



UGANDA'S PROGRESS REPORT

**TO THE COMMITTEE OF EXPERTS ON THE
RIGHTS OF THE CHILD**

ON

**THE IMPLEMENTATION OF THE UNITED
NATIONS CONVENTION ON THE RIGHTS
OF THE CHILD AND THE TWO OPTIONAL
PROTOCOLS**

2020

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2020

List of acronyms

AIDS	Acquired Immunodeficiency Syndrome
ALP	Accelerated Learning Programme
ARV	Antiretroviral
BEUPA	Basic Education for Urban Poverty Areas
BTVET	Business, Technical Education and Vocational Training
CID	Criminal Investigations Department
CMA	Computer Misuse Act
COA	Child Online Abuse
COPE	Complimentary Opportunities for Primary Education
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
CSEA	Child Sexual Exploitation and Abuse
CWD	Children with Disabilities
DPP	Directorate of Public Prosecutions
ECD	Early Childhood Development
EFA	Education For All
EGR	Early Grade Reading
EUPEC	Enhancement of Universal Primary Education and Community
FGM	Female Genital Mutilation
FIDA	Federation of Women Lawyers
GDP	Gross Domestic Product
GoU	Government of Uganda
GWDs	Girls With Disabilities
HIV	Human Immunodeficiency Virus
IAAF	International Association of Athletics Federation
ICT	Information Communication and Technology
IMG	Indigenous Minority Groups
IOM	International Organisation for Migration
LRA	Lord's Resistance Army
MGLSD	Ministry of Gender, Labour and Social Development
MoES	Ministry of Education and Sports
MoFA	Ministry of Foreign Affairs
MoIA	Ministry of Internal Affairs
MoJCA	Ministry of Justice and Constitutional Affairs

MTEF	Medium Term Expenditure Framework
NDP II	National Development Programme 2
NGO	Non-Governmental Organisation
NIECD	National Integrated Early Childhood Development Policy
NIRA	National Identification and Registration Authority
NITA	National Information Technology Authority
NUDIPU	National Union of Disabled Persons of Uganda
NUSAF	Northern Uganda Social Fund
OPAC	Convention on the Rights of the Child; Optional Protocol on the Involvement of Children in Armed Conflict
OVC	Orphans and Other Vulnerable Children
PPP	Public Private Partnership
PSWO	Probation and Social Welfare Officer
PTC	Primary Teachers Training Colleges
PTIP	Prevention of Trafficking in Persons Act
SAGE	Social Assistance Grants for Empowerment
SCORE	Sustainable Comprehensive Responses
SDGs	Sustainable Development Goals
SGBV	Sexual and Gender Based Violence
SNE	Special Needs Education
TTI	Teachers Training Institution
UCC	Uganda Communications Commission
UDHS	Uganda Demographic Health Survey
UHRC	Uganda Human Rights Commission
ULRC	Uganda Law Reform Commission
UNAFRI	United Nations African Institute for the Prevention of Crime and the Treatment of Offenders
UNESCO	United Nations Educational Scientific and Cultural Organisation
UNHS	Uganda National Household Survey
UNICEF	United Nations Children’s Education Fund
UPDF	Uganda People’s Defence Forces
UPE	Universal Primary Education
UPF	Uganda Police Force
UPPET	Uganda Post Primary Education and Teaching
USE	Universal Secondary Education
WASH	Water, Sanitation and Hygiene
YLP	Youth Livelihood Programme
YWCA	Young Women’s Christian Association

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Introduction

The Government of Uganda (GoU) presents its third, fourth, and fifth combined report. This report describes Uganda's follow up and progress concerning the Concluding Observations of 2005 and the implementation of the Convention on the Rights of the Child (CRC). It also includes relevant aspects of Uganda's progress on the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography as well as the Optional Protocol to the CRC on the Involvement of Children in Armed Conflict.

Uganda submitted its initial reports on the two Optional Protocols above which were considered by the Committee in 2008.

The Ministry of Gender, Labour and Social Development (MGLSD) prepared this report, which adheres to the reporting guidelines stipulated by the Committee. The report was developed through a consultative process that involved national and regional consultations with key stakeholders in government departments, ministries and agencies as well as civil society. Children were also specifically involved in providing views on the implementation of the Convention and the two Optional Protocols.

1. General measures of implementation

Legislation to implement the Convention

Cf Concluding observations 11, 13, 15, 17, 18

The Children Act, (Cap 59 Laws of Uganda) was amended in 2016 to align it more closely to the Convention on the Rights of the Child (CRC). The Children (Amendment) Bill was passed into law with the objective of enhancing the protection of children and to consolidate provisions hitherto scattered in other legal frameworks and policies on children's rights.

In addition, in 2014, the Anti-Pornography Act was passed to criminalise all acts of pornography. It also includes specific provisions on combating child pornography. This was further reinforced by the Children (Amendment) Act 2016, which contains prohibitions on pornography, sexual exploitation and trafficking of children. Uganda passed the Prevention of Trafficking in Persons Act (2009) and in 2016 amended the Children Act Cap 59 to prohibit trafficking in children by any person or entity. These laws as well as various institutional strategies and programmes reflect Uganda's efforts to implement the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child pornography.

A National Action Plan for Child Well-being 2016-2021 was developed. It links to five sustainable development goals; survival, development, protection, participation and implementation. There is a National Action Plan for Children with Disabilities 2016/17-2020/21 that seeks to address the gaps in childhood disability interventions and consolidate new developments in a comprehensive action framework. Based on these initiatives, the GoU is focusing on reforms and strategies around the required interventions to meet the survival and development needs of children at the national and local government levels. There is increasing emphasis on child participation, stakeholders' responsiveness and rights promotion of all children.

The National Children Authority was established as an autonomous body pursuant to the Children (Amendment) Act 2016. It has an expansive mandate in the protection and promotion of children's rights in Uganda. Composed of a multi-sectoral governance body, it advises on and monitors all activities, programs, policies and measures relating to the protection and promotion of children's rights.

The Authority is still in its formative phase. The Authority is mandated to coordinate and evaluate the implementation of the CRC and its optional protocols, and develop a National Plan of Action in that regard.

Cf Concluding observation 19

The Uganda Human Rights Commission monitors the rights and welfare of children under the Vulnerable Persons Unit and has consistently reported on various issues to the national Parliament. In addition, the Tribunal handles cases of violation of children's rights based on the principles of the best interests of the child.

Data collection

Cf Concluding observation 23

Government has put in place a mechanism and system for routine data collection under the Orphans and Vulnerable Children (OVC) programme and Management Information system. It collects data from all implementers of child rights, both governmental and non-governmental. This data draws from district and sub-county based databases, records and reports as well as court records and reports of the activities of CSOs. There is a national and centralized web-based Management Information System Database that guides the planning and monitoring mandates of District OVC focal points, with the objective of measuring progress towards achieving the National Strategic Program Plan of OVC Interventions.

The Uganda Bureau of Statistics has pioneered the inclusion of the consensual deprivation poverty module in the Uganda National Household Survey of 2016/17. This is a clear display of government's commitment to enhance the ability to assess and monitor the status of child deprivations in order to meet the Sustainable Development Goals targets.

UNICEF provides technical assistance to the GoU in various respects of data collection relating to child rights.

Cf Concluding observation 27

The National Child Protection Working Group was established in September 2009 as a multi-stakeholder coordination forum for child rights protection. It comprises of government ministries and departments and civil society organisations as well as development partners. Initially formed within the framework of the Child Protection Recovery Strategy for Northern Uganda (2009 – 2011), it now addresses child vulnerability nationwide, particularly for children whose rights are violated. The Working group also serves as a clearing house for all new policy frameworks on children in the Ministry of Gender, Labour and Social Development (MGLSD).

The Uganda Parliamentary Forum for Children continues to use its platform to lobby for the rights of children to ensure that despite the legislature's competing priorities, children's rights are not neglected.

2. Definition of the child

Cf Concluding observation 29

The age of a child is established as being below 18 years. Reforms in policy and regulatory frameworks are clarifying the rights of the child in specific areas, such as legal protections for children, prohibitions on marriage and certain forms of employment.

The Children (Amendment) Act provides that any union of a person who is under 18 years, for purposes of living together as husband and wife, is child marriage, which is unlawful. The regulations on migrant workers abroad forbid the recruitment of a child below 18 years for such purposes. The Registration of Persons Act and programmes in place to ensure birth registration aim to establish the age of children and guaranteeing them protections that are accorded to children in educational, developmental and legal processes.

3. General principles

Non-discrimination

Cf Concluding observations 31, 32

Under Section 4 (1) (j) of the Children (Amendment) Act 2016, children in Uganda are not to be subjected to discrimination based on any distinguishing factor or condition. The prohibited basis for discrimination is framed widely beyond the traditional provisions to ban discrimination based on family status, culture, social origin, political or social opinion and property, among others.

Despite the law, there are areas where certain categories of children are exposed to discrimination at societal level. These include girls from poor backgrounds, children with disabilities, street children and orphans. Uganda Functional Difficulties Survey (UBOS & UNICEF ,2018) estimated that 7.5% of children aged 6-17 years and 3.5% of children aged 2-4 years had a disability. Children with disabilities are often less able to access services such as education and health care, participate in social activities and fulfil their potential. The study revealed that 28% of children with disabilities reported that they had experienced discrimination or harassment. Government is taking social, economic and legal protection measures and working at the local government level with sector officials, communities and families in this regard. These efforts are supplemented by the work of various Non-Governmental Organisations (NGOs) and development partners at the grassroots and institutional level. Government put in place the National Disability Inclusive Planning Guidelines for Uganda 2017 that seek to address issues of discrimination against children with disabilities. The National Child Policy 2020 approved by Cabinet on 22nd June,2020 and its Implementation Plan, 2020/21-2024/25 provides for equality of all children in Uganda including children in refugee settings .The Equal Opportunities Commission is mandated to eliminate discrimination and inequalities against any individual or group of persons on the ground of age among other factors, and take affirmative action in favor of groups marginalised on the basis of age among other factors, which extends to children.

Best interests of the child

The welfare and guiding principles are paramount under the Children (Amendment) Act 2016 and are meant to guide the determination of decision-making bodies with a mandate over children. This extends to the state, courts, tribunals, local authorities or any persons vested with authority to make a determination over a child's upbringing, administration of property and related matters. In particular, courts are enjoined to ascertain the wishes and feelings of the child; the physical, emotional and educational needs; and, any actual or imminent harm that the child may suffer and make decisions in the best interests of the child.

The Justice, Law and Order Sector (JLOS) institutions apply the principle of the best interests of the child in administering decisions regarding children that access their services. Government has undertaken capacity-building initiatives across the sector to ensure that measures such as diversion, child protection services and alternative care apply the best interests of the child in making decisions.

Child Protection Committees and Probation Workers as well as Para-Social Workers are working with communities at the district level to educate parents and individuals on the rights of the child. Communities are sensitised on the importance of making decisions in the best interests of the child from a rights based perspective.

The right to life, survival and development

The right of children to life is guaranteed under Article 22(1) of the Constitution of Uganda. The death sentence is not applicable to children in keeping with the overarching principle of best interest, survival and development rights.

There are several policies and programmatic measures in place to ensure the survival and development of children into adulthood. These are implemented from the health, nutrition, legal, and educational perspective under various plans, strategies and policies in Uganda. The National Integrated Early Childhood Development Policy Action Plan (2016-2021) articulates these aspects. It targets all children, including the vulnerable and marginalized, from conception to eight years of age; to provide holistic services for nutrition, health, nurturing, protection, stimulation and training.

The Reproductive Health Division of the Ministry of Health conducts Maternal, Perinatal and Child Death Reviews to identify major causes of death and the associated risks and avoidable factors with a view to finding solutions to ending child mortality and preventable deaths. In order to provide integrated effective services for the children, the Policy targets the primary care givers of the children such as parents, grandparents, other relatives and care providers. The Policy calls for the designing of programs that will ensure that all the developmental domains; physical, mental, social, emotional and linguistic, are met.

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Government through the Health Sector Development Plan (2015/16–2019/20), has invested in health infrastructure and interventions to improve access and provide affordable quality health care for the population including women and girls. Investments in health infrastructure has continued and this includes; construction of new and rehabilitation of old infrastructure at various levels, provision of medical equipment and hospital furniture, provision of solar lighting, improvement of operations and maintenance of health infrastructure in some districts. Examples of major infrastructure development projects during 2018/19 were; completion and commissioning of the 450 bed Specialised Women and Neonatal hospital at Mulago, continued with the rehabilitation of Mulago National Referral Hospital, expansion and equipping of the laboratories at St. Mary's Lacor Hospital, Fort Portal and Moroto RRHs, construction of a multipurpose building at UCI, equipping of Arua and Mayuge satellite Cancer Units, rehabilitation and expansion of Kayunga and Yumbe Hospitals, renovation and equipping of Kawolo hospital, upgrading of 124 HC IIs to HC IIIs and ongoing construction of new warehouse for National Medical Stores (NMS).

In FY 2018/19, the health sector received a total of Ug. Shs 2.373 trillion representing 7% of the total national budget, and 80% of the budget was released compared to 66% in FY 2017/18. Health worker population ratio improved from 1.85/1000 (2018) to 1.87/1000 population (June 2019) though still below the WHO ratio of 2.5% per 1000 population. Overall, the stock of qualified health professionals available for employment in the health sector increased from 101,350 (June 2018) to 107,284 (2019). This is attributed to increase in pre-service training of some cadres e.g. Nurses, Midwives, Laboratory staff and Clinical Officers.

The Health Sector Development Plan (2015/16-2019/20) projected to raise staffing levels in public sector facilities from 69% in 2014 to 80% in 2018. Government made progress in improving the staffing levels from 70% in 2015 to 74% in March 2018. However, the number of health workers (Doctors, Nurses and Midwives) per population was 0.4 per 1000 persons which are still below the recommended ratio by WHO standards of 2.5 per 1000 persons. To enhance the staffing situation, Government focused on strengthening community health workforce by establishing a committed and motivated cadre of community health extension workers for Uganda to register progress in improving the health of women and the entire population.

Infant mortality rate reduced from 81 in 2000 to 54 in 2015; maternal mortality rate reduced from 505 in 2000 to 336 in 2019 though still very high; total fertility rate drastically reduced from 6.9 in 2000 to 5.4 in 2019, deliveries in health facilities increased from 37% in 2000 to 73% in 2015 and the use of contraceptive methods by married women doubled over the period 1995 to 2011 from 15% to 35%. Teenage pregnancy and motherhood is still exceptionally high at 25% (UDHS 2016) and this has far reaching implications to the lives of child mothers and that of their children.

Government has prioritised delivery of the Uganda Minimum Health Care Package (UMHCP) through health promotion, disease prevention and community health initiatives in order to prevent and control communicable and non-communicable diseases (NCDs). Social mobilisations using different media channels including community engagements are carried out to increase community awareness on PMCT, fistula, viral load suppression and safe male circumcision. Other issues communicated during mobilisation are hygiene and sanitation issues, nutrition, maternal health, sexual and gender-based violence and family planning.

The elimination of Mother to Child Transmission (e- MTCT) response has been fostered through concerted Government and Partners' efforts. National e-MTCT programming under the championship of the Hon. First Lady has continued with campaigns to promote PMTCT. During FY 2018/19, over 80% of the facilities conducted birth cohort monitoring and follow- up of infants. Mother- baby care points were rolled out countrywide to optimize tracking, retention, follow-up and adherence. Safe male circumcision and male involvement have remained a core prevention intervention.

Government has adopted a test and treat approach for all HIV positive people including positive children. There is an increase in the number of sites providing ART for children. A curriculum on paediatric HCT has been developed with support from PEPFAR and training of trainers on Paediatric000000 ART care is done continuously.

The reported investment in sanitation for FY2019/20 was UGX 13.26 billion. This investment level represented the highest recorded in the last five years (ranging from UGX 9.86 billion in FY 2018/19 to UGX 12.53 billion in FY 2017/18) and a significant indicator of the importance of growing need to address the sanitation access gap. There was an improvement of the districts that use an improved water source from 36% in FY 2018/19 to 64% in FY 2019/20. This, therefore, means that a higher number of Ugandans are using an improved water source. During the FY 2019/20, out of the 57,150

(excluding Kampala Capital City) villages, 38,785 (68%) had a safe water source as compared to 38,183 (66%) out of 57,585 villages in FY 2018/19. This indicates a 2% increase in the number of villages having at least one improved water source between FY 2018/19 and FY 2019/20.

There was a slight increase in the percentage of households that use VIP latrines from six percent in 2012/13 to eight percent in 2016/17 and the proportion of households without any type of toilet facility declined from 10 percent in 2012/2013 to seven percent in 2016/2017. Overall, 78% of households in Uganda have access to improved sources of drinking water. There was an increase in the percentage of households using improved sources from 68 percent in 2012/13 to 78 percent in 2016/17.

Child Sacrifice

Cf Concluding observation 34

The MGLSD undertook a rapid assessment of child sacrifice in Uganda in 2009 to probe the causes, extent and solutions to the phenomenon. It found that there is low reporting of child ritual murder cases to the police by the public. Nonetheless, some cases of child sacrifice are still being reported to the police. In 2008, the Police Annual Crime Report found that child sacrifice cases had increased by 800% from 3 cases reported in 2007, to 25 cases reported and investigated in 2008. The Uganda Police Annual Crime Report of 2014 indicated that incidents of suspected ritual murders increased from 12 cases in 2013 to 13 cases in 2014. It is believed that many more cases of child rituals and murders go unreported. In 2016, the Children (Amendment) Act outlawed all rituals that result in child sacrifice.

In 2008, an Anti-Child Sacrifice/Human Trafficking Task Force was established under the Uganda Police Force. Its mandate extends to combating ritual murders, investigating and prosecuting cases, in addition to sensitising the public. 2000 police officers were trained as first responders to ritual murders and human trafficking. Government developed a National Action Plan against Child Sacrifice in 2011.

The Penal Code prohibits murder of all persons including children and is being used to prosecute persons involved in child sacrifice. The investigation and prosecution of cases relating to child rituals and murders has increased, leading to convictions. The High Court has issued over 20 convictions in cases relating to child sacrifice from 2010 to 2014. The establishment of the national child helpline 116 is also meant to facilitate the reporting of such cases to the concerned authorities.

Further, government is undertaking sensitisation campaigns through the schools child rights clubs to educate children on safety measures. Civil society organisations have buttressed the efforts of government in developing simplified material for dissemination of cautionary messages to children. In some cases of survivors of mutilations, NGOs offer reconstructive surgery and psychosocial support. Both state and private media have raised awareness and debate on this harmful practice, leading to its wide condemnation and to debates and information sharing by the public including children.

Respect for the views of the child

Cf Concluding observation 36

The Children Cap 59 (as amended) 2016 recognises the rights of a child to express his or her views, belief and opinion on any matter that affects his or her wellbeing. The National Child Participation Strategy 2017/18- 2021/22 seeks to encourage approaches that will entrench the constitutional right of the child to participation. It addresses the societal power relations that skew dynamics against appreciating children's voices and views at all levels.

The Strategy values children as stakeholders in the home and community, giving them a visible role in articulating the issues that concern them and enhancing their voices and perspectives. Among the expected outcomes is that children's priorities will be reflected in policies, plans of action, budgets, programmes and services that affect them. Through this strategy, government has undertaken to mainstream child friendly structures, tools and approaches for imparting and receiving information to/from children from the national to subnational level.

4. Civil rights and freedoms

Nationality

The law reinforces the right of every child to a name and nationality. The Children's Act Cap 59 was amended in 2016 to specifically integrate the right to be registered at birth and to a name and nationality. The right to a nationality and to be identified as a national of Uganda attaches many rights to the child. Such benefits can extend to proof of age and identity especially in socio-legal processes, access to social services and protection from violations.

Identification

The process of providing children with identification cards commenced with children in school, in 2017. The exercise aims to register 10 million learners in primary and secondary schools and post primary technical institutions. The National Identification Registration Authority (NIRA) has established special measures to register children in hard to reach areas through the District Information Technology Officers.

Birth registration

Cf Concluding observation 38

The Registration of Persons Act (2015) requires a child to be registered by a parent, guardian or caretaker immediately after the date of birth or finding of a child whose parenthood cannot be established. A Ugandan child or alien child is assigned a national identification number upon birth or after being found, after the procedural requirements have been followed as prescribed by the law. Under the law, registration of every birth in Uganda is free and compulsory even though there is a fee for processing the birth certificate. Children without parents can obtain registration through the help of guardians and caretakers.

The Registration of Persons Act 2015 established and mandated the National Identification Registration Authority (NIRA) to register all persons in the country for purposes of issuance of National Identification Numbers for citizens and Alien Identification Numbers for aliens. Since inception, NIRA has continued to improve birth registration service delivery in the country through developing, printing and disseminating Information, Education and Communication (IEC) materials that detail the importance, requirements and service points for birth registration.

Electronic and mobile registration have been adopted at various registration points in order to ease, de-concentrate and intensify registration of children. The Mobile Vital Record System (MVRS) utilised by NIRA relied on a web based online registration platform to register births in 135 hospitals and 85 districts by 2017. The registration of children under five years rose from 30% in 2011 to 60% in 2016. Following the roll out of the MVRS to private hospitals, the Birth Registration (notification) rate for under 5 years improved from 35% (target) to 69% (performance) in FY 2017/18 against a target of 65% in 2021. The increased Birth notification rate was due to the scale up of the MVRS to 85 district local governments in 2017.

To further strengthen Justice for Children (J4C), during FY 2018/19, NIRA conducted mobile birth and death registration services in nine districts, where a total of 33,115 births were registered. NIRA prioritized registering the backlog of notifications in the Mobile Vital Records System (MVRS) which was developed with support from UNICEF. The system has been upgraded to include modules on registration of births and deaths.

There were 19 million children (555) out of 34.6 million children in 2014. Birth registration is on the rise due to government's innovation and use of technology to ease the process of registration. The registration of children under five years rose from 30% in 2011 to 60% in 2017. Measures to increase birth registration have utilised electronic and mobile registration at various registration points in order to ease, de-concentrate and intensify registration of children. The Mobile Vital Record System utilised by NIRA relied on a web based online registration platform to register births in 135 hospitals and 85 districts. Mothers are registering at the point of delivery in hospital or when they take children for immunisation. Births of children in hospital are registered and birth notifications issued immediately. Private hospitals are increasingly filing returns on births and deaths.

27% of births of children occur outside the hospital and NIRA has focused on increasing the registration uptake at this level. Births occurring outside health facilities are notified on non-online registration platforms utilising SIM card notifications by mobile phone from registration agents based at the community level. Despite this, challenges are evidenced in the communities that do not appreciate the need to register children.

However, not as much success has been achieved in birth certificate acquisition; only 11% children had birth certificates according to the UNHS 2016/17, and the proportion of persons possessing birth certificates in urban areas was nearly twice that in rural areas (15% and 9% respectively). Low possession of birth certificates is attributable in part to parents' inability to afford the fee of Uganda shillings 25,000 to process the certificate of birth, low appreciation of the benefits of having the certificate, as well as lack of knowledge of the procedural requirements. The distances involved in registration also act as a deterrent and some guardians are reluctant to execute their responsibility to register orphans and other vulnerable children.

In line with SDG 16, the National Disability Inclusive Planning Guidelines for Uganda 2017 have set an indicator target relating to the percentage of children under 5 whose births have been registered with a civil authority, disaggregated for children with or without disabilities.

Birth registration is considered every child's 'first right', as enshrined in both the UN Convention on the Rights of the Child as well as the African Charter on the Rights and Welfare of the Child. In addition, Article 18 of the 1995 Constitution of the Republic of Uganda stipulates that the State shall register all births and deaths occurring in the country. Registering a birth and issuing a Birth Certificate protects the human rights of the child by giving them the first official and legal identity of their own and a legal relationship with the parents as well as establishing citizenship and nationality.

The Children (Amendment) Act 2016 states that every child shall have a right to be registered after birth, and a right to a name and nationality. This accords the child the full rights of citizenship; clear identification and social belonging; and the benefits that accrue from proof of age in legal processes, access to education and other social services.

Freedom of expression

The rights to freedom of expression, association, thought, conscience and religion are guaranteed in Article 29 of the Uganda Constitution, 1995. The Children Act Cap 59 (as amended) 2016 expanded the rights of children in Uganda to include their right to non-discrimination, access to information and freedom to express opinion and beliefs. Section 4 of the Children (Amendment) Act 2016 further enshrines the child's right to freely express his or her views in any matter that affects his or her well-being.

In many communities and sectors of society, the idea of children's civil rights is still resisted due to conservatism and fear of cultural influences from foreign traditions. The MGLSD, Ministry of Education and Sports (MoES) as well as the probation officers and community development officers and NGOs have undertaken sustained efforts to educate communities and the public on the rights of the child.

The use of school Child Rights Clubs has gained wide acceptance. They provide a forum for children to exercise and express their civil rights. The Clubs are also serving as anti-violence clubs. Through interactions in clubs, children are learning more substantively about the content and range of their rights and how to exercise them in a responsible manner. Government and NGOs are also working with the child rights clubs to disseminate information on how children can protect themselves from abuse and exploitation. Debates, quizzes, talks and games are organised on topical issues, helping children to share, impart and disseminate information and opinions. Sometimes clubs work with parents, teachers and communities to promote the rights of children. However not all child rights clubs are active and there are regional variations in the level of activity and engagement.

The right of children to seek and impart information on current issues of concern to them has benefitted from technological innovations. The U-Report initiative launched by UNICEF in 2011 allows children and youth with mobile phones to participate in giving opinions on issues pertinent to them and their concerns are relayed to government stakeholders, including members of parliament and other government agencies. Out of 377,506 U-Reports, 5% (18,875) fall in the bracket of 15-19 years.

Right to Privacy

The Constitution of Uganda, 1995 and the Children (Amendment) Act 2016 guarantee the right to privacy. Children have a right to privacy at all times and particularly when involved in public processes as it is in their best interest to be shielded from unwarranted scrutiny. The Children Act Cap 59 (as amended) 2016 requires the privacy of children to be respected particularly in court proceedings involving children, to avoid causing harm to a child through the publishing of their identity. It is criminal to publish the names, location or image of a child. Despite these provisions, some children are tried in open court and there have been instances where the media reveals the identity of children in court as victims or witnesses or even perpetrators, contrary to the law.

Access to information

Age appropriate information material for children is provided by government, development partners, NGOs and the media. The MGLSD currently funds fourteen Public libraries nationwide that provide children a chance to obtain reading and informational material.

Children's access to online information has increased their scope of knowledge and ability to read and interact with other children on social issues. Nonetheless, this carries associated risks of accessing material that could be harmful to a child's well-being. The National Information Technology Authority is creating awareness on child online safety and has developed the National Information Security Strategy addressing security challenges for children seeking or sharing information online.

Corporal punishment

Cf Concluding observation 40

In 2006, the Ministry of Education and Sports banned corporal punishment in schools and disseminated a Handbook on 'Alternatives to Corporal Punishment' to raise awareness on the ban. Corporal punishment was abolished for all persons under the Penal code (Amendment) Act 8 (2007) and prohibited for children specifically under the Children (Amendment) Act 2016). Unfortunately, there remain pockets of teachers who administer corporal punishment as a form of disciplining children or pushing them to work harder. Probation officers and community development officers are sensitising schools and teachers association to divert them away from this harmful practice and in some instances, referring deviations to the law enforcement agencies.

The Ministry of Education and Sports is taking measures to implement the ban on corporal punishment in schools, as well as implementing the Strategic Plan on Violence against Children in Schools. However, supervision by district education officers to ensure violence free school environments is hampered by lack of capacity and resources.

5. Violence against children

Cf Concluding observation 45

Legal framework

The Children Act Cap 59 (as amended) 2016 specifically addressed the issue of violence against children providing the right to legal protection of children from all forms of violence including sexual abuse and exploitation. The law has prohibited some of the more prevalent acts of violence including child sacrifice, child labour, child marriage, child trafficking, institutional abuse, female genital mutilation and other forms of physical or emotional abuse.

Government has taken strides to deal with the many forms of violence against children at a legislative and institutional level. In the last decade alone, several laws have come up to criminalise such forms of violence. These including the Domestic Violence Act (2010), the Penal Code Amendment Act (2007), the Employment Act (2006), the Prevention of Trafficking in Persons Act (2009), the Prohibition of Female Genital Mutilation Act (2010).

Prevalent forms of violence

Violence against children in Uganda is rampant and many children have reported at least one form of abuse or act of violence. Violence against children mostly persists due to harmful societal or cultural practices that result in physical, mental and emotional harm. A national survey on Violence in Uganda was conducted in 2015 that revealed the prevalence of emotional, physical violence against children in Uganda.

Findings from the 2016/17 UDHS indicated that 44% girls and 59% boys aged 13-17 years had experienced physical violence in the last year, of whom 63% girls and 57% boys aged 13-17 years had told someone (usually a relative) about the violence.

The Uganda Constitution, 1995 expressly states that; 'no person shall be subjected to any form of torture or cruel, inhuman or degrading treatment or punishment.' The Prevention and Prohibition of Torture Act, 2012 prohibits acts of torture carried out in official or private capacity. Torture of a child can lead to a sentence to life imprisonment.¹ This is further augmented by the Children Amendment) Act 2016 that prohibits any employment of children that can be deemed torturous or abusive in any way.

The Government of Uganda, which became one of the earliest Pathfinders in 2016, launched its first Violence Against Children Survey (VACS) in 2018 with support from the U.S. Centres for Disease Control (CDC) and Together for Girls. The survey report, an important milestone in the Pathfinding process led by the Ugandan Ministry of Gender, Labour and Social Development, broke down the context, prevalence and consequences of violence against Uganda's approximately 23 million children and youth. Throughout 2019, these results informed the development of Uganda's National Action Plan for Ending Violence Against Children (2020) and other critical strategies, such as a new multi-sectoral framework focusing specifically on violence against young women that addresses past bottlenecks and outlines the government's commitment to address these concerns going forward.

¹ Prevention and Prohibition of Torture Act of Uganda, sections 2,3,4 & 5.

Uganda also co-hosted the first INSPIRE Implementation Jamboree in June 2019 alongside End Violence, WHO and partners. The Jamboree brought together 150 leaders and experts from over 18 countries to discuss solutions and share lessons on ending violence against children, and was recognised as a pivotal moment for Uganda and the region.

Government with support from partners, notably UNICEF has also made significant advancements in building a robust child protection model with capacity to address online Child Sexual Exploitation and Abuse (CSEA) with several pieces of this work financially supported by the Safe Online window of the UNICEF Fund. In 2018, Government also endorsed the Safe to Learn Call to Action as part of its commitment to end violence in and through schools, and participated in the End Violence Lab's Leadership Development Programme. There is increasing public awareness on the vice of torture and, therefore, reporting of such cases in the media and to the Police and Local Councils in charge of protecting children.

The Children (Amendment) Act, 2016 also provides for provision of protective services which include a child helpline facility. A National Child Helpline (Sauti 116) was established by the MGLSD in 2014. It uses a toll-free emergency number (116) that children or adults can use to report situations of violence against Children and abuse. It has been instrumental in facilitating the reporting of cases of child abuse by victims and community members. The Children (Amendment) Act, 2016 requires all adults who witness child abuse to report it to the appropriate authorities. Reporting of any act witnessed by a teacher, local councillor at Local Council I, a medical practitioner or social worker is mandatory under the Children Amendment Act Cap 59 (as amended) 2016.

With support from UNICEF in 2019, the UCHL system was upgraded. The new system will allow callers to not only contact UCHL through phone calls but also through SMS, Chat and web online forms. Through the system, UCHL will also be able to switch from GSM (use of sim cards) technology to E1 (cables run to national call center from telecoms). The National Child Helpline call centre is operated and run by the MGLSD in partnership with UNICEF, and Civil Society Organizations. By 2019, 127 districts had been sensitised on the national child helpline and children, men and women are utilising it. Most of the calls are received from the central region and child neglect tops the list of cases, followed by sexual and physical abuse. UCHL provides a series of services including: telephone response to cases of Violence against Children (VAC) through the toll-free number 116, management of cases reported through; various media platforms, U-report and Walk-in clients, follow-up of cases of Online Child Sexual abuse and community awareness raising campaigns in schools, communities, on radio and television.

In 2019, these calls eventually translated into 219,202 calls registering 4,574 cases of VAC, and Child callers increased from 3.2% in 2018 to an average of 12% in 2019 of the calls received by 116. In 2018, UCHL registered 4,052 cases of VAC recorded from 213,667 calls. In 2017, 201,153 calls were made, of which 2,844 were related to child abuse. In 2016, a total of 238,629 calls were made, of which 2,251 were made by children, who reported 294 of the 2,878 cases of abuse. In 2015, 239,420 calls were made through the Helpline. 0.85% or 2,029 children utilised the help line to report cases of abuse. Overall, 3,008 cases of abuse were reported, of which 1,609 were referred to the Justice System and Probation and Social Welfare Officers.

In 2014, 338,052 calls were made to the child helpline resulting in the identification of 3,820 cases of abuse, of which 2,180 (57%) were closed while 1,305 (34%) on-going with incomplete cases being 335 (9%). In addition, U-report recorded 2,576 cases reported, many of which involved child abuse. The effective follow up of cases is constrained by lack of adequate resources to handle each case as well as barriers to accessing justice due to various bottlenecks in the justice system as well as the mind set of those who report aiming to gain from the situation of abuse.

Sexual Violence

The incidence of sexual violence against children is high and defilement is on the increase; in 2014, it was the top leading crime.² 12,077 cases were investigated in 2014 compared to 9,598 cases in 2013, an increase of 25.8%, as against 8,076 cases in 2012. 35% females and 17% males experienced sexual violence before attaining the age of 18 in 2015. In terms of physical violence, in 2015, males experienced more violence than girls at the rate of 65:59 respectively. Most acts of sexual violence experienced by girls occur in the private arena i.e homes of the girls or the perpetrators, at 35% and 18% respectively and in schools, 19%. Sexual violence against boys occurs mostly in schools at an incidence of 31% and in their homes and perpetrators' homes at rates of 22% and 11% respectively. The perpetrators tend to be friends, neighbours, teachers, classmates, authority figures and family members.

Beyond the immediate trauma of sexual violence, children suffer medium to long-term physical, psychological health complications. These include sexually transmitted infections, HIV and childhood pregnancies; leading to maternal and child mortality among others. However, due to their vulnerability, reportage and help-seeking behaviour in children is low.

Violence in schools

As highlighted above, violence against children in schools is a challenge. A study by the Ministry of Education and Sports conducted in 2012 in 50 schools found that despite the existence of various initiatives, guidelines, measures, laws and policies against violence, schools could not guarantee the safety of learners, raising the risks of physical, emotional or sexual abuse.³ 81% of 10-18 year olds have suffered violence in school, with teachers perpetrating the violence 68% of the time.

Trafficking in children

Trafficking of children is on the rise by unscrupulous individuals and cartels that lure children with promises of care, better standards of living, education and financial gain. The Justice, Law and Order Sector Annual Report 2015/16 indicates that 187 children were trafficked in 2013, 220 in 2014 and 261 in 2015. Children are picked from their villages of origin by intermediaries, guardians and family members who use them as sources of forced or cheap labour, prostitution and even organised crime, in circumstances akin to slavery. In 2013, 37 children reported having been trafficked internally and suffered child marriage and other forms of exploitation, while 25 children suffered similar fate transnationally.⁴ The Ministry of Internal Affairs has also identified instances of fraudulent adoptions tied to illegal children's homes and orphanages that use children for farm labour.

Uganda is making efforts to identify victims of trafficking and in 2015 began implementing standard procedures to identify child victims. There are agreements and arrangements to allow for repatriation of victims through specially provided travel documents and regularising residence in the host country for victims of trafficking if it is deemed that the victim shall suffer adversely if repatriated. These however, mostly do not apply to children.

² Uganda Police Annual Crime Report 2014

³ Ministry of Education (2012) Assessing Child Protection, Safety & Security Issues for Children in Ugandan Primary and Secondary Schools.

⁴ Ministry of Internal Affairs 'Annual Report on the Trend of Trafficking In Persons In Uganda 2013' The Coordination Office to Combat Trafficking in Persons, 2014

Uganda is a source, transit, and destination country for trafficked children. Children are trafficked into Uganda from as far as South Sudan and the Democratic Republic of Congo for work in the trade, fishing and agriculture industry. Uganda is also a transit country and in 2013, eight children were registered as victims of trafficking. In some instances, the police provide temporary shelter for a few victims in partnership with the International Organisation for Migration (IOM) and NGOs working with children. In 2013, 20 trafficked children were repatriated and over 65 criminals involved in the trafficking were prosecuted, resulting in just 4 convictions. There is unfortunately, no systemized response to assisting victims, but IOM is working to provide financial and psychosocial support and re-integration packages to victims of trafficking.

When trafficked children escape from their exploiters, many turn to plying the streets. The Eastern and Central region in particular have experienced a marked influx of children on the streets, with some of turning to crime for survival, rendering them more vulnerable. Despite the adoption of a National Street Children Strategy, its implementation by the Local Governments is yet to register the desired results of reintegrating children into their communities of origin.

Harmful practices

In 2010, Uganda ratified the Protocol to the African Charter on Human and People's rights on the Rights of Women in Africa, which prohibits harmful practices by member states. The Children (Amendment) Act 2016 legislated against harmful customary or cultural practices and activities that hamper a child's education and social development.

Female genital mutilation

Cf Concluding observation 56

Uganda is working towards implementing Sustainable Development Goal 5 on Gender Equality and target 5.3 that seeks to eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation (FGM). Female Genital Mutilation/Cutting (FGM/C) in Uganda is mainly practiced by particular ethnic groupings. These include the Sabinu in Kapchorwa and Bukwo, districts, the Pokot, Tepeth, and Kadama in Nakapiripirit, Amudat and Moroto districts within the Karamoja sub-region and migrant communities in other parts of the country. In 2016, a study conducted in 5 districts in north-eastern Uganda where FGM is prevalent revealed that 27% females surveyed had been circumcised and for females aged 15- 24 years, the incidence was 8% compared to those aged 45 years and above at 68%.⁵

Government is fully committed to combating FGM using a multi-pronged approach from a penal, programmatic and educational approach. In addition to passing the Anti FGM Act (2010) prohibiting the practice, sensitisation of communities on the harmful practice of Female Genital Mutilation is on-going. Government uses drama groups with anti-FGM messages to reach communities. It also provided dignity kits and sanitary towels to 50 FGM survivors. In the 3 districts where FGM is prevalent, 95 health workers were trained on FGM laws and 180 local government officials sensitised on the UN Resolution on FGM as it relates to violence against children.

The UDHS (2016) indicates that national prevalence is 0.3%, a decrease from 1.4% in 2011 (UDHS 2011). This makes Uganda one of the few Countries in Africa to progressively reduce the prevalence rate to 0.3% and as a result Uganda is now ranked in tier 3 of Countries that have over years invested and registered a reduction in FGM/C through law enforcement and community mobilization efforts

⁵ Uganda Bureau of Statistics 'Female Genital Mutilation/Cutting Survey Report, 2017

on the effects of FGM. There has been a positive shift in the mindset regarding FGM and over 95% people in practicing districts now believe FGM should be discontinued (UBOS FGM survey 2017).

The practice of FGM/C is recognised as a violation of the human rights of girls and women as enshrined in various international treaties and conventions. Uganda adopted the United Nations General Assembly Resolution: A/RES/67/146 ON, “intensifying global efforts for the elimination of Female Genital Mutilations”. Other key international and regional instruments that Uganda has ratified and regularly reports on are; the Convention on Elimination of all Forms of Discrimination Against Women (CEDAW) and the Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa (Maputo Protocol).

Uganda has domesticated the above international and regional instruments through the Prohibition of Female Genital Mutilation Act (2010) and its Regulations (2013) as well as the Domestic Violence Act (2010) and its Regulations (2011). Other relevant frameworks include the Uganda Gender Policy (2007) under review and the National Policy on Elimination of Gender Based Violence (2016) and its attendant Action Plan, 2016. It is the overall framework for addressing Gender Based Violence with three priority areas namely; prevention, response and ending impunity. The Policy addresses all forms of violence including Female Genital Mutilation. Further the Penal Code Act and the Children (Amendment) Act, 2016 protect children from violence and harmful practices including FGM/C.

According to UBOS FGM Survey report, 2017, community sensitization and community surveillance activities focusing on the provisions in the FGM Act, 2010 and its Regulations (2013) have been conducted targeting majority of the community members in the practising districts. Women constitute the highest number of community members sensitized at 84% with the highest in Nakapiripirit (74%). According to UBOS FMG survey report, 2017, it was indicative that 97% of women that had ever heard about the law stated that FGM/C is illegal with the highest proportion being among the married women (85%). Several approaches have been utilised in creating awareness such as community dialogues, community out reaches, community policing, community informants and community surveillance conducted by Uganda Police Force. Community awareness on FGM/C has been strengthened through Commemoration of National and International advocacy days such as the International FGM Zero Tolerance Day, the 16 Days of Activism Campaign against GBV and the local Cultural Days which include Pokot, Tepeth and Sabiny Cultural Days. These provide a forum for increasing sensitization and soliciting for political commitment for FGM/C abandonment.

Despite the achievements, the end of the year 2018 and the beginning of the year 2019 witnessed an escalating number of women undergoing Female Genital Mutilation with new trends of adult women undergoing cutting voluntarily. The Government has strengthened community policing and surveillance activities within FGM/C hot spots in the practicing districts. And established a coordination mechanism for FGM at national, regional and district levels. Alliance meetings offer a platform to share good practices, identify emerging challenges and devise strategies for addressing them.

Child marriage

Child marriage is the most significant driver of teenage pregnancy in Uganda. About 90percent of adolescent pregnancies occur to girls who are married before 18 years and who have little or no say in decisions about when or whether to become pregnant.

Child marriage in Uganda can be attributed in part to harmful social norms that result in parents and communities marrying off underage children despite the Constitution stating that the right to marry and found a family is endowed on persons above 18 years of age. The Children (Amendment) Act 2016 forbids child marriage. Child marriage is a form of violence in that it often occurs under coercive elements driven by poverty, desire for bride wealth and other considerations that are not in the best interests of the child. There is also a tendency for some parents of defiled girls to marry them off to the offender rather than let the law take its course.

In 2015, Uganda developed the Strategy to End Child Marriage and Teenage Pregnancy 2014/2015 – 2019/2020. It focuses on generating data to understand the magnitude of the issue and changing communities' mind sets and behaviour to influence social norm-changes. In 2015, the MGLSD undertook a situational analysis on the practice of child marriage.⁶ The study found that in the nine regions of Uganda, the practice of child marriage affects over 60% of the young girls; of which 15% are married by age of 15 and 49% by the age of 18 years. According to 2016 UDHS, 40.4 percent of women between the ages of 20 and 49 years reported having been married before their 18th birthday and 12 percent before they are 15 years. However, there is under-reporting of child marriage cases due to the connivance of all the parties involved, making it difficult to collect data.

Government through the Gender in Education Policy (2017) provides for re-entry of girls who have been victims of teenage pregnancy and child marriages into school and the National Population Policy (2008) recognizes the harmful practices that drive girls into early marriages and the need to address them.

Cybercrime and child pornography

The Anti-Pornography Act 2014 creates stiff penalties for depicting children in pornographic images or content and publishing, importing or exporting as well as trafficking such content. The Children (Amendment) Act expands on the definition of child pornography and adds the element of information technology in the dissemination of the pornographic content. Reports from former child commercial sex workers indicate that the Internet is used as a medium for commercial transactions whereby adults solicit children using phones and social media to exchange sexual images of children. These transactions sometimes are disseminated online without the children's knowledge, under coercive or exploitative circumstances.⁷

Commercial Sexual exploitation of children

There is a growing body of laws to combat commercial sexual exploitation of children. The Sexual Offences Bill 2016 criminalises child prostitution and child pornography specifically. Section 28 makes it an offence to create and distribute material depicting children involved in sexual acts. Section 29 criminalises child prostitution, punishable by up to 10 years and Section 30 criminalises child pornography, punishable by six years. The Children (Amendment) Act 2016 criminalises sexual exploitation and abuse.

6 MGLSD 'Ending Child Marriage And Teenage Pregnancy In Uganda: A Formative Research to Guide the Implementation of the National Strategy on Ending Child Marriage and Teenage Pregnancy in Uganda' 2015

7 Centre for Justice and Crime Prevention 'Uganda Child Online Protection Scoping Study' 2016

Institutional responses to violence against children

Cf concluding observation 44

Child responsive units in the Justice, Law and Order Sector

The justice law and order sector institutions are investigating and prosecuting cases of violence as a means of combating violence and impunity. The Judiciary has adopted child friendly procedures and developed a manual for judicial officers on how to handle cases of children who access the court system as victims, witnesses and those in conflict with the law. Similarly, the Children, Gender and Sexual Offences Department of the Directorate of Public Prosecutions established in 2015 has made strides in emphasising and practicing child-friendly approaches for victims and witnesses involved in cases of sexual violence. In 2015, the Directorate published the handbook: "Prosecuting child-related cases in Uganda: A Handbook for Directorate of Public Prosecutions" to enable state attorneys and prosecutors to investigate and prosecute child-related cases based along their best interests and development and survival rights.

Furthermore, the Police in 2013 established the Gender Based Violence and Sexual related Offences against Children Department in addition to the Child and Family Protection Unit that has been in existence.

Local Council Authorities are required to protect children who are under threat or risk of potential harm. At the local council 1 and 2 levels, lack of elected councillors has led to the creation of alternative structures of child protection committees. Child protection committees are working with development partners and NGOs to establish them at village and parish levels. Community members are constituting themselves into child protection committees that monitor and report cases of child abuse and neglect and raise awareness on child friendly justice systems. This is supporting the work of the Probation and Social Welfare officers and community development officers who have the mandate to protect vulnerable children at the community level. These efforts are limited by human resource constraints that limit supervision, including for example the existence of only one probation officer per district and lack of awareness at the community level of their roles in reporting violence against children. Government intends to strengthen the mandate of the Probation Officers and proposals have been approved for 2 Probation Offices at district level and one Probation Officer in every municipality.

Increasing reporting of violence

The Children (Amendment) Act 2016 requires all adults who witness child abuse to report it to the appropriate authorities. Reporting of any act witnessed by a teacher, local councillor at Level 1, a medical practitioner or social worker is mandatory under the Children Amendment Act Cap 59 (as amended) 2016. A national Child Helpline was established by MGLSD since 2014. It is a toll free emergency number (116) that children or adults can use to report situations of violence against children and abuse. It has facilitated the reporting of cases of child abuse by victims and community members. The 2015 Child Helpline Report rated 25% of the calls by strangers reporting on sexual violence and 17% reporting physical abuse at 17% by family members.

The National Child Helpline call centres are operated by the MGLSD in partnership with UNICEF, and Civil Society Organizations. 115 districts have been sensitised on the national helplines and children, men and women are utilising them. Most of the calls are made from the central region and child neglect tops the list of cases, followed by sexual and physical abuse. In 2017, 201,153 calls

were made, of which 2844 related to child abuse. In 2016, a total of 238,629 calls were made, of which 2,251 were made by children, who reported 294 of the 2878 cases of abuse. In 2015, 239,420 calls were made through the Helpline. 0.85% or 2,029 children utilised the help line to report cases of abuse. Overall, 3008 cases of abuse were reported, of which 1609 were referred to the justice system and probation officers.⁸ In 2014, 338,052 calls were made to the child helpline resulting in the identification of 3,820 cases of abuse, of which 241 cases were referred to the justice system.⁹

In addition, U-report recorded 2576 cases reported, many of which involved child abuse. This activism by and on behalf of children using the helpline has enabled the reporting of 3,502 cases of child abuse for follow up by 2015, of which 2,106 were handled and concluded while 1,187 were deferred for further investigation by the courts, police, probation officers and local council authorities. The effective follow up of cases is constrained by lack of adequate resources to handle each case as well as barriers to accessing justice due to various bottlenecks in the justice system.

Justice for children

The Justice, Law and Order Secretariat established a Justice for Children Programme in 2011 that currently operates in the High Court circuits in 54 districts. This programme mainstreams combating violence against children into the planning, implementation and monitoring frameworks of law enforcement agents. Coordinators are deployed at district level to work with government agencies such as the police, probation and social welfare officers, state attorneys and family and children courts to ensure that children at risk of violence or who have suffered violence are protected through legal and social measures.

Children face challenges in obtaining parental care and support, resulting in denial of maintenance and neglect. Under the Domestic Violence Act, 2010, economic abuse extends to failure to realise the provision of economic and financial resources to which the victim is entitled to by law, including denial of household necessities for child victims. Denial of child maintenance is on the rise; 18% of the cases handled by the Uganda Human Rights Tribunal in 2016 related to lack of child maintenance, while in 2014 the figure was 14.4%, down from 17.1% in 2012. The JLOS Annual report 2015/16 indicates that the sector handled 11,519 cases of child neglect in 2013, 11,791 in 2014 and 11,921 in 2015. Child maintenance denial results in denial of other rights such as education, medical care, and shelter, leading to increased vulnerability in children and affecting their welfare and development rights

The Justice, Law and Order Strategic Development Plan 2017-2021 emphasises the need to strengthen systems that will provide child friendly services, effective child justice duty bearers and institutions and to ensure the speedy disposal of child related cases at all levels of the justice chain. There was an increase in service points offering child friendly services as the justice for children agenda is mainstreamed in the JLOS Sector from 52% to 60%. This is in line with the shared view that priority should be placed on community based reintegration for children in contact with the law.

According to JLOS FY 2017/18 Annual report, a total of 790 custodial and 1,664 non-custodial sentences were issued out of 2,454 juveniles sentenced. This was due to the continued sensitization, advocacy and engagement with stakeholders on child rights. All regions in the country had more juveniles receiving non-custodial sentences as opposed to custodial sentences except for Gulu where 76 juveniles received custodial sentences and 47 received non-custodial sentences, Moroto where 34 juveniles received custodial sentences and 25 received non-custodial sentences.

⁸ The Child Helpline Service Annual Report 2015

⁹ The Child Helpline Service Annual Report 2014

Justice, Law and Order Sector, in partnership with other stakeholders, continued to advocate for the implementation of the diversion program. A total of 5,040 divertible cases of child offenders were received, of which 3,843 were diverted, hence a national diversion rate of 76.3% as compared to the 75% rate registered in FY 2016/17. According to JLOS FY 2018/19 Annual report, a diversion rate of 76.2% which was 95.3% performance against the 2021 target was recorded. During FY 2019/20, JLOS registered a 75.1% diversion rate which is 91% performance against the 2021 target in promoting justice for children and the number of service points within the Sector offering child friendly services stood at 72%. The increase is attributed to the increase in JLOS service points offering child friendly services as well as community sensitisation programmes. Child friendly services include; hearing cases involving juveniles in chambers, support to social workers to offer counselling services, tracing parents for children in conflict with the law or in need of care and protection, diversion of juvenile offenders and facilitation to child friendly lawyers to represent the children in courts of law.

The approval and launch of the Children Diversion Guidelines for Police Officers, 2019 was a boost to access justice to children in contact with the law. The Guidelines are aimed at supporting the Uganda Police Force to protect and preserve the rights of children by ensuring that juveniles are diverted from the formal justice system.

School based initiatives

With the introduction of Universal Primary and Secondary Education programme, more children are able to attend school. Consequently, government has designed various school-based strategies to combat violence against children. The National Strategic Plan on Violence Against children in Schools (2015-2020) emphasises government's zero tolerance policy to violence against children in schools. Children's Rights school clubs serve as hubs for anti-violence interventions and measures, focusing on the building of life skills around factors that predispose children to greater risk of violence and abuse. A National Inter-Sectoral Committee on Violence Against Children in Schools was established in 2012 to combat violence against children and in 2014, government issued the Reporting, Tracking, Referral and Response Guidelines On Violence against Children in Schools to guide school administrators on the required measures to combat the violence.

Increasing online security

The Computer Misuse Act 2011 criminalises child pornography, cyber stalking and electronic communication with the intent to disturb the peace, quiet or right of privacy of any child. The National Information Technology Authority (NITA) and the Internet Society of Uganda are disseminating the Online Safety Educational Toolkit that helps children to recognise potential risks online and offline and to prevent and address intrusions or victimisation caused by online activities. The Kit provides children with information on where to report incidences of child online sexual abuse and how to seek assistance.

The Pornography Control Committee was established in 2017 to monitor adherence to the law against pornography. The Uganda Computer Emergency Response Team of the Uganda Communication Commission also works on issues of child online abuse. The challenge is that this information is not widely known by children, who may fear to report these kinds of cases or lack telephones to call these cases on 116 (Child Helpline). There is a multi-sectoral working group promoting Child Online Protection that educates children and other users on how to engage the Internet responsibly. The MGLSD is taking this message to schools and educational institutions. NITA has put in place a child sexual abuse reporting page although there is insufficient awareness on the portal and its usage.

Sectoral strategies for combating trafficking in children and sexual exploitation of children

Vulnerable young persons who are illegally taken abroad for labour purposes are increasingly reporting forms of abuse and violence with little to no protections in their host countries. Children trafficked internally also obtain work as unskilled labourers with few social and legal protections. The MGLSD has increased its vigilance over licensed and unlicensed recruitment companies and individuals that recruit children to work abroad. The MGLSD has been regulating and licencing recruitment firms, although it lacks adequate verification mechanisms. By 2013, 31 recruitment companies had been licenced and their names published to improve transparency and prevent unscrupulous acts such as trafficking children. In November 2013, the government established a website –www.crtuganda.com– to raise awareness about trafficking in Uganda. The site includes contact information for Ugandan consular officials and the Coordination Office for Combat Trafficking in Persons to aid reporting.

The Guidelines on the Recruitment and Placement of Ugandan Migrant Workers Abroad, (2015) omit children from the ambit of recruitment firms, as they require a person being recruited to be above 18 years.

There is a National Counter Human Trafficking Taskforce in the Uganda Police Force that links cybercrime to trafficking. The Ministry of Internal Affairs Anti-human trafficking task force is conducting outreach efforts in schools to raise awareness among vulnerable children on the perils of trafficking. The Coordination Office to Combat Trafficking in Persons has been making efforts to raise public awareness on the issue of trafficking in persons including children. Government is undertaking training for law enforcement agencies and immigration on a continuous basis in order to build skills on investigation techniques and victim handling. Capacity Building efforts were undertaken for 350 law enforcement agents and 98 immigration officers over 2013.

The Prevention of Trafficking in Persons Act makes provisions for jurisdiction, extra-territorial jurisdiction and extradition. The Act also provides for arrangements by the Ugandan government to arrange for victims of trafficking to receive state assistance/support in the countries where the offences have occurred if it is deemed that repatriation will be more harmful than helpful to the victims. Social workers are empowered and trained to help families and communities to reintegrate victims and reduce stigmatization and re-victimisation. Mandatory reporting of child abuse is also meant to reduce re-victimisation of vulnerable children.

The PTIP Act provides for Government to establish a data bank on cases of trafficking in persons and conduct continuing research and study on the pattern and scheme of trafficking in persons, which shall form the basis for policy formulation and program direction. The Ministry of Internal Affairs maintains a national database on Trafficking in persons since 2013.

The main institutional arrangement for combatting Child Sexual Exploitation and Abuse in Uganda is the Working Group to prevent and Respond to Online Child Sexual Abuse and Exploitation. Coordinated by the Ministry of Internal Affairs (MoIA) and comprised of senior officials from a range of government, criminal justice and civil society organisations, this body will serve to coordinate activities to combat CSEA. This multi-agency approach ensures a multi-pronged, holistic and better coordinated response to problems of online child abuse. A draft national plan on Child Sexual Exploitation is in existence to implement various laws protecting children.

6. Family environment and alternative care

Family environment and parental guidance

Cf Concluding observation 42

The Children (Amendment) Act, 2016 obligates the State to put in place mechanisms and programs for child care and protection and recommends development of guidelines to promote more responsible parenting and the healthy growth of a child. Section 4 of the Children (Amendment) Act 2016 provides that every child shall have the right to live with his or her parents or guardian. Under this law, it is the duty of a parent, guardian or any person having custody of a child to maintain that child and help that child to realise the right to education and guidance; immunisation; adequate diet; clothing; shelter and medical attention as well as protect the child from discrimination, violence, abuse and neglect. Section 6 states that every parent shall have parental responsibility for his or her child; where the natural parents of a child are deceased, parental responsibility may be passed on to relatives of either parent, or by way of a care order, to the warden of an approved home, or to a foster parent. The Children (Amendment) Act (2016) emphasised recognition of customary guardianship based on culture and tradition as a valid form of guardianship in cases where a child's parents are deceased or incapacitated.

Parents and guardians require support to create the correct environment in which to bring up children. Pursuant to Section, 42B of the Children (Amendment) Act 2016, the MGLSD undertook to develop a comprehensive national strategy aimed at securing the provisions of early intervention and prevention programmes to families, parents, caregivers and children across the country, namely the Alternative Care Framework, in line with the UN Guidelines on Alternative Care. The Alternative Care Framework has been established in order to maintain a child's family environment as much as possible.

The National Integrated Early Childhood Policy 2016 stipulates that parents and the family are the primary targets for provision of ECD services. Government through the Ministry of Gender, Labour and Social Development developed the Uganda National Parenting Guidelines (2018) to guide parents, guardians, care givers and duty bearers on how to raise responsible, patriotic and prosperous future generation of Uganda. Cabinet on 21st October, 2019 directed MGLSD to take lead in guiding District Local Governments to disseminate the Parenting Guidelines at community and family levels. Additionally, Government adopted a life cycle model during the development of the National Development Plan III that prioritizes investing in Early Childhood Development (0-8 years).

In addition, the National Integrated Early Childhood Development Policy (NIECD) adopted in 2016 seeks to strengthen the government's approach and ensure better coordination of efforts in response to the somewhat isolated and fragmented efforts around child development approaches across various sectors. The policy harmonises the goals and strategies across sectors and across the different levels of government towards more coordinated, integrated and inclusive early childhood development.

Separation from parents

The Constitution of Uganda, 1995, Article 31 states that children may not be separated from their families or the persons entitled to bring them up against the will of their families or of those persons, except in accordance with the law. It was estimated in 2012/13 that 20% of Uganda's children are not living with a biological parent and at least 2.3 million children (12.7 %) lost at least one or both parents.

The Children Act Cap 59 (as amended) 2016 provides for a child to be removed from their parents only if it is in their best interests; if it is proven that the child is likely to suffer harm or abuse. The Act emphasizes that preserving family structure is always a priority, as is equipping families to identify and solve their own problems with the assistance of state agencies such as the Probation and Social Welfare Officers (section 42B).

There is a proliferation of children's homes, estimated at over 800 across the country. Unfortunately, some of these homes have created a pull factor for poor families to abandon their children to such institutions in the hopes of giving them a better future. Government has sent out a clear message that poverty and the resulting inability of parents to adequately care for their children should not be viewed as an opportunity to draw children into institutional care or to put them up for inter-country adoption but rather require the economic strengthening of families.¹⁰

Uganda has enacted the Children (Approved Home) Rules 2013 and the Children (Approved Home) Assessment Toolkit was updated 2013. These guidelines provide a standard for the running of children homes. The MGLSD has prioritised the sanctioning of homes that fall far below the standard and to improve compliance in this area.

Under the Draft Children Regulations 2016, MGLSD seeks to establish a National Alternative Care Panel through its National Alternative Care Framework which is in charge of clearing all Social Welfare Reports concerning Legal Guardianship, Domestic Adoption and Inter-Country Adoption. The National Alternative Care Panel will be represented at District level by a District Alternative Care panel to which the Senior Probation Social welfare Officer is a Secretary.

The law repeals legal guardianship for foreign nationals, which loophole was exploited to evade the exactitudes of legal adoption. The law reserves legal guardianship strictly for Ugandan nationals. The Act reduces the time required for in-country supervised pre-adoption fostering for adoptive parents from 36 to 12 months. This also reduces the room for child exploitation through legal guardianship and yet leaves sufficient time for Ugandan authority interventions in the best interest of the child. The Act also provides for mandatory periodic reports and updates to the Ugandan government agencies on the condition of the adopted child.

The Framework established a Central Inter-Departmental Adoption Secretariat aimed at advocating for, promoting and recruiting Ugandan families to adopt children in care. A central list of children available for adoption

is to be developed as well as a framework for matching prospective parents and children. The framework enjoins the numerous existing institutions to transform themselves and become key partners in delivering the Framework or face closure.

The Diversion Guidelines and Regulations aim to ensure that children in conflict with the law are not separated from their parents, but can receive counselling and be released back to their families in privacy, as opposed to being detained and punished. The underlying logic of these guides is to ensure that institutionalisation is used as a last resort and only with the aim of rehabilitating the child.

¹⁰ Ministerial Policy Statement on Alternative Care in Uganda, available at <https://www.molg.go.ug/sites/default/files/Ministerial-Policy-Statement-Local-Government-and-LGFC.pdf>

Family reunification

The Children (Amendment) Act (2016) provides that where a child is placed in alternative care, child protection services shall aim at reunification when it is appropriate to do so. Uganda's child protection framework is two-fold in nature. Child Protection programs should be both preventive, minimising children's risk of facing violence, abuse, exploitation and neglect, and responsive, providing specialised services in cases where children are at especially high risk for, or have experienced, child protection violations.

The Uganda Refugee Act (2006) is supportive of family reunification. The Act guarantees the rights of refugees, including the rights of families of refugees. It provides for the recognition of refugees to enjoy protection and be issued with all necessary documents relevant to his or her status. Moreover, on the death of a recognised refugee, any member of the family of the recognised refugee in Uganda shall continue to enjoy the protection and shall remain in Uganda until otherwise disqualified. Section 27 allows a recognised refugee to apply to the Eligibility Committee for permission for a member of his or her family to enter and reside in Uganda for purposes of reunion.¹¹

Recovery of maintenance for the child

Without proper parental support, a child may lack his or her necessities that foster survival and development. The Family and Children Court established under the Children Act Cap 59 has jurisdiction to entertain applications for maintenance orders where a parent is in neglect of the child's welfare. An application for a maintenance order may be made by a person who has custody of a child against one of the child's parents as appropriate (in cases of divorce, separation, nullity or application for a declaration of parentage), during a subsisting pregnancy or before a child turns 18.

There is increasing focus on the rights of a child to an adequate standard of living in keeping with the child's stages of development. The Uganda Human Rights Commission's Tribunal, which has a Vulnerable Persons Unit, is mandated to grant child maintenance orders. In 2016, the Commission received and handled 192 complaints of denial of child maintenance, compared to 131 cases in 2014 and 6 cases in 2012.¹² The Justice Centres Uganda, a state legal aid service provider under JLOS, handles child maintenance cases to parental support. Several legal aid service providers are providing legal aid to children in accordance with the children (Amendment Act (2016)) to secure maintenance orders for children either through mediation or through court proceedings.

Children deprived of a family environment

Of the numerous orphanages or residential care institutions in existence, only a few are licensed by MGLSD; less than 100. It is estimated that these homes house about 50,000 children in orphanages and institutions, and that 85% of these have no proactive resettlement programmes. Moreover, 75% of these homes do not have the requisite professional social work capacity. Over 80% do not have a child protection policy and more than 50% have completely unacceptable care standards. Furthermore, over 55% of children in orphanages are there illegally. Less than 5% orphanages have the required carer to child ratio, and nearly 70% have inadequate child records. 95% of these orphanages are externally funded and foreigners have established a number of such institutions. The coverage of these institutions is uneven and some areas of the country have more institutions than others.

11 Refugee Act, 2006. Available at <http://www.judiciary.go.ug/files/downloads/Act%20No.%2021of%202006%20Refugees%20Act2006.pdf>

12 Uganda Human Rights Commission, 19th Annual Report, 2016.

Inquiries by the MGLSD found that some individuals and organisations invest in such institutions, and hence feel a need to fill them, recruit children with promises of a better life than their current home situation. In many cases, parents in situations of extreme poverty also abdicate their parental responsibility over children, including in some instances children with severe disabilities. There are cases of teenage mothers who lack the capacity to take care of their children and seek to avoid the stigma associated with this status. Children conceived as a result of rape or incest are also likely to be abandoned; as are children who commit crimes.

In response to the crisis posed by the proliferation of unregulated (un)approved homes, an Alternative Care Task Force was established (2010). It has now been embedded as a sub-committee of the National Child Protection Working Group. The recently developed Alternative Care Framework and the Children (Amendment) Act (2016) together guide the implementation of alternative care.

The Alternative Care Framework seeks to reduce the number of children in institutional (orphanage) care by providing guidelines on placement options and mechanisms to support existing government structures to carry out their statutory responsibilities for overseeing the care of children in alternative care.

The framework provides for a continuum of care. As such all children in institutional care must have an exit strategy– reunification, kinship care, community based alternative care, fostering or domestic adoption. Each district will have an Alternative Care Panel that will make decisions on all resettlements, foster care, adoptions and other forms of alternative care plus decisions on children’s homes in their district. Districts will also have an Alternative Care Fund that can be used to support families during resettlement. The funds are to be allocated on a case-by-case basis.

Children with incarcerated parents and living in prison with their mothers

It is estimated that 200,000 children in Uganda have a parent in prison at any one time. Children with parents in prison in Uganda face denial of their rights to survival and development under enabling environments. The trauma of separation, as well as stigma and discrimination they face because of their parent’s involvement with the criminal justice system places them in a doubly difficult situation.¹³

The Prisons Act provides that children may stay with their mothers in prison up to the age of 18 months, although many stay longer if there is no extended family or NGO to take care of them. The Uganda Prisons Services has taken steps to address the plight of young children who are kept with their mothers while in prison and piloted a number of affirmative actions for such children. Measures have been put in place to provide beds for the children. Recreational facilities for children have been set up and mothers are provided access to medicine and nutritional food for their children.

Whereas progress has been made in reducing the period of pre-trial detention, it is still a problem and over 54% of all prisoners are on pre-trial detention. The judiciary developed the 2013 Sentencing Guidelines that take into account care-giving responsibilities as a mitigating factor during sentencing procedures. However, the sentencing guidelines are administered inconsistently and depend on the discretion of the individual judicial officer.

¹³ Penal Reform International and Foundation for Human Rights Initiative, 2013. A shared sentence: children of imprisoned parents in Uganda. At https://cdn.penalreform.org/wp-content/uploads/2015/11/PRI-FHRI_GC-No1%C2%AD-Exec-Summary-ENGLISH-WEB.pdf

7. Disability, basic health and welfare

Cf Concluding observation 47

Children with disability

The Uganda Demographic Household Survey 2011 shows that the prevalence of disability was 19% of persons age 5 and above and 12% among children aged 5-9 with sight and mobility disabilities being the most common types. About 6% of children (6-17 years) had at least one form of disability (difficulty in seeing, hearing, walking or remembering). There were more children with disabilities in rural than urban areas. However, there are still several instances of concealment of children with disabilities by family members, which results in marginalisation of children with disabilities. While data on children with disabilities is limited, it is estimated that there were 183,537 and 11,415 learners with disabilities in primary and secondary school respectively in 2008.

Government's obligations towards the rights of children with disabilities are reflected in the Persons with Disabilities Act 2006, which touches on the duty to formulate policies that provide children with disabilities access to relevant education, paying particular attention to the requirements of the girl child and children in rural areas. The Children (Amendment) Act emphasises the rights of children with disabilities or with special needs, who are not to be discriminated against based on their special needs or disability. Children with disabilities or special needs are entitled to be supported by government facilities required for their needs. In addition, they are entitled to education that is suitable for their special needs or that addresses their disabilities.

The National Disability Inclusive Planning Guidelines for Uganda 2017 estimate that only about 9% of children with disabilities of school-going age attend primary school, compared with a National average of 92%, and only 6% of them continue to secondary school (national average: 25%).

Government continues to promote special needs education and inclusive education for children with disabilities and those with special needs. Children with disabilities obtain learning support in special schools and are integrated in special classes within mainstream schools or mainstream classes. Barriers to learning and development are thus addressed in an inclusive setting, although the same model does pose challenges requiring specialised support and pedagogical methods and equipment.

Government has demonstrated commitment to inclusive education through its policy frameworks, strengthening of collaborations with NGOs and private partnerships working with learners with disabilities. Special needs education has been adopted as a matter of policy through the Special Needs and Inclusive Education Implementation Strategy 2012 – 2017. In 2013, the Special Needs Education and Non-Formal Education Policy were approved by Cabinet and policy guidelines developed.

The National Development Plan (2010/11 – 2014/15) prioritised the need for all schools to be constructed on the principle of inclusiveness and accessible physical infrastructure for students with disabilities. The National Development Plan emphasised the need for bursary schemes for learners with disabilities and special needs and through subvention grants for learners with disabilities, government is increasing access and equity towards this goal. In 2015 government paid subvention grants for 5,000 learners with special educational needs in 100 schools. To deal with the challenge of

disabling physical environments that discourage school going children disabilities, Government is focusing on increasing the accessibility of school infrastructure of children with disabilities.

The Building Control Act 2013 has mainstreamed disability issues within its provisions and seeks to create a barrier free environment. This law is meant to ensure that the design and construction of buildings and utilities to which the public have access caters for the rights and dignity of persons with disabilities. Schools are now required to comply with the specifications of construction of classrooms with ramps and supportive structures in pit latrines. Efforts have been made to ensure that all new school structures provide for ramps for children with disabilities.

The Special Needs Education and Inclusive Education Policy integrates Water, Sanitation and Hygiene (WASH). WASH emphasises infrastructural developments that improve the sanitary conditions under which children learn. This includes ensuring that WASH facilities are availed and accessible to all. However, the 2016 National Service Delivery Survey showed that only half of the primary schools (49%) had toilets that catered for the physically impaired.

There are 113 special schools catering to children with disabilities, although they are not available in every district. About 9% of children with disabilities at school going age attend primary school and only 6% transition to secondary school education. In 2012/13, 6.4 males and 4.9 females aged 6-10 had indicated non-attendance of schools because of disability statuses; in 2016/17 the situation improved with only 1.8 males and 2.2 females failing to attend school because of disability status.¹⁴ Improvements have been registered in the enrolment of children with disabilities; enrolment increased from 2.36% of the overall school population (boys 2.54%; girls 2.32%) in 2013 to 2.45% (boys 2.61; girls 2.30%) in 2014. However, the learner teacher ratio is still stretched even though all teachers are trained in special needs education (SNE). Government has intensified efforts to train and retrain special needs educationalists, school inspectors, district education officers, as well as training teachers on inclusive education methods and functional assessments. All teachers are trained in special needs pedagogical methods although only a few utilise them in schools, because they view it as add on work without extra pay.

In general and in the education sector, children with disabilities drop out due to failure to cope with challenges such as physical accessibility and communication such as sign language and braille services; this carries on into the education curriculum. To make learning more adaptable to special needs of children, government adopted a new thematic curriculum specifically for the blind and deaf and learners with intellectual disabilities.

Children with disabilities are encouraged to participate in sporting activities within schools as a way of promoting their right to leisure. Participation in sports such as the special needs ball games and athletic competitions has increased, even with limitations of insufficient instructors and out dated instructional methods and material.

The Special Needs Education and Non-Formal Education Policy developed in 2013 promote broader learning frameworks for children and young persons with disabilities. Business, Technical, Vocational Education and Training (BTJET) Act, No. 12 of 2008 seeks to increase equitable access to people with disabilities and create linkages between formal and non-formal education. This takes into account the challenges faced by children with disability in accessing formal education by providing a continuum of educational services. BTJET provides relevant knowledge and practical skills for academic progression and specific employment-oriented skills in the labour market and is being implemented in collaboration with NUDIPU and the Special Needs Education department to facilitate inclusion of children with special needs.

¹⁴ Uganda National Household Survey 2016/17

The establishment of a Special Needs Department in Kyambogo University serves as a resource for capacitating teachers in special needs education. Despite this, the numbers of SNE teachers are still fewer than the stipulated rations in the Special Needs and Inclusive Education Policy, 2010. To mainstream this capacity, all students at Primary Teachers' Colleges are subjected to mandatory examinations on special needs education as a means of increasing their potential to engage in SNE.

Children with disabilities continue to benefit from community based rehabilitation programmes where they receive medical assessments, referrals, counselling with the support of the community. A continuing challenge with providing support to children with disabilities is the tendency for families to under report such children's existence and this limits service provision. Civil society organisations in partnership with district sectoral service providers such as community development officers, health officers and district education officers and even para social workers are complementing the work of government to provide such services. The National Action Plan for disabilities developed by MGLSD is being disseminated in the different districts. Despite this, not all districts have access to specialised services required for special needs of children.

There has been an essential reduction in hunger and under nutrition; the incidence of underweight children has reduced from 25.5% in 1995 to 11% in 2016 (UDHS 2016). Nonetheless, due to chronic under-nutrition, a third of the children under five are stunted. The Ministry of Education and Sports through its school system is working with development partners to foster school gardens as a way of supporting children's nutrition during school hours.

Monitoring of 60 Special Needs Education schools is on-going with a view to promoting SNE qualitative services. These efforts notwithstanding, there is inadequate data on the situation of children with disabilities and special needs. Lack of data limits effective planning and response initiatives and causes inadequate coordination between local governments and the centre. There are inadequate numbers of specialised inspectorate officers for SNE at the district level; hence, supervision is uneven across the country.¹⁵ Government plans to scale up the monitoring of institutions supporting children with special education needs and procurement of instructional material and equipment for learners.¹⁶

Welfare of children, particularly vulnerable children

There is a high incidence of vulnerable children whose survival and requirement requires special protection. The Uganda National Household Survey 2009/10 rated 38% of the children in Uganda as vulnerable; in 2014, up to 43% of all children (7.3 million) were in moderately vulnerable situations, while 8% (1.3 million) lived in critically vulnerable situations.¹⁷ The 2014 Census revealed that 60% of children are vulnerable. 36,000 households were headed by children as at 2014 of which 29% were female child headed. There were more child-headed households in rural areas (64%) than in urban areas (36%).

The Orphans and Other Vulnerable Children (OVC) Policy 2004 highlighted the situation of orphans, out of school children and children with disabilities as among the more vulnerable children. These three categories represent 92.9% of orphans and vulnerable children (OVC). The National Strategic Programme Plan of Interventions for Orphaned and Other Vulnerable Children 2011/12- 2015/16 also places due emphasis on these categories.

¹⁵ Ministry of Education and Sports Sector Annual Performance Report 2013/14

¹⁶ Ministry of Education and Sports Ministerial Policy statements 2016/2017

¹⁷ UNICEF 2015 Situational analysis of Children in Uganda

The proportion of orphans increased from 13.4 % in 2002/03, reached 14.6% in 2005/06 and declined to 12.3% in 2009/10. The UNHS 2011/12 results show that out of 8.5 million households in the country, 1.3 million had at least an orphan, constituting about 15% of all households. According to the State of the Population Report 2014, there were approximately 1,100,000 orphans aged 0-17 years.

The MGLSD has been working with development partners to strengthen government's response to OVC, reaching 80 out of 112 districts in Uganda by 2015. The objective is to support local governments' capacity to effectively provide high quality, comprehensive and scaled-up services for OVC between 2010 and 2015. An OVC management information system is facilitating and coordinating the work of over 4,000 civil society organisations and community organizations to provide care and support for OVC. In 2013, the MGLSD and partners developed the vulnerability index tool for identification, monitoring, and graduation of OVC households. However, impact is limited by the human resource capacity constraints, for example only 41% of the approved Community Development Officers were filled by 2013, and these positions are overwhelmed by other development mandates at the district level.¹⁸

Government established a Multi-sectoral OVC Steering Committee at national level and by 2015, 73 OVC Coordination Committees had been established at district and sub-county levels. These functionaries work in Multi-sectoral linkages with officials from other sectors such as health, education, law enforcement agencies and community based departments at local government levels, as well as NGOs, to provide comprehensive child protection services. Under the Monitoring and Evaluation Framework and Plan of the National Strategic Program Plan of OVC Interventions (NSPPI-2), districts have been collecting data in order to enhance evidence based decision making and reporting on results obtained from the implementation of NSPPI-2. This approach also combines the MGLSD Orphans and Vulnerable Children Management information system, the Education Management Information System and the Health Management Information System at the district level to information on pertinent OVC indicators.

Under the NSPPI-2, there are thematic groups that oversee the rights of children comprehensively. Thematic working groups include: health, nutrition, water and sanitation; education; livelihoods and food security, legal and protection: psychosocial support, care, support and shelter, and: strengthening institutional mechanisms and systems. However, these various structures pose challenges for coordination and some of the key ministries are not participating effectively in meeting their mandate towards children. Furthermore, many district Local Governments are failing to plan, budget for and allocate adequate resources towards child protection measures.

The National Child Policy 2020 (has replaced the National OVC 2004) and its Implementation Plan 2020/2021-2024/25 that addresses all the four broad rights of a child is to give national strategic direction to all Ministries, Departments, Agencies, development partners, CSOs and the private sector on investing in Child Well-being. The National Child Policy provides for establishment of a National Inter-Ministerial Child Well-being Committee, District and Lower Local Government Child Well-being Committees plus a National Child Well-being Management Information System to replace the current OVC Management Information Systems.

18 National Council for Children 'Status of Service Delivery to Children in the context of Decentralisation' 2015

Standard of living

Cf Concluding observation 58

From 2012-15, the Vulnerable Family Grant scheme was piloted by the MGLSD in 6 districts at parish level. At its close the Vulnerable Families Grant had reached households including child headed households for extra support, reaching the poorest and most families 6040 villages, 141 sub counties and town councils in 15 districts.

This social welfare initiative targeted poor and vulnerable households with high dependency ratios. Households with high proportions of children, particularly orphans and children with disabilities were prioritised to receive support. Due to challenges faced in implementing it evenly across the country, the grant was phased out. That notwithstanding, it benefitted children's development, as beneficiaries spent much of their grant on school¹⁹ and even purchase of scholastic materials.²⁰ Even though the Vulnerable Family Grant scheme ended, Government has committed to expanding the Social Assistance Grants for Empowerment SAGE to cover 126,334 beneficiaries, which will support indigent households, with spin off benefits for children.

14.7% of all children enrolled in primary school in 2013 were orphans, hence vulnerable learners. The Nutrition Action Plan 2011-2016, the School Feeding Policy Guidelines and Nutrition Planning Guidelines for Uganda 2015 underpin the drive to establish community based school gardens and promote the transfer of replicable technologies around demonstration gardens to the community. Many regional school gardens and community farms and households are benefitting from seeds for food gardens provided by government in partnership with development partners, including the Food and Agricultural Organisation. The food from these gardens is supplementing the nutritional needs of children in these schools, although there are regional variations in the establishment of gardens.

Health services and primary health care

Cf Concluding observation 50

Uganda is making progress in improving maternal and child health and nutrition outcomes, although less progress is registered with newborn mortality as improvements are uneven across various regions and socio-economic groups.

Primary health care enables children to benefit from affordable health care. Government has made remarkable effort in addressing the most prevalent health challenges that affect the survival and development rights of the child. The commitment to a multi sectoral approach to health service delivery is reflected in the Investment Case for Reproductive, Maternal, New-born, Child and Adolescent Health Sharpened Plan for Uganda 2016/17 – 2019/20. In particular, government is prioritising policy frameworks that emphasise critical demand side and supply side health care interventions.

The Percentage share of budgetary allocations to the Health and Water Sectors has been relatively low over the last few financial years due to government prioritization of other critical infrastructure in the energy and roads sectors that are equally important in the functioning of the health sector. There is critical linkage between stable electricity supply and roads leading to major health facilities and proper functioning of the health system.. In 2015/15 the budgetary allocation to health was

¹⁹ MGLSD 'Vulnerable Family Support Grant Phase Out Study' 2016

²⁰ MGLSD 'Evaluation of the Uganda Social Assistance Grants for Empowerment (SAGE) Programme: Impact after one year of programme operations 2012-2013'

6.9% of the overall budget, in 2016/17 it was 8.9% and in 2017/18 the allocation was 8.3% of the total budget. Regarding Water and Environment, the budgetary allocation was 3.0% in 2015/16, in 2016/17 it was 3.4% and in 2017/18 it was 2.9%.

Uganda's Child Survival and Development Strategy focuses among other things on new born care utilising various interventions including care of HIV exposed children; eliminating mother to child transmission of HIV; skilling labour involved in child health care; intensifying campaign efforts against communicable disease and promoting treatment for children from birth.

Government efforts have elicited progress toward meeting targets. In 2011, there was a remarkable decline in all levels of childhood mortality compared to 2000-01. In the same period, infant mortality declined by 39%, from 89 deaths per 1,000 live births to 54 deaths per 1,000 live births. Under five mortality declined by 37% from 143 deaths per 1,000 live births, to 90 deaths per 1,000 live births. In 2016, the Uganda Demographic and Household Survey found that under five mortality rates have declined from 116 deaths per 1,000 live births (2002-2006) to 64 deaths per 1,000 live births (2012-2016). From 2011-2015, the infant mortality rate was 43 deaths per 1,000 live births and child mortality rate was 22 deaths per 1,000 children surviving to the age of 12 months. Nonetheless, there are still gaps in the interventions as 135,000 children still die per year of preventable disease.

Neonatal mortality is decreasing at a slower pace than mortality amongst children 1–59 months. The number of infants under 1 month dying has fallen from 33 per 1,000 live births in 2001 to 27 per 1000 live births in 2016 (UDHS 2016/17). Neonatal mortality rate is slightly higher in urban at 31 per 1,000 live births compared to rural areas at 30 per 1,000 live births.

Immunisation programmes are reaching more children than ever before, improving child survival. Half of the children age 12-23 months (52%) were fully vaccinated in 2011, an increase of 46% from 2006. The number of children immunizations increased by 3% from 1,969,794 in 2013/14 to 2,028,888 in 2014/15. Immunisation for children under than one year for Pentavalent was 102.4 (104.5 males & 99.5% females) in 2014/15 up from 93% (91 males & 95% females) in 2013/14. Vaccination for measles in 2014/2015 was at 90% compared to 87% in 2013/14 and by 2015/15 coverage improved from 90% to 96% with 718,100 males reached with coverage of 96% (747,246) among males, and 715,692 females with coverage of 93% (790,297). The 2016 National Service Delivery Report revealed that close to nine in every ten (86%) of children aged 12-23 months were fully immunised at the time of the survey.

Following a mass polio campaign by Uganda National Expanded Programme on Immunisation from 2015- 2016, Uganda was certified polio free after conducting mass polio and measles vaccinations. In 2015, government trained facility-based staff on the effective management of common childhood and new-born illness. 2,350 health workers were trained in new born resuscitation in order to improve new born health and survival. This resulted in increasing the percentage of trained health workers to 39 % between 2014 and 2013. Integrated Community Case Management now covers 75 districts. These achievements are related to the improvement in Neo Maternal Rates from 27 per 1000 live births in 2011 to 22 per 1,000 live births in 2015.

Despite all these significant gains, there are challenges related to child survival efforts. There is still a big malaria, pneumonia and diarrhoea burden and monitoring diseases requires adequate staffing at key levels, which posts are not filled. Effective supervision is limited in some districts due to lack of human and logistical support, and maintenance of medical equipment nationwide is not up to the required standards.

Adolescent Health

Cf Concluding observation 54

One of the major goals of the National Health Policy 2004 is to protect and promote the rights of adolescents to health information, education, and care services. The Policy has targeted the incorporation of adolescent reproductive health in the curricula of all health training institutions and schools. It also recognises the rights of pregnant school girls to be readmitted and continue with education system after they have delivered. Uganda is finalising the National Multi-sectoral Framework for Adolescent Girls, 2017/2018 - 2021/22. The Ministry of Education and Sports has developed a National Framework on Sexuality education to guide on school health education programmes.

The incidence of teenage pregnancy is one of the highest in East and Southern Africa. It is estimated that out of every 1000, female Ugandan adolescents aged 15-19 years, 25% of have given birth and 19% of women age 15-19 have given birth.²¹ Teenage pregnancy affects young girls in several ways, including physically, emotionally and economically. While the National Adolescent Health policy recognises the rights of girls to return to school after pregnancy, in practice girls who become mothers drop out of school in high rates.

The UDHS 2016/17 found that 25% of adolescents age 15-19 in Uganda have been involved in childbearing, with more adolescent births registered in the rural areas at 27% compared to urban adolescent births at 17%. The introduction of Universal Primary and Secondary Education succeeds in part in keeping children in school and averting childhood pregnancies. The UDHS 2016/17 statistics bears out this correlation, finding that the proportion of teenagers who have started childbearing decreases with increasing level of education: slightly more than one third of teenagers age 15-19 with no education (35 percent) have begun childbearing compared with 11 percent of those who have more than secondary education. In 2015, there were teen pregnancy/end child marriage campaigns conducted that reached approximately four and a half million people.

HIV and Sexual and reproductive health intersect in the lives of young persons. The Uganda AIDS Commission conducted a situational analysis on adolescent HIV and Sexual and Reproductive Health at 335 sites across the country to assess the key factors and challenges and used the findings to develop the National Adolescent Health and Development Strategy, 2011-2015. A Sexual and Reproductive Health/HIV vulnerability mapping study for adolescents and young people was also completed in 2016. The Ministry of Education and sports from 2014 has disseminated Sexual and Reproductive Health and HIV information to schools. In 2016, it intensified outreach activities to over 800 primary and secondary schools, focusing on the risks of multiple partnerships, cross-generational, transactional and early sex.

Sanitary and accessible conditions and structures are important for all children and particularly for girls and children with disabilities. Uganda developed the Water, Sanitation and Hygiene (WASH) Strategic Plan in 2006, under which the Ministry of Education and Sports provides leadership working with local governments in partnership with NGOs and development partners. WASH in schools provides facility grants for construction of accessible latrines, and facilities for girls to wash during menstruation. The Guidelines for Establishing, Licensing, Registering and Classification of Private Schools/Institutions in Uganda also require similar sanitary and construction standards in private schools. The 2016 National Service Delivery Survey shows that 97 percent of primary schools surveyed had gender segregated toilet facilities.

21 Uganda Demographic and Health Survey 2016

While efforts have been made to comply with WASH standards in more recently built school facilities, the older constructions do not comply with the WASH requirements. In many schools, the prescribed ratio of 1 latrine per 40 pupils or students is not matched by investment in WASH infrastructural development due to high enrolment of learners under universal education in primary and secondary schools.

Government undertook research on menstrual management in 120 primary schools in 6 districts, which revealed that a key factor of girls' school absenteeism was related to menstruation and challenges with information and management. In 2013, the Ministry of Education and Sports developed a reader for school going children on menstrual health to help them cope with this phase in their school going lives. Schools are working with NGOs to provide sanitary towels to those most in need and training young girls to make reusable sanitary towels in a bid to combat low school attendance.

HIV/AIDS and the rights of the child

Cf Concluding observation 52

HIV prevalence remains low among children, and a significant ratio of the prevalence of HIV in children is linked to prevalence in mothers. Under the Elimination of Mother to Child Transmission Pledge and Campaign, Uganda set out in 2015 to reduce the number of children newly infected with HIV by 90%. Mother to child transmission of HIV contributes 22% of children born with HIV and in 2009, 9% of infants were born to HIV- infected mothers. Data indicates that by 2009, 1,192,372 people were infected with HIV of which 149,661 (13%) were children aged 0-14 years. Regarding aged children 0-5 years, only 0.7% of them were HIV infected. The infection rates are declining, for example, according to the State of the Population Report 2014, in 2014, 190,000 children below 15 years were living with HIV AIDs. The results of the 2016 Uganda Population HIV Impact Assessment reveal that among children under age five, HIV prevalence is 0.5%, while among those aged 5 – 14 years, it is 0.5%.

Prevention or Elimination of Mother to Child Transmission programmes have contributed towards the decreased numbers of children who are born with HIV; HIV positive pregnant women receiving ARVs for elimination of Mother to Child Transmission during pregnancy, labour, delivery and postpartum were 72% in 2013/14 and 68.3 in 2015/16. Uganda is nearing virtual elimination of mother-to-child transmission of HIV and the number of children born with HIV infection in Uganda declined by 86% between 2011 and 2015.²²

Children with HIV have access to free Anti-retroviral therapy (ARV); out of 260,865 people accessing treatment, 21,763 (9%) children aged 0-14 years accessed ARVs in 2009.²³ The percentage of children who are on ARVs increased in 2013/2014 to 56,269 (38%) and by end of 2015, 60,029 children were on ARVs. By 2009, there were 64,016 AIDS related deaths of which 20% were children aged 0-14 years. By end of 2015, the number of new infections among children fell to 3500 (86%) and Uganda is leading on reduced infections in Eastern and Southern Africa.²⁴

²² Annual Health Sector Performance Report for Financial Year 2015/16

²³ Ministry of Health HIV/AIDS Epidemiological Surveillance Report 2010

²⁴ The Uganda HIV and AIDS Country Progress Report, July 2015 – June 2016

Ministry of Education and Sports revised the Education and Sports HIV Strategic Plan 2017-2022 and its HIV AIDS unit has reached 359,327 children in schools and drama clubs for awareness raising with HIV and Health education sessions. The Ministry is using dance, debate, and HIV Talking compound sessions and integrating HIV into co-curricular activities. By 2016, 37.8% of young women and 36.9% of young men aged between 15-17 years showed comprehensive knowledge about HIV.²⁵ This involves knowledge about condom use and negating common local misconceptions about transmission or prevention of HIV. 89.4% of young persons aged 15-19 know where to get an HIV test and 53.6% have undergone testing.

The HIV prevalence among adolescents aged (15-19 years) currently is at 1.1% with a slightly higher prevalence among adolescent girls (1.8%) (Ministry of Health, 2017). The National Strategic Plan on HIV 2015/16-2019/2020 has prioritised the reduction of HIV in this population by 70% by 2020. The number of adolescents receiving HIV related care and on ARTs also improved from 21,641 to 25,283, based on a Ministry of Health 2013 baseline survey.

In December 2014, The Communication for Healthy Communities' Obulamu campaign themed 'How's your cool life' targeted adolescents among other groups, utilising youth friendly channels. It is estimated that 10.3 million people including adolescents were reached using channels such as social media platforms and public gathering places such as health centres, places of worship, community forums, transport stations/routes (stages) and upcountry buses.

The President of Uganda in June 2017 launched a five point Presidential Fast-track Initiative on the ending of HIV & AIDS in Uganda by 2030. The initiative targeted among others the young persons. The National HIV AID Campaign 'Protect the goal' used football as an interesting way to captivate the interest of young persons and reach them with youth related programs on HIV AIDS awareness. The campaign aimed at accelerating efforts to prevent and combat HIV in Uganda. In 2015, over 40 Adolescent peer networks were established to support adolescents living with HIV to access to sexual and reproductive health rights and HIV, and 111 facilities were founded to provide adolescent friendly services.

25 UDHS 2016

8. Education, leisure and cultural activities

Cf Concluding observation 60

The main aim of Uganda's education policy is the holistic development of a child- language, emotional, intellectual, academic, motor and social skills. The Education Act 2008 states that Government shall through its relevant agencies be responsible for setting and maintaining the national goals and broad aims of education.

The Government's commitment to the right to education is revealed in the various strategies in the education sector, including the fact that it is one for the few low income countries to produce an Annual Performance Report on the performance of the sector, a fact for which is has been commended by UNESCO.²⁶

Uganda has implemented Universal Primary Education (UPE) since 1997 and Universal Secondary Education (USE) since 2007. Article 30 of the Constitution of Uganda 1995, declares; "all persons have a right to education". Government continues to fund and implement Universal Primary Education (since 1997) and Universal Secondary Education (since 2007) that is accessible to all with no age, sex or other discrimination. This has contributed to the achievement of the principles of inclusivity, equitability and lifelong learning as anticipated by the Sustainable Development Goal, number 4.

Enrolment in primary education tripled from 2.8 million in 1997 to 8.8million in 2018 following the introduction of Universal Primary Education(UPE) ; increased physical infrastructure that has led to improvement in the Pupil Classroom Ratio from 87:1 in 2003 to 55:1 in 2018; increase in qualified primary school teachers from 185,548 in 2013 to 207,238 in 2018; the Gross Enrolment Ratio (GER) and Net Enrolment Ratio (NER) in Primary improved from 117 percent, and 93 percent in 2015/16 to 111 percent and 94 percent in 2017/2018, respectively. The number of teachers has been increasing over the years from about 186,000 in 2013 to 207,000 in 2017. However, the Pupil Teacher Ratio remained constant at 43 pupils per teacher between 2015-2017 (Annual School Census, Ministry of Education and Sports, and 2013-2017).

According to the Education Sector Strategic Plan (ESSP) 2004- 2015, the implementation of the UPE policy of free tuition at primary school level since 1997 has had two important effects on enrolment:

- a) Increased enrolment of children from poor households and significantly reduced the poverty gap in terms of access to primary education. According to Ministry of Education and Sports Sector Fact Sheet (2016), total enrolment in Primary Schools was 7,354,153 (3,721,153 boys and 3,633,018 girls) in 2002 and 8,655,924(4,294,473 boys and 4,361,451) girls in 2016.
- b) Higher increase in the enrolment of girls than boys (in 2016, out of an enrolment of 8,655,924 children in Primary Schools, 4,361,451(50.3%) were girls compared to 4,294,473(49.7) boys. From Ministry of Education and Sports Annual School Census 2017, total enrolment in Primary Schools was 8,840,859 (4,445,076 girls and 4,395,513 boys) representing 50.3% and 49.7% respectively.

The 2016 National Service Delivery Survey indicated that eight in every ten primary schools were funded by Government (79%) with a higher percentage of schools in rural areas (86%) compared to urban areas (63%). Availability of classrooms was nearly universal. However, only 34 percent of primary schools had adequate classrooms.

²⁶ UNESCO 2017, Global Education Monitoring Report. At <http://unesdoc.unesco.org/images/0025/002593/259338e.pdf>

Related to this is the problem of governance and accountability in the sector such as teacher absenteeism, estimated at 20-30%. This leads to estimated losses of billions of shillings a year. However, ongoing initiatives on participatory school monitoring such as C U @School, a mobile phone texting service and other participatory monitoring initiatives at village level have reduced absenteeism of teachers.²⁷

School inspection, monitoring and support supervision is often inadequate and it has been especially difficult to sanction and motivate poorly performing private schools. The Ministry of Education and Sports has taken remedial action such as stopping the operation of schools and applying stringent licencing measures. The Ministry developed guidelines for the establishment, licensing, registration and classification of private schools and institutions in 2014. The guidelines help to consolidate and clarify the relevant basic requirements and minimum standards and offer prospective school owners with access to information regarding legal and quality requirements for establishment of schools.

Financing education

UPE and USE are free educational programmes. However, parents are still expected to cater for uniforms, food and scholastic materials, the total cost of which is often beyond the means of the poor. Hence cost is reported as the primary reason for school drop-outs. According to Census data, 2014, 962,665 children aged 6-12 were out of school and 913, 097 children aged 13-17 were out of school, out of 19,032,031 children.

The Education Act (2008) provides that Financing of education shall be through fees, grants, donations, training levies, education tax, and any other means as deemed appropriate by Government.²⁸ The share of education in the government budget was 13.7% in 1990, rising to 24.7% in 1997. The Education Sector Medium Term Expenditure Framework (MTEF) budget allocation for the financial year 2017/18 is US\$ 2,474.24 billion. This is 11.25% of the overall national budget of US\$ 21,993.16 billion, although a reduction from 0.73% points from the 2016/17 sector budget share.²⁹

Public current expenditure on education as a percentage of Gross Domestic Product was at 1.02% for primary education in 2016. The bulk of financing for education goes to the primary education sector. In 2015/16, 53.9% of the total (education) sector budget was allocated to Primary education, 18% to Secondary education, 16% to Tertiary education, 9% to BTVET and 4% to others (Physical Education and Sports, Special Needs Education, Guidance and Counselling and Policy, Planning and Support Services).³⁰

GoU receives additional direct and indirect funding, grants and loans from development partners, multilateral agencies and other organisations. These funds contribute towards funding education programmes, training, building physical infrastructure, renovation and provision of equipment.

Uganda has noted successes in accountability for education funding and public expenditure tracking surveys for education funding. Government initiated a newspaper campaign to publish information on the amount and timing of capitation grant disbursements by the central government to school districts.

27 Barr et al (2012) Management and Motivation in Uganda Primary Schools. Partnership for Economic Policy. At https://agecon-search.umn.edu/bitstream/164412/2/1357671419-WP_2012-14_PIERI-11857.public.pdf

28 Education Act, 2008, 4. Policy on the Provision of Education and Training

29 Ministerial Policy Statement of the Ministry of Education and Sports for Financial Year 2017/18

30 The Education and Sports Sector Annual Performance Report) Financial Year 2015/2016

Early Childhood Development

Government is addressing early childhood education as a matter of priority. Efforts are underway to harmonise existing Early Childhood Development Centres, and eventually build public ECD Centres countrywide. In fulfillment of the Education (pre-primary, primary and post primary) Act 2008, Section 10, Government has registered the following progress among others between FY 2016/17- FY 2019/20:

- (a) Strengthen monitoring and supervision of the Early Childhood Development-a Monitoring Grant of **UGX 2.3 billion** is in place to facilitate Local Governments with implementation of recommendations that come from the inspection of Pre-Primary and Primary schools.
- c) Introduce Early Childhood Development in Primary Teachers college (PTC): Under the revised Teacher Education Curriculum, ECD is compulsory in Year One and elective in Year Two (when one specializes either in ECD or upper primary); Scaling up of Early Grade Reading Methodology-**103** districts are implementing the Early Grade Reading Methodology and more than **14,790** P.1 to P.4 Pre-service tutors have been trained in Early Grade Reading methodologies.

A total of 6,798 pre-primary schools were registered in Uganda in 2016 compared to 5,763 in 2015 and 2361 in 2011, a significant increment from 1032 in 2002.³¹ In 2015/16, in collaboration with the Uganda Teacher and School Effectiveness Project, the Ministry of Education and Sports conducted face to face trainings with 1,000 care givers on improving competencies of Early Childhood Education (ECE) in 15 Primary Teachers' Colleges throughout the country. The Ministry licenced a total of 2,403 care givers from 13 districts in addition to 1,281 caregivers from 30 Early Childhood Development teacher training institutions. 575 ECE caregivers/teachers were registered for the Certificate in Early Childhood and 55 were licenced. Under the Certificate in Community Child Care, (CCC) a total of 2,529 were registered. Licencing and registration of ECE centres enables them to operate in a more legally acceptable environment since all of them are privately owned.

Eighty percent (80%) of the Early Childhood Development (ECD) learning facilities in the Country are owned by non-state actors and most of them are in urban areas where providers can realise a return on their investment with 60% being located in the Central and Eastern regions of the Country.

Indeed the fact that ECE in Uganda is dominated by the private sector is a challenge (80% of the early childhood development (ECD) learning facilities are owned by non-state actors. Most facilities are in urban areas where providers can realise a return on their investment. 60% being located in the central and eastern regions of the country.³² This excludes over 80% of the population who are poor and live in rural areas. There are few qualified teachers for this level, and most of the infrastructure is poor quality as investors seek to minimise input costs. There are few relevant materials, a factor that is in turn tied to the inadequate framework for training teachers. No public training institution provides ECE training.

Government is planning and working to expand community based ECD centres and to attach ECD centres to primary schools, as well as developing and implementing a comprehensive policy framework for ECD.

³¹ Ministry of Education and Sports 'Education and Sports Sector Fact Sheet 2002 – 2016'

³² Second National Development Plan 2015/16 – 2019/20, page 34

Primary education

The government has made significant progress in its objective of ensuring that each parish has a primary school and that each sub-county has a secondary school. As a result, over 84% of children now live within 3 kilometres of a primary school. However, 54% of rural children live more than 5 kilometres away from a secondary school, while it is 26% for children in urban areas. On average, 47% of Ugandan children live within 3 kilometres of a secondary school.

There is no gender discrimination for enrolment and the gender gap in enrolment has reduced to about 1% (50.5 % girls and 49.5 % boys). Secondary school gross enrolment increased by 136.2% from 518,931 (290,176 boys; 228,755 girls) (2000) to 1,225,692 (boys 654,971 and 570,721 girls) (2010).³³The introduction of Universal Secondary Education in 2007 notably increased the enrolment of girls at secondary school level and decreasing the gender gap progressively. In 2015 enrolment at secondary school level stood at 1,391,250 738,391 boys and 652,859 girls (46.90%).

The Primary School Net Enrolment Ratio for Uganda was 80 percent in 2016/17.³⁴ Completion rates have risen steadily and were at 61.6% for primary 7 and 37.8% in senior four in 2016. Transition rate from Primary 7 to Senior 1 increased from 47% in 2006/07 to 73% in 2013/14 and access to secondary education increased by 67.4 % over the same period. These figures are evidence of the success of UPE and USE. Evidence of success is also visible from literacy rates have improved significantly. In 2015/16, the literacy rate for children aged 10 years and above was estimated at 74%, with higher rates for males (78%) than females (70%).

There have been some challenges noted in the implementation of Universal Primary Education, such as low quality of education. This is demonstrated by low learning achievement. Literacy and numeracy proficiency at Primary 6 level are below average at 40.15% and 41.40% in 2013 respectively. Survival rate to Primary 7 stands at 32.1%, and repetition occurs at a rate of 10.19%.

The right to education can be affected by harmful socio-cultural factors such as early marriages and teenage pregnancies, all of which contribute to dropping out of school.³⁵The Education Strategy on Girl Child Education in Uganda (2014-2019), provides for the development of regulations on teenage pregnancy in schools and the retention of pregnant girls as well as the establishment of mechanisms for prevention of childhood pregnancies.

Whereas enrolment has improved, the retention of learners in school is less sure. Transition rates to Primary 5 declined from 60.6 % (59.5% boys; 61.7% girls) in 2014/15 to 59.9% (58.6% boys; 61.1% girls) in 2015/16. Transition rates to Primary 7 declined from 33.1% (Boys 33.2%; Girls 32.9%), in 2014/15 to 30.1% (Boys 30.1%; Girls 30.0%) in 2015/16. Transition rates from primary to secondary school declined from 70.5% in 2014/15 to 63.2% in 2015/16. Declines are partly explained by fact that the current institutions can only absorb 50% of the eligible students in a given year.

Improvements were noted in the pupil-teacher ratio and declines in the pupil classroom ratio in the Primary sector. The pupil teacher ratio improved from 46:1 (54:1 government schools; 29:1 private schools) in 2014/15 to 43:1 (53:1 government schools; 23:1 private schools) in 2015/16. The pupil classroom ratio declined from 59:1 in 2014/15 to 63:1 in 2015/16. This decline is attributed to the rapid increase of enrolment, which does not match the rate at which classrooms are being constructed.

33 Uganda Education for All Report, 2015

34 UNHS (Uganda National Household Survey) 2016/17

35 Ministry of Education and Sports 'Annual Sector Performance Report' 2015/16

Secondary education

In a bid to universalise secondary education and improve attendance for learners, as well as increase equitable access, government has partnered with the private sector. There are an estimated 4000 private secondary schools of which 879 are implementing Universal Secondary Education and benefitting from government subsidies. However, high costs involved by private education providers and poor quality of infrastructure, instructors and instructional materials result in low quality of education.

Under the Universal Secondary Education Programme, the Net Enrolment Rate decreased by 4% points from 26% (27% boys; 25% girls) in 2014/15 to 22% (23% boys; 21% girls) in 2015/16. Transition rates to Senior Five also declined by 5% points from 30% 2014/15 to 25.0 in 2015/16. The student classroom ratio declined from 50:1 2014/15 to 52.1 in 2015/16 while the student teacher ratio remained constant at 22:1 between 2014/15 and 2015/16.

Informal and Tertiary education

The Uganda Post Primary Education and Training (UPPET) Policy is aimed at improving access to the first four years of post-primary education and to Business, Technical, Vocational Education and Training (BTJET). UPPET and USE have caused a reduction in post-primary dropout levels with transition rates from primary to secondary school increasing from 47% in financial year 2006/07 to financial year 73% in 2012/13.³⁶ Technical/vocational education is expensive and requires soft and hard infrastructure that is additional to the regular infrastructure. Unfortunately, it is perceived by many communities as a poor second runner to academic training and hence does not receive the essential parental and community support. BTJET enrolment has increased from 21,763 in 2007 to 45,242 in 2016. Enrolment in primary teachers training colleges (PTC) has increased from 17,960 (2002) to 18,043 (2016).³⁷

The overall enrolment in Business, Technical and Vocational Education and Training (BTJET) increased by 16.2% from 111,479 students (Female: 48,012 and Male: 63,467) in 2014/15 to 129,599 (Female: 59,351 and Male 70,248) in 2015/16. There were 129,599 students enrolled in BTJET programmes in 2015/16.³⁸ The male students continue to out-number the female students in BTJET institutions. This is due to a number of factors including the current perceptions on male versus female labour intensive roles.³⁹

Leisure and sports

Children in school exercise the right to leisure in their extra-curricular activities within school premises and school excursions. The Physical Education and Sports Policy encourages the undertaking of sports for health and wellbeing of the child. The Education Sector declared Physical Education and Sports a compulsory subject in primary and secondary schools in 2009.⁴⁰ This has resulted in remarkably increased participation of both boys and girls in school in sports competition across the board, and up to, national level. During 2015/16, the Ministry of Education and sports facilitated the participation of Technical Institutions Games, 2,300 pupils and Special Needs Learners national ball games; and, secondary school ball games.⁴¹

36 Second National Development Plan 2015/16 – 2019/20

37 Ministry of Education and Sports 'Education and Sports Sector Fact Sheet 2002 – 2016

38 Ibid

39 Ministry of Education and Sports, Annual Sector Performance Report 2015/16

40 NDP II 2015/16 – 2019/20

41 Ministry of Education Annual performance Report 2015/16

The Ministry also provided health care and recreation (sports and games) facilities for 3,592 students. Uganda has signed a Cooperation Agreement with International Association of Athletics Federation (IAAF), which led to standardization of primary schools sports competitions geared towards talent identification and provision of age appropriate sports activity.

The MGLSD and Ministry of Education and Sports facilitate through the local government's music, dance and drama festivals at district and national level. Most government owned/run educational facilities have sufficient space for play and recreation. Outside educational institutions and the few designated play spaces in cities, there are hardly government owned and regulated facilities and spaces where children can enjoy such rights. Some schools lack playgrounds and sports grounds for children to play and interact.

Alternative education frameworks for disadvantaged children

Although there is no policy in place yet, Uganda is implementing Alternative Basic Education programs for disadvantaged (un-reached) children. These programmes include Complementary Opportunity for Primary Education program, Alternative Basic Education for Karamoja (ABEK), Basic Education for Urban Poverty Areas, Child-centered Alternative Non-formal Community Based Education; and ELSE.

Government continued implementing the Non-formal Training Programme to increase access and cater for learners that do not otherwise qualify for the formal BTVET training and education. In 2014/15, government disbursed capitation grants amounting to Uganda shillings 2.5 billion for training and Assessment of the beneficiary trainees under the programme. In 2013/14, 27,749 children (Boys 13, 659; Girls 14,090) were supported in 289 Non Formal Education Centres, the majority of whom were from the Alternative Basic Education Programme in Karamoja sub-region. Government also trained 1500 instructors in 6 Primary teachers colleges on non-formal education methodologies, to improve teaching and learning.

The Accelerated Learning Programme innovation by Save the Children International Uganda is designed to bring back to school children that had dropped out and support them to complete primary education or transit into mainstream schools. It uses a condensed curriculum derived from the current national primary school curriculum and targets children and youth whose formal schooling has been interrupted by challenges for various reasons. This may arise from factors such as insurgency or insecurity; early child marriage, remoteness from schools, formerly abducted children, orphans, child heads of households and children with disability. The programme pays special attention to unaccompanied children and those under foster care.

Learners who complete the Accelerated Learning Programme level 3 may sit for Primary Leaving Exams and either join secondary education or vocational Courses. Most Accelerated Learning programmes have met or exceeded either met the targeted number of school children, including gender parity in the composition of learners.⁴² The programme has benefitted children who would otherwise fail to access education in the formal learning system. 1702 children in the Rwenzori and Northern region have utilised this programme and 2168 children in the Congolese refugee settlements in Western Uganda and the South Sudanese Refugee Settlements in West Nile Region have benefited from the programme.⁴³

42 Save the Children Uganda Report 'Non-Formal Education Research: Assessment of Complementary Basic Education Across Uganda' 2017

43 *ibid*

Refugee, Island and Migratory Children

Uganda hosts about 1,400,218 million refugees and asylum seekers⁴⁴ and affords refugee children the right, among others, to identification, access to education and other public services. 61% of these are children (798,008). This causes further strain on the limited resources in the schools and communities that host the refugees. In 2013, Government trained over 214 refugee teachers in refugee settlements to create awareness of the Ugandan curriculum and equipped them with skills to carry out psycho-social support to learners who may be traumatized.

According to the UNHCR data portal for Uganda, there were 1,442,886 refugees in Uganda by April 2018, 1,239,912 by March 2019 and 1,423,377 by March 2020. As of December 2019, 60% (over 834,000) of all registered refugees were children. The number of children-at-risk within the refugee population is disproportionately high with over 53,000 children considered to be at risk including some 39,000 unaccompanied and separated children.

A considerable number of children have been separated from parents or relatives prior, during or after flight leaving them at a heightened risk. A conducive environment to a very progressive refugee framework, including for refugee children, which is very well integrated into national action plans and the national development agenda. Uganda's progressive of violence, abuse and neglect as well as lack of access to services such as health and education. The political climate in Uganda has refugee policy enables refugees to enjoy freedom of movement, the right to work and establish a business, and access to services such as health care and education. Refugees who decide to live in a settlement are given a plot of land and can access all services provided by the government and humanitarian partners, including food, water, sanitation services, education, health care and livelihood opportunities.

The Refugee Act of 2006 creates a conducive environment for refugees to integrate and lead meaningful lives in Ugandan Society. It provides specifically that refugee children shall be accorded the same treatment as nationals with respect to elementary education. There is a concerted effort by Government and Partners to screen all refugee children that enter Uganda through official border points. Children are screened for among others, medical intervention needs, nutrition levels, immunisation and psychological trauma (including involvement in conflict). The Government strives to meet the most urgent needs especially medical and psychosocial support.

Following the New York Declaration in 2016 and subsequent establishment of the Global Compact on Refugees, the Government of Uganda launched the Comprehensive Refugee Response Framework (CRRF) in March 2017, with the objective to ease pressure on host communities and enhance self-reliance of refugees by shifting from short-term humanitarian assistance to a longer-term development intervention. With the government firmly in the lead, UNHCR continues to catalyze action amongst numerous stakeholders in Uganda to move toward a sustainable and comprehensive refugee response, including new investments from development actors and the private sector. Ministries, Departments and Agencies are increasingly including refugees into their plans, programs and projects

The National Child Policy 2020 provides for four broad rights of children in Uganda including refugee children; survival, development, protection and participation. In principle, children of concern to UNHCR are granted access to all national services, including education and health.

However, as the child protection concerns amongst the refugee community are high, specific prevention and response strategies need to be developed to ensure access to their rights, to preserve

⁴⁴ UNHCR October 2017 Statistical Summary

their safety and dignity as well as their physical and psychological well-being. Refugee and asylum-seeking boys and girls in Uganda have a complex set of specific needs that have to be addressed not only with specialized responses, but also through a systematic application of a child-focused lens to all aspects of the UNHCR response.

Challenges identified include insufficient resources to effectively integrate refugees into host communities and national education systems, and a shortage of education supplies and trained teachers. Uganda's policy of including children in the regular education system under the UPE and USE programmes will reduce the likelihood of recruitment of refugee children into armies or armed groups.

Uganda faces hurdles in providing education for children at all levels from island and migratory communities. There is a particular shortage of secondary school facilities on the islands. Transport between islands is unsafe, expensive and not readily accessible on a daily basis. This limits the participation of children from these communities in education

Children Belonging to Indigenous and Minority Groups

Cf Concluding observation 82

Children of indigenous and minority groups have limited access to schools and other social amenities mostly due to their geographical location but also because of higher levels of poverty than are registered in larger groups. These categories children are affected by lack of instructional materials and personnel in their mother tongues. Minorities living in remote areas face challenges in accessing early child education since it is private sector led and investments are urban based for the most part.

The Ministry of Education and Sports has set a goal to ensure that by 2015 all children, particularly girls, children in difficult circumstances and those belonging to ethnic minorities, have access to and complete, free and compulsory primary education of good quality. To that end, the Ministry is providing non-formal education with partners in some of the regions like Karamoja, but this is limited in scope rather than a comprehensive educational programme.

Education on human rights and civic education

The National Action Plan for Formal Human Rights Education in Uganda 2016-2021 frames the major objectives and targets of human rights education in Uganda. Uganda has incorporated the teaching of rights to children in the curriculum for primary and secondary schools. Awareness on human rights is conveyed mostly through mass media and campaigns sponsored and implemented by Uganda Human Rights Commission through its Bazaar system and civil society organisations and local government leaders.

The Uganda Human Rights Commission is engaging the youth in secondary schools through facilitating the formation on of Human Rights Peace Clubs and building the capacity of the already existing ones.

Because of human rights education by the Commission and various NGO partners, there has been a notable increase in human rights awareness in the communities. There is also enhanced media coverage, which has improved the capacity of persons to identify and report rights abuses. However, despite these efforts, many Ugandans have low awareness of their rights.

9. Special Protection Measures

Refugee children and asylum seekers in Uganda

Cf Concluding observation 60

Uganda has been commended for its open and welcoming refugee policy. Under this, refugee children and asylum seekers are entitled to the same rights, and to access government services such as health and education on an equal basis with other children.

According to the UNHCR data portal for Uganda, there were 1,442,886 refugees in Uganda by April 2018, 1,239,912 by March 2019 and 1,423,377 by March 2020. As of December 2019, 60% (over 834,000) of all registered refugees were children. The number of children-at-risk within the refugee population is disproportionately high with over 53,000 children considered to be at risk including some 39,000 unaccompanied and separated children.

A considerable number of children have been separated from parents or relatives prior, during or after flight leaving them at a heightened risk of violence, abuse and neglect as well as lack of access to services such as health and education. The political climate in Uganda has been conducive to a very progressive refugee framework, including for refugee children, which is very well integrated into national action plans and the national development agenda. Uganda's progressive refugee policy enables refugees to enjoy freedom of movement, the right to work and establish a business, and access to services such as health care and education. Refugees who decide to live in a settlement are given a plot of land and can access all services provided by the government and humanitarian partners, including food, water, sanitation services, education, health care and livelihood opportunities.

The Refugee Act of 2006 creates a conducive environment for refugees to integrate and lead meaningful lives in Ugandan society. It provides specifically that refugee children shall be accorded the same treatment as nationals with respect to elementary education. In addition, a refugee child is entitled to the enjoyment of the rights and freedoms contained in the Children Act as amended by the Children Act Cap 59 (as amended) 2016, African Charter on the Rights and Welfare of the Child, 1981 and the Convention on the Rights of the Child, 1989. It also states that refugee children shall enjoy the rights in the Geneva Convention, irrespective of the child's parent's or legal guardian's race, ethnic group, colour, sex, language, relation, political or other opinion, national and social origin, fortune, birth or other status. Identification documents for children and unaccompanied minors are issued in accordance with the principles applicable to a recognised refugee.⁴⁵

Uganda is now Africa's leading refugee-hosting country, having jumped from the eighth largest refugee-hosting country in the world in mid-2016 to the third largest today.⁴⁶

There is a concerted effort by government and partners to screen all refugee children that enter Uganda through official border points. This is especially so for the South Sudanese refugees. These are screened for among others, medical intervention needs, nutrition levels, immunisation and psychological trauma (including involvement in conflict). The government strives to meet the most urgent needs such as medical and psychosocial support.

⁴⁵ Section 32, Refugee Act 2006

⁴⁶ UNICEF report at <https://reliefweb.int/report/uganda/children-s-refugee-crisis>

Following the New York Declaration in 2016 and subsequent establishment of the Global Compact on Refugees, the Government of Uganda launched the Comprehensive Refugee Response Framework (CRRF) in March 2017, with the objective to ease pressure on host communities and enhance self-reliance of refugees by shifting from short-term humanitarian assistance to a longer-term development intervention. With the government firmly in the lead, UNHCR continues to catalyze action amongst numerous stakeholders in Uganda to move toward a sustainable and comprehensive refugee response, including new investments from development actors and the private sector. Ministries, Departments and Agencies are increasingly including refugees into their plans, programs and projects. The government has initiated a concerted resource mobilisation drive, together with international development agencies and NGOs, including for early childhood and primary school sites.

The National Child Policy 2020 provides for four broad rights of children in Uganda including refugee children; survival, development, protection and participation. In principle, children of concern to UNHCR are granted access to all national services, including education and health.

However, as the child protection concerns amongst the refugee community are high, specific prevention and response strategies need to be developed to ensure access to their rights, to preserve their safety and dignity as well as their physical and psychological well-being. Refugee and asylum-seeking boys and girls in Uganda have a complex set of specific needs that have to be addressed not only with specialized responses, but also through a systematic application of a child-focused lens to all aspects of the UNHCR response.

Children in street situations

Cf Concluding observation 72

The government acknowledges the hardships faced by Uganda's street children, especially in the capital city, Kampala. The numbers of street children may be due to orphanhood and the exploitative habit of trafficking children internally. Due to poverty and difficulty of life in the arid north east in the region of Karamoja, many children leave in search of better opportunities in the south and end up on the streets of Kampala. Some of them are trafficked by unscrupulous people to beg on the streets. The total numbers of street children in the country are not known but they are estimated at more than 15,000.

In order to address the root causes of the street children problem, the OVC Policy 2004 prioritised care and support, child protection, education, health, food security and nutrition, psychosocial support, socio-economic security, conflict resolution and peace building. These interventions constitute the Essential Services Package for orphans and other vulnerable children.⁴⁷ The OVC Policy 2004 policy was supplemented by the Alternative Care Framework, which focuses on strengthening families and communities in order to reduce hardship, violence, and other factors that lead to family separation through parents abandoning children or children running away from their families.

Kampala Capital City Authority and the Probation and Social Welfare Department are responsible for street children in Kampala. Further, all Cities and Local Governments (Municipalities, Town Councils) across the country are responsible for any street children in their jurisdictions as provided for under the Local Government Act, 1997 (as amended). The MGLSD provides an oversight role with support from development partners, CSOs and other Ministries, Departments and Agencies (MDAs).

⁴⁷ National Orphans and Vulnerable Children Policy

A Survey Report by UNICEF (2007: *Out migration, return and resettlement in Karamoja*) indicates that the children and women who come to the streets of Kampala travel by public means which they have to pay for. There is also evidence that children and women travel from Jinja to Kampala to come to beg from the streets on daily basis. From the two scenarios, it can be adduced that life on the streets is for those with advantage over other members of the community and that begging is looked at as an economic undertaking by adults who use children. This has become a lucrative business involving varied beneficiaries where children are exploited, abused and possibly trafficked.

It is against this background that a strategy for withdrawal and prevention of street children and families was designed by Government in 2008 to provide strategic direction to government and non-state actors investing in interventions to address the plight of Street Children.

The Ministry of Gender, Labour and Social Development and concerned Local Governments together with Development Partners developed a multi-sectoral Street Children Strategy in FY 2007/8 with focus on Karamoja since many children and women who were moving out of the region by then were resorting to street begging as major source of livelihood.

The strategy emphasised withdraw of street children and their families from the streets, ensuring their re-integration/resettlement in their home areas of origin, empowerment with livelihood skills for self-sustenance and strengthening child protection mechanisms.

In 2018, Cabinet approved the MGLSD revised Street Children Action plan and Parliament approved a supplementary budget of Shs 3.4 billion (FY 2018/19) to fund interventions for withdraw, rehabilitation and resettlement of 1500 street children. From a release of Shs 1 billion out of the Shs 3.4 billion at the end of FY 2018/19, 585 children were removed from Kampala streets, rehabilitated and resettled in their communities of origin.

In October 2019, Cabinet established an Inter-Ministerial Task Force on Street Children to oversee street children interventions in the country. Membership is comprised of Ministry of Gender, Labour and Social Development, Office of the Prime Minister/ Ministry for Karamoja Affairs, Ministry of Internal Affairs, Ministry of Local Government, Ministry of Justice and Constitutional Affairs, Ministry of Finance, Planning and Economic Development and Ministry for Kampala. Cabinet also directed the MGLSD to support Local Governments to implement the National Parenting Guidelines, enactment of Ordinances and Bye-laws and mainstreaming vulnerable families in government programmes as a preventive measure of street children phenomenon. Over years, the number of Street Children withdrawn, rehabilitated and resettled over years is as follows: 1,000 (FY2019/20); 796 (FY 2018/19); 2,223 (FY2017/18); 3,456 (2016/17) and 3,445 in FY2015/16.

Child labour

Cf Concluding observation 74

Child labour is prohibited by the Constitution of Uganda 1995, the Employment Act (2006) and the Children (Amendment) Act (2016). The National Action Plan for the Elimination of the Worst Forms of Child Labour (2012/2013- 2016/2017) lays emphasis on school being used to divert children away from labour including the worst forms of child labour.

Article 34 (4) of the Constitution provides that children are entitled to be protected from social or economic exploitation and shall not be employed in or required to perform work that is likely to be hazardous or to interfere with their education or to be harmful to their health or physical, mental

spiritual, moral or social development. The Children (Amendment) Act in Section 7 states that the minimum age of employment is 16.

The UNHS 2016/17 results indicate that 2,048,000 children out of 8,973,000 children (14%) aged 5-17 are engaged in some form of child labour i.e 14% of all children nationally. More than 1,793,000 children aged 5-13 (30%) were engaged in child labour; 1.2 million of these were aged 5- 11 years. 2,289,000 boys and girls (similar gender proportions) aged 12 - 13 years were engaged in child labour. The proportion was higher among rural children (20%) compared to those living in urban areas (7%). 289,000 children (17%) aged 12- 13 year-old were in non-light economic activity.

In 2012, the MGLSD had 36 non-specialized labour inspectors and 23 occupational health and safety inspectors and conducted 300 routine work inspections. 61 Cases of child labour were investigated, 18 prosecuted and 2 trials were initiated. In 2015, Government had 53 labour inspectors who conducted 220 inspections. Law enforcements officers conducted 77 investigations and initiated 48 prosecutions on child labour. Training of labour officers and law enforcement agents is ongoing although insufficient to cover every district.

While the Employment Act 2006 requires districts to appoint Labour officers, not all districts have recruited them. This limits the inspection of workplaces to ensure that children are not being unlawfully integrated in workplaces or working in conditions of child labour. Children are still exploited to work in the worst forms of labour such as commercial sex work, working in mines and hazardous areas of agriculture and forced labour. The Children (Amendment) Act 2016 sets the minimum age of work as 16 and the minimum age for hazardous work at 18 years.

The Government of Uganda's commitment to the elimination of child labour has been through the ratification of the International Labour Organisation (ILO) Conventions on the Minimum Age Convention, 1973 (No. 138), Convention, 1999 According to the Uganda National Household Survey (UNHS) 2016/2017, a total of about 2,048,000 children out of the 14,984,929 aged 5-17 were engaged in some form of child labour, which constituted 14 % of all children nationally. The worst forms of child labour manifest in the commercial agriculture (tobacco, rice, tea and sugar plantations), the informal sector, hotels, bars, commercial sex, child trafficking, construction industry, fishing, stone and sand quarrying.

(No. 182) on elimination of the Worst Forms of Child Labour, and the United Nations (UN) Convention on the Rights of the Child. These emphasize freedom from child labour as a human right and the elimination of child labour as a universal and fundamental value. These have further been domesticated by enactment of laws, policies, regulations, guidelines, the Vision 2040, National Development Plan (NDP) II and III (NDP), National Action Plan for Elimination of Child Labour, the Sector Plans, Programmes and projects that address the problem of child labour directly or indirectly.

Child labour is prohibited by the Constitution of Uganda 1995; the Employment Act (2006) and the Children (Amendment) Act 2016. The National Action Plan for the Elimination of the Worst Forms of Child Labour (2012/2013- 2016/2017) laid emphasis on the need to ensure children access and are retained in schools as being the most appropriate strategy for preventing and protecting children from becoming victims of the worst forms of Child Labour. The National Labour Force Survey (NLFS) 2016/17 showed that six out of every ten (60 %) children aged 6-17 years attended school exclusively, while another one quarter (24 %) combined working and attending school at the same time. About one in every ten children aged 6 to 17 year-olds were neither involved in economic activities nor at school. The general proportion of children combining school with work activities reduced (from 33 percent to 24 percent) while the proportion exclusively at school increased (from 56 percent to 60 percent).

The Uganda National Action Plan (NAP) for the Elimination of Child Labour 2017/2018 -2021/2022 provides a framework for the prevention, withdrawal, rehabilitation and integration of children from child labour. The NAP 2017/18-2021/22 builds on the achievements and challenges registered during the implementation of NAP 2012/13-2016/17. The goal of the National Action Plan (NAP) 2017/2018 -2021/2022 is to reduce the incidence of all forms of Child Labour in households, communities and all sectors in Uganda.

The objectives of NAP are to :strengthen the legal, policy and institutional framework for addressing child labour; enhance partnership and coordination for elimination of child labour; increase access to social protection, education, skills development and social assistance services for children, households and communities affected or at risk of all forms of Child Labour; enhance research and advocacy on child labour issues for increased public awareness and required actions; and strengthen the monitoring and evaluation system for the elimination of Child Labour.

The prevention of child labour calls for all stakeholders' participation in addressing socio-economic issues at the household, community, and sector levels that act as the drivers for child labour. It also calls for mainstreaming child labour issues into the design and implementation of policies, laws, regulations, guidelines, programmes and projects. Efforts are in place to ensure all the districts appoint Labour Officers in accordance with Employment Act, 2006 in order to strengthen enforcement of the relevant provisions of the law.

Children in armed conflict and child abduction

Uganda ratified the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (OPAC) in 2002. Its principles are reiterated in the Children's Act (2016), the Uganda People's Defence Forces (UPDF) Act (2005) and Employment Act (2006).

Since the end of the Lord's Resistance Army (LRA) insurgency in Uganda in 2006, there is no in-country recruitment or involvement of children in Uganda in hostilities. This includes terrorist activities. With the defeat of the Lord's Resistance Army (LRA) and the Allied Democratic Forces there is a reduction in active rebel groups and militias in the country; and hence in the recruitment of children as child soldiers. Various NGOs are offering rehabilitation and reintegration services for former child soldiers and abductees of the LRA through psychosocial support. However, many former child abductees and soldiers are having great difficulty with re-integrating into the community, especially women and children.

The UPDF has actively taken steps, in partnership with actors like the Uganda Human Rights Commission, UNICEF and Save the Children, to integrate the Optional Protocol in training of UPDF staff and in operationalising its principles in the way the military handles children. These principles also guide operations in peacekeeping missions. The UPDF has developed a Child Protection Curriculum and Toolkit since 2008 for training officers.

There is an Action plan in place since 2006 for the prevention, removal and integration of any child soldiers found in UPDF. UPDF since May 2011 has had in place Standard Operating Procedures for Reception and Handover of children rescued from the Lord's Resistance Army. Under the Standard Operating Procedures, children in the care of UPDF are provided food, shelter, medical care and protection from violence, abuse and neglect until they are handed over to civilian authorities under the auspices of UNICEF, UN or humanitarian agencies.

The Children Act Cap 59 (as amended) 2016 sets the minimum age of employment at 16, which is below the UPDF minimum age of 18 years. In the past, underage recruitment into armed forces

in the absence of a system to verify age was a challenge to the Government. Even then the UPDF required a birth certificate as well as age verification from Local Councils and doctors. Currently, national identification cards are compulsory for recruitment.

The UPDF has a Directorate of Human Rights, which equips its officers with knowledge on child protection and child rights for children in and affected by conflict. These cover, among others Security Council Resolutions and legal instruments in armed conflict. 'Through the project, 'Strengthening Child Protection in African Union Peace Support Operations in East and West Africa', Save the Children has developed a training curriculum on child protection with the aim of operationalizing it within the African Standby Force. This process will see the peace supports operations personnel undergo a standardized and mandatory pre-deployment training. The UPDF is participating in this training and it is hoped that the content will be incorporated into its military training curriculum.

About 35,000 abducted children worked as sex slaves, spies, child soldiers, cooks or porters. Most children abducted by the LRA and used in direct and indirect conflict have since returned. Some children are still in the custody of the LRA and others have been born to ex combatants and other captives who continue to return to Uganda. The UPDF Child Protection Unit was set up to receive these children and is still active in receiving the returning children. The Unit screens, demobilises and debriefs them before handing them over to civilian organisations. These organisation make efforts towards further rehabilitation including family tracing and reunification; medical, financial, counselling and psychosocial support; and impartation of basic skills in order to facilitate their survival and re-integration into the community. However, funding for organisations providing rehabilitation and assistance has reduced over the years.

The Amnesty Commission registered and assisted over 5,677 children that were involved in the Northern Uganda Conflict and government has dropped charges against children who were abducted by rebel forces. The continuing trial of Dominic Ongwen, who was abducted at the age of 13 on his way to school then climbed the ranks up to commander level, at the International Criminal Court for crimes committed as a part of LRA is symbolic. It presents Ugandan and the international community legal and ethical challenges on the rights of children who are abducted as children, forced into active violence and then tried as adults for actions they did not volunteer for.

Since the end of the Lord's Resistance Army (LRA) insurgency in Uganda in 2006, there is neither in-country recruitment nor involvement of children in hostilities or terrorist attacks in the Country. Various NGOs are offering rehabilitation and reintegration services for former child soldiers and abductees of the LRA through psychosocial support.

Specialised Justice for Children Systems

Cf Concluding Observation 66

Uganda has a specialised Justice system with specialised units in the Judiciary (Family and Children Courts), the Directorate of Public Prosecutions and the Child and Family Protection Unit of the Police. Local government councils at the primary level are in charge of child protection.

The Justice, Law and Order Sector (JLOS) Third Strategic Investment Plan 2012/13-2016/17 prioritised the rights of children in the justice system and took note of current gaps in child friendly justice administration and approaches, especially failure to emphasise restorative justice. The JLOS Sector Strategic Development Plan 2017-2021 reinforces the best practices achieved in previous programme implementation.

The Justice for Children program that operates in all the judicial regional districts was created to provide a unified, system based response to children in the justice system. The JLOS Strategic Development Plan 2017-2021 emphasises the need to strengthen systems that will child friendly services, effective child justice duty bearers and institutions and to ensure the speedy disposal of child related cases at all levels of the justice chain.

There is a Justice for Children Steering Committee to strengthen oversight, planning and implementation amongst the various institutions in the sector. A crucial part of the programme are Justice for Children Coordinators who work with the law enforcement agencies to protect children entering the formal justice system as victims, witnesses or children whose acts are in conflict with the law.

Access to justice is only significant if it applies equally to both children and adults. Access to justice for children means that children, or their appropriate advocates, are able to use and trust the legal rights. Over years, Government has been building a legal system that is able system to protect their human to provide children the means to obtain a quick, effective and fair response to protect their rights; the means to prevent and solve disputes; mechanisms to control the abuse of power through a transparent, efficient, accountable and affordable process.

The Children (Amendment) Act 2016 provides for children to access justice through the Criminal and Civil Justice Systems, whether as witnesses, victims or in conflict with the law. The Children (Amendment) Act 2016, Section 89 provides that the minimum age of criminal responsibility shall be 12 years.

The juvenile justice system in Uganda aims at rehabilitation of the child and protection from formal processes that may victimize or traumatise the child. It seeks to enable re-integration of children into their families and society.

The Children (Amendment) Act 2016 provides for state-funded legal aid to be availed to children who are charged with capital offences. Different institutions have instituted other measures to support the child-friendly environment. Between 2015-2020, the Ministry of Gender Labour and Social Development constructed two new Remand Homes (Arua and Kabale) with a capacity of 80 juveniles , three Remand Homes with a capacity of 80 (Moroto, Masindi and Gulu) are under construction ,renovated and equipped three Remand Homes (Fort-Portal Remand, Mbale Remand, Naguru), Kampiringisa National Rehabilitation Centre and Naguru Reception Centre to provide appropriate accommodation for children in conflict with the law and those in need of care and protection.

A total of 2,502 children (443 females and 2,059 males) from Remand Homes, Kampiringisa National Rehabilitation Centre and Naguru Reception Centre were resettled in their respective communities in FY 2018/19 compared to 2,229 children resettled in FY 2017/18 (JLOS FY 2018/19 Annual report). They comprised of children granted non-custodial sentences or acquitted, rehabilitated children, children at risk of violation, abandoned children, and lost and found children. The resettlements were conducted by the Probation Officers (POs) and Officers in Charge (OC) of the Police Child and Family Protection Units (CFPUs).

The Office of the Director of Public Prosecution (ODPP) has created a child-friendly space in its facilities as part of its efforts to improve the response to the needs of children who are witnesses or victims of crime and reduce the trauma of the judicial process. It is expected that these facilities will be created throughout the Country.

In 2010, the Government established the Justice Centres Uganda (JCU), which are housed within the Judiciary. Justice Centres Uganda are a one stop-shop legal aid clinic that seeks to bridge the gap between the supply and demand-sides of justice particularly for indigent and vulnerable persons. The JLOS Justice for Children programme has grown in strength. The Coordinators located around the Country are well integrated into the District Chain-Linked Committees and are working closely with the institutions to ensure that child friendly processes and diversion programmes are implemented.

The J4C Regional Coordinator work closely with JLOS institutions and other stakeholders with a view of ensuring that child rights are upheld, diversion and child friendly procedures are implemented. The J4C Coordinators engage with Trial Magistrates and advocate for non-custodial sentences for children in conflict with the law, hence resulting to a reduced number of juvenile offenders ending up in Remand Homes, courts of law and Kampirigisa National Rehabilitation Centre.

The Law Development Centre and Justice Centres Uganda continue to emphasize diversion of children from the Justice system, whenever possible. With the reinstatement of the Local Councils at the village and parish levels, this will be further strengthened. The national diversion rate was 76.3% compared to the baseline of 75% and the 2021 target of 80% (JLOS, FY 2017/18 report). This was as a result of the capacity building of Justice, Law and Order (JLOS) institutions, especially Uganda Police Force (UPF) and the support of the J4C coordinators) in the 13 JLOS regions by 2017.

The Ugandan Judiciary has adopted child friendly procedures and developed a manual for Judicial Officers on how to handle cases of children who access the court system as victims, witnesses and those in conflict with the law. Uganda has a specialised Justice System with specialised units in the Judiciary (Family and Children Courts), the Directorate of Public Prosecutions and the Child and Family Protection Unit of the Police. The Justice for Children program that operates in all the Judicial regional districts was created to provide a unified, system based response to children in the Justice System.

The Justice, Law and Order Strategic Development Plan 2017-2021 emphasises the need to strengthen systems that will provide child friendly services, effective child justice duty bearers and institutions and to ensure the speedy disposal of child related cases at all levels of the justice chain. There was an increase in service points offering child friendly services as the justice for children agenda is mainstreamed in the JLOS Sector from 52% to 60%. This is in line with the shared view that priority should be placed on community based reintegration for children in contact with the law.

According to JLOS FY 2017/18 Annual report, a total of 790 custodial and 1,664 non-custodial sentences were issued out of 2,454 juveniles sentenced. This was due to the continued sensitization, advocacy and engagement with stakeholders on child rights. All regions in the country had more juveniles receiving non-custodial sentences as opposed to custodial sentences except for Gulu where 76 juveniles received custodial sentences and 47 received non-custodial sentences, Moroto where 34 juveniles received custodial sentences and 25 received non-custodial sentences.

Justice, Law and Order Sector, in partnership with other stakeholders, continued to advocate for the implementation of the diversion program. A total of 5,040 divertible cases of child offenders were received, of which 3,843 were diverted, hence a national diversion rate of 76.3% as compared to the 75% rate registered in FY 2016/17. According to JLOS FY 2018/19 Annual report, a diversion rate of 76.2% which was 95.3% performance against the 2021 target was recorded. During FY 2019/20, JLOS registered a 75.1% diversion rate which is 91% performance against the 2021 target in promoting justice for children and the number of service points within the Sector offering child friendly services stood at 72%. The increase is attributed to the increase in JLOS service points offering child friendly

services as well as community sensitisation programmes. Child friendly services include; hearing cases involving juveniles in chambers, support to social workers to offer counselling services, tracing parents for children in conflict with the law or in need of care and protection, diversion of juvenile offenders and facilitation to child friendly lawyers to represent the children in courts of law.

The approval and launch of the Children Diversion Guidelines for Police Officers, 2019 was a boost to access justice to children in contact with the law. The Guidelines are aimed at supporting the Uganda Police Force to protect and preserve the rights of children by ensuring that juveniles are diverted from the formal justice system.

Children in conflict with the law

Cf Concluding Observation 80

The Government of Uganda is committed to ensuring that children in conflict with the law are diverted away from the criminal justice system as much as possible. To this end the Diversion Guidelines and Regulations are underway to guide Police, Prosecutors, Probation and Social Welfare Officers and Judicial Officers on promoting diversion and using counselling, mediation, and apology for children who commit minor crimes. The guidelines provide that children can be diverted at any stage of criminal proceedings.

The Justice for Children Programme, pursuant to the Children Act, mobilised Fit Persons in the community to play a specialised support role for children in conflict or contact with the justice system, working with the police, courts and probation officers as well as children and community members. The fit persons are community based volunteers deployed by Government and NGOs that work with probation officers to protect children in detention or at arrest stage, children at risk or in need of shelter and reintegration and rehabilitation in the community. The JLOS Diversion Guidelines further clarify the role of the Fit Persons as child advocates who can play a role in counselling children and guiding them through the criminal justice process.

All these child friendly approaches have resulted in positive results for justice for children. Statistics from the JLOS Annual Report 2015/16 indicated that there were 1779 children in conflict with the law in 2014 compared to 1,797 in 2015/16. The JLOS Annual Report of 2015/16 noted that the number of children arrested per 100,000 child population reduced to 8.4 compared to 9.4 for every 100,000 child population in 2014/15. Furthermore, an 84.1% diversion rate of children in conflict with the law from formal judicial proceedings was registered. However, there is still a high remand population of children on remand per 100,000 standing at 2.07 for every 100,000 child population compared to the target of 01 child per 100,000 child population.

The National Court Census of 2015 revealed that there is a backlog of over 10,000 children's cases in the courts, which results in justice being delayed for the children who are victims or rehabilitation for those in conflict with the law. The Case Backlog Reduction Committee of the Judiciary has set targets from March 2017 for cases regarding children in conflict with the law or child victims or breast-feeding mothers to be cause listed first.

The 2015 Situation Analysis Report from UNICEF showed that significant attempts have been made to reduce the amount of time juveniles spend in detention before sentencing; which has decreased from five to three months on average, while the number of children in conflict with the law who have been rehabilitated after release has increased.

Child-friendly court proceedings

The J4C Programme provided strategic technical and logistical support to Magistrates and Resident State Attorneys. This has raised the awareness of law enforcement agencies on children's rights and increased the use of child-friendly practices such as prioritising or fast tracking children's cases and hearing children's matters in chambers. This has been strengthened by the development of a Manual for Prosecutors promoting the handling of child-related cases, whether as victim, witness or the defendant, in a gender-sensitive and child friendly manner. The Judiciary has developed a Manual for Judicial officers with a view to promoting child friendly approaches in the Judiciary, in keeping with the best interests of the child.

A major challenge in the prosecution of sexual violence cases involving children has been the fear or reprisal by child victims or witnesses. The Judiciary has established video links in all High Court circuits so that children do not have to give testimony in the intimidating atmosphere of open court.

Nonetheless, there are challenges relating to child justice in Uganda. The public in many instances do not view diversion favourably and in some instances, children have to be protected from further communal backlash. This mind set is reiterated in some isolated cases of law enforcers, resulting in children not being diverted from formal justice systems. Furthermore, not all law enforcers are conversant with the concept of restorative justice and diversion. JLOS is undertaking sustained intensive training efforts at national and regional level to re-orient attitudes and raise awareness on child justice in keeping with international standards.

Children in remand homes

The target for JLOS is to greatly reduce the number of children in detention by promoting diversion. Nonetheless, efforts have been made to improve justice for children by the establishment of remand homes. These have been established in each region of the country and serve as holding places for children who have committed capital offences). However, remand homes face challenges of overcrowding and are only found at regional level, making it hard for children to commute to court.

Remand Homes have been equipped with basic equipment such as beds, bedding, mosquito nets, cooking facilities, kitchen and dining utensils. The Children Act Cap 59 provides for visitation committee to visit such places and ensure that they are properly run and maintain the children's best interests. The Uganda Human Rights Commission also makes yearly impromptu visits because they have the responsibility of monitoring the conditions in places of detention.

Remand Homes have an open door policy and parents and relatives can visit at any time. However, children suspected of offences face strong stigma, even from their families, who feel a sense of shame at the situation and often do not visit. The alternative care framework focuses on strengthening families and communities, with emphasis on educating parents and protecting vulnerable children, including those who come into conflict with the law.

The Kampiringisa National Rehabilitation Centre hosts children who commit capital offences. The centre faces a number of challenges due to inadequate finances for food, bedding, equipment and human resource capacity. It houses a large number of children often in excess of its capacity. On a limited budget, efforts are made to rehabilitate children by equipping them with BTVET skills. Some

of the vocational skills are offered off-site at Bbiira Polytechnic Institute, Masulita Polytechnic Institute in Wakiso district and the Uganda Children Centre in Munyonyo (Kampala) that provide services. In addition, there are recreational activities involving music, drama, and sports and entertainment from television broadcasting, as some NGOs have kindly donated TVs to the centre.

Legal Aid for Children

The Children Act Cap 59 provides for state funded legal aid to be availed to children who are charged with committing capital offences. Section 16 of the Children Act provides that children appearing before the Family and Children Court have a right to legal representation.

The government in 2010 established the Justice Centres Uganda (JCUs), which are housed within the Judiciary. JCUs are a one stop-shop legal aid clinic that seeks to bridge the gap between the supply and demand sides of justice for indigent and vulnerable persons particularly. The services of JCUs cut across civil and criminal areas of justice and include legal advice, court representation, Alternative Dispute Resolution (ADR), counselling and psycho social support, referral and follow up with other relevant institutions, legal and human rights awareness creation and advocacy on the legal aid policy framework. JCUs also host a toll free phone line to receive and handle cases. At present, the major constraint faced by JCU is lack of funds, which means their services are limited to only a few centres country-wide – only 6. However, the draft National Legal Aid Bill and Legal Aid Policy are set to improve the situation of funding, implementation and management of legal aid for vulnerable groups in Uganda.

Annex 1

Number of boys and girls whose birth is registered by sex for the period 2014 – 2017

Source: Mobile Vital Record System

Year	0-11 months			1 - 5 years			6-18 years			Total		
	Boys	Girl	Total	Boys	Girl	Total	Boys	Girl	Total	Boys	Girl	Total
2013			-			-			-			-
2014	86,311	85,038	171,349	270,868	267,554	538,422	96,647	95,647	192,294	453,826	448,239	902,065
2015	111,025	107,953	218,978	419,496	412,577	832,073	128,281	124,995	253,276	658,802	645,525	1,304,327
2016	46,047	45,046	91,093	152,110	149,024	301,134	95,115	94,274	189,389	293,272	288,344	581,616
2017	43,341	43,240	86,581	188,716	184,817	373,533	105,621	105,177	210,798	337,678	333,234	670,912
Total	286,724	281,277	568,001	1,031,190	1,013,972	2,045,162	425,664	420,093	845,757	1,743,578	1,715,342	3,458,920

Annex 2

Uganda Demographic and Health Survey

<http://www.ubos.org/2017/03/15/uganda-demographic-and-health-survey-2016-key-indicators-report/>

Uganda National Household Survey 2016/17

http://www.ubos.org/onlinefiles/uploads/ubos/UNHS_12_13/2012_13%20U



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