CRC/C/15/Add.80 21 October 1997

COMMITTEE ON THE RIGHTS OF THE CHILD

Sixteenth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Uganda

1. The Committee considered the initial report of Uganda (CRC/C/3/Add.40) at its 409th and 410th meetings (CRC/C/SR.409-410) held on 29 and 30 September 1997 and adopted (At the 426th meeting, held on 10 October 1997) the following concluding observations:

A. Introduction

2. The Committee expresses its appreciation to the State party for the submission of its initial report which followed the guidelines set by the Committee on the Rights of the Child as well as for the comprehensive written answers to its list of issues (CRC/C/UGA/1). The Committee also expresses its satisfaction to the State party for having engaged in an open and constructive dialogue with the Committee, and in particular, for the self-critical and frank approach taken by the State party in its report and during the dialogue with the Committee. It welcomes the delegation's positive response to the suggestions and recommendations made during the course of the discussion.

B. Positive aspects

3. The Committee notes the establishment in 1992 of the National Council of Children and the adoption of the Uganda National Plan of Action for Children. It also welcomes the decentralization of the National Plan of Action for Children and, to this end, the adoption of 34 district plans of action for children. The Committee further notes with appreciation that alongside the legislative framework, the State party has carried out some studies and developed therefrom, inter alia, the decentralization policy.

4. The Committee notes with satisfaction that the State party enacted a new Constitution in 1995 and the Children's Statute in 1996 which incorporate specific provisions relating to children's rights; further, that the State party in the drafting of this legislation used the Convention on the Rights of the Child as one of the core documents so as to ensure full compatibility between the Constitution, the Children's Statute and the Convention. The Committee also notes that the State party is one of the seven African countries that has so far ratified the African Charter on the Rights and Welfare of the Child.

5. The Committee welcomes the priority being given by the State party to health, in particular health care for children, including efforts to reduce child mortality, facilitate breastfeeding, support nutrition programmes, combat HIV/AIDS, eliminate female genital mutilation and increase access to clean drinking water.

C. Factors and difficulties impeding the implementation of the Convention

6. The Committee acknowledges that the severe political, economic and social difficulties facing the State party have had a negative impact on the situation of children. In particular, the Committee notes that poverty, armed conflict in the north and the HIV/AIDS pandemic have caused major difficulties.

7. Furthermore, the Committee notes that prejudicial traditional practices and customs, prevailing particularly in rural areas, hamper the effective implementation of the provisions of the Convention, especially with regard to the principles of non-discrimination, best interests of the child and respect for the views of the child.

D. Principal subjects of concern

8. The Committee, while noting with satisfaction the existence of the National Children's Council and various government bodies, ministries and Resistance Councils responsible for the welfare of children at the national and local levels, nevertheless regrets the inadequate coordination among these bodies in promoting and protecting the rights of the child and developing a comprehensive approach to the implementation of the Convention. It also regrets that the National Children's Council and the other bodies, ministries and councils lack the requisite institutional capacity, skills and financial resources to carry out their mandates.

9. Taking note of the recent achievements in the field of law reform, the Committee is concerned about the insufficiency of the measures taken by the State party to harmonize national legislation with the principles and provisions of the Convention. The Committee particularly notes with concern that current provisions concerning the definition of "child", "youthful offender" and "minor", as contained respectively in the Approved Schools Act, the Affiliation Act and the Marriage Act; the Reformatory Schools Act; and the Divorce Act, are incompatible with the provisions and principles of the Convention, especially with the principle of non-discrimination and in the areas of marriage, employment and juvenile justice. The Committee also remains concerned about the conflict between customary law and the principles and provisions of the Convention in these areas.

10. The Committee is concerned that no adequate measures have been taken for the systematic collection of disaggregated quantitative and qualitative data in all areas covered by the Convention, in relation to all groups of children, in urban and rural areas, in order to evolve targeted policies, evaluate progress achieved and assess the impact of policies adopted with respect to children. The Committee is also concerned about the State party's limited human and financial capacity to collect and process data, as well as to develop specific indicators to evaluate progress achieved and assess the impact of policies adopted on children, in particular the most vulnerable groups of children.

11. While acknowledging that efforts have been made by the State party to promote awareness of the provisions of the Convention through the print and electronic media, the schools and village campaigns, the Committee remains concerned that insufficient steps have been taken to promote awareness and understanding of the principles and provisions of the Convention. The Committee is concerned that the training on children's rights provided to all professional groups, including members of the police and security forces and other law enforcement officials, army officials, judicial personnel, magistrates, lawyers, teachers and school administrators at all levels of education, social workers, officials of central or local administrations and personnel of child-care institutions and health and medical personnel, is insufficient and unsystematic. Further, the Committee remains concerned that the Convention in its entirety has not been translated into any vernacular language.

12. The Committee notes the lack of adequate legislative, administrative and other measures to ensure the full implementation of children's economic, social and cultural rights to the maximum extent of the State party's available resources, in particular for girls, orphans, children with disabilities, abandoned children, children born out of wedlock, children from single-parent families, children living and working on the street, and children victims of abuse and/or economic and sexual exploitation.

13. The Committee notes with concern that although the principles of the best interests of the child, respect for the views of the child, and the child's right to participate in family, school and social life are incorporated fully in the Constitution and the Children's Statute, they are not implemented in practice due to, inter alia, cultural norms, practices and attitudes.

14. In particular, the Committee is concerned at the persistence of discriminatory attitudes against some groups of children, especially girls, children with disabilities and children living in rural areas, which often results in limiting their access to basic social facilities such as health and education.

15. The Committee is concerned at the insufficiency of the measures to combat and prevent ill-treatment and abuse, including sexual abuse of children within the family, and at the lack of information on this matter. The Committee is further concerned that disciplinary measures in some schools and law enforcement institutions often involve corporal punishment, although this is prohibited by law.

16. The Committee is concerned that in many rural areas legislation relating to birth registration is not fully implemented, which may seriously disadvantage non-registered children in the enjoyment of their rights.

17. The Committee is concerned that despite the various immunization programmes, infant and child mortality rates are high due to, inter alia, poor water supply, hygiene and sanitation practices and endemic malnutrition. Further, the Committee is worried by the rapid spread of HIV/AIDS throughout the country and its devastating impact on children who are infected and affected.

18. While noting that the State party has made efforts towards introducing the principle of free and compulsory primary education by providing free education for four children per family, the Committee is concerned that this fundamental right is not yet fully and equally implemented throughout the country. Furthermore, the Committee is concerned about the low level of school enrolment and the high drop-out rates for girls due to, inter alia, early marriage, the lack of learning and teaching facilities and materials, and the shortage of trained teachers.

19. The Committee is deeply concerned that the rules of international humanitarian law applicable to children in armed conflict are being violated in the northern part of the State party, in contradiction to the provisions of article 38 of the Convention. Furthermore, the Committee is concerned about the abduction, killings and torture of children occurring in this area of armed conflict and the involvement of children as child soldiers.

20. The Committee is concerned about the administration of juvenile justice, and in particular its compatibility with articles 37, 39 and 40 of the Convention, as well as with other relevant international standards. The Committee remains particularly concerned about, inter alia, violations of the rights of children in detention centres, the remanding of children in adult prisons or police cells, long periods in custody, delays before trial, and the inadequacy of existing alternative measures to imprisonment.

21. The Committee is concerned about the difficulties encountered by refugee and displaced children in securing access to basic education, health and social services.

22. The Committee is concerned about the insufficiency of legal and other measures to prevent and combat the economic exploitation of children, especially child domestic workers and others in the informal sector.

23. While the fact that the State party has recently carried out a study on children working and/or living on the street is welcome, the recent increase in the number of such children is a matter of concern. The Committee also expresses its serious concern at the increase in the number of child prostitutes and the fact that the State party does not have a clear strategy to combat the abuse and sexual exploitation of children.

24. The Committee is also concerned at the insufficiency of the measures taken by the State party for the physical and psychological recovery and social reintegration of children victims of war and abuse and, further, that the existing alternative care institutions lack material and financial resources and specialized personnel.

E. Suggestions and recommendations

25. The Committee recommends that further steps be taken by the State party to strengthen the National Children's Council and the coordination between the various government bodies, ministries and Resistance Councils involved in the implementation of children's rights, at both national and local levels. Greater efforts should be made to ensure closer cooperation with non-governmental organizations working in the field of human and children's rights. Further, the State party should strengthen the human and financial capacity of the various governmental institutions promoting children's rights.

26. The Committee recommends that, in the context of the legal reform being undertaken by the State party in the field of children's rights, national legislation be harmonized and made fully compatible with the provisions and principles of the Convention. The Committee further recommends that the prescribed age in the various national laws be harmonized so as to eliminate inconsistences, contradictions and gender disparities, and that the national legislation be brought into conformity with the Convention. The State party may wish to request technical assistance in this regard.

27. The Committee also recommends that the State party review the system of data collection and analysis and identify appropriate disaggregated indicators with a view to addressing all areas of the Convention and all groups of children in society. The Committee further suggests that the State party consider requesting technical assistance in this regard from, among others, the United Nations Children's Fund.

28. The Committee recommends that greater efforts be made to ensure that the provisions of the Convention are widely known and understood by both adults and children, in particular in the rural community; further, systematic training and retraining programmes on the rights of the child should be organized for all professional groups including members of the police and security forces and other law enforcement officials, army officials, judicial personnel, lawyers, magistrates, teachers and school administrators at all levels of education, social workers, officials of central or local administrations, personnel of child-care institutions, and health and medical personnel. The Committee further recommends that the Convention in its entirety be translated into vernacular languages.

29. The Committee recommends that priority be given in budget allocations to the realization of the economic, social and cultural rights of children, with particular emphasis on health and education and on the enjoyment of these rights by the most disadvantaged children.

30. The Committee further recommends that all appropriate measures, including public information campaigns, be undertaken to prevent and combat all forms of discrimination against girls, orphans, children with disabilities, abandoned children, children born out of wedlock, and children

victims of abuse and/or sexual and economic exploitation, especially those living in rural areas, with a view, inter alia, to facilitating their access to basic services.

31. The Committee recommends that special efforts be directed to the development of an effective system of birth registration. Such a system would serve as a tool for children's enjoyment of their rights.

32. The Committee recommends that the State party take all appropriate measures, including through international cooperation, to prevent and combat infant and child mortality and malnutrition. Further, the Committee suggests that the Government strengthen its information and prevention programmes to combat HIV/AIDS, particularly to prevent the transmission to children of HIV/AIDS and other sexually transmitted diseases (STD) and to eliminate discriminatory attitudes towards children affected by or infected with HIV/AIDS. The Committee further recommends that the State party pursue and strengthen its family planning and reproductive health educational programmes, including for adolescents.

33. The Committee recommends that the State party take steps to ensure the implementation of articles 28 and 29 of the Convention. The Committee urges that greater efforts be directed to training teachers, improving learning and teaching facilities and the school environment, increasing enrolment and fighting school drop-out.

34. The Committee recommends that awareness of the duty to fully respect the rules of international humanitarian law, in the spirit of article 38 of the Convention, inter alia with regard to children, should be made known to the parties to the armed conflict in the northern part of the State party's territory, and that violations of the rules of international humanitarian law entail responsibility being attributed to the perpetrators. Furthermore, the Committee recommends that the State party take measures to stop the killing and abduction of children and the use of children as child soldiers in the area of the armed conflict. While taking note of the regional initiatives already being undertaken, the Committee also recommends that, where appropriate, the State party liaise with the Special Representative of the Secretary-General on children in armed conflict.

35. The Committee recommends that special attention be given to the problems of ill-treatment and abuse, including sexual abuse of children within the family and corporal punishment in schools, and stresses the need for information and education campaigns to prevent and combat the use of any form of physical or mental violence against children, in accordance with article 19 of the Convention. The Committee also suggests that comprehensive studies on these problems be initiated in order to understand them better and to facilitate the elaboration of policies and programmes to combat them effectively, including rehabilitation programmes.

36. The Committee recommends that the State party undertake a comprehensive reform of the system of juvenile justice in the spirit of the Convention, in particular articles 37, 39 and 40, and of other United Nations standards in this field, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. Particular attention should be paid to the right of children to prompt access to legal assistance and to a judicial review. Training programmes on the relevant international standards should be organized for all professionals involved with the juvenile justice system and specialized courts should be established countrywide as a priority matter. The Committee further suggests that the State party consider seeking technical assistance for this purpose from the Office of the United Nations High Commissioner for Human Rights and the Crime Prevention and Criminal Justice Division of the United Nations.

37. The Committee recommends that special attention be directed to refugee and internally displaced children to ensure that they have equal access to basic facilities.

38. The Committee recommends that the State party adopt a strategy to tackle the problem of children working and/or living on the street. The Committee further suggests that informal education programmes be designed and adopted to prevent sexual abuse and exploitation of children, especially child prostitution.

39. The Committee encourages the State party to give specific attention to monitoring the full implementation of labour laws in order to protect children from being economically exploited. It further suggests, inter alia, that the authorities adopt explicit legislation and measures to protect children from economic exploitation through employment as domestic servants and in other informal sectors, engage in research and collection of data, and promote integration and vocational training programmes. Additionally, the Committee suggests that the State party consider ratifying ILO Convention No. 138 on minimum age for employment.

40. The Committee recommends that the initial report and written replies presented by the State party be made widely available to the public at large, including children, and that the report be published, along with the relevant summary records and the concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate on and awareness of the Convention and its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.