



UGANDA:
Right to Health
Right to Information
Right to Education
Right to Non-Discrimination
Recruitment and Use of Child Soldiers

Submission from Human Rights Watch to the Committee on the Rights of the Child, May 2005

Summary:

Uganda is redirecting its HIV/AIDS prevention strategy for children towards programs that promote sexual abstinence until marriage at the expense of other HIV prevention methods. These programs, which lack a credible evidentiary basis and censor factual information about HIV prevention, infringe upon children's right to information and health and ultimately impede their realization of the right to life. A recent Human Rights Watch field investigation documented the removal of factual information about condoms from primary school materials, the inclusion of false information about condoms (including the falsehood that condoms are permeable by HIV pathogens) in secondary school materials, and the funding of organizations that promote sexual abstinence to the exclusion of other HIV prevention strategies.

In 2004, government-issued and pre-tested primary school HIV prevention materials in Uganda were withdrawn from circulation and re-released with images of sexual reproduction and health purged or altered. Draft secondary school materials contained erroneous information about condoms and described premarital sex as a form of "deviance." Youth rallies and outreach activities targeting out-of-school children stressed abstinence as a primary HIV prevention strategy and provided false information about condoms. While abstinence should be part of a comprehensive approach to HIV prevention, and while Uganda's anti-AIDS efforts have much to recommend them, the current trend toward abstinence-only approaches, which is underwritten primarily by the United States government, threatens to undo a decade of progress in a country that has seen marked declines in HIV prevalence since the 1990s.

Ugandan government forces have recruited children to fight both in the army and in local militia groups. The army recruits some boys from among those who have escaped

or were captured from the armed opposition Lord's Resistance Army (LRA), which massively abducts boys and girls for its forces. Local military commanders and camp leaders also recruit boys living in internally displaced camps to serve in militias known as Local Defense Units.

Introduction:

Human Rights Watch is submitting the following information to the Committee on the Rights of the Child for its periodic review of Uganda. This submission is based on two in-depth Human Rights Watch investigations in Uganda by the Children's Rights Division and the HIV/AIDS and Human Rights Program, as well as other information collected by the organization in subsequent visits.

In November 2004, two Human Rights Watch researchers interviewed dozens of children in and around Kampala, Mbale, Mbarara, Kabarole, and Kasese. We met with numerous government officials, officials of UN agencies, members of the Uganda AIDS Commission, members of the Uganda Human Rights Commission, and many other non-governmental representatives. The complete findings of our investigation were published in a report entitled *The Less They Know, the Better: Abstinence-Only HIV/AIDS Programs in Uganda*, which is being made available to the Committee.

In February 2003, two researchers from our organization traveled to northern Uganda and interviewed eighteen children abducted by the Lord's Resistance Army (LRA) and three others who were young adults but abducted as children. We also met with government officials, representatives of the Ugandan People's Defense Force, members of non-governmental organizations, religious and civic leaders. We published our findings in a report entitled *Stolen Children: Abduction and Recruitment in Northern Uganda*, which is being made available to the Committee.

Right to Health, Right to Information, Right to Education, RIGHT TO NON-DISCRIMINATION, Right to Life

Article 24: Right to Health; Article 17: Right to Access Information; Article 28: Right to Education; Article 2: Non-discrimination; and, Article 6: Right to Life.

In its concluding observations on Uganda in 1997, the Committee on the Rights of the Child in considering the initial report on Uganda expressed concern regarding the spread of HIV/AIDS throughout the country (para. 17) and recommended that the

government strengthen its information and prevention programs to combat HIV/AIDS and other sexually transmitted diseases (para. 32).

In its General Comment No. 3 on HIV/AIDS and the right of the child, the Committee emphasized that education should empower children to protect themselves from the risk of HIV (para. 18). The Committee further stated that effective prevention programs both acknowledge the realities of the lives of adolescents by ensuring access to appropriate information and preventive measures (para. 11) and require States to refrain from censoring, withholding or intentionally misrepresenting health-related information, including sexual education and information (para. 16).

Selected Human Rights Watch Findings:

In 2001, the Government of Uganda launched an ambitious program to expand HIV prevention education to all of the country's primary and secondary schools as well as to children and young people not in school. Funded by the United States and known as the Presidential Initiative on AIDS Strategy for Communication to Youth (PIASCY), the program provides abstinence-until-marriage messages through a series of assembly messages, classroom activities, and youth rallies. As practiced domestically in the United States, abstinence-until-marriage programs teach that abstaining from sex until marriage is the *only* effective method of HIV prevention and that the expected standard of human sexual behavior is solely during marriage between a man and a woman. These programs often provide false or simply omit information about condom use, safer sex and other scientifically proven and effective prevention strategies. There is compelling evidence that suggests that abstinence-*only* approaches are being adopted in Uganda as part of PIASCY.

PIASCY primary school materials were developed through a series of stakeholder meetings in Uganda in 2002 and 2003. According to participants present at those meetings, some community and faith-based organizations exercised an effective veto over the inclusion of objective health information, including information about safer sex. They successfully lobbied the government to withdraw pre-tested books from circulation. These groups insisted on the removal of images and the altering of text that depicted ejaculation, body changes during puberty, the effectiveness of condoms, and the proper cleaning of the foreskin. The government re-released two new books that had purged these images and changed the text. Final materials included some information about condoms, but in interviews with Human Rights Watch, teachers said that trainers had encouraged them not to talk about condoms with children and instead to emphasize abstinence-only-until marriage. The PIASCY trainings together with recent statements

by the president and other government leaders denigrating condoms have had a demonstrable chilling effect on teachers and AIDS educators. Teachers said that they now teach abstinence as an exclusive method of HIV prevention whereas in the past, prevention messages to children included the correct and consistent use of condoms and safer sex practices.

Draft PIASCY secondary school materials are currently under review and scheduled to be released in that latter half of 2005. Initial drafts of these secondary school materials on file at Human Rights Watch contain falsehoods about condoms including the claim that latex contains microscopic pores that are permeable by HIV pathogens. They also caution that premarital sex is against religion and norms of all cultures in Uganda and a form of deviance. In April 2005, the government reportedly issued a circular to headmasters that banned the promotion and distribution of condoms in both primary and post primary institutions.

Outside of schools, Human Rights Watch found that children and young people were receiving abstinence-only messages at government-sponsored youth rallies and programs run by community and faith-based organizations. In one youth rally with over 1,000 young people in attendance, one government speaker told participants that condoms were “becoming extremely unsafe,” which is why the government’s emphasis was shifting to abstinence. Organizations promoting abstinence-only approaches, including the Makerere Community Church, the National Youth Forum and the Family Life Network, have organized “virgin” rallies and parades and, in one case, called for a national “virgin census.” These activities raise fears that children will be pressured to disclose information about their sexual lives or worse, forced to submit to intrusive medical tests that infringe upon their right to privacy and bodily integrity.

In numerous interviews, Human Rights Watch found that an exclusive focus on sexual abstinence-until-marriage as an HIV prevention strategy failed to account for the experiences of countless Ugandans. Many HIV positive women told us that they had contracted HIV in marriage despite having refrained from sex before marriage and remained faithful to their husbands. Sexually active boys and girls told us that abstinence messages were appropriate for some children, but that many children engaged in sex and needed to have complete information on how to protect themselves from HIV and unwanted pregnancy. Children orphaned and affected by AIDS, children affected by conflict, and street children told us that abstinence messages were largely irrelevant because for many children in these situations, particularly girls, paid sex represented a mode of basic survival. For children and young people who identified as lesbian, gay, bisexual or transgender, abstinence-until-marriage programs discriminated on the basis

of their sexual orientation and wrongly implied that there was no safe way for them to have sex.

Questions for the government of Uganda:

- 1) The PIASCY initiative and other out-of-school programs promote abstinence-until-marriage at the expense of life-saving information about other methods of HIV prevention. PIASCY replaces more comprehensive programs, such as the School Health Education Program (SHEP), which provided information on a range of prevention strategies including correct and consistent condom use, safer sex, and delayed sexual debut. How can the government justify taking apparently regressive steps that limit children's right to complete HIV prevention information?
- 2) What steps is the Ugandan government taking to ensure that children who face sexual violence and exploitation, including children who trade sex for survival, receive comprehensive HIV prevention information and services in addition to "ABC" (Abstinence, Be faithful, use Condoms) messages?
- 3) In November 2004 the Ugandan AIDS Commission issued a draft policy stating that the promotion of condoms alongside abstinence and behavior change messages could be "confusing" to young people and undermine the goal of sexual abstinence. In April 2005, the press reported that the Ugandan government had issued a circular banning the promotion and distribution of condoms at primary and post primary institutions. If adopted, these policies would contradict the Ugandan Ministry of Health's July 2004 strategy of promote condom use for "all sexually active people." What is the exact policy of the Ugandan government on promotion of condoms to sexually active young people, and how does the government explain these apparent contradictions?
- 4) What steps is the Ugandan government taking to ensure the organizations that oppose safer sex messages, or that promote abstinence to the exclusion of factual information about HIV prevention, do not receive public funds to carry out HIV prevention programs?

Possible recommendations to the government of Uganda:

- 1) Replace any program that promotes abstinence-until-marriage as an exclusive HIV prevention strategy with comprehensive programs that provide complete, factual, and unbiased information about HIV prevention including information about the correct and consistent use of condoms.

- 2) In publicly funded programs, ensure that HIV/AIDS educators are informed about the prevalence of sexual activity among young Ugandans and the causes of HIV transmission among youth (including sexual violence and coercion), and are qualified to provide objective, unbiased, HIV prevention information to students.
- 3) Ensure that all HIV prevention materials meet a standard of scientific accuracy, reflect the realities of sex and HIV risk among Ugandan children, and are reviewed by stakeholders representing people living with HIV/AIDS and children's rights organizations.

Special Protection:

Article 38: The recruitment and participation of children in armed conflict

In its concluding observations on Uganda in 1997, the Committee on the Rights of the Child recommended that the State party take measures to stop the killing and abduction of children and the use of children as child soldiers in the areas of the armed conflict (para. 34).

Human Rights Watch Findings:

Thousands of children in northern Uganda have been abducted into the only opposition group actively fighting the government, the Lord's Resistance Army (LRA), and are subjected to brutal treatment as soldiers, laborers and sexual slaves. Although in significantly smaller numbers, the Ugandan army, known as the Uganda People's Defense Force (UPDF), also recruits children. Local military commanders recruit boys, some as young as twelve years old, to serve with government sponsored and paid militia groups known as Local Defense Units (LDU). Children who escape, are captured, or released from the LRA are also pressured by the UPDF to join their forces and fight the LRA.

In the late 1990s, the Ugandan government organized local militias or LDUs to provide protection to internally displaced persons camps and towns in northern Uganda reportedly to allow more government soldiers to pursue the LRA in the countryside. LDUs operate under the command of the UPDF but are paid by the Ministry of the Interior. Candidates for recruitment are supposed to be at least eighteen years old, but Human Rights Watch found numerous incidences where boys, some under fifteen years of age, were serving in the LDUs. Local government and civic leaders told us that boys

often responded to recruitment because of a promised salary or lack of any available schooling or employment and would report for service directly at military posts. Local leaders became aware of these cases because parents would later come to them and protest the use of their children in the LDUs. Lists of boys recruited into the LDUs, their ages, names and places of origin were prepared and presented to Human Rights Watch during the course of our research. Some of these children had been released but the majority were still in service, fighting with the UPDF, or had reportedly died.

Children who flee the LRA normally pass through UPDF barracks before proceeding to child protection units and final transfer to rehabilitation centers. During their time in the barracks, which on average lasts a week, UPDF soldiers put pressure on boys to immediately join the government army. A majority of boys Human Rights Watch interviewed who had escaped the LRA told us that they were actively recruited by the UPDF while in the barracks. According to them, some of their former LRA comrades had accepted and joined the UPDF despite being underage.

Government Response:

The Ugandan government has consistently denied the use of child soldiers. Most recently, a UPDF spokesperson in March 2005, declared that the UPDF has never knowingly recruited a child, but admitted that age verification can be difficult and that sometimes those under eighteen are recruited.

In its initial state report to the Committee on the Rights of the Child in 1996, Uganda stated that children who escape or are rescued by government forces are immediately reunited with their families (para. 232). In its second report, the state makes no mention of children in the UPDF, the formation of civilian militias in the north or children used in the LDUs.

Questions for the government of Uganda:

- 1) What measures are being taken to ensure that all recruits into the armed forces and civilian militias are at least eighteen in compliance with national and international obligations?
- 2) What efforts has the government undertaken to ensure that children captured or released from the LRA are transported as quickly as possible from the barracks to child protection units?

Possible recommendations to the government of Uganda:

- 1) Immediately end the recruitment of anyone under the age of eighteen and ensure that all commanders are aware that such practices will be punishable under the full extent of the law.
- 2) Develop a reliable age verification system that no child is mistakenly recruited into the armed forces.
- 3) Allow access to appropriate United Nations, child protection agencies and human rights groups to military camps and installations to ensure that no child is serving in the army.