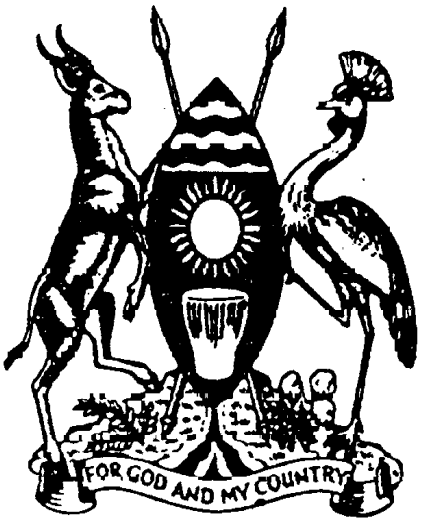
IMPLEMENTATION OF THE AFRICAN CHARTER ON THE RIGHTS AND WELFARE OF THE CHILD IN UGANDA



MINISTRY OF GENDER, LABOUR AND SOCIAL DEVELOPMENT
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PREFACE

Uganda in a party to the Convention on the Rights of the Child, an international instrument agreed to by most of the States in the World. Not withstanding this fact, Uganda and other African Countries ratified the African Charter on the Rights and Welfare of the Child. The Charter was signed by Uganda in February 1992 and ratified on the 17th August 1994. While this seems to be a duplication of efforts, African nations out of the recognition of the situation of African children found it necessary to have this Charter. Some of the considerations were the socio-economic, cultural, traditional and developmental circumstances, natural disasters, armed conflict, exploitation affecting most of Africa; the unique and privileged position children hold in Africa; the need for children to grow in a family environment in an atmosphere of love and happiness; the cultural heritage, historical background and the values of the African civilization; the consideration that the promotion, protection and respect of the rights and welfare of the child also implies duty on the part of everyone, sometimes including children, who have responsibilities for the realisation of their rights.

The ratification of the Charter, like any other regional or international instrument bounds Uganda to undertake measures to give effect to the provisions enshrined in the Charter and periodically report to the Committee such progress. Uganda's initial report was due in 2006, a reporting time frame that was delayed due to the African Union's delay to provide guidelines and related mechanisms for State Parties to report. This initial report is in fulfilment of that commitment outlined in Article 43 (1) of the Charter, which requires state Party to submit the report to the African Committee of Expert through the Secretary-General of the African Union (AU).

The Government of Uganda is committed to achieve a society where children, its largest population and asset live to their full potential. To that effect, since the ratification of the Charter, the Government of Uganda has taken several steps to implement the provisions of the Charter. These are outlined in consonance with the reporting guidelines of the Charter as follows. Section 1 of the report gives a general background including an introduction, methodology of reporting and the country profile. Section 2 details general measures of implementation, Section 3 reviews the definition of the child and its related challenges, section 4,covers the general principles, section 5 the civil rights and freedoms, section 6, family environment and alternative care, section 7 health and welfare and sections 8 and 9 education, leisure and cultural activities, and special protection measures respectively.

In this report, it will be noted that Uganda has taken big strides towards promoting the inherent right to child survival, development and protection for all children albeit the several challenges encountered. Challenges range from poverty, conflict, illiteracy to HIV/AIDS pandemic among others. However, such challenges notwithstanding, the Government is undertaking progressive steps to promote child rights guided by the international and regional human rights laws and policies. This is in acknowledgment that investments in children are extraordinarily productive and promoting and respecting their rights lays the foundation for a just society, a strong economy, and a world free of poverty[1]. It is also upon this basis that Uganda commits itself to reporting on international and regional instruments in order to seek review and guidance from the relevant Committees and other related stakeholders. It is my humble belief that the outcome of this report will form one of the guidelines that will be used for further progress towards full realisation of the rights of children in Uganda.

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[1] WFFC, 2002, sec. 50, p21

LIST OF ACRONYMS

ARLPI	Acholi Religious Leaders' Peace Initiative
AIDS	Acquired immunity deficiency syndrome
ADF	Allied Democratic Force
AVSI	Association of Voluntary Service International
ANPPAN	African Network for the Presentation and Protection Against Child Abuse and Neglect
CCPR	Covenant on Civil and Political Rights
CEDAW	Covenant on the Elimination of all forms of Discrimination Against Women
CESCR	Covenant on Economic, Social and Cultural Rights
CPA	Concerned Parents' Association
CPU	Child Protection Unit
CRC	Convention on the Rights of the Child
CRS	Catholic Relief Services
CSOs	Civil Society Organizations
CS	The Children Act
CSOPNU	Civil Society Organizations for Peace in Northern Uganda
DAC	Day of the African Child
DDM	Department of Disaster Management
DISO	District Internal Security Officer
DFID	Department of International Development (UK)
DPAC	District Plan of Action for Children
ECHO	European Commission Humanitarian Organization
FAC	Formerly Abducted Children
FCC	Family Children's Courts
FOCA	Friends of Children Association
GDP	Gross Domestic Product
GoU	Government of Uganda
GPID	Guiding Principles on Internal Displacement
GUSCO	Gulu Support the Children Organization
ICC	International Criminal Court
ICRC	International Committee of the Red Cross
IDP	Internally Displaced Person/People
IHL	International Humanitarian law
IHRL	International Human Rights Law
ILO	International Labour Organization
JJP	Juvenile Justice Programme
JLOS	Justice Law and Order Sector
KICWA	Kitgum Concerned Women's Association
LC	Local Council
LDU	Local Defence Unit
LRA	Lord's Resistance Movement
MFPED	Ministry of Finance, Planning and Economic Development
MGL&SD	Ministry of Gender, Labour and Social Development
MoES	Ministry of Education and Sports
MoH	Ministry of Health
NCC	National Council for Children
NGO	Non-governmental Organization
NPIDP	National Policy on Internal Displacement of Persons
OP	Optional Protocol

OPM	Office of the Prime Minister
PEAP	Poverty Eradication Action Plan
PPT	Presidential Peace Team
PWO	Probation and Welfare Officer
RLP	Refugee Law Project
SCiU	Save the Children in Uganda
SGBV	Sexual and Gender Based Violence
SDIP	Social Development Sector Strategic Investment Plan
UAC	Uganda AIDS Commission
UCRNN	Uganda Child Rights NGO Network
UHCR	Uganda Human Rights Commission
ULRC	Uganda Law Reform Commission
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNOCHA	United Nations Office for the Coordination of Humanitarian Affairs
UNPAC	Uganda National Programme of Action for Children
UPDF	Uganda Peoples' Defence Force
UPE	Universal Primary Education
UPF	Uganda Police Force
UPFC	Uganda Parliamentary Forum for Children
USD	United States Dollars
WFP	United Nations World Food Programme

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SECTION I INTRODUCTION

1.1 Background

The Government of Uganda ratified the African Charter on the Rights and Welfare of the Child on August 17th 1994. This report presents a review of the measures both legislative and administrative taken by the Government to harmonize its laws, policies and practices with the general principles and standards which give effect to the provisions of the Charter spelt out under Article 43. It also provides a comprehensive assessment of the progress in the implementation of the Charter and the challenges encountered in doing this. This report supplements and compliments the reports on implementation of the UN Convention on the Rights of the Child submitted by Government to the UN Committee on the Rights of the Child.

This initial report is based on the guidelines for reporting to the African Union Committee of Experts on the Rights and Welfare of the Child and brings experiences from the civil society, child oriented development actors including UN agencies, central and local government. The report was prepared through a consultative process the entail looking at annual and progress reports from all actors, filed consultations and consultative and validation workshops.

1.1.1 Literature Review

A review of existing information relevant to the reporting requirements included land policy documents, reports by government, civil society organisations and other development actors. Other sources of information included principal legislative texts (including reforms) administrative and other relevant instructions as well as detailed statistical information.

1.1.2 Field Survey

In addition to review of exiting information on children from local and central government ministries and departments, as well as from other development actors, the process also carried out a survey in 8 northern, north-eastern and western districts of Uganda. These were Kitgum, Kapchorwa, Soroti, Lira, Tororo, Bundibudgyo, Wakiso, Kampala and Gulu. Their selection was based on Government and NGOs operations, thematic relevance, regional representation as well as issues arising from the observations of the UN Committee on the Rights of the Child. It was also an attempt at verifying and validating information provided in the literature. The field consultations obtained information through focus group discussions at grass roots level, key informants' interviews with key decision policy makers at district and Ministry levels, visits to relevant places.

1.2 Country Profile

1.2.1 Public Administration

The public administration system of Uganda is a decentralised system of governance that transfers power from the Central Government to the local governments through its political leaders to manage their own development, working closely with the civil servants. The Central government guides development programming, budgetary allocations, providing policies, technical support monitoring and evaluation. The Parliament, the national legislative body and one of the wings of central government, consists of representatives elected by people in the districts. They are required to regularly consult with their constituents in order to provide effective representation on decisions tabled before them. The Parliament in Uganda has a coalition of MPs who have formed the Uganda Parliamentary Forum for Children committed to highlighting child related issues and pursuing them in order to fulfil children's rights.

The country has up to 80 district local governments and the Kampala City Council and the City Division Council that constitutes the local government structure. The District Council and the sub-county councils make up the rural local government structures.[2] Each of these districts has a technical officer called the District Probation and Social Welfare Officer (PSWO) who together with other staff at lower levels are in-charge of child welfare and legal protection matters. The Council structure has one of the 9 members a Secretary for Children Affairs.

1.2.2 Demographic Characteristics

The 2002 Census reveals that Uganda had a population of 24.7 million in that year. The total fertility rate as estimated by the UDHS, stood at 6.9, largely unchanged over the past ten years and much higher than in neighbouring countries (e.g. Kenya: 4.7; Tanzania: 5.6[3]). Consequently, the population growth rate was about 3.4% per year between 1991 and 2002, which puts Uganda among the countries with the highest population growth rates in the world, with specific implications for child rights and welfare. The population is young with persons from 18 years below constituting about 56% of the total population. A fifth of the population are persons below five years of age, while one fourth are of primary school going age (between 6-12 years). According to these projections, Uganda's population is expected to reach 93.25 million people in 2025. This projection is based on considerable fertility decline from presently about 7 to only 2.9 in 2040-2045. Achievement of this is dependent on overall economic development in the coming decades, but above all efforts of government and policies that will support fertility decline.

The central question investigated here is whether this rapid pace of population growth is likely to affect growth of per capita incomes and thus poverty reduction in Uganda. Based on insights from the theoretical and empirical growth literature, this note argues that the high rates of population growth will severely undermine efforts to maintain and boost economic growth rates. It will also make the achievement of universal primary education virtually impossible for coming decades and will seriously compromise efforts to reduce maternal and child mortality rates and improve health conditions and services.

1.2.3 The Economy of Uganda

Uganda has experienced a strong economic growth over the past decade. Real GDP growth at market prices to date has averaged over 6.5% per annum since the early 1990s. The determinant of Uganda's economic growth has been identified as the relative improvement in security, macroeconomic stability, and improvement in terms of trade resulting from coffee price boom in the mid-nineties. Industrial production has seen the highest growth per annum averaging 10.4%. The service industry has also been averaging a growth rate of 7.5%. Agriculture has been averaging 4.4% growth per annum[4]. Uganda's economic policy that largely focuses on the growth sector expects increased growth to boost the economy and improve people and children's lives enabling them to meet their social needs.

1.3 Measures Adopted to Give Effect to the Provisions of the Charter

According to the decentralisation policy, functions of a central government department include policy and legislative development, quality assurance (including monitoring and supervision) inspection, training, technical advice and guidance in their respective area of mandate. The Children Act operationalises the provisions of

[2] Local Government Act 1997

[3] see UBOS, 2001

[4] Poverty Eradication Action Plan 2004/5 Report Page 31.

the ACRWC and decentralizes matters relating to legal rights of children, care and support services for children as low as the sub county which is the lowest administrative unit, making such services more accessible.

1.2.5 Ministry of Gender, Labour and Social Development (MGLSD)

The Ministry of Gender, Labour and Social Development is mandated to promote social protection of poor and vulnerable children. It is the Secretariat for the Social Development Sector under the sector wide approaches. The ministry has a fully fledged department for Youth and Children, a child labour department and other departments that deal with marginalised groups such as disabilities. It is also a ministry charged with culture, community mobilisation and gender concerns that largely impact on children. The social development sector consists of the civil society and development partners who are implementing social sector interventions.

Within the same sector is the lead agency for co-ordinating and monitoring the implementation of child rights related programmes, the National Council for Children (NCC). The NCC is a semi autonomous body, the Ombudsman for children. Other ministries/departments are responsible for sectors that fall within their mandates. Under MGLSD, a Street Children's Desk (SCD) and the National Street Children Committee to ensure integration of children back into their communities has been set up in the department of Youth and Children Affairs.

1.2.6 Ministry of Education and Sports

The Education Sector Investment Plan (ESIP) 2004-2015 brings together Government, development partners, the private sector and CSOs to mobilise support and resources for the education sector. Working committees have been established to manage the ESIP. The working groups are responsible for: sector policy and management; financial planning and management; monitoring and evaluation; primary education; secondary education; technical and vocational education and training; tertiary; and teacher education working group. Each working group produces a report every six months and a composite report is compiled to form input into the biannual ESIP review. Government, through the Ministry of Education and Sports, has established the National Council for Higher Education and the Education Standards Agency (ESA). The Ministry of Education is the Secretariat for the ESIP. Through the sector, a number of policies and guidelines have been developed to improve the quality of education and provide a safe and healthy environment for children.

1.3.3 Ministry of Health

The Ministry of health houses the Health Policy (HP) and the Health Sector Strategic Plan (HSSP). The HSSP is implemented through the Health Policy Implementation Committee (HPIC), which consists of eight sub-committees, namely: Human Resources, Health Infrastructure, Basic Package, Finance and Procurement, Supervision and Monitoring, Decentralisation, Research and Development and Public-private mix.

A Health Sector Review Committee (HSRC) has also been formed to: generate consensus of all stakeholders in the implementation of the HP and the HSSP; review and endorse reports and recommendations of the Health Policy Implementation Committee; and provide support and guidance in the implementation of the HP in general. Membership to the HSRC is multi-sectoral and includes representatives from: central government departments, local authorities, higher institutions of learning, research institutions, NGOs parliament, civil society and traditional practitioners.

Consultative meetings and joint meetings are held bi-annually to review sector performance (expenditures and outputs) for each component of the sector, agree on the financial resource envelope for the following year and the revised draft annual plan of action for the next year. Membership to the meeting includes the government

MoH; MFPED; MoLG; MoES; Department of Information, Development partners, representatives of NGOs and potential partners also attend. The institution of the National Immunisation Days (NIDS) and booster immunisation doses were meant to improve the health status of children in Uganda.

As a result of all these initiatives, a clear vision for the health sector has evolved, priorities have been agreed; agreement has been reached to use a common working arrangements with regard to planning, budgeting, disbursement, procurement, reporting and monitoring; the GoU and development partners are ready to operate through the Sector Wide Approach; and a partnership fund has been established to support preparatory activities of the HSSP. The Health Service Commission to take care of human resources issues has been set up under the Ministry of Health.

1.4 Progress Made in Enjoyment of Rights

Since the ratification of the Charter, several legislative interventions have been implemented. These include the revision of the Constitution in 1995 to take into consideration issues arising from international and regional legal commitments, the enactment of a law for children, the Children Act (Cap 59), the amendment of the Local Government Act and putting in place mechanisms arising out of these revisions and amendments.

The Children Act provides procedures for addressing children's concerns within the family, in institutions and in circumstances where they come into contact with the law. It also provides for other legal processes such as adoption and foster placement, among others. Under the Act 559 Family and Children's Court (FCCs) have been gazetted and these are expected to handle legal matters related to children at lower levels.

Government in collaboration with its partners such as UNICEF, Save the Children in Uganda and other Civil Society Organizations have been supporting training and sensitization of child rights to various duty bearers charged with protection, promotion and fulfilling child rights in Uganda such as law enforcement organs like the police, UPDF and Local Councils. There is also sensitization of bar owners, video owners not to employ children especially girls who are disguised to be employed and yet they are forced to practice prostitution.

The government, through the universal primary education programme (UPE) has provided more access to children to enter school through provision of tuition for them. There is increase enrolment as a result of this. The challenge of high drop out rates, however still stands. For purposes of gender parity in education, government is promoting affirmative action for girls' education; where those going to public universities are given 1.5 additional points to enable them compete with their male counterparts. This works as a motivation factor for girl children at the lower levels of education.

These government programmes are still negated by the fact that discriminatory practices continue to thrive against the girl child. There is evidence of discrimination against the girl child education in homes where the girls still do most of the household chores which deprives them of going to school and concentrating. Some drop out of school due to what parents choose to call lack of resources for scholastic materials while others are sent into early marriages. Community mobilization and empowerment for prevention of child domestic work is on going by both state and non-state actors.

1.5 Implementation of the Charter

Deliberate efforts have been under taken to give effect to the provisions of the Charter, including sensitisation of communities and their leaders as well as children in and out of school. Training on child rights have been undertaken by the Ministry of Gender, Labour and Social Development, other government ministries and civil society. The National Council for Children (NCC), Uganda Human Rights Commission, Save the Children in

Uganda, Uganda Child Rights NGO Network, ILO-IPEC, and many national and local NGOs have conducted training of stakeholders on child rights.

1.6 Difficulties in Implementing the Charter

1.6.1 Registration of Birth and Death

Uganda has had a national law governing births and deaths since the 1970s, today the law is known as the Birth and Death Registration Act (Cap 309). The Registrar General, Birth and Death Registration, has also revised the existing BDR policy document and it is awaiting approval by Cabinet. With support from UNICEF and Plan International, a comprehensive strategy for scaling up birth and death registration (BDR) in Uganda has been developed. In addition the Government enacted the Uganda Registration Service Bureau Act (URSB) Act (Cap 210) in 2004. URSB has developed independent work plan for 2006/2007 to scale up BDR in 11 districts. It should be noted that BDR had in the past not been included in the Justice, Law and Order Sector (JLOS) Investment Plan and budgets; however in June 2005 the JLOS sector review recommended that BDR be included in the budget.

Currently, implementation of BDR is weak, however, government, with support from partners such as UNICEF and Plan International has revitalized BDR. Through this effort, a total of 29 districts have community-based birth and death registration (BDR) initiatives. Out of these, 23 districts are supported by UNICEF while 6 are supported by Plan International. Full implementation of BDR will ensure children are protected from evils such as early marriages and sexual offences. It would also enable parents to know the right age for children to start school to avoid challenges of drop out due to age. However, since 1995 attempts have been made to revive the civil registration system, but so far very few successes has been

1.7 Commitment to Observance of Child Rights

The Government of Uganda is committed to protect, promote and fulfil the realization of child rights. This is reflected in the many legislative and programmatic endeavours.

1.7.1 Appointment of a State Minister in charge of Children and Youth Affairs

To fulfil its commitments to the child, government of Uganda has established and appointed the Minister of State for Children and Youth Affairs within the Ministry of Gender, Labour and Social Development. The Minister is charged with ensuring that government programmes for children are implemented on schedule and advises the Minister of Gender, Labour and Social Development on the progress in this area. This Office is supported by the technical positions of Commissioner and Assistant Commissioner for Youth and Children in the MGLSD who are now squarely in-charge of technical matters to do with children. The Commissioner, with the support of the Principal Probation and Welfare Officer supervises and supports the Probation and Social Welfare Officers at the district level. They also have counter parts in the districts, the Community Development Officers (CDOs) and the Assistant Community Development Officers (ACDOs).

1.7.2 Establishment of the National Council for Children (NCC)

The NCC was created as an interim body in 1993 and later by statute No. 16 of 1996 (now the National Council for Children Act, Cap 60 in the revised laws of Uganda; to coordinate and monitor implementation of international, regional, national and local instruments on the rights and welfare of children in Uganda. Its objectives include:

1 Acting as a body through which the needs and problems of children can be communicated to government and other decision –making institutions and agencies in Uganda
2 To coordinate and provide direction to all persons involved in child-based activities in Uganda

3 To promote the adoption and utilization of the Programme of action by government, non-governmental organizations and external support agencies through participation in their planning and resource allocation exercise.
4 To maintain a data base on the situation of children and activities relating to children in Uganda
5 To support the continuing analysis of the changing needs of children and promote discussions of emerging priorities.

The challenges facing the NCC include inadequate human, technical and financial resources. There has been a call to restructure the institution, provide it with more resources and equip it to have more power over government, civil society and development actors for children.

1.7.3 The Children Act Cap 59

Part III sub section I (a and b) and part II provide for the roles of Secretaries for Children Affairs right from LC I (village) to LCV (District) levels. These are based at the community level; each village has an LC Council out of whom one is a representative for children. The Secretaries for Children primarily represent the interests of children at the community level. They also ensure the best interests of the child are fulfilled in all matters affecting the welfare of children including education, health, legal matters and planning for development. In the past, the Secretaries for Children and other LCs were trained on children's issues by the MGLSD and its partners including FIDA, UCRNN, Save the Children and UNICEF. However, these political leaders are changed through elections from time to time demanding continuous training.

1.7.4 The Child Advocacy Project (1999-2002)

National Council for Children in partnership with Save the Children Norway established the Child Advocacy Project in Iganga, Bugiri, Busia, Tororo, Pallisa, Mbale, Kapchorwa, Kumi, Soroti, Katakwi, Moroto, Kotido, Lira and Apac with trained district-based staff to support government officials in the respective districts. This included advocating for the rights and responsibilities of children based on the CRC, ACRWC, the Constitution of the Republic of Uganda (1995) and the Children Act, among the local leaders at sub-county and district levels.

The project also promoted child participation and advocacy through Child Rights Clubs in schools in all the 14 districts. It facilitated participatory development using Participatory Rural Appraisal (PRA) including Participatory Monitoring and Evaluation (PM&E), in the districts of Lira, Soroti, Apac and Mbale. A key input of the project was facilitating child focussed development plans at district and sub-count levels in the same districts. These plans had environment, gender and HIV/AIDS as crosscutting issues for implementation. This project has since been negatively affected by lack of funding.

SECTION II: GENERAL MEASURES OF IMPLEMENTATION

2.1 Steps Taken in Accordance with the Provisions of the Charter

2.1.1 The Revision of the Constitution in 1995

The revision of the Constitution in 1995 was an attempt to make the supreme law of the country consistent with international and regional instruments ratified by Uganda. These included the CEDAW, 1989, the CRC, 1990 and the African Charter on the Rights of the Child, 1994, among others. Several articles in the Constitution give special protection to vulnerable groups such as children and make it a duty of every citizen to protect these groups from any form of abuse, including sexual abuse[5]. The Constitution also protects children under the age of sixteen years from social and economic exploitation and hazardous employment[6]. This is relevant to the ILO Convention No. 138 on Minimum Age for Employment and ILO Convention No. 182 (1973) on the Worst Forms of Child Labour (1999). This age varies with what is provided by the Convention, which could have arisen because of the need to protect children from work that would deny them education and development. In recognition of the state of Uganda's economy and educational infrastructure that necessitates that a child at 14 years can start work for survival for certain reasons, an addendum to the ILO ratification instrument has been prepared and submitted to ILO spelling out 14 years as the minimum for admission to employment in Uganda. A draft National Child Labour policy is in place and other mechanisms to intervene in child labour have been established.

2.1.2 The Children Act, Cap 59

The Children Act was enacted in 1996 as a comprehensive law to deal with all issues relating to children. It, as much as possible draws from the rest of the laws and provides guidance on how to handle children matters when they arise under specific laws. It aims at providing more protection for children. For the many years that the Act has been implemented, law enforcement agencies, probation workers and other development agencies have identified flaws of the Children Act. Government in a bid to provide a safe and healthy environment for children, government has instructed the Uganda Law Reform Commission to review the law, a process that is on-going. Through broad consultative processes with policy makers, implementations, development partners, communities, local administration and children themselves, it is envisaged that the Act will even be more comprehensive on the rights and welfare of children. More information on the Children Act is outlined in the previous section *(See 1.4 and 1.7.3).*

2.1.3 The Creation of Family and Children's Courts and Family Protection Units of police

Considering the protracted nature of accessing justice in a developing country like Uganda, the Children Act chose to overcome this anomaly for the sake of protection of children from long gruelling court processes that take between many months to years. The Act provides for an alternative to settling cases of children that are of criminal nature, except those which carry the maximum death sentence and civil cases related to only applications concerning childcare and protection such as maintenance cases, or parentage cases. This is the Family and Children's Courts (FCC) mentioned in 1.4 in the previous section. Grade II Magistrates in the various districts in Uganda have the jurisdiction to handle cases brought to the FCC. While FCCs are not fully functional in all the districts, plans are underway to institute them in all districts. Working along side FCCs are Child and Family Protection Units offering emergency, preventive and supportive services to child victims of violence. The Units are intended to provide child friendly services addressing violence and abuse as well as

[5] Article 17(1)
[6] Article 34 (4&5)

engage in community outreach, sensitization programmes, counselling in communities and schools. Some locations also have Police Community Liaison Officers under the Community Policing Programme whose duties include intervention in juvenile crime cases as well as educating the public on legal issues generally and those pertaining to children specifically.

2.1.4 The Remand Homes

Uganda has instituted remand and detention centres for children who have to be incarcerated. The remand homes where they exist are supposed to operate on a regional basis while the National rehabilitation Centre is a national institution. This is an effort to separate children from adult criminals who not only can abuse them but can also drill them into being hard core criminals. The greatest challenge currently is the limited number of functional remand homes which only exist in Kampala, Kabale, Mbale, Kabarole and Gulu, which is still impacting on the administration of juvenile justice. Children are forced to move very far from their homes therefore detaching them from parental visits and that of the PSWO. It also affects the speed at which cases regarding children are settled due to large numbers in one place. The other challenge is the technical skill of deciding which child should be incarcerated and which one shouldn't. Lack of knowledge for interpretation of the legal framework is a major cause of incarceration of children whose cases can be handled in community.

2.1.4 The PEAP Framework

Uganda in the past had a specific framework for all actors to protect the rights of children in areas of survival, development, protection and participation, the Uganda National Plan of Action for Children (UNPAC). Following the embracing of Sector wide approaches, Uganda developed a Poverty Eradication Action Plan (PEAP) that is the overarching national planning framework. Children's concerns have been integrated into the PEAP and are therefore in the Sector Investment Plans through which all funding is channelled. Mainstreaming child rights issues in macro economic policies is one way to which resources can be channelled to promote the realization of child rights as provided for in the charter and other principal frameworks.

In addition to the PEAP and sector strategic plans, other recently developed policies that promote the rights and welfare of children are:

- Universal Primary Education (UPE) 1997, providing for free tuition to all children in primary school
- The Gender Policy 1997, which has since been revised. It provides for gender mainstreaming and an action plan to implement it. It recognises disparities that need to be addressed in order to eliminate disparities among children.
- The Youth Policy 1995 recognising specific issues that apply to children including adolescent reproductive health needs.
- The National Orphans and other Vulnerable Children Policy (NOP) 2004, which highlights the plight of these unique groups and designs how to address them in order to have the rights and welfare of these categories of children realised.
- The Revised National Strategic Framework on HIV/AIDS Activities in Uganda that guides intervention on HIV/AIDS. Children are largely infected by HIV/AIDS through their mothers, thus the promotion of PMTCT. Children are also affected by HIV/AIDS
- A draft National Child Labour policy aiming at guiding employers, parents, communities and children on employment issues relating to children. Children are often exploited by employers.

2.1.5 The Uganda Human Rights Commission (UHRC)

This is an independent Constitutional body established to promote and protect human rights in Uganda. It is established under article 51(1) of the Ugandan Constitution and by *the* Uganda Human Rights Commission Act No.4 of 1997. The Commission is mandated to empower the public by giving them basic knowledge about their rights. In this respect, the Commission has a protocol with the UPDF and has a programme of training security agencies and sensitizes the general public in human rights issues including children's rights. It has up-to-date organized and held sensitization workshops and media programmes, published a number of materials; conducted education and training workshops for, local council leaders, teachers, youths and students with the aim of disseminating to the public the provisions of the charter enshrined in the domestic human rights instruments. The table below shows the number of people sensitized and trained by the Commission in 2004.

Number of people who have attended the workshops in 2004

No.	***Target groups Trained in Human Rights***	***No. Sensitized***
1.	UPDF	440
2.	Intelligence Officers	100
3.	Special Police Constables and Police Constables	374
4.	Local Council Leaders	1,119
5.	Youth Leaders	70
6.	Secondary School Teachers	230
7.	Civil Servants, Private Sector, Youth.	157
Totals		**2,490**

Source: Uganda Human Rights Annual Report 2004.

The Commission also has a child rights desk and has been handling cases relating to child neglect and abuse. Every year, it produces an annual report that has a specific section reporting violation of the rights and welfare of children. The Commission is also spearheading training on human rights based approach to programming to influence planning processes to focus on rights. In that way, the budgets to implement the plans would also focus on fulfilling rights including that of children. In development planning outside education, children are the most marginalised.

2.1.6 The Local Government Act

The Local government Act (Cap 243) is the enabling law for decentralization of government administrative structures to allow for representation and accessible authority in close proximity. This decentralization has enabled the reinvigoration of the District Probation and Social Welfare Office and having services closer to the children and their families. This office bears the specific responsibility for protection issues having particular focus on protection needs of children. Key focus areas for the Probation and Social Welfare Office are:

- Monitoring and lobbying for the security of children.
- Ensuring that children live in environmental conditions that minimizes threats to their protection
- Facilitating the children's rights to be heard.
- Providing financial and material assistance to children in need.
- Providing social and welfare services for children and their families.

2.2 Measures to Promote Positive Cultural Values and Traditions

Despite outlawing harmful cultural practices, some cultures which contravene the provisions of the ACRWC, are still practiced in some communities. These included female genital mutilation (FGM) practiced in some parts of the country especially among the Sabiny people in Kapchorwa and Bukwa districts in North-eastern Uganda; the emerging challenge of child sacrifice, child trafficking, and discrimination of girls in education. Government in collaboration with its partners such as UNFPA has intensified effort to sensitize the general public about the dangers of such practices. Studies are being done to understand child sacrifice and child trafficking. The immigration department is also very strict on issues of migration with children. The liberalization of the media has helped to unearth practices and customs which impinge upon child rights. The media has also been used by Government and other stakeholders to sensitize the masses on child rights issues**.**

2.3 Mechanisms for Coordinating Policies Relating to Children

2.3.1 The Creation of National Council for Children (NCC)

NCC is the lead agency mandated to oversee the implementation of the national and local instruments on the rights and welfare of the child. In order to make operational and ensure the effective implementation of Uganda National Programme of Action on Children (UNPAC), which is multi-sectoral by design, Government of Uganda established the National Council for Children, first as an interim body in 1993 and later by Statute No. 16 of 1996.

NCC provides structure mechanism for proper coordination, monitoring and evaluation of policies and programmes relating to the survival, development and protection of children in Uganda. It identifies the needs and problems of children and communicates them to government for action. The establishment of the NCC was intended to have an independent body to monitor all issues relating to children, within government ministries as well as the civil society.

2.3.2 The Civil Society and Development Partners

Civil society organisations play a very important role in ensuring implementation of the Charter. International NGOs such as the International Committee of the Red Cross (ICRC) promotes International Humanitarian Law in order to protect and deliver services to survivors of disaster including armed conflict, floods, earth quakes and land slides. Others such as Save the Children in Uganda, ANPPCAN, UCRNN among others implement various interventions including training children and stakeholders; initiating child participation in school and at project level and participating in lobbying of policies, legislations and budgets favourable for children.

Development partners and donors provide financial and technical support to implement government and civil society programmes. In providing technical expertise, they influence policies, laws, actions and budgets. They also participate in sector working groups to influence plans and actions emanating from the plans. Each agency, say within the UN works along its mandate. UNICEF's major focus is emergency for children looking at water, education, health and protection; WFP provides food, WHO is charged with health especially setting health standards, UNAIDS focus is HIV/AIDs and UNFPA with adolescent reproductive health.

2.4 Mechanisms for Monitoring the Implementation of the Charter

There are both government and non-government mechanisms for monitoring the implementation of the provision of the Charter and its enabling laws in Uganda. In preparation of this report, all stakeholders were engaged, each highlighting areas where they have contributed and concerns regarding performance in their

sectors. The government is presenting this report and will request the civil society to present its own report, if need be.

2.4.1 Ministry of Gender, Labour and Social Development (MGLSD)

As earlier noted, MGLSD is mandated to promote social protection of the poor and vulnerable children. The Ministry runs many programmes that include the protection of children from violence and exploitation. In 2004 MGLSD developed the National Strategic Programme Plan of Interventions for Orphans and Vulnerable Children (NSPP) which presents an opportunity to develop a more comprehensive protection response for vulnerable children. Many aspects of the NSPP, which embrace families as well as children, contribute to protection through strengthening legal, policy and institutional frameworks. The NSPP envisages strong collaboration and coordination between local government, civil society and private sector at the community level in the promotion and protection of child rights

2.4.2 The National Council for Children

For purposes of reporting on this section and for emphasis to stress that NCC is the lead agency for co-ordinating and monitoring the implementation of child rights related programmes. However, government recognizes the structural and other challenges faced by NCC and has proposed to restructure and replace it with the Ugandan National Children Authority (UNCA) with adequate human and financial resources to execute its mandate

2.4.3 Uganda Child Rights NGO Network (UCRNN)

UCRNN, a network of over 70 child focused NGOs has the mandate of monitoring the implementation of local, national and international legal instruments. The network has been very instrumental alongside government and UN agencies in providing alternative reports on the implementation of child rights related instruments such as the UNCRC and ACRWC through its membership spread across the country.

2.5 Measure for Disseminating the Provisions of the Charter

The MGLSD together with other stakeholders have been carrying out systematic sensitizations, trainings and other forms of information, education and communication campaigns throughout the country through which the provisions of the charter are made known to the public. However a number of factors such as mass illiteracy and poverty have hindered this effort. Consequently the charter is not fully known by many members of the public particularly law enforcement officials, teachers especially in remote areas, health personnel, social workers and personnel of childcare institutions.

2.6 Measures for Disseminating Reports to the Public

Reports are shared with all major stakeholders at various levels, both state and non-state, before and after submitting to the Committee of Experts on the Rights and Welfare of the Child. Dissemination is carried out mainly through the print and electronic media and workshops. The report together with the observations and recommendations form the Committee of experts will also be disseminated in workshops at all levels.

SECTION III: DEFINITION OF THE CHILD

In consonance with the CRC and the ACRWC, the Children Act recognizes the child as any person below the age of 18 years. It would seem that the legal framework considered this age as one where a person is able to make informed decisions of life. In the Penal Code Act, a person below the age of 18 years is incapable of consenting to sexual intercourse. This consent is considered as ability to decide with full knowledge of the implications. The same age is considered as the age at which one can found a marriage as defined by the Constitution.

There are instances where children below the age of 18 years take responsibility for certain matters. The age at which one cannot enter into any form of hazardous labour is 16 years in the national laws, though Uganda has ratified a convention that places it at 14 years. Equally, the age of criminal responsibility under the Children Act, Cap 59 is 12 years.

There are a number of challenges regarding who a child is, and or what they are able to do. In some instances the national laws are still contradictory. For example, while the Constitution places the age of marriage at 18 years, some marriage laws provide for marriage at the age of 16 years or below. These include the Customary Marriage Act, the Marriage of Africans Act and the Marriage of Mohammedans Act. The Constitution being the supreme law of the land, its provisions overrule that of other national laws. However, this places difficulty on proper implementation of laws to adequately protect children.

In the traditional setting, any person who is still under the care of their parent is considered a child. This applies especially to persons who are still in school even if they are above 18 years. On the other hand, children who marry or have children early are usually considered and treated as adults. For, example, a girl of 15 years who has a baby or is married is considered a woman as opposed to her colleague who is 17 years, not married and with no child. Other girls who are still in school but older than 18 years are practically considered children as opposed to the younger in the example above. This is limiting in as far as protection of children is concerned. The fact of early marriage or early child bearing does not make one any older than they are and does not take away their right to survival and development that goes with duty to them by those concerned. It is this skewed considerations that often lead to unfair practices as refusing pregnant girls or child mothers to continue with education. It may also account for the fact that parents force their pregnant daughters to marry the perpetrators of sexual abuse, in addition to what is defined as loss of value by the girl.

Regarding the definition of a child, Uganda will need to do a lot more in terms of legal reform and community sensitisation. The current review of the Children Act will also create room to highlight those other laws that contradict the Constitution and the Children Act, such as the marriage laws. Equally, the age of marriage should relate to the age of consent to sexual intercourse considering that the current legal framework for Uganda assumes consent to sexual intercourse on marriage. Harmonising of laws is an urgent agenda for Uganda. This should be followed by simplification, translation and wide dissemination and education of all stakeholders.

SECTION IV: GENERAL PRINCIPLES

4.1 None Discrimination

In line with Article 2 of the ACRWC, the Ugandan Constitution under Article 21, provides for equality before the law and protects all persons against discrimination on grounds of sex, race, colour, ethnic origin, tribe, creed, religion, social economic standing or political opinion. However, Government is aware that discrimination against certain groups of children in practice still exists. The basis for discrimination include: gender biases within the family and community such as son preference, overworking of girls and putting low priority on girls' education; geographical location (rural areas and some remote district/locations have less access to resources and services); religion, ethnicity; poverty; disability and refugees.

General attitudes towards children in society at large are sometimes negative and authoritarian. For example, children are expected to show respect and obey parents, elders and those in authority. Children are sometimes seem as property of family and subordinated to families and clans. According to a baseline survey on girl child sexual abuse, "children have no voice and keep quiet when their rights are infringed upon," (FIDA, 1999).

Discrimination is sometimes unintended for example; facilities including schools do not have provisions for children with disabilities. These include ramps in high places; spacious wash rooms that can accommodate wheel chairs; and adequate learning materials and equipment for the different forms of disability. In institutions where children need to communicate their concerns such as health centres and the justice system, there are no sign language experts who can facilitate easy communication for such children. The situation at the family and community level is worse whereby in some homes children with disability and hidden in the house, poorly dressed and their health conditions are ignored depending on the severity of disability. Disability is often seen as bad luck or a curse and may even result in one of the parents, usually the mother being blamed for producing such child.

Some of the causes of discrimination are deep-rooted, for instance, in cultural beliefs. Actions taken by Government to counteract these beliefs include the development of National Gender Policy and National Action Plan on Women; the implementation of UPE; the development and implementation of the PEAP; the development and implementation of the plan of action to fight corruption; and the creation of the Equal Opportunities Commission.

There is a specific institution that currently handles issues of policy and advocacy for persons with disability, the National Union of Disabled Persons in Uganda (NUDIPU) that is the National Council for Disability. In Parliament, there is representation of persons with disabilities on a regional basis. These articulate concerns of persons with disability at the legislative level. Within schools, efforts have been made to provide for at least on special needs teacher per school. These are not adequate to cover all the needs however more are being trained at the Uganda National Institute of Special Needs Education (UNISE). There is also increased sensitization at community level for people to understand that a person with disability has equal rights with others. In some public places and the media, translation in sign language is used.

Within the education sector, discrimination that is inherent as a result of geographical and cultural factors, has been addressed by introducing interventions for complementary education for street children, children in the nomadic pastoral areas of Karamoja –Alternative Basic Education for Karamoja (ABEK) and the disadvantaged children in Kamuli and other lakeshore areas-Complementary Opportunities for Primary Education (COPE). Availability of early childhood development (ECD) centres has contributed to reducing

discrimination against the girl child who would stay home to look after younger siblings while the rest go to school. ECD centres absorb the younger children during the peak hours of work providing more time to family members to engage in other development activities.

4.2 Child Participation

Participation is one of the rights that has not been adequately understood and applied in Uganda. The Constitution provides for people's participation in decision making. This is equally echoed in the Local Government Act though there is no specific mention of children as part of the people. It is assumed that these provisions apply to every body. The Children Act, in addition to articulating the principle of the best interest of the child also stipulates that children views should be sought in matters of juvenile justice, fostering and care orders. This is a sign of efforts towards getting children to engage more and more on issues that affect their survival and development.

The most common practice in schools and indeed other places is giving opportunities to children to express their views through songs, drama, debate, child rights clubs and story telling. While some of these songs and dramas are adult initiated, it opens the children's minds to presenting before adults. However, depending on the age and types of significant adults they relate with, child participation can be limited. In practice many adults including parents expect that children will listen and obey; "children should be seen, not heard". Children's upbringing emphasises parental power, obedience and long hours of work (FIDA, 1997).

A major IEC campaign, the Sara Initiative, is being implemented to promote the development of the girl child. The GEM clubs also offer practical participation approaches for children while contributing to keeping children in school and motivating those who have dropped out to return. In a more recent development, the Ministry of Gender Labour and Social Development in collaboration with UNICEF and Uganda Child rights NGO Network have drafted a Child Participation Guideline aimed at promoting child participation in a none exploitative and meaningful manner in line with Article 6 of the ACRWC.

4.3 Child Survival and Development (Article 5 ACRWC)

The above guiding principles of child rights are reflected in the Uganda National Plan of Action for Children, whose goal is to establish and achieve survival, protection and development targets related to children and women that build on existing government policies, structures and sectoral plans.

To ensure child survival, measures have been taken to improve the quality of, and accessibility to health care services. Health units have been rehabilitated and new ones have been constructed. There is an improvement in supply of drugs and medial equipment to health units. Government has set the following targets in relation to the health and well-being of children, to ensure their survival: Maintenance of high levels of immunisation coverage (at least 85% of infants under one year) against 6 immunisable diseases and against tetanus for women of child-bearing age; elimination of neo-natal tetanus cases; elimination of poliomyelitis cases; reduction of 95% of mortality due to measles; reduction by 30% of the deaths caused by Acute Respiratory infections in children under five years and reduction of malaria caused mortality in under-5 years from 20% to 10% and morbidity by 30%;

Other targets are: reduction of malaria in pregnant mothers by 60%; reduction of deaths due to diarrhoea by 50%; and reduce the incidence of diarrhoea by 20% in children under five years; reduction of mother-to-child transmissions of HIV by reducing conception of HIV positive women; reduction of transmission of HIV in the health care setting and through socio-cultural practices; and reduction of the socio-economic impact of HIV-

infected parents on children through reducing suffering and prolonging the useful life of their parents and through assisting communities and care for orphans.

In addition, Government has made efforts to coordinate and integrate primary health care programmes in all health centres. Included are the integrated management of childhood illness treatment programme, safe motherhood promotion through mother-baby package and the development and use of an essential health care package.

To overcome inadequate knowledge, negative attitudes and practices that promote poor health among children and thereby threaten their survival, the Ministry of Health has embarked on a nationwide IEC campaign to create awareness on various health aspects. All the above measures are consonant with Article 14 of the African Charter

Survival and development also means improvement in education for children. Through UPE, there is an increase in school enrolment among both boys and girls. While the drop out ate are still high, studies to understand and therefore re-strategize of better education have been carried out and the implementation of some of the recommendations are underway. The government has introduced free tuition at post primary level to attract more children to higher education; socio-economic factors that impede education are also being addressed. For example, lack of sanitary towels for older girls in school cause absenteeism and eventual drop out. Adequate sanitation facilities in schools for girls and a more protective environment are other related factors. Corporal punishment has been outlawed. Efforts to design alternative forms of disciplining are underway and policies for creating a protective environment for children have also been planned.

SECTION V: CIVIL RIGHTS AND FREEDOMS

5.0 The Right to Name and Nationality (Article 6)

Article 18 of the Constitution provides for registration of every birth. The Birth and Death Registration Act also provides for the registration of births and deaths before the elapse of six months. During the years of political turmoil and mismanagement, mechanisms for registration of births and deaths were run down. The practice and requirement for registration is lax. However, today Government in collaboration with UNICEF and other partners are making efforts to revitalise the process of registration of births and deaths nationally. Issues of name and identify are provided for in the Uganda Constitution and the Children Act. The Constitution specifies who a citizen of Uganda is by birth and by registration.

Article 11 of the Constitution provides that a child of not more than five years of age found in Uganda, whose parents are not known, shall be presumed to be a citizen of Uganda by birth. It also provides for adoption of children both by non-Ugandan citizens. It states that a child under the age of 18 years neither of whose parents is a citizen of Uganda, who is adopted by a citizen of Uganda shall on application be recognised as a citizen of Uganda.

5.1 Preservation of Identify

In line with Article 6 (4) of the ACRWC, the Children Act provides for the right of a child to know the identity of both parents and guides on separation. Where the child is deprived of his identity through denial of parentage, if evidence of parentage is established this ensures that the child belongs to the clan and can inherit the property of a declared parent (Part IX of the Children Act). The Act also guides on issues of adoption where the child preserves his/her name and religion and in addition are allowed to be shown to their biological parents when the child is of age, and if the parents are known and are still alive.

5.2 Freedom of Expression (Articles 7 of the ACRWC)

Freedom of speech[7] and the right to access to information[8] are provided for in the Constitution and further articulated in the Access to information law. The liberalisation of the media also provides opportunity for children to express their views beyond the confines of the family. The media has provided children with an opportunity to express their views on various issues of interest to them. Almost all the print and electronic media have provision for children to express their views. Leading newspapers have weekly column specially reserved for children. Radio and television stations also have programmes for children; these are presented by the children. The government newspaper, the New Vision runs a monthly pull out entitled ''Young Talk'' in which children discuss issues that are of interest and relevance to them. ''Young Talk'' is widely distributed all over the country. However, the variety, quality and appropriateness of some of these media programmes available to children are still a challenge.

At a higher level, on an annual basis, children, at district level participate in the international day of broadcasting. The winning teams get trophies and other presents. This is not only empowering but also trains children for competition where there is winning and losing. This approach is spearheaded by UNICEF.

Children are free to join associations and participate in peaceful assembly. Many schools in Uganda today have established debating clubs and child rights clubs, which provide children with an opportunity to access

[7] Article 29
[8] Article 41

information and to discuss issues of interest to them. Unfortunately, such opportunities are limited to children in schools, especially those located in urban areas.

5.3 Freedom of Association and Peaceful Assembly (Article 8)

Freedom of assembly is provided for in Article 29 of the Uganda Constitution. Government encourages co - curricula activities in schools, which enable children to develop their capacity and enhance their character formation. Many schools have a number of clubs and associations to which membership is open to children.

5.4 Freedom of Thought, Conscience and Religion (Article 9)

It is every person's right to belong to and profess any religion in the community with others that is consistent with the manner of the Constitution[9]. No specific reference is made to children, although there is freedom of worship and children in Uganda normally practice the religion of their parents.

5.5 Protection of Privacy (Article 10)

The right to privacy of a person, home and other property is provided for in Article 27 of the Constitution. The Children Act provides for the child's right to privacy in judicial proceedings (Section 103). It emphasizes the need to respect the child's privacy to avoid potential harm that may be caused to the child by undue publicity.

5.6 Access to Appropriate Information

Government has made efforts to increase the availability and access of information materials to children for academic instruction, general information and entertainment. It has approved the use of materials produced and published locally for the school curriculum which are more relevant, cheaper and accessible than the traditionally used books that were mainly imported from outside the country. National libraries exist at district headquarters, mainly of the older districts. Some of these are currently dysfunctional but rehabilitation is planned. The service is also only available to urban children, discriminating those who live in the rural areas.

5.7 Protection from Child abuse and Torture (Article 16)

In line with Article 16 (2) of the Charter, Uganda has legal frameworks to protect children from torture and inhuman treatment. Article 24 of the Uganda Constitution provides that no person shall be subjected to any form of torture, cruel, inhuman or degrading treatment or punishment. The Children Act (Section 6) also provides for the protection of children from violence and abuse. This provision in the Penal Code applies to all persons and can be used to protect children.

Awareness campaigns have been undertaken in the media to advocate against physical violence against children. The Ministry of Education and Sports, in conjunction with the African Network for the Prevention and Protection against Child Abuse and Neglect (ANPPCAN), a child rights NGO and other partners conducted a series of stakeholder consultative meetings in a bid to generate alternatives to corporal punishment as a means of disciplining children in Uganda. The Ministry of Education with support from UNICEF has drafted guidelines on alternative forms of disciplining.

When cases of torture are brought to the attention of the authorities due process of law is applied. However, it should be noted that, it is often severe cases that are reported. Measures have also been developed to ensure physical and psychological recovery and reintegration of children who have been tortured. These include psycho-social services provided mainly by health care providers and community workers. Children

[9] Articles 29 and 37

who have been subjected to torture are provided with medical treatment from the centers to help them recover. Many schools have now trained teachers who provide counseling to victims of torture in schools.

SECTION VI: FAMILY ENVIRONMENT AND ALTERNATIVE CARE

6.0 Parental Care and Protection (Article 19)

Two major kinds of family structures exist in Uganda: the nuclear family which comprises of the husband, wife and their children; and the extended family which consists of the nuclear family plus the near and distant relations of the husband and wife. In addition there are the polygamous families, the single parent families and of recent, child headed families as a result of the impact of HIV/AIDS. It is the responsibility of parents and their rights to take care of their children as expressed in Section 6 of the Children Act. The welfare principle which embodies the principle of the best interest of the child, underpines the responsibilities of parents towards raising their children.

Government of Uganda is implementing a National Early Childhood Development (NECD) project with the objectives of educating parents on how to prepare a firm foundation for their children. Implementation has been ongoing in 25 districts through various NGOs and CBOs between 2000 and 2005.

6.1 Parental Responsibilities (Article 20)

The primary duty of child care naturally and by law falls on the parents. The Constitution in Article 31 (4) provides that it is the right and duty of parents to care for and bring up their children. The Children Act section 6 emphasizes the responsibility of parents toward their children. It states that "every parent shall have the responsibility for his/her children". The Children Act also provides that in the upbringing of the child, any decision made on behalf of the child shall be in the best interest of the child. The duty, in the absence of biological parents falls on the extended family though this is not outlined anywhere and is also getting weakened due to the increasing burden of orphans.

The Children Act provides for support of children by the local authorities in case the parents or guardians are unable to take proper care of their children (part III section 11-13). The local authorities are required to provide assistance to the children in need in their areas of jurisdiction. The Government of Uganda is unable to provide direct assistance to children of single parent families and those from the disadvantaged groups, but it has created an enabling environment for the emergence of organizations that focus on such children. Such organisations include: the Single Mothers' Association, Save the Children in Uganda, African Network for Prevention of Child Abuse and Neglect (ANPPCAN), World Vision, Christian Children's Fund, Gulu Save the Children Organization (GUSCO), Concerned Parents' Association, Action for Children, Feed the Children, Action Against Child Abuse and Neglect (AACAN) and other actors that provide services to specific groups of vulnerable children.

6.3 Separation from Parents (Article 25)

In line with Articles 25 and 19 (1 and 2) of the Charter, the Ugandan Constitution under Article 31 (5) provides for the right of children not to be separated from their families or the persons entitled to bring them up, against the will of their families or those persons, except in accordance with the law. The provision in the Constitution provides for implementation in the Children Act Section 5 where a competent authority is required to determine, in accordance with the laws, that separation from parents is in the best interest of the child, the best substitute care shall be made available for that child.

The Probation and Social Welfare Officer based at each district local government structure, is responsible for ensuring that a child whose best interests are at stake is provided with appropriate alternative care. A Supervision Order is provided for placing such a child under the supervision of the Probation and Social Welfare Officer, while leaving the child under the care of the parents.

A Care Order is provided for children who are suffering significant harm or are likely to suffer under their parents care and children in danger. Under the Care Order, the Probation and Social Welfare Officer or an authorised person makes an application for a care order placing the child under the care of the warden of an approved home or with foster parents. During the period of separation from the parents, the wardens of the approved home or the foster parents have parental responsibility for the child.

The child's contact with the parents while in the approved home or with the foster parents is encouraged, unless it is not in the best interest of the child. The warden (where the child placed in an approved home) or the Probation and Social Welfare Officer (where the child is placed in a foster home) has responsibility of ensuring that communication is maintained with parents of the child.

The Children Act specifies the duty of the Probation and Social Welfare Officer to work with the parents, guardians or relatives to whom the child is expected to return after the termination of the care order. In this respect, the Probation and Social Welfare Officer is required to provide the child and family with counselling, before, during and after the child's return. Assistance may also be obtained from members of the community who can help to resolve the problems that caused the care order to be made.

In practical terms, these provisions have not been widely implemented due to the Uganda setting. Foster homes and remand homes are not considered the best option for child care but only used as a last resort. There are also disadvantages that come with such orders considering the resources available to these homes. There are however, few cases where fostering has been implemented. These are mainly in urban areas and for very short period of times.

6.4 Family Reunification (Article 25 (2) b)

In Uganda, no specific legislation exists to address the right to reunification as provided for in the UN CRC and the African Charter on the Rights and Welfare of the Child. The Immigration Act (Cap 63) regulates only immigration and not family reunification. Development partners, especially UNICEF and ICRC have however coordinated reunification of formerly abducted children from Sudan with their families. They apply international standards to re-unify children to their families. This often begins with the children going through, at least three months of psycho-social support in established centres.

6.5 Sale, Trafficking and Abduction (Article 29)

An estimated 30,000[10] children in northern and western Uganda have been abducted by the rebels of the LRA and the ADF since 1986. Measures have been taken by the Government through the UPDF's Operation Iron Fist (OIF) and through UN agencies, notably UNICEF, to recover and ensure that these children are returned, rehabilitated and resettled with their families. Such measures include the enactment of the Amnesty Act, the normalisation of diplomatic relations with Sudan, Uganda-Sudan psychosocial cross-border initiative and various other efforts by civil society organizations at local, national and international levels.

[10] UNICEF, 2004

SECTION VII: HEALTH AND WELFARE

7.0 Child Survival and Development

Uganda developed a long term National Development framework, Uganda Vision 2025. Later the overarching planning framework, the Poverty Eradication Action Plan (PEAP) that has a three year circle was developed. Overall these documents promote:

i. Harmonious co-existence that promotes social inclusion and integration among the people of Uganda.
ii. Effective governance through a democratic process
iii. A healthy, well-educated society with a high quality of life
iv. Equal opportunities, empowerment and economic prosperity for all.

These, if effectively implemented, would impact on the rights and welfare of children as well. There are a number of complimentary policies and programmes as well. Emanating from the PEAP in as far as health is concerned, is the National Health Policy, the National Population Policy. Other policies that support implementation of health are the National Youth Policy, the National Gender Policy, the Basic Education policy for disadvantaged Groups, the Anti -Retroviral Treatment Policy for Uganda, the Universal Primary Education Programme the programme for Reduction of the Mother-to-Child HIV Transmission and the Plan for Modernisation of Agriculture (PMA), (creates more income to farmers and uplifts nutrition), the Orphans and other Vulnerable Children (OVC) policy, the National Child Labour Policy, the Disability Policy and the National Plan on Child Sexual Abuse and Exploitation. All these policies are in line with Article 5 of the Charter and either guide other interventions related to health promotion or provide a protective environment for provision of other services.

7.2 Health and Health Services

In line with Article 14 of the charter, the Ministry of Health (MoH) is making efforts to promote child health. Through Health Policy and the Health Sector Strategic Plan (HSSP) 2002, it aims at attaining sustainable standard of health for all Ugandans in order to promote a healthy and productive life. The key strategy in this policy is provision of primary health care especially to women and children, and consolidation of existing health services. The policy seeks more involvement of the community and the private sector in the development and delivery of health services.

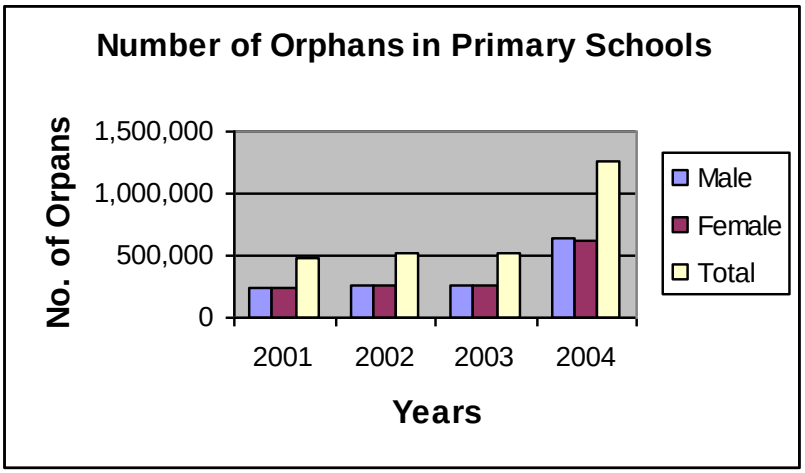
The health sector working group is also working through a concerted effort of all the partners to improve the lives of communities, especially children. Technical and financial support is provided to NGO health facilities in order to increase access to health by communities. Surveillance, immunisation, prevention of malaria through distribution of mosquito nets is also on the increase. The sector has introduced community health mechanisms to manage minor cases such as fevers. The village health teams (VHTs) are volunteers in the community trained to manage fevers, diarrhoea and other mild illnesses. They are equipped with a small contingent of non-classified medication and also trained to gauge when the situation needs to be referred to the health centre. These are volunteers who live in the community.

7.2.1 Orphans and other Vulnerable Children

Ugandan communities have traditionally absorbed orphans within the extended family system. Recent reports show that one in four households in Uganda fosters at least one orphan by providing for health, shelter, nutrition, education and other needs. However, many of these care-givers are over burdened and often lack the socio-economic capacity to provide adequate care and support for the children. Community, faith based and other civil society organisations have stepped in by providing information, vocational skills training, basic

education, medical care, counselling, micro-credit and other relevant services. These groups too, often lack the human and financial resources to adequately respond to the problem.

Many orphans are forced to live on the streets or under exploitative conditions of labour and sexual abuse. Many of them live in child-headed households where they fend for themselves and support their younger siblings. Some of these children are infected with HIV either through mother-to-child transmission or through defilement. It is estimated that there are about 10,000 street children in Uganda (OVC Policy, 2005)



The Ministry of Gender, Labour and Social Development together with other stakeholders formulated the Orphans and other Vulnerable Children (OVC) Policy and National Strategic Programme Plan of Interventions to guide stakeholders in providing for and caring for these disadvantaged children.

The focus of the policy is on the most vulnerable children who are without families and who may not necessarily be orphans, with the intention of re-integrating them back into the family. Through the programme attention will also be placed on needy households of adults and children that may or may not contain an orphan, with the intention of mitigating the impact of vulnerability in Uganda's current context of HIV/AIDS, poverty, gender, among others.

7.2.2 Establishment of A Street Children's Desk at the MGLSD

This was established to co-ordinate activities of all NGOs active in working with and for children living on the street. Guidelines for practitioners working with street children in Uganda has been developed whose goals are to: reduce physical, emotional and psychological abuse of children living on the street; provide temporal, qualitative and developmentally-oriented care for children on the street that leads to improvement in the quality of their lives; encourage children living on the street; provide alternative self-support activities that empower them to live an independent and productive life and encourage vocational skills training so that they can use these skills to earn a living. The guidelines further aim at making the police more responsive to the plight of children living on the street and in the process develop child-friendly approaches to handling them and developing a good working relationship between street workers. These measures will improve the efficiency and quality of services rendered by different stakeholders to street children in Uganda.

Government has come up with a training manual for those who work with children living on the street. The manual aims at standardizing services and providing knowledge and skills for handling of these children.

Government is currently implementing a strategy aimed at removing and re-integrating the children back to their communities. Of recent out of 370 children from the streets of Kampala, over 200 have been successfully re-integrated. The experience from this exercise has been documented and will be used to remove street children from other urban areas of Uganda. Many of the street children who have been resettled have joined primary schools through the UPE programme. Some of the children who have not been resettled are benefiting from skills offered by NGOs focusing on carpentry, metal fabrication, tailoring, agriculture, radio and TV repairs among others.

Towards the end of 2007, government together with UNICEF and other NGO actors identified children from Karamoja living on the streets. Some were with parents or other adults from their families. Using participatory approaches, they were counselled and they agreed to return to Karamoja where they were resettled. They were provided with resettlement and livelihood support. This process helps the children and their families understand the disadvantages of street life and begging as opposed to a settled life in a community where children grow and develop.

However, despite all efforts, children living on the street remain a problem in many Ugandan urban centres. This has been mainly caused by displacement due to conflicts and wars, orphaned due to HIV/AIDS and other diseases plus a host of other push and pull factors.

SECTION VIII: EDUCATION, LEISURE AND CULTURAL ACTIVITIES

8.1 Education

Government of Uganda recognizes basic education as both a human right and an important investment in the future productive capacity of the economy. Government has, therefore accorded basic education a very high political profile. In 1997, Government demonstrated her commitment by declaring Universal Primary Education (UPE). Through Local Government Development Programme (LGDP), government also embarked on classroom construction. In addition, Government provides building materials such as iron sheets, timber, cement and nails to government-aided schools. As a result of UPE the primary school enrolment increased from 2.6 million in 1996 to 7 million children in 2004.

Between 2000 and 2004 secondary school enrolment and the number of teachers has more than doubled with a student teacher ratio rising. With government policies on liberalisation, the number of private institutions in the education sector has risen absorbing more than half of the total enrolment. Government universities have increased unlike when it used to be only one (Makerere University) in the late 80's and also more courses have been created to suit the labour market. This in turn has increased the number of government sponsored students.

Table 4: Education Statistics 2000-2004

		2001	2002	2003	2004
Primary schools					
Total Enrolment	Male	3,528,035	3,721,135	3,872,589	3,732,928
	Female	3,372,881	3,633,018	3,760,725	3,644,364
	Total	6,900,916	7,354,153	7,633,314	7,377,292
Repeaters	Male	341,818	401,731	521,587	522,133
	Female	314,044	372,583	492,685	495,440
	Total	655,862	774,314	1,014,272	1,017,573
Orphans	Male	241,721	263,216	263,216	636,284
	Female	231,082	255,724	255,724	616,294
	Total	472,803	518,940	518,940	1,252,578
Pupils with special needs	Male	95,519	117,824	133,487	117,002
	Female	77,624	100,462	114,466	101,378
	Total	173,143	218,286	247,953	218,380
Primary teachers	Male	80,824	85,461	91,424	87,362

	Female	46,214	54,023	54,163	54,099
	Total	127,038	139,484	145,587	141,461
Primary schools	Government	9,187		10,460	10,876
	Private	2,488		1,705	1,521
	Community	605		1,188	1,010
Quality Enhancement Indicators					
Pupil Teacher Ratio		54	53	52	50
Pupil Classroom Ratio		90	88	87	79
Gross Enrolment Rate		129.85	126.31	127.45	104.42
Net Enrolment Rate		117.51	99.8	100.77	90.01
Gross Intake Rate		193.63	155.21	155.74	147.11
Net Intake Rate		70.05	57.75	59.05	55.89
Secondary Schools					
Total Enrolment	Male	301,814	359,494	374,659	383,652
	Female	237,972	296,457	308,950	313,855
	Total	539,786	655,951	683,609	697,507
Repeaters	Male	6,008	6,919	7,701	7,448
	Female	4,817	5,985	6,480	6,108
	Total	10,825	12,904	14,181	13,556
Orphans	Male	25,538	29,893	74,292	82,526
	Female	22,038	27,196	70,450	76,332
	Total	47,576	57,089	144,742	158,858
Pupils with special needs	Male	4,752	5,792	5,697	5,737
	Female	3,821	5,107	5,002	5,156
	Total	8,573	10,899	10,699	10,893

Secondary School teachers	Male	24,569	29,567	30,107	29,073
	Female	5,856	7,660	8,442	8,240
	Total	30,425	37,227	38,549	37,313
Secondary Schools	Government	601		713	764
	Private	1,140		855	1,175
	Community	109		487	30
Quality Enhancement Indicators					
Student Teacher Ratio		18	18	18	19
Student Classroom Ratio		53	46	51	48
Gross Enrolment Rate		13.19	19.64	19.9	17.2
Net Enrolment Rate		12.93	16.71	16.9	14.55
Gross Intake Rate		28.77	25.8	24.8	31.4
Net Intake Rate		4.56	4.42	4.68	6.06

Source: Uganda Bureau of Statistics 2004

The influx of children following the implementation of UPE and the limited resource available to Government has negatively affected the quality of primary education. In order to improve on accessibility, equity, relevance, quality of education, and address the implication of UPE and other education sub-sectors, the MoES responded to this challenge by developing a five-year sector –wide Education Strategic Investment plan (ESIP) for the period 1998-2003 and updated for a ten year period from 2004-2015. The ESIP has been set within the existing policy frameworks such as the Local Government Act, the Poverty Eradication Action Plan and the Public Service Reform.

A framework for joint reviews of sector performance and monitoring the implementation of the ESIP by Government, donors, NGOs and CSOs have been set up and implemented. Government with the support of UNICEF has also developed and launched the National Strategy and Plan of Action for Girl's Education aimed at addressing 18 barriers to equitable female participation in education in the country.

Government of Uganda is committed to the fulfilment of the Right to Education and learning of the children of Uganda. The national goal is the achievement of Universal Primary Education (UPE) for all children of Uganda of ages 6-12 years by the year 2015. Primary school enrolment increased by over 2.5 million in 1996 owing to the 7 million in 2004 due to implementation of UPE. The high primary gross enrolment rate (GER) of 129.88% and 125.05% (2003) for males and females respectively is due to over-aged and under-aged children drawn in by the UPE programme. The overall primary school net enrolment rate (NER) is 100.16% for males and 100.39% for females (2003). However the overall net intake ratio of 59.04% (2003) implies that there are

still many children of school going age who are not in school. There is no significant difference in net intake rate by gender although enrolled females are fewer than males.

Not all children in Uganda currently have access to primary and secondary education. The categories of children that have difficulty accessing education include the over aged, street children, children from semi-nomadic populations, children with disabilities, juvenile offenders, children from geographically marginalized populations, domestic workers, working children, orphans, the girl child and children affected by armed conflict such as refugees, internally displaced and the abducted. These children lack basic educational provisions owing mainly to the unfavourable environment within which they live. For example, in Gulu District of Northern Uganda a total of 75 schools were reported destroyed in 1997, with over 215 primary teachers killed (Barton & Mutiti, 1998). In areas affected by conflict, people generally lack sufficient money to pay for school fees and other dues. Some children are orphaned as a result of the conflict and dropout of school owing to lack of sponsorship and general welfare.

Although Uganda has made significant progress towards achieving the right to education for all children, completion and achievement rates are still low. The proportion of girls who drop out is higher than boys especially after primary five. Girls also tend to repeat less often than boys implying that, rather than repeating, they prefer to drop out and stay home. Lack of interest in studies, sickness, search for jobs/child labour and lack of school fees are some of the main reasons for dropping out of school. Poverty is also reported as one of the causes of non-completion of primary school. This is further justified by the evidence that high costs of schooling is considered a reason for school drop out. Parents and community members' negative attitude towards education of girls and reluctance to pay for school costs related to hygienic conditions.

Additional challenges to girls' education are inability of schools to protect girls from abuse, discriminative attitudes and practices by teachers, stereotyped curriculum and teaching methods and absence of relevant life skills and guidance on reproductive health. Some children especially in rural areas walk long distances to reach schools.

Good sanitation in some of the primary schools is inadequate. Attempts are being made to create' girl friendly school environments such as improving on sanitation, having trained senior women teachers to act as counsellors, like skills training, among others. Other challenges that require urgent attention include: the high pupil: teacher ratio, large classroom sizes, high pupil: textbook ratio, the low percentage of trained teachers and inadequate motivation of teachers. This is a partnership between the government and development partners ensure access to and improved quality of education for the children of Uganda as outlined below.

8.1.1 Teacher Development and Management Plan

The teacher development and management system has been put in place to improve the quality of instruction of primary and secondary school teachers and to ensure an equitable distribution of teachers throughout the country. Under the TDMS, a net of core primary Teachers Colleges (PTCs) and coordinating centres have been established and are providing: in-service teacher training for unqualified teachers; continuous professional development for trained teachers; financial management training for head teachers; and a number of outreach activities to support primary schools in the country**.**

8.1.2 Primary School Classroom Construction Programme

The National classroom construction plan for the expansion of school facilities is being implemented. By February, 2000, 2029 classrooms had been completed giving a performance level of 70 per cent. A decentralized, community-based approach has been adopted as the main delivery modality for classroom

construction in the context of the Poverty Action Plan. There are two main challenges under this programme; mobilizing more funding to put the required number of classrooms in place and strengthening the capacity to supervise the project. The School facilities Grant (SFG) focuses on building teachers' houses.

8.1.3 Provision of Instructional Materials

A plan for investment in and replacement of instructional materials is being implemented. The aim is to maintain a ratio of 1 textbook for every 3 pupils for all the four core subjects. The Ministry of Education and Sports has procured textbooks for four core subjects in primary schools. By February 2000, the pupil: textbook ratio was 1:7 and 1:5 for Science/Social Studies and Maths/ English subjects respectively. In order to improve on performance of this programme, a strategy for decentralized textbook procurement is in place. The main challenge here is to obtain resources for additional textbooks for implementation of the new primary school curriculum.

8.1.3 Primary School Curriculum Review

Government has developed a new primary school curriculum introduced in all primary schools in January, 2000 starting with primary 1 to 4. The new syllabus has four core subjects; English, Mathematics; Social Studies and Science. In order to make the curriculum more relevant, Government through its MoES has developed a new Primary School Curriculum to cover seven subjects – Agriculture, Business and Entrepreneurship, Kiswahili, Mother Tongue, Music and Dance, Primary Technology and Art and Religious Education. This is intended to build the child beyond academics but also to be able to contribute to the livelihood in their community. In addition, it is an attempt to have one language spoken in the East African region if all the children grow up using it.

8.1.4 Education for Girl child

Initiatives undertaken to increase enrolment and retention of girls have been developed by government and are being implemented. Such initiatives include the National Strategy on Girls' Education, measures to make primary schools 'girl friendly' like provision of separate toilet facilities for boys and girls; the UPE and other programmes to improve access to education by children with special needs. Corporal punishment in schools has been abolished by the Ministry of Education and Sports although the enforcement is still difficult. A summary of education statistics is presented in Table 4 above.

Government through the Ministry of Education and Sports, other line ministries, NGOs CSOs and development partners has been active in implementing initiatives in girls' education. Over 127 broad activities/interventions are currently devoted to improving education and welfare of the girl child.

Shortcomings identified with regard to implementation of activities devoted to improving the education and welfare of the girl child are little co-ordination among the players, insufficient tackling of the critical areas of socio-cultural constraints to girls' education, and inadequate access to education by destitute and children with disability and limited access to gender disaggregated information to effectively identify problems and solutions.

A national strategy and plan of action for girls' education has been developed and was launched in June 2000, with support from UNICEF. The overall goal of the strategy is: '' All girls in Uganda (including the destitute and girls with disabilities) will have full access to educational opportunities and will be supported by their families, schools communities, Government and the private sector to participate fully in gender-balanced education programmes in order to attain their maximum potential as equal and effective citizens.'' The strategy guides

Government and other stakeholders in removing the numerous barriers to education of the girl child. The sub-goal states as follows:

- The socio-psychological environment will be conductive to the full participation of all girls in education.
- The physical environment countrywide in education setting will be easily accessible to all children, especially girls, with disabilities".
- Districts with high drop-out rates, low retention and pass rates for girls are supported with grants of between the sum of shillings 500,000= to 1,000,000 through the promotion of Girl's Education Scheme will be made available.

Government has taken several initiatives towards improvement of quality of education under UPE programme. These include school construction with facilities like furniture, instructional materials, offices, latrines and review of teachers through the district service commission, which has consequently boosted enrolment as shown below:

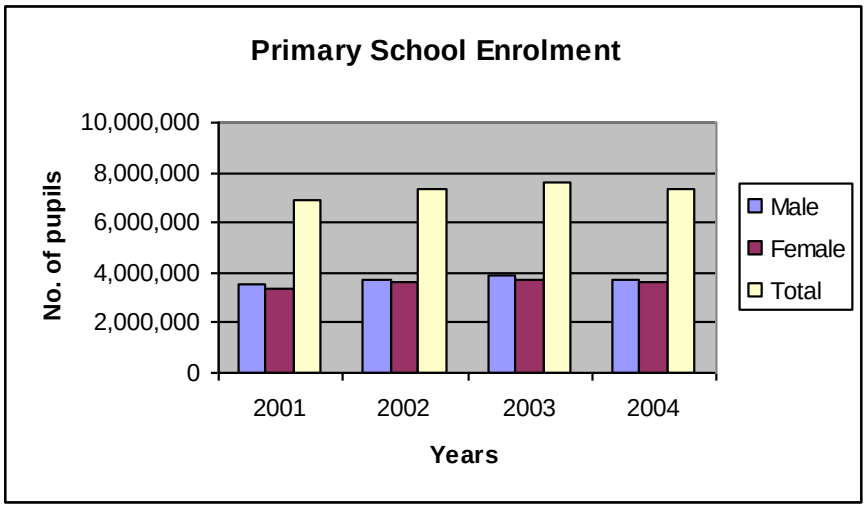


Table 4

There are still some challenges to educational quality, which include the high teacher-pupil ratio, at 52:1 in 2003; inadequate instructional materials in schools, inadequate sanitation facilities and low teacher motivation all of which hinder education standards.

In addition to the above, many children do not attend school because of child labour. Some children are engaged in activities like baby-sitting, farming, fishing, herding cattle, chasing birds from the field and other domestic chores. There is also the wrong parental attitude towards schooling based on the argument that many people who complete school end up with no jobs.

Despite all the encouraging efforts from Government, early marriage is still a big cause of school drop outs, due to the ingrained negative attitude to get bride price from girl children. This is related to the strong institution of bride price in the country. Many parents find the costs of schooling prohibitive, for instance, uniforms, books etc. especially as a result of high levels of poverty among the population. Insecurity in some areas bordering Karamoja and in areas where LRA is operating affects school attendance.

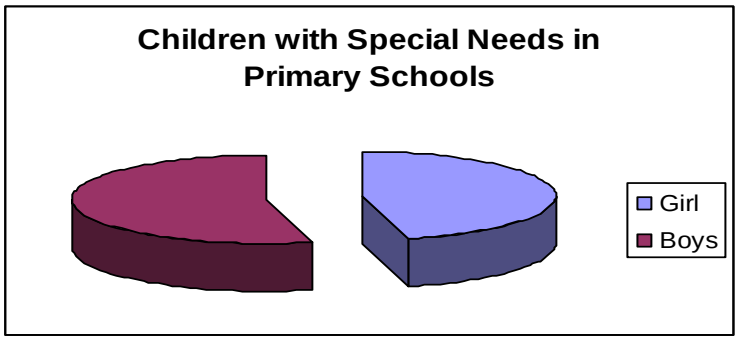
The Government has come up with the Orphans and Vulnerable Children (OVC) Policy to guide stakeholders in providing services to vulnerable children like orphans and an operational plan of action for OVC. A few children are able to get scholarships (two per Sub County) due to best performance at primary leaving examinations.

Other challenges to education are low levels of literacy among parents, inadequate classrooms, low community and parental support, inadequate teachers. Teachers who are HIV victims tend to be discriminated against and when they die, their orphans are not catered for and there is no facilitation from the Education Department for this category of teachers. This has been a recurrent problem for many years due to low local revenue collection by district local governments**.**

Other initiatives are the implementation of the National girl-child initiative which has contributed into increased enrolment of girls than boys especially between P1 and P3. In Kapchorwa district it is reported that today more girls have become more assertive towards their rights and shunned FGM. Girls are also benefiting from bursaries initiated under Forum of African Women Educationists (FAWE). Education For All Campaigns (EFA) are on-going and is expected to improve on access to education as a right for children.

8.1.5 Education for Children with Special Learning Needs

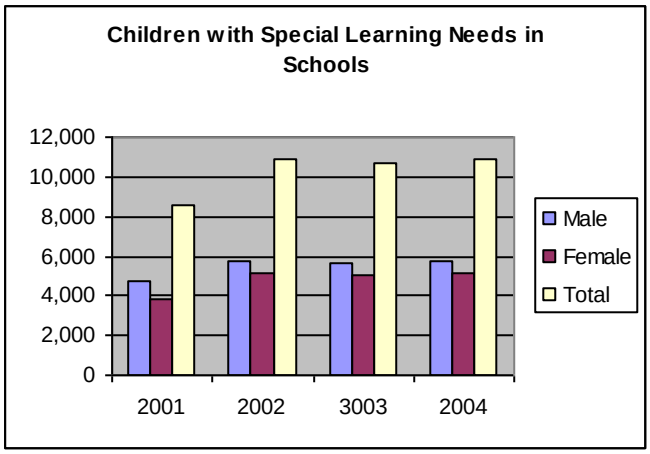
Government is implementing the Educational assessment and Resource Service (EARS) countrywide to support children with various impairments. According to the UPE policy, priority must be given to children with special needs. In 2003, there were a total of 247,953 children with disabilities (girls: 114,466; boys: 133,487) enrolled in primary schools.



Adopted and modified from UBOS, 2004

A working group on special education has been created within the framework of ESIP and has developed policy guideline for special needs education.

Assessment and identification of children with disabilities and other special needs such as children living on the street, traumatized children and gifted/talented children was done under the coordination of the Special Needs Education, Career Guidance and Counselling department of the Ministry of Education and Sports. This needs to be programmed to take place annually to cater for those who move in and out of these categories.



Government has a programme where teachers are trained to cater for children with special needs through the Uganda National Institute for Special Needs Education (UNISE). The districts have set up resource centres where teachers are trained to care for such categories of children. In addition wheel chair support, Braille materials, and facilitators for special needs education have been provided to selected schools. The Community Development Department is responsible for construction of ramps in schools and public places through their rehabilitation offices located at district level.

8.1.6 Alternative Strategies for Provision of Basic Education

Three specific alternative programmes with flexible approach and curriculum for alternative education are worth mentioning: the Complementary Opportunity for Primary Education (COPE) in Kamuli and other lake shore districts; the Alternative Basic Education for Karamoja (ABEK); and Basic Education for Urban Poor Areas (BEUPA). COPE targets children who have never attended school or have dropped out of school before acquiring basic skills. Learning time is flexible and takes between 3 to 4 hours per day. The programme is running in four selected districts across the country. Current beneficiaries of ABEK are children and adolescents in the nomadic society in Karamoja region. The programme focuses on simple numeracy and literacy skills. Though the children access some form of education, efforts should be made to covert these into quality education.

8.1.7 Early Childhood Development (ECD)

About 5.7 million children (26.5 per cent) are aged 0-6, with three quarters of them living in rural areas. Government of Uganda has approved the National Policy on Early Childhood Education (ECD). Sectoral policies also cater for selected ECD issues. The National Council for Children (NCC) facilitated the formation of the ECD Technical Forum (ECD/TF) and coordinates its activities. The ECD/TF serves as a clearing house for ECD programmes in a sector wide approach. Key sectoral interventions include: early childhood survival and nutrition; early childhood care and protection; and early childhood education and learning. Discussions are underway to develop a comprehensive ECD policy under the leadership of the NCC.

The ECD/TF composition is drawn from the Government line ministries, agencies, NGOs and CSOs dealing with children. The Task Force on ECD collected secondary information on ECD and compiled a report entitled "*Eight is too Late*", which has become a reference material for ECD issues in Uganda. The report identifies ECD areas that need special attention including psycho- social/emotional environment, health, nutrition, care, stimulation and learning, play, pre-schools and discipline, ECD stake holders and possible donors for ECD activities. This led to the formation of the Technical Forum which has continued with the work on ECD policy

and strategy formulation. The ECD Technical Forum carried out a review of existing policies and provisions on ECD during 2004 and is in the process of developing a framework for a comprehensive national ECD policy.

8.1.8 Early Childhood Care and Protection

Early childhood care and protection (ECCP) is defined in this context to include proper feeding; provision of clothing, shelter and health care. It also involves interacting with a child; providing a stimulating and safe environment for play and exploration and providing guidance, love and affection. Other aspects of ECCP are provision of security and legal protection; enabling and developing self esteem and self confidence; and providing emotional support.

Although there is no uniform pattern of care, ECCP in Uganda is mainly provided at household level. Mothers, grand mothers, older children and neighbours care for the children. Working practice has been for the mothers to collect young girls from rural areas to care for their children, employ maids or send their children to day care centres (ECD Taskforce, 1997). There are also a few mushrooming day care centres, the good quality ones being too costly for the ordinary women to afford. These centres are only in the major cities and municipalities.

The ability of caregivers to provide adequate ECCP is limited due to the following factors: resources available at the household level for care givers are inadequate due to biting poverty in the country and the stress associated with it; care givers lack required skills, knowledge, physical capacity, consistency and responsiveness to a child's needs. The quality of child care and protection in Uganda is therefore characterized by poor feeding practices; poor health care practices; inadequate household food; lack of psycho-social stimulation and child abuse.

Key challenges in ECCP identified include inadequate resource allocation by government to ECCP activities; poverty in households; high illiteracy among parents; poor care practices; and insecurity and armed conflict in some parts of the country which creates unfavourable conditions for ECCD.

8.1.9 Early Education and Learning

Early Childhood care and development (ECCD) in Uganda takes two forms. There is ECCD that entails stimulation and learning. This method gets children to socialize, learn games and songs and they are provided food. It stimulates child growth physically, socially and opens their mind to academics. Supported to start up, these operate with modest contributions from the community. Secondly, there is ECCD that is aimed at academic development. Most of these services are referred to as nursery or pre-primary schools. Since most of these are privately own, their focus is academics and they end up drilling the children to learn a lot in order to impress the public at the disadvantage of the child. The first category of ECCD centres are developed by communities with support from UNICEF and Save the Children in Uganda, and these are common in IDP camps and rural areas. The second category is urban based and for income generation. It is reported that only 17 are reported to be government owned. A total of 64,484 children aged 2-6 years were enrolled at pre-primary schools during 2003. Only about 2.6 per cent of primary entrants attend some form of organized ECCD programme.

Government is aware and concerned about the need for quality of ECCD and has taken concrete action in this area. This includes putting in place an ECD education policy and training of teachers. This has however not been fully implemented due to lack of funds. Other interventions include training of teachers, most of which is provided by the private sector with guidelines and supervision from government.

The following challenges have been identified with regard to provision of quality early childhood education (ECE): training institutions are mainly located in urban centres; play and instructional materials are inadequate; tuition for teachers and school fees for pre-school is not affordable by the majority of the population; understaffing in most training institutions; inadequate community initiative; and poverty and lack of awareness among parents regarding the importance of ECE. Another challenge is at the policy level where there are some boarding nurseries or pre-primary schools. This is against the spirit of the Charter that requires that children grow in the family under the care of parents. While government policy is clear on this, government is yet to design an appropriate approach to crack down violators of the policy.

Other challenges in provision of ECCD services are that it is a relatively new concept to many people in Uganda including policy makers and planners, no specific and comprehensive policy strategy to guide and direct ECCD interventions exists; lack of data on ECCD issues; inadequate coordination of ECCD actors and lack of conscious planning for ECCD at all levels. Government has therefore established an ECCD technical forum to provide policy and strategic guidelines; strengthen capacity for ECCD planning; promote advocacy for ECCD and monitor and evaluate ECCD activities in the country.

In complementing government efforts, development partners have offered support in the form of the provision of textbooks, teacher training and classroom construction for early childhood education. Partners on ECD include the World Bank, DFID, UNICEF, USAID, Government of the Netherlands and Ireland, European Union (EU), DANIDA, WFP, Redd Barna (Save the children Norway), and ADRA.

Despite the above interventions and achievements, there are still a number of tasks to be undertaken and challenges to be addressed. These include sustenance of TDMS operations particularly the recruitment, deployment (especially to remote parts of the country), training of teachers to meet the current urgent teacher demand and improvement in the conditions of service of teachers; management of sector wide approach and capacity building at district level (especially in utilization of UPE funds, accountability, inspection and supervision). Other challenges are information management for education sector; and management and control of private sector institutions and minimum quality standards.

SECTION IX: SPECIAL PROTECTION MEASURES

9.0 Introduction

Uganda is obliged under Article 22 (3) of the Charter to take all feasible measures to protect and care for children affected by armed conflicts. Government and its partners have undertaken several steps to protect children in Emergency Situations including:

9.1 Office of the Prime Minister (OPM)

The Office of the Prime Minister is the principle agency responsible for the coordination of human and natural disaster management programmes in Uganda as per the National Disaster Policy and Internal Displacement Policy. This office houses the Department of Disaster Management (DDM) which is charged with coordination of sectional lead agencies as well as being the line Ministry through which disaster and humanitarian agencies link up with government.

The National Disaster Management Policy clearly outlines the roles of the Office of the Prime Minister and Department of Disaster Management particularly in situations involving:

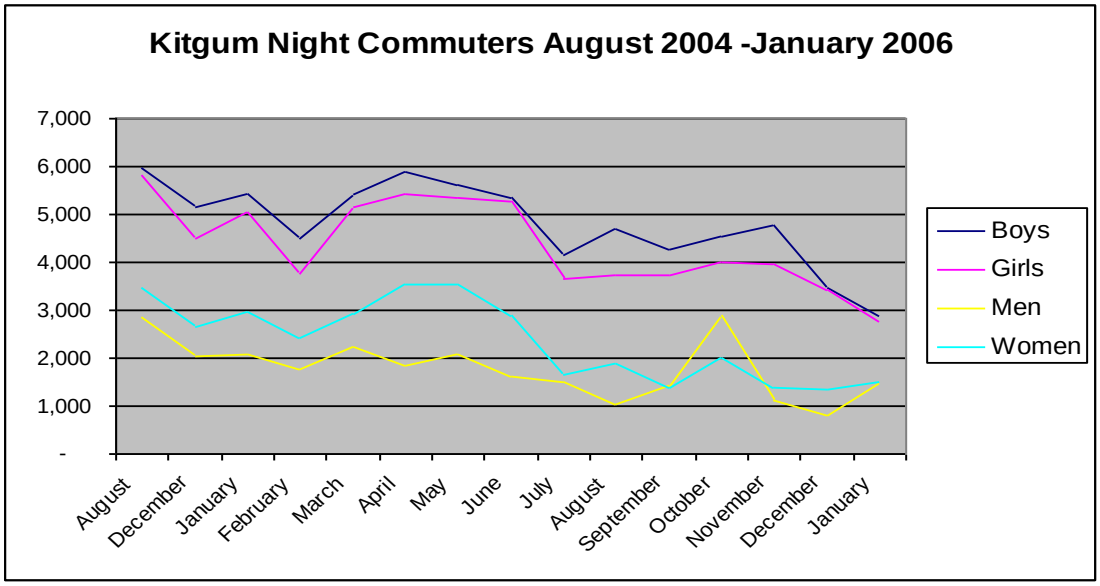
- Mobilization of resources in order to assist the victims of disaster to restore their normal life - particularly through use of disaster funds.
- Providing leadership and coordination on the resettlement, rehabilitation and psychosocial care of disaster victims.
- Ensuring that Sphere Standards, GPID and other standards are observed in all humanitarian interventions.
- Monitoring and evaluation of standards, operations and performance of all actors in the humanitarian field.

9.2 Night Commuter Centres

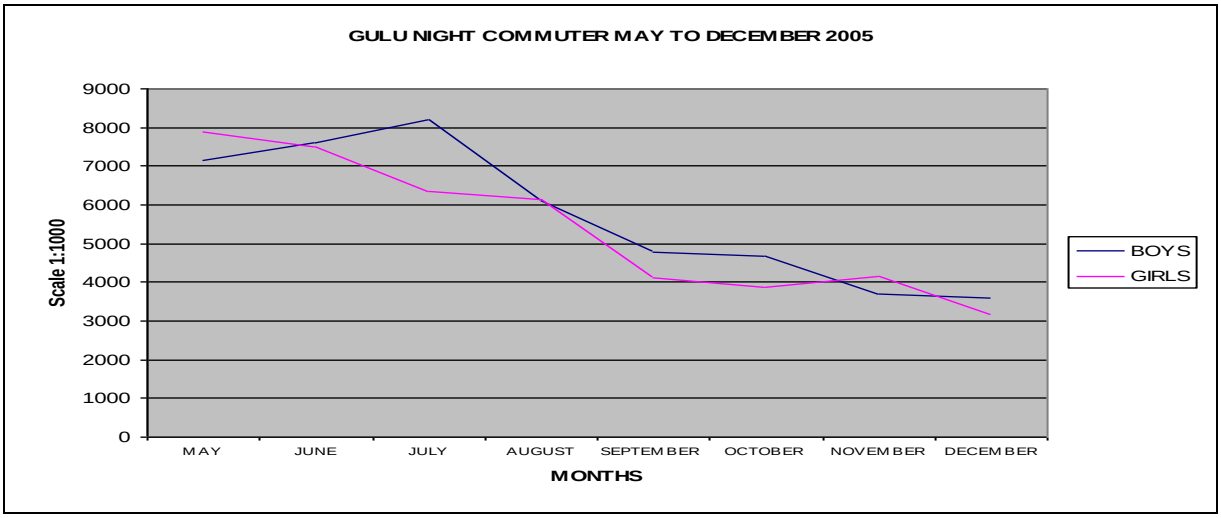
The idea of childhood as a protected period of healthy growth was obliterated in northern Uganda. The 20-year conflict has meant a reign of terror, where the LRA use abducted children to attack homesteads, IDP camps and town suburbs to abduct yet more children and steal food and other items. This ushered in a new phenomenon –night commuting, as children fled their usual places of abode to safer places usually in temporary shelters, churches, bus parks/stations, missions, hospitals, shop verandas in towns. By October 2004, tens of thousands of children in Gulu, Kitgum and Pader were fleeing their homes each night to urban centres and the larger IDP camps fearing attacks and abductions by the LRA[11]. These were known as '*night commuters*'.

These children, many of whom are without protection of parents or organized shelter sites faced the threat of physical abuse, sexual exploitation and gender-based violence including rape. Girls were subjected to sexual harassment and abuse along transit routes and in the sleeping spaces in town centres. With the help of development partners, UNICEF, Save the Children in Uganda, CARE, AVSI, RUFOU, Noah's Ark and local NGOs, centres were provided for these children to sleep and also have a chance to read their books. These were equipped with wardens. Today, because of the improvement in the situation as peace negotiations go on, the children are now in homes where people have resettled while others can now safely stay in the camps.

[11] UNICEF, State of the World's Children 2005



Source: UNOCHA, Kitgum



Source: UNOCHA, Gulu

9.3 Formerly Abducted Children

Over the last 18 years the LRA has abducted over 30,000 children. Of this, about 23,000 have returned and over 8,000 remain unaccounted for. These children who returned have become known as formerly abducted children (FAC). In response to their needs for psychosocial rehabilitation and reintegration, many organisations such as World Vision, Gulu Support the Children Organisation (GUSCO), Concerned Parents' Association (CPA), Kitgum Concerned Women's Association (KICWA) and Rachelle rehabilitation Centre have provided psychosocial rehabilitation, vocational training and reintegration services to formerly abducted children. Other organizations like (Associazione Volontari per il Servizio Internationale (AVSI), Catholic Relief Services (CRS), Caritas and Canadian Physicians for Aid and Relief (CPAR), among others have also provided community psychosocial support to facilitate reintegration of the FACs. The Department of Youth and children in the Ministry of Gender,Labour and Social Development has also supported a few of FAC with school fees for those attending schools around Kampala.

Rachele Rehabilitation Centre located in Lira district has provided rehabilitation and reintegration services to over 2,354 formerly abducted children. On arrival to the centre the children are offered food, medical care and resettlement kits, consisting of clothes, bedding and washing items. In the welcome ceremony for the children all the old clothes and military attires are burned symbolically to mark the end of bush life and the start of a new life in freedom from terror. To encourage quick recovery children are encouraged to talk about their experiences in captivity and express their feelings through drawings, drama and music. They are encouraged to believe they are still children and they can still reclaim their childhood. They are taught all over again to play, dance and have a good time as other children not affected by abduction do.

Catch-up classes are conducted to prepare children for going home. They are taught to read, write, and given lessons in Mathematics, health education, debates and news analysis as well as skill in tailoring, hair dressing and catering among others.

Table 5: Number of Children rehabilitated by Rachele in Rehabilitation Centre

Sex	**Boys**	**Girls**	**Total**
Number of Children	1,476	878	**2,354**

Source: Activities Update – Rachele Rehabilitation Centre – Lira report. 2006

Kitgum Concerned Women Association (KICWA) Reception Centre found in Kitgum District has resettled over 3,725 of formerly abducted children since its establishment in 1998.

Table 6: FAC rehabilitated by KICWA 1998 and 2006 (March)

Year	Female	Male	**Total**
1998	48	194	**242**
1999	43	56	**99**
2000	17	213	**230**
2001	56	250	**306**
2002	113	418	**531**
2003	434	1,032	**1,466**
2004	430	559	**989**
2005	97	112	**209**
2006 (March)	17	18	**34**
TOTAL	**1,254**	**2,852**	**4,106**

Source: KICWA 2006

Table 7: FAC rehabilitated by GUSCO between 1994 and 2005.

Months	Male	Female	Total	Cumulative
August 1994 – February 2004	4,303	2,254	6,557	6,557
March – December 2004	383	357	740	7,297
January & February 2005	29	27	56	7,353
March 2005	27	34	61	7,414
April 2005	18	04	22	7,436
May 2005	05	08	13	7,449
June 2005	05	04	09	7,458
July 2005	07	07	14	7,472
August 2005	17	14	31	7,503
September 2005	06	03	09	7,512
October 2005	07	07	14	7,526
November 2005	07	07	14	7,540
December 2005	08	03	11	7,551

Source: GUSCO Annual Report 2005

In Katakwi, the organisation that handles rehabilitation and reintegration of the formerly abducted children in the district is called Katakwi Children's Voice (KCV). It was primarily formed to care for all the issues affecting children in the district such as child motherhood, orphanage and now FAC. It was pioneered by volunteers but now receives some support from the government; Feed the Children and Save the Children organisations, among other partners. KCV has rehabilitated and successfully reintegrated 293 children into the community to date: 186 boy and 107 girls.

When KCV receives the FAC, usually from the government soldiers, World Vision, or other sources, they are kept in the KCV centre for a period of time: mostly two weeks but even as long as one month, depending on the level of the trauma that the child has suffered. The children are provided with food, accommodation, counselling and recreational support and overall medical care, such as treatment of injuries or trauma. When they have attained a measure of stability, they are then provided with family retracing, reunion and assessment of the ability of the child to fit into the community. The child is also provided with a reunification package comprising of books and other scholastic materials, clothing, mattresses, basins and Jerry cans.

After reunification, KCV seeks to pursue a follow up program, checking on the individual children one week after reunification, then two weeks after first follow up, then three weeks after the second follow up and finally four weeks after the third follow up. During these follow ups, community sensitization is done and any feedback is obtained in order to gain more experience. Needed provisions are also given to the children. However, due to limited resources, it may not always be possible to carry out all these desired follow ups. Currently, with support from UNICEF, an NGO carries out these follow up visits and reports back to the PSWO. Any actions taken are also reported to the district authorities.

KCV also organises advocacy programs in community through seminars on such matters as: child protection and care, cultural reconciliation, psycho-social care, training of trainers, and emergency responses in cases of

stigmatisation. These seminars are attended by local leaders, parish chiefs, religious leaders, teachers and even parents of FAC.

KCV also provides recreational services at community level which are aimed at involving the FAC participation. Materials such as balls and uniforms are provided and then leagues are organised at parish and sub county levels. A cash transport refund, prizes and trophies are also provided. The FAC are also involved in organising music, dance and drama competitions. These efforts are aimed at removing any stigma that the community might develop against FAC, when the community sees their talents and skills.

Table 8: FAC rehabilitated by World Vision Children of War Centre 1995 and 2005

Year	Male	Female	Total
1995	464	84	**548**
1996	1,170	120	**1.290**
1997	1,297	165	**1,462**
1998	1,181	239	**1,420**
1999	437	81	**518**
2000	198	48	**246**
2001	231	32	**263**
2002	860	142	**1,002**
2003	1,295	285	**1,580**
2004	1,570	693	**2,263**
2005	234	208	**442**
TOTAL	**8,934**	**2.097**	**11,034**

Source: World Vision Children of War Centre 2006

9.4 The Amnesty Act 2000

The Amnesty Act provides amnesty to all Ugandans who have engaged in acts of rebellion. Amnesty Commission was set up to demobilize, reintegrate and resettle former rebels as well as sensitize the public on the law. The Amnesty Act is very helpful in cases of crimes committed by children between 12 and 17 years who are by law of Uganda liable to the crime they commit. Such children are given immunity when they seek for amnesty. They also qualify for the resettlement package given by the Amnesty Commission.

Ugandan law exempts all children below 12 years from criminal responsibility. Therefore reporters/former rebels in this age bracket are received by the Amnesty Commission and immediately transferred to reception centres where they are given psychosocial help and reintegrated into the community.

9.5 Children in Conflict with the Law

Under the Children Act children in conflict with the law are provided for under local authorities. The Chief Justice gazettes 10 family and children courts (FCC) under each magisterial area to handle cases involving children. Many districts still do not have remand homes so juvenile justice mechanisms are still weak. In

some cases juveniles are mixed with adults in police cells. This forces the Police to release them on bond. Some parents are reported to prefer settlement of cases on children out of court. Measures that have been taken to protect children include sensitization counselling and reporting to local authorities.

SECTION X: CONCLUSION

It will be noted that Uganda has taken big strides towards promoting the right of the child to survival, development and protection for all children albeit the several challenges encountered. Challenges range from poverty, conflict, illiteracy to HIV/AIDS pandemic among others. These challenges are the ones pulling the country back in her achievements.

It is definitely of great concern to the country that Uganda may not be able to reach many of her targets to achieve the millemium goals. One area that needs to be noted is that while in the area of child survival and child development some significant achievements have been made, the area of child protection has not made any significant improvement. Bleak as the picture remains, Uganda remains committed to improving the situation of children generally in the country and promises to accelerate all actions intended to uplift the situation of children in the country. In Uganda we believe that investing in children is the best investment the country can be proud of.

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