

Child Rights in Uganda

The Civil Society Perspective

NGO Alternative Report on the Implementation of the United Nations Convention on the Rights of the Child and its two Optional Protocols in Uganda

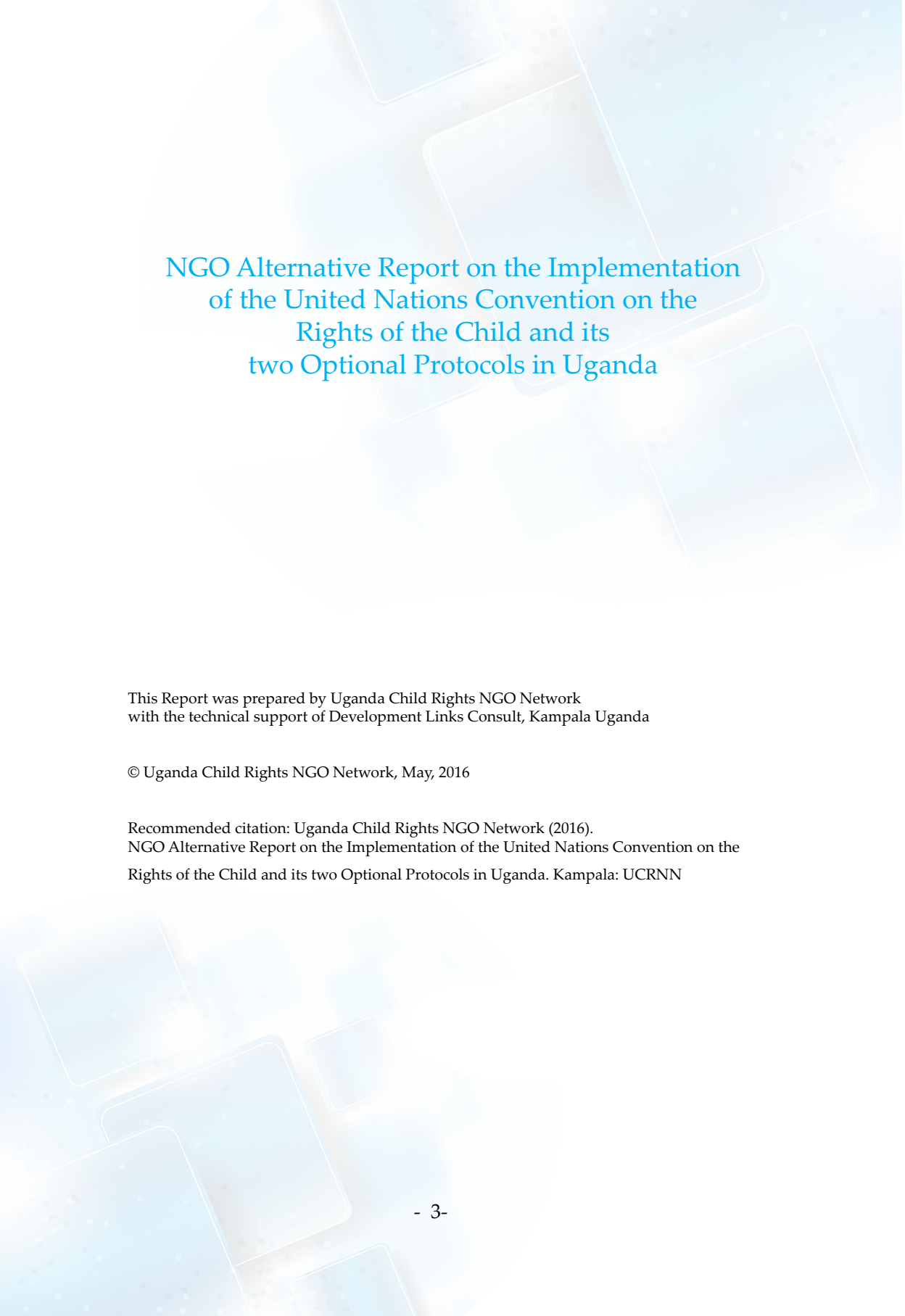
May 2016



Save the Children







NGO Alternative Report on the Implementation of the United Nations Convention on the Rights of the Child and its two Optional Protocols in Uganda

This Report was prepared by Uganda Child Rights NGO Network
with the technical support of Development Links Consult, Kampala Uganda

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Recommended citation: Uganda Child Rights NGO Network (2016).
NGO Alternative Report on the Implementation of the United Nations Convention on the
Rights of the Child and its two Optional Protocols in Uganda. Kampala: UCRNN

Table of contents

Introduction	7
CLUSTER 1: GENERAL MEASURES OF IMPLEMENTATION OF THE CRC AND THE OPTIONAL PROTOCOL	9
1.1 Reservations and Declarations to the Convention and the Optional Protocols (Sec. 2.0, of the State party report)	9
1.2 Domestication and implementation of the CRC and the Optional Protocols (Sec. 2.1, of the State party Report)	9
1.3 A comprehensive national strategy/plan for children (Sec. 2.2, of the State party report)	10
1.4 Coordination of the implementation of the UNCRC and its Optional Protocols (Sec. 2.3, of the State party Report)	10
1.5 Resources/Budget for the implementation of the UNCRC and its Optional Protocols Sec. 2.4, of the State party report)	11
1.6 Data for decision making (Sec. 2.3, of the State party report)	15
1.7 Monitoring the implementation of the UNCRC and its Optional Protocols (Sec. 2.6, of the State party Report)	16
1.8 Awareness creation on the UNCRC, the Optional Protocols, State party Reports and the Concluding Observations (Sec. 2.7, of the State party Report)	17
1.9 Government-CSO Cooperation (Sec.2.9, of the State party report)	18
CLUSTER 2: HARMONIZATION OF THE DEFINITION OF A CHILD	21
CLUSTER 3: GENERAL PRINCIPLES OF THE UNCRC	11
3.1 Non-discrimination (Sec. 3.1.1 of the State party Report)	23

3.2	Best interests of the child (Sec. 3.1.2 of the State party' report)	24
3.3	Right to life, survival and development (Sec. 3.1.3 of the State party' Report)	25
3.4	Children's views being heard (Sec. 3.1.4 of the State party report)	26

CLUSTER 4: CIVIL RIGHTS AND FREEDOMS 28

4.1.	Birth registration, a right to a name and a nationality, and preservation of identity (Secs. 4.0, 4.1, of the State party Report)	28
4.2.	Freedom of expression and the right to seek, receive and impart information (Sec. 4.2 of the State party report) ...	29
4.3.	Children's freedom of thought, conscience and religion (Sec. 4.3 of the State party report)	29
4.4.	Children's freedom of association and of peaceful assembly (Sec.4.4 of the State party Report).....	30
4.5.	Protection of the privacy and the image of children (Sec. 4.5 of the State party Report)	30
4.6.	Access to appropriate information through the mass media (Sec. 4.6 of the State party Report)	30
4.7	Cruel, inhuman or degrading treatment or punishment, including corporal punishment (Sec. 4.7 of the State party report)	31
48.	Child survivors' recovery and social reintegration services (Sec. 4.8 of the State party report)	32

CLUSTER 5: FAMILY ENVIRONMENT AND ALTERNATIVE CARE 34

5.1.	Family environment and assistance to parents (Sec. 5.0 of the State party report)	34
5.2.	Duty of parents (Secs. 5.1, 5.4, of the State party Report) ...	34
5.3.	Separation from parents, and family reunification (Secs. 2, 3, of the State party Report)	35
5.4.	Protection of children deprived of a family environment, including periodic review of placement (Sec. 5.5 of the State party report)	35
5.5.	Adoption, illicit transfer and return (Secs. 5.6, 5.7 of	

the State party report)	36
5.6. Protection of children from violence, abuse and neglect under the care of parents	36
<u>CLUSTER 6: DISABILITY, BASIC HEALTH AND WELFARE</u>	38
6.1 Disability (Sec. 6.3 of the State party report)	40
6.2 Basic health (Part VI of the State party report)	46
6.3 Child welfare (Sec.6.0 of the State party report)	46
<u>CLUSTER 7: EDUCATION, LEISURE AND CULTURAL ACTIVITIES</u>	50
7.1 Education (Secs. 7.0, 7.1, of the State party report)	50
7.2 Leisure and cultural activities (Sec. 7.2 of the State party report)	54
<u>CLUSTER 8: SPECIAL PROTECTION MEASURES</u>	56
8.1. Migrant and displaced children (Sec.8 of the State party report).....	56
8.2. Children in armed conflict	57
8.3. Children in situations of exploitation (Sec. 8.1 of the State party Report)	58
8.4 Children in street situations (Sec. 8.1.5 of the State party report)	60
8.5. Children in conflict with the law, victims and witnesses (Sec. 8.1.6 of the State party report)	60
8.6. Children of minority or indigenous groups (Sec. 8.1.7 of the State party Report)	61
8.7. Protection of children from all forms of abuse and violence	61
<u>References</u>	64
<u>Appendices</u>	68
Abbreviations	68
Endorsement	70
Acknowledgements	72
The mandate of Uganda Child Rights NGO Network (UCRNN)...	72
Methodology	73

Introduction

This is the NGO Alternative Report to the Government of Uganda's consolidated third, fourth and fifth periodic reports on the implementation of the United Nations Convention on the Rights of the Child (UNCRC). The Report has been submitted to the United Nations Committee on the Rights of the Child (hereafter called "the Committee") in accordance with Article 45 of the UNCRC.

The State party second periodic report on the UNCRC was considered by the Committee in 2005. The State party report that this report supplements includes the first periodic report on the implementation of the two UNCRC Optional Protocols, as required by the Committee's 2010 Guidelines for consolidated reports. The initial reports of the State party on the Optional Protocol on the Involvement of Children in Armed Conflict and on the Sale of Children, Child Prostitution and Pornography were both considered by the Committee in 2008.

Purpose

The purpose of this NGO Alternative Report is to provide:

- i. Supplementary information that was not provided in the State party Report.
- ii. Updated statistical and qualitative data that has emerged after the preparation of the State party Report.
- iii. CSO alternative viewpoints to the State party position based on the available evidence from primary and secondary sources.
- iv. CSO recommendations that the Committee may consider in its Concluding Observations and Recommendations to the State party.

This report is divided into sections based on the clusters of rights under the CRC as outlined in the Committee's 2010 reporting guidelines, and the State party report. These clusters are:

1. General measures of implementation
2. Definition of the child
3. General principles

4. Civil rights and freedoms
5. Family environment and alternative care
6. Disability, basic health and welfare
7. Education, leisure and cultural activities
8. Special protection measures

The previous recommendations of the Committee to Uganda provide the basis for analysis. NGOs also highlight new areas of concern. At the end of each cluster, NGOs present recommendations to the Government ensure the full implementation of the CRC in Uganda. Children mean all persons under the legal age of 18 years. Appendices are included containing abbreviations, the mandate of UCRNN and the methodology used for collection of the information that informs this report.

CLUSTER ONE:

GENERAL MEASURES OF IMPLEMENTATION OF THE CRC AND THE OPTIONAL PROTOCOLS

(Arts. 4, 42 and 44, para. 6, of the Convention), (Part II, of the State party report)

1.1 Reservations and Declarations to the Convention and the Optional Protocols (Sec. 2.0, of the State party report)

NGOs commend the Government for not issuing any reservations or declarations to the CRC and the two Optional Protocols and for retaining 18 years as the minimum age for voluntary recruitment into the armed forces.

1.2 Domestication and implementation of the CRC and the Optional Protocols (Sec. 2.1, of the State party Report)

NGOs agree with the State party that it has done well in domesticating the provisions of the UNCRC and its Optional Protocols over the past years. In addition to previous legislative initiatives, the Parliament of Uganda passed the Children (Amendment) Act, 2015 in March 2016 after a protracted amendment process that lasted approximately 10 years. Among other provisions, the Act restricts non-Ugandans from accessing guardianship orders thus closing a major loophole that was earlier abused to illegally take Ugandan children out of the country for adoption and other illicit purposes in other countries. The Act also establishes the Uganda National Children Authority (UNCA) with an independent mandate and budget vote to replace the National Council for Children (NCC).

NGOs further commend selected local Governments for enacting ordinances and bye-laws to address various child rights issues, including compelling parents to enrol and retain children in school (Maracha, Masaka, and Pader districts), banning child labour (Adjumani district), protecting children from substance abuse (Maracha district), and limiting children's access to pornographic and inappropriate information in video halls (Maracha).

However, NGOs remain greatly concerned about the significant gaps in the implementation of the existing laws which has undermined the realisation of the intended improvement in children's wellbeing. The status of children's wellbeing and the factors impeding the full enjoyment of the rights contained in the UNCRC and its Optional Proposals are exhaustively analysed under Clusters 4 to 8 of this report.

1.3. A comprehensive national strategy/plan for children (Sec. 2.2, of the State party report)

NGOs note that the State party has not yet developed a comprehensive multi-sectoral Plan of Action for Children to replace the first Uganda National Plan of Action for Children (UNPAC) developed in 1993. The State party has not explained if it is considering developing such a plan.

The existence of the National Development Plan (NDP) II (2015/2016 -2019/2020) and several sectoral investment plans and policies has not adequately substituted the need for a National Plan of Action for Children. The plan would provide a coherent and harmonized set of goals and cross-sectoral strategies for achieving such goals and support resource mobilisation within the framework of multi-sectoral action.

1.4. Coordination of the implementation of the UNCRC and its Optional Protocols (Sec. 2.3, of the State party Report)

While NGOs agree that the NCC is the Government authority with the overall responsibility to coordinate the implementation of the Convention and its Optional Protocols, the NCC is not well facilitated to fulfil this mandate. We are, however, happy to note that the establishment of the UNCA through the Children (Amendment) Act, 2015 fulfills the Committee's recommendation to the State party. This new legal status gives the coordination agency greater institutional autonomy and authority to monitor various Ministries, Agencies and Departments (MDAs) of Government and non-state actors. This will, however, require that the authority is expeditiously fully constituted and facilitated to be an effective government machinery.

1.5. Resources/Budget for the implementation of the UNCRC and its Optional Protocols (Sec. 2.4, of the State party report)

NGOs agree with the State party that there is limited disaggregated data on funds earmarked by the MDAs of Government for child related interventions because such interventions benefit adults as well. NGOs also agree that the allocations to the sectors that largely address the priorities of children are still insufficient. For example, a review of the National Development Plan (NDP 1-2010/11-2014/15) reveals that the first priority investment sectors were “growth sectors”. The social sectors, which have a direct bearing on children’s wellbeing, were the third and last priority investment area. Social sectors are viewed by policy makers and politicians as ‘economically unviable’ or ‘non growth-enhancing’. There is a decline in budget allocation to the social sectors (as a proportion of the national budget) in recent years as the State party is increasingly focusing on transport infrastructure (tarmac roads, railway) and energy (dam construction).

The trend in financing of the priority child related sectors and agencies is not responsive to the Committee’s recommendation, as further elaborated below:

Social Development Sector

The social development sector (with MGLSD as the lead agency) continues to be one of the least funded despite the Government’s recognition that the sector contributes to all the NDP objectives. The sector has a mandate to redress imbalances and promote equal opportunities for all marginalised and vulnerable persons, including children, youth, women, persons with disabilities, workers, ethnic minorities, and older persons. It specifically has the lead responsibility for child protection, including the provision of direct services to vulnerable children in institutions. The services include the provision of food and non-food items, psychosocial support, medical care, attendance of court sessions and rehabilitation of children in conflict with the law. The sector’s budget as a proportion of the national budget has averaged between 0.5 percent and 2 percent between FY 2008/9 and 2014/2015 (UDN and SCIU, 2014; Ochen, et al, 2013). In FY 2014/15, the budget allocation for child protection activities in the Ministry of Gender,

Labour and Social Development (MGLSD) was UGX 6.2 billion (approx. USD 2.2 million).

Besides the salaries of government child protection staff, most of the funding for child protection programmes (a key area in the social development sector) is donor dependent (WAs, 2014). The resource limitations undermining the work of the District Probation and Welfare Offices are discussed under the last item in this sub-section-decentralised service delivery. It is suffice to note that the limited public funding for child protection affects the scale and sustainability of key interventions.

Health Sector

The absolute increase in budget allocations to the sector is estimated at 20 percent per annum. However, the allocations to the sector as a percentage of the national budget continues to decline, from 9.6 percent in 2003/04 to 8.6 percent in 2014/15 (MGLSD and UNICEF, 2015, p. 43). Moreover, 52 percent of the health sector budget in FY 2014/15 was allocated for recurrent costs (49 percent for wages and salaries and 51 percent for non-wage expenses). With the budget allocation to the health sector considerably lower than the Abuja Declaration target of 15 percent of the annual budget, the sector has recorded a high level of out-of-pocket (household) financing that accounted for 43 percent of the total health expenditure in FY 2013/14. This is a significant disadvantage for children from poor families, especially those within the 22.3 percent population segment who lived below the poverty line in FY 2012/13 (UBOS, 2014a).

Education Sector

The budget allocation to the education sector as a proportion of the national budget has fallen from 19 percent in FY 2004/5 to 15 percent in FY 2012/13. Although it rose to 17 percent in FY 2013/14, it fell to 13 percent in FY 2014/15 (UCRNN, 2014a). This is against a background of a growing school age population as the 2014 census revealed. The primary school age population (6 to 12 years) was 8.2 million in 2014 compared to 5.4 million in 2002. The young people aged 10 to 24 years was estimated to be 11.2 million in 2014 from 8.4 million in 2002 (UBOS, 2014b).

The current funding to the education sector is insufficient to meet the sector expenditure demands. For example, primary education justifiably takes

the largest share of the total education budget with a 42 percent allocation in FY 2013/14 and 50.4 percent in FY 2014/15 (MGLSD and UNICEF, 2015, p. 62). Within the primary education subsector, primary teacher salaries take over 82 percent of the expenditures (Ibid). It is therefore a reality that other subsectors and expenditure areas that influence the quality of education are currently underfunded (Ochen, et al., 2013) despite increased absolute funding to the sector. The inadequate staff in the education departments at the district level has limited supervision and inspection leading to an increase in the number of illegal private educational institutions and absenteeism of teachers which compromise the quality of education services (NCC, 2015; SCI, 2014).

NGOs also note that special needs education and pre-primary education sub-sectors are grossly underfunded as documented by UDN and SCI (2014). The pre-primary subsector was allocated UGX 800 million (less than 0.1 percent of the total education budget) in FY 2013/14 for monitoring and supervision of pre-primary schools (MoES, cited in MGLSD and UNICEF, 2015). This was premised on the unrealistic assumption that Early Childhood Development (ECD) centres are covered during the inspection of primary and secondary schools, which is already underfunded.

The Universal Primary Education (UPE) capitation grant, which is partly used for the provision of teaching and learning materials has stagnated at UGX 7,000 (USD 2) per child (MGLSD and UNICEF, 2015) despite the inflationary pressures. This further affects the delivery of quality education.

The education policy requires parents to meet the non-tuition costs of education (such as meals, scholastic materials, uniforms, and remedial teaching and examination fees) under the UPE and Universal Post-Primary Education and Training (UPPET) programmes. This policy position is generally acceptable, but its implementation has been grossly undermined by unwarranted declarations by some politicians and administrators that have deterred school authorities from enforcing the parents' contributions under the guise that the State is providing "free education". Notably, the designated contribution by parents, when quantified, significantly exceeds the Government's unit contribution of UGX 7,000 per child. This required contribution disfavours OVC hence

access to UPE by OVC continues to be hindered by factors such as lack of meals, uniforms and other scholastic materials (NCC, 2015).

Water and Environment Sector

While water and sanitation services are crucial for child survival, NGOs decry the limited and declining budget allocation for the water and environment sector. The budget for the water and environment sector reduced from 3.2 percent in FY 2012/13 to 2.8 percent in FY 2013/14 (MGLSD and UNICEF, 2015). The Ministry of Water and Environment (MoWE) had a backlog of 6 billion applications for water connections, which had not been addressed (NCC, 2015). At the district level, water applications exceeded the supply capacity, with the 18 percent value-added tax on contracted services virtually eroding the available funds for the establishment of water points (Ibid). The NCC study also found that the inspection functions of local governments (LGs) were constrained by the limited financial resources. Consequently, the proportion of the rural population with access to safe water was 64 percent in 2014 against a target of 67 percent (MoWE, 2014).

Decentralised Service Delivery

Although critical services for children are decentralised, NGOs are concerned that LGs continue to receive a small share of the national budget. LGs are heavily dependent on the central government funding with over 90 percent of the LG budget are funded by the Central Government (NCC, 2015). Based on the FY 2013/14 national budget, only approximately 15 percent of the national budget was allocated to LGs for service delivery. NGOs are further concerned that child protection work at the local government level is not centrally funded, unlike health, education, water and sanitation.

Most local government interventions in the area of child protection are dependent on locally generated revenue, which in most districts is very limited as already shown in the above paragraph. Most of the child welfare and protection work at district level is dependent on funding from development partners. Yet the funding support of development partners and NGOs is not uniformly or widely available in all districts. For example, Kapeke sub-county in Kiboga District lacks a child focused

NGO. A study by the NCC in 2015 revealed that the annual government funding to the district Probation and Social Welfare Office in FY 2013/14 was UGX 0.4 million (approx. USD 114) in Kyankwanzi District and UGX 8.27 million (approx. USD 2,362) in Kileleshwa District.

The unit amount spent on each child protection case during the FY 2013/14 in Mbarara District was UGX 10,501 (approx. USD 3) and UGX 2,959 (approx. USD 1) in Bugiri District. A key informant at Kampala Capital City Authority (KCCA) also reported that the Gender and Community Development Department at KCCA has witnessed reduced budget allocation after the Kampala City Council (KCC) was replaced by KCCA. Child protection activities require a lot of movement between the district, the police, the courts as well as effective coordination of State and non-state actors. Effective protection of children also depends on intensive information, education and communication interventions. The limited funding has affected the scale and quality of child protection services at the LG level (Ibid).

1.6. Data for decision making (Sec. 2.3, of the State party report)

Although NGOs appreciate the establishment of the OVC Management Information Systems (OVCNIS) at the MGLSD, we note that the OVCNIS suffers from data gaps. This is largely due to the chronic underreporting and poor data quality due to the tendency for most officers at local government level to collect data around the time for reporting (as opposed to routine data collection) and inaccuracies in data entry. In addition, the OVCNIS does not provide information on OVC service coverage, which measures the actual number of children served against those in need of such services (NCC, 2013a). These gaps have limited the utility of the information available through the OVCNIS.

NGOs commend the State party for ensuring the availability of critical data in the health and education sectors. However, we note that information on some of the Health Sector Strategic and Investment Plan (HSSIP) indicators, such as nationally aggregated data on the level of access to mental health services by children and access to treatment by children under five with fever is not currently available (UCRNN, 2014a). In the education sector, there are no concrete statistics on the enrolment rate

of Children with Disabilities (CWD) and orphans, although the absolute numbers are captured in the Education Management Information Systems (EMIS). (NCC 2013a) also notes that the utility of the data provided by the EMIS is generally undermined by low reporting rates by private education institutions as well as the one year lapse between data collection and production of the Education Statistics Abstract.

NGOs are particularly challenged by the limited data in the area of child protection and child participation. In the area of child protection and participation, there are no national level baseline values and routine studies to assess the progress on various child rights issues. NGOs also note that there is no concrete disaggregated data about the population of children with disabilities in Uganda (UCRNN, 2014a), although some questions on disability were included in the 2014 Population and Housing Census questionnaires.

These data gaps undermine informed planning, targeted resource allocation and progress monitoring and evaluation.

1.7. Monitoring the implementation of the UNCRC and its Optional Protocols (Sec. 2.6, of the State party Report)

NGOs are concerned about the limited awareness of children and parents on the availability of the redress mechanisms offered by the Uganda Human Rights Commission (UHRC). We are saddened by the limited geographical accessibility of the Commission to children. According to its 2013 annual report, the Commission had 10 regional offices in only 10 out of the 112 districts by the end of December 2013. Although the Commission had established District Human Rights Desks/Committees (DHRD/C) to address the accessibility challenge, some of those established in 76 districts by the year 2010, are not functional because they lack financial and logistical support from the Ministry of Local Government.

NGOs further note UHRC's continued concern about the insufficient funding from the Government, which has compelled it to seek donor funding, which is at times unreliable. For instance, the Commission's funding gap in FY 2012/13 was 15.2 billion (UHRC, 2013). As a result, the Commission was unable to implement the expanded staff structure that was approved in 2010 or open additional offices (Ibid).

NGOs are further concerned that a number of the Commission's recommendations have not been implemented by the executive arm of government. For instance, the Ministry of Justice and Constitutional Affairs has not provided timely settlement of awards made by the Commission. This has a bearing on children's wellbeing because some of the awards are made in favour of children while others are in favour of adults who have a responsibility to meet their children's basic needs.

NGOs are quite dismayed that the NCC is not explicitly mentioned in the State party report as a "national human rights monitoring institution" and yet its mandate in the National Council for Children Act, 1996 is to coordinate, monitor and evaluate all programmes and policies related to children in Uganda. This same mandate has been transferred to the proposed UNCA through the Children (Amendment) Act, 2015.

1.8. Awareness creation on the UNCRC, the Optional Protocols, State party Reports and the Concluding Observations (Sec. 2.7, of the State party Report)

NGOs take note of the limited access to child rights instruments because of the absence of a structured and systematic approach to the dissemination of the UNCRC and related child rights instruments (Luwangula, 2015). The community based child protection structures, such as child protection committees, and para-social workers did not have copies while some had never seen any, let alone being aware of their availability (Ibid).

Although 52 languages are spoken in Uganda, NGOs note that the Children Act has been translated into less than 10 local languages. Despite the awareness creation efforts by the State and NGOs, knowledge of children's rights is higher among the urban residents, literate persons and social development professionals compared to the rural residents, semi-literate persons, and professionals outside the social development sector. Furthermore, several key informants, including district local Government officials demonstrated limited awareness of the provisions of the UNCRC and the domestic legislation and tended to make generic statements when asked about specific clusters of rights. This reflects the State party reliance on awareness creation interventions of NGOs and UN agencies that unfortunately reach a small proportion of the Ugandan population.

The consultations with NGOs also revealed that children and non-professional adults were mostly aware of health and education rights compared to civil rights and freedoms, and special protection measures. NGOs are also concerned about the persisting misconceptions around some of the rights, including protection and freedom of expression and participation. Many respondents attributed this to the inability of child rights actors to deliver a full package and promote discussion and interpretation during child rights awareness and dissemination activities.

**Because of the too much freedom and the many rights,
children go to school when they wish.**

**This is because you can no longer treat a child like we
used to be treated. For example a parent would get
hold of a child and even step on the head,
cane you and force you to go to school."**

Male adult, Kiboga District

NGOs take note of the efforts to disseminate the CRC concluding observations, but are concerned about the limited efforts to ensure that the Committee's observations and recommendations are understood by the various MDAs. So far, the Committee's recommendations have been largely discussed within the social development sector despite the inevitable need for a multi-sectoral response.

Furthermore, NGOs observe that in the area of formal child rights training and education for professionals, child protection is an optional paper only for under-graduates pursuing Social Work at Makerere University. Yet, child protection work is undertaken by other professionals such as lawyers, teachers, and medics who are currently not adequately exposed to specialized training in tertiary institutions.

1.9. Government-CSO Cooperation (Sec.2.9, of the State party report)

CSOs that are involved in activism for human rights, good governance and democracy face challenges in terms of operating space. The Non-Governmental Organisations Act, 2016 prohibits the NGO Bureau from registering organisations whose objectives, as specified in their constitution, are in contravention of the laws of Uganda. This practically

prevents concerned persons from registering organisations to advocate for the amendment of laws that currently infringe on human rights, including children's rights.

Section 44 of the Act prohibits organisations from carrying out activities that would be deemed as prejudicial to the 'security and laws of Uganda,' and the 'interests of Uganda and the dignity of Ugandans. These provisions can be used to stop NGOs from engaging in legitimate activities (Jjuuko, 2016) because they are vaguely framed and can be subject to multiple interpretations.

It is also worth pointing out that the good partnership between Government and NGOs in the provision of child protection services has led the government to ignore its primary duty of funding such services, leading to the popular phrase of "unfunded priorities" in the policy statements and plans of the MDAs, which are often the 'shopping list' for CSO funding.

Recommendations

1. Expeditiously constitute the Uganda National Children's Authority and ensure that it receives the requisite financial and human resources to fulfill its mandate.
2. Through the MoESTS, incorporate human rights education into the primary and secondary school curriculum and into the curriculum of universities and other tertiary institutions that train all categories of professionals that work with and for children.
3. Ensure greater collaboration between the UNCA and the UHRC to enhance synergy in the monitoring of child rights obligations of duty bearers taking due account of the overlapping mandates of these two agencies. In particular, support UNCA and URHC to consistently produce annual state of children reports to monitor progress in implementing the UNCRC.
4. Through the MGLSD, strengthen the coordination of the OVCMIS data collection and management processes at the local government level by providing adequate logistical support to the coordination

office.

5. Through the OVC-NIU, strengthen data consolidation and dissemination to ensure the utilisation of OVCMIS data in planning, policy making and budgeting at both national and district levels. Consider, in the medium term, transforming the OVCMIS into a national child rights management information system.
6. Strengthen links between the various child rights monitoring mechanisms and the national Parliament by ensuring that the recommendations of the Committee are officially submitted to and discussed by Parliament given parliament's role in budget appropriation and oversight over the executive arm of government.
7. Increase resource allocation to the social development sector to at least 5 percent of the national budget to provide welfare services for OVC. In this respect, establish conditional grants to support child protection work at Local Government - level.
8. Through the MGLSD, the UHRC and the UNCA (when established), streamline the dissemination of the UNCRC and the related instruments through a clear and well –resourced dissemination plan that targets children and duty bearers at all levels. Such dissemination plans should consider the diversity of languages, literacy levels, and rural-urban disparities.
9. Continue to engage in constructive dialogue with NGOs to strengthen cooperation in direct service delivery, research and advocacy.

CLUSTER TWO:

HARMONIZATION OF THE DEFINITION OF A CHILD

(Art. 1 of the Convention) (Sec. 3.0 of the State party Report)

While NGOs agree with the State party that the Constitution sets the minimum age of marriage at 18 years, the reform of the various marriage laws to harmonize their provisions with the provisions of the Constitution and the UNCRC have not yet been successful. The most recent efforts involved the introduction of the Marriage and Divorce Bill in 2009 to, among other objects, harmonize the age of marriage and to provide for the types of marriages in Uganda. Notwithstanding its positive intentions, the Bill has been shelved due to parliament's inability to generate consensus on the contentious clauses in the Bill. NGOs are equally concerned that the Bill did not cover the marriage under Islamic Law and therefore children who would marry under the existing Marriage and Divorce of Mohammedans Act, 1906 would miss the foreseen legal protection from early marriage.

Beyond the above contradictions regarding the legal definition of a child, NGOs are concerned that the 2011 UDHS found that 49 percent of women aged 20–49 years, were married before the age of 18 and 15 percent by the age of 15 years (UBOS and ICF International, cited in MGLSD and UNICEF, 2015).

Recommendations

1. Promote a dialogue-oriented and culturally sensitive engagement with the custodians of culture and tradition (cultural leaders-kings/chiefs, clan heads, family heads) to transform attitudes and social norms that promote child marriage.
2. Harmonise the provisions within domestic legislation that relate to the minimum age of marriage to ensure their full compliance with the Constitution and the CRC.

3. Strengthen further the enforcement of the laws on the minimum age of marriage by enhancing the mechanisms for identifying and reporting child marriage cases and supporting survivors through the judicial process.
4. Implement the specific measures listed under Cluster 6 to promote the retention of girls in school to delay the age of marriage and increase women's economic and political participation and informed decision making at the household level.

CLUSTER THREE:

GENERAL PRINCIPLES OF THE UNCRC

(Arts. 2, 3, 6 and 12, of the Convention)
(Sec. 3.1 of the State party' Report)

3.1 Non-discrimination (Sec. 3.1.1 of the State party Report)

The State party report focuses disproportionately on CWD and gives little emphasis on the status of discrimination of other categories of children. Besides the measures reported, the government has undertaken additional measures to eliminate gender-based discrimination. Gender equity is recognized as one of the guiding principles in interventions for OVC (Kalibala and Elson, 2010). Furthermore, the reforms in the education sector, particularly the introduction of UPE and UPPET (with tuition-free education) and the affirmative action for girls within the education system have significantly increased girls' access to education. As indicated under Cluster 7 of this report, gender parity in primary education was attained by 2009 (MoES, 2014). However, ensuring the transition of girls to secondary school and their retention is a key gap that needs to be addressed (Plan Uganda, 2010).

Although section 38 of the HIV and AIDS Prevention and Control Act, 2014 protects children living with HIV against discrimination, such children still face discrimination at home, school and in the community. Studies have shown that accepting attitudes towards people living with HIV/AIDS are higher in older age groups compared with those younger than 25 years (UBOS and ICF, 2012). For many children and especially adolescents, stigma and discrimination seriously affects prevention (staying safe) and treatment efforts as stigma is one of the reasons explaining the fact that 58 percent of Uganda's children cannot access anti-retro-viral drugs (ARVs) (Ssenyonga, 2010).

Discrimination of children living with HIV/AIDS by their peers and some teachers was cited by the children consulted. In the context of the limited

resources for education at family level, children living with HIV/ AIDS and those orphaned by the epidemic are discriminated against in the provision of school fees and other scholastic materials, food, shelter and bedding and health (Birungi, cited in UCRNN, 2014a).

Children living in poverty also face discrimination because the Government programmes focusing on enhancing household income, such as the National Agricultural Advisory Services (NAADS) and Prosperity for All (PfA) have always targeted progressive households as opposed to those in the lowest wealth quintile. In other instances, the extremely poor and vulnerable children are unable to access universal services, such as health and education because of their or their caregivers' inability to meet the auxiliary costs.

Despite the limited research evidence on Children Born outside Marriage (CBOM), Alyano (2009) found that 39 percent (48 of the 122) children in Omwony A village in Kaberamaido sub county, Kaberamaido district were CBOM. The CBOM are discriminated and mistreated by step parents through denial of basic needs (shelter, food), education, healthcare, land and responsible upbringing (Ibid). CBOM spent their life loitering from home to home, and among relatives in search for better care. The majority of girls born outside marriage also joined marriage at a tender age. The majority of the boys were often imprisoned for engaging in criminal activities, joined the security forces or resorted to fishing on the landing sites to run away from mistreatment and frustration.

The majority of children in difficult circumstances, such as street children, some children in institutional care, children trapped in commercial sex, and children in conflict with the law, face discrimination in access to services. Furthermore, most initiatives to promote children's participation target children in school, and exclude children out-of-school.

3.2 Best interests of the child (Sec. 3.1.2 of the State party' report)

Despite examples of situations when the principle is applied, various professionals working with and for children and parents/caregivers are not conversant with this principle and its tenets as laid down in the Children Act. NGOs also note from previous studies that duty bearers at

times hide behind the best interest principle to default on their mandate. For instance, in remand homes, some children miss court sessions held within a walking distance in the absence of a vehicle to transport them. The main explanation by the officers was that the children could not walk on foot because it is the child's best interest to wait until a convenient means of transport is availed (Maestral, Oxford Policy Management, and Makerere University, 2015).

In a similar case, NGOs found that some child care institutions deny children contact with their families arguing that it is in the best interest of the child to be separated from parents who have not been able to provide for them (Walakira, Ddumba-Nyanzi and Bukenya, 2015).

3.3 Right to life, survival and development (Sec. 3.1.3 of the State party' Report)

NGOs appreciate the formulation of the National Integrated Early Childhood Development Policy (2013) with a costed plan. However, the Food and Nutrition Bill has not been passed into law. Furthermore, the State party does not provide adequate information on the progress made in implementing the listed policies and strategies to ensure child survival.

While NGOs note the legal ban on abortion as one of the measures to protect the right to life, it also observes that many teenage girls who procure illegal abortions die because the abolition of abortion has not been matched with the necessary adolescent sexual and reproductive health services that would enable young girls to delay conception.

As already noted under the general principles, the government programmes to strengthen the economic status of households have particularly targeted progressive households as opposed to the vulnerable and poor households. The children in such poor households, thus have hardly benefitted from these programmes. Based on the current available data, 33 percent of under-five children are stunted, 14 percent are underweight, and five percent are wasted (MGLSD, UNICEF-Uganda and EPRC, 2014). These statistics show the limited effectiveness of the economic strengthening programmes which are expected to contribute to improved nutrition status of children.

The child and infant mortality statistics provided by the State party do not clearly highlight the significant disparities in mortality rates based on rural-urban location, regions, household wealth and education status. We provide these under Cluster 6 of this report.

3.4. Children's views being heard (Sec. 3.1.4 of the State party report)

The State party does not indicate how the report on the voices of children on poverty and vulnerability has informed programmes and policies for children in Uganda. Furthermore, a 2013 study by the NCC revealed low levels of awareness of the National Child Participation Guide. Out of the 38 professionals (drawn from district level departments of education, health, and community development as well as justice institutions, NGOs, and the media), only 19 (50 percent) had heard about the guide, 15 (39 percent) had seen a copy, 12 (32 percent) had a copy while only five (13 percent) had received some orientation/training on its application. The Guide has not been effectively disseminated and utilized. MGLSD and UNICEF (2015) note that the Child Participation Guide does not outline any actions or goals for the Government or relevant stakeholders given that it is a mere guide as opposed to a policy or an action plan. The guide, in its current form, is an awareness raising toolkit on the meaning, forms, spheres and the importance of child participation.

A significant 15 percent of school-aged children (aged 6 and 17 years) had never attended school in 2011 (MGLSD and UNICEF, 2015). In view of the largely school-based nature of child participation structures, such children do not enjoy the participation right that these structures offer. NGOs note that the utility of the national level fora where children are consulted (such as debate preceding the celebration of the Day of the African Child) is greatly undermined by the weak follow-up and feedback mechanisms on issues and recommendations made by the children during such fora.

Key informants revealed that spaces for children's participation in decision making at the household level are very limited largely due to the parents' conviction that they know what is best for their children. NGOs note that there is no evidence that the State party makes any budget provision to advance initiatives that promote child participation at family level, in the schools, the courts and relevant administrative and other settings.

Recommendations

1. Promote and support the training of professionals working with and for children in child rights, with emphasis on the principles of non-discrimination and best interest of the child.
2. Undertake a specific audit of individual administrative and judicial decisions related to children to assess the level of compliance with the principle of the best interest of the child.
3. Increase and sustain budget allocation to the priority social sectors that guarantee child survival, including agriculture, health, and child-sensitive social protection in the social development sector.
4. Support programmes to promote attitude and social norm change to enhance the consideration of children's views in the community.
5. Undertake measures to institutionalise child participation in policy and programme development in order to incorporate the children's priorities into the development process.
6. Devise special strategies to ensure the participation of vulnerable groups in policy spaces on issues that affect them at the Sub County, district and national level.
7. Ensure that the critical issues identified by children in studies such as the "Voices of Children" undertaking are included in the Government programmes and policies targeting children.
8. Collect disaggregated data on CBOM and use these to develop relevant policies and programmes to redress the current challenges such children face.

CLUSTER FOUR:

CIVIL RIGHTS AND FREEDOMS

(Arts. 7, 8, 13-17, 28, para. 2, 37 (a) and 39)

(Part IV, of the State party Report)

4.1 Birth registration, a right to a name and a nationality, and preservation of identity (Secs. 4.0, 4.1, of the State party Report)

NGOs recognise that the introduction of the Mobile Vital Registration System (MvRS) by the Uganda Registration Services Bureau (URSB) has increased the proportion of children that are registered within their first year from 30 percent in 2011 to an estimated 60 percent in 2014 (MGLSD, UNICEF-Uganda and EPRC, 2014). However, the MvRS prioritizes infants and therefore, a significant proportion of older children in Uganda remain unregistered.

In addition, the Government report does not indicate the significant disparities in the proportion of registered children as established by the UDHS 2011. More urban children (38 percent) were registered compared to only 29 percent of their rural counterparts (MGLSD, UNICEF-Uganda and EPRC, 2014). Kampala and Central 1 regions (the most urbanized regions) had the highest proportion of children whose births were registered, at 45 percent and 42 percent, respectively (Ibid). In contrast, Karamoja (11 percent), South Western (14 percent), and West Nile (18 percent) had the lowest proportion of children whose births were registered (Ibid).

While 44 percent of the children from households in the highest wealth quintile were registered, less than 30 percent of the children from households in the four lower wealth quintiles were registered. None of the girls belonging to the Batwa ethnic minority group in Ntoroko District that NGOs consulted had ever heard about or seen a birth certificate.

NGOs welcome the enactment of the Registration of Persons, Act, 2015,

which provides for free and compulsory birth registration immediately after the date of birth. However, the Government continues to charge fees on both short and long birth certificates despite the legal provision for free birth registration.

4.2. Freedom of expression and the right to seek, receive and impart information (Sec. 4.2 of the State party report)

NGOs take note of the limited opportunities children have to express their views, such as being consulted by their parents on the clothes to buy for the children and the meals to prepare at home. The general feeling among children consulted was that some categories of children are accorded reasonable opportunities to enjoy the right to freedom of expression. These include, for instance, children living in urban areas who were considered better off because they are more literate, and access various sources of information such as newspapers, and the internet. As such, they know their rights and enjoy their freedom of expression more. Yet, other categories of children, such as children in rural areas, orphans, children of illiterate parents, children in large households, and children with disabilities were highlighted as having minimal opportunities and spaces to express their views.

As already noted, NGOs are further concerned that most of the initiatives to promote children's participation in Uganda are implemented or funded by national or international NGOs (NCC, 2013b), are concentrated in public schools and avail only limited opportunities for children in private schools, those out of school and other disadvantaged children (NCC, 2013b; WAs, 2014; NCC, 2014).

4.3. Children's freedom of thought, conscience and religion (Sec. 4.3 of the State party report)

While some children are enjoying their freedom of worship as guaranteed in the Constitution of Uganda, NGOs observe that some categories of children are denied this right. For example, some children in institutional care are forced to change their religion (MGLSD, 2012; Walakira, Ddumba-Nyanzi & Bukenya, 2015; Maestral, Oxford Policy Management and Makerere University, 2015). Some children in remand homes and some children in CCIs do not attend prayers in their preferred places of worship. Although CCIs promote the faith of their founders, remand

homes have limited staff and transport logistics to support the movement of children to various places of worship.

In addition, NGOs are concerned about children in institutional care being brainwashed to believe that their parents and families are bad and are the cause of their suffering. This is a threat to children's conscience, and is against the Government's policy stance on family care as the preferred care arrangement.

4.4. Children's freedom of association and of peaceful assembly (Sec.4.4 of the State party Report)

The Government does not articulate how children's freedom of association and peaceful assembly are enjoyed outside the school environment, including by children out of school. NGOs note that while some children were enjoying this right, the majority cited a set of barriers to its enjoyment, including restrictions by their parents and the tendency for children to exclude their peers with disabilities and with HIV from their groups.

4.5. Protection of the privacy and the image of children (Sec. 4.5 of the State party Report)

NGOs are concerned that the Family and Children's Courts at times hear cases in the dock as opposed to the Magistrate's Chamber, thus compromising the privacy of the children. NGOs also note that there are other spheres besides the media and courts (mentioned in the State party report) in which the protection of children's privacy and image is required, such as schools and health facilities. NGOs commend the effort by government to promote children's privacy in schools by constructing separate toilet facilities for boys and girls as well as wall curtains. However, some schools have limited toilet facilities that are shared by girls and boys, which is often challenging for girls undergoing menstruation. In the health sector, the shortage of space in health infrastructure (buildings) made health workers compromise the privacy of child clients, including those on Anti-retroviral (ART) Treatment. Children living with HIV noted that teachers, counsellors and health workers generally kept their information confidential, with the exception of a few workers.

4.6. Access to appropriate information through the mass media (Sec. 4.6 of the State party Report)

NGOs commend the State party for passing the Computer Misuse Act, 2011; and the Anti-Pornography Act, 2014. These two laws ban the production, participating in the production, trafficking, publishing, and broadcasting of images of children with the primary purpose of causing sexual excitement. They also ban abetting of any of the above mentioned acts.

However, children still access harmful information through the media, despite the existence of the above laws. Such information includes the widespread pornographic material published in the print (such as the Red Pepper and Hello Newspaper) and visual media. Access to pornographic material is increasing with the rising internet and social media usage.

NGOs are equally concerned that child information deprivation is still high. The UDHS 2011 reveals that 32 percent of children aged 6 to 17 years were deprived of information because they lived in a household that lacked a radio and a television while 20 percent were extremely deprived because they lived in a household that lacked a radio, a television and a mobile phone (MGLSD, UNICEF and EPRC, 2014).

The low internet and electricity penetration has contributed to the significant information deprivation among the rural-based children and children out-of-school. The UDHS study revealed that 34 percent of the rural-based children aged 6 to 17 years were deprived of information in 2011 compared to 20 percent of their urban counterparts. Similarly, 22 percent of the rural-based children aged 6-17 years were extremely deprived in information in 2011 compared to 6 percent of their urban counterparts (MGLSD, UNICEF and EPRC, 2014). It also shows that 69 percent of the children in the lowest wealth quintile were deprived of information compared to 9 percent of the children in the highest wealth quintile (Ibid). In addition, the mainstream mass media channels, such as television, newspapers, radio and the internet are more urban based and accessible to literate children. The newspaper 'pull outs', that are specifically designed for the consumption of children, mostly reach children in school and not-children out-of-school. All these contribute to the above patterns of deprivation.

4.7. Cruel, inhuman or degrading treatment or punishment, including corporal punishment (Sec. 4.7 of the State party report)

NGOs note that the Children (Amendment) Act, 2015 bans corporal punishment in institutions of learning and broadens the definition of corporal punishment beyond the use of physical force. NGOs commend the State party for developing the National Strategy and Action Plan on Violence against Children (VAC) in school and the Reporting, Tracking, Referral and Response Guidelines on VAC in school (2014).

NGOs note that much as corporal punishment is reported to have reduced in some districts such as Pader, Kamuli, Masaka, Ntoroko and Kampala (Nakawa and Central Divisions), it remains a common violation across the country. In one school in Masaka district, a researcher witnessed children being caned. In 2015, a learner was beaten to death by a teacher in Mukono district.

NGOs observe that most of the initiatives to reduce corporal punishment have targeted school-based children and teachers, and yet the practice is framed within parenting styles at the household and community level (Luwangula, 2015). This requires a shift in the focus of interventions. It is also important to note that the legal prohibition of corporal punishment in the amended Children's Act excludes the home environment where corporal punishment is most prevalent.

4.8. Child survivors' recovery and social reintegration services (Sec. 4.8 of the State party report)

NGOs commend the State party for acquiring the three digit code (116) child helpline and for effectively transitioning the Uganda Child Helpline from being managed by NGOs into a Government facility. The helpline provides a mechanism for reporting cases of child abuse and violence. However, the helpline is yet to be popularized across the country. Child protection was the least served Core Programme Area of the first NSPPI primarily because the provision of welfare services for the rehabilitation and reintegration of survivors of abuse is left to NGOs and development partners. The Police and Probation offices remain understaffed with limited transport, temporary shelter and food provisions for child survivors of maltreatment under their transitional care. Without discounting the

essence of partnerships, the over reliance on NGOs affects the scale and quality of rehabilitation and reintegration services for the child survivors.

Recommendations

1. Scale-up the MVRS to cover all districts and to progressively target children above five years by providing sufficient resources to the National Registration and Identification Authority, when constituted.
2. Continue to educate parents and caregivers about the benefits of birth registration and to progressively make the possession of a birth certificate mandatory for accessing education and health services.
3. Undertake, in collaboration with NGOs and child care institutions, an expeditious and comprehensive de-institutionalisation of children in a manner consistent with the Government of Uganda's Alternative Care Framework 2013.
4. Support life skills training programmes for children in school and out of school to develop a sense of agency, including independent thought, effective self-expression and reporting of corporal punishment and other forms of violence.
5. Continue to raise awareness of service providers on the principles of child-friendly services, including the protection of children's privacy and image.
6. Strengthen law enforcement, particularly on media houses to exercise responsible journalism that protects children's privacy and image.
7. Encourage media self-regulation to advance responsible journalism that protects children's privacy and image.
8. Promote and support the utilisation of information dissemination channels that reach rural based, poor and out-of-school children.
9. Strengthen parenting education and training, building this within the existing child protection and community development programmes.
10. Ensure further popularization of the Alternatives to Corporal Punishment Handbook in schools and communities in addition to training programmes for teachers and caregivers on the alternatives to corporal punishment.

CLUSTER FIVE:

FAMILY ENVIRONMENT AND ALTERNATIVE CARE

(Arts. 5, 9-11, 18 (paras. 1 and 2), 19-21, 25, 27 (para. 4) and 39), of the Convention (Part V of the State party report)

5.1. Family environment and assistance to parents (Sec. 5.0 of the State party report)

The final evaluation of the NSSPI 1 noted gaps in the economic strengthening of families to care for their children because of critical gaps in the personnel, financing, coordination, scale of interventions and resource accountability at various levels (MGLSD, cited in SCI, 2014). In addition, the informal child care structures are overly dependent on intermittent and sometimes unreliable NGO support, with minimal Government intervention (Ibid).

Furthermore, with the exception of Public Works Programmes (PWPs) and the Social Assistance Grant for Empowerment (SAGE), most of the government programmes are demand-driven and often target beneficiaries under group arrangements, thus locking out many eligible beneficiaries who cannot express formal interest through proposal writing. Many groups impliedly face the risk of elite capture.

In the Karamoja sub-region, the long and severe drought spells marked by pronounced food shortages have been associated with the mortgaging of children for money, food and other material returns while other parents send children to Kampala and other urban areas to beg in order to assist their families. As a result, Karamoja is the leading source of trafficked children (Walakira, Bukenya and Ddumba-Nyanzi, 2015; Advocats Sans Frontiers, 2010).

5.2. Duty of parents (Secs. 5.1, 5.4, of the State party Report)

NGOs are concerned about the conflicting messages from politicians

and administrators on the duties of parents. As already highlighted, school administrators have been warned against enforcing parents' responsibility to provide meals, uniforms, and scholastic materials under the UPE and USE programme. A member of Pajule Sub County Council in Pader district reported that the Sub County had passed a bye-law that bans primary and secondary schools from sending children home for failing to dress in school uniform or defaulting on the payment of school dues. Some parents, especially in the rural areas, ignore their basic parental roles and obligations citing such pronouncements.

5.3. Separation from parents, and family reunification (Secs. 2, 3, of the State party Report)

The serious underfunding of the Probation Office and Child and Family Protection Unit of the Police that are involved in conducting family assessments, family tracing, transportation and actual reunification as noted by Luwangula, (2015) continued to be a major concern. Sometimes, children that are being resettled are handed to bus operators without any police officer escorting them while in other cases, they are entrusted with Traffic Police officers patrolling the routes where the child is headed (Ibid). These police patrol vehicles are very tormenting to children because they carry accident casualties, crime suspects, and dead bodies (Ibid). This is in addition to the risk of male Police officers sexually abusing girls entrusted to them.

Children who have completed the remand period at Kampiringisa National Rehabilitation Centre are often released without being facilitated or transported to their homes or preparing their families and communities for the reunification. Where this is done, it is through NGO interventions, such as, the Strong Beginnings Project.

5.4. Protection of children deprived of a family environment, including periodic review of placement (Sec. 5.5 of the State party report)

The major challenge noted by NGOs is the mushrooming CCIs in the country that operate outside Government regulations and that do not necessarily reach nor benefit those children that are most in need of alternative care (MGLSD, cited in SCI, 2014)). The number of children in CCIs has grown from the estimated 40,000 to 50,000 children in over

800 CCIs (Walakira, Ddumba-Nyanzi & Bukenya, 2015). Although CCIs claim to take care of orphans, over 60 percent of the children in these institutions are not orphans, nor would their households be classified as vulnerable (MGLSD, cited in SCI, 2014).

Some parents are motivated to offer their children for ‘free’ services (such as education and health) in CCIs, while some of the proprietors of these institutions recruit children for economic reasons such as raising donor funds from child sponsorship schemes and international adoption (Ibid). This is against the backdrop that 95 percent of orphanage funding comes from the Western countries (Ibid).

The other challenge is discrimination of some categories of children in the provision of alternative care. Many prospective foster and adoptive parents as well as CCIs are hesitant to take on children with disabilities, children living with HIV and older children. There is also a concern about the quality of services at CCIs, in addition to supervision and reporting challenges. The Probation Office that is mandated to review the conditions of placement face funding challenges explained in section 5.3 (Luwangula, 2015).

5.5. Adoption, illicit transfer and return (Secs. 5.6, 5.7 of the State party report)

The Children (Amendment) Act, 2015 has addressed the major loopholes in the adoption and guardianship laws by restricting non-Ugandans from accessing guardianship orders and reducing the foster period in Uganda from three years to one year¹ before a non-Ugandan can process an adoption order. However, the Government has not ratified the Hague Convention on Inter-Country Adoption, as was recommended by the Committee.

5.6. Protection of children from violence, abuse and neglect under the care of parents

NGOs are concerned about the illegal operation of the Local Council I and II structures because of the Government’s inability to hold fresh

¹ It is believed that a shorter fostering period would enable prospective adoptive parents apply for and foster children for a year, while allowing the Probation Officer adequate time to assess their suitability.

elections under the multiparty dispensation reportedly because of a lack of funding. The local council structures would play a significant role in handling child related cases because of the current emphasis on diverting

cases from the formal justice system. Furthermore, whereas NGOs have made significant investments in strengthening community based child protection structures, these may not be sustained when they phase-out their interventions. Other challenges to the prevention and response to violence are discussed under Cluster 8 of this Report (special protection measures).

Recommendations

1. The Committee should request the government, in its reply to the List of Issues from the Committee, to explain the outcomes of interventions under NSPPI-2 that sought to strengthen the family environment.
2. Streamline and enforce child centred eligibility and access procedures to ensure that the most deserving households access income and other direct forms of assistance from the Government.
3. Ensure that the policy direction on the contribution of parents to the non-tuition costs in schools under UPE and UPPET is followed to the latter by all Government officers.
4. Provide the requisite funding and logistical facilitation to the Probation and Social Welfare Office to deliver effective and child friendly reunification and reintegration services for children outside the family environment.
5. Provide adequate facilitation to the Government institutions to effectively monitor and supervise child care institutions, including auditing their recruitment procedures and service package.
6. Renew the legal mandate of the LC 1 structure to handle child related case within their jurisdiction.

CLUSTER SIX:

DISABILITY, BASIC HEALTH AND WELFARE

(Arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3) and 33) of the Convention (Parts VI, VII, of the State party Report) of the State party report

6.1. Disability (Sec. 6.3 of the State party report)

6.1.1. The legal framework relating to disability

NGOs are concerned that the Disability Act, 2006 does not fully guarantee non-discrimination as required by the Convention on the Rights of Persons with Disabilities. The Government is yet to enact the Persons with Disability (Amendment) Bill to expand the categories of disability to include rheumatism, club feet and albinism, and therefore guarantee persons with these forms of disability the rights contained in the Persons with Disability Act in alignment with the Convention on the Rights of Persons of with Disabilities.

6.1.2. Prevention and prohibition of discrimination, including provision of equal opportunities for CWD

There are significant gaps in CWD's access to services and normalcy in their every life. CWDs are hardly accorded space to participate in extra-curricular activities, except in special schools for CWDs. Many parents hide CWD in their houses because of society's negative attitudes and beliefs that associate disabilities to curses. PLAN Uganda found that fathers of CWD in Kampala and Lira districts abandoned their families partly because of stigmatisation as well as the fear to meet "unending" costs of care, health and travel (Plan Uganda, 2013).

Some health facilities, courts and police stations are not accessible for PWDs (UHRC, 2013). Out of the 374 facilities inspected by the UHRC only 141 (38 percent) were constructed in a manner that allowed easy accessibility by PWDs. Furthermore, the public transport system does

not favour CWDs because taxis, mini-buses and buses lack ramps and spaces for wheelchairs. In addition, the operators of public transport have limited knowledge, patience and interest to communicate with and support CWD. Most of the roads in Uganda lack dedicated walkways that the blind and those with limb impairments can use. In Kampala City, the authorities have constructed concrete flower pots within walkways in the name of beautifying the City which hinders the mobility of people with disability within the City.

The UHRC report also showed that a number of CWDs were unable to participate in cultural and sporting activities because they lacked assistive devices. Some school children noted that CWD are often excluded by their peers during sports and games.

NGOs found that some health workers are insensitive to the needs of children with disability. For instance, some health workers do not understand sign language and they feel delayed by the deaf and dumb. Moreover, the majority of the deaf and dumb children cannot afford to pay for sign language interpreters who unfortunately are not provided for under the public healthcare system as well as in many other sectors.

There is a shortage of sign language Interpreters for children with hearing difficulties that come into contact with the Courts, either as suspects, victims or witnesses, and most of the cases committed against children with disabilities go unpunished.

6.1.3 Adequate disaggregated statistical data on CWD, including utilisation

The estimated number of children living with some form of disability in Uganda is 2.5 million (MGLSD and UNICEF, 2015, p. 69), far much higher than the 205,000 cited in the Government report. The State party report also does not provide disaggregated data on CWD, and neither is such data accessible. Limited data on the number of CWD and their level of access to services has been noted in previous studies (Kalibala & Elson, cited in UCRNN, 2014a); Oxfam, Undated).

Recommendations

1. Prioritise the training of all professionals working with children with disabilities, especially teachers, health workers and judicial and law enforcement workers, and institute motivation schemes to recognise good performers in handling CWD.
2. Enforce the legal provisions regarding disability-friendly public infrastructure, including pedestrian paths on the roads.
3. Scale-up awareness raising activities on the rights CWD and of the need to accord them equal opportunities in the political, socio-economic and cultural spheres of life in the community and institutions.
4. Provide adequate financial and human resources to the Equal Opportunities Commission and monitor the utilisation of the funds to address complaints of discrimination, including those targeting children with disabilities
5. Collect adequate disaggregated statistical data on children with disabilities and use the information to develop policies and programmes, including rehabilitation and support services.

6.2 Basic health (Part VI of the State party report)

6.2.1 Child survival status (Sec. 6.0 of the State party Report)

The government report does not reveal the significant disparities in mortality rates. In terms of spatial disparities, the 2011 UDHS showed that under-five mortality rate in rural areas (111) was substantially higher than that in the urban areas (77) by 34 deaths per 1,000 live births. Although all regions had under-five mortality rates above the Millennium Development Goals (MDG) target of 56, Kampala (65) and the two central regions (both with 87) have the lowest child mortality rates because of their better socio-economic status. The highest under-five mortality rate is in Karamoja (153), West Nile (128), North (125) and Eastern (116) sub regions.

The 2011 UDHS (cited in NCC, 2013a) showed that households in the lowest and second lowest wealth quintile recorded high under-five

deaths of at least 33 per 1,000 live births above the national average of 90 deaths per 1,000 live births. On the other hand, households in the highest wealth quintile recorded at least 18 fewer deaths per 1,000 live births than the national average. Under-five mortality rates among mothers with secondary level education was 79 per 1,000 live births compared to 133 per 1,000 live births recorded among those with no education.

6.2.2 Health services for child survival (Sec. 6.1 of the State party Report)

Immunisation

Whereas the Government report rightly highlights the improvement in immunisation coverage over the past decade, only 52 percent of children aged 12 to 23 months had received the full immunisation in 2011 (UBOS and ICF International, cited in MGLSD and UNICEF, 2015, p. 35).

Regional disparities in immunisation coverage remain a matter of concern to NGOs as 61 percent of children living in urban areas had been fully immunised compared to 50 percent of their counterparts in rural areas, according to the 2011 UDHS (MGLSD and UNICEF, 2015). The East Central (39 percent), Central 1 (44 percent), and Central 2 (43 percent) regions had the lowest full immunisation rates compared to children residing in Kampala, South-West, and Western regions, each of which had attained approximately 60 percent coverage. The other critical challenges not mentioned in the Government report include; late start and poor choice of immunisation days, the influx of refugees from the neighbouring countries as indicated by MOH (2014) as well as religious groups that shun immunisation services, such as the 666 in Iganga district.

Nutrition status

The Government report is quite silent on the status of child nutrition indicators in Uganda, even though it is noted that the State party has developed a Framework to operationalise the nutrition component of the national Child Survival Strategy. NGOs remain concerned about the appalling child nutrition indicators. According to the MOH (cited in SCI, 2014), malnutrition is the leading underlying cause of under-five mortality, accounting for 60 percent of all child deaths. Inadequate micronutrient intake is a common cause of anaemia (UDHS, 2011). The median period of exclusive breastfeeding has increased only slightly

from 3.1 months in 2006 to 3.4 months in 2011, and still falls short of the six months recommended by the WHO. The field respondents revealed that the mean months of breastfeeding is lower among career women, especially in urban areas compared to their counterparts in the rural areas.

According to the UDHS 2011, 16 percent of children under the age of 5 years were underweight; compared to 14 percent in 2006 (UBOS and ICF, 2012). Stunting has reduced from 38 percent to 33 percent (2.3 million children) between 2011 and 2006 (Ibid). Northern and Western regions had the greatest concentration of malnourished children (MGLSD, UNICEF and EPRC, 2014).

Some of the existing interventions to address malnutrition include food fortification, integrated Management of Severe Acute Malnutrition (primarily in Northern Uganda), paediatric HIV/AIDS care, Vitamin A supplementation and breastfeeding (FANTA, 2010). However, NGOs note that most of the above interventions are largely provided at health facilities and are therefore affected by challenges of accessibility and utilisation of health services, including limited access to health facilities by the majority of the rural dwellers, limited information and skills of health workers, limited supplies and demotivation of health workers (Ibid).

Moreover, nutrition interventions remain grossly underfunded by the Government, despite the development of the Uganda Nutrition Action Plan (UNAP, 2011-2016). At the local Government units, officials are aware of this Action Plan, but there are no functional structures to oversee the implementation of the plan (Bukuluki and Kimiywe, 2015).

Pre-natal and post-natal healthcare for mothers

Despite its intricate link to child survival, the Government report does not explicitly articulate Uganda's progress in promoting pre-natal and post-natal healthcare for mothers. Between 2001 and 2011 Uganda made progress in improving the status of the key determinants of maternal health, such as antenatal care (42 to 48 percent), skilled attendance at birth (39 to 58 percent), and contraceptive prevalence rate (23 to 30 percent). However, this has not translated into a marked reduction in the maternal mortality ratio, which was 438 per 100,000 in 2011 compared to the MDG target of 131 deaths per 100,000 live births by 2015.

The most significant direct causes of maternal mortality include haemorrhage (42 percent), obstructed or prolonged labour (22 percent) and complications from abortion (11 percent) (Mbonye cited in MFPED, 2013). Inadequate staff numbers were the most common cause of facility-based maternal deaths between 2009 and 2011 (Ibid). The MoH (2014) estimated that approximately 15 percent of all pregnancies develop life threatening complications that require Emergency Obstetric Care (EmOC), but only one third of health centre IVs in Uganda was providing the most essential obstetric care services-caesarean section and blood transfusion services- in 2013/14. From the clients' side, the failure of most mothers (approximately 66 percent) to report for post-natal care is a key challenge, which is blamed on the lack of knowledge on its benefits, poor geographical access, financial barriers, limited male involvement, and long waiting time at clinics (Ibid).

6.2.3 Access to adolescent health services (Sec. 6.1.1 of the State party Report)

While the Government report mentions measures taken to increase access to adolescent health services, it does not indicate the actual level of access. According to the HSSIP mid-term review report, adolescent health services are offered in 59 percent of facilities and only 37 percent of facilities had at least one staff trained in the provision of adolescent health services in the two years preceding the mid-term review (MOH, 2013a).

The teenage pregnancy rate is 24 percent, but it is even higher -34 percent-among teenage girls from the poorest households (UBOS and ICF International, 2012). Furthermore, MGLSD and UNICEF (2015, p. 25) estimate that early marriage and teenage pregnancy respectively account for 35 percent and 23 percent of girls that drop out of school.

Studies have also shown that adolescent girls in all localities (rural and urban) are concerned about sexually transmitted diseases (STDs) amidst limited information about how to prevent infection (Perezniето et al., cited in MGLSD and UNICEF, 2015). Adolescents are also suffering from "an unprecedented HIV/AIDS burden since a significant proportion of vertically infected children survive and graduate into teenage years". This is resulting in a shift in the trend from the dominance of MTCT to sexual transmission among adolescent girls-which accounts for a significant proportion of all new HIV infections (MGLSD and UNICEF, 2015). NGOs are equally concerned that HIV is the second leading cause

of death among adolescents with an estimate of 300 deaths every day (UNAIDS, cited in MGLSD and UNICEF, 2015) partly because some HIV positive adolescents shun ART services.

Female genital mutilation (FGM) also poses a lot of adolescent health risks to the victimized children (28 Too Many, 2013). Anecdotal evidence points to a possible linkage between FGM and early marriage. This is because after circumcision, the initiated girl is only given three months to heal before she is given out by the family and elders to a man for marriage.

The Government report does not address the gaps related to mental health services for adolescents. While NGOs acknowledge that one of the strategic interventions in the HSSIP (2010/11-2015/16) is to ensure increased access to primary and referral services for mental health, the report is silent on adolescent sensitive mental health service provision. Data on the level of access to mental health services was not provided in the 2013 HSSIP mid-term review report as the Government reportedly found it costly to collect.

NGOs also observe the broader challenges in the provision of mental health services, which include gross underfunding and the delays in finalizing the Mental Health Bill and the Mental Health Policy due in part to the multi-sectoral nature of mental health (MOH, 2013a).

6.2.4 HIV and AIDS (Sec. 6.2 of the State party report)

It is estimated new HIV infections due to mother to child transmission has reduced to 18 percent (MoH, 2013) from the 22 percent cited in the government report. Whereas the proportion of HIV positive mothers enrolled on ARVs for the PMTCT of HIV has increased from 52 percent in 2011 to 72 percent in 2013 (MoH, 2014), the Eastern, North-Eastern and West Nile regions have the lowest percentage of facilities (approximately 16 percent) offering any PMTCT services compared to the Central, Kampala and North Central regions with 58, 45 and 31 percent, respectively (UBOS and ICF, 2012). Many eligible mothers do not access ART services, particularly in some rural and hard to reach areas.

6.2.5 Traditional practices that are harmful to children's health (Sec. 6.4.1 of the State party Report)

NGOs are concerned about the limited funding by the State party for law enforcement and awareness creation on FGM. In addition, there is concern about the release of suspects and convicts of FGM because of political interests.

6.2.6 Health financing and Human Resources for Health

NGOs associate with the voices of children on their inability to access adequate healthcare because their parents are unable to provide or because public health facilities had drug stock outs. While some children resorted to private health facilities, the costs were reported to be prohibitive. This heightens the vulnerability of the poor households. The National Health Insurance Bill that will require formal sector employees to contribute 4 percent of their monthly salary in insurance premium to is currently before Parliament. However, NGOs doubt its ability to solve the problem of out-of-pocket payments by the poor people who are the most vulnerable (MoH, cited in MGLSD and UNICEF, 2015).

The State party report is generally silent on the issue of human resources for health. NGOs note that the staffing norms for health cadres are set below the demand for healthcare services. Lower level health facilities do not have any specialist health workers, such as paediatricians. Over 80 percent of doctors and 60 percent of nurses are located in hospitals, which mainly serve urban populations (MoH, cited in MGLSD and UNICEF, 2015). Besides, the accessible health facilities (Health Centre II and III) always have staffing levels below the staffing norms, with HC IIIs and IVs normally resourced with only two and three midwives, respectively (Ibid).

The human resource deficits directly affect access to maternal and child health services, including child birth services, sexual and reproductive health and family planning services (MGLSD and UNICEF, 2015). The government is training more nursing and midwifery cadres without a corresponding recruitment on account of lack of money to meet the wage bill.

Recommendations

1. Direct resource and programming priorities to target the high impact interventions in the Reproductive, Maternal, New-born and Child Health (RMNCH) Sharpened Plan.
2. Prioritise strengthening the integration of adolescent health education in the school curriculum and the delivery of adolescent-friendly service packages are provided at all the appropriate health facilities.
3. Continue to engage parents and traditional leaders to take an active role in promoting the retention of girls in school and in discouraging child marriages.
4. Work with parents and traditional leaders to promote full immunization of children, by among other actions, demystifying the popular myths about vaccines.

6.3 Child welfare (Sec.6.0 of the State party report)

6.3.1 Children's standard of living

The government does not adequately report on the children's standard of living, although it is briefly mentioned in subsection 3.1 (General Principles) and 6.0 (Survival and Development). NGOs make reference to a deeper analysis of the 2011 UDHS which showed that 55 percent of children aged 0 to 4 years lived in poverty because they were deprived in two or more of the seven wellbeing dimensions, namely nutrition, water, health, sanitation, shelter, education and information (MGLSD, UNICEF and EPRC, 2014). Of these, approximately, one in four children (24 percent) lived in extreme poverty-extremely deprived in two or more of the above seven areas (Ibid). Karamoja and West Nile sub regions had the highest proportion of children living in poverty (68 percent) while the sub regions with the lowest rates were Kampala (approx. 40 percent) and South Western (41 percent).

The report further showed that 38 percent of children aged 6 to 17 years in Uganda lived in poverty, while 18 percent in the same age group lived in extreme poverty. Regional patterns were similar for this cohort, although extreme deprivation was by far highest in Karamoja at 82 percent (Ibid).

NGOs found that children's standard of living varied by social status, region, and geographical location (rural-urban). In most urban settings, a divide was noted between the middle income class, who form the numerical minority and who take care of fewer children, and the majority poor whose children sometimes worked on the streets to contribute to household survival. Indeed, among the urban poor, a role reversal was reported where children are assigned bread winning responsibilities as opposed to being cared for. The shelter deprivation in urban slums coupled with poor water, sanitation and hygiene conditions undermined the children's welfare. Children at Kampiringisa National Rehabilitation Centre noted that they have limited access to basic needs, such as beddings, clothing and mosquito nets.

In the rural areas, the gap between the income poor and the income rich groups was reportedly less pronounced, although the standard of living for the majority of children was said to be appalling. The widespread hunger and famine across many regions of the country, but most especially in the Karamoja sub region deprived many children of a decent standard of living.

6.3.2 Social security and childcare services

NGOs assert that the "universal health care system" and other similar schemes mentioned in the State party report actually attract auxiliary costs that affect access by the poorest children, as already discussed in Cluster 5. Moreover, the two biggest formal social security schemes; the National Social Security Fund (NSSF) and Public Sector Pension Scheme (PSPS) by 2009 covered only 2.3 percent and 2.8 percent of the country's working population, respectively (Barya, 2009). When other formal schemes are considered, the total percentage raises only up to 7 percent. A gender analysis indicates that women, who, primarily bear the child care responsibilities, are under-represented in Uganda's formal employment where they account for only 37 percent and 29 percent of public and private formal workers, respectively (Twikirize, 2014).

The cash transfer scheme, known as the Social Assistance Grant for Empowerment (SAGE) was being piloted in 15 out of the 112 districts in Uganda by 2015 with a plan to roll it out to 55 districts by June 2019 (MFPED, 2015). However, the actual outcome of this scheme on children's wellbeing is uncertain, given that children's decision making at the

household level is generally limited. In addition, the lack of concurrent measures to address the decline in the quality of services, such as health and education undermines the contribution of cash transfers or fee waivers to increasing the utilisation of education and health services in low income countries (Barrientos and Scott, 2008; ILO, 2011). In Uganda, poor quality of education services encourages poor households to send their children into child labour.

The limited regulation of childcare service providers leads to the abuse of children, as some mothers put children as young as three months in day care centres. In addition, the shortage of child care services denies working mothers the opportunity to exclusively breastfeed for the requisite six months, which affects children's optimal growth and development. Parents often employ house helps/maids, but there have been gruesome media reports of abuse of children by house helps. Many children are also being trafficked into urban areas to work as maids to the detriment of their educational progress (UYDEL, cited in UCRNN, 2014a).

6.3.3 Protection of children from substance abuse

Besides the legal provisions cited by the State party, some of the measures to address the abuse of drugs by children highlighted by the key informants interviewed include; strengthening Butabika National Mental Health Referral Hospital, prevention of drug abuse in schools, support to district courts that handle drug abuse by children as well as counselling of children who abuse drugs by Local Council officials.

From the consultations, substance abuse was recognised as a growing challenge, particularly among children in street situations, including in districts outside Kampala City, such as Luwero. NGOs are concerned about the proliferation of alcohol use among children caused by cheap packaging, free distribution and promotions targeting children. This is caused by the loopholes in the obsolete Enguli Act of the 1960s and its inadequate enforcement. For instance, NGOs found that school children and children out of school admit themselves to bars even during working hours unabated. Besides, many bar operators were said to be unfamiliar with this law, yet they have a key stake in its implementation.

Even when alcohol adverts are normally explicit that "Alcohol is not for

sale to persons below 18 years...” respondents noted that alcohol is sold to children. Scores of respondents observed that it is also challenging for bar owners to distinguish older children from young adults. The consultations also revealed that employing young girls in bars as waitresses is perceived to boost the customer base. Young girls, though not targeted for drinking, are exposed to an environment where abusing alcohol becomes inevitable. A private member’s bill is being drafted to regulate the time and age for alcohol consumption, advertisement and exploitation of the people by business men (Nakatudde, 2016).

Recommendations

1. Increase funding to the key poverty reduction sectors (such as agriculture) and direct income transfer social protection schemes that seek to benefit orphans and vulnerable children in need of services.
2. Undertake awareness campaigns on maternity leave to ensure that women, especially those without written contracts demand for the respect of this right.
3. Encourage and support the growth of affordable private and employer-based day care facilities by providing regulatory standards and incentives.
4. Amend the Enguli Act, 1965 and enforce it to minimise easy access to alcohol by children.
5. Expedite the formation of the Anti-Narcotic Authority to provide capacity building for national authorities, NGOs and healthcare providers in collaboration with the World Health Organisation and the United Nations Office on Drug and Crime.
6. Increase the availability of scientific and evidence-based substance abuse prevention programmes that target relevant at risk groups in multiple settings, including in school- as well as out-of-school youth and develop and integrate prevention curricula and early intervention programmes into the education system at all levels.

CLUSTER SEVEN:

EDUCATION, LEISURE AND CULTURAL ACTIVITIES

(Arts. 28, 29, 30 and 31)

(Part VII of the State party report)

7.1 Education (Secs. 7.0, 7.1, of the State party report)

7.1.1. Access to pre-primary, primary, secondary and vocational education and training (Sec. 7.1 of the State party Report)

NGOs seriously contest the government's sole reliance on the private sector to deliver pre-primary education because this has caused wide rural-urban and regional disparities in enrolment rates. For instance, 90 percent of ECD centres are urban based and the majority are in the Central Region (MGLSD and UNICEF, 2015). In 2012, 53 percent of the children enrolled in the pre-primary sub sector were in urban areas, out of which 62 percent were in Kampala District (MoES, cited in UCRNN, 2014a). The lowest enrollment rates were recorded in West Nile and Northern Uganda, each with less than 10 percent (Ibid). In addition, NGOs note that ECD has been equated to early childhood education (ECE) for a long time and this undermined an integrated approach that includes other important childhood aspects such as health, nutrition and protection.

CSOs appreciate the fact that Uganda attained the MDG target of ensuring gender parity in the primary sub sector in 2009 as cited by MoES (2013). However, the 2012/13 UNHS showed that net enrollment rates (NER) are lowest in rural areas (82 percent); North-East (57 percent) and among persons in the lowest wealth quintile with 77 percent (UBOS, 2014a). While the State party report cites a primary school completion rate of 49 percent in 2008, the cohort-survival completion rate in the same period was 32 percent (MoES, cited in MGLSD and UNICEF, 2015).

The State party report indicates a primary school dropout rate of 6.7 percent, although other sources indicate that school dropout rates have

stagnated between 32 percent and 35 percent throughout the lifespan of the UPE programme (UNICEF, cited in MGLSD and UNICEF, 2015).

There are no precise statistics on the NER of children with special needs, although absolute total enrollment figures exist as cited in the government report. Although there are no statistics on the proportion of orphans enrolled in primary schools, it is estimated that 96 percent were enrolled in all levels of education in 2009 (UNICEF cited in AMC, 2012). This indicates that orphans have an almost equal chance to attend school as non-orphans.

Gender disparities have reduced significantly in the secondary education sub sector with the proportion of girls as a percentage of the total secondary school enrollment increasing from 46 percent in 2007 to 54 in 2013 (MoES, cited in UCRNN, 2014a). However, recent sources point to a very low NER estimated at 25 percent in 2013 (Ibid). This indicates that up to 75 percent of Ugandans of secondary school going age are not in school.

Low enrolment is still recorded in the Business, Technical and Vocational Education and Training (BTJET) subsector because of negative social perceptions and stigma towards skills education and training, limited number of training centres as well as the high costs for high quality and field-oriented training (MoES, cited in UCRNN, 2014a). For example, an education official in Pader district reported that the district lacks a vocational training institute. Other district education officials also cited limited funding to implement and monitor vocational education.

In addition, most of the public and private BTJET institutions are not accessible to vulnerable children and youth, such as child domestic workers, street children, child labourers and children with disabilities due to the levies on learners (UCRNN, 2014a). Although NGOs such as HUYSLINK, Platform for Labour Action (PLA), Mengo Youth Development Link (MYDEL), Uganda Youth Development Link (UYDEL), and Child Restoration Outreach (CRO) have intervened to redress this disparity, there is still a gap in reaching all children in need of vocational training opportunities (Ibid).

7.1.2 Quality of pre-primary, primary, secondary and vocational education and training (Sec. 7.1 of the State party Report)

The State party report ignored other equally important education quality indicators and factors that affect the quality of education. For example, while the MoES has established a range of detailed minimum requirements for setting up ECD facilities to ensure that children learn in safe and child-friendly environments, the mechanisms to ensure compliance with the set standards remain weak with irregular inspection of ECD centres (SCI, 2014).

In 2012/13, the National Assessment of Progress in Education (NAPE) Report showed that only 45 percent of Primary Six pupils (50 percent of males, 41 percent of females) were rated as competent in numeracy. In literacy, 41 percent of Primary Six pupils (40 percent of males and 42 percent of females) were rated as competent in 2012/13. In 2012, findings from Uwezo in respect of over 80,000 Ugandan children indicated that only three out of every 10 primary school children assessed nationwide were able to read and understand a Primary Two level story text and correctly solve numeracy questions up to division level – with Northern and Eastern Regions noticeably lagging behind. A similar study conducted in 2014 involving 350,000 children (6 to 16 years) in Kenya, Tanzania and Uganda ranked Uganda as the lowest among the three East African countries in learners' achievements. According to UWEZO, the education system "produces" illiterate and semi-literate children (2014).

Another worrisome concern is the thematic curriculum introduced in 2007 which has affected the quality and inclusiveness of primary education in Uganda. The curriculum requires that children in lower primary are instructed in their local languages. Notwithstanding the pedagogical benefit of this initiative, the country has over 52 ethnic groups, each with its own dialect. Unfortunately, there are no textbooks in most of the local languages. In addition, some teachers are incompetent in reading and writing these languages (MGLSD and UNICEF, 2015) and therefore unable to teach in those languages.

The quality of secondary education is equally appalling. The 2013 NAPE results found that, "in secondary schools, about one-half of students (47 percent) reached the defined competency level in mathematics and

43 percent were rated proficient in English language, while less than a quarter of the students (15 percent) were rated proficient in biology.” (MGLSD and UNICEF, 2015) The assessment results showed that females have consistently and significantly performed worse than their male counterparts in biology and mathematics. On the other hand, girls performed better in English, but the gender gap is not as wide as seen with biology and mathematics (MoES, cited in UCRNN, 2014a).

7.1.3 Access to non-formal education by vulnerable groups

The Government report is silent on access to non-formal education by vulnerable groups. Nonetheless, there are some measures worth appreciating. Some of these include the Alternative Basic Education for Karamoja (ABEK) as well as the provision of education to children in remand homes and in street situations. Street children are being reached by some NGOs, such as Retrak in Kampala and Child Restoration Outreach (CRO) in Mbale. However, the teaching of children in remand homes is irregular, often involves mixed classes and is at times conducted by fellow learners.

7.1.4 Public expenditure on education (including Pre-primary education, Primary education & Secondary education)

This has been discussed under Cluster 1 (General Measures of Implementation) of this report. The analysis shows that the allocation to the education sector as a proportion of the national budget has reduced over the years, despite a growing school age population.

Recommendations

1. Increase funding for early childhood education, and take a direct role in the provision of pre-primary education by integrating its provision in the existing UPE schools, in order to address the existing regional, and rural-urban disparities in enrollment.
2. Increase investment in BTVET, with emphasis on trades that strengthen the integration of the youth in the agriculture value chain, to address the high youth unemployment rates.

3. Prioritise increasing post-primary school enrollment and retention, particularly for girls and disadvantaged sub regions, such as Karamoja.
4. Invest in the enhancement of the quality of formal and non-formal education, with a specific focus on teaching and learning facilities, teacher training in child friendly methodologies, and inspection.

7.2 Leisure and cultural activities (Sec. 7.2 of the State party report)

7.2.1 Children's right to leisure, play and recreational activities

While NGOs indeed affirm that sports activities are part of the school curriculum, the consultations and recent studies reveal that school children have limited time to play as they spend most of the time struggling to be “academically relevant and excellent” and are also preoccupied with domestic chores and homework at home (Luwangula and Sabrina, 2015). Even when they have no homework, they are required to sleep early because they have to wake up early to arrive at school on time.

7.2.2 Children's right to cultural activities

The State party report is silent on children's right to participate in cultural activities. While there is a department for cultural affairs in the MGLSD, NGOs found that as children acquire formal education, they tend to miss out or even consider as inappropriate their cultures in favour of foreign cultures.

A number of respondents highlighted the work of NGOs in supporting children's participation in cultural activities. School level music, dance and drama activities have enabled children to profess and promote their culture. However, some schools perceive cultural activities as an opportunity to earn money from parents who are invited to such events. A number of respondents consulted indicated that the busy school programme leaves children with limited time to engage with and acquire cultural knowledge from the elders.

7.2.3 The rights of children belonging to ethnic, religious or linguistic minorities to practice their own culture, religion and language

Our consultations with the Batwa children revealed that stigma is a common challenge among the children of ethnic minorities to the extent that they feel so inferior to disclose their identities. Besides the stigma, NGOs also found that children from the majority groups also discriminate children from the minority groups using among others, negative stereotypes.

The right to speak the mother language is increasingly being challenged by the formal education system. The school system restricts learners to the use of the English language, which is the official language of communication and instruction and punish those found speaking vernacular (local language). Partly as a result of this, some parents orient their children to use English at home in preparation for “easy integration” into the school system.

In regard to the freedom to profess and practice one’s religion, there are circumstances in which children are denied this right. For example, children in faith-based CCIs reported being converted to the faith of the founders and all children in the same institution attend the same prayer gathering.

Recommendations

1. Through the MoSTS, ensure that educational institutions allocate adequate time, infrastructural and financial resources for games and sports activities.
2. Through the Equal Opportunities Commission, scale-up awareness campaigns among members of ethnic minority groups on their right to practice own culture and religion.

CLUSTER EIGHT:

SPECIAL PROTECTION MEASURES

(Arts. 22, 30, 32-36, 37 (b)-(d), 38, 39 and 40)

(Part VIII of the State party report)

8.1 Migrant and displaced children (Sec.8 of the State party report)

Although the State party report presents the situation of children in emergency/armed conflict, it does not specifically discuss the rights of refugee children. Armed conflicts and civil strife in the neighbouring countries of Burundi, DRC and South Sudan have led to a large influx of refugees into Uganda in recent years. As at the end of March 2016, 56 percent (294,542 out of the 525, 968) refugees were children (OPM, 2016).

NGOs note that many refugees in the settlement camps, including children face serious challenges, including limited access to basic needs (food, shelter, and clothing); education, health, access to justice and protection from abuse (UHRC, 2013; Mulumba and Wendo, 2009). Police records indicate that a total of 140 cases of sexual and gender-based violence were reported to the Police in 2010 by refugees living in Kampala district (SCI, 2014).

Some refugee households that have children are weaned off support before they can produce their own food; have poor water, sanitation and hygiene (WASH) facilities, and face language difficulties amidst inadequate language interpreters. In regard to child refugees with disabilities or their caregivers, their disability was disregarded at the time a decision is taken to wean them off support.

NGOs also note that Uganda has a significant number of children displaced by natural hazards. In the past eight to 10 years, the major natural hazards that have caused large scale internal displacement of people are mudslides and flash floods. Flash floods reportedly displaced 25,445 people in Kasese district in May 2013, and hailstorms displaced more than 5,500 in Mbale, Tororo, Kalangala, Bundibugyo and Masaka

districts (IDMC 2014; IRIN, 2013; ACT Alliance, 2013). A single landslide in Bududa district displaced 5,000 people in 2010 (NRC, UNISDR and IIRR, 2014). While NGOs commend the interventions of the Office of the Prime Minister (OPM) as the lead agency, we decry the OPM's delayed response and its disregard for the need to protect the children's social fabrics by resettling households in new social environments.

8.2 Children in armed conflict

NGOs draw the Committee's attention to the challenges associated with the aftermath of the armed conflict in Northern Uganda, which include the higher levels of child vulnerability, low access to social services such as education, and health, trauma, low productivity and inequality (Save the Children, 2007; Blattman and Annan, 2008).

NGOs are also concerned about the limited visibility of Children Born of War (CBOW) in the rehabilitation and reintegration interventions in northern Uganda. The children born to the LRA forces were estimated at 5,000 by 2002 (Apio, 2015). These children face stigma and discrimination because of the names mothers give them depicting the mothers' plight while in the bush. The names directly translated into English include "things have gone bad", "I am unfortunate", "and Only God knows why this happened". While the majority of the children lives in their mothers' communities, they are often seen as belonging to their fathers' side, especially in patriarchal societies and yet the fathers are either dead, in the bush or unknown (Ibid). Mothers who were raped also faced physical and psychosocial effects that undermined their ability to care for their children.

NGOs further observe that while the UHRC has not reported any impediments to the inspection of UPDF facilities, it has equally not conducted any inspections of the facilities to examine the possible offences under the Optional Protocol on Children and Armed Conflict. Most of the incidents handled by the Commission relate to claims of torture or cruel, inhuman or degrading treatment or punishment by the UPDF.

The intermittent episodes of conflict from the neighbouring Congo and from within Uganda propagated by the Allied Democratic Forces (ADF) rebel group in South Western Uganda also constitute a continuing threat to children's safety and wellbeing.

8.3 Children in situations of exploitation (Sec. 8.1 of the State party Report)

8.1.1 Economic exploitation, including child labour (Sec. 8.1.1 of the State party report)

NGOs are concerned that Uganda has not developed a comprehensive programme to combat child labour hence the slow progress in addressing the root causes of child labour, including; household poverty, HIV/AIDS, and school drop-out. Other persisting barriers to the elimination child labour include shortage of labour inspectors, short-lived donor funded programmes, and inadequate research into the emerging forms of child labour in the country (MGLSD, 2014).

8.1.2 Use of children in the illicit production and trafficking of narcotic drugs (Sec. 8.1.2 of the State party Report)

NGOs appreciate the enactment of the Narcotics Drugs and Psychotropic Substances (Control) Act, 2015, which prohibits the possession of, and trafficking of such drugs and substances. It also prohibits the cultivation of certain plants. In Maracha district, a police officer reported that the district has enacted a bye-law to prevent children from growing and consuming a narcotic drug called khat, locally known as Mairungi. While those are commendable measures, few incidents of children's involvement in the trafficking of narcotic drugs were cited by key informants.

8.1.3 Sexual exploitation and sexual abuse (Sec. 8.1.3 of the State party report)

In regard to response, key informants across the districts observed that the various stakeholders are enforcing the relevant laws targeting these vices, including the Children Act and the Penal Code Act. A district official in Ntoroko reported that, "This morning (March 3 2016), there was an incident of child marriage in Booma Sub-County and fortunately, the perpetrators were arrested, detained at police and the girl taken back to her home." In Maracha district, a key informant reported that the local Government had passed a bye-law to regulate the operation of video halls that expose children to pornographic content.

However, NGOs remain gravely concerned about the inadequate enforcement of the existing legislation on sexual abuse and exploitation as well as the limited focus on cultural and religious values that perpetuate child sexual abuse and exploitation. This has perpetuated the sexual exploitation of children, with Luwero District - Wobulenzi and Luwero Town Council as some of the hotspots. In the community, school children cited commercial motorcycle riders (BodaBoda) as involved in luring young girls into sex in exchange for small gifts. Specific incidents of sexual abuse, particularly by male teachers, were cited in Ntoroko and Gomba districts. In Kampala City, the children cited those living in slums as having a greater risk of sexual abuse.

8.1.4 Sale, trafficking and abduction of children (Sec. 8.1.4 of the State party report)

The Government report does not demonstrate an adequate appreciation of the unique vulnerabilities that expose children to being sold and trafficked, and which ought to inform the response strategies. The public awareness drive by the Anti-trafficking Taskforce is unlikely to stop desperate parents from surrendering their children to potential traffickers in expectation of improved welfare. Moreover, the MGLSD and the Anti-Trafficking Taskforce are financially constrained to undertake awareness raising on these practices, and are dependent on the funding support of UNICEF and international NGOs (UCRNN, 2014a).

NGOs are concerned that some police stations lack designated anti-trafficking focal persons, which undermines timely response and effective coordination with other stakeholders, such as NGOs. Victim protection and assistance programmes are limited, with findings from field consultations indicating that police officers are often unable to provide food and temporary shelter to survivors of trafficking/child labour. Although the Prevention of Trafficking in Persons Act accords protection to child victims of trafficking, the State party has not developed or implemented policies and procedures for the systematic identification of victims among high risk groups. As a result, potential victims are at times prosecuted for immigration or prostitution violations (United State Department of Labour, cited in UCRNN, 2014a).

8.4 Children in street situations (Sec. 8.1.5 of the State party report)

NGOs welcome the ban on the provision of gifts to children on Kampala streets by KCCA which is to dissuade children from the streets. While evidence points to the significance of push factors in promoting the phenomenon of street children, the efforts of the MGLSD have largely been on the symptoms. Initiatives that seek to address the problem of children in street situations have lacked adequate engagement with key Government agencies that have the primary mandate and responsibility of addressing most of the push factors, such as food and income insecurity and limited access to health and education services.

8.5 Children in conflict with the law, victims and witnesses (Sec. 8.1.6 of the State party report)

The Government report is deficient in terms of explaining the measures undertaken to ensure physical and psychological recovery and social reintegration of children in conflict with the law, and the training of officials involved in the administration of juvenile justice. The NGO findings indicate that these are some of the critical challenges for juvenile justice administration in the country.

Other challenges include the lack of separate cells for children at many police stations, placing the burden of proof on the child survivor, and long periods of detention that exceed the maximum six months provided in the Children Act. Other challenges are uncertainty about the date of the court hearings; overcrowding in the remand homes; sharing of dormitories by boys and girls (though multi-storied), bribery and influence peddling, inaccessible courts and prosecutors and intimidation of reporters. There is also limited cooperation by relatives in pursuing justice, and fear among members of the general population to testify as witnesses in cases related to especially sexual abuse of children.

NGOs are also concerned that the concept of “child victims” is narrowly perceived. This negatively impacts on how different categories of child victims are targeted for support. In some cases, some children are victims, but are treated as perpetrators. For instance, many children in conflict with the law are victims of a weak family and state childcare and protection

system. The majority of children in street situations ought to be viewed as victims, but are often perceived by law enforcement agencies and the public as criminals and social misfits.

8.6 Children of minority or indigenous groups (Sec. 8.1.7 of the State party Report)

Government programmes, such as UPE do not fully benefit the ethnic minorities as they were not tailored to their peculiar needs. Several factors, notably distances to facilities were cited by the UHRC as infringing on these groups' rights to education, water and health. (UHRC, 2012). For instance, the Commission noted that the two secondary schools (Chemanga Senior Secondary School and Kapchekwop Secondary School) were too far from the Benet community living in Cheberen.

The nearest Health Centre II unit at Likil (12 km away) was under staffed and without a midwife and thus expectant mothers had to travel to Chemwom Health Centre III, located 15 km away. The Benet people had no protected water source, and fetched water from a forest reserve to which access was restricted.

The other challenges cited as affecting the minority groups were gaps in the administration of justice; denial of the rights to property; and lack of political representation at national, district and sub-county levels. During the field consultations, girls belonging to the Batwa ethnic minority group reported that they had never heard about or seen a birth certificate.

8.7 Protection of children from all forms of abuse and violence

As already noted under Clusters 4 and 6, NGOs are concerned about gaps in addressing the factors that predispose children to abuse and violence, such as household poverty and cultural and religious values. In addition, NGOs are saddened by the critical gaps in enforcing the laws that protect children. This has undermined the level of reporting of child rights violations. Some children noted the fear of being beaten by perpetrators, especially if they are a parent or a relative, as limiting reporting. They also cited the lack of transport to move to distant Police stations or take the victims to the hospital as another hindrance. Several key informants cited the preference of family and community actors to handle child

rights violations informally, including cases beyond their mandate. A justice official in Maracha district also cited the fear of community members to testify in court, as witnesses, as hampering access to justice by the survivors of abuse.

Bribery, influence peddling and the mishandling of cases was cited by children and parents as another hindrance to the reporting of cases. Children and parents in the districts of Iganga, Ibanda, Luwero, Lira, Ntoroko, Kamuli, Maracha, and Kampala cited cases of corruption (demanding bribes) on the side of the police when handling child abuse cases. This was confirmed by key informants in Abim, and Kampala, among other districts. Adult women in Iganga district noted that some perpetrators of child abuse do so with impunity as they claim to be friends with police officials.

The gaps in prevention and response are reflected in the growing volume of child related violations investigated by the UPF over the years. The number of cases of child neglect handled by the UPF increased from 2,628 in 2008 to 11,519 in 2013 while defilement cases increased from 8,635 to 9,598 over the same period.

Recommendations

1. Scale-up interventions, in collaboration with NGOs and development partners, to address the negative cultural values and norms that perpetuate abuse and violence against children, by targeting cultural and traditional leaders to drive change from within.
2. Scale-up interventions to increase knowledge of child protection, and existing policies and laws. Prioritise translating and repackaging laws on key child protection issues/themes which are most misperceived, such as child labour, and corporal punishment.
3. Allocate additional resources for child protection work at the national and local Government level, and in particular for case management by the Uganda Child Helpline, the Probation Office and the Family and Child Protection Unit of the Police. As already captured under Cluster 1, institute conditional grants to support child protection work in local Governments.

4. Improve the direct support to child survivors of abuse and violence to ensure that their welfare and justice needs are fully met.
5. Ensure adequate consultations with IDPs during the preparation of resettlement plans, and consider their cultural heritage in such plans, to the extent possible.
6. Sustain and scale-up the tested innovations under the Justice for Children program, specifically by ensuring adequate budget allocation to the JLOS and capacity building of the justice actors.
7. Strengthen support programmes for Children Born of War, building upon the resources in the post-conflict communities, to ensure their effective social and economic reintegration into society.

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Appendices

Abbreviations

AIDS	Acquired Immuno-deficiency Syndrome
ANC	Antenatal Care
ART	Anti-retroviral Treatment
BTVET	Business, Technical and Vocational Education and Training
CBOW	Children Born of War
CBOM	Children Born outside Marriage
CCI	Child Care Institution
CFPU	Child and Family Protection Unit
CSO	Civil Society Organisation
CWD	Children with Disability
ECD	Early Childhood Development
EMTCT	Elimination of Mother-to-Child Transmission of HIV
FGD	Focus Group Discussion
HIV	Human Immune Virus
IDP	Internally Displaced Persons
JLOS	Justice, Law and Order Sector
KCCA	Kampala Capital City Authority
MDG	Millennium Development Goal
MoH	Ministry of Health
MoES	Ministry of Education and Sports
MoSTS	Ministry of Education, Science, Technology and Sports
MFPEd	Ministry of Finance, Planning, and Economic Development
MDAs	Ministries, Departments and Agencies
MGLSD	Ministry of Gender, Labour and Social Development
NAADS	National Agricultural Advisory Services
NCC	National Council for Children
NDP	National Development Plan
NGO	Non-Governmental Organisation
NSPPI	National Strategic Programme Plan of Intervention
NSSF	National Social Security Fund
NUSAF	Northern Uganda Social Action Fund
OPM	Office of the Prime Minister
OVC	Orphans and Other Vulnerable Children
OVCMS	Orphans and Other Vulnerable Children

PSWO	Management Information System
PWD	Probation and Social Welfare Officer
SAGE	Persons with Disability
SAGE	Social Assistance Grant for Empowerment
UCRNN	Uganda Child Rights NGO Network
UDHS	Uganda Demographic and Health Survey
UHRC	Uganda Human Rights Commission
UNCA	Ugandan National Children's Authority
UNCRC	United Nations Committee on the Rights of the Child
UNICEF	United Nations Children Fund
WHO	World Health Organisation
UPE	Universal Primary Education
MvRS	Mobile Vital Registration System
UPPET	Universal Post Primary Education and Training
ESSPR	Education and Sports Sector Performance Report
AHSPR	Annual Health Sector Performance Report

Endorsement

We, the undersigned endorse this submission, including recommendations, to the UN Committee on the Rights of the Child in respect of the implementation of the Convention on the Rights of the Child and the two Optional Protocols in Uganda:

Action for Children (AFC)

Action on Community Development (ACODE)

Action on Disability and Development (International)

Adina Foundation

African Network for the Prevention and Protection against Child Abuse and Neglect - Uganda Chapter

AKI/JUC

Awakening Smiles Initiative

Child Aid Uganda (CHAU)

Child Empowerment Development Organisation (Uganda)

Child Restoration Outreach (CRO)

Christian Childcare Program Mbale

Coalition for Uganda Private Schools Teachers Association

Community Development Network (CODEN)

Community Voluntary Initiatives for Development (COVOID)

Compassion International

Dwelling Places

Eden Ministries Uganda

Every Child Ministries

Federation of Uganda Women Lawyers (FIDA-U)

Facilitation for Peace and Development (FAPAD)

Forum for Education NGOs in Uganda (FENU)

Foundation for Human Rights Initiative (FHRI)

Foundation for Open Development

Integrated Community Based Initiatives (ICOBI)

Joy for Children Uganda (JFCU)
Leaders of Children and Elderly People at Risk (PEPA-NGO)
Legal Aid Service Providers' Network (LASPNET)
Love of the Child
NAPADEC
National Association of Women Organisations in Uganda (NAWOU)
Nurture Africa
PAG-KIDEP
Parenting Uganda
Plan International Uganda
Platform for Labour Action (PLA)
Prince of Peace Orphans and Widows' Vision (POPOW)
Raising Voices
RIDE Africa
Rural Initiatives for Community Empowerment (RICE)
Save Street Children Uganda (SASCU)
Save the Children International Uganda
Share an Opportunity (SAO)
SIDO TORORO,
SOS Children's Village Uganda
Straight Talk Foundation
Uganda Child Rights NGO Network-Lead Agency
Uganda Society for Disabled Children (USDC)
Uganda Deaf Blind Children Association
Uganda Women Concern Ministry
Uganda Women Efforts to Save Orphans (UWESO)
Wells of Hope
World Education Inc. /Bantwana
World Vision Uganda

Acknowledgements

The NGO Advisory Committee for steering the process and reviewing the draft report.

Members of UCRNN for supporting data collection, providing information and reviewing the draft report.

UNICEF-Uganda, Plan International Uganda, and Save the Children International Uganda for funding the preparation of this report.

Development Links Consult for the technical input of Deogratias Yiga, Simon Enamu, and Ronald Luwangula in preparing the report.

The mandate of Uganda Child Rights NGO Network (UCRNN)

Uganda Child Rights NGO Network (UCRNN) is a coalition of 150 child-focused civil society organizations (CSOs), including community based organizations, national and international non-governmental organizations working to protect and promote the rights of children in Uganda. The coalition was established in 1997 to spearhead the preparation of the first NGO Alternative Report on the United Nations Convention on the Rights of the Child (UNCRC). To date, the coalition has presented five NGO Alternative Reports to United Nations treaty bodies and the African Committee of Experts on the Rights of the Child.

Methodology

This report was compiled using data from secondary sources, including research and project evaluation reports and annual sector performance reports. NGOs also reviewed the State party report to assess the adequacy and validity of the information provided against the UNCRC articles and the Committee's Reporting Guidelines.

In addition, primary data was collected in 21 districts across the four major regions of Uganda. The study team used multi-stage cluster sampling technique. The selection of districts involved constructing regional district clusters adopted from the Uganda Bureau of Statistics' 2011 Uganda Demographic and Health Survey (UDHS) report. In each regional cluster, two districts were selected based on their performance ranking in the 2013/14 annual sector performance reports for the health, education and water and environment sectors (best and worst) and the year of establishment of the district (newly² created and old districts).

In addition, districts with unique child rights issues, such as female genital mutilation (Kween in Eastern Uganda) and ethnic minority groups (Ntoroko in South Western Uganda) were included. In each district, two sub counties (one urban and one rural) were selected to provide an adequate mix of the rural-urban dimensions of child rights in Uganda.

Primary data was obtained from children in school (not screened for any special characteristics), various categories of vulnerable children in communities and institutions, adult men and women in communities, representatives of NGOs, development partners/donors, United Nations agencies, Ministries, Departments and Agencies (MDAs) of Government at the central and local government level.

Data was collected using a range of methods, including focus group discussions (FGDs), letter writing sessions, drawing sessions, in-depth interviews and key informant interviews.

2 In this study, new districts include those created from 2005 onwards

The number of respondents in various categories is provided below:

Category of respondents	Number of respondents		Total
	Female	Male	
Focus Group Discussions with school children (unscreened)	366	372	738
Focus Group Discussions with parents	120	126	246
Drawing sessions with school children	125	119	244
Drawing sessions with orphans in school	25	24	49
Letter writing sessions with school children	116	110	226
In-depth interviews with vulnerable children	11	13	24
Key informant interviews with CSOs and Development partners	-	-	22
Key informant interviews with Local Government & Ministries, Departments and Agencies	-	-	81
Sub total	763	764	1,630



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