

**NGO COMPLEMENTARY REPORT ON THE
IMPLEMENTATION OF THE UN CONVENTION ON
THE RIGHTS OF THE CHILD IN UGANDA**

An Addendum

Compiled by

**Uganda Child Rights NGO
Network**

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ABBREVIATIONS

| | |
|--------|---|
| CR | Child Rights |
| CMR | Crude Mortality Rate |
| CSO | Civil Society Organisations |
| CRESS | Child Rights Education and Support Services |
| CWP | Children With Disabilities |
| DPAC | District Plan of Action for Children |
| EOC | Equal Opportunities Commission |
| IDP | Internally Displaced People |
| ILO | International Labour Organisation |
| IOM | International Organisation for Migration |
| LC | Local Council |
| LG | Local Government |
| LRA | Lords Resistance Army |
| MSF | Medicins Sans Frontiers |
| NAPE | National Assessment of Progress in Education |
| NCC | National Council of Children |
| NGO | Non Governmental Organisations |
| NUSAF | Northern Uganda Social Action Fund |
| OVC | Orphans and Vulnerable Children |
| PWD | People With Disabilities |
| SCiU | Save the Children in Uganda |
| UCRNN | Uganda Child Rights NGO Network |
| UNCRC | United Nations Convention on the Rights of Children |
| UNICEF | United Nations Children's Fund |
| UPE | Universal Primary Education |
| USDC | Uganda Society for Disabled Children |

1.0 INTRODUCTION

The NGO group concurs with the general introduction and country profile provided in the addendum to the government report. In the preparation of its periodic report, government consulted different stakeholders.

In general, the government report depicts the situation of children in the country especially the existing legislative and administrative framework for implementation of the Convention on the Rights of the Child (CRC). The government report talks about many positive policies and laws that are in existence but does not provide adequate information on the extent to which each of them is being operationalised. The report is also silent on specific incidences of violation of children's rights (for example the situation in northern Uganda).

This addendum was prepared in close consultation with key stakeholders at national, local government and community levels. Specific consultation with children was conducted in districts visited. The main purpose of the addendum is to provide information on changes that have occurred in the situation of children since the NGO complementary report was written in 2002. Reports on studies carried out by different stakeholders on the situation of children also informed the process. A national workshop was organised not only to disseminate the reports but also to serve as a further consultative forum to obtain information for refinement of the report.

2.0 IMPLEMENTATION OF THE COMMITTEE RECOMMENDATIONS

2.1 Introduction

The NGO group agrees with the information provided in the government report.

2.2 Progress made in implementing the committee's recommendations

2.2.1 Coordination and capacity

2.2.1.1 Institutional Mechanism

Currently NCC is weak and under-funded to effectively execute its mandate hence the various initiatives that are being carried out by line ministries and agencies are not coordinated but done independently by the different players.

Government has indeed in its White Paper on Constitutional Amendment accepted all the recommendations made by the Constitutional Review Commission on the restructuring of the National Council for Children (NCC), the body which is charged with the responsibility of coordinating implementation of children's rights in the country. While its restructuring of the NCC was included in the White Paper, the Constitution (amendment) Bill, 2005 which is being discussed in Parliament is silent on the issue casting doubts as to whether this issue will be taken up.

2.2.1.2 District level mechanisms

Districts and sub-counties were required to develop district and sub-county plans of action for children which would then be integrated into the development plan. However, at present the Local Governments (LGs) are no longer producing the DPACs and SPACs.

Children issues are not considered a priority by most local councils as they do not fall among the traditional National Programme Priority Areas (NPPA) that they have all along been advised to put emphasis on in their plans and budgets. Even where they are included in the development plans, very little resources are allocated to children's issues in district budgets and some of these allocations are not actually released. The community services directorate at the district level which is responsible for children issues among others is the least funded. At the lower local government level the situation is even worse in some districts no provision is made at all for children.

2.2.1.3 Support Supervision to the District Local Governments

Support supervision by the Ministry of Gender Labour and Social Development to the Local Governments is also minimal due to resource constraints. Discussions with district staff revealed that in most cases central government staff in general visit districts mainly to supervise projects funded centrally through conditional grants. At present issues of child protection and participation are not included in the national programme priority areas and thus they do not have conditional grants. LGs are required to fund such programmes from local revenue which is not only small but also declining in the face of abolition of graduated tax.

Recommendations:

- The capacity of the MGLSD itself needs to be strengthened in terms of staffing and other resources to enable it play its mandatory role in the social development sector in general and child protection in particular.

- There is need for government to expedite the process of restructuring NCC and thereafter provide it with adequate resources to execute its mandate. Roles and responsibilities of the NCC should be defined taking into consideration the mandates of other government departments in the MGLSD to avoid conflict and duplication. The NCC should get liaison officers in all the relevant line ministries to coordinate activities that affect children
- Inclusion of children issues in the development plans should be made mandatory as an indicator for functional capacity in development planning which should be assessed annually under the Local Government Development Programme Minimum Conditions and Performance Measures. NCC staff should participate in the annual assessments to among others check the inclusion of children issues in the plans and budgets of local governments.
- Expand National Programme Priority Areas to include other areas relevant to children especially child protection and participation which are currently not included to enable them attract adequate resources.
- There is need for more regular technical support visits by the centre to raise the profile of children issues among the political leadership of the districts.

2.2.2 Awareness and Understanding

Although efforts to disseminate issues to do with children's rights (CR) have been undertaken, there is still lack of awareness as well as misconceptions about CR. It should be noted that it is the Children Statute (derived from the CRC) which has been translated into the 12 main local languages spoken in the country and not the UN CRC itself. Some of the misconception has arisen from vernacular interpretation of the concept of children's rights which give misleading meanings. Some community members have negative attitudes about CR because the local word used for rights literally means freedom (implying that children are free to do whatever they want).

It should also be stated here that awareness about children's rights have not always been translated into better welfare for children. There are deep seated cultural and religious beliefs and practices which tend to create bottlenecks. One such area is the subjecting of children to corporal punishment as an approach to discipline.

“I want the mass media to quote me on this. I am directing parents in my district not to abide by this law that forbids the caning of children when they do wrong” Stated one Chairperson District Local Government

If the top most political leader in a district who should be exemplary condones violation of children's rights depicts what are the rest of the community members think about such aspects of children's rights.

As reported by government, NGOs in collaboration with government have put in place innovative model projects like Save the Children's Child Rights Education and Support Services (CRESS) already hinted to in the NGO alternative report. There is good working relationship among NGOs and between NGOs and government of Uganda on children's issues. Government should be commended for providing an enabling environment for promotion of children's rights. It should however be noted that such interventions are on a very small scale (CRESS project operates in only 2 districts out of 56 and even within the 2 districts the project is only active in 9 out of 33 lower local governments.

Recommendations

- There is need for scaling up such model projects as Child Rights Education and Support services that promote integrated child development to cover the entire country
- Government needs to put in place mechanisms for operationalising the existing positive legislations.
- Need for continuous retraining of duty bearers especially Local Councils (LCs) whose turnover is high (a number of them are not re-elected to their officers and their replacements need retraining). Other duty bearers who need training on children's rights include paralegals, teachers and parents
- Address other factors that have hindered awareness on children's rights to be translated into wellbeing of the children e.g. cultural, religious factors which conflict with some provisions in legal instruments on children's rights.
- Awareness raising programmes should as much emphasis on responsibilities of children as is currently put on their rights to allay fears that children are free to do whatever they want

2.2.3 Legislation and judiciary

2.2.3.1 Enactment and Enforcement of legislation

Government should be lauded for putting in place favourable policy and legislative framework for observance of children's rights. It is also in the process of amending other laws affecting children. Although legislations exist to promote children's welfare, practical mechanisms for their implementation still leaves a lot to be desired. The process of developing/amending legislation in Uganda is very slow. The Law Reform Commission which handles issues of amendment of legislation is very busy and needs constant reminder for them to handle a specific legislation.

2.2.3.2 Implementing Constitutional Provisions relating to discrimination.

According to the 1995 Constitution of Uganda, all forms of discrimination are prohibited. It further stated that everybody must have equal opportunity in development. This includes as vulnerable groups and minorities like disabled persons, women, youth and children, the elderly and minority tribes. To take this forward the Equal Opportunities Commission (EOC) was supposed to be established to monitor the delivery and access to services by marginalised groups, advocacy and promotion of non-discrimination and compliance to the equal enjoyment of human rights by all Ugandans. But 10 year after the promulgation of the constitution, EOC is probably the only constitutional commission that has never been established.

2.2.3.3 Sexual Offences legislation

The law on sexual abuse of children in its present form (amendments have been proposed under the sexual offences (miscellaneous amendments bill 2004) has also been noted to be biased against the boy child. For example a 15 year old boy who gets into a sexual relationship with a 17 year old girl is imprisoned while the latter is considered a victim and left free. It should be noted that the majority of people on remand for defilement are minors who had been engaged in teenage love/sexual relationships. Defilement constitutes over 90% of all capital offences in the Chief Magistrates Courts. Secondly while sexual abuse of girls is considered defilement which is a very serious offence punishable by a maximum death sentence, sexual assault of boys is treated as a minor offence (indecent assault). The general attitude of community members on sexual abuse of boys is negative with some arguing that it is not possible for a boy child to be abused by a woman.

2.2.3.4 Juvenile Justice systems

Juvenile justice system is still faced with challenges. The Children Statute requires all district local governments to establish remand homes for

detention of children who come into conflict with the law. However the majority of districts (over 85%) do not have remand homes so child offenders sometimes end up being detained together with adults. Secondly the few remand homes that exist are overcrowded and the conditions therein are not suitable for the detention of children. For example at the beginning December 2004, Naguru Remand Home in Kampala which was built to accommodate 45 inmates, had 134 children (three times its capacity).

Secondly, there is still inappropriate remand and sentencing. For example while the law specifies that children should be remanded for a maximum of 3 months and 6 months for minor and capital offences respectively, there are children who have remained on remand for defilement for 2-3 years. While it is only the Family and Children's Court, which is supposed to sentence children, there are cases where High Court Judges have sentenced children to longer terms than the maximum provided for in the law.

As mentioned in the addendum to the government report, a juvenile justice programme has been piloted successfully in 3 districts with support from Save the Children in Uganda (SCiU). Plans are underway to scale up the programme to 26 districts in which SCiU operates leaving out 30 districts. As already mentioned in regard to programmes implemented in collaboration with NGOs, they are normally on a very small scale.

Cases of child sexual abuse at present can only be handled by High Court which has caused a lot of delays. Suspects are kept on remand for about a year during which time evidence and interest in the case is lost.

Recommendations

- Government should expedite the process of amendment of provisions of the law that affect children and strengthen institutional framework for their implementation.
- In line with recommendation in the government white paper to the constitutional review commission, broaden the Children's Act into a comprehensive code on children's rights.
- Existing laws affecting children should be harmonised and consolidated in one document.
- Legal and administrative frameworks should take into consideration the specific needs of children with disabilities.
- Expedite the process of establishing the EOC to perform the roles that was envisaged for it by the framers of the constitution.

- CSOs actively lobby government to revise laws that govern child welfare. The Law Reform Commission is so busy that they mainly take quicker action on laws for which there is high demand.
- Districts need to be supported to establish remand homes for detention of juvenile offenders as provided for by existing regulations and should ensure that adequate facilities are provided to ensure welfare of the children. Consider application of bail as an alternative for children. There is need to put in place measures to ensure such children adhere to the bail requirements
- The Juvenile justice programme which has been found out to be useful should not be limited to the 26 districts where SCiU operates. Government should seek other donors so that the programme is rolled out nationally.
- Child who come into conflict with the law including sex offenders and their victims need counselling, guidance and support so that they get rehabilitated. CSOs should complement government efforts in this respect.
- Legislation being enacted should in addition to taking into consideration different categories of children (e.g. normal and disabled) further analyse the impact of these laws on sub-categories such as boys and girls and on the different forms of disability

2.2.4 Data Collection, Monitoring and Evaluation

There is lack of up to date on implementation of child rights in Uganda. Proposals in the revised PEAP suggest that Uganda Human Rights Commission shoulders the responsibility of coordinating the collection of information on child protection. This is yet to be put in practice.

Recommendations:

- To be able to make a case with government to provide more resources for child protection, there is need for statistical data. A system of data collection needs to be urgently established that gathers data from the village and sub-county levels to be forwarded to the district level for consolidation and analysis.
- There is need to build capacity of district level staff in data information management systems to improve planning.

2.2.5 Education

Government has indeed done a lot to implement the recommendations of the committee on education including recruitment of teachers, construction of classrooms and provision of desks.

2.2.5.1 Early Childhood Education

The government reports mentions that the Ministry of Education is in the final stages of developing an Early Childhood Education Policy. At present, provision of pre-primary education has been left to the private sector and some CSOs with the resultant effect that the services are mainly available in urban areas, are costly and thus beyond the reach of the majority of poor children who live in rural areas.

2.2.5.2 Children Affected By Conflict

The 18 year conflict in northern Uganda has had devastating effect on the education system. Majority of children in the northern region have missed out on education as a result of the conflict. Several schools have been displaced and the children are now housed in learning centres in relatively safe areas. In some areas there are as many as 5 schools housed in one host school leading to congestion and poor sanitary conditions. Furthermore, most teachers from displaced schools have preferred to stay in towns instead of following their pupils where they have been displaced further lowering the quality of education being provided.

2.2.5.3 Children with Disabilities

Although government policy on education under Universal Primary Education is inclusive of children with disabilities, in most schools classrooms and pit latrines do not have disability friendly facilities such as ramps that would make them accessible for a child with disability. A study carried out by the Uganda Society for Disabled Children (USDC) revealed that many children with disabilities enrol in primary schools but drop out due to a number of challenges including accessibility of buildings, lack of assistive devices, long distances to school, inappropriate curriculum, lack of skills for handling of CWD and large class sizes. Inclusiveness in education should also not be interpreted to mean that all CWD should sit together in the same class with other children as some form of disability like deafness may not enable them to benefit from such classes.

Secondly, some well-intentioned government policies are not sensitive to the circumstances of the disabled children. For example for one to sit for ordinary level examinations, it is compulsory that he or she does Biology, Physics and Chemistry. Some forms of disability may make it impossible for one to satisfactorily do practical examinations in these subjects. How would a blind child accurately measure the required quantity of a reagent and how do we expect that child to detect colour changes?

2.2.5.4 High Dropout Rates

Much as enrolment in primary school has improved tremendously over the years following the introduction of Universal Primary Education Policy, the drop out rate is still very high at 75%. According to Ministry of Education, out of two million pupils who enrolled in primary schools in 1987, only 433,010 (25%) sat their Primary Leaving Examinations in November 2004.

Most of the pupils who complete the primary education cycle do not go to secondary schools and other post primary institutions due to the high costs of education at that level. A study carried out by UCRNN on child sexual abuse and exploitation (2004) revealed that when girls drop out of school they are married off even when they are below the age of 18 or forced to take up employment as housemaids, hence the longer children stay in school, the safer they are.

According to a study done under the National Assessment of Progress in Education (NAPE), numeracy levels of Primary Six (P6) pupils has slipped from 41.5% in 1999 to 20.5% in 2003. The study also found out that performance of children in urban schools was much better than those in rural areas where the majority of children study. The literacy and numeracy levels in P6 in urban schools stood at 40% and 68% respectively in 2003 against 8% and 15% for rural schools.

It is therefore true that while many children are going to school, many drop out before Primary five (P5) or graduate without even mastering a minimum set of cognitive skills. This has been attributed to overcrowded classes, poorly qualified teachers and ill-equipped schools.

Recommendations

- Government needs to address the main causes of the high drop out of children from primary schools which is supposed to be free to make it more accessible to children (boys, girls and children with disabilities). Alternative approaches to basic education needs to be scaled up to other areas in need.
- Government should make post primary education more accessible to children especially those from UPE schools as most of the children do not go to Secondary schools and other institutions due to high costs. Retention of children especially girls in schools provides them with protection against abuse.

- Policies should be made sensitive to the special circumstances of children with disabilities with exceptions to some of the general provisions.
- Modify school infrastructure (classrooms, pit latrines etc.) so they are easy to access by children with disabilities. Establishment of disability facilities should be binding on all institutions. Before plans for public buildings are approved, they should have provisions of facilities for the disabled.
- Government should investigate factors that are compromising the quality of education provided under UPE and take appropriate measures to address them

2.2.6 Birth Registration

Much as there is provision for registration of births and deaths as reported in the government report, very few children are being registered at birth. The only record (not registration) of births that are relied on is what is kept at Health Units. It should be noted that in Uganda, most deliveries especially in rural areas take place at home and sometimes the mothers are assisted by traditional birth attendants. According to Ministry of Health, over the last 5 years on average about 22% of deliveries took place at Health Units. There is at present no strong motivation for registration of births. It is only when students are joining the university (most of whom are above 18 years of age) that they are required to produce birth certificates. Those who are not required to produce birth certificates for whatever reasons therefore remain unregistered.

It should be noted here that without registration children may not get adequate protection from the law as they may be presumed to be adults based on physical appearance.

As reported in the government addendum, registration of births is being successfully done in the 31 districts supported by UNCEF where registration is done at the village level by LCs and not at the sub-county as statutorily provided for. It should however be noted that registration of births is not taking place in the entire 31 districts but is limited to only about one third of the sub-counties. For example in Apac district, it is operational in 7 out of 22 sub-counties.

Recommendations

- Government should put in place motivating factors for registration of births of children and sanctions for non-compliance which should be enforced.
- Government and CSO should sensitise communities on the importance of birth registration.
- Making the child health card part of the birth certificate needs to be explored.
- Make registration of births and deaths easy and cost free so that it can be done at village and parish level. The approach that is being supported by UNICEF where registration is done at the village level by the LCs should be evaluated and scaled up if found to be effective.
- Data on births and deaths that is collected from the villages should be forwarded to the sub-county and district level for analysis and use.

2.2.7 Human rights, Refugees and Internally Displaced Children

Poor living conditions in the war ravaged northern Uganda has led to high child mortality rates. According to a survey conducted by Medicins Sans Frontieres (MSF) in six displaced people's camp in Lira and Pader Districts of Northern Uganda in October, a crude mortality rate (CMR) of 2.8 deaths per 10,000 was established in the general population which is beyond the mark for the situation to be described as an emergency out of control. The mortality was more alarming among children under 5 years of age at 5.4 deaths per 10,000 children a day.

UNICEF estimates that over 30,000 children have so far been abducted by the LRA in the last 18 years of insurgency, about 22,000 have returned from captivity but about 8,000 are still unaccounted for.

The abducted girls of 12 years of age and above are distributed to rebel commanders as wives. Most of the abducted girls who are rescued by the Uganda Peoples Defence Forces (UPDF) or those who escape from captivity return as child mothers and most are infected with sexually transmitted diseases including HIV/AIDS which confirms that they were sexually molested while in captivity.

Much as government is exploring peaceful resolution of the conflict in the north, children are still being killed, maimed and abducted by the LRA for forceful conscription into their ranks. The girl children have the extra burden of forcefully given to the rebel commanders as wives.

"I am 14 years old. I was abducted from Kitgum and taken to Sudan by the LRA. In Sudan we were distributed to men as old as our fathers as wives. I was given to a man who had just killed his wife. Girls who refused to become LRA wives were killed in front of us to serve as a warning to the rest" Said a formerly abducted girl.¹

It should be mentioned here that notwithstanding the suffering that has been inflicted on the people of northern Uganda in general and children in particular, government has resisted calls by members of parliament to declare northern Uganda a disaster area.

Regarding right to ownership of property, most people in Uganda do not make wills and where they die intestate, the orphans are sometimes deprived of property by relatives.

Recommendations

- If the peace talks fail to bear fruit, the northern region should be declared a disaster area so that it attracts the support it deserves. Government should carefully consider the impact of the indictment of the LRA leaders by the International Criminal Court would have on the peace process and advise on appropriate action.
- The general community in Uganda should be sensitised and trained on the importance and how to make wills to ensure that their dependants are not deprived of property after their deaths.

2.2.8 Street Children

Information provided in the NGO report still reflects the situation of street children in Uganda.

2.2.9 Child Abuse and Exploitation

Children in Uganda are still subjected to various forms of abuse and exploitation. Some of these forms of abuse are so inextricably linked to cherished cultural ways of upbringing of children that communities do not look at them as abuse. Consultations with children revealed several forms of abuse including child sexual abuse especially defilement, harsh punishment, child labour, female genital mutilation (in one district), exposure to pornographic materials.

¹ Documentation of child rights violations in North and North eastern Uganda, 2004

Recommendations:

- Massive targeted sensitisation should be carried out on the harmful effects of different cultural practices that prevail in different areas of Uganda with a view of fostering attitude change. Legislation banning such cultural practices as female genital mutilation should then be developed and enforced.
- Expedite the process of enacting the sexual offences legislation that has been with the law reform commission since 2001.
- Mechanism for annual monitoring and documentation of cases of child abuse and exploitation needs to be put in place.
- Government should regulate publication of pornographic materials by the print media and broadcasting of unsuitable material on the various FM radio stations and TV.
- National Media Council should censure films and other publications before they are released for public consumption

2.2.10 Dissemination of the Initial Report

The report has not been widely disseminated as mentioned in the government report.

Recommendations:

- The report should be disseminated so that the relevant stakeholders can take measures on issues raised in the report that concern them. Copies should be availed to districts and sub-counties to increase accessibility.

3. GENERAL MEASURES TO IMPLEMENT THE CONVENTION

3.1 Introduction

As already mentioned government has put in place favourable policies, legislative and administrative framework for implementation of children's rights in Uganda.

3.2 Policy Initiatives

The policies that are mentioned in the addendum to the government report have indeed been developed (some are however still in draft form). The legislative provisions are good and would ensure welfare of children if implemented but what is lacking in some of the policies are mechanisms for their operationalisation and enforcement. For example the Orphans and Vulnerable Children (OVC) policy which is has now been approved remained in draft form for over 5 years. The poor implementation of the policies and laws has been attributed to lack of awareness and limited resources.

3.3 CRC Implementation and monitoring in Uganda

The PEAP which is Uganda's framework for development planning and it is felt by many stakeholders that implementation of the CRC stands a better chance when it is incorporated in the PEAP. However, in its present form, the PEAP only addresses and provides resources for the child's rights to survival (health) and development (education) and pays little attention to the child's rights to protection and participation in matters that affect them. Initiatives under health and education therefore attract conditional grants from central government. Child protection and participation issues are not considered a priority hence they do not receive any conditional grants. Local governments may prioritise them but have to raise local revenue to finance their implementation. Because of lack of resources, children are subjected to various forms of abuse, exploitation, discrimination and neglect.

Implementation of the CRC is not done in a coordinated manner. Each line ministry is developing policies which affect children independently as part of their mandates and not consciously as a process of implementing the UNCRC. Hopefully the situation will improve when NCC, the body which has the mandate to coordinate and monitor implementation of the CRC in Uganda is restructured as proposed in the government white paper on constitutional review.

Recommendations:

- To ensure full realisation of children's rights, the right to protection and participation need to be taken as a priority by government and resources availed for their implementation. As a stop gap measure, CSOs should complement government efforts by focussing their support to initiative which enhances child protection and participation.

3.4 Budgetary Allocations

As already mentioned budgetary allocations and expenditures on departments that are responsible for implementation of the CRC is low both at the national and district levels. From the analysis of central government expenditure, from financial year 2001/2002 to 2003/2004, expenditure on community and social services which include children among several other issues is less than 1%. At the district level the situation is the same, the Community Services directorate which handles children among several other issues receive barely 1% of the financial resources. The other issues handled by the community services department include community development, gender, social rehabilitation, labour, culture and youth. With such limited funding, nothing much can be expected from the department.

Budget for Community Services in Mpigi district

| | 2003/4 | 2004/5 | 2005/6 |
|---------------------------|----------------|----------------|----------------|
| Total district budget | 13,760,484,000 | 14,173,298,000 | 14,598,493,000 |
| Community Services budget | 394,723,000 | 406,573,000 | 18,771,000 |
| Percentage | 2% | 2.8% | 0.1% |

Specifically for the PSWO, the budget performance has been as follows:

| | Budget estimate | Actual | % |
|--------|-----------------|------------------------|-----|
| 2002/3 | 3,400,000 | 1,100,000 | 32% |
| 2003/4 | 2,500,000 | 500,000 | 20% |
| 2004/5 | 1,080,000 | 1,010,000 ² | 93% |

Not only is the budget provision for the department low and declining, the amount actually released is dismal.

Recommendations:

- Government at central and local government level should commit more resources to children issues than is currently being done if the CRC is to be effectively implemented and monitored.
- Include child protection and participation issues among the National Programme Priority Areas (NPPA).

4.0 DEFINITION OF A CHILD

Much as various laws are in place which defines a child according to age (18 years and below according to the constitution), the general community especially in rural areas use more of physiological and social characteristics to define a child. A person is judged according to the physical development and whether he or she is married, still dependent on the parents, has started paying graduated tax etc. For example, while it is illegal to marry girls who are below the age of 18 years, it is still a common practice in rural areas. Studies have shown that once a girl is married irrespective of her age, she gains the status of a married woman. On the other hand, a mature woman who is not married is looked at in the community as a girl. The situation is fuelled by the fact that births are not

² The apparent increase in releases to the department is maintenance costs for a vehicle donated by SCiU under the CRESS programme

registered and parents who want to marry off their daughters simply inflate their ages. According to the results of the national census just recently released, 65,988 children below the age of 15 were married in 2002. The same report revealed that 387,530 girls between the ages of 15 and 19 were married.

Recommendations:

- Simplify and enforce registration of births
- Couples intending to marry should provide proof of their ages through production of birth certificates.
- The various laws concerning children should be harmonised so that they conform to the age of 18 as provided for in the constitution

5.0 GENERAL PRINCIPLES

A lot has been said about participation of children in matters that concern them and some interventions have been put by NGOs on a small scale but very little participation is happening on the ground and this is mainly of benefit to normal children. Participation of children has in most cases stopped at being consulted but mechanisms for ensuring that ideas from children are not lost. Sometimes children are made to participate in consultative meetings without adequate prior information on what the meeting is about and what is expected of them.

As already mentioned in regard to some other rights, CWDs fair very badly as far as participation is concerned. CWDs do not normally lead normal lives as they are kept in the backyard and not allowed to mix with and play with other children. Some parents do this because they feel embarrassed when their disabled children are seen in public while others are simply overprotective of disabled children thinking they are delicate.

On the other hand participation of children with disabilities like deafness is hindered by the disability itself in that most people do not know sign language and hence cannot communicate to them. Even where they have a problem or a suggestion to make most people including their parents and service providers (e.g. health workers) cannot understand them.

Recommendations

- Other community members including school children especially in schools with disabled children should be taught some basic sign language so that they can communicate to the deaf.
- Community members need to be made aware that disabled children have a right to play like other children and facilities that can allow this to take place should be provided.

6.0 CIVIL RIGHTS AND FREEDOMS

Name and nationality: Although according to existing legislation births should be registered within six months, this is not being done in most cases because of lack of incentives for compliance and sanctions for non compliance. Most people look for birth certificates only when they are required such as when joining higher institutions of learning such as Universities.

People with Disabilities (PWDs) in Uganda are not called by their real names right from childhood. The general name they are called is the one that refers to their disability such as lame person, blind person, deaf person, mad person and other derogatory descriptive titles.

Preservation of identity: The children's Act provides for the child to know the identity of both parents. Cases of denial of parentage is common and facilities for proof of parentage such as DNA tests are not available in Uganda hence cannot be accessed by the majority of the population.

Secondly, there are some young children who were born in captivity and rescued by the army without parents cannot trace their relatives.

7.0 FAMILY ENVIRONMENT AND ALTERNATIVE CARE

Children in areas affected by armed conflict in northern Uganda are now staying in IDP camps which do not provide a suitable family environment. Secondly displacement disrupts normal social life and hinders provision of parental guidance. Children spend very little time with their parents, as they leave school and go home just to grab something to eat before dashing to town to sleep. The phenomenon of night commuting where children leave their homes in the evenings to go and sleep in relatively safe centres and verandas in towns also expose them to abuse on the

way as they are not accompanied by adults. In Gulu alone there are about 15,523³ children who sleep in night commuter centres.

Table showing number of night commuters at different places in Gulu district

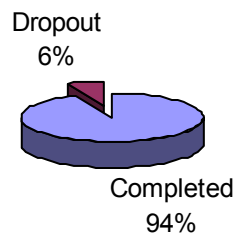
| Place | Boys | Girls | Total |
|-------------------------|--------------|--------------|---------------|
| Gulu Hospital | 701 | 743 | 1,444 |
| Bus park | 423 | 619 | 1,042 |
| Ministry of works A | 450 | 350 | 800 |
| Ministry of works B | 312 | 288 | 600 |
| St. Joseph 's Carpentry | 148 | 118 | 266 |
| Lok-Otyeno | 75 | 51 | 126 |
| St. Joseph Catechist | 300 | 225 | 525 |
| Noah's Ark | 550 | 500 | 1,050 |
| Rural Focus Uganda | 382 | 278 | 660 |
| Holy Rosary | 550 | 450 | 1,000 |
| Streets/ Verandah | 500 | 500 | 1,000 |
| Lacor Hospital | 2,105 | 1,720 | 3,825 |
| Gulu Public school | 1,320 | 1865 | 3,185 |
| Total | 7,816 | 7,707 | 15,523 |

Source: Survey reports IOM

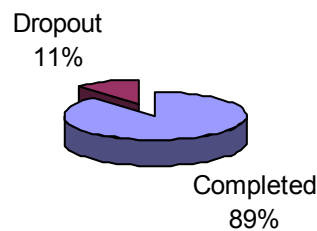
According to a study carried out by Save the Children on the phenomenon of night commuting in Gulu town, school dropout of girls due to pregnancy has doubled during the time of commuting compared to the period before the onset of night commuting (6% dropped out in 2001 and 11% dropped out in 2003, before and after onset of commuting respectively). It was reported during this study that some of the girls leave home but instead of going to the centres they head to their boyfriends.

³ IOM Survey Report 2004

Dropout of girls from P5 - P7 due to pregnancy in 2001



Dropout of girls from P5 - P7 due to pregnancy in 2003



Similarly children with disability do not live normal lives in the family environment. In some families they are hidden, while others are sent to live with grandparents. Some superstitious parents do not even take them to hospitals for treatment in preference to traditional methods. Some disabled children are abused and exploited simply because they are incapacitated by their disability.

8.0 BASIC HEALTH AND WELFARE

The information provided in the government report on health and welfare is true except the situation in the IDPs which is worse than the general situation described in the government report.

The second major deviation is the situation of children with disability where there is very limited service provision to children with disability. The few NGOs that are in place focus on disabled adults. In its Health Sector Support Programme (HSSP), government includes medical rehabilitation among the priorities, but information on specific activities are not clearly spelt out. Basic services such as physiotherapy and occupational therapy and orthopaedic surgery and ENT services may only be accessed in Kampala which is beyond the reach of the poor children in rural areas.

Resources are not provided for assistive devices and those who seek for them have to wait for months before getting them if they are lucky. This delay cannot address the needs of growing children in that by the time they finally get the devices they have outgrown them and fresh measurements need to be taken and more waiting.

First of all there is very limited awareness about disability, its causes and what can be done about them. Because of lack of awareness, preventable factors have led to 80% of all cases of disability in Uganda. Secondly most community members do not know that with medical rehabilitation and early intervention the lives of children with disabilities can be improved considerably. Because of this small problems which can be very easily solved are left to get out of hand.

The poor response of government has been attributed to the lack of statistical data on the magnitude of the problem of the problem of disability. Disability registers are supposed to be maintained at sub-county level but these are not in place in most districts.

Recommendations:

- There is need for general awareness raising of the community on disability. The focus should be on prevention, early detection and services to be sought for each category of disability. Awareness raising should also be aimed at attitudinal change of both community members and people in authority
- Medical rehabilitation needs to be integrated into the health service delivery system in the country right from Health Centre upwards. This would entail training of health care providers at all levels on basic medical rehabilitation and the need for referral of cases they cannot handle.
- Strengthen data collection on different forms of disability facilitate government in planning for vulnerable category of children especially those with disabilities.

9.0 STANDARD OF LIVING

While the government addendum indicates reduction in the levels of absolute poverty in the country, the situation is not uniform with other districts especially in northern Uganda showing an increase in the number of people living below the poverty line. According to a study carried out by Uganda Bureau of Statistics (UBOS), 75% of people in northern Uganda

live below the poverty line. The report Kitgum and Kotido as the poorest with poverty incidence of 91% and that poverty has increased in Arua, Moyo and Apac in the north and Kasese in the western Uganda.

In recognition of the poverty situation in the north, government has come up with the Northern Uganda Social Action Fund (NUSAF) to facilitate 18 districts in northern and eastern region to catch up with the rest of the country. The snag is that most of the prioritised projects fall under the Community Development Initiatives which are mainly infrastructural projects which do not address household poverty. For example in Lira district, only 19% of the projects funded under NUSAF fall under the Vulnerable Group Support which would address household poverty of the vulnerable Group

10. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

The NGO group agrees with the information presented by government on education and areas where we defer have already been highlighted in the previous sections of the report.

On culture, not much is being done by government to promote and preserve culture. Most districts do not have Culture Officers and even those with Officers do not have clear guidance on what they should be doing.

11.0 SPECIAL PROTECTION MEASURES

As already mentioned in the previous sections of the report, government has developed policies but child protection is not among the national programme priority areas hence funding for interventions in this area is not forthcoming.

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