



STATUS REPORT ON CHILD RIGHTS IN UGANDA PRESENTED TO THE UNIVERSAL PERIODIC REVIEW

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This report is submitted by Uganda Child Rights NGO network in partnership with Save the Children which has observer status with ECOSOC acquired in 1993. Save the children is a member of the network and supported the development of the report. Uganda Child Rights NGO Network (UCRNN) is a coalition of 200 child focused organizations including community based, national and international organizations working for the welfare and the rights of children in Uganda. UCRNN was established in 1997 to spearhead the writing of the NGO Alternative report to the Government of Uganda Report to the UN Committee of Experts on the Rights of the Child. The Network undertakes joint advocacy, capacity strengthening, research and monitoring child rights in Uganda. Monitoring and reporting on the commitments made by the Government of Uganda in the various child rights legal frameworks has been UCRNN's core undertaking since 1998. The Network has since its inception submitted four CSO Alternative reports to treaty bodies and has been involved in generating and submitting other country monitoring reports on the status of child rights and child wellbeing. UCRNN envisions a society where children's rights are realized and exists to promote a coordinated action for the promotion and protection of children's rights in Uganda. UCRNN has over the years expanded its membership and scope of programs to include collective advocacy, research and capacity building across the broad rights as enshrined in the UNCRC.

1.0 BACKGROUND

This is the second child rights status report on the Universal Periodic Review (UPR) presented by the Uganda Child Rights NGO Network (UCRNN) which represents over 200 Civil Society Organizations (CSOs) working with children in Uganda. The development of the second CSO Child Rights Status Report for Uganda on the Universal Periodic Review was overseen by a Technical Committee made up of representatives of UCRNN Secretariat, Plan International and Save the Children International. UCRNN held consultations with national level civil society organizations as well as state and other actors, a process that generated useful information on the status of child rights in the country. A national validation workshop for over 100 civil society actors from all the regions of Uganda was organized to authenticate the findings and clear the report for the attention of the Human Rights Council. To those who participated, we appreciate your input.

2.0 PROGRESS ON IMPLEMENTATION OF RECOMMENDATIONS FROM THE INITIAL UPR PROCESS

2.1 *Implemented recommendations*

UCRNN commends GoU for accepting most of the recommendations made in the UPR process in 2012 and acknowledges the following actions undertaken towards their implementation;

- i. **Recommendations 111.1, 111.2, 111.18 on ratification and domestication of international human rights instruments:** The process of ratifying the 1993 Hague Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption and the third Optional Protocol to the UNCRC on Communication Procedures has been initiated. In March 2016, the Parliament of the Republic of Uganda passed the Children's Act Amendment 2015. The Act now awaits assent from the President.
- ii. **Recommendations 111.33, 111.34, 111.35, 111.98, 111.100 on protection of the rights of Children with disabilities and elimination of all forms of discrimination:** The Equal Opportunities Commission (EOC) became operational in July 2010 to eliminate discrimination and inequalities on grounds of sex, age, race, color, ethnic origin, tribe, creed or religion, health status, social or economic standing, political opinion, or disability and take affirmative action in favor of marginalized groups. Government has also domesticated the rights of Children with Disabilities (CwDs) enshrined in both the UN CRC and Convention on the Rights of Persons with Disability (CRPD).
- iii. **Recommendations 111.102 and 111.103 on protection of children involved in child labour, enforcement of child labour and trafficking laws:** MGLSD developed a National Action Plan (NAP) on Elimination of the Worst Forms of Child Labour (WFCL) in Uganda 2012/13 - 2016/17 which recognizes trafficking and prostitution as WFCL.
- iv. **Recommendations 111.45 to 111.55 on Prevention of Gender based Violence and Domestic Violence:** In 2011, the MGLSD drafted regulations to operationalise the Domestic Violence Act (DVA) 2010. The regulations outline responsibilities of different stakeholders including MGLSD, Ministry of Health, Justice, Law and Order Sector (JLOS), Local Governments (LGs) and NGOs. In addition, the MGLSD has designed guidelines for operationalization of 'shelters', as custodial places where victims of violence while investigations are being carried out or while waiting for further referrals. MGLSD has also undertaken a series of capacity building sessions for frontline actors like the police on the provisions of the DVA.
- v. **Recommendation 111.59. Juvenile Justice Systems:** GoU has domesticated provisions of the United Nations Norms and Standards in Juvenile Justice by establishing a commendable policy and legal regime which put in place necessary child protection safeguards. The Children Act amendment established institutions like the Family and Children's Court (FCC) and Uganda National Children Authority (UNCA).
- vi. **Recommendation 111.72 on Birth Registration:** The National Identification and Registration Authority (NIRA) was established and is mandated by the Registration of Persons Act 2015 to register all persons in the country, issue National Identification Numbers for citizens and Alien Identification Numbers for alien residents. The Act repeals the existing Births and Deaths Registration Act and transfers the Births and Deaths Registration function from Uganda Registration Services Bureau (URSB) to the (NIRA) with effect from January 01, 2016.

- vii. **Recommendations 111.93, 111.94, 111.95, 11.96,11,97 on Right to education:** GoU has continued with the implementation of Universal Primary and Secondary Education Policy which has resulted in great improvement in access to education.

3.0 OVERVIEW OF INTERNATIONAL AND REGIONAL OBLIGATIONS

3.1 Ratification and Domestication of the instruments

In March, 2016, the Children Act Amendment Bill which among others restricts non-Ugandans from accessing guardianship orders was passed, a provision that was hitherto used to traffic children and created a UNCA to replace the National Council for Children (NCC).

Despite the above achievements, GoU has to date not yet ratified the Optional Protocol 3 and the Hague Convention on Inter Country Adoption. There are also still gaps in the implementation of the existing legislative frameworks which is attributed to inadequate budget provisions to the implementing bodies. The budget allocation to MGLSD remains very low for its wide mandate as the nodal institution for social development issues. In financial year 2014/15, Education received 13.1% of the national budget; health received 8.5% and a dismal 0.5% for social protection (UDN, 2014). Most of the child protection agencies such as MGLSD and the Probation and Social Welfare Officers (PSWO) at the Local Government level largely depend on support from UNICEF and other international NGOs. There is also a critical gap on statistical database on child related matters such as birth registration, prevalence of violence, which would inform planning, monitoring and evaluation of child protection programmes.

Recommendations:

- I) *The government of Uganda should expedite the process of ratification and incorporation of the Hague Convention on Inter Country Adoption and the third Optional Protocol to the UNCRC on a Communication Procedure by 2017.*
- II) *GoU should expedite the process of establishing a fully resourced Uganda National Children's Authority (UNCA), in compliance with the Paris Principles, in order to ensure full implementation of the Children's Amendment Act 2016 and obligations under international and regional human rights law by 2017. Government should increase budget allocation and expenditure particularly to the MGLSD as well as to the different sectors that relate to children including increasing equitable support to key social sectors, of health, education and social protection.*

4.0 IMPLEMENTATION OF INTERNATIONAL AND REGIONAL HUMAN RIGHTS OBLIGATIONS

4.1 Violence against Children

Though population wide data on the prevalence of the various forms of violence against children is limited, the available data highlights this as a major problem especially within the family and school settings (Yiga 2013). According to ACPF Survey, 48% of children between 11-17 years reported having been whipped/canned within the family while 63% reported having experienced the same form of violence in the community (mostly schools); up to 32% of the children reported having been punched, kicked or slapped in the family while 36% reported the same kind of violence from the community¹. Besides defilement, children also report being talked to in a sexual manner, being touched in a sexual manner, being exposed to the being exposed to sexual/pornographic material². Another major form of violence experienced by children in Uganda is neglect. In 2011, the police recorded 8,075 cases of child neglect³. According to the ACPF 2012 survey among children 11-17 years, 8% of children reported being denied food, 7% denied medical care and 5% denied adequate clothing all within the family setting⁴.

Schools are the second most common place where children experience all forms of violence from corporal punishment to sexual harassment and peer on peer violence (bullying). In 2014 MoES (2014) produced guidelines on the reporting, tracking, referral and response on violence against children in schools. Ministry of Education and Sports (MoES) in 2006, banned corporal punishment in schools and developed a handbook on 'Alternatives to Corporal Punishment' to reinforce the ban. This is, however, not legally respected and the practice still continues.

¹ ACPF Survey, 2012

² ACPF survey, 2012

³ Annual Crime and Traffic Safety Report 2011

⁴ ACPF survey , 2012

Recommendations

- i) *The Government of Uganda should enact legislation to prohibit violence against children in all settings and provide sufficient human/technical and financial resources for the implementation of the laws and policies by 2017.*

4.2 Children in Contact and Conflict with the Law

GoU has domesticated provisions of the United Nations Norms and Standards of Juvenile Justice that provides for the establishment of Family and Children Courts (FCCs) in all the districts to handle cases of children who come into conflict with the law but currently not all the districts in the country have FCCs. The provisions of the Act have empowered the Police and other Justice Law and Order Institutions to enforce child rights in general and the rights of children who come into conflict and contact with the law in particular.

Despite the above provisions, not all districts have FCCs. Children are still being arrested and detained for petty offences such as vagrancy, petty theft or use of abusive language. Juveniles who have attained age of criminal responsibility have been detained together with adults because of absence of juvenile cells in police and remand homes in most parts of the country. Juveniles are detained or remanded beyond statutory period of 24 hours or three months respectively largely because of the slow response to children's issues in the justice system. Contrary to existing legal provisions, children in need of care and protection like street children end up at Kampingirisa National Rehabilitation Centre and at the Naguru Remand Home which are facilities for rehabilitating child offenders (Yiga 2013). There are also a number of children who are in contact with the law as a result of their mothers being offenders

Recommendations

- i. *GoU should establish regional Remand Homes with rehabilitation facilities to ensure non-deprivation of their rights while juveniles under incarceration. Reception Centres should be established and appropriately resourced in all the regions to ensure that victims of child abuse are not mixed with child offenders.*
- ii. *GoU should take appropriate interventions to address the plight of children who are in prison with their mothers.*

4.3 Children with Disability

The actual prevalence of child disability in Uganda is not known with different stakeholders giving different figures. Uganda Bureau of Statistics (UBOS) estimates that there are 1.7 million CwDs living in Uganda,

UCRNN acknowledges the great strides made by the GoU in domesticating rights CwDs in national laws. Government is committed to promoting inclusive education as evidenced although most regular schools are not equipped to handle children with disabilities. There are limited Special Needs Education Teachers and even where they exist, they take on additional teaching roles which limits the time for handling children with disabilities. Other barriers to access to education by CwDs include the current school curriculum not being sensitive to their needs (In 2015 efforts to review the school curriculum were initiated) and lack of provision for accessing public buildings and public transport. Despite the efforts including targeted State welfare measures, including direct and indirect assistance, discrimination still persists.

Recommendations:

- i) *GoU should institute measures to prevent, eliminate and prohibit all forms of discrimination against all children with disabilities. .*
- ii) *Government should train all professionals working in the education sector in all aspects of communication to facilitate the learning of children with disabilities e.g. tactile language, sign language, easy read, Braille. This should include a full review of the educational curricula in primary, secondary and tertiary institutions to provide for sign language, Braille, easy read and tactile training.*

4.4 Child Health and Survival

Although progress has been made in improving overall survival up to age of five, Uganda was not able to meet its MDG target for U5MR(54/1000 live births) by 2015. Survival rates beyond the first month of life have stagnated for the last 15 years; with neonatal deaths contributing to up to 50 % of deaths of children less than 12 months. Maternal mortality rates have equally stagnated over the last 15 years from 500/100,000 live births in 2000 to the current 438/100,000 live births. The percentage of pregnant women giving birth with assistance from skilled health providers has improved from 39% to 58% over the last 15 years. However, this aggregate figure conceals serious inequalities among regions and between women of different educational backgrounds. The ratio of women with low levels of or no education, women in emergency settings, and women in lower wealth

quintiles attended to by trained health providers during child birth are only half that of the most well off in terms of education, wealth and geographical location. Poverty and a mother's education remain the most significant predictors for children's survival in Uganda. Uganda has achieved a remarkable reduction in new HIV infections among children from 27,660 in 2011 to 9,629 in 2013 due to Prevention of Mother to Child Transmission (PMTCT) services. However, only 1 out of 3 children living with HIV have access to ART and 86,652 HIV+ children under the age of 15 years are not receiving ART.

Although GoU abolished user fees in 2001, parents continue to bear 61% of their children's health care costs (UNICEF, Situation of Children in Uganda 2015) compromising access to quality health services. Some of the factors that continue to affect access to health services include too few health workers and frequent medicine stock-outs which force families to make out of pocket payment to pharmacies and drug shops to obtain treatment. Despite improvements in immunization, nearly half of children aged 12 – 23 months are not fully vaccinated.

Recommendation

- I) Government of Uganda should implement the Reproduction, Maternal, Newborn and Child Health 'Sharpened Plan', increase efficient and equitable spending on children's health and ensure availability of medicines for treating diseases of children including ARVs by 2018.

4.5 Early Childhood Development and Right to Education

Early Childhood Development (ECD) practices have improved at national level but 3 million three - five year olds are not attending any pre-primary school. The net enrolment age for ECCD (ages 3-5) is estimated at only 7%. Although the government recognises the importance of ECCD, provision of pre-primary education in Uganda is private sector led and self-financed. Policy makers have relegated ECD to a much lower position; this is reflected by very limited funding for ECD. This total lack of government control on ECD has led to undesirable trends regarding content, quality of curriculum, teaching methods, facilities, age of entry, quality of teachers and their training programmes, school charges and widespread violation of pedagogical and psychological principles of child development.

Since the introduction of Universal Primary Education (UPE) in 1997, the number of children enrolling in primary school has tripled. However, 1.4 million 6 – 12 year olds across the country are not in school. In Karamoja region, only half of primary aged children are in school. Primary school enrolment rates are high (94%) and so are dropout rates, with only two out of three of those who enroll completing primary education. Despite primary education being free, parents are still expected to pay for uniforms and other scholastic materials which many families cannot afford. Some school girls dropout of school due to unfriendly school environments and early pregnancy. The quality of education being provided in the UPE schools is very poor to the extent that many learners complete without mastering adequate literacy and numeracy skills. The UWEZO report (2015) reveals that very few children in Primary 3 and higher classes are able to do basic reading and mathematics. In Primary 3, nine out of ten children (or 88%) are unable to both read and solve division at Primary 2 level, while in Primary 7, almost three out of ten pupils (or 26%) are unable to complete the same tasks. On average, among all children tested in Primary 3 to Primary 7, two out of three pupils (67%) are unable to read and solve division at Primary 2 level.

Universal Secondary Education was introduced in 2007. As a result, secondary school enrolment increased by about 25% from 814,087 in 2006 to 1,165,355 students in 2009. The USE program, however, faces a number of challenges including the need to improve and expand infrastructure to match the increased number of students, instructional materials, high dropout rates and improving pay for teachers. High costs are the main reasons for the low enrolment and completion of secondary education. Only 16% of secondary -aged children are in school. There are regional disparities and variations between rural and urban areas. Children in urban areas are more than twice more likely to attend secondary school as those in rural areas

Recommendations:

- I) GoU should approve the Uganda Integrated Early Child Development Policy. Increase Investment in ECCD including development of appropriate curriculum and training of ECD Teachers.
- II) GoU should align age for compulsory and free education with the age of entry into employment. Efforts should be made to ensure that USE is made universal in all government aided secondary school and not cater for only a few children

4.6 Right to Participation

UCRNN acknowledges the progress made to ensure child participation in the constitution of the Republic of Uganda 1995, the Local Government Act cap 243, Children Act as amended 2016 and the National Child Participation Guide 2008. The laws recognise that, all adults and or institutions that in one way or another work with or impact on children and families have the duty to ensure

children's participation in all matters that concern them. The general attitudes within communities in Uganda are not conducive to children and young people expressing themselves as they are looked as incapable of making constructive decisions. This is coupled with a lack of skills and willingness among politicians, officials and other adults to involve children in activities that concern them and a lack of formal structures and infrastructures aimed at facilitating children's participation.

Recommendations

The Government of Uganda, should ensure effective implementation of the national Child Participation Guidelines, including through provision of sufficient resources and training of relevant civil servants and staff to facilitate child participation.

4.7 Child Labour

MoGLSD, (2012) estimates that about 2.4 million children are engaged in exploitative child labour, out of which 1.7 million are below 14 years of age. UNHS (2009/10) put this total at 25.4% of children between the ages of 5-17 years, majority of them (95.5%) in the agricultural sector⁵. Fifty one percent (51%) of them (1.4 million) are considered to be in hazardous child labour and also 97% of children engaged in labour are not being paid, while 30% are not attending school⁶. The highest concentrations of working children are in Western Uganda at 55.7%; followed by Eastern and Central Uganda with 53% and 52.1% respectively. Approximately 25.3% of the working children are in Kampala whilst 45.4% are found in the Northern region. Child labour manifests itself in various forms and in different sectors including domestic service, commercial agriculture (tea and sugar plantations), the informal sector, construction, fishing including the worst forms of child labour like hotels and bars, commercial sexual exploitation, child trafficking, stone and sand quarrying (MoGLSD 2012).

The effects of hazardous work on children are very damaging to their physical, psychological and emotional development. Child labour also prevents children from enrolling in school or attending school regularly and hinders them from acquiring basic functional skills thereby limiting their future livelihood opportunities and their ability to transition from school into decent work. Child labour imposes serious consequences that affect not only the children but also the social and economic development of the country.

4.8 Child Trafficking

UCRNN recognises government's efforts in enacting the prevention of trafficking in person's Act. However, in Uganda, there are no clear statistics on the total number of boys and girls trafficked within and outside borders. However, some studies show that some survivors of child trafficking; 2.7 million are victims of child labour, 12,000 trapped in commercial sex, 10,000 street children, between 25,000 and 30,000 abducted for armed conflict and over 20,000 living in the slums of Kampala City (UYDEL 2009). Children in Uganda are commonly trafficked from rural areas to urban areas to work as housemaids, bar/ lodge/restaurant attendants, karaoke dancers, prostitutes, and to engage in other odd and illicit activities with little or no pay and working under inhumane conditions (UYDEL 2009). Due to the exploitation involved, many children have ended up on streets, have contracted HIV, become teenage mothers, died (sacrificed), and became destitute and completely dropped out of school. Some of the children have been trafficked to the *Middle East, United Arab Emirates (UAE), Asia* and the *United Kingdom (UK)* to serve as sex slaves and domestic labourers among others.

During 2013, Uganda continued to serve mainly as a source and destination point for victims of trafficking in persons, at the internal and transnational levels. It was also a transit point for a few registered transnational victims. According to the information compiled by Uganda Police, a total of 837 victims of trafficking (including suspected victims) were registered for the year 2013, out of which 429 were victims of transnational trafficking while 408 were trafficked internally. The majority of victims of internal trafficking were children (399 out of 408). According to information revealed by the victims of both internal and transnational human trafficking, the most common means of recruitment was through deception with promises of employment, care and education. There were a few incidents where force was used and these were related to human sacrifice. Traffickers control child victims of internal trafficking through provision of small financial benefits to their parents/guardians to achieve their consent and in some instances by appealing to religious convictions. UCRNN acknowledges efforts by the Government to operationalise the trafficking in persons act by establishing the taskforce within the ministry of Internal affairs. There is need to further this by addressing some of the challenges that include but are limited to;

⁵ UNHS 2009/10

⁶ UCW 2008 (Data captured for 7-14 year olds)

- a) The Prevention of Trafficking in Persons Act has no regulations, which presents difficulties in its interpretation and implementation. The existing Regulations for Labor Export do not provide for offences and penalties related to trafficking in persons.
- b) Inadequate Operational Capacity of the Task Force and the Key Enforcement Agencies. The Coordination Office / National Task Force and the key enforcement agencies, including the Special Investigations Unit (SIU), Ministry of Foreign Affairs (MoFA), Internal Security Organizations, Immigration and the MDAs Working Groups, have not been provided with adequate logistical support, human and non human resources, to be able to execute their mandated TIP related duties as effectively as it may be desired.
- c) Existence of Critical Push and Pull Factors, and Lack of Safe Migration Options including unemployment, unbalanced economic development, and demand for cheap labor and commercial sex have increased the desperation of Ugandans to venture into the regional and International labour markets.

Recommendations

- i. *Enhance the operational capacity of the relevant stakeholders through allocation of more resources for preventive measures, response and for more documentation and gender-sensitive research on the nature and extent of the sale of children, child prostitution and child pornography.*
- ii. *Develop regulations to operationalise provisions of the TIP 2009 including establishing mutual Agreements and MoUs on monitoring of Ugandan migrant workers abroad, rescue of reported victims and effective joint investigations.*
- iii. *Fast track the implementation of the National Action Plan and the National Awareness Strategy on Prevention of Trafficking in Persons.*
- iv. *Establish a viable national victim assistance program for the benefit of the victims of human trafficking.*

4.9 Drug and substance Abuse

Although statistics is not readily available, drug and substance abuse is widespread among students in tertiary institutions in Uganda and out of school youth. The most common drugs among students are tobacco (cigarettes, shisa, kuber), weed (marijuana), Khat (mairungi) and alcohol. It has been noted that some children from affluent families have access to cocaine and heroin. The consumption of these drugs is leading to increase in Drug Related Crimes. Drug and substance abuse is due to peer pressure, desire to cope with pressures of surviving in a homeless situation, lack of food, unemployment, wanting to socialize with peers and gaining courage to engage in crime. The relationship between drug and substance abuse and juvenile crime, dropping out of school, depression, suicide, and violence are evident in many studies.

Parliament of Uganda passed the Narcotic Drugs and Psychotropic Control Bill on 20th November 2015 which imposes stringent prison sentences on offenders as a deterrent. A recent study conducted by UYDEL revealed that 45% youth in Uganda have taken drugs and alcohol. Contrary to provision of the law, children caught using drugs are incarcerated with adult offenders where they learn adverse behaviours and become hardcore criminals.

Recommendations:

GoU should put in place measures to implement the Narcotic Drugs and Psychotropic Control Act Children. Young drug offenders should be diverted to compulsory rehabilitation, counseling and psychosocial support rather than incarceration

Annexes

Annex I: *List of UCRNN members*

Annex II: *Uganda Child Rights NGO Network (2014a). Implementation of the Convention on the Rights of the Child in Uganda: Progress between 2005 and 2014.*

Annex III: *Uganda Child Rights NGO Network (2014b). Accountability for Children's Rights: A Review of the Effectiveness of Child Rights Monitoring and Accountability Mechanisms in Uganda*

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