, transit, and destination country for trafficked children. Children are trafficked into Uganda from as far as South Sudan and the Democratic Republic of Congo for work in the trade, fishing and agriculture industry. Uganda is also a transit country and in 2013, eight children were registered as victims of trafficking.

The Eastern and Central region in particular have experienced a marked influx of children on the streets, with some of them turning to crime for survival, rendering them more vulnerable. Despite the adoption of a National Street Children Strategy, its implementation by the Local Governments is yet to register the desired results of reintegrating children into their communities of origin.

Owing to continued government and other organisational efforts, there is increased recognition and reporting of child trafficking as a crime by the general public and the ensuing prosecution and conviction. There was an increase from 29 cases in 2016 to 43 registered cases in 2017.<sup>57</sup> The Justice, Law and Order Sector Annual Report 2015/16 indicates that 187 children were trafficked in 2013, 220 in 2014 and 261 in 2015. In some instances, the police provide temporary shelter for a few victims in partnership with the International Organisation for Migration (IOM) and NGOs working with children. In 2013, 20 trafficked children were repatriated and over 65 criminals involved in the trafficking were prosecuted, resulting in just 4 convictions. There is unfortunately, no systemized response to assisting victims, but IOM is working to provide financial and psychosocial support and re-integration packages to victims of trafficking.

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<sup>56</sup> Ministry of Internal Affairs 'Annual Report on the Trend of Trafficking In Persons In Uganda 2013' The Coordination Office to Combat Trafficking in Persons, 2014

<sup>57</sup> Ministry of Internal Affairs, 2018. Jan – Dec 2017 Report On Trafficking In Persons in Uganda

Uganda is making efforts to identify victims of trafficking and in 2015 began implementing standard procedures to identify child victims. There are agreements and arrangements to allow for repatriation of victims through specially provided travel documents.

There is more interaction with and sensitisation of internal recruitment agencies to control in-country child trafficking most of which is for domestic, agricultural and trade labour.

### Children in situations of drug abuse (Article 27)

***The Committee observes that the Report doesn't consider the appropriate measures taken to protect children against the illegal use of drugs and recommends that the situation of abuse of illicit substances and drugs by children as well as the data and arrangements taken to block this scourge be mentioned in the next reports.***

#### State Party Response

Drug abuse has been evidenced in Uganda, with 85,000 cases reported in four years from 2010-2014. Drugs that are commonly abused in Uganda include; alcohol, marijuana, and khat. There is also an increase in the use of drugs such as cocaine, heroin and methamphetamines. Other drugs commonly abused are prescription painkillers such as pethidine and ephedrine. Children who abuse drugs include children in school and children living on the streets. Many cases are referred to the National Mental Referral Hospital at Butabika in Kampala – half the admissions there were reported to be of children.<sup>58</sup>

The Government of Uganda has strengthened its legal framework for drugs under the Narcotic Drugs and Psychotropic Substances (NDPS) Act of 2015 and has increased security checks at border points of transit to check drug trafficking. The Narcotic Drugs and Psychotropic Substances Act, provides stiff sentences for drug possession and trafficking of up to 25 years in order to deter this practice. The government in partnership with non-state actors conducts education and awareness campaigns.

#### Orphans and other Vulnerable Children

There is a high incidence of vulnerable children whose survival and requirement requires special protection. The Uganda National Household Survey 2009/10 rated 38% of the children in Uganda as vulnerable; in 2014, up to 43% of all children (7.3 million) were in moderately vulnerable situations, while 8% (1.3 million) lived in critically vulnerable situations.<sup>59</sup> The 2014 Census revealed that 60% of children are vulnerable. Children as headed 36,000 households at

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<sup>58</sup> Abbo, C., Okello, E.S., Muhwezi, W., Akello, G. and Ovuga, E., 2016. Alcohol, substance use and psychosocial competence of adolescents in selected secondary schools in Uganda: A cross sectional survey. *International neuropsychiatric disease journal*, 7(2), p.25387.

<sup>59</sup> UNICEF 2015 Situational analysis of Children in Uganda

2014 of which 29% were female child headed. There were more child-headed households in rural areas (64%) than in urban areas (36%).

The Orphans and Other Vulnerable Children (OVC) Policy 2004 highlighted the situation of orphans, out of schoolchildren and children with disabilities as among the more vulnerable children. These three categories represent 92.9% of orphans and vulnerable children (OVC). The National Strategic Programme Plan of Interventions for Orphaned and Other Vulnerable Children 2011/12- 2015/16 also places due emphasis on these categories.

The proportion of orphans increased from 13.4 % in 2002/03, reached 14.6% in 2005/06 and declined to 12.3% in 2009/10. The UNHS 2011/12 results show that out of 8.5 million households in the country, 1.3 million had at least an orphan, constituting about 15% of all households. According to the State of the Population Report 2014, there were approximately 1,100,000 orphans aged 0-17 years.

The MGLSD has been working to strengthen government's response to OVCs, reaching 80 out of 112 districts in Uganda by 2015. The objective is to support local governments' capacity to effectively provide high quality, comprehensive and scaled-up services for OVC between 2010 and 2015. An OVC Management Information System is facilitating and coordinating the work of over 4,000 civil society organisations and community organizations to provide care and support for OVC. In 2013, the MGLSD and partners developed the vulnerability index tool for identification, monitoring, and graduation of OVC households. However, impact is limited by the human resource capacity constraints, for example only 41% of the approved Community Development Officers were filled by 2013, and these positions are overwhelmed by other development mandates at the district level.<sup>60</sup>

Government has established a multisectoral OVC Steering Committee at national level and OVC Coordination Committees have been established at district and sub county level. These functionaries work in multi-sectoral linkages with officials from other sectors such as health, education, law enforcement agencies and community based departments at local government levels, as well as NGOs, to provide comprehensive child protection services. Under the Monitoring and Evaluation Framework and Plan of the National Strategic Program Plan of OVC Interventions (NSPPI-2), districts have been collecting data in order to enhance evidence based decision making and reporting on results obtained from the implementation of NSPPI-2. This approach also combines the MGLSD Orphans and Vulnerable children Management information system, the Education Management Information System and the Health Management Information System at the district level to information on pertinent OVC indicators.

Under the NSPPI-2, there are thematic groups that oversee the rights of children comprehensively. Thematic working groups include: health, nutrition, water and sanitation; education; livelihoods and food security, legal and protection: psychosocial support, care, support and shelter, and: strengthening institutional mechanisms and systems.

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<sup>60</sup> National Council for Children 'Status of Service Delivery to Children in the context of Decentralisation' 2015

## Children living in poverty

From 2012-15, the Vulnerable Family Grant scheme was piloted by the MGLSD in 6 districts at parish level. At its close, the Vulnerable Families Grant had reached households including child headed households for extra support, reaching the poorest and most families 6040 villages, 141 sub counties and town councils in 15 districts.

This social welfare initiative targeted poor and vulnerable households with high dependency ratios. Households with high proportions of children, particularly orphans and children with disabilities were prioritised to receive support. Due to challenges faced in implementing it evenly across the country, the grant was phased out. That notwithstanding, it benefitted children's development, as beneficiaries spent much of their grant on household consumption<sup>61</sup> and even purchase of scholastic materials.<sup>62</sup> Even though the Vulnerable Family Grant scheme ended, Government has committed to expanding the Social Assistance Grants for Empowerment SAGE to cover 126,334 beneficiaries, which will support indigent households, with spin off benefits for children.

14.7% of all children enrolled in primary school in 2013 were orphans, hence vulnerable learners. The Nutrition Action Plan 2011-2016, the School Feeding Policy Guidelines and Nutrition Planning Guidelines for Uganda 2015 underpin the drive to establish community based school gardens and promote the transfer of replicable technologies around demonstration gardens to the community. Many regional school gardens and community farms and households are benefitting from seeds for food gardens provided by government in partnership with development partners, including the Food and Agricultural Organisation. The food from these gardens is supplementing the nutritional needs of children in these schools, although there are regional variations in the establishment of gardens.

## Child labour

***The Committee recommends to the State party to carry out a campaign of awareness raising taking into account employers, trade unions, NGOs, parents and other stakeholders on detrimental effects of child labor.***

***The Committee further recommends the State party to use the media for information and awareness raising campaigns and to bring its support to institutions and organizations fighting against the phenomenon of child labor.***

## State Party Response

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<sup>61</sup> MGLSD 'Vulnerable Family Support Grant Phase Out Study' 2016

<sup>62</sup> MGLSD 'Evaluation of the Uganda Social Assistance Grants for Empowerment (SAGE) Programme: Impact after one year of programme operations 2012-2013'

Child labour is prohibited by the Constitution of Uganda 1995, the Employment Act (2006) and the Children Act as amended (2016). The National Action Plan for the Elimination of the Worst Forms of Child Labour (2012/2013- 2016/2017) lays emphasis on the need to ensure children access and are retained in schools as being the most appropriate strategy for preventing and protecting children from becoming victims of the worst forms of child labour.

Article 34 (4) of the Constitution provides that children are entitled to be protected from social or economic exploitation and shall not be employed in or required to perform work that is likely to be hazardous or to interfere with their education or to be harmful to their health or physical, mental, spiritual, moral or social development. The Children Act as amended (2016) in Section 7 states that the minimum age of employment is 16 and sets the minimum age for hazardous work at 18 years. The Employment (Employment of Children) Regulations of 2012 allow for a child to be employed on condition that it is light work under the supervision of an adult and where the work does not exceed fourteen hours per week.

The UNHS 2016/17 indicates that 2,048,000 children out of 8,973,000 children aged 5-17 are engaged in some form of child labour, i.e. 14% of all children nationally. More than 1,793,000 children aged 5 -13 (30%) were engaged in child labour. 1.2 million of these were aged 5 - 11 years. 2,289,000 boys and girls (similar gender proportions) aged 12 - 13 years were engaged in child labour. The proportion was higher among rural children (20%) compared to those living in urban areas (7%). 289,000 children (17%) aged 12 - 13-year-old were involved in non-light economic activity.

In 2012, the MGLSD had 36 non-specialized labour inspectors and 23 occupational health and safety inspectors and conducted 300 routine work inspections. 61 Cases of child labour were investigated, 18 prosecuted and 2 trials were initiated. In 2015, Government had 53 labour inspectors who conducted 220 inspections. Law enforcement officers conducted 77 investigations and initiated 48 prosecutions on child labour. Training of labour officers and law enforcement agents is ongoing although insufficient to cover every district.

While the Employment Act 2006 requires districts to appoint Labour Officers, not all districts have recruited them. This limits the inspection of workplaces to ensure that children are not being unlawfully integrated in workplaces or working in conditions of that constitute child abuse.

## **IX. HARMFUL PRACTICES [ARTICLES 1(3) AND 21]**

***The Committee congratulates the State party for its actions, requests it to redouble its efforts in the fight against these practices and recommends it to take urgent measures to:***

- prohibit harmful practices;***
- severely suppress the perpetrators;***
- train police officers and judges on the issue;***



***- raise the awareness of the population for a change of mentality, which can lead to the renunciation of these practices.***

***The Committee further recommends to the State party the adoption of a family code to standardize marriage practices, applicable to all Ugandans and which should take into account the rights and welfare of the child.***

## **State Party Response**

### **Legal framework**

The Children Act as amended (2016) 2016 specifically addresses the issue of harmful customary or cultural practises against children providing the right to legal protection of children from all forms of violence including sexual abuse and exploitation. The Act further legislates against harmful customary or cultural practices and activities that hamper a child's health, well-being, education or social-economic development. The law has prohibited some of the more prevalent acts practiced as a form of customary or cultural practice, including child sacrifice, child marriage and female genital mutilation.

### **Child Sacrifice**

In 2008, an Anti-Child Sacrifice/Human Trafficking Task Force was established under the Uganda Police Force. Its mandate extends to combating ritual murders, investigating and prosecuting cases, in addition to sensitising the public. 2000 police officers were trained as first responders to ritual murders and human trafficking. Government developed a National Action Plan against Child Sacrifice in 2011.

The MGLSD undertook a rapid assessment of child sacrifice in Uganda in 2009 to probe the causes, extent and solutions to the phenomenon. It found that there is low reporting of child ritual murder cases to the police by the public. Nonetheless, some cases of child sacrifice are still being reported to the police. In 2008, the Police Annual Crime Report found that child sacrifice cases had increased by 800% from 3 cases reported in 2007, to 25 cases reported and investigated in 2008. The Uganda Police Annual Crime Report of 2014 indicated that incidents of suspected ritual murders increased from 12 cases in 2013 to 13 cases in 2014. It is believed that many more cases of child rituals and murders go unreported. In 2016, the Children act as amended (2016) outlawed all rituals that result in child sacrifice.

The Penal Code prohibits murder of all persons including children and is being used to prosecute persons involved in child sacrifice. The investigation and prosecution of cases relating to child rituals and murders has increased, leading to convictions. The High Court has issued over 20 convictions in cases relating to child sacrifice from 2010 to 2014. The establishment of the national child helpline 116 is also meant to facilitate the reporting of such cases to the concerned authorities.

Further, government is undertaking sensitisation campaigns through the schools child rights clubs to educate children on safety measures. Civil society organisations have buttressed the efforts of government in developing simplified material for dissemination of cautionary messages to children. In some cases of survivors of mutilations, NGOs offer reconstructive surgery and psychosocial support. Both state and private media have raised awareness and debate on this harmful practice, leading to its wide condemnation and to debates and information sharing by the public including children.

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

Following the enactment of the Prohibition of FGM Act 2010, the Government developed the FGM Regulations, 2013 to operationalize the Act. Education campaigns and programmes targeting the practicing communities, service providers and decision makers are being implemented in partnership with Civil Society, Faith Based Organizations and UN Agencies. Over 82,509 people have been reached with key messages on the dangers of FGM, positive attributes of abandonment and dissemination of the law. 91% of the population in areas where FGM is prevalent have expressed commitment to abandon the practice.

As an outcome of the massive education and awareness, recent studies suggest an increase in number of people supporting the abandonment of practice and a decline in the practice in the Country for instance, the U- Survey preliminary report shows prevalence is 20.6 % down from 50% in the Sebei region and a decrease from 95% to 67% in the Karamoja districts. The declining trends can be attributed to the changing social norms in practicing communities, for instance only 9% girls and women supported continuation of FGM/C (UDHS, 2011) and 91% did not support the practice (UNFPA baseline study 2015). According to the annual reports of the Joint Programme on FGM for the period 2012 to 2016, at least 174 communities made public declarations on FGM abandonment.

With awareness on effects of FGM and the existence of the laws prohibiting it, there has been increased reporting of FGM cases leading to arrests and prosecutions as provided for by the law. Since 2013 at least 62 arrests were made with 33 prosecuted and sentenced across the six districts where FGM is practiced. This include 6 arrests in 2016 out of the 32 reported; five cases in 2015, 50 in 2014 with 32 charged in court and one in 2013 involving a mutilator who was charged and sentenced to two years' imprisonment and a fine of UGX200.000 to one of the victims upon completion of the sentence.

Government has established GBV shelters in Karamoja and Sebei sub regions which have provided clinical management and care, psychosocial, legal, protection and re-integration of survivors into the community. The Government has also integrated FGM/C prevention and management into reproductive health programmes to reach out to communities. This includes

access to services for FGM survivors, such as treatment of STIs, Fistula, and Family planning, as well as legal and protection services.

## Child Marriage

The Children Act as amended (2016) forbids child marriage. Child marriage in Uganda can be attributed, in part, to harmful social norms that result in parents and communities marrying off underage children despite the Constitution stating that the right to marry and found a family is endowed on persons above 18 years of age. Child marriage is a form of violence in that it often occurs under coercive elements driven by poverty, desire for bride wealth and other considerations that are not in the best interests of the child. There is also a tendency for some parents of defiled girls to marry them off to the offender rather than let the law take its course. Nearly half (49%) of women aged 20–49 years were married before the age of 18 years and 15% by the age of 15 years.<sup>63</sup>

In 2015, Uganda developed the Strategy to End Child Marriage and Teenage Pregnancy 2014/2015 – 2019/2020. It focuses on generating data to understand the magnitude of the issue and changing communities' mind-sets and behaviour to influence social norm-changes. In 2015, the MGLSD undertook a situational analysis on the practice of child marriage.<sup>64</sup> The study found that in the 9 regions of Uganda, the practice of child marriage affects over 60% of the young girls of which 15% are married by age of 15 and 49% by the age of 18 years. However, there is under-reporting of child marriage cases due to the connivance of all the parties involved, making it difficult to collect data.

## X. CHILD JUSTICE (ARTICLE 17)

***The Committee urges the Government to make additional efforts to extend the reform centers for children at districts which do not have them and recommends the training of lawyers and judges on the rights of the child.***

The Children Act as amended (2016) provides for children to access justice through the criminal and civil justice systems, whether as witnesses, victims or in conflict with the law. It provides for the formation of family and children's courts at district level or even lower levels if designated, and calls for protection of children at all stages of the justice process, including before, during and after trial. The protection of child witnesses is pertinent because of the high number of child victims of crime in the country.

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<sup>63</sup> UNICEF Situation Analysis 2015

<sup>64</sup> MGLSD 'Ending Child Marriage And Teenage Pregnancy In Uganda: A Formative Research to Guide the Implementation of the National Strategy on Ending Child Marriage and Teenage Pregnancy in Uganda' 2015

The Ugandan Judiciary has adopted child friendly procedures and developed a manual for judicial officers on how to handle cases of children who access the court system as victims, witnesses and those in conflict with the law. There has been continuous training of Protection and Welfare Officers at Districts and the Police in rights sensitive handling of children who are victims and/or witnesses to crimes. The Children, Gender and Sexual Offences Department of the Directorate of Public Prosecutions established in 2015 has made strides in emphasising and practicing child-friendly approaches for victims and witnesses involved in cases of sexual violence. In 2015, the Directorate published the handbook 'Prosecuting child-related cases in Uganda: A Handbook for Directorate of Public Prosecutions' to enable state attorneys and prosecutors to investigate and prosecute child-related cases based along their best interests and development and survival rights.

The Children Act as Amended (2016), Section 89 provides that the minimum age of criminal responsibility shall be 12 years. The juvenile justice system in Uganda aims at rehabilitation of the child and protection from formal processes that may revictimize or traumatise the child. It seeks to enable reintegration of children into their families and society.

### Children in remand homes

A comprehensive 2010 study found that the number of children legally detained in Uganda was estimated at about 300. Current numbers are estimated to hover around the same figure due to concerted efforts to promote justice for children. The target for the Government is to greatly reduce the number of children in detention by promoting diversion of children from formal justice processes.

In cases where children are in conflict with the law for more serious offences, efforts have been made to safeguard their welfare by the establishment of remand homes. These have been established in each region of the country and serve as holding places for children who have committed capital offences. However, remand homes are sometimes overcrowded, and many lack proper facilities for the education of children or leisure activities.<sup>65</sup> There are more boys in detention than girls; only around 5% of the children in detention are female.<sup>66</sup>

Remand Homes have been equipped with basic equipment such as beds, bedding, mosquito nets, cooking facilities, kitchen and dining utensils. The Children Act as amended (2016) provides for visitation committee to visit such places and ensure that they are properly run and maintain the children's best interests. The Uganda Human Rights Commission also makes yearly impromptu visits as they have the responsibility of monitoring the conditions in places of detention.

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<sup>65</sup> Numbers of children in detention fluctuate as children are often released on bail.

<sup>66</sup> Moore, M., 2010. Juvenile Detention in Uganda: Review of Remand Homes and the National Rehabilitation Centre for Children. Africa Prisons Project

Remand Homes have an open door policy and parents and relatives can visit at any time. However, children suspected of offences face strong stigma, even from their families, who often do not visit. The alternative care framework focuses on strengthening families and communities, with emphasis on educating parents and protecting vulnerable children, including those who come into conflict with the law.

The Kampiringisa National Rehabilitation Centre hosts children who commit capital offences. The centre faces a number of challenges due to inadequate finances for food, bedding, equipment and human resource capacity. It houses a large number of children often in excess of its capacity. On a limited budget, efforts are made to rehabilitate children by equipping them with BTVET skills. Some of the vocational skills are offered off-site at Bbiira Polytechnic Institute, Masuliita Polytechnic Institute in Wakiso district and the Uganda Children Centre in Munyonyo (Kampala) that provide services. In addition, there are recreational activities involving music, drama, and sports and entertainment from television broadcasting, as some NGOs have kindly donated TVs to the centre.

### Legal Aid for Children

The Children Act as amended (2016) provides for state-funded legal aid to be availed to children who are charged with committing capital offences. Section 16 of the Children Act as amended (201) provides that children appearing before the Family and Children Court have a right to legal representation.

In 2010, the government established the Justice Centres Uganda (JCUs), which are housed within the Judiciary. JCUs are a one stop-shop legal aid clinic that seeks to bridge the gap between the supply and demand sides of justice for indigent and vulnerable persons particularly. The services of JCUs cut across civil and criminal areas of justice and include legal advice, court representation, Alternative Dispute Resolution (ADR), counselling and psycho-social support, referral and follow up with other relevant institutions, legal and human rights awareness creation and advocacy on the legal aid policy framework. JCUs also host a toll free phone line to receive and handle cases. At present, the major constraint faced by JCU is lack of funds, which means their services are limited to just a few centres country-wide – only 6. However, the draft National Legal Aid Bill and Legal Aid Policy are set to improve the situation of funding, implementation and management of legal aid for vulnerable groups in Uganda.

Nonetheless, there are challenges relating to child justice in Uganda. The public in many instances do not view diversion favourably and in some instances, children have to be protected from further communal backlash. Furthermore, not all law enforcers are conversant with the concept of restorative justice and diversion. JLOS is undertaking sustained intensive training efforts at national and regional level to re-orient attitudes and raise awareness on child justice in keeping with international standards.

## Specialised Justice for Children Systems

Uganda has a specialised Justice system with specialised units in the Judiciary (Family and Children Courts), the Directorate of Public Prosecutions and the Child and Family Protection Unit of the Police. Local government councils at the primary level are in charge of child protection and constitute into courts to determine children's civil cases and a few criminal cases with emphasis on restorative justice. A Child Justice Strategy is to be adopted that will guide the Justice, Law and Order Sector on the required interventions for a more concerted effort to entrench child friendly and appropriate justice measures and processes for children in Uganda in the civil and criminal spheres.

The Justice for Children program that operates in all the judicial regional districts was created to provide a unified, system based response to children in the justice system. A crucial part of the programme are Justice for Children Coordinators who work with the law enforcement agencies to protect children entering the formal justice system as victims, witnesses or children whose acts are in conflict with the law. The Justice, Law and Order Strategic Development Plan 2017-2021 emphasises the need to strengthen systems that will provide child friendly services, effective child justice duty bearers and institutions and to ensure the speedy disposal of child related cases at all levels of the justice chain.

There is a Justice for Children Steering Committee to strengthen oversight, planning and implementation amongst the various institutions in the sector.

## Children in conflict with the law

The Government of Uganda is committed to ensuring that children in conflict with the law are diverted away from the criminal justice system as much as possible. To this end the Diversion Guidelines are underway to guide Police, Prosecutors, Probation and Social Welfare Officers and Judicial Officers on promoting diversion and using counselling, mediation, and reconciliation for children who commit minor crimes, as part of restorative justice measures.

The Justice for Children Programme, pursuant to the Children Act, has mobilised Fit Persons in the community to play a specialised support role for children in conflict or contact with the justice system, working with the police, courts and probation officers as well as children and community members. The fit persons are community-based volunteers deployed by Government and NGOs that work with probation officers to protect children in detention or at arrest stage, children at risk or in need of shelter and reintegration and rehabilitation in the community. The JLOS Guidelines further clarify the role of the Fit Persons as child advocates who can play a role in counselling children and guiding them through the criminal justice process.

All these child friendly approaches have resulted in positive results for justice for children. Statistics from the JLOS Annual Report 2015/16 indicated that there were 1779 children in conflict with the law in 2014 compared to 1,797 in 2015/16. The JLOS Annual Report of 2015/16

noted that the number of children arrested per 100,000 child population reduced to 8.4 compared to 9.4 for every 100,000 child population in 2014/15. Furthermore, an 84.1% diversion rate of children in conflict with the law from formal judicial proceedings was registered. However, there is still a high remand population of children on remand per 100,000 standing at 2.07 for every 100,000 child population compared to the target of 01 child per 100,000 child population. Progress is noted in child justice targets; the amount of time juveniles spend in detention before sentencing has decreased from 5 to 3 months on average, while the number of juvenile offenders rehabilitated after release has increased.<sup>67</sup>

The National Court Census of 2015 revealed that there is a backlog of over 10,000 children's cases in the courts, which results in justice being delayed for the children who are victims or rehabilitation for those in conflict with the law. The Case Backlog Reduction Committee of the Judiciary has set targets from March 2017 for cases regarding children in conflict with the law or child victims or breast-feeding mothers to be cause listed first.

### Child-friendly court proceedings

The Justice forChildren Programme provided strategic technical and logistical support to Magistrates and Resident State Attorneys. This has raised the awareness of law enforcement agencies on children's rights and increased the use of child-friendly practices such as prioritising or fast tracking children's cases and hearing children's matters in chambers. This has been strengthened by the development of a Manual for Prosecutors promoting the handling of child-related cases, whether as victim, witness or the defendant, in a gender-sensitive and child friendly manner. The Judiciary too has developed a Manual for Judicial officers with a view to promoting child friendly approaches in the Judiciary, in keeping with the best interests of the child.

A major challenge in the prosecution of sexual violence cases involving children has been the fear of reprisal by child victims or witnesses. The Judiciary has established audio-video facility in all High Court circuits so that children do not have to give testimony in the intimidating atmosphere of open court. This protects children from further harm of reprisal or re-victimisation.

## XI. RESPONSIBILITIES OF THE CHILD (ARTICLE 31)

***The Committee observes the non-existence of a children's Parliament for the expression of their rights of participation and recommends therefore its establishment. It suggests further that substantial resources be put at its disposal so as to enable it to exercise its mandate***

### State Party Response

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<sup>67</sup> MGLSD/UNICEF Situation Analysis of Children, 2015

Even though a lot of emphasis is currently placed on children's rights by almost all actors, the government recognises the importance of sensitising all concerned on a child's responsibilities to self, family, culture and nation. The African Charter on the Rights and Welfare of the Child is referenced in the Children Act, Cap. 59, and the Government recognises the importance of teaching children to be responsible citizens. Child rights clubs in schools therefore emphasise rights as well as responsibilities. Some schools have "talking compounds" and messaging with slogans and exhortations to children to behave responsibly. Various districts in Uganda have established children's parliament to enable children articulate their opinions on social issues of concern to them. To mark the International Day of the Girl Child, children were admitted into Uganda Parliament on October 11, 2016 to constitute the Children's parliament for the day.

The President launched the National Secretariat for Patriotic Corps in 2009, now called the National Patriotic Corps Programme. There are patriotism clubs in secondary schools that are expected to inculcate the values and norms of patriotism thereby responsibilities as citizens. The programme organises patriotism development courses for students. It works with Resident District Commissioners (RDC), the Office of the President and Ministry of Education and Sports in running patriotism development programs in the country. Each district has coordinators who are teachers in secondary schools.

The courses aim to inculcate the norms and values of patriotism among students and youths of Uganda and foster appreciation of the core values and spirit of patriotism – love for Uganda, hard work, unity, service to community and love for self. Students are trained in leadership skills as they are soon to assume positions of responsibility in society. The courses also aim to enhance discipline, productivity, healthy minds and lifestyles through physical exercises, elementary parade drills and introduction to plant and animal husbandry. Cultural values and traditions are encouraged in the course through traditional songs and performances. The course also aims to introduce students to basic security and self-defense skills, including detection of terrorism signals.

Government also works with and encourages cultural, religious and other institutions to impart life skills and knowledge about children's responsibilities to themselves and their families.

The MGLSD has developed parenting guidelines to support and guide parents on bringing up responsible children. 2017 was declared the year of the family in Uganda, and the Government organized a number of activities at national and local government level to empower families and strengthen family ties. During the year, the National Family Policy was enacted and the MGLSD has developed a road map for Strengthening and Building Families in Uganda since the family is the foundation and basic unit of society.



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