



## Convention on the Rights of the Child

### COMMITTEE ON THE RIGHTS OF THE CHILD

#### Forty-ninth session

#### CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 8 OF THE OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT

#### Concluding observations: UGANDA

The Committee considered the initial report of Uganda (CRC/C/OPAC/UGA/1) at its 1345th meeting (see CRC/C/SR.1345), held on 16 September 2008, and adopted at its 1369th meeting, held on 3 October 2008, the following concluding observations.

#### Introduction

The Committee welcomes the submission of the State party's initial report, although regrets the delay in its submission. The Committee further welcomes its written replies (CRC/C/OPAC/UGA/Q/1/Add.1) to the list of issues and appreciates the constructive dialogue held with a high-level and multi-sectoral delegation, which included a representative of the Ministry of Defense.

The Committee reminds the State party that these concluding observations should be read in conjunction with its previous concluding observations adopted on the State party's second periodic report on 30 September 2005 (CRC/C/UGA/CO/2) and with the concluding observation adopted on the initial report under the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSC/UGA/CO/1) on 3 October 2008.

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#### A. Positive aspects

The Committee notes as positive the State party's:

- (a) Declaration upon ratification of the Optional Protocol declaring 18 years as the minimum age for voluntary recruitment to the armed forces and affirming that there is no conscription;
- (b) Adoption of the Uganda People's Defence Forces Act of 2005, which establishes in its article 52(2) that no person shall be enrolled into the Defense Forces unless he or she is at least 18 years of age;
- (c) Creation of a Human Rights Desk within the Ugandan military;
- (d) Adoption of the National Orphans and Vulnerable Children Policy;
- (e) Engagement with the Special Representative of the Secretary General for Children and Armed Conflict (SRSG on CAAC);
- (f) Support for the creation of a Ugandan Task Force on Monitoring and Reporting (UTFMR) in accordance with the Security Council resolution 1612 (2005), mandated to collect information on the recruitment and use of child soldiers as well as other violations and abuses committed against children in armed conflicts and to support and supplement protection and rehabilitation of these children;
- (g) Collaboration with the Office of the United Nations High Commissioner for Human Rights through the agreement which established a national country office in Uganda in 2006.

The Committee further commends the State party's ratification of the Rome Statute of the International Criminal Court on 14 June 2002 and its referral of crimes by the Lord's Resistance Army (LRA) in relation to child recruitment to the court in 2003.

#### I. General measures of implementation

##### Coordination and National Plan of Action

The Committee notes as positive that the State party has engaged with the Ugandan Task Force on Monitoring and Reporting

(UTFMR) and the Special Representative of the Secretary-General on Children and Armed Conflict in the development of a comprehensive Plan of Action to prevent the recruitment and use of child soldiers and to support reintegration of these children. The Committee, however, regrets that the State party has not yet come to an agreement regarding the Plan of Action. Furthermore, the Committee is concerned that coordination of the implementation of the Optional Protocol is insufficient.

**The Committee, while acknowledging the improved measures taken by the State party to eliminate the recruitment of children in its armed forces, recommends that the State party finalize the Plan of Action, in consultation with UTFMR and the Special Representative of the Secretary-General on children and armed conflict, and ensure its adoption as soon as possible, while ensuring adequate allocation of financial and human resources for its implementation. The Committee further recommends the expeditious establishment of an efficient coordination mechanism in order to supervise the implementation of the Protocol in all its aspects.**

#### **Dissemination and awareness**

The Committee is concerned that awareness of the Optional Protocol is low among children, parents, professional categories and affected communities.

**The Committee recommends, in the light of article 6, paragraph 2, of the Optional Protocol, the State party increase its efforts to disseminate information relating to the provisions of the Optional Protocol, including in local languages, in order to make it widely known, in particular among affected communities and to closely cooperate with NGOs in this regard. The State party should also consider developing a version of the Optional Protocol which is child-friendly.**

#### **Training**

The Committee takes note of the efforts to ensure that military personnel receive training on human rights, including the provisions of the Convention on the Rights of the Child and the Optional Protocol. The Committee is, however, concerned that certain categories of professionals outside the armed forces, in particular prosecutors, judges, law enforcement officers, social workers, medical professionals, teachers, local and district officials do not receive sufficient training and that information about the provisions of the Optional Protocol is not sufficiently available in local languages.

**The Committee recommends that the State party continue to provide members of the armed forces with training on the provisions of the Protocol, including in local languages. Furthermore, the Committee also recommends that the State party develop systematic awareness-raising, education and training programmes on the provisions of the Optional Protocol for all relevant professional groups working with children, notably prosecutors, lawyers, judges, law enforcement officers, social workers, medical professionals, teachers, local and district officials. The State party is invited to provide information in that respect in its next report.**

#### **Data**

The Committee regrets the lack of adequate data on children who have been recruited or used in hostilities.

**The Committee recommends that the State party establish a central data collection system in order to identify the number of children who have been recruited or used in hostilities, as well as those children who are still abducted by military groups operating from beyond the border, those who have been released, rehabilitated and reintegrated into their families and communities and those who continue service in the military.**

#### **Independent monitoring**

The Committee welcomes the work undertaken by the Uganda Human Rights Commission (UHRC) and that it has jurisdiction over the Uganda People's Defence Forces (UPDF). However the Committee is concerned that UHRC does not have the human and financial resources to monitor the Optional Protocol or children's rights generally and that it does not have child-accessible complaints mechanisms at the regional and levels. The Committee is also concerned that requirements that UHRC prior notice of its visits to facilities of the UPDF may hamper its work.

**The Committee recommends that the State party ensure that adequate human and financial resources be allocated to the Ugandan Human Rights Commission in order for it to exercise its mandate to monitor human rights treaties and be accessible for children at regional and local levels. Specifically, the Committee recommends that the UHRC is given unfettered access to facilities of the UPDF in order to properly investigate possible offenses under the Optional Protocol.**

## **II. Prevention**

#### **Voluntary recruitment**

The Committee notes with appreciation that the minimum age for the recruitment of volunteers is 18 years, according to the Uganda People's Defence Forces Act of 2005. The Committee however, while acknowledging the State party's efforts to eliminate the recruitment of those under 18 years of age, is concerned over reports indicating the continued presence of children in the armed forces. The Committee notes the challenges presented by the very low rates of birth registration, less than 10 per cent, as acknowledged by the State party, and of reports indicating the falsification of documentation by village Local Councils, which in turn results in the likelihood that children are present among the voluntary recruits.

**The Committee underlines, as a key preventative measure, the importance that the State party significantly strengthen its efforts to provide birth registration for all children in the country, in accordance with article 7 of the Convention, and in order to effectively guarantee that no recruitment takes place among those under 18 years.**

The Committee regrets that an agreement with the Ugandan Task Force on Monitoring and Reporting (UTFMR) for regular age verification visits at facilities of the Uganda People's Defence Forces has not yet been concluded. The Committee is concerned that the pending agreement with the UTFMR is hindering the documentation of reliable evidence on the progress made by the State party to reduce the number of recruits under 18 years of age.

**The Committee urges the State party to ensure that the minimum age for voluntary recruits is strictly enforced and that military training bases are regularly monitored in order to prevent and detect any recruitment of children. For this purpose, the Committee urges the State party to adopt the Action Plan and conclude an agreement with the Ugandan Task Force on Monitoring and Reporting (UTFMR) in order to ensure regular age verification visits at facilities of the Uganda People's Defence Forces (UPDF), with the aim to present evidence on the progress made towards the elimination of child recruitment in the follow-up to the report of the Secretary-General to the Security Council on children and armed conflict (A/62/609-S/2007/757).**

**The Committee is furthermore concerned over reports that children previously used by the LRA and paramilitary Local Defense Units (LDUs) are recruited by the army and that some are forced to take part in military operations .**

**The State party is urged to undertake appropriate disciplinary action against those military officers and officials who knowingly have recruited children for the UPDF .**

The Committee, despite information in the State Party's Replies to the List of Issues indicating that there are no children in the LDUs, remains concerned over reports indicating the presence of children in LDUs and over the lack of information regarding children who have been demobilised from these units and reintegrated into society.

**The Committee urges the State party to immediately ensure effective and transparent demobilisation of all children from LDUs, while guaranteeing them access to adequate reintegration and recovery measures. The Committee urges the State party to hold accountable those responsible for the recruitment of children into paramilitary LDUs.**

#### **Recruitment by non-State armed groups**

The Committee notes the State party's declaration that the LRA has lost its operational base in the country, but is gravely concerned over continued abductions and forced recruitment of children living in border regions by the LRA to be used as child soldiers, sex slaves, spies and to carry goods and weapons. It is further concerned over the inhuman and degrading treatment of the abducted children.

**The Committee urges the State to take all necessary measures to protect every child from abduction and forced recruitment, seek the release of children from the LRA and ensure accountability for perpetrators of the recruitment of child soldiers.**

#### **Peace education**

**The Committee welcomes the State party's Universal Primary Education policy and recommends that the State party strengthen its efforts to provide human rights education and, in particular, peace education for all children in school and train teachers with respect to including these themes in children's education.**

### **III. Prohibition and related matters**

#### **Legislation**

The Committee notes that the Uganda Peoples' Defence Force Act, article 52 (2) states that 18 years is a minimum age for recruitment, however it regrets that the State party's Penal Code lacks provisions which criminalize the recruitment of children in accordance with the obligations that Uganda has assumed upon ratification of the Optional Protocol and the Rome Statute of the International Criminal Court. The Committee is concerned that the absence of explicit provision in the Penal Code providing for criminal responsibility for the recruitment of persons below the age of 18 may perpetuate an environment of impunity and lack of accountability among the Ugandan armed forces.

The Committee recognises that the Amnesty Act of 2000 has contributed to the return, demobilization and reintegration of thousands of children forcefully recruited by the LRA, however is concerned that the criteria for granting amnesties are not in compliance with the international legal obligations of the State party, notably the Rome Statute of the International Criminal Court. The Committee is concerned that serious violations of international law such as the recruitment and use of children in hostilities may consequently remain in impunity.

**In order to strengthen measures for the prevention of the recruitment of children and their use in hostilities, the Committee recommends the State party to:**

**(a) Revise the provisions of its Penal Code and bring them in line with its international legal obligations, notably the Rome Statute of the International Criminal Court ;**

**(b) Take due account of the stigmatization and victimization of former child soldiers in all stages of peace negotiations with the LRA and ensure that any durable peace agreement respects international norms with regards to truth, justice and reparations and that amnesties not be awarded for those who bear the responsibility for war crimes of child recruitment for the participation in hostilities;**

**(c) Seek legal advice from the Office of the United Nations High Commissioner for Human Rights and the United**

Nations Children's Fund (UNICEF) on how to integrate minimum human rights standards and a child rights perspective in the legal framework of peace negotiations;

(d) Ensure that all relevant laws, military codes, manuals and other military directives are in accordance with the provisions and the spirit of the Optional Protocol.

#### **IV. Protection, recovery and reintegration**

##### **Assistance for physical and psychological recovery**

The Committee, while noting the valuable reintegration efforts undertaken by NGOs to provide physical and psychological recovery for demobilized children, is concerned that such efforts are primarily short-term and are hampered by the lack of adequate resources and State party support. The Committee also notes with concern that demobilized children may be recruited into the armed forces, in particular when the reconciliation process with kin and local community lacks assistance. The Committee is concerned that customary reconciliation practices may re-victimize children who have been recruited or used in hostilities, especially girls who have suffered sexual violence.

**The Committee recommends that the State party strengthen long-term efforts to provide reintegration measures in order to provide all children who have been recruited or used in hostilities with immediate and child and gender-sensitive multidisciplinary assistance for their physical and psychological recovery, in accordance with article 6, paragraph 3, of the Optional Protocol. The State party is recommended to significantly increase its support for reintegration and recovery measures, ensure that they are accessible in affected regions and develop such programmes in consultation with concerned communities. The State party is requested to provide further information on measures adopted in this regard in its next report under the Convention.**

Furthermore, the State party should take measures to ensure that children who have been demobilized from the LRA and the LDU are not recruited into the national army. Finally, the Committee recommends the State party to ensure that any customary reconciliation practices avoid re-victimizing children who have been recruited or used in hostilities.

#### **V. International assistance and cooperation**

##### **International cooperation**

The Committee notes the arrest warrants issued by the Prosecutor of the International Criminal Court in 2005 and urges the State party to fully collaborate with the court in order to arrest those responsible for the recruitment of children. The Committee furthermore encourages the State party to cooperate with neighbouring States in order to achieve the above objective.

The Committee welcomes the State party's collaboration with the Office of the United Nations High Commissioner for Human Rights and encourages it to extend the agreement continuing the presence of the national country office in Uganda in order to further implementation of the Optional Protocol.

##### **Arms export**

The Committee notes that there is little control over the sale of small arms and munitions from Uganda to other States or to armed groups that may recruit and use children in hostilities.

**The Committee recommends the State party to adopt administrative procedures and a specific prohibition in its legislation with respect to the sale of arms and munitions when the final destination (end use) is a country where children are known to be, or may potentially be, recruited or used in hostilities.**

##### **Financial and other assistance**

The Committee recommends that the State party seek international support and cooperation for activities and projects related to implementation of the provisions of the Optional Protocol, in particular by promotion of preventive measures, as well as, of physical and psychological recovery and social reintegration of child victims of acts contrary to the Optional Protocol.

The Committee notes the State party's contribution to African Union and United Nations peacekeeping operations and invites the State party to ensure that its personnel are fully aware of the rights of children involved in armed conflicts; and that military contingents are aware of their responsibility and accountability.

#### **VI. Follow-up and dissemination**

The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia, by transmitting them to relevant government ministries, the Cabinet, UPDF and district as well as community authorities, for appropriate consideration and further action.

The Committee recommends that the initial report submitted by the State party and concluding observations adopted by the Committee be made widely available to the public at large and to children in particular in order to generate debate and awareness of the Optional Protocol, its implementation and monitoring.

#### **VII. Next report**

**In accordance with article 8, paragraph 2, the Committee requests the State party to include further information on the implementation of the Optional Protocol in its consolidated third, fourth and fifth periodic report under the Convention on the Rights of the Child, due on 15 March 2011.**

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