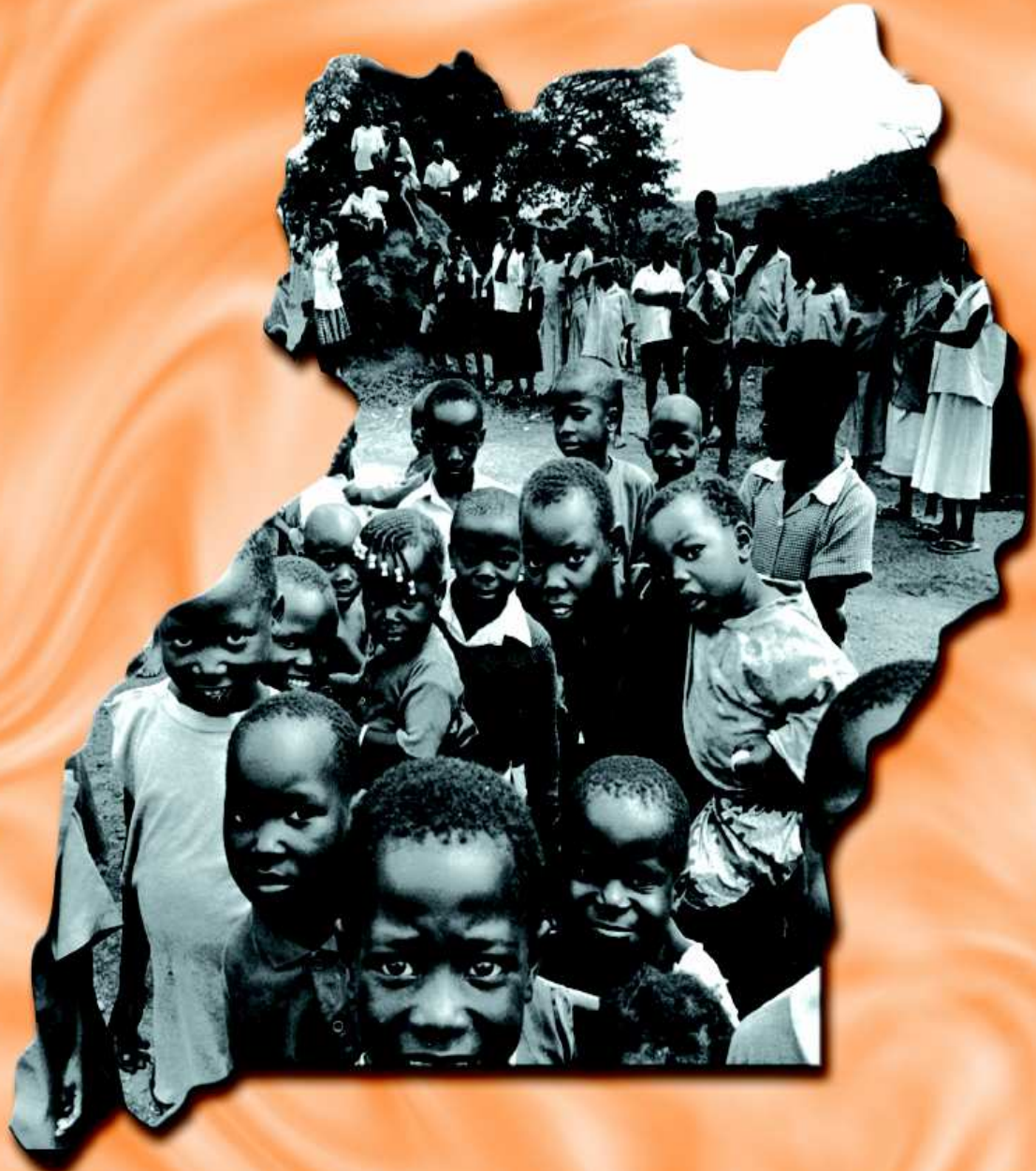


# IMPLEMENTATION OF THE UN CONVENTION ON THE RIGHTS OF THE CHILD IN UGANDA



**Alternative Report to the Government of Uganda's First Periodic Report (2002)**  
**Uganda Child Rights NGO Network**  
**December 2002**



## FOREWORD

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On behalf of all the children in Uganda, Uganda Child Rights NGO Network (UCRNN) extends her sincere thanks to her 68 member organizations for their cooperation and contribution towards the compilation of the NGO Complimentary Report on the Implementation of the CRC in Uganda. Special thanks go to the Save the Children Alliance (Denmark and UK) for the financial and technical support they offered to this reporting process through to its completion.

The generation of this NGO/Alternative Report has raised a number of issues to take forward, pointed out gaps to be addressed and highlighted the good experiences that should be replicated all over the country. The Uganda Child Rights NGO Network intends to take these issues a step further in terms of advocating for the rights of children thereby improving the welfare of the child.

In addition, key recommendations have been made and we hope that the Government of Uganda with support from Civil Society/Non-Governmental Organisations will turn them into programs that will benefit the child.

UCRNN believes that collectively, we can make a difference in the lives of our children.

Through addressing the issues raised and gaps identified in this document, Uganda will surely become the model nation where issues of children are given priority hence improving the lives of the future of tomorrow.

*“Facilitating the observance and protection of child rights in Uganda”*



**Jolly Nyeko,**  
**Chairperson, UCRNN.**

## ACRONYMS

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<b>AACAN</b>	Action Against Child Abuse and Neglect
<b>ABEK</b>	Alternative Basic Education for Karamoja
<b>ACODE</b>	Action on Development
<b>AIC</b>	AIDS Information Centre
<b>ANPPCAN</b>	African Network for Prevention and Protection of Children against Abuse and Neglect
<b>ARV</b>	Anti-Retroviral drugs
<b>BEUPA</b>	Basic Education for Urban Poor Areas
<b>CAP</b>	Child Advocacy Project
<b>CBO</b>	Community Based Organisation
<b>CDA</b>	Community Development Assistant
<b>CEASOP</b>	Collaborative Efforts to Alleviate Social Problems
<b>CCF</b>	Christian Children's Fund
<b>CMR</b>	Child Mortality Rate
<b>COPE</b>	Complementary Opportunities for Basic Education
<b>CRC</b>	Convention on the Rights of the Child
<b>CRESS</b>	Child Rights Education and Support Services
<b>CRS</b>	Catholic Relief Services
<b>CSO(s)</b>	Civil Society Organisation(s)
<b>CWD</b>	Children with Disabilities
<b>DDHS</b>	District Directorate of Health Services
<b>DDP</b>	District Development Plans
<b>DPAC</b>	District Plan of Action for Children
<b>DPSWO</b>	District Probation and Social Welfare Officer
<b>FCC</b>	Family and Children Court
<b>FIDA</b>	The Uganda Women Lawyer Association
<b>FOCA</b>	Friends of Children Association
<b>GOU</b>	Government of Uganda
<b>GR</b>	Government Report
<b>HAR</b>	Hope After Rape
<b>HIV/AIDS</b>	Human Immune Virus/Acquired Immune Deficiency Syndrome
<b>HSSP</b>	Health Sector Strategic Plan
<b>HUMC</b>	Health Unit Management Committees
<b>IDP</b>	Internally Displaced Person
<b>IHL</b>	International Humanitarian Law
<b>ILO</b>	International Labour Organisation

<b>IMR</b>	Infant Mortality Rate
<b>IPEC</b>	International Programme for Elimination of Child Labour
<b>JJ</b>	Juvenile Justice
<b>JLOS</b>	Justice Law and Order Sector
<b>LC</b>	Local Council /Local Councillors
<b>MAAIF</b>	Ministry of Agriculture, Animal Industries and Fishes
<b>MFPEd</b>	Ministry of Finance, Planning and Economic Development
<b>MGLSD</b>	Ministry of Gender, Labour and Social Development
<b>MOE</b>	Ministry of Education
<b>MOH</b>	Ministry of Health
<b>MTC</b>	Mother To Child
<b>MTEF</b>	Medium Term Expenditure Framework
<b>NCC</b>	National Council of Children
<b>NFB</b>	Non-Facility Based
<b>NGO(s)</b>	Non Government Organisation(s)
<b>NUPSNA</b>	Northern Uganda Psychosocial Needs Assessment
<b>OCBO</b>	Orphans Community Based Organisation
<b>OPM</b>	Office of the Prime Minister
<b>PEAP</b>	Poverty Eradication Action Plan
<b>PHP</b>	Private Health Practitioners
<b>PLWHA</b>	People Living With HIV/AIDS
<b>PMTCT</b>	Prevention of Mother to Child Transmission
<b>PNFP</b>	Private/ Not for Profit
<b>PPPH</b>	Private Public Partnership for Health
<b>PWO</b>	Probation and Welfare Officer
<b>SCN</b>	Save the Children Norway
<b>SCUK</b>	Save the Children UK
<b>SP</b>	Social Protection
<b>SPAC</b>	Sub-county Plan of Action for Children
<b>SDIP</b>	Social Development Sector Strategic Investment Plan
<b>UCRNN</b>	Uganda Child Rights NGO Network
<b>UN</b>	United Nations
<b>UNICEF</b>	United Nations Children Fund
<b>UNISE</b>	Uganda National Institute for Special Education
<b>UNPAC</b>	Uganda National Plan of Action for Children
<b>USDC</b>	Uganda Society for Disabled Children
<b>VCT</b>	Voluntary Counselling and Testing



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## 1. INTRODUCTION

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### 1.1. BACKGROUND

The Government of Uganda ratified the UN Convention on the Rights of the Child (CRC) in November 1990 and has to date submitted two reports to the UN Committee on the Rights of the Child; the Initial Report and the First Periodic Report. The UN Committee on the CRC gives an opportunity for NGOs to present an alternative report to that submitted by the Government. This NGO Alternative Report is in response to the First Periodic Report. It

- ❑ Presents a supplementary review of the measures taken to harmonise the law, policy and practice with the principles and standards of the CRC by both Government and CSOs.
- ❑ Provides an independent assessment of the progress and difficulties encountered in implementation of the CRC where they are substantially different from that presented by the Government.
- ❑ Supplements and compliments the Government Report through provision of information on progress of implementation of CRC and on areas of concern that are not covered or in the opinion of NGOs<sup>1</sup> are covered incorrectly or misleadingly in the Government Report.

In Uganda CSOs work in collaboration with the Government on matters related to the survival, protection, participation and development of children, which relationship has led to a wider impact of interventions for children countrywide. As a result, CSOs - albeit a limited number - participated in the development of the Government Report. In recognition of this fact, this report is to be viewed as supplementary to the Government of Uganda's First Periodic Report.

This report has been developed by Uganda Child Rights NGO Network (UCRNN). Founded in 1996, UCRNN currently enjoys a strong membership of more than 60 organisations, comprised of community-based, national and international civil society organisations (CSOs), working in the area of children. UCRNN has over the years shifted towards being a proactive organisation that spearheads co-ordinated approaches in monitoring the implementation of the UN Convention on the Rights of the Child (CRC) and promoting child care and protection in Uganda.

The approach taken by UCRNN in the preparation of this report departs from that which was used to prepare the first NGO Alternative Report in 1997. In 1997, only a few NGOs participated in the process compared to the eighteen (18) UCRNN member organisations that have contributed to this report in order to enhance the legitimacy of the information it contains (Annex 1).

Uganda Child Rights NGO Network hired two consultants with extensive experience in child-care and protection, knowledgeable on government processes, the legislative and policy framework and community-based involvement and interventions. These consultants facilitated the process of preparing this report, working closely with an Advisory Committee consisting of 6 of UCRNN member organisations.

The methodology for generating this report comprised of the following sequence of events:

#### 1.1.1. Inception Workshop

The process commenced with an inception workshop that drew together over 30 participants comprising of UCRNN members and other key stakeholders for example the National Council for Children, government ministries and international agencies. The workshop aimed at sensitising the participants on the requirements, process and importance of reporting to the UN Committee on the Rights of the Child. A background was presented that highlighted the processes undertaken so far and together, the meeting agreed on how to take forward the process of generating this report. The workshop further provided an opportunity for members to commit themselves to contributing to the reporting process.

### **1.1.2. Literature Review**

The two consultants undertook a desk review of existing literature relevant to the reporting requirements. This included policy documents, reports by government, agencies and NGOs, studies, programmes and strategic plans among others. The literature review helped to establish gaps, contradictions and areas that required clarification from field study. On the basis of literature reviewed, survey tools were developed.

### **1.1.3. Orientation of NGOs involved in the Survey**

UCRNN member organisations agreed to fund their participation in the survey. They went through an orientation workshop that made them conversant with the reporting requirements and structure, the Government Report, the CRC, research tools and approaches and how to interview children. The orientation workshop further sensitised and served to build the capacity of participating NGOs.

### **1.1.4. Field Survey**

Eighteen out of the 56 districts in Uganda were surveyed. Their selection was based on area of NGO operation, thematic relevance, and regional representation, information available about/ from the district, cultural and social differences and differences in levels of development. The field survey consisted of Focus Group Discussions at the grassroots level, key informant interviews with key decision-policy makers, visits to relevant places, perusal of documentation available in the field, and on the spot observations. Political and administrative district, community and opinion leaders, children and community members participated as informants.

### **1.1.5. Analysis of Information and Report Writing**

The information collected was analysed against the background of the literature review and draft reports produced, discussed with UCRNN members and a final report written.

### **1.1.6. Lessons Learnt**

This process has presented the following lessons:

- The involvement of NGOs and CBOs in the preparation of the Alternative Report based on their areas of operation has provided them with a better understanding of the reporting process, how they can influence change and how to use the information gathered for promotion of child well-being.
- The research process has generated a wealth of information for comprehensive child programming by UCRNN and other stakeholders.
- A high level of participation was attained which helped increase the geographical and thematic coverage and enhanced legitimacy of the report.
- NGOs and CBOs discovered an avenue through which to hold implementers and policy and decision-makers accountable and how they could influence policy and practices at higher levels.
- Close to 1000 children were consulted and participated in this process. This is an outstanding achievement in itself.

### 1.1.7. Introduction

This Alternative Report covers the period January 1998 to October 2002 and comprises of an independent assessment of the measures taken by the Government to implement the CRC. It has been prepared based on the NGO guidelines for reporting to the UN Committee on the Rights of the Child and has been arrived at based on consultations in 18 districts in Uganda by UCRNN member organisations (Annex 1). The report further comprises of experiences of the individual NGOs, children, central and local government officials and both rural and urban community members who were consulted by UCRNN. Both the review of literature and the findings from field research informed the analysis. The recommendations are largely made on the basis of on-going practice in a bid to make them relevant to the prevailing situation.

This report follows the structure of the Government Report to allow for ease of comparison and as a requirement by the Committee. On conclusion of a discussion on an issue, clear recommendations are made where necessary for the Committee to consider asking the Government to take forward. These are summarised in Annex 4.

Three common themes run through this report:

1. Uganda has gone a long way in setting up policy initiatives, frameworks and guidelines for various sectors that impact on children. The implementation of these policies at lower levels of government remains a big challenge. However the five-tier system of Government established through the Local Government Act, 1997 presents opportunities for communities to participate in making decisions that concern them.
2. The good practice or success reflected at national level dims when compared with the experiences at district and other lower local governments. The overall national scenario is seen as positive but the challenges at the lower levels remain daunting. The trickle down theory has not worked yet.
3. In districts/local governments where there are child focussed donor agencies providing support, the policy and legislative framework is supportive and producing lessons and good practices for the welfare of children.

It is also clear in the Government Report and in this report that information and support to the health and education sectors is substantial. More emphasis needs to be given to other sectors where they impact on children. Children who would benefit from this include:

- street children
- orphans
- children of parents with disabilities
- child domestic workers
- infants of working mothers
- child mothers
- children in conflict areas
- malnourished and food insecure children
- children with no opportunity to participate in matters affecting them
- children in conflict with the law at lower levels of government

## Recommendation

- ☞ Government should establish a policy and legal framework, which addresses the vulnerabilities of all children outside health and education sector so as to ensure a comprehensive approach to the well being of children in Uganda. This should be accompanied by adequate financial, human and political support for their implementation. The current decentralisation framework should be utilised to ensure that the communities and local leaders realise that the children are a wealth for the nation.
- ☞ For policies and laws already in existence, Government must make available the much needed political, financial and human resource support needed for their implementation.
- ☞ In both the above cases, Government should draw on the good practices and lessons learnt from the largely successful CSO- supported interventions in various districts.

## 1.2. COUNTRY PROFILE

### 1.2.1. Public Administration

The Government Report adequately describes the public administration system of Uganda in Section 1.2.1 (2) though it does not identify the administration structures that directly affect children. These structures are the Ministry of Gender Labour and Social Development, whose Department of Children and Youth, is directly responsible for the implementation of the CRC and the care and protection of Uganda's children.

At the lower levels of Government, a decentralised system of local governance is in place in all districts and each local council has a Secretary responsible for Children's Affairs. Districts employ District Probation and Social Welfare Officers (DPSWOs) and those that can afford it employ assistant PSWOs. In many cases Community Development Assistants do the work of assistant PSWO in addition to various other roles they play like extension services, community mobilisation, health and hygiene promotion, water and sanitation work etc. They therefore cannot effectively focus on children affairs.

### 1.2.2. Demographic Characteristics

This report, unlike the Government Report, has the advantage of drawing upon the findings of the recently concluded census (2002), which presented Uganda's total population as 24.6 million persons with males being 12.1 million compared to 12.5 females. The annual growth rate is 3.3 % and this is attributed to the persistently high fertility levels<sup>2</sup>. A child specific demographic characteristic not highlighted under this Section nor Section 1.2.3 (8) of the Government Report is that 56.7% of the population is under 18 years. UCRNN's findings concur with the other child specific demographic statistics provided in Section 1.2.3 (8) of the Government Report.

### 1.2.3. The Economy

On the whole, this report concurs with the Government Report on this section. Suffice to note however: Poverty Challenge 1.2.3 (8) of Government's Report.

Among the groups most vulnerable to poverty are orphans (9.6% of all children in Uganda are orphans<sup>3</sup>), disabled, displaced and those living with AIDS. The situation is even worse for the children living in Northern Uganda, which is affected by the war. The challenge of poverty in Northern Uganda is enhanced by the insecurity that has been pinpointed as the major cause of poverty in this region coupled by corruption, low agricultural productivity and inefficient service delivery. Insecurity has multiple effects on the population in terms of poverty, disruption of school activities, hunger and fear among people to search for jobs in distant areas hence unemployment. Travel and communication within the districts has affected

marketing and transfer of technology and information (MFPED 2002 page 35). Child poverty inevitably impacts on the overall economic development of a country. While poverty is said to be reducing country wide, the poverty levels in Northern Uganda have remained high. (JRB Consulting Associates and Save the Children Denmark, 2002). UCRNN found that in the conflict stricken northern district of Gulu alone, 75% of children are displaced<sup>4</sup>. This has undermined their rights.

#### **1.2.4. Information Flows**

UCRNN acknowledges the increased opportunity for NGOs to directly participate in planning at national level through the Sector Wide Approach (SWAP). At the lower levels, NGOs have been able to participate in planning processes. This has facilitated exchange of information and knowledge and has provided an opportunity to share skills and experiences and enhance adequate utilisation of limited resources. Unfortunately, this situation pertains in only some districts and this tends to be sector specific.

#### **1.2.5. The CRC and Government National Plan of Action for Children (UNPAC)**

With the advantage of reporting after the Government Report (GR), this report notes that NCC with support from UNICEF and Save the Children (UK) is spearheading the revision of the UNPAC within the framework of the Poverty Eradication Action Plan (PEAP) as proposed in the GR Section 1.2.5 (10), paragraph 2, and the outcomes of the United Nations General Assembly Special Session (UNGASS) for children. Activities are underway to brief the Parliament of Uganda, widely disseminate the findings of a comparative study of the 3 documents and to accordingly influence proposals for policy change.

In the GR Section 1.2.5 (10) Government correctly identifies the causes of the lack of integration of childcare and protection issues in the District Development Plans. This has been due to the inadequate quality and quantity of staff, funds and lack of awareness/ appreciation of issues affecting children by district authorities (GR Section 1.2.5 (11& 5)).

#### **Recommendation**

- ☞ Public Administration posts that handle children's affairs need to be prioritised both in terms of budget allocations and human resource allocation. For this to happen, its comparative advantage has to be clear to both central and local governments.
- ☞ There is need for continued sensitisation of government officials for them to appreciate issues affecting children. Sensitisation should not only focus on the communities.
- ☞ CSOs and the MGLSD should work together to make a case for prioritisation of children's affairs and continued sensitisation of government officials and policy and decision makers. It is essential that the Ministry leads this initiative.

## 2. IMPLEMENTATION OF THE COMMITTEES RECOMMENDATIONS

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### 2.1. INTRODUCTION

In the GR Section 2.1(14), Government recognises the role that NGOs, donors and religious organisations have played in implementation of the CRC. The report correctly attributes the significant provision of financial, material, human and organisational resources to these actors.

UCRNN notes that in addition to provision of the above; NGOs have more specifically complemented Government's moderate efforts to implement the recommendations of the Committee. This has been done through dissemination of the CRC, training on the CRC, research based on the Committee's recommendation areas identified by the recommendation and emergency response to threats on the rights of children. Alliances have also been developed between international and local NGOs along with districts and communities. For example, the Child Rights Education and Support Services (CRESS) project, an initiative involving 3 local organisations: Hope After Rape, ANPPCAN and FIDA (U) with support from Save the Children (Denmark) who together provide child rights education, psychosocial support, direct legal support to children and advocacy for the rights of the child.

#### Recommendation

Government in section 2.1 (14) identified its role as 'creating an enabling environment'. Whilst this is true in terms of policy and legislation, Government needs to strengthen this role in terms of:

- ☞ Provision of adequate financing for government institutions that promote child well being.
- ☞ Advocacy and sensitisation for prioritising children's affairs in development planning (including at lower levels of government) and monitoring progress to ensure quality, equity and to establish impact.

If this were done, the environment in which actors, especially the duty-bearers, implement the CRC would be more conducive for greater impact on the lives of children.

### 2.2. PROGRESS ON IMPLEMENTATION OF THE COMMITTEE'S RECOMMENDATION

#### 2.2.1. Co-ordination and Capacity

Indeed efforts to strengthen the National Council of Children (NCC) have been initiated as presented in the GR Section 2.2.1 (16). A proposal to remodel the NCC into a Children's Commission has been floated. It is hoped that if the NCC is transfigured into a Commission it will be better placed to provide necessary stewardship for co-ordination, monitoring and evaluation of policies and programmes affecting children. This will further divest it from the level of a 'department' attached to the Ministry of Gender, Labour and Social Development and shall enhance it's role in ensuring the realisation of the four pillars of children's rights namely survival, development, participation and protection.

Further, the Uganda National Plan of Action on Children, which is the key strategy to be deployed in ensuring realisation of the Rights of the Child in Uganda, has been decentralised and is a requirement for preparation of District Plans of Action for Children. However, according to the UCRNN survey only 14 districts out of 56 in Uganda have had Action Plans on Children incorporated in the District Development Plans<sup>5</sup>. These are the Districts in which the National Council for Children, in partnership with Save the Children (Norway) had Child Advocacy Project Officers (CAPOs). In a number of Districts consulted, the planning officials were not aware of Action Plans on Children and the need to incorporate them into the District Development Plans. The above only goes to confirm what the GR Section 2.2.1 (17) identified as NCC's weak co-ordination.

### Recommendation

- ☞ If NCC is to be strong, it requires the on-going re-organisational process to be open, candid and done with guidance from its parent Ministry (MGLSD), other stakeholder Ministries and NGO and donor partners. NCC needs to understand its statutory mandate and together with UCRNN consolidate a working partnership between itself them.
- ☞ NCC needs to identify more creative and proactive means of co-ordination other than sitting in planning and review meetings as stated in the Government Report Section 2.2.1 (17).

In a number of districts, NGOs working in partnership with local governments are managing local government programmes especially where it has been established that local NGOs have comparative advantages. For example ACORD in Mbarara has been managing the Nutrition and Early Childhood Development Project while in Rakai OCBO receives support from the local government to intervene in the area of orphans and has carried out a situation analysis of orphans in the district. At the Central Government level, the Sector Wide Approach provides a forum for NGOs and Government to plan for and share expertise and resources. Under JLOS Juvenile Justice has received recognition as a key area of intervention. This portrays the increase in co-operation between NGOs and Local Governments and Central Government. Further all districts visited had a local government official designated to co-ordinate NGOs.

The Government of Uganda has set priorities for funding at the national level, which apply to districts as well. These are education, health, works (roads), agriculture and water. Although the health and education sectors are a priority (in line with the Committee's recommendation), the office of Probation and Social Welfare, that is the local and central governments technical agency charged with ensuring the care and protection of children, is still lacking in terms of both financial and human resources, see GR Section 2.2.2 (25). In all districts visited, this office receives the minimum amount of funding and lacked a grant from the centre<sup>6</sup>.

Statistics are still lacking on the level of access by disadvantaged children to health, education and other social and cultural rights. Even though the GR Section 2.2.1 (19) points to this information, it is not identifiable.

In the districts in which UNICEF operates, district, sub-county, parish and village committees to implement the welfare of children programmes in the districts are fully functional. Replication of the same in non - UNICEF districts is limited by lack of resources and as a result, motivation to do so.

## Recommendation

- ☞ The Committee ought to take cognisance of the important role DPWO play in the care and protection of children and recommend strongly that they are prioritised, facilitated and supported.
- ☞ However, the MGLSD and district departments encompassing Probation and Welfare Offices need to constructively plan and lobby for inclusion of their activities and functions in the Medium Term Expenditure Framework (MTEF), Social Development sector strategic Investment Plan (SDIP) and PEAP. Competing interests are many so they need to be vigilant. This requires:
  - Knowledge of the process, actors and decision-makers.
  - Presentation of clear programmes and activities that are realistic, have impact and based on sound and thorough analysis.
  - Deliberately making the importance of their mandate understood in order for it to be prioritised by the Government.

NGOs should support them in these areas in order to reduce the over-dependency on donor and NGO support for the otherwise government mandate to provide for its children. Sustainability and nation-wide impact can only be attained when the government recognises and makes substantial

### 2.2.2. Awareness and Understanding

As reported in the GR Section 2.2.2 (20 - 24), efforts to disseminate the provisions of the convention are in place and a large percentage of the population still lack awareness of the provisions especially in rural areas<sup>7</sup>. Both Government and NGOs are working towards knowledge on and dissemination of the CRC. Although the Government trained 340 child rights advocates, their action has been limited by lack of adequate funding for dissemination of the CRC. The Children Statute (1996) was translated into ten major languages. However, Uganda has nearly 56 ethnic tribes with each having its own language although in some instances, dialects are similar. This makes it difficult for some tribes to comprehend the translated versions that are anticipated to accommodate similar dialects<sup>8</sup>. The versions that include narratives and pictures are the most effective. Further most of the Local Councils at village level have not received training on the CRC and the Children Statute 1996 although they provide the first contact point for children in need of care and protection.<sup>9</sup>

In spite of the several Training of Trainers courses carried out by MGLSD and other actors, a majority of the lower LCs have no knowledge of the Children Statute 1996 though they have heard of its existence. It is only in districts in which child-focussed NGOs operate, and in the majority of instances, at county or sub-county level where the impact of interventions is vivid.<sup>10</sup>

Although the GR Section 2.2.2 (26) outlines interventions being undertaken, UCRNN's survey did not find any evidence of these on the ground.

## Recommendation

- ☞ A lot of time and resources need to be invested in creating awareness on the existing policy and recommendations so that they are implemented.
- ☞ The children recommend that both the government and NGOs should join hands in the implementation of Child Rights at all levels. There are people who abuse children and they are not prosecuted. (UCRNN Survey data, CCF/SCN Apac; HAR/SCN Kampala)
- ☞ Children recommend that 'the government should train and retrain the law enforcement agents such as Judiciary, Army, and Police so that when children are abused, they prosecute and do not get bribes'. (UCRNN Survey data, CCF/SCN Apac)
- ☞ Children recommend Child Rights be included in the school syllabus. (UCRNN Survey data, CCF/SCN Apac)
- ☞ Continuous training of Local Councils and the Secretaries for Children. Children recommend that people elect LCs who know children's rights and as recent elections show that a large percentage do not understand children's issues. (UCRNN Survey data, ANPPCAN/SCN/ HAR)
- ☞ Police should be trained on juvenile justice.
- ☞ Continuous sensitisation of the public on Child Rights and parental responsibility. Children to be educated on their rights and protection of girl children from defilement.

### 2.2.3. Legislation and Judiciary

#### 2.2.3.1. Discrimination

The committee requested the Government to take all appropriate measures including public information campaigns to prevent and combat all forms of discrimination against children especially those in rural areas. The Government Report correctly addresses itself to these various forms of discrimination. However, the interventions referred to in Section 2.2.2 (28) are small scale. Alternative Basic Education for Karamoja (ABEK) operates in 2 marginal districts out of Uganda's 56 districts and only teaches 'simple numeric and literacy skills', GR 10 (160); Basic Education for Urban Poor Areas (BEUPA) is in only 4 parishes out of 11 parishes found in the 1 division of Kampala city in which it operates. There are 5 divisions in Kampala. COPE is found in 9 districts out of the 56 in Uganda, GR 10 (160). Apart from the above there is a Child-based Alternative Non-formal Education Project (CHANCE) Mubende Non-formal Education (MNFE) and Empowering Life Long Skills Education (ELSE). All together, these programmes teach only 57,973 learners, have a total of only 1,250 instructors, and are operational in some parts of only 14 districts (MOE 2002, 28). UCRNN acknowledges that this is a start but much remains to be done.

UCRNN finds it pertinent to address another critical area of discrimination: discrimination based on HIV/AIDS status. Children affected by HIV/AIDS are discriminated against. A survey conducted in Masaka and Kampala districts revealed of the target respondents 49% of the children said there was discrimination towards Aids victims, 41% said no, and 10% did not respond. (Erla Halldórsdóttir, 2000:11)

***"People mistreat orphans of any kind - Yes because if their Parents get sick, people think you also got it and they will not help you" (Erla Halldórsdóttir, 2000:11).***

The children in urban areas have indicated that they encounter more discrimination on the ground of their parents being HIV/AIDS victims than children in rural areas, 63 % vs. 45% ( Erla Halldórsdóttir, 2000:11). Boy children expressed more discrimination towards them compared to girl children.

Orphan children continue to suffer discrimination in homes of relatives.

***“In some homes, guardians deny orphans food and clothes. They torture and abuse them. They give them harsh punishments compared to what other children in the home get. For example they are told to fetch many litres of water from far away” (Masaka). “Orphans are not treated properly and are used as domestic workers/porters. Orphans are worked while biological children are seated at home”(Kasese)<sup>11</sup>.***

The initiatives that the Government Report highlights as interventions that aim at equity realisation for children with disability amongst others (Section 2.2.3 (28), do not have children with disability as their focus and therefore do not adequately address their access to education. These children continue to be discriminated against in various fields. The deaf and blind and mentally disabled children have limited facilities. Toilet facilities for all categories of disabled children are lacking especially in rural schools and when they attend mainstream education, they are not integrated. Some disabled children are not in school due to cultural practices that render them a curse to the family.

***“Children with disability are usually isolated by peers, other families in the community, teased and laughed at within school environment and by other able - bodied persons. Children with disabilities are usually not considered to inherit as it is deemed a wastage of resources”(Masindi). “They are discriminated against because they cannot do certain things like the able bodied, they are discriminated against because they are some times weak and not energetic, sometimes they do not want to walk with them because they are ashamed. Sometimes they have an inferiority complex” (Hoima) <sup>12</sup>.***

Children identified that their fellow children born out of wedlock are discriminated against; ‘they have no guaranteed ownership of property like land, cows and they are insulted’<sup>13</sup> and some of those discriminated against suffer from inferiority complex.

#### **Recommendation**

- ☛ There is a need to build programmes against discrimination based on the experience and views of children
- ☛ Provision of psychosocial support to children who have suffered any kind of discrimination. This includes addressing the community and family environment and counselling.

#### **2.2.3.2. Harmonisation of Prescribed Age in Various National Legislation**

The Children Statute 1996 adopts the definition of a child as stipulated in the CRC as any person below the age of 18 years. This has cleared the inconsistencies on the definition of the child. Children say that this age should not be lowered<sup>14</sup>.

Government in its report has alluded to the skew of the age of sexual consent in favour of the girl child, which renders her a victim, and the boy child of the same age an offender. The Law Reform Commission is making an effort to address this anomaly through a Sexual Offences Bill that is yet to be presented to cabinet and is not yet on the agenda of parliament.

Government ratified Convention No. 138 (ILO minimum age of admission to employment) and has proposed 14 years as the minimum age of admission to employment. This creates an inconsistency between the Constitution (Constitution of the Republic of Uganda, article 34, 4&5) and the Convention.

## Recommendation

- ☞ Consensus on age of admission to employment of children should be sought taking into account the fact that the legal position determines the magnitude of the problem and the interventions that can be initiated to deal with the phenomenon.
- ☞ The sexual offences debate should be rejuvenated and harmony established on the age of criminal responsibility as well as the age of sexual consent for children, the girl and the boy.

Further more the Penal Code Act Chapter 106 Section 123 provides that any person who unlawfully has sexual intercourse with a girl under the age of eighteen years is guilty of an offence and liable to suffer death. On the other hand, the Children Statute defines 12 as the age for criminal responsibility. This creates an apparent contradiction between the age of a minor and the penalty in cases of defilement.

### 2.2.3.3. Reform of Juvenile Justice System

The Police and Magistrates although knowledgeable on legal provisions governing juveniles are constrained in adhering to juvenile justice principles. Delays in gathering evidence, lack of sufficient transport, the absence of complainants, work log of state attorneys in capital offences, inadequate detention services for children has led to their detention for long periods. This has negated the juvenile justice delivery system in Uganda. (UNICEF& Save the Children UK, 2000: 5&6)

The detention time in Arua ranges from between one month to twelve months, Pallisa between 1 day and six months, Kampala between 6 and 24 months and Moroto between 1 week and six months (UNICEF& Save the Children UK, 2000: 6).

In spite of the progress identified in the GR Section 2.2.3 (29 – 31) and adequate provision in the Constitution of the Republic of Uganda 1995 that provides for child offenders who are in lawful custody to be detained separately from adults Article 34(6), Juveniles, on the whole, continue to be remanded and detained with adults<sup>15</sup>. The few exceptions are found in districts where MGLSD and SCUK are running a JJ Pilot Programme and districts that originally hosted regional remand homes.

Some districts are making efforts at improving the handling of children in conflict with the law. For example, Nebbi and Gulu districts are each building a remand home specifically for children<sup>16</sup> in accordance with the provisions of the Children Statute 1996 that require each district to establish a remand place. In Masaka, children are no longer detained with adults and are released on bail pending trial.<sup>17</sup> Other districts are struggling; in Mbarara district a remand home for children is situated in adult prison, which is not a child-friendly atmosphere<sup>18</sup> while the districts of Kamuli, and Luwero like many others lack a remand home for children.<sup>19</sup> Though it is a generally acceptable principle that institutionalisation is a last resort, most districts find the establishment of places of remand a more practical option than suggested community options.

Factors, which have contributed to delayed delivery of juvenile justice, include:

- Frequency of court sessions
- Plea of not guilty by the juvenile, non vigilance of investigating officers
- Availability of witnesses, gravity of offence and non availability of magistrates

(UNICEF & Save the Children UK, 2000:6)

The Children Statute 1996 provides for the establishment of the Family and Children Court (FCC) and empowers the village council to handle cases of a civil nature concerning children and criminal jurisdiction over affray, common assault, actual bodily harm, theft, criminal trespass and malicious damage to property<sup>20</sup>. However, although they have powers to adjudicate in designated cases of both civil and criminal nature, they refer cases to the police, which they should have resolved at community level. This has elongated the period between trial and hearing for the juvenile (Kakama, PT 1999: 16).

The FCC is not operational in many districts, for example in Luwero. In Hoima out of 6, only 2 are functional due to lack of magistrates. Further in Masindi, FCCs are not functioning and are delayed for similar reasons<sup>21</sup>. In Mbarara for example, the FCC is not functional due to inadequate resources<sup>22</sup>. This has led to the continued trial of children in magistrate courts that are not friendly to juveniles.

Uganda has put in place a five tier decentralised system of local governance and the local councils, are elected every five years. Although local councils were trained in 1996, fresh elections took place in 2001. This brought in a set of new councillors who will require training or retraining. They have however not been trained in the provisions of the CRC and neither the Children Statute 1996. Local Council courts lack awareness of the legal provisions governing children<sup>23</sup>. They have been characterised by handling cases beyond their jurisdiction. This is due to lack of adequate knowledge on legal provisions. Children further continue to appear before courts for trivial offences due to lack of appropriate action by the police (UNICEF & Save the Children UK, 2000:8)

In a number of instances children in urban areas who are arrested for conflicting with the law lack parents or guardians to stand as surety for them at the police. This has led to the unnecessary detention for fear of absconding. Furthermore, the police have in certain instances inflated the age of children to justify the detention of children with adults. In Lira and Pallisa districts in Uganda, children have in certain instances been ill treated, beaten and abused during arrest and while in detention at the hands of the police. In the same study in ten districts children suffer similar abuse from adult inmates (UNICEF & Save the Children UK, 2000:8)

***“The cell leader had earlier asked me to give him my pair of shorts, which I normally wore inside my trousers and I refused, to which I was beaten severely and even my finger was broken as you can see. But the worst came when I got sick. The same man was responsible for giving out medicine so he refused to give me the medicine and I had to report my case to the prison warders...”*** (UNICEF & Save the Children UK, 2000:28)

Children below twelve years who are by law precluded from criminal responsibility have continued to be charged. A survey carried out in 7 districts in Uganda revealed 3 % of children in the criminal justice system were below 12 years (UNICEF & Save the Children UK, 2000:17).

The Children Statute 1996 designates a key role to the Probation and Social Welfare Officer including the monitoring and follow up of children on remand. They have not been able to perform this function effectively and to appear in court when required. This is hampered by lack of information from the police on children under remand, inadequate staffing in the department and limited funding.

The backlog of cases in the court system also affects the juveniles. Where as juveniles are brought before magistrates courts for committal, the lack of jurisdiction of magistrates in capital offences has meant that the children cannot take plea before the magistrate and as such they have been remanded for periods longer than twelve months without charges being made against them. However in some of the districts visited where the juvenile justice programme is in place for example Masaka juveniles are no longer remanded with adults and are always released on bail.

In the 3 districts that SCUUK and MGLSD are piloting a JJ Programme, there has been registered reasonable improvement where donors have intervened to provide support. In the 2 of the 3 districts where there are CSO personnel working in partnership with the districts, the results are better than in the one district where support is given to the district without personnel. This shows that with co-ordination, funding and technical support, the JJ interventions are workable.

### Recommendation

- ☞ Enhancement of co-ordination, monitoring, networking and accountability of recipients and donors in the juvenile justice field.
- ☞ Strengthen the operationalisation of the FCC.

Children recommended that:

- ☞ LCs should stop asking for court fees when handling children's cases.
- ☞ Police should not threaten children with guns or use chains when arresting children.

### 2.2.4. Data Collection, Monitoring and Evaluation System

Regarding Section 2.2.4 of the Government Report, paragraphs 50, SCUUK has been engaging the Poverty Monitoring Unit on incorporation of childhood poverty indicators. These indicators were derived from a comprehensive study on Child Poverty in Uganda. Some of the achievements of this study were the conceptualisation of childhood poverty as distinct from poverty experienced by adults and households and bringing on the table discussions about this distinct kind of poverty. The process of working with the MGLSD to include these child poverty indicators in its poverty initiatives is underway.

Paragraph 51 of the Government Report mentions child rights monitoring indicators. (Suffice it to note that these are different from the childhood poverty indicators.) Though in existence, the process of developing these indicators was unsatisfactory and in many ways inconclusive. Meetings, co-ordinated by NCC, to take this process forward were characterised by frequent non-attendance and eventually it was decided to collate whatever was available then. The evidence of a process not brought to its logical conclusion is the non-use of these indicators. The development process did not go into discussion of use of the indicators and how to address questions like feasibility of their collection, monitoring and use of lower levels of government / administration.

Paragraph 53 of the Government Report highlights 3 approaches used to assess the impact of UNPAC. In the districts visited by UCRNN during its survey, there was no evidence of yearly reviews of DDPs to ensure focus on children. Consensus meetings are poorly attended and the latest situation analysis of women and children in Uganda has not been produced. UNPAC is being updated but not as a result of regular annual reviews, but more so because of the UNGASS World Fit for Children decade goals. UNICEF has indeed played a central role in trying to support NCC in its roles, but for reasons highlighted in other Sections like 3.3.1 and 2.2.1 (17), this has not been an easy task.

## Recommendation

- ☞ UCRNN recommends that the whole process of developing and selecting Child Rights Monitoring indicators be revisited with a clear understanding of what they will be used for, who will use them, how, why and when. This process should by necessity be inclusive of grassroots representation if it is to be relevant. This can be achieved through participation of UCRNN member organisations that operate at the grassroots and representatives of lower levels of government.
  
- ☞ The new UNPAC needs to be supported as does NCC that co-ordinates it. This support should include
  - Making UNPAC a practice oriented document owned by all the stakeholders and not seen only as an NCC working document.
  - Its development should be a participatory and inclusive process that involves all stakeholders.
  - Roles of all stakeholders (including NCC) in UNPAC's implementation should be clear and the stakeholders need to be sensitised on these roles and their relevance/importance.
  - The process of developing the UNPAC should set out clearer strategies of monitoring and evaluating its impact.
  - UNPAC should as far as possible build on existing initiatives and structures to avoid expensive implementation and duplication of activities.

### 2.2.5. Education

UCRNN is in agreement with the Government Report regarding access to education in Section 2.2.5 (34), that positive development has been made in access to education. Most children are in school. More girls have enrolled in lower primary schools. However vulnerable children continue to drop out of school due to lack of scholastic materials such as books and pens. The most vulnerable children who drop out are orphans of HIV/AIDS deceased parents<sup>24</sup>. This has been exacerbated by lack of adequate resources by districts to address these scholastic needs and lack of prioritisation of children's issues by parents and Districts during planning process.

The school education system lacks facilities for disabled children in most districts in Uganda. The total number of children with disabilities in primary schools is 173,143 only with a majority of these (37,269) being in Primary one and only 12,615 in Primary 7. The central region has the fewest CWD in primary schools (30, 826 and the eastern region the highest (52,161). In districts where USDC operates, there is marked improvement. In Luwero, Arua, Nakasongola, Hoima, Nebbi districts are beneficiaries of this support. Although there is a Special Needs Department in most districts, it is inadequately funded. In Mbarara district there is one school for blind children. All other children that are disabled lack facilities to cater for their education<sup>25</sup>. As a result, most CWD attending primary schools have a hearing impairment (27.93%) others have physical impairments (22.5%) and intellectual disabilities (26.2%). Further, special facilities are lacking in most schools countrywide. The numerous forms of disability and the lack of expertise in the country to address these forms in an education setting further hamper access to education for children with disabilities. UNISE's capacity to meet the great demand is limited.

## 2.2.6. Birth Registration

The Government has by law through the Constitution of the Republic of Uganda 1995 provided for Government to register every birth, marriage and death occurring in Uganda (Article 18). The hindrances identified in the GR Section 2.2.6 (36) pertain in most parts of the country. Other reasons for non-registration are the costs involved (travel to the responsible office and for the certificate), non-attachment of visible incentive to register and the confusion arising from the difference between birth registration and a hospital record of birth among others.

Under the identified GOU / UNICEF country programme 2.2.6 (36), rejuvenation of the birth registration system in Uganda has commenced with 500 children getting registered and a model for birth registration and training has commenced in two districts (GOU / UNICEF, 2001: 17). Although this is a positive step, birth registration is still at a limited scope for example in Mbarara out of 47 sub counties it is to be piloted in seven counties and its operational in five sub-counties. In the five sub-counties, co-ordination committees have been formed at Local Council 1. UCRNN's study found no or very limited and haphazard registration in the districts it surveyed.

Most recently, the largest and lead university in the country, Makerere University, which admits the largest number of Government sponsored students, made it a requirement for all entrants to submit their birth certificates as a requirement for admission. The response has been overwhelming, with the office of the Registrar of Births flooded with students needing to be registered. Coincidentally, children interviewed by UCRNN prior to this, had proposed that Government attaches birth registration to some other service.

### Recommendation

- ☞ Good practice and lessons from the UNICEF pilot areas should be replicated nation-wide. Financial and political support should support this process.
- ☞ Government should make paternity tests available in hospitals nation-wide at an affordable cost.

The children recommended that:

- ☞ Government should attach birth registration to other government services e.g. immunisation.
- ☞ Birth certificates should be issued free.
- ☞ Government should explore possibilities of issuing certificates at points that are more accessible to the populace.
- ☞ There is dire need for Government to ensure that birth and death registration is available in every district in Uganda. Public awareness on the registration of birth and death should be adequately facilitated.
- ☞ Parents should be encouraged to register their children.

## 2.2.7. Human Rights, Refugees and Internally Displaced Children

The GR Section 2.2.7 adequately addresses the efforts by Government to end the armed conflict and involvement of NGOs in the provision of psychosocial support for the war-affected children/population. In addition UCRNN notes the following:

The Constitution states that 'children shall not be separated from their families or the persons entitled to bring them up against the will of their families or of those persons...' Article 31 (5). The increased war in the north has undoubtedly denied the children the right to be with their families.

***"We children want the war to stop so that we can go back to our homes. We want the Government to commit itself to a war-free Uganda"***<sup>26</sup>

The children want all wars to stop and a commitment from government about their security and property so that they can get back to their homes. (Save the Children UK 2000: 18). Seventy-five percent (75%) of the rebel fighters are young children while young girls still act as wives to commanders (The New Vision: 2002: 7)

Children's rights to family, parental support, education and health services have been threatened through the insecurity which has affected 15 out of Uganda's 56 districts. More than half a million people are displaced 10,000 children have been abducted, a good number recruited as child soldiers while 5,555 children are reported missing in Sudan. Two thirds of the existing primary schools have been closed due to insecurity and the children study in temporary structures within the IDPs. Two-thirds of the population lives in protected Camps<sup>27</sup>. Numbers of abductions have reduced from three children per two days to less one in every two days and for shorter spells of time. Out of 337 persons who returned to Uganda after peace agreement, 157 were children (GOU / UNICEF, 2001:2-3).

Conflict causes loss of life, torture mutilation, abduction, looting and loss of property and massive displacement of people<sup>28</sup>. Hearing and seeing violence has become a common occurrence to children. The war has left men disillusioned, women raped and divorced while children are abducted and orphaned and neglected. The war in the northern Uganda has led to civil insecurity, encompassing fear for personal violence (rape, injury and death), social breakdown, family break down and emotional distress (NUPSNA, 1998: 8).

**Table 1: Districts Affected by Conflict**

District	Effect	District	Effect/Associated problems
Adjumani	Refugees	Hoima	Refugees
Apac	Rebel incursions	Kabarole	IDPs, abduction of children
Arua	Refugees and recent rebel incursions	Kasese	IDPs abduction of children
Bundibugyo	IDP camps and abduction of children	Katakwi	IDPs
Masindi	Refugees	Kitgum	IDPs, refugees and abduction of children
Mbarara	Refugees	Lira	Abduction of children Influx of children and adults from insurgency in nearby districts
Gulu	IDP camps, abduction of children and rebel incursions	Pader	Abductions of children, rebel incursions and IDPs
Kotido	Drought		

***UNOCHA, Humanitarian Update, June 2002***

According to UNICEF report on abduction in Northern and South Western Uganda: 1986 – 2001 ‘a total of 355 adults, 785 children and 25 persons whose age could not easily be established were abducted in Kasese alone, giving a total of 1,165 persons. Two hundred and twenty six (226) children have not returned from rebel captivity in the jungles of the DRC’.

UCRNN is a Steering Committee member of a coalition of civil society organisations that advocates for a peaceful resolution to the conflict in northern Uganda. This coalition works within the framework of the Humanitarian Charter and is a strong advocate for IHL principles.

#### Recommendations from Children

- ☞ UN should employ peacekeepers in northern Uganda.
- ☞ Government should negotiate with the rebels through UN.
- ☞ Government should stop recruiting children into soldiers (forces).
- ☞ The war fighters should not target children.

#### 2.2.8. Street Children

It was not possible to establish what impact of the Street Children’s Desk and the Street Children Guidelines have had since their establishment. No evaluations were available. There is insufficient monitoring of the implementation of these guidelines. Children still live on the streets and they continue to be harassed by police and council authorities<sup>29</sup>. Government has, in partnership with NGOs, implemented rehabilitation and resettlement programmes that have not succeeded in curbing the problem of street children. However, FOCA, a local NGO has established that street children who enrol and complete vocational training, and are provided with the requisite tools, do not return on the streets. Adequate counselling and follow-up visits make this intervention successful.

#### Recommendation

- ☞ Street Children should participate in vocational skills training before being resettled.
- ☞ Government should identify and prioritise resources to facilitate adequate counselling and follow-up visits.

#### 2.2.9. Child Abuse and Exploitation

The 1995 Constitution provides the policy framework for all children under the age of sixteen years 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, Article 34 (4& 5).

Government has ratified the ILO Convention No. 138 on Minimum Age for Employment and ILO Convention No. 182 the Worst Forms of Child Labour Convention, 1999.

Although the instrument for ratification of Convention No. 138 is in place, the ILO has not yet acknowledged Uganda's ratification. This is because at the time of ratification, the minimum age of admission to employment was not specified. An addendum has been prepared and submitted to ILO spelling out 14 years as the minimum age for admission to employment in Uganda. The reasons advanced for setting the minimum age for admission to work at 14 years is because Uganda's economy and education infrastructure is still insufficiently developed and as such a certain category of children start earning a living as early as 14<sup>30</sup>. Although the age of minimum admission to employment is contrary to the constitution, it is anticipated that the ongoing constitutional review process will address this inconsistency in the two instruments and harmonise the age for admission to employment.

A draft Child Labour Policy is in place. Mechanisms to intervene in child labour have been established. A rapid assessment in 4 districts in Uganda has been undertaken with support from ILO / IPEC and programmes and action programmes to intervene in child domestic work have been developed and are operational in four districts in Uganda.

### 2.2.10. Defilement

The issue of defilement has been acknowledged in the GR. Existing literature, press reports and NGO reports confirm an increase in defilement cases. Defilement cases constitute the highest percentage of criminal offences that get to the police, Director of Public Prosecutions (DPP), court and prisons. For example in 1997 - 1999 46 % of the cases handled by police were related to defilement, in the period 1996 - 1999, 35 % of cases of defilement were handled by the DPP while 1996 - 2000, 42 % of the cases handled in the high court sessions concerned defilement (The Chain Linked & Nordic Consulting Group). An analysis of offenders indicated that taxi drivers, *boda boda* (motor bike cyclists), businessmen and teachers have been listed as the top defilers among school-going children (Straight Talk Foundation & Chain Linked Initiative, 2001).

#### Recommendation

- ☛ Specific programmes should be designed targeting the top listed categories of offenders to educate them about defilement as an offence and to provide an incentive for attitudinal change. Training of peer educators is an example of such programmes.

### 2.2.11. Dissemination of the Initial Report

Government has acknowledged the poor dissemination of the initial reports. It is important to note that availability of information to the poor is crucial for poverty reduction and improvement in child well being. Though budgetary constraints are cited as the cause, this is not necessarily the only cause. The report is not widely disseminated because this is not a prioritised activity. If it was prioritised, the Government could very easily use its good working relationship with the child-focussed NGOs to ensure its wide distribution.

Many of the local NGOs and CBOs involved in promoting child-well-being were until the start of the process of developing this Alternative Report, unaware of this reporting process. As a result, they could not offer support to the government in this regard.

There is a considerably big lapse between the time the report is written, considered by the committee and the written recommendations received. As a result, prioritising dissemination fades when weighed against the costs of doing so on a background of newer developments. UCRNN applauds the initiative of getting more members on the CRC Committee to help deal with the backlog of Country Reports.

The report and attendant documentation need to be abridged and simplified if the majority of the populace, a greater percentage that cannot read, is to understand them. Communities and policy makers need to be sensitised on their relevance and importance if any interest is to be shown in them and this is in itself a daunting, long-term and expensive task. To generate debate in itself is even a more consuming task. Dissemination therefore entails much more than simply distribution. The budgetary constraints alluded to in the GR 2.2.10 sums it all up.

#### **Recommendation**

- ☞ The Reports should be abridged and translated into various local languages and in partnership with CSO, disseminate the abridged and translated versions nation-wide.

### 3. GENERAL MEASURES TO IMPLEMENT THE CONVENTION

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#### 3.1. INTRODUCTION

In addition to the policy initiatives, legal reforms and mechanisms outlined in the GR Section 3.2, this report highlights other initiatives the government has made and makes proposals for further improvement.

#### 3.2. POLICY INITIATIVES

Policy initiatives presented in this section of the Government Report are in general substantive and substantial. The challenge lies in the translation of these policies into practice. Practice is usually limited by funding, lack of political commitment to their follow-up and inadequate infrastructure and personnel to sustain implementation (See MFPED 2002: 6).

Nevertheless, good policy frameworks provide a conducive environment for support of programmes by development partners and donor agencies. In a majority of cases, the implementation of social protection policies that affect children is only made possible by the involvement of donors and child focussed CSOs. Where this is followed up by strict accountability requirements, the results have been positive.

**New policy initiatives and guidelines** that affect children required include:

- Prevention of Mother-to-Child Transmission (PMTCT) of HIV/AIDS and Breastfeeding
- National framework for people in displaced camps
- Orphans and vulnerable children policy
- Early child hood care and development policy

**Other guidelines** that are nationally recognised and developed by Civil Society in partnership with government include:

- Childcare guidelines for the care and treatment of children infected and affected by HIV/AIDS
- Guidelines on VCT for children

**Policy initiatives that require government political commitment** to initiate or bring them to the forefront of development discussions are policies on<sup>31</sup>:

- Street children - no clear policy has led to controversial interventions
- Orphans and child headed households - the social structure alone is inadequate in providing required support
- Children of parents with disabilities - these are at the moment an 'invisible' vulnerable group
- Children in conflict areas - especially those in IDP camps
- Children in chronic food insecure areas e.g. Karamoja area and parts of the Eastern districts
- Care for infants of working mothers - infants are vulnerable to abuse and neglect and there is no policy that requires institutions to provide support facilities for the mothers
- Child mothers - especially single child mothers
- HIV/AIDS policy and legislation. Although Uganda has been implementing programmes on HIV/AIDS, it does not have a visible policy and legislation on HIV/AIDS

### 3.3. THE CRC IMPLEMENTATION AND MONITORING IN UGANDA

#### 3.3.1. Uganda National Programme of Action for Children

The co-ordinating body of the UNPAC is the National Council of Children (NCC). NCC has been viewed by many as a weak institution that did not effectively play its co-ordination role, many times confusing this role with that of the Ministry of Gender, Labour and Social Development. The roles outlined in Section 3.3.1 (65) for a central government department are the roles of the Department of Children and Youth in the MGLSD and not NCC. Further more, weak management has plagued the NCC, as has a high staff turnover in leadership positions. Donor disillusionment weakened the financial base of the NCC. This situation has led to the weak planning for and monitoring of the UNPAC.

The weakness of the NCC has meant that key stakeholder ministries carry on their roles without the required co-ordination in relation to the CRC. Other ministries that greatly affect children as a result do not mainstream them e.g. Ministry of Agriculture, Animal Industries and Fisheries (MAAIF) handling food security and nutrition, Office of the Prime Minister (OPM) handling children in disaster situations, Ministry of Housing etc. Other ministries not adequately involved with NCC are Ministry of Justice, Ministry of Internal Affairs (Police). Progress in their areas of jurisdiction with regard to children has been in the general line of their duties but not with a specific focus or drive from the need to implement the CRC. For example, the mechanisms mentioned by the GR 3.3.1 (67-72) were not 'established to accelerate the implementation of the Convention' but are part of the general planning processes of ministries. NCC's role and contribution to these processes in light of their co-ordination and monitoring mandate was not evident.

All the people interviewed in the 18 districts surveyed by UCRNN, none had knowledge about the roles and function of the NCC<sup>32</sup>. The districts are of the view that the NCC is too centralised and needs to decentralise its activities.

#### Recommendation

- ☞ Need to strengthen the links between NCC and other organisations. The children said, 'NCC should work with NGOs ...if they would like to reach us... should come to educate us on their roles' (UCRNN Survey: CCF/SCN Apac). This must start with the restoration of confidence in the NCC's ability to deliver according to its mandate. There is an urgent need for institutional reorganisation.

According to most of the Probation and Social Welfare Officers interviewed by UCRNN, the Ministry of Gender, Labour and Social Development is not playing their role especially with regard to visits to the districts for technical support, inspection and monitoring<sup>33</sup>. Conversely, for the Ministries of Education and Health (MOE and MOH), inspection, monitoring and supervision and guidance are provided more regularly. The MGLSD district staffs attribute their marginalisation at district level partly to the laxity by the Central government ministry. However, a study carried out under the auspices of SCUK and MGLSD found that the regular support from the centre in the MOH and MOE was to a large extent a result of their receiving conditional grants which are closely monitored for accountability. The MGLSD does not receive such grants. This nevertheless, is no excuse for the Central Government department not carrying out its roles and responsibilities.

### 3.3.2. District Level Mechanism

The Government Report lists district officials responsible for implementation of DPACs in Paragraph 73. However, from research carried out by UCRNN, the districts have long since forgotten the DPACs and SPACs. In Districts that remotely remember the DPACs and SPACs none could tell us that they were integrated into their District Development Plans as reported in the Government Report. What was clear was that programmes that address children's concerns did not feature in the DDP as district activities. Most were incorporated upon the realisation that an NGO/CSO was going to carry them out in the districts and needed the district to incorporate them in their DDP. This was not on the initiative of the districts.

Literature reviewed suggests that in the districts in which there are Child Advocacy Programme Officers children's issues are evidently included in District Development Plans and this has raised the profile of children's issues in the districts. SCN transferred UGS 850 million to the 14 CAP districts during the period 1999 to 2002. A majority of children's programmes at district level are dependant on donor / external funding, an enthusiastic and influential officer in-charge of children or the special interest of an influential Local Government authority. This means that there are hardly any children's programmes at district level that exist from a district initiative and funded by the districts. The Community Services Co-ordinators office and more so the Probation offices are the most poorly funded and the SCA do not have funding support to carry out their statutory responsibilities.

There is inadequate co-ordination between most local governments and national and international CSOs in the planning process<sup>34</sup> except for CSO programmes designed to work with Local Government Planning Processes. The database to reflect the activities of various actors on children's issues is underdeveloped due to understaffing, with exceptional districts where donors have invested a lot in the District Planners Office. Other stakeholders do not easily access Government Reports.

Government efforts in addressing children's issues are reactive interventions rather than specifically programming / planning for them. Child rights actors and the Ministry of Gender Labour and Social Development need to do a lot more in using the existing processes (e.g. MTEF) and structures / frameworks e.g. PEAP to attract more substantial allocation from MFPED. Funds are released by the MFPED based on proposals submitted by line Ministries<sup>35</sup>.

#### Recommendation

- ☛ All interventions regarding children at district level should be co-ordinated by the District Local Government.
- ☛ Children welfare and protection to be prioritised by the Ministry of Gender Labour and Social Development during planning processes and efforts made to engage the MFED.
- ☛ Children issues should be included in the Programme Priority Areas in order to access conditional grants.

### 3.4. BUDGETARY ALLOCATIONS

Children's issues are covered under strategic areas of health and education, which continue to dominate the social services funding at the central level, and the focus is on infrastructure. MGLSD, whose mandate covers children, has started getting its act together in order to access government funding. It is more actively participating in developing the Social Development Sector Strategic Investment Plan and the attendant Medium Term Expenditure Framework (World Bank Group 2002, SCUK SP Sector Reports 2002). This would cater for the more vulnerable children and shift some of the focus from children within the health and education system. As it is, there is hardly any information on children outside these sectors and yet these tend to be the most vulnerable.

At the district level budgetary allocations to children or DPSWO office vary e.g. in Kasese District only 1% of the District Budget goes to Probation and Social Welfare; 4% Education and 1% Gender. In other districts, it is as low as only 0.25% of the budget allocated to children and at town council level, gender and community development that includes probation and social welfare gets only 2.2% of the district budget.

#### 4. DEFINITION OF A CHILD

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Uganda has a statutory definition of a child that conforms to that provided for in the CRC ('any one below the age of 18 years'). However, in Ugandan societies and in many others around the world, childhood is a social construct and therefore differently defined by different cultures. In some cultures, rites of passage draw the line between a child and an adult for example male circumcision, while in others, it is the physical development e.g. attainment of puberty (menstruation in girls and pubic hair in boys), while in others it is socially defined e.g. building your own house, giving birth to a child or getting married. More recently, completion of schooling or achievement of a qualification determines it. In Kampala, considered to be the most developed city in Uganda, 39.6% of respondents in a child abuse study defined a child to be any person under the care of adults or parents, regardless of the age.<sup>36</sup> A legal definition of a child based on a set age is therefore sync from definition by custom and social practice and this affects the implementation of any laws / policies based on the legal definition.

***“We find difficulties in defining a child while allocating funds at our sub county...there’s always confusion in differentiating between the youth and children... so we end up merging the two in our budget without specifically considering children” (Chairman LCIII Nabwiigulu Sub county)<sup>37</sup>.***

The implementation of the Children Statute 1996 faces this same challenge. Communities do not understand why a 17 year old boy, who owns his own income generating business (e.g. bicycle repairing), sits on the Local Council executive and looks after a family is treated as a child by the law and a 19 year old school going boy, still wholly dependant on his parents, with no responsibilities whatsoever, is treated as an adult. Equally, they do not understand why a married 16-year-old Moslem mother of 2, running her household is considered a child. A study done in Kampala confirmed that children of the same age are treated differently according to the varying conceptions held about who a child is, leading to unfair treatment of some children (SCUK 2002:16)

The challenges posed by using a legal framework to categorise a social construct remain. One has to be flexible enough to accommodate the other; otherwise the only way forward for implementation is the slow and arduous task of changing community attitudes and perceptions to support implementation of the law and the CRC.

## 5. GENERAL PRINCIPLES

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In this section, UCRNN agrees on the whole with the Government Report. The principle of best interest of the child, though enshrined in the law, is not a paramount consideration in many matters affecting children.

SCUK started a child-led project where children conceived the project ideas and manage the implementation. The principle of children's participation has led to SCUK supporting the presentation of children 's views in the Constitutional Review Commission and the national policy framework- the Poverty Eradication Action Plan and is planning children's involvement in the Consultative Group<sup>38</sup>. This is however, a limited initiative from which Government and other stakeholders can draw lessons and identify good practice to inform the development of a Child Participation Policy. It should however be noted that children out of school do not have as many opportunities as those in school to express their views.

***“The publication on radios and newspapers are mainly in English. People who do not know English cannot understand including us children”<sup>39</sup>.***

## 6. CIVIL RIGHTS AND FREEDOMS

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### 6.1.1. Name and Nationality (Article 7)

In addition to UCRNN's observations in section 2.2.6, the conflict-ridden situation in the north poses a new challenge regarding name and nationality. A major concern arising out of the conflict in the northern part of the country is the lack of identity of children born in captivity. Children abducted are given to various commanders as wives and therefore do not know their fathers. Further more cases of rape and defilement leave children without a clear identity and whether they are citizens of Uganda or not.

### 6.1.2. Preservation of Identity (Article 8)

The Children Statute 1996 provides for measures to be taken to prove parentage. Cases of denial of parentage are common in the probation office<sup>40</sup>. In Uganda there is no mechanism for conclusively resolving denial of parentage. DNA tests are only available outside the country at the costs of the parties. However the procedure for having parental proof is lengthy and expensive for majority of the Ugandan poor.

### 6.1.3. Freedom of Expression (Article 13)

There is a legal framework that provides for children to freely express themselves. As the GR correctly notes in Section 6 (95) this is currently being done through the media, theatre for development, groups and children associations with limited access and participation of children in rural areas. For example in Arua and Luwero Districts children in the rural areas were found unable to express themselves through the print media due to lack of access<sup>41</sup>. Advocacy for freedom of expression for children is in place by both government and NGOs.

***“Children have been given an opportunity to express their views on different issues through radio programmes, debates, essay competitions, drama shows, child rights clubs and action research groups. Public awareness through magazines like ‘Young Talk’, ‘Straight Talk’ should be undertaken because ‘Straight Talk’ is got every month”<sup>42</sup>.***

The challenge the media houses and other avenues of children's expression have, is that the materials are prepared and/or presented by children and are therefore considered by the greater part of the population to be for children. The adult population, which consists of policy and decision makers, at all levels in society do not take these messages with the seriousness they deserve.

In addition, the Government Report does not highlight the fact that despite the appreciation for freedom of expression for children, in some communities and at family level a negative attitude prevails towards having children to freely express themselves. This has limited / hindered their participation in the development and planning processes<sup>43</sup>.

***“In most families children are ignored and not given opportunity to freely express themselves. In schools, children participate through prefects but it is some times ceremonial participation. Children are not allowed in Local Council Village meetings”<sup>44</sup>.***

These perceptions have their founding in the cultural / social norms that uphold the view that children should be seen and not heard. It is generally believed that children, because of their very nature, are incapable of contributing to adult discussions and complex processes like governance.

## Recommendation

- ☞ Efforts to promote children's expression should focus on the rural areas e.g. support to 'Straight Talk' and 'Young Talk' and radio programmes that promote children's expression of their views, should focus on their translation and airing on local FM stations countrywide.
- ☞ Families, community leaders, policy and decision makers at all levels of government need to be supported to know why (understanding) and how (the practice) children can participate in development processes and the value added by doing so.

### 6.1.4. Freedom of Thought, Conscience and Religion (Article 14)

Children in Uganda practice religion of their parents and in the majority of the cases religion of the father.

### 6.1.5. Freedom of Association and Peaceful Assembly (Article 15)

This has been limited to the school environment through formation of child rights clubs<sup>45</sup>. Although a good number of schools have a mode of establishing child rights clubs to facilitate peaceful assembly, Child Rights clubs have mainly been operational in urban schools.

### 6.1.6. Protection of Privacy (Article 16)

Although the Children Statute 1996 provides a framework for privacy in judicial proceedings, the Family and Children Court has not been ably facilitated to be functional. Children have therefore continued to be heard in open court and they are identified and published in the press. In the Local Council courts, which are the courts of first instance in most child-related cases, children's cases are still not heard in camera<sup>46</sup>. This has been due to lack of knowledge on the procedures for handling child-related cases.

Through a Media Initiative, ANPPCAN is training journalists on the rights of children and engaging them in debates about the right to information, privacy, ethics and the best interests of the child. Efforts are being made to train Local Council courts but the impact is yet to be felt.

### 6.1.7. Access to Appropriate Information (Article 17)

Government has made positive steps towards provision of appropriate information for school curriculum. The framework for regulation of pornographic materials however is still weak. Pornographic materials have therefore continued to filter through print and electronic media. This has in certain instances contributed to early initiation into sexual activity, destruction of studies and social adjustment<sup>47</sup> and has further left the protection of children from exposure to pornography to parents who may in majority of instances not have control over their children.

### Recommendation

- ☞ Government, in particular the President's Office (responsible for information) and the MGLSD, needs to work in close collaboration with the media council and the public Internet providers to strengthen and/or establish a/the regulatory framework for children's access to information.
- ☞ Parents need to be supported to know and understand how they can constructively protect their children from inappropriate information.
- ☞ Civil Society Organisations and bi/multi-lateral agencies need to take this issue seriously and team up with parents' associations and target media and Internet providers as partners in this effort before it gets out of hand.

#### **6.1.8. The Right not be subjected to Torture or other Cruel, Inhuman and Degrading Treatment or Punishment (Article 37a)**

Although the legal framework for protection from torture and inhuman treatment is in place, GR 6 (100), many children continue to be tortured both physically and mentally within their own families either by their own parents or guardians. This has occurred, in certain instances, in the presence of neighbours who are reluctant to expose the abusers for fear of bad neighbourliness.<sup>48</sup> Mechanisms for monitoring torture and inhuman treatment at community level are still weak though in areas like Kawempe where the Police and community have been continually sensitised, reporting is increasing.

## 7. FAMILY ENVIRONMENT AND FAMILY CARE

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### 7.1.1. Parental Guidance (Article 5)

In spite of the family structures outlined in the GR Section 7 (101), HIV/AIDS, conflict and poverty among other things, separate children from their families / parents. Further, children have in certain instances left their families in the rural areas and migrated to urban areas in search of employment as casual labourers, housekeepers etc.<sup>49</sup> Working parents lack quality time with children who have to be left with domestic servants. A certain category of children therefore still lacks parental guidance.

In addition, parents find themselves in need of support in order to provide effective parental guidance. Many parents, especially in urban areas, find themselves overwhelmed by external influences on their children like the media, the internet, the child rights activists, western-influenced entertainment which they feel they have little control over and do not understand how to deal with. They are therefore at a loss on how to provide parental guidance in light of these fast developments.

#### Recommendation

- ☛ Stakeholders who promote the care and protection of children need to focus on support to parents as one of the strategies of meeting their objectives. For a long time the focus has been on the children without adequate support being provided to parents to engage them as key players in the promotion of care and protection of their children.

### 7.1.2. Parental Responsibilities (Article 18, paragraph 1&2)

The Government Report outlines the legal and policy environment existing in the country. In practice cases of parents abusing children do arise – albeit not on a large scale. However, some of the cases brought to light have been so extreme to merit serious concern about parenting and abuse. Children have been forced to leave their homes and opt for living on the streets. A number of parents abandon their children in public places like markets and roadsides and many newborn babies continue to be abandoned<sup>50</sup>, GR Section 7 (107). The media has been active in exposing this category of parents.

Attitudes and perceptions have a great influence on parenting and therefore understanding of parental responsibility. The challenges this poses are best exemplified by the situation of the girl child. Parents who believe that a girl's only calling in life is to get married 'guide' their daughters into marriage – sometimes forcefully.

***“Every time she comes home from school her father abuses her and discourages her from going to school. He says that since she is a girl, anytime she will get pregnant and waste her father’s money”<sup>51</sup>.***

Lack of necessities due to poverty by adults has aggravated lack of parental responsibility.

***“The parents take the new blankets leaving us children with old because they also do not have”<sup>52</sup>.***

### Recommendation

- ☞ Children recommended ‘...teaching parents about girl child ...fighting poverty at household level...Government should arrest parents who do not take children to school’ (UCRNN Kigulu Development Group, Iganga).
- ☞ Government and development partners should increase investment in public awareness & sensitisation on parenting, children’s rights & responsibilities, roles & responsibilities of parents, Local Councils and members of the community in the care and protection of children (UCRNN SUK Survey data, Masaka).
- ☞ Government should strengthen enforcement of the law on parental responsibility.

#### 7.1.3. Separation from Parents (Article 9)

The Government Report highlights the legal provisions regarding separation from parents GR Section 7 (103). Many view these orders as euro-centric and impractical due to limited funding for the identified actors. However, the use and impact of the orders referred to in the Government Report is yet to be established.

Outside orders by court, separation from parents usually happens as a result of conflict, poverty or death. Each of these scenarios is handled differently but all with the aim of reuniting the child with its family and in the worst-case scenario, an institution that plays the role of a family.

#### 7.1.4. Family Unification (Article 10)

The GR Section 7 (105) correctly identifies the legislative gap.

### Recommendation

- ☞ Government should put in place legislation for unification of children with their families.

#### 7.1.5. Illicit Transfer and Non Return (Article 11)

The measures identified in the GR 7 (105) were welcomed. More recently, Government has named a Peace Team whose terms of reference include holding peace talks with the Lord Resistance Army (LRA). This is going on at the same time as a military initiative known as ‘Operation Iron Fist’. One of the aims of the operation is to return children abducted by the rebels or at least facilitate their escape from the rebels. Government’s commitment is seen in the President of Uganda spending more time in the troubled north in a bid to end the conflict. However, there are concerns raised by UCRNN in coalition with other CSOs:

- The Amnesty Commission is very poorly funded and is therefore not effective in carrying out its mandate.
- The tactics / strategies employed by the UPDF did not seem to facilitate the escape or return of abducted children
- The international community has to a large extent remained indifferent to the conflict situation In Northern Uganda.

#### **7.1.6. Recovery and Maintenance for the Child (Article 27, paragraph 4)**

The Family and Children Court that is responsible for maintenance orders is not operational in many districts. Civil society organisations have addressed this gap through provision of alternative resolution services for disputes between parents over maintenance of children. Examples of such CSOs include FIDA-Uganda, FHRI, Legal Aid Clinic of the Law Development Centre, the Legal Aid Project among others. Unfortunately these services are not country wide and are urban-centred.

#### **7.1.7. Children Deprived of Family Environment (Article 20)**

Children are deprived of the family environment mainly due to abuse and neglect by parents who in majority of instances migrate from rural to urban areas to seek employment. The probation and social welfare officers have in certain instances carried out awareness on the importance of children growing up in a family environment<sup>53</sup>. Violence within the family and increased levels of divorce and separation of parents contributes to break down in the family environment.

Although the Children Statute 1996 provides for local councils to provide temporary assistance for children deprived of their family environment (Section 11), Local councils are not well facilitated to provide assistance to these children. Those that do so out of a volunteer feeling of responsibility and are usually the women members of the executive. NGOs are however supporting these children through provision of shelter and needs<sup>54</sup>.

#### **Recommendation**

- ☞ Local governments should provide resources to assist children in need of accommodation on being lost or abandoned or seeking refuge and for publication to trace parents / guardians of any lost or abandoned child.

## 8. BASIC HEALTH AND WELFARE

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### 8.1. TARGETS IDENTIFIED FOR THE FUTURE IN RELATION TO CHILD MORTALITY AND CHILD MORBIDITY

In spite of the targets, infant mortality rates did not improve over the last five years – Government acknowledges this (MFPED, 2002, page 5). The high risk factors that cause the high IMR are high fertility and low birth spacing, single, divorced, widowed and separated mothers, teenage mothers and immunisation of children. Over the past 5 years, the following have deteriorated: infant mortality, neonatal mortality, post neonatal, child immunisation coverage and Tetanus toxic for pregnant women. However, MFPED has correctly identified and made recommendations to address this situation in its discussion paper No. 6. It recommends increased health sector allocations in the national budget, political commitment and elimination of cultural obstacles (MFPED 2002, page 6). Several times sound recommendations like these are made and not implemented.

#### Recommendation

Civil Society and the relevant Government Ministries (technical and political officers) together need to develop a well-thought out strategy to address the identified need.

Paragraph 112: Increasingly, reduction of MTC transmission is being curbed by provision of Niverapine – a drug that reduces HIV/AIDS transmission by close to 50%, rather than by reducing conception in HIV positive mothers. PLWHA are demanding access to and provision of ARV as their right to life and health. Access to life-saving drugs for HIV affected and infected children is still plagued by ethical questions regarding testing of children. However, an orphans' and vulnerable children's policy is in the offing to provide a framework for interventions.

UCRNN commends Government's efforts in the fight against HIV/AIDS.

### 8.2. HEALTH CARE DELIVERY SYSTEM

The health care infrastructure coverage is commendable but the services provided within those structures leave a lot to be desired. In several instances, health centres lack qualified personnel (committed or motivated personnel) and drugs, though a lot of effort has been put in providing the essential drugs. The poor service provision at these health centres discourages the communities from using them. Private sector health services are expensive hence not accessible to mothers and children. Irrational drug use is still a problem. The lack of a monitoring system by DDHS to monitor drugs distributed to health centres does not help the problem. Drugs usually find their way to private pharmaceuticals and clinics.

Accessibility, including distance to health centres, though improved still poses a challenge to some areas and to children with disabilities. Though service delivery is vested in the local authorities, this has failed to address the huge demand that increased with the eradication of cost sharing. USDC operates some medical units to provide specialised rehabilitation services for CWDs but have very limited coverage nation-wide. Local governments plead they lack resources to run health programmes, purchase relevant equipment and adequately furnish their facilities. Support from the MOH is only in technical terms, supervision and guidelines for planning processes.

Community ownership of health facilities is still low but the use of community health resource persons to sensitise the community on good health practices is working in some districts like Luwero. In the war-ravaged districts of western Uganda, the health units were vandalised and the staff fled to other districts. The operational health centres face the same problems, as do the others. In the northern region, the 16-

year-old conflict has led to deterioration in health due to the camp conditions with nearly everybody falling sick once a year<sup>55</sup>.

The impact this has on children is well documented in the GR Section 8 (123).

#### Recommendation

- ☞ Strengthen collaboration between the CSO, Private Health Practitioners (PHP) and Government on health issues. CSOs have the capacity to reach the most vulnerable children and are not plagued with bureaucracy. PHP working in partnership with government at both central and district level would increase on access and impact.
- ☞ Training and motivating health staff still needs to continue being a priority.
- ☞ Renovate dilapidated health units ravaged by war.

### 8.3. HEALTH SECTOR STRATEGIC PLAN

UCRNN commends the initiative of Government to provide some funding to facility based not for profit health providers and to involve PHP and other non-facility based (NFB) private not for profit (PNFP) health providers in the mid-term review of the health sector strategic plan (HSSP). The involvement of complementary medicine practitioners and traditional healers still poses a challenge to the process but the inclusiveness is indeed commendable. The partnership centres on policy formulation and development, planning and co-ordination, health- care delivery, institutionalising the private public partnership for health (PPPH) and monitoring and evaluation of health care delivery.

GR Section 8 (116-141) shows that the Government of Uganda has a good understanding of the health status of the country and its children. The sections highlight the situation and challenges as they are and proposed plans to address the challenges.

#### Recommendation

- ☞ Paragraph 117: Government needs to make a deliberate effort to support districts to increase their absorptive capacity and improve their management.
- ☞ Paragraph 119: Health Unit Management Committees (HUMC) require training and support if they are to effectively play this role.
- ☞ Paragraph 123: Children's access to health care still remains a major concern and should remain a Government priority

### 8.4. FOOD AND NUTRITION

It is not clear how the food and nutrition policy mentioned in the GR Paragraph 131 are monitored for impact. Nonetheless, there is lack of sufficient food in a few districts e.g. Bushenyi where it has led to stuntedness and wasting. Generally speaking though, Uganda is not a food insecure country. Children in the districts of Kotido and Moroto in Karamoja however, need special focus, as these areas are known to suffer chronic food shortage. With support from CSOs, the department of disaster preparedness has started a project that would develop a community-based early warning system in Karamoja.

In the war ravaged districts of Gulu WFP distributes relief food but this is irregular due to insecurity. There are other actors involved in food distribution in these districts e.g. CRS and yet there are still cases of people starving. Due to insecurity, travel into and out of the districts is limited. This has led to increase in the price of food making it inaccessible.

The World Bank funded Nutrition and Early Childhood Development Programme has been implemented in 25 districts in Uganda. It is a 34 million dollar project due to end in December, 2003, though national scaling up is envisaged. A report by SC UK *Thin on the Ground*<sup>56</sup> questions the effectiveness of some of the approaches used in this project - in particular growth monitoring and promotion - in reducing malnutrition. A call has been made for the project to be evaluated before it is scaled up in phase 2.

### Recommendation

- ☞ In the war ravaged northern region, there is an urgent need to ensure food security and rehabilitation of production of traditional cash crops, sustainable land use, modernisation of agriculture and livestock.

## 8.5. HIV/AIDS

In addition to the information provided in the Government Report, it is important to note the following. The prevalence rate that was at 6% has most recently increased slightly by 0.3%. HIV/AIDS is one of the single most causes of orphan-hood in Uganda. This has been attributed to laxity in the populace due to information regarding the dropping prevalence rate. Another big challenge is the apparent inability of the existing health systems to effectively and efficiently protect and distribute HIV/AIDS anti-retroviral drugs. The case of drugs being stolen and distributed through private pharmacies highlighted this challenge. The situation is further complicated by the fact, that the Global Fund does not fund systems' establishment and functioning and yet this is where the biggest challenge to health delivery is found.

CSO supported programmes have found that communities that care for orphans lack adequate knowledge and information on how to provide this care, communicating with and counselling children regarding the disease. This is more so given that children affected and infected with HIV/AIDS receive their care within communities. A partnership of MOH, MOE, MGLSD, AIC, and other CSO was co-ordinated by SCUK to develop a simple handbook and training manual for the provision of home-based care for these children.

To date, there was no systematic support provided to HIV/AIDS orphans and vulnerable children. However, the policy that is in the offing will enable this to happen. The role NGOs have played in the fight against HIV/AIDS is commendable. Coupled with political support, the success story only shows what a combination of political will, facilitation and collaboration with NGOs can achieve.

### Recommendation

- ☞ There is an urgent need for the country to develop a comprehensive HIV/AIDS policy based on the abundant good practice and lessons learnt.
- ☞ The resource materials developed to guide the care and treatment of children infected and affected by HIV/AIDS should be widely disseminated and training given to home-based care providers.
- ☞ CSO should be seen as a strong implementing partner in the distribution of anti-retroviral drugs and condoms as the health system is leading to expiry of millions of life-saving condoms and theft of anti-retroviral drugs.

## 8.6. STANDARD OF LIVING

In addition to the information presented in the Government Report in this section, it is important to note that 62% of the Ugandan's living under the threshold of poverty are children<sup>57</sup>.

The PEAP revision has generated a broader set of indicators to define poverty - including risk, vulnerability, physical and social isolation, powerlessness and insecurity. These indicators have a strong bearing on children. The Participatory Poverty Assessment Project identified the following as more likely to be poor:

- People living in rural areas
- People living in insecure areas
- People living in the northern and eastern parts of the country
- People vulnerable to poor harvests, droughts, illness and death
- People socially and politically excluded

The poor express their priorities as security, access to clean water, eradication of corruption, which undermines service delivery food and nutrition among a few others<sup>58</sup>.

## 8.7. A COMPARISON OF THE WORLD FIT FOR CHILDREN DOCUMENT AND THE PEAP

Though the GR 9 (143 & 144) cites Vision 2025 and the PEAP as strategic documents to drive Uganda out of poverty, they are characterised by lack of sufficient funding to implement them. There is a debate on whether to limit the content of the PEAP to available funding or develop an ideal document and use it to solicit for funding. Whichever, the choice, it has implications for implementation or the lack of it. SC UK is spearheading the inclusion of child poverty into the PEAP and ensuring that children's voices are heard in it.

In the war-torn districts children continue to suffer great poverty; apart from the economic poverty, there is the feeling of powerlessness, helplessness and deprivation of basic human rights. 75% of the children in Gulu District live in IDP camps under inhuman conditions<sup>59</sup>.

### Recommendation

- ☞ Decongestion of the IDP camps to enable Gulu, Kitgum and Pader districts to focus on real poverty eradication
- ☞ Children recommend that the level of corruption by government be reduced ' just like they are fighting HIV and Measles'

## 9. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

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### 9.1. INTRODUCTION

In Section 10 (145 – 150), the Government Report highlights the major challenges to the provision of and access to quality education. It shows the categories of children who do not access secondary education, low survival rates in spite of high enrolment rates, challenges to girl- child education and the classroom environment: teacher / pupil ratios, pupil / textbook ratios etc. All children have a right to education, which is the responsibility of the state and parents (Constitution, 1995: article 30).

#### 9.1.1. Primary Teacher Development and Provision of Instructional Materials

The poor pay for teachers, limited resources, and ration of students per teacher, lack of accommodation for teachers impact negatively on the quality of education<sup>60</sup>. The number of children per class is not commensurate to the number of teachers. In some districts for example in Nakasongola the pupil / teacher ratio is 69:1 while the pupil / classroom ratio is 127:1 and the pupil / textbook ratio is 7:1 in Arua, the pupil / teacher ratio is 90:1 while the pupil / classroom ratio is 84:1 and the pupil / textbook ratio is 6:1(MOE, 2000). Children learning in such an environment cannot attain the required quality of education for their development.

#### Recommendation

- ☞ Government should enhance its efforts to reduce the pupil / teacher ratio, pupil / textbook ratio.
- ☞ Government should train and recruit more teachers (UCRNN / AACAN Alternative Report Survey data: Soroti).
- ☞ For the textbook ratio, it is proposed that at least two in all districts in Uganda as is the case in Kampala district.

#### 9.1.2. Primary School Classroom Construction Programme

There has been an increase in the number of classrooms that have been constructed by Government. This has contributed to the increased accessibility to schools nation-wide. The distance to school by some children remains a challenge to Government. Some children still cover long distances to school on average 8 km to a primary school and 20 km to a secondary school<sup>61</sup>. In unique circumstances some children do not study because they want to get money despite provision of school requirement by parents<sup>62</sup>. However, the number of secondary schools required to absorb all children completing primary education, which is currently free for all, is not commensurate to the number of primary schools. For example, in Masaka, there are 23 government- aided and 29 private secondary schools, 4 vocational training schools, 2 teacher training colleges for grade III and one farm school compared to 305 primary schools. In Mbarara district the ratio of primary to secondary schools is 30:1, which is too high in terms of school structures: there are 622 primary schools and 42 secondary schools, 7 tertiary institutions and 2 National Training Higher Institutions<sup>63</sup>. Half of Uganda's sub counties lack secondary schools. UCRNN recognises the role that the private sector has played in constructing schools especially in urban areas.

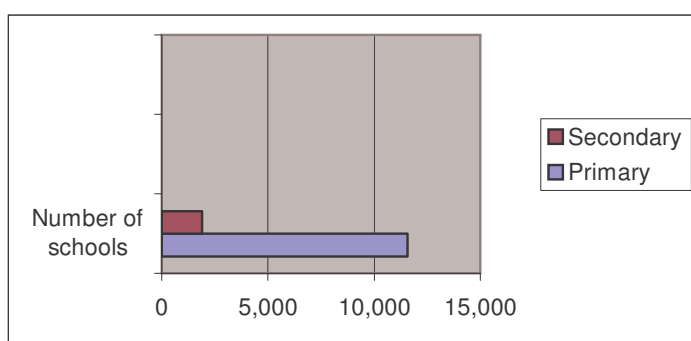
The table below illustrates the situation in some of the districts of study by UCRNN and the following chart indicates a comparison between the number of primary and secondary schools nation-wide.

Although primary education is free, Government is not yet in position to offer free secondary education. Children have expressed their views on the need for availability of accessible secondary education.

*“We as children think that the following should be put in place: free education continuing up to secondary school”<sup>64</sup>.*

District	Number of Primary schools	Number of secondary schools	Other tertiary Institutions
Arua	380	65	5
Masaka	305	23	4
Masindi	210	30	5
Mbarara	622	42	9
Nakasongola			None
Nebbi	218	21	3

*Source UCRRN, Alternative Report Survey Data*



*Source Ministry of Education and Sports: Education Sector Fact File 2000*

The infrastructure within the classroom has not been fully developed. In some instances classrooms are not enough and children have nowhere to sit and write. Children in the lower primary (P1-P3) in rural areas still sit on the floor. This affects their back structures, leads to poor handwriting, and de-motivates them to attend school<sup>65</sup>.

In some instances the allocation of resources towards education has not been commensurate to the population of children.

### Recommendation

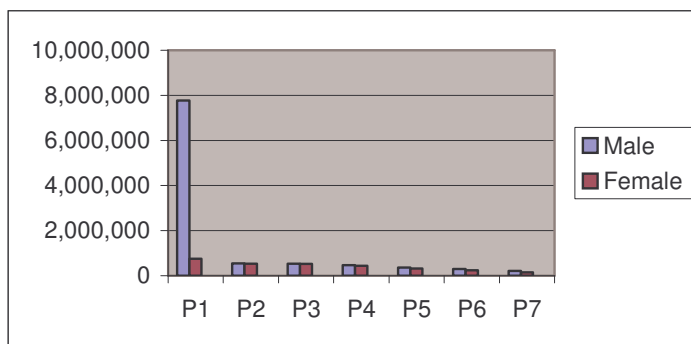
- Free education should be extended to secondary school level (UCRNN/ AACAN survey data: Soroti).

### 9.1.3. Education of the Girl Child and Retention

Despite Government's commitment and prioritisation of the right to education, a good number of parents / guardians still hold back their children from going to school. This is mainly due to lack of regulatory mechanism and penalty for keeping children at home<sup>66</sup>. Children continue to drop out of school for

example, in Masaka district, the drop out rate is 12% in primary school and as stated by government, girls have tended to drop out more in the lower primary compared to boys. However from Primary 5 onwards, the number of boys dropping out becomes higher than that of girls<sup>67</sup>. The overall reasons for dropping out of school include negative attitudes towards girl education, teenage pregnancies and early marriages, child labour, death of parents/guardians, poor facilities in schools and poverty at household level<sup>68</sup>.

The chart below is an illustration of enrolment of both boys and girls in primary school.



**Source Ministry of Education and Sports: Education Sector Fact File 2000**

As stated in the Government Report, the enrolment of girls in schools has tremendously increased although drop out rates among UPE is high. Girls as percentage of total enrolment by 2000 were at 48% and it is anticipated to be on the increase (MOE, 2000). Pregnancy and early marriage, stereotyped curricula, gender insensitive and discriminatory teaching methods, the lack of life skills guidance about reproductive health and rights has contributed to hampering girls' rights to education and absenteeism. Poor sanitation and inadequate hygiene, lack of privacy, sanitary materials and clean water during menstruation has also contributed to girls' drop out from school. The average latrine / pupil ratio is 1:700 and water coverage at school is below 44% (GOU-UNICEF, 2001: 7 - 9). There is lack of a policy framework to make children remain in school after enrolment. Girls have especially continued to drop out of school due to voluntary and forced marriages. The relegation of girl children to domestic chores has also continued to render children out of school in certain instances to look after children at home while adults look for food (SUK, 2000:12). Over 60 % of girls drop out at A- level. The girl drop out rate at O level is 30% (New Vision, 2002:4).

### Recommendation

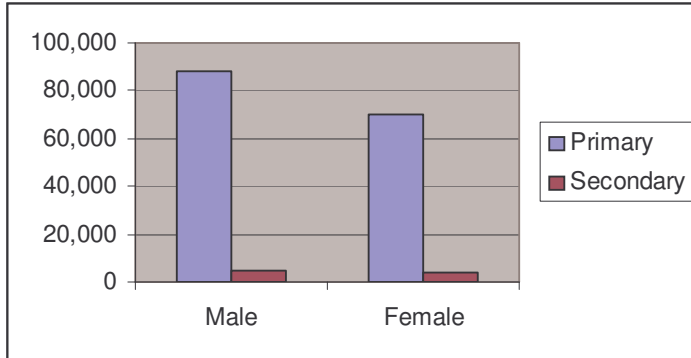
- ☞ A penalty be put in place to prohibit parent's /guardians from not sending their children to school. It is pertinent that a penalty on children who do not attend school whose parents have provided the necessities be punished as well.
- ☞ Child mothers should be allowed to continue with school without being stigmatised (UCRNN/Plan Survey data: Kamuli).
- ☞ A mechanism for recording school drop out that is gender desegregated should be introduced in all schools and a mechanism for communities to monitor school dropouts established.

#### 9.1.4. Education for Children with Special Learning Needs

A mechanism for provision of education to children who are less able is in place. Although some districts have more facilities to cater for children with disability for example in Masaka, there are special schools, which handle the deaf and dumb and mentally retarded children and have provided support for vocational

skills for disabled children. Instructional materials and equipment for these children are still insufficient and majority of districts lack schools for children with disability. Further, teachers with skills to train CWDs are very few.

In Arua District, Braille books and kits are available for the blind although they are not enough and a resource centre is in place<sup>69</sup>. The quality of education and access for disadvantaged children is therefore still lacking. For example in Mbarara District, there is only one school for children with special needs. Although the number of children with special learning needs has increased at the primary level those that attain secondary education are still very few as illustrated in the chart below.



**Children with special needs, Source Ministry of Education and Sports: Education Sector Fact File 2000**

#### Recommendation

- ☞ Curriculum should be revised to meet the special education needs of children with disabilities. The current curriculum is not relevant to some disabilities (UCRNN/USDC Survey data).

#### 9.1.5. Cost of Education

Orphans who have needs that differ from CWD are in some instances sent away from school due to failure to pay registration fees. Teenage mothers cannot afford parental contributions towards education for themselves and their children. Furthermore, some children still remain out of school due to lack of books, school uniform, bag, pens and pencils which is the requirement parents / guardians contribute towards schooling of children under Universal Primary Education<sup>70</sup>. This has led to the questioning of the universality of UPE<sup>71</sup>. Further, children living in abject poverty continue to drop out of school due to hunger. Parents cannot afford to pay for feeding fees, which renders children unable to eat at school. In certain instances, children have preferred to earn money other than go to school for example around Lake Victoria landing sites<sup>72</sup>.

The insurgency in Northern Ugandan has nearly dismantled the education infrastructure. For example 2/3 of the existing primary schools in Gulu have been closed due to insecurity.

#### Recommendation

- ☞ Government should provide mid-day meals in primary schools as part of its contribution towards education (UCRNN Survey data: Soroti)
- ☞ Government should consider a special curriculum for children in conflict areas as is for ABEK

### 9.1.6. Educationally Disadvantaged Children

The Ministry of Education realises that there are children who are educationally disadvantaged. These are identified as:

- The girl child
- Children of nomadic communities
- Children who have never enrolled in school
- Primary school dropouts
- Orphans
- Children infected and affected by HIV/AIDS
- Children living in geographically isolated areas
- Street children
- Working children
- Children with disabilities
- Abused children
- Children with inadequate resources to facilitate optimal participation in schools

UCRNN views the establishment of this policy as a very positive step towards addressing the education needs of the disadvantaged children and urges that it is supported financially and otherwise for implementation. (See also 2.2.3.1)

#### ***Education of Pastoralists in Uganda – the Karamoja Case***

*The Karamojong are pastoral semi-nomads. They live in highly fragile and precarious conditions. Their lifestyle is labour intensive and there is over-dependence on women and children for domestic and agropastoral activities. The Karamojong hold their cultural beliefs and practices very strongly. Despite UPE, an estimated 80% of children in Karamoja were out of school in 1998. The Karamojong did not see the benefit of the formal schools. The curriculum did not address their needs in helping their children to adapt to their culture and lifestyle and make better use of their environment. The Karamojong could not afford the cost of formal schooling and could not allow children to travel long distances to school.*

*The Karamojong developed the ABEK (Alternative Basic Education for Karamoja) with programme support from SCN. This education arrangement is flexible and allows children time to carry out their other duties especially herding and attend school. The facilitators / teachers follow the Karamojong and children, who are nomadic pastorists to the grazing grounds and as the cattle grazes, the children gather and have their classes.*

*The people of Karamoja have embraced ABEK because of the relevance of its integrated curriculum, flexible time table, participatory approach to learning and reliable facilitators recruited from the communities (SCN not dated).*

### 9.1.7. Leisure

Leisure activities for children with disabilities are not currently developed. Many children with disability are not aware of their right to leisure, play and participation in cultural activities. Besides due to financial constraints, many schools do not have sports and other leisure activities that can benefit Children<sup>73</sup>.

## 10. SPECIAL PROTECTION MEASURES

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### .1.1. Orphans

The need for an organised government-led response to the ever-increasing challenge of orphans has been realised. This is more so because the traditional social structures and systems that provided for orphans have been overwhelmed as evidenced by the increasing number of child headed households among other indicators. The making of an Orphans' and Vulnerable Children's Policy is now in the offing.

The GR states that Government is paying school fees for all orphans in primary schools. In practice however, this is not so. Many of the orphans cannot afford other school costs such as stationary and the opportunity cost of going to school is high. Many of the orphans who head child-headed homes do not go to school because they have to fend for their family. NGOs have played a commendable role in providing for the orphans' daily needs.

#### Recommendation

- ☞ The development of the orphan's policy should be as inclusive as possible to enable it to be practical.

### 10.1.2. Street Children

Most recently, the Government implemented an apparently hastily drawn up policy of getting children off the streets. Though this violated the Children Statute 1996 and the principles of best interest of the child and institutionalisation being a last resort, children were rounded up and taken to the National Rehabilitation Centre. The problem of street children has been a longstanding one for both central and local governments. This challenge has been characterised by the blame and counter blame about who is responsible for the children. In spite of the methods used to clear street children being unorthodox, the community in the city appreciated the action.

FOCA, a local NGO dealing with street children is changing its strategy to a preventive other than a curative approach. This is in line with the spirit and letter of the Children Statute 1996. However, there are over 70 NGOs involved in street children and these are not well coordinated and monitored by the government. Government does not seem to have control over these NGOs who all apply different approaches to the problem, many of which have been proved to be ineffective.

Reformed street children noted that they have been abused and cited examples of child labour, sexual abuse (including by prostitutes), violence, and verbal abuse. Most of the street children have been resettled before but returned on the streets. Surprising to many, street children say they do have access to most of their rights including education, medical care, feeding and shelter. They however, feel they do not access their rights to protection.

In the war-ravaged districts of Northern Uganda, street children are cropping up as a result of the conflict. So far no NGO is addressing this problem in that area.

### Recommendation

- ☞ Government should seriously consider adopting the preventive strategy since other curative means seemed to have failed to solve the problem.
- ☞ The government should strengthen its co-ordination of the over 70 NGOs that claim to be dealing with the problem

#### 10.1.3. Sexual Abuse and Exploitation of Children

With support from a consortium of NGOs and the British Council, the Government is starting to develop an Action Plan on Child Sexual Abuse and Exploitation as a result of Stockholm and Yokohama conferences.

Girls engaged in selling local brew, alongside their mothers, are the most prone to sexual abuse. While concern is being raised in some circles about the unfairness of the concentration on the girl child and that the law favours her over the boy child, the fact remains that the girl child is still more prone to sexual abuse than the boy child. This is evidenced in the number of defilement cases, early marriages and teenage pregnancies.

### Recommendation

- ☞ The Children recommend that adults who sexually abuse children should be penalised.
- ☞ Counselling programmes need to be established in schools to help children who are abused and exploited.
- ☞ Revision in the law of defilement to address the rights of the boy and girl child equally.
- ☞ Development partners should support the National Action Plan for Child Sexual Abuse and Exploitation.
- ☞ Children should be protected from exposure to pornographic materials, and penalties imposed on those who circulate or market such materials.
- ☞ Revision in the law of defilement to address the rights of the boy and girl child equally.

#### 10.1.4. Child Labour

The partnership between ILO/IPEC and GOU is commendable. Under this partnership, a number of action programmes have been initiated towards elimination of child labour by civil society organisations. These include action programmes by

- ☐ The Federation of Uganda Employers which aimed at withdrawing working children from the sugar, tobacco, coffee and rice plantations in 9 districts in Uganda.
- ☐ Slum Aid Project aimed at empowering child sex workers in the slums in and around Kampala city.
- ☐ National Union of Plantation and Agricultural Workers (NUPAWU) aimed at addressing the problem of poverty in commercial agricultural plantations especially tea.
- ☐ Uganda Youth Development Link which is targeting the sexually abused children in Central Kampala and Kawempe divisions.
- ☐ The Child Labour Unit in the department of Labour, Employment and Industrial Relations aimed at strengthening the capacity of the unit to develop policy on child labour to effectively co-ordinate and monitor the activities on child labour in the country.

These programmes have formed the basis for future intervention on child labour in Uganda.

### Recommendation

- ☞ The experiences from the above initiatives should be documented and tested with the aim of having replicable models in other districts where the problem of child labour is still prevalent.
- ☞ The communities should be empowered to monitor child labour and by laws developed to prohibit.

Child domestic workers (CDWs) have attracted a lot of concern. These are children who work in other people's households, doing domestic chores, caring for children and running errands, among other tasks. The exact number of CDWs in Uganda is not known but it is estimated that 30% of Uganda's households employ CDWs. It is also estimated that 80% of the CDWs are girls. The majority of CDWs work in urban areas. These children are denied opportunities to go to school, are overworked, exposed to sexual, physical and other abuses, are paid peanuts or nothing and have no clear terms of service. There are exceptional circumstances that force children to work<sup>74</sup>. Irrespective, both scenarios lack a regulatory framework.

### Recommendation

- ☞ CSOs and Government should develop a practical regulatory framework that would ensure children who, because of their circumstances must work, are involved in jobs that are not harmful to their development and well being.

#### 10.1.5. Juvenile Justice

In a majority of districts children in conflict with the law still share cells with adults due to lack of adequate infrastructure. Police cells are continually being used as remand places for children, as communities do not appreciate the release of children on juveniles into the communities. The Police Departments at district level are poorly facilitated and therefore unable to carry out their role in dealing with children. The same scenario can be found at Central Government though more donor support is provided for the central government's Police Child and Family Protection Unit.

Though the law does not specify the role of CBOs, these have proved useful in supporting LCs in the implementation of the Children Statute 1996.

Government needs to revise the law on defilement to be fair to the boy child as well.

Whereas in most districts the LCs had no idea of the FCC, every division in Kampala has one.

### Recommendation

- ☞ How to handle child offenders be introduced as a course / subject at the Police Training School.
- ☞ The gazetted family and children courts that are not operational should be provided with both human and financial resource and made functional through provision of magistrates.

---End---

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## 12. ANNEXES

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### ANNEX 1:

#### LIST OF PARTICIPATING NGOs

##### NGOs that participated in the Survey

1. Action Against Child Abuse and Neglect
2. Acenlworu Project
3. African Network for the Prevention and Protection against Child Abuse and Neglect
4. Christian Children's Fund
5. Collaborative Efforts to Alleviate Social Problems
6. Friends of Children Association (FOCA)
7. Hope After Rape
8. Kigulu Development Group
9. Plan International (Luwero, Kamuli, Kampala, Tororo)
10. Save the Children (UK) - (Kampala, Kasese, Gulu and Masaka)
11. Save the Children (Norway)
12. Single Mothers Association of Uganda
13. Uganda Child Rights NGO Network Secretariat
14. Uganda Society for Disabled Children (Masindi, Hoima, Luwero, Nakasongola, Lira)
15. World Vision

##### NGOs otherwise involved in the process

1. Federation of Women Lawyers in Uganda (FIDA-U)
2. Foundation for Human Rights Initiative (FHRI)
3. Legal Aid Clinic of the Law Development Centre
4. Save the Children (Denmark)

##### Consultants:

Dorothy Nang'wale Oulanyah  
Lilian Keene Mugerwa

**ANNEX 2:****LIST OF DISTRICTS SURVEYED**

1. Apac	4. Iganga	7. Kasese	10. Masaka	13. Nakasongola	16. Soroti
2. Arua	5. Kampala	8. Lira	11. Masindi	14. Nebbi	17. Tororo
3. Gulu	6. Kamuli	9. Luwero	12. Mbarara	15. Rakai	18. Wakiso

### **ANNEX 3:**

#### **LIST OF AGENCIES , GOVERNMENT MINISTRIES AND INSTITUTIONS CONSULTED**

1. Ministry of Education
2. Ministry of Local Government
3. Ministry of Health
4. Ministry of Justice
5. Ministry of Gender, Labour and Social Development, Department of Labour
6. Ministry of Finance, Planning and Economic Development
7. National Council of Children
8. United Nations Children Fund

## **ANNEX 4:**

### **SUMMARY OF RECOMMENDATIONS**

#### **Policy and Legislation for Vulnerable Children**

1. Government should focus on policy and legal development for the vulnerable children outside health and education to ensure a comprehensive approach to the well being of children in Uganda. This should be accompanied by adequate financial and political support for their implementation
2. For policies and laws already in existence, Government must make available the much needed political, financial and human resource support needed for their implementation.
3. In both the above cases, Government should base on the good practices and lessons learnt from the largely successful CSO- supported interventions in various districts.

#### **Public Administration**

4. Public Administration posts that handle children's affairs need to be prioritised both in terms of budget allocations and human resource allocation. For this to happen, the comparative advantage of this has to be clear to both central and local governments.
5. There is need for continued sensitisation of Government officials for them to appreciate issues affecting children. Sensitisation should cease to focus mainly on the communities.
6. CSOs and the MGLSD should work together to make a case for prioritisation of children's affairs and continued sensitisation of government officials and policy and decision makers. It is essential that the Ministry lead this initiative.

#### **Creating an Enabling Environment**

7. Government identified its role as 'creating an enabling environment'. Whilst this is true in terms of policy and legislation, Government needs to strengthen this role in terms of:
8. Provision of adequate financing for government institutions that promote child well-being
9. Advocacy and sensitisation for prioritising children's affairs in development planning (including at lower levels of government) and
10. Monitoring progress to ensure quality, equity and to establish impact.

#### **Strengthening NCC**

11. If NCC is to be strong, it requires the on-going re-organisational process to be open, candid and done with guidance from its parent Ministry (MGLSD), other stakeholder Ministries and NGO and donor partners. NCC needs to understand its statutory mandate.
12. NCC needs to identify more creative and proactive means of co-ordination other than sitting in planning and review meetings as stated in the GR Section 2.2.1 (17)
13. Need to strengthen the links between NCC and other organisations. The children said, "NCC should work with NGOs ...if they would like to reach us... should come to educate us on their roles". This must start with the restoration of confidence in the NCC's ability to deliver according to its mandate. There is an urgent need for institutional reorganisation.

#### **Strengthening the DPSWO**

14. The Committee ought to take cognisance of the important role DPSWO play in the care and protection of children and recommend strongly that they are prioritised, facilitated and supported.

15. However, the MGLSD and District departments encompassing Probation and Welfare Offices need to constructively plan and lobby for inclusion of their activities and functions in the MTEF, SSDP and PEAP. Competing interests are many so they need to be vigilant. This requires:
- Knowledge of the process, actors and decision-makers
  - Presentation of clear programmes and activities that are realistic, have impact and based on sound and thorough analysis.
  - Deliberately making the importance of their mandate understood in order for it to be prioritised by the Government.
16. NGOs should support them in these areas in order to reduce the over-dependency on donor and NGO support for the otherwise government mandate to provide for its children. Sustainability and nation-wide impact can only be attained when the government recognises and makes substantial provision financially and otherwise to the well being of children.

### **Awareness and Understanding**

17. A lot of time and resources need to be invested in creating awareness on the existing policy and recommendations so that they are implemented.
18. The children recommend that both the government and NGOs should join hands in the implementation of Child Rights at all levels. There are people who abuse children and they are not prosecuted.
19. Children recommend that 'the government should train and retrain the law enforcement agents such as Judiciary, Army, and Police so that when children are abused, they prosecute and do not get bribes'.
20. Children recommend Child Rights be included in the school syllabus.
21. Continuous training of Local Councils and the Secretaries for Children. Children recommend that people elect LCs who know Child Rights and as recent elections show, a large percentage do not understand children's issues.
22. Police to be trained on juvenile justice rules.
23. Continuous sensitisation of the public on Child Rights and parental responsibility. Children to be educated on their rights and protection of girl children from defilement.

### **Discrimination**

24. There is a need to build programmes against discrimination based on the experience and views of children
25. Provision of psychosocial support to children who have suffered any kind of discrimination. This includes addressing the community and family environment and counselling.

### **Child Labour**

26. This consensus on age should be disseminated in advocacy programmes against child labour, especially since there is a growing interest in the plight of child domestic workers. Knowing the legal position determines the magnitude of the problem and the interventions that can be initiated to deal with the phenomenon.

### **Juvenile Justice**

27. Enhancement of co-ordination, monitoring, networking and accountability of recipients and donors in the Juvenile Justice field.
28. Strengthen the operationalisation of the FCC.
29. LCs should stop asking for court fees when handling children's cases.
30. Police should not threaten children with guns or use chains when arresting children.
31. Handling child offenders be introduced as a course / subject at the Police Training School.

### **Birth Registration**

32. Good practice and lessons from the UNICEF pilot areas should be replicated nation-wide. Financial and political support should facilitate this process.
33. Government should make paternity tests available in hospitals nation-wide at an affordable cost.
34. Government should attach birth registration to other government services e.g. immunisation.
35. Birth certificates should be issued free.
36. Government should explore possibilities of issuing certificates at points that are more accessible to the populace.
37. There is dire need for Government to ensure that birth and death registration is available in every district in Uganda.
38. Public awareness on the registration of birth and death should be adequately facilitated.
39. Parents should be encouraged to register their children

### **Conflict in the North**

40. UN should employ peacekeepers in northern Uganda.
41. Government should negotiate with the rebels through UN.
42. Government should stop recruiting children into soldiers (armed).
43. The war fighters should not target children.

### **Street Children**

44. Street Children should participate in vocational skill training before being resettled.
45. Government should identify and prioritise resources to facilitate adequate counselling and follow-up visits.

### **UNPAC and Monitoring Child Rights**

46. UCRNN recommends that the whole process of developing / selecting Child Rights Monitoring indicators be revisited with a clear understanding of what they will be used for, who will use them, how, why and when. This process should by necessity be inclusive of grassroots representation if it is to be relevant. This can be achieved through participation of UCRNN member organisations that operate at the grassroots and representatives of lower levels of government.
47. The new UNPAC needs to be supported as does NCC that co-ordinates it. This support should include making UNPAC a practice oriented document owned by all the stakeholders and not seen only as an NCC working document.
48. Its development should be a participatory and inclusive process that involves all stakeholders.
49. Roles of all stakeholders (including NCC) in UNPAC's implementation should be clear and the stakeholders need to be sensitised on these roles and their relevance / importance.
50. The process of developing the UNPAC should set out clearer strategies of monitoring and evaluating its impact.
51. UNPAC should as far as possible build on existing initiatives and structures to avoid expensive implementation and duplication of activities and resources.

### **Dissemination of Reports and attendant Documentation**

52. The Reports should be abridged and translated into various local languages and in partnership with CSO do a stakeholders' analysis and on this basis disseminate the abridged and translated versions nation-wide.

## **Policy Initiatives**

53. These require government political commitment to initiate or bring them to the forefront of development of discussions evolve around policies on:
- Street children - no clear policy has led to controversial interventions.
  - Orphans and child-headed households - the social structure alone is inadequate in providing required support.
  - Children of parents with disabilities - these are at the moment an 'invisible' vulnerable group.
  - Children in conflict areas - especially those in IDP camps.
  - Children in chronic food insecure areas e.g. Karamoja area and parts of the Eastern districts.
  - Care for infants of working mothers - infants are vulnerable to abuse and neglect and there is no policy that requires institutions to provide support facilities for the mothers.
  - Child mothers - especially single child mothers.
  - HIV/AIDS policy and legislation.

## **Funding and Planning Processes**

54. All interventions regarding children at district level should be co-ordinated by the District Local government.
55. Child-welfare and protection to be prioritised by the Ministry of Gender, Labour and Social Development during planning processes and efforts made to engage the MFPED.
56. Children's issues should be included in the Programme Priority Areas in order to access conditional grants.

## **Freedom of Expression**

57. Efforts to promote children's expression should focus on the rural areas e.g. support to 'Straight Talk' and 'Young Talk' and other radio programmes that promote expression of children's views, should focus on their translation and airing on local FM stations countrywide.
58. Families, community leaders, policy and decision makers at all levels of government need to be supported to know why (understanding) and how (the practice) children can participate in development processes and the value added by doing so.

## **Access to Appropriate Information**

59. Government, in particular the President's Office (responsible for Information) and the MGLSD, needs to work in close collaboration with the media council and the public Internet providers to strengthen and/or establish a/the regulatory framework for children's access to information.
60. Parents need to be supported to know and understand how they can constructively protect their children from inappropriate information.
61. Civil Society Organisations and bi/ multi-lateral agencies need to take this issue seriously and team up with parents' associations and target media and Internet providers as partners in this effort before it gets too late.

## **Support to Parents and Parenting**

62. Stakeholders who promote the care and protection of children need to focus on support to parents as one of the strategies of meeting their objectives. For a long time, the focus has been on the children without adequate support being provided to parents to engage them as key players in the promotion of care and protection of their children.
63. Children recommended '...teaching parents about the girl-child,...fighting poverty at household level...Government should arrest parents who do not take children to school'.

64. Government and development partners should increase investment in public awareness and sensitisation on parenting, Child Rights and responsibilities, roles and responsibilities of parents, local councils and members of the community in the care and protection of children.
65. Government should strengthen enforcement of the law on parental responsibility.

### **Unification of Children**

66. Government to put in place legislation for unification of children with their families.
67. Government to provide resources to local governments for provision of assistance to children in need of accommodation on being lost or abandoned or seeking refuge and for publication to trace parents /guardians of any lost or abandoned child.

### **Health Care**

68. Civil Society and the relevant Government Ministries (Technical and political officers) need to develop together a well-thought out strategy to increase health sector allocations in the national budget, get political commitment to health care delivery and eliminate cultural obstacles to health care.
69. Strengthen collaboration between the CSO, PHP and Government on health issues. CSOs have the capacity to reach the most vulnerable children and are not plagued with bureaucracy. PHP working in partnership with government at both central and district levels would increase on access and impact.
70. Training and motivating health staff still needs to continue being a priority.
71. Renovate dilapidated health units ravaged by war.

### **Access to Quality Health Care**

72. Government needs to make a deliberate effort to support districts to increase their absorptive capacity of funding for health and improve their management of health systems.
73. HUMC require training and support if they are to effectively play this role.
74. Children's access to health care still remains a major concern and should remain a Government priority.

### **Food Security**

75. In the war ravaged northern region, there is an urgent need to ensure food security and rehabilitation of production of traditional cash crops, sustainable land use, modernisation of agriculture and livestock.

### **HIV/AIDS**

76. There is an urgent need for the Country to develop a comprehensive HIV/AIDS policy based on the abundant good practice and lessons learnt.
77. The resource materials developed to guide the care and treatment of children infected and affected by HIV/AIDS should be widely disseminated and training given to home-based care providers.
78. CSO should be seen as a strong implementing partner in the distribution of anti-retroviral drugs and condoms as the health system is leading to expiry of millions of life-saving condoms and theft of anti-retroviral drugs.

### **Poverty Eradication**

79. Decongestion of the IDP camps to enable Gulu district to focus on real poverty eradication
80. Children recommend that the level of corruption by government be reduced ' just like they are fighting HIV and measles'.

### **Teachers and Teaching**

81. Government should enhance its efforts to reduce the pupil / teacher ratio, pupil classroom ratio.
82. Government to train and recruit more teachers.
83. For the textbook ration, it is proposed that at least two pupils use one textbook in all districts in Uganda as is the case in Kampala district.

### **Access to Education**

84. Free education should be extended to secondary school level.
85. A penalty be put in place to prohibit parents / guardians from not sending their children to school. It is pertinent that a penalty on children who do not attend school whose parents have provided the necessities be punished as well.
86. Child mothers should be allowed to continue with school without being stigmatised.
87. A mechanism for recording school drop-out that is gender desegregated should be introduced in all schools and a mechanism for communities to monitor school dropouts established.
88. Curriculum should be revised to meet the special education needs of children with disabilities. The current curriculum is not relevant to some disabilities.
89. Schools with female pupils/students should be required to have sanitary towels for girls who will need them. This is in an effort to encourage regular attendance of school for the girl child.
90. Government should provide mid-day meals in primary schools to encourage quality school attendance.

### **Child Sexual Abuse and Exploitation**

91. Revision in the law of defilement to address the rights of the boy and girl child equally.
92. Development partners should support the National Action Plan for Child Sexual Abuse and Exploitation.
93. Children recommend that adults who sexually abuse children should be disciplined.
94. Counselling programmes need to be established in schools to help children who are abused and exploited.

### **Orphans**

95. The development of the Orphans and Vulnerable Children's Policy should be as inclusive as possible to enable it to be practical.

### **Street Children**

96. Government should seriously consider adopting the preventive strategy to deal with the problem of street children since other curative means seem to have failed.
97. The government should strengthen its co-ordination of the over 70 NGOs that claim to be dealing with the problem.

### **Child Labour**

98. The experiences from the above initiatives should be documented and tested with the aim of having replicable models in other districts where the problem of child labour is still prevalent.
99. The communities should be empowered to monitor child labour and byelaws developed to prohibit it.
100. CSOs and Government should develop a practical regulatory framework that would ensure children who, because of their circumstances must work, are involved in jobs that are not harmful to their development and well being.

### 13. FOOTNOTES

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- <sup>1</sup> In this report CSOs and NGOs are used interchangeably
- <sup>2</sup> Uganda Bureau of Statistics, 2002 Uganda Population and Housing Census Preliminary results, National Census Office, Uganda Bureau of Statistics, October, 2002
- <sup>3</sup> Children on the Brink 2002: A joint Report on Orphan Estimates and Programme Strategies, UNAIDS, UNICEF, July 2002
- <sup>4</sup> Survey report Gulu
- <sup>5</sup> UCRNN Survey data, Interview with Commissioner District and Urban Administration Ministry of Local Government
- <sup>6</sup> UCRNN Survey data
- <sup>7</sup> UCRNN & Save the Children Norway Survey data
- <sup>8</sup> UCRNN Survey data Lira, Mbarara,
- <sup>9</sup> UCRNN Survey data, FOCA Kampala
- <sup>10</sup> UCRNN Survey data Mbarara, Masaka, Kasese
- <sup>11</sup> Our world Masaka and Kasese Uganda
- <sup>12</sup> USDC Survey data, Hoima and Masindi
- <sup>13</sup> UCRNN Survey data Soroti, Lira
- <sup>14</sup> UCRNN Survey data Kampala
- <sup>15</sup> UCRNN Survey data Luwero, Kasese, Rakai, Mbarara Survey report
- <sup>16</sup> USDC Survey
- <sup>17</sup> Chain Linked Masaka Initiative
- <sup>18</sup> Interview with Assistant Chief Administrative Officer Mbarara
- <sup>19</sup> Plan International & UCRNN Survey report
- <sup>20</sup> The Children Statute 1996, Third Schedule
- <sup>21</sup> USDC
- <sup>22</sup> Interview with Assistant Chief Administrative Officer Mbarara
- <sup>23</sup> UCRNN Survey data Mbarara, Nakasongola (Focus group discussions)
- <sup>24</sup> Interview with Assistant Chief Administrative Officer Mbarara
- <sup>25</sup> District Education Officer Mbarara
- <sup>26</sup> Save the Children UK 2001:18
- <sup>27</sup> UCRNN Survey data, Save the Children UK Gulu
- <sup>28</sup> NUPSA (1998: 7)
- <sup>29</sup> UCRNN, FOCA Survey data, Kampala.
- <sup>30</sup> Interview with Assistant Commissioner of Child Labour Unit, Ministry of Gender, Labour and Social Development
- <sup>31</sup> UCRNN Inception Workshop Report
- <sup>32</sup> UCRNN Survey data Apac,
- <sup>33</sup> UCRNN Survey data Kampala, Mbale, Apac, Gulu, Kasese
- <sup>34</sup> UCRNN, AACAN, World Vision Survey data Soroti
- <sup>35</sup> UCRNN Survey data
- <sup>36</sup> Save the Children UK, Baseline Study on Child Abuse and Neglect in Kampala Central Division
- <sup>37</sup> Plan International Survey Data
- <sup>38</sup> A meeting of donor and government representatives that influences government and donor funding priorities
- <sup>39</sup> UCRNN & Save the Children Norway Survey Data
- <sup>40</sup> Masaka Save the Children Report
- <sup>41</sup> USDC Research Report, Plan International Uganda

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- <sup>42</sup> UCRNN & CCF Survey data Apac  
<sup>43</sup> Save the Children, Masaka Report  
<sup>44</sup> UCRNN Save the Children UK, Plan International, Survey data Masaka, Luwero  
<sup>45</sup> UCRNN, Plan International Survey Data, Luwero  
<sup>46</sup> UCRNN, Save the Children UK, Plan International, Survey data Masaka, Luwero  
<sup>47</sup> Save the Children, Masaka Report  
<sup>48</sup> UCRNN, Save the Children UK Survey data Masaka  
<sup>49</sup> Plan International Survey Report  
<sup>50</sup> Save the Children Norway 2002: 20  
<sup>51</sup> Save the Children, Our World, Kasese: 8  
<sup>52</sup> Save the Children, Our World, Kasese: 8  
<sup>53</sup> UCRNN, Plan International Survey data Luwero  
<sup>54</sup> UCRNN, Save the Children Denmark Survey data Rakai  
<sup>55</sup> UCRNN Gulu Survey  
<sup>56</sup> 'Thin on the Ground', Save the Children Fund, 2003  
<sup>57</sup> Save the Children UK, Child Poverty Study, 2001  
<sup>58</sup> World Bank Group, Uganda Country Assistance Strategy  
<sup>59</sup> UCRNN Survey Report, Gulu  
<sup>60</sup> UCRNN Save the Children Denmark Survey data, Mbarara  
<sup>61</sup> UCRNN & AACAN Alternative Report Survey data Nakasongola, Soroti  
<sup>62</sup> UCRNN Save the Children Denmark Survey data Nakasongola  
<sup>63</sup> UCRNN, Alternative Report Survey data Masaka and Mbarara  
<sup>64</sup> Save the Children Norway 2002: 11  
<sup>65</sup> UCRNN, Alternative Report Survey data Mbarara, Soroti  
<sup>66</sup> UCRNN Alternative Report Survey data Mbarara  
<sup>67</sup> UCRNN, Save the Children UK Survey data Masaka  
<sup>68</sup> UCRNN, Save the Children UK Survey data Masaka  
<sup>69</sup> UCRNN, USDC Survey data  
<sup>70</sup> UCRNN, Save the Children Denmark Survey data  
<sup>71</sup> UCRNN, Save the children Denmark Survey data Mbarara  
<sup>72</sup> UCRNN, Save the Children UK Survey data Masaka  
<sup>73</sup> UCRNN, USDC Survey data  
<sup>74</sup> Multi-media campaign by MGLSD and ANPPCAN (U)

