RECOMMENDATIONS AND OBSERVATIONS SENT TO THE GOVERNMENT OF THE REPUBLIC OF UGANDA BY THE AFRICAN COMMITTEE OF EXPERTS ON THE RIGHTS AND WELFARE OF THE CHILD ON THE INITIAL IMPLEMENTATION REPORT OF THE AFRICAN CHARTER OF THE RIGHTS AND WELFARE OF THE CHILD

The African Committee of Experts on the Rights and Welfare of the Child extends its greetings to the Government of the Republic of Uganda and wishes to express its acknowledgement for submitting its initial Report on the implementation status of the African Charter on the Rights and Welfare of the Child.

The Committee congratulates the State party for being represented by an important high level inter ministerial Delegation led by the Minister of State for Youth and Children Affairs to discuss the Report during its fifteenth session held from 15-19 March 2010, in Addis Ababa Ethiopia.

At the conclusion of the review of the Report, the Committee is honored to send to the Government of the Republic of Uganda the following Observations and Recommendations:

Article 1: OBLIGATION OF STATES PARTIES

The Committee congratulates the State party for adopting the Legal Texts and other Measures for protecting and promoting the rights of the child, however efforts remain to be made in the sector of popularization of the Charter.

Article 2: DEFINITION OF CHILD

The Committee observes that even though the law on the child recognizes the child as any person under 18 years of age, in the employment sector, the age of work on the other hand varies from 14 to 16 years according to the type of work and with regard to the law, the age of penal responsibility is set at 12 years. Concerning marriage, the Committee notes that the Constitution sets the age of marriage at 18 years, but there are laws on customary marriage, African marriage and the law on the marriage of Moslems which sets the age of marriage at 16 years or below.

For a better protection of the child, the Committee recommends to the State party the harmonization of these texts with the definition of the child as stated in the African Charter on the Rights and Welfare of the Child.

Article 3: NON-DISCRIMINATION

The Committee points out discriminations against handicapped children but also certain discriminations based on gender with practices which lead girls to stay at home to look after their little sisters and brothers or the denial of pregnant girls or girl mothers to continue their schooling compromising their right to education.

The Committee recommends the State party to raise the awareness of the population about giving up socio cultural practices or other behaviors which are harmful to the rights and welfare of the child.

The Committee also recommends the multiplication of daycare centers for early childhood (mentioned in the Report) in zones where girls are forced to stay at home to look after the younger children.

Section 4: BEST INTERESTS OF THE CHILD

The Committee notes with satisfaction the recognition of the right to participation of children, in particular, in the field of juvenile justice, by the Government of the Republic of Uganda. However, it regrets that this right is not clearly recognized in the national legal instruments. This poses some problems when taking into account the best interests of the child and for the children to become more engaged on issues affecting their survival and development.

The Committee recommends the State party to pursue the activities of GEM clubs and the Sara Initiative; it encourages the promotion of the manual designed in synergy by the Government, UNICEF, the civil society, in favor of children, on the participation of children, with the establishment of a child representative leadership.

Article 6: NAME AND NATIONALITY

Even though article 18 of the Ugandan Constitution provides for the registration of births, the Committee finds that the rate of births and deaths declarations is low.

The Committee recommends the State party to ensure that registration of children at birth is mandatory and free. The Committee also urges the Government to raise the awareness of local authorities and populations about the future consequences of the non registration of children on the civil status registry.

The Committee further urges the Government to include the registration of births and deaths, if it has not already done so, in the Investment Plan, the budgets of the Justice and Law Enforcement Sectors, as wished for by the Recommendations of the review of the justice sector.

Section 7: FREEDOM OF EXPRESSION

The right to participation requires the actual presence and hearing of the children. The committee notes significant progress made by the Government in the area of the right to expression, which could have been otherwise presented in section 4-2 of the Report, through weekly columns specially reserved for children and children programs by children.

The Committee encourages the "Young Talk" (young people talk) and recommends the continuation of the facilities granted to children in terms of access to media freedom of speech, right of access to information, which are rights provided in the constitution and which allow children to express their points of view, outside the family boundaries.

Article 11: EDUCATION

The Committee congratulates the Ugandan Government for the efforts made in the education sector, notably:

- the construction programs of classrooms for primary schools;
- the provision of education material for students;
- the prohibition of corporal punishment;
- the establishment of primary universal education;
- the introduction of free tuition at the kindergarten level.

The Committee observes with satisfaction the notable rate of enrolment of girls, in fact of a total of 7,377,292 children enrolled in primary school in 2004, 3,644,364 are girls; that is 49,39%. With a total of 141,461 primary teachers.

Despite encouraging results at the primary level, the Committee observes that:

- the number of students enrolled at secondary level is very low (697,507 enrolled for 37,313 teachers);
- the net rates of enrolment and admission at the secondary level are 14,55% and 6,06% whereas the rates of gross enrolment at the primary school are 129,88% and 125,05% (2003) respectively for boys and girls;
- a high proportion of young people of the age to attend the secondary are outside of the education system;

The Committee notes that the efforts made at the primary level risk not bringing the desired effects at the secondary level and that the enrolment capacity of the public secondary level may not be able to take in the acceptable proportion of 7 million children registered in the primary and that the present number of teachers may not be sufficient for the future number of students in the secondary.

The Committee urges the Ugandan Government to:

- - continue the school enrolment policies of girls;
- - continue universal primary education (UPE);
- - liberalize the education sector so as to increase the proportion of private institutions which can compensate the shortage of public institutions.

The Committee further recommends to the Ugandan Government:

- to Invest more resources in the secondary so as to anticipate the massive influx of children from the primary to the secondary;
- to emphasize the training of teachers, the increase of their number and to ensure their equitable distribution across the country
- to create motivation conditions of teachers;
- to create conditions of completion of the primary cycle to increase the rates of enrolment in the secondary ;
- to put in place a subsidy policy in favor of private schools so as to be able to take in students of the public schools to solve the problem of shortage of public institutions;
- to give greater attention to children from disadvantaged zones;
- to emphasize measures for fighting against poverty.

Article 13: HANDICAPPED CHILDREN

The Committee notes with satisfaction that disability issue is the focus of concerns by the Ugandan Government with notably:

- the existence of the Uganda National Council of disabled Persons;
- the representation of disabled persons in the Parliament for the consideration of the concerns of disabled persons at the legislative level;
- the existence of a Uganda National Institute for Special Needs in Education (UNISE);
- the support given by the State to schools with the provision of wheelchairs and Braille material.

However the Committee observes that there is some need of specialized teachers and suggests to the Government to kindly take the necessary measures to cover the needs for teachers.

The Committee recommends to the Ugandan Government to put in place a policy of integration of disabled persons with degree in the administration and to build the capacity of specialized institutions and associations which strive for the wellbeing of disabled children.

Article 14: HEALTH AND HEALTH SERVICES

The Committee congratulates the Government for its efforts in health matters and the care for people infected and affected by HIV/AIDS, in particular orphans and vulnerable children.

However the Committee regrets the absence of data which could enable it to evaluate the health status in the State party, among others:

- data on the numbers of doctors, of midwives and nurses per inhabitant;
- the number of Public, private and community health centers by district;
- the situation of prenatal and infant mortality;
- the vaccination coverage;
- the accessibility of health care and health centers.

The Committee recommends to the State party to kindly include these data in the next reports.

Article 15: CHILD LABOUR:

The Committee observes that the minimum age required to take a job in Uganda is 14 years and that in addition the children are exploited by their employers. Also children are used in activities such as babysitting, agriculture, fishing, animal herding, protection of crops against birds and other household chores which deny them any possibility of going to school.

The Committee recommends to the State party to carry out a campaign of awareness raising taking into account employers, trade unions, NGOs, parents and other stakeholders on detrimental effects of child labor.

The Committee further recommends the State party to use the media for information and awareness raising campaigns and to bring its support to institutions and organizations fighting against the phenomenon of child labor.

Article 16: PROTECTION AGAINST CHILD ABUSE AND TORTURE

The Committee observes that the Report doesn't provide any data pertaining to cases of child rape or sexual abuse and recommends that these data be included in the next reports.

Article 17: ADMINISTRATION OF JUVENILE JUSTICE

The Committee congratulates the State party for efforts made under the framework of taking in charge of children in conflict with the law notably with:

- the setting up of Family and Juvenile Courts (FCC) in each constituency placed under the jurisdiction of a lawyer who will consider cases involving children;
- the establishment of reform centers for children at district level;
- the establishment of a National Rehabilitation Center;
- the possibility provided to amicably solve cases concerning children in conflict with the law.

These measures show that the fundamental goal of the judiciary procedure against a child is his amendment and his reintegration in the family and the society.

However the Committee notes that:

- several districts do not always have provisional detention centers for children and the number of functional re-education centers is limited;
- in some cases, children are held with adults in police detention centers.

The Committee urges the Government to make additional efforts to extend the reform centers for children at districts which do not have them and recommends the training of lawyers and judges on the rights of the child.

Article 21: PROTECTION AGAINST HARMFUL SOCIAL AND CULTURAL PRACTICES

Despite the denunciation of negative cultural practices, some cultures violating the provisions of the Charter persist in communities among which:

- the practice of female genital mutilation especially among the Sabiny ethnic groups in the Kapchorwa and Bukwa districts in the North/East of Uganda;
- the growing threat of child sacrifices;
- child trafficking;
- discrimination against girls in the field of education;
- early marriage which not only affects the health of the girl but also drives her to abandoning her education. There is a need to observe that the law heightens this phenomenon by authorizing marriage under 16 years of age.
- the fact of parents forcing their pregnant daughters to marry the perpetrator of the sexual abuse.

The Committee observes that the Government in collaboration with Partners such as UNFPA has intensified its efforts to make the general public aware of the risks linked to these practices. Studies have been undertaken on human sacrifices and child trafficking. The liberalization of the media space has helped to reveal these practices and customs which hamper the rights and welfare of children. The media have also been used by the Government and the other actors to raise the awareness of the masses on issues related to children's rights.

The Committee congratulates the State party for its actions, requests it to redouble its efforts in the fight against these practices and recommends it to take urgent measures to:

- prohibit harmful practices;
- severely suppress the perpetrators;
- train police officers and judges on the issue;
- raise the awareness of the population for a change of mentality which can lead to the renunciation of these practices.

The Committee further recommends to the State party the adoption of a family code to standardize marriage practices, applicable to all Ugandans and which should take into account the rights and welfare of the child.

Article 22 : ARMED CONFLICTS:

The Committee observes that the Report doesn't provide enough data on the status of child soldiers in Uganda, it recommends consequently that more information should be mentioned in the next reports.

Article 28: DRUG ABUSE :

The Committee observes that the Report doesn't consider the appropriate measures taken to protect children against the illegal use of drugs and recommends that the situation of abuse of illicit substances and drugs by children as well as the data and arrangements taken to block this scourge be mentioned in the next reports.

Article 29: SALE, TRAFFICKING AND ABDUCTION

The Committee notes with satisfaction the efforts made by the Government of the Republic of Uganda to find the children abducted by the LRA and ADF rebels, by ensuring their return, rehabilitation and reintegration within their families.

The Committee urges the State party to continue with the implementation of the measures taken for the settlement of the issue of the abduction of children and recommends it to persevere in its efforts to put a final end to this phenomenon.

Article 30: CHILDREN OF EMPRISONED MOTHERS

The Committee observes that the Report doesn't provide information pertaining to the treatments given to incarcerated pregnant mothers and incarcerated mothers of babies and young children and recommends that this information be included in the next reports.

Article 31: RESPONSIBILITY OF CHILD

The Committee observes the non existence of a children's Parliament for the expression of their rights of participation and recommends therefore its establishment. It suggests further that substantial resources be put at its disposal so as to enable it to exercise its mandate.

General Observations and Comments:

The African Committee of Experts on the Rights and Welfare of the Child congratulates the Republic of Uganda for all the efforts made towards the protection of the rights of the child. However the Committee observes that the Charter is not very well known by the population in particular the authorities in charge of implementing these laws, teachers, health personnel, social workers and those in charge of children.

To this end, the Committee recommends the State party to take all necessary arrangements to popularize the Charter across the whole country and if possible translating the Charter in national languages and to undertake the training of stakeholders regarding the Provisions of the Charter at a national level.

The Committee observes that each year, the Human Rights Commission of Uganda publishes an Annual Report on the status of rights with a specific section on the violations of the rights and welfare of children. The Committee suggests that the data contained in this specific section be mentioned in the next reports.

Finally the Committee recommends to the State party to grant a sufficient budget to the different programs and sectors related to the implementation of the rights and welfare of the child.

The African Committee of Experts on the Rights and Welfare of the Child takes this opportunity to renew to the Government of the Republic of Uganda the assurance of its highest esteem.