



Comité Africain d'Experts sur les Droits et le Bien-être de l'Enfant
Comité Africano dos Direitos e Bem-Estar da Crianças
لجنة الخبراء الإفريقية المعنية بحقوق الطفل ورفاهه



**CONCLUDING OBSERVATIONS AND RECOMMENDATIONS OF THE AFRICAN
COMMITTEE OF EXPERTS ON THE RIGHTS AND WELFARE OF THE CHILD TO
THE GOVERNMENT OF THE REPUBLIC OF UGANDA ON ITS FIRST PERIODIC
REPORT ON THE IMPLEMENTATION OF THE AFRICAN CHARTER ON THE
RIGHTS AND WELFARE OF THE CHILD**

May 2022

I. Introduction

1. The African Committee of Experts on the Rights and Welfare of the Child (ACERWC/the Committee) extends its compliments to the Government of the Republic of Uganda for submitting its periodic report on the status of the implementation of the African Charter on the Rights and Welfare of the Child (the African Children's Charter/the Charter).
2. During the 39th Ordinary Session, which was held virtually from 21 March to 01 April 2022, the Committee considered the periodic report of the Republic of Uganda.
3. The Committee congratulates and appreciates the Republic of Uganda for sending its Delegation, which was led by H.E. Sarah Mateke Nyirabashitsi, Minister of State for Youth and Children Affairs, with whom the Committee had a productive discussion.
4. The discussion helped the Committee better understand the measures that the State Party has undertaken towards the implementation of the Charter as well as the challenges it is facing. After carefully considering the facts in the State Party report and the information provided during the constructive dialogue, the Committee has developed and adopted the following concluding observations and recommendations, which provide guidance to enhance the implementation of the Charter better.

II. PROGRESS IN THE IMPLEMENTATION OF THE CHARTER

5. The Committee recognises and appreciates the Government of the Republic of Uganda for undertaking several measures to implement the provisions of the African Children's Charter. In particular, the Committee recognises the following steps as they meaningfully contribute toward the full implementation of the Charter:
 - i. The various legislative measures, including the adoption of laws, plans, and policies, such as the Children Act (Cap 59) amended (2016), the National Child Policy 2020, the National Action Plan for Child Wellbeing (2016-2021), the National Child Participation Strategy 2017/18 - 2021/22, the Special Needs Education and Non-Formal Education Policy 2013, the National Strategy to End Child Marriage and Teenage Pregnancy 2014/2015 – 2019/2020, the Prevention of Trafficking in Persons Act, 2009, the Anti-Pornography Act, 2014, the Gender in Education Policy (2016), the National Program Implementation Plan 2020/2021 – 2024/2025, and the National Disability Inclusive Planning Guidelines for Uganda 2017.
 - ii. The presence of several bodies and entities which are charged with the protection and promotion of children's rights.
 - iii. Conducting a consultative process in developing the State Party report, both at the national and sub-national levels, with key stakeholders in

Government Departments, Ministries, and agencies as well as civil society, and children,

- iv. The establishment of the Family and Children's Court, and
- v. The establishment of the Uganda Parliamentary Forum for Children.

III. AREAS OF CONCERN AND RECOMMENDATIONS

A. General measures of implementation

6. The Committee notes with appreciation the revision of the Child Act and the adoption of the Child Amendment Act of 2016, which is the main legal basis for children's rights in the State Party. The Committee, while commending the constitutional, legal and policy framework available for the protection of children's rights, further encourages the Government of the Republic of Uganda to consider taking other measures, such as producing more enforcement mechanisms to ensure the implementation of the Charter.
7. The Committee notes that the National Action Plan for Child Wellbeing 2016-2021 has expired, hence, recommends that the State Party review its implementation and develop another strategy with sufficient resources allocated to ensure implementation.
8. The Committee notes that the National Children Authority has been established as part the Children Amendment Act of 2016. However, the Committee notes the authority is at the stage of its formation and lacks human and financial resources. The Committee recommends that the State Party fully operationalise and provide sufficient funding and staffing for the Authority to effectively discharge its coordination role. The Committee also recommends that the State Party ensure that the Authority's work is aligned with the Youth and Children Department of the Ministry of Gender Labour and Social Development to ensure coordination and collaboration. The Committee also encourages the State Party to support the Uganda Human Rights Commission in its activities concerning children's rights by creating the necessary child protection structure and programs.
9. The Committee notes that the budget allocated for the sectors that benefit children, such as the social development, agriculture, and health sectors, are receiving low budget allocations. In this regard, the Committee recommends that the State Party undertake an assessment on the child-friendliness of its budgeting and adopt a child-friendly budgeting system in the coming years.
10. Regarding data collection and management, the Committee encourages the State Party to collect and analyse disaggregated data that can inform its policy and investment.

11. The Committee notes with appreciation the efforts undertaken to work in collaboration with civil society and further encourages the State Party to increase its engagement with CSOs and create a conducive environment for their undertakings pertaining to children's rights which are in line with the Charter.
12. The Committee, while appreciating the various efforts of the State Party on disseminating the Charter, recommends that the State Party disseminate and popularise the Charter among government and non-state actors, as well as children at all levels.

B. DEFINITION OF A CHILD

13. The Committee would like to recognise and appreciate the Government of the Republic of Uganda for all efforts made to align existing laws with the definition of the child under the Charter, including the drafting of the Marriage Bill by the Uganda Law Reform Commission which harmonised age of marriage with the Charter. However, the Committee notes that this Bill has not entered into force yet. The Committee recommends that the State Party undertake concrete steps to ensure the adoption of the Bill in the foreseeable future and set the minimum age of marriage at 18 with no exception.

C. GENERAL PRINCIPLES

Non-Discrimination

14. The Committee notes with great appreciation the efforts undertaken by the Republic of Uganda to eliminate discrimination through the prohibition of discrimination in the Children Act of 2016 and the establishment of the Equal Opportunities Commission.
15. Despite such efforts, the State Party, in its report, has indicated that children in vulnerable situations continue to face discrimination based on societal practices. In addition, the Committee notes that children with disabilities and children living in rural areas face discrimination in accessing basic services. The Committee highly encourages the Government of Uganda to remove all barriers hindering children from accessing basic services such as education, health care, birth registration, and child protection services. The Committee recommends that the State Party enhance the capacity of the Equal Opportunity Commission and enable its operation in all regions of the State Party. The Committee also recommends that the State Party increase its community engagement and awareness through campaigns to eliminate all forms of discrimination. The Government is also encouraged to put the concept of non-discrimination in the educational curriculums of all levels and take measures against perpetrators of discrimination.

Best interests of the child

The Committee notes with appreciation that the State Party undertakes capacity building in the justice, law, and order sector to ensure the best interests of the child in matters involving children. The Committee further encourages the State Party to ensure that its laws, policies, and proceedings uphold the best interests of child. The Committee encourages the State Party to undertake an assessment of laws and policies before their adoption on their impact on children and ensure that all decision-making processes are geared towards the protection of the best interest of the Child. The Committee also recommends that the State Party increase the scope of its training on the best interests of the child by reaching out to other sectors and providing such trainings periodically. Moreover, in its replies to the list of issues, the State Party indicated that there is a gap in laying down the standard of operations and guidelines for social service workers and para social workers to guide their undertakings and assessments. The Committee recommends that the State Party allocate a sufficient budget for developing a standard of operations and guidelines that standardise the implementation of the best interests of child and undertake capacity building of social workers and other professionals who come in contact with children.

The Right to Life, Survival and Development

16. The Committee appreciates that the Government has developed and rolled out the National Integrated Early Childhood Development Policy Action Plan (2016-2021). However, the Committee notes, with concern, that according to the Uganda Demographic and Health Survey 2016, up to 40% of the death of children under five is caused by malnutrition. In the replies to the list of the issues, the State Party alluded to the fact that child mortality is prevalent and under five mortality is even higher due to malaria, pneumonia, diarrhoea, and malnutrition. The Committee notes with concern that the Food and Nutrition Bill has not been passed yet. The Committee also notes that large number of children have not received the basic immunization vaccines. Considering the above, the Committee recommends that the State Party:

- Adopt the food and nutrition bill and a comprehensive nutrition policy;
- Craft a multi-sectoral approach on nutrition whereby the State Party strengthens food security to children by engaging the agriculture, health, and other sectors by creating partnership with all stakeholders;
- Take measures to address preventable diseases by undertaking prevention, early detection, and providing early treatment;
- Enhance immunization programs across the country including by providing mobile immunization for children living in remote areas and launching immunization campaigns;
- Upscale its WASH sector by providing clean drinking water and other sanitation facilities for children; and

- Reduce mother to child transmission of HIV by ensuring that birth is conducted in health facilities and provide ARV for adolescents who have been infected with HIV.

Respect for the views of the child

17. The Committee notes with appreciation the adoption of the National Child Participation Strategy and the National Child Participation Guide as well as the efforts undertaken by the State Party to engage children in decision-making processes as well as building the capacity of service providers for child participation. The Committee notes that while such efforts are being undertaken, most child participation platforms are implemented and funded by partners. The Committee encourages the State Party to establish a children's parliament where all children across the country and those in different vulnerabilities, such as children with disabilities, are represented. The Committee also strongly recommends that the Government owns the children's parliament by allocating sufficient funds.

D. Civil rights and freedoms

Right to Name, nationality, and registration at birth

18. The Committee recognizes the rise in birth registration of under-five children, and the measures undertaken by the State Party including electronic and mobile registration at district levels. However, the Committee notes that birth registration remains very low and that there is even a much lower rate of birth certification which stands at 15% in urban areas as provided in the State Party Report. The Committee notes that this is because there is a fee of 5000 Ugandan shillings for certification, and that certification is not provided immediately after registration. Moreover, the Committee notes that there is a lack of awareness among parents about the importance of registration and certification; and distance becomes a challenge to access such services for parents living in rural areas.

19. With regard to nationality, the Committee notes that a child, whose parents are unknown and found in Uganda would be granted nationality if the child was not more than five years of age when found. Furthermore, an adopted child, neither of whose parents is a citizen of Uganda, shall be registered as Ugandan only after attaining the age of majority on application. The Committee further notes that the State Party's constitution restricts transmission of citizenship from parent to child to parents who are citizens by birth, even in the case of a child born in the country; transmission of citizenship from parent to child is limited to members of the 'indigenous communities' of Uganda listed in the third schedule to the Constitution. Such provisions, coupled with the lack of safeguards against statelessness, leave children at the risk of statelessness.

20. The Committee recommends that the State Party:

- Remove all fees in relation to birth registration and certification
- Develop a system in which birth certification is immediately provided upon registration of birth
- Scale up its mobile registration to reach all children living in remote and rural areas
- Undertake intensive sensitization among communities and include the registration of children above the age of 5 in its various birth registration campaigns
- Revise the relevant provisions of the law which leave children at the risk of statelessness and introduce safeguards for children who would otherwise be stateless; and
- Ensure that children who have been adopted by Ugandan Citizens acquire nationality immediately after completion of the adoption process.

21. Furthermore, the Committee encourages the State Party to refer to the ACERWC's General Comment no 2 on article 6 on the Right to Name, Nationality, and Birth Registration of Children for further reference on the interpretation and application of article 6 of the Charter.

Freedom of expression, access to appropriate information, freedom of thought, conscience and religion, protection of privacy

22. The Committee commends the various initiatives launched towards the freedom of expression and association of children through child clubs, the U-report SMS systems, and the child helpline. However, the Committee notes that the U-report and the child helpline are underutilized by children. The Committee recommends that the State Party popularise such platforms among children and ensure that children have a platform to express their views even when they do not have access to phones.

23. About the right to privacy, the Committee notes with appreciation the efforts undertaken by the State Party in providing a separate court proceeding for children where their privacy is respected and for ensuring the right to privacy in schools and the health sector. The Committee further encourages the State party to ensure that all children's cases in all areas are heard in the special courts. Moreover, the Committee encourages the State Party to build separate toilets for girls and boys in all public schools across the Country and train health workers about the aspects of children's right to privacy, especially when children are trying to access sexual reproductive health services as well as ARV treatments.

24. Concerning the right to conscience and religion, the Committee appreciates that the State Party provides for the right to religion to all Ugandans. However, the Committee notes from some reports that children living in institutional care are forced to follow a

particular religion. The Committee encourages the State Party to closely monitor the issue and take action against institutions that violate children's freedom of religion.

Protection against abuse and torture

- 25.** The Committee notes with appreciation the various initiatives undertaken by the Government of Uganda, including the provisions of the Constitution, which prohibit torture, the banning of corporal punishment in schools and the issuance of the Alternatives to Corporal Punishment Handbook. However, the Committee notes regretfully that the Child Act Amendment does not explicitly prohibit corporal punishment in the home, alternative care, and day care settings. Despite the prohibition of corporal punishment in schools, the Committee notes that teachers are still using corporal punishment. Moreover, the State Party report reveals that the trend of crimes committed against children and the prevalence of violence against children is increasing.
- 26.** The Committee strongly recommends that the State Party take legislative measures to prohibit corporal punishment in all settings including at home explicitly. The Committee encourages the State Party to sensitise and raise awareness among communities, parents, and teachers regarding the negative impact of corporal punishment and popularise the Handbook on Alternatives to Corporal Punishment. The Committee recommends that the State Party act against teachers who use corporal punishment as a mode of discipline and ensure that schools are free from situations of violence. The Committee also encourages the State Party to increase its efforts against violence against children by raising awareness and investigating and prosecuting perpetrators. The State Party is further encouraged to provide redress and rehabilitation to children who have been victims of violence.

E. Family environment and alternative care

- 27.** The Committee notes with appreciation the Alternative Care Framework, the Guidelines on Placement Options, and the Alternative Care Panel that is set up at district level for ensuring effective resettlement of children without parental care. The Committee also appreciates the early intervention and prevention programs put in place for families, the recognition of customary guardianship and the reunification programs for children who have been deprived of their family environment. The Committee, however, notes with concern that there is a gap in building the economic capacity of parents as a measure of supporting parental responsibility. The Committee notes that cash transfer and grant programs are very limited and cover smaller percentage of disadvantaged families. With regards to alternative care, the Committee notes that there is low rate of adoption of children, and that many children are supported through institutional care. The Committee notes with concern that institutional care services are dominated by non-state actors and that there are a lot

of unregistered institutions that provide care for children. Moreover, the Committee is concerned that institutional care centres do not have an exit strategy, lack social workers, lack child protection policy as well as mechanisms to maintain record of the children they cater for, and over 50% have unacceptable standard of care for children as provided in the State Party Report. The Committee recommends that the State Party:

- Strengthen its early intervention programs, cash transfer programs and other economic support programs for families to prevent the separation of children
- Strengthen customary guardianship care and ensure that there is monitoring of such mechanisms by social workers
- Increase awareness about domestic adoption and undertake community-based campaigns to encourage families to foster care and adopt children
- Strengthen the capacity of Alternative Care Panel to ensure that the placement of children is done in line with their best interest
- Undertake regular monitoring and inspection of institutional care and ensure the closure of unregistered institutional care centres
- Adopt a comprehensive deinstitutionalization strategy and ensure that institutional care centres provide residential care as a temporary basis and integrate exist strategies in their operations, and
- Develop guidelines for the operation of institutional cares whereby the State Party ensures that institutional care services adopt living standards that meet the required standard, employ sufficient social workers, adopt child protection policies, and develop systematic record mechanism to track the status of children under their care.

F. Basic health and welfare

28. The Committee commends the State Party for its various initiatives with regards to the health and welfare of children and for achieving some results. The Committee appreciates the reduction of infant and under-five mortality, increased rate of immunization, increased number of trained health workers, increased health facilities and skilled birth attendance, and increased integrated community case management which covers 75 districts. Moreover, the Committee notes with appreciation the Water, Sanitation and Hygiene Strategic Plan, the removal of VAT on sanitary pads to increase affordability and accessibility, and the provision of free antiretroviral (ART) for children.

29. The Committee, while appreciating the efforts of the State Party to increase the budget allocated for health, notes that the budget for health is low standing at 8.3% as of 2018. Moreover, the Committee notes that the budget for water and environment issues reduced between 2016/17 and 2017/2018. While there is a reduction of child mortality, the Committee notes with concern the facts stated in the State Party report that 135,000 children die due to preventable disease. The Committee notes with

concern that there is significant urban-rural disparity in relation to child mortality and immunization rates. The Committee observes that female adolescents account for over 70% of new HIV infections and that there is a high prevalence of teenage pregnancy with a 24% prevalence rate. Moreover, the Committee notes that 1 in 5 adolescent death is maternal death. Even though ART is provided for free for children, the coverage rate is still low. The Committee notes with concern that the increased training of health personnel such as doctors and nurses has not efficiently increased the number of health workers at grassroots level because trained health professionals are not being recruited by the Government due to wage constraints. In addition, the Committee notes that the Covid-19 pandemic and the restrictive measures reduced health service coverage, vaccination, and ART services. Therefore, the Committee recommends that the State Party:

- Increase its budget allocation for the health, water and sanitation services
- Allocate sufficient budget for the recruitment of trained health professionals and provide incentives for health workers to be deployed in areas where there is lack of health professionals such as rural and remote areas
- Invest in prevention, early detection and treatment of preventable diseases that cause child mortality including the provision of safe drinking water, distribution of mosquito nets, among others
- Increase efforts to reduce child mortality and increase immunization in rural areas including by sensitizing communities about accessing health care centres, prevention, and treatment of diseases as well as deploying health extension workers to reach out to communities
- Undertake measures to prevent teenage pregnancy by ensuring that all adolescents have access to sexual reproductive health services, ensuring that such services are provided in a friendly manner, and raising awareness among adolescents on prevention of pregnancies and sexually transmitted diseases including HIV
- Increase awareness about use of ART for children among parents and adolescents to ensure increased coverage of ART among all infected children while prioritising prevention of mother to child transmission of HIV, and
- Adopt measures to ensure that health services are accessed by children and their parents post-covid, undertake vaccination campaigns to reach out to children who missed vaccination during the Covid-19 pandemic, and continue to raise awareness as well as increase distribution of ART for children whose treatment might have been interrupted due to the pandemic.

G. Education, leisure, and cultural activities

30. The Committee commends the State Party for providing free and compulsory primary education, for building more schools in all districts, and increasing access to secondary education. Moreover, the Committee notes with appreciation the adoption of the Education Sector Strategic Plan and the National Sexuality Education

Framework. The Committee notes with appreciation the efforts undertaken to support pregnant girls to continue their education. From the replies to the list of issues, the Committee also notes that the State Party is in the process of adopting a National Inclusive Education Policy. Moreover, the Committee notes with appreciation the attempts made by the State Party in providing alternative education framework for disadvantaged children.

31. While these initiatives foster education for children, the Committee notes with concern that pre-primary education is mainly provided by the private sector and mainly located in central areas which leaves children in rural areas and from economically disadvantaged parents with no early childhood development support. The Committee also notes that while there is progress in terms of the gender parity at the level of enrolment, the enrolment rate at primary education is 80% and that over 1.8 million children are out of school. The Committee notes from reports that the number of out of school children has increased post-Covid 19 as many students did not go back to school after the reopening of schools. Moreover, despite some progress in the transition rate, the Committee notes a high dropout rate both at upper primary and secondary level of education as well as lower completion rate of secondary education. The Committee notes that some schools lack the necessary sanitation facilities including access to water and proper toilets which affects school attendance, particularly of girls during their menstrual cycle. The Committee notes with concern the State Party report which provides that literacy and numeracy proficiency at primary 6 level is at 41.4%. The Committee notes that there is lack of classrooms in some schools and that teachers' absenteeism is a challenge. Moreover, the Committee is concerned that the percentage share for the education sector from the national budget reduced from 15.6% to 11.08% between 2012 and 2017 and that only 4 % of the education budget is allocated to BTVET. The Committee also notes with concern the lack of education facilities in migratory and island areas due to lack of infrastructure to transport items. In addition, only 9% of children with disabilities attend primary education and many of them dropout due to lack of facilities and trained teachers. In these regards, the Committee recommends that the State Party:

- Increase its allocation of budget to the education sector and ensure that the increase is also in terms of the percentage of the national budget share to the education sector
- Increase investment in early childhood development and ensure that pre-primary education is provided by the Government both in urban and rural areas
- Devise strategies and campaigns to reach out to out of school children and provide support to children to return to school and enrol children in alternative learning programs
- Refer to and implement the Committee's Guidelines on Safe Return of Children to School During and After Covid-19 for ensuring that children return to school and adopting the necessary safety measures when they return
- Devise strategies for school retention including by strengthening and expanding school feeding programs, providing school uniforms and school

- materials for free, making grants and supports available for economically disadvantaged children, providing sanitary pads for girls, and preventing teenage pregnancy and child marriage, among others
- Implement the National Sexuality Education Framework to increase awareness about prevention of pregnancy among adolescents and make contraception available to prevent teenage pregnancy among school girls
 - Improve sanitation facilities in schools by improving infrastructures of separate toilets for girls and boys, increase the number of toilets in schools, and ensure access to water in schools
 - Build more secondary schools in rural areas to increase access and transition to secondary education
 - Allocate sufficient budget to construct schools in the islands and migratory areas and ensure the coordination of various sectors in the provision of education in those areas
 - Upscale the quality of education by training teachers and addressing causes of teachers' absenteeism, providing teaching, and learning materials in schools, improving the teacher to student ratio, and providing sufficient classrooms
 - Regulate the provision of education by the private sector including at the pre-primary level,
 - Increase investment in TEVET especially given the fact that transition rate to secondary education is low, and
 - Fast-track the adoption of the National Inclusive Education Policy and allocate sufficient budget for its implementation. The Committee recommends that the State Party undertake renovation of its schools to accommodate children with disabilities, recruit teachers trained with special needs education, and ensure the full integration of children with disabilities in regular schools.

32. The Committee notes that the State Party provides for leisure activities in schools. The Committee further encourages the State Party to make recreational facilities available beyond schools and ensure that all recreational facilities are accessible to children with disabilities. The Committee also encourages the State Party to provide such facilities in all parts of the Country to bridge the urban-rural gap.

H. Special measures of protection

Children affected by armed conflict

33. The Committee notes that the State Party has established a Child Protection Unit in the Ugandan People's Defence Force (UPDF) which receives children who have been recruited by the LRA Force during the conflict in the Northern Part of Uganda. The Committee appreciates that the State Party has dropped charges against children who were abducted and recruited by the LRA. The Committee, however, notes with concern that the rehabilitation and reintegration of these children is mainly carried out by NGOs. The Committee recommends that the State Party crafts programs for the

returning of children who were used during the conflict, as well as the rehabilitation and reintegration of these children. The Committee notes that returning children and children who live in the affected areas during the conflict are in vulnerable situation, require psychosocial support, and need special attention in the provision of education and health services. The State Party is, thus, encouraged to undertake measures to provide comprehensive social services for returnees who were recruited and children living in the affected areas.

Refugee children

34. The Committee commends the State Party for its policy on the integration of refugees and the provision of education and health services for refugee and asylum-seeking children same as the host community. The Committee, however, notes that 61% of refugees in the State Party are children among which some are unaccompanied minors, and some are at risk of sexual and physical violence as well as child labour. The Committee encourages the State Party to strengthen its child protection services for refugee and asylum-seeking children and ensure that unaccompanied minors are provided with alternative family care in the State Party. The Committee also encourages the State Party to increase its collaboration with international partners to address the issue of insufficient resource to provide for the needs of refugee and asylum-seeking children.

Children of incarcerated caregivers

35. The Committee notes with appreciation that the Ugandan Police Services has taken measures to provide beds, recreational facilities as well as medicine and nutritional food for children incarcerated with their mothers. The Committee notes from the State Party report that despite the law which allows children to be incarcerated with their mothers up to 18 months, many children stay longer. Moreover, the Committee notes that there is lack of awareness among the judiciary about considering care giving responsibilities as a mitigating factor for sentencing. Considering the large number of children whose parents or caregivers are incarcerated, which is estimated to be 200,000 children as per the State Party report, the Committee recommends that the State Party:

- Undertake a review of its laws and guidelines to prioritise non-custodial sentence for parents and caregivers
- Ensure that there is no pre-trial detention of parents and caregivers
- Provide separate detention facilities for children incarcerated with their caregivers in cases where custodial sentence is mandatory and ensure that children have access to their basic needs in such facilities
- Provide continuous training for the police and judiciary on the care and protection that should be put in place in dealing with cases that involve parents and caregivers including prioritising non-custodial sentences for parents and caregivers, and

- Ensure that there is a sufficient alternative care put in place for children whose parents have been incarcerated

Child justice

36. The Committee notes with appreciation the various child friendly procedures put in place by the State party including the development of manual for judicial officers, handbook on prosecuting child-related cases, the establishment of Family and Child Courts, and the adoption of diversion and rehabilitation policies for children in conflict with the law. The Committee also notes that children in conflict with the law are kept in remand homes which has an open-door policy and the National Rehabilitation Centre for children who committed capital offense. The Committee also commends the provision of state funded legal aid for children and the installation of audio-video facility in courts for victims of sexual exploitation. The Committee also notes that the Diversion Guidelines and the Child Justice Strategy are underway. The Committee also observes some gaps in the delivery of child friendly justice, including the overcrowding of and lack of facilities in remand homes and the National Rehabilitation Centre, lack of separate cells for children in police stations, lack of magistrates in the Family and child Courts, and backlog of 10,000 children's cases. The Committee recommends that the State Party:

- Fast-track the adoption of the Diversion Guidelines and the Child Justice Strategy
- Include guidance on diversion, accelerated court proceedings for children, non-custodial sentences, separate detention of children, and rehabilitation of children in conflict with the law as components in the Diversion Guidelines and the National Child Justice Strategy
- Train law enforcement officers and the judiciary about child friendly justice system
- Train more magistrates for the Family and Child Courts, and
- Build more remand homes and rehabilitation centres to avoid overcrowding and allocate sufficient financial and human resources to these facilities to provide acceptable standard of living for children and ensure that they receive the necessary health, education, and psychosocial support.

Children in street situation

37. The Committee commends the adoption of the National Street Children Strategy and the efforts of the State Party to remove children from street situation and provide rehabilitation and reintegration programs. The Committee encourages the State party to increase its efforts to identify and address the root causes that lead children to street situations. Moreover, the Committee encourages the State Party to build more transit centres in addition to the one in Nsumba, and reach more children who are in street situations and provide them with rehabilitation and reintegration services.

Sexual abuse and exploitation

38. The Committee notes that the State Party has interventions to combat crime against children through the specialised child justice interventions and through systems put in place to support victim and witness children. However, the Committee notes with concern that violence against children is increasing and defilement is one of the main forms of violence. The Committee is further concerned that sexual violence against boys and girls is highly prevalent in schools as well as the home setting. The Committee, therefore, recommends the State Party to:

- Increase its efforts of investigation, prosecution, and conviction of perpetrators of sexual violence
- Undertake training for teachers and family members on negative cultural and religious values that perpetuate violence against children
- Create community-based prevention and escape platforms for children
- Ensure that child survivors of sexual abuse get access to child friendly reporting platforms, get one stop services whereby they receive health, psychosocial support, and rehabilitation services,
- Provide sexual and reproductive health services including emergency contraception for survivors, and
- Ensure that court proceedings or other investigative procedures do not lead to secondary victimisation of children.

Economic exploitation of children

39. The Committee notes with appreciation the adoption of the National Action Plan for the Elimination of the Worst Forms of Child Labour and undertaking labour inspection. However, the Committee notes that the number of labour inspections is very low compared to the statistics on the number of children affected by child labour. The Committee notes that while child labour is prevalent in rural areas, most inspectors are not placed at district levels, which makes it hard to inspect the prevalent sectors.

40. The Committee recommends that the State Party allocates budget to recruit district level labour inspectors and train police force on child labour inspection. The Committee encourages the State Party to raise awareness among parents and communities on the negative impact of child labour and invest in the provision of decent work for families to address the root cause of child labour. Moreover, the Committee encourages the State Party to raise awareness among the business and private sector on their corporate responsibilities towards the elimination of child labour.

Child trafficking

- 41.** The Committee notes that Uganda is a source, transit and destination country for child trafficking and further notes that there is cross border trafficking of children for child labour and sexual exploitation. The Committee is concerned that the number of cases that have been prosecuted and convicted in relation to child trafficking are very low compared to the number of cases which are known to the State Party. Moreover, the State Party report provides that there is lack of systematised response to victims of child trafficking.
- 42.** The Committee recommends that the State Party train its police and prosecutors to be able to track, investigate and prosecute perpetrators of child trafficking. The Committee recommends that the State Party enhance its prevention mechanisms such as by undertaking inspection of the agricultural, tourism and other sectors, developing guidelines for various sectors on the screening and reporting measures that should be followed for child trafficking cases, build the capacity of frontline workers to prevent cross border child trafficking, and service providers on the kinds of supports that should be provided for survivors of child trafficking. Moreover, the Committee encourages the State Party to increase its budget and human resource allocation to systematise the support that is provided for survivors of child trafficking and ensure that the support is a comprehensive one including family tracing, reunification, rehabilitation, reintegration, and health support, among others. The Committee also recommends that the State Party ensure that it treats children who have been trafficked as victims.

Children in situations of drug abuse

- 43.** The Committee commends the State Party for the referral of cases of drug abuse to the National Mental Referral Hospital in Kampala. The Committee notes that the use of drug by children is on the rise particularly among school children and children in street situations. The Committee recommends that the State Party enhance its rehabilitation service provided in the National Mental Referral Hospital and build more rehabilitation facilities outside of the city as well. The Committee encourages the State Party to increase its security check of bars, border points and other service providers to prevent the provision of drugs for children. The Committee recommends that the State party act against those who provide any form of drug to children in any platforms. The Committee also encourages the State Party to closely monitor the kind of services provided around schools.

Harmful practices

- 44.** The Committee notes that child sacrifice, female genital mutilation (FGM), and child marriage are the prevalent harmful practices in the State Party. The Committee

appreciates that the State Party established an anti-child sacrifice task force in the Ugandan Police Force, the adoption of the FGM Act and the development of the Strategy to End Child Marriage and Teenage Pregnancy. The committee also notes with appreciation the reduction in the practice of FGM due to awareness raising and the adoption of the law banning FGM. While these measures are commendable, the Committee notes that there is underreporting of cases of child sacrifice and child marriage and the practice of child sacrifice is increasing.

- 45.** The Committee recommends that the State Party undertakes intensive sensitization among communities, traditional and religious leaders on child sacrifice beyond raising awareness among children. The Committee encourages the State Party to increase prosecution and conviction of perpetrators of child sacrifice to ensure that there is deterrence of the practice. With regards to child marriage, the Committee recommends that the State party raise awareness among children, families, communities, traditional and religious leaders, provide incentives for parents to not give their children for marriage, prosecute adults who marry children, and enhance school retention programs to prevent child marriage, among others.

Children and Covid-19

- 46.** The Committee notes that Covid-19 has affected the realisation of children's right in many ways. Due to restrictive measures families lost jobs which in turn subjected children to child labour. The closure of schools also increased the vulnerabilities of children to harmful practices as well as sexual exploitation of children. Considering this, the Committee recommends that the State Party focuses on children's rights redress and remedy as part of its Covid-19 measures. The Committee also encourages the State Party to provide support to children who have been affected directly and indirectly due to the Pandemic. Moreover, the Committee encourages the State Party to make use of the Committee's Guiding Note on Child Protection During Covid 19 and to increase its emergency preparedness for child protection in cases of any humanitarian situations.

I. Responsibilities of the child

- 47.** The Committee notes that the State Party teaches children about their responsibilities towards their county. In addition, the Committee encourages the State Party to integrate the responsibilities of children in education and other child empowering programs based on the evolving capacity of children. The Committee encourages the State Party to empower children and their ability to meaningfully engage in responsibilities. Moreover, the Committee encourages the State Party to ensure and raise awareness that the responsibilities of the child should not be translated in a way it contravenes the provisions of the Charter and in a way that it leads to the exploitation of children.

IV. Conclusion

- 48.** The African Committee of Experts on the Rights and Welfare of the Child appreciates the measures undertaken and the efforts of the Government of Uganda towards the implementation of the Charter and the recommendations of the Committee on the initial report.
- 49.** The Committee recommends that the current recommendations are translated and widely disseminated to all Government Ministries both at central and district levels and among various stakeholders. The Committee recommends that the State Party and its stakeholders use the recommendation of the Committee in developing laws, policies, plans, and strategies, to ensure its implementation. The Committee aspires for the implementation of these recommendations and would like to indicate that it will undertake a follow up mission to monitor the implementation of these recommendations in the foreseeable future. The Committee would also like to invite the State Party to submit its second periodic report by October 2025 according to article 43 of the Charter. The Committee recommends that the State Party undertakes wide consultation among CSOs, Children, UN Agencies, the private sector, and other stakeholders in preparing its second periodic report and mainly provide information about the implementation of the current recommendations.
- 50.** The African Committee of Experts on the Rights and Welfare of the Child takes this opportunity to renew to the Government of the Republic of Uganda the assurances of its highest consideration.