



Convention on the Rights of the Child

Distr.

GENERAL

CRC/C/OPSC/UGA/Q/1/Add.1

8 September 2008

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-ninth session 15 September-3 October 2008

WRITTEN REPLIES BY THE GOVERNMENT OF UGANDA TO THE LIST OF ISSUES (CRC/C/OPSC/UGA/Q/1) TO BE TAKEN UP IN CONNECTION WITH THE CONSIDERATION OF THE INITIAL REPORT OF UGANDA SUBMITTED UNDER ARTICLE 12, PARAGRAPH 1, OF THE OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY (CRC/C/OPSC/UGA/1)*

[Replies received on 5 September 2008]

Introduction

1. The Government of Uganda ratified the United Nations Convention on the Rights of the Child (UNCRC) in November 1990. In May 2002, the Government also ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. In fulfilment of Uganda's obligation as a State party to the Optional Protocol to report on the implementation of the protocol, a report was prepared and submitted to the United Nations Committee on the Rights of the Child in September 2006 (CRC/C/OPSC/UGA/1). The Committee read the report and raised issues which needed to be clarified before the Ugandan delegation defended the Uganda report in September 2008. The present report is responding to the issues raised by the Committee in this respect (CRC/C/OPSC/UGA/Q/1).

2. The Ministry of Gender, Labour and Social Development (MGLSD) prepared this report with its key stakeholder Ministries and other government agencies responsible for the implementation of the Optional Protocol. Preparations entailed both review of literature and findings from the field research, documents from child-oriented development actors, as well as government implementation, monitoring and evaluation reports.

Issue No. 1 (a) With reference to articles 2 and 3, please provide data (including by sex, age, urban/rural areas) for the years 2005, 2006 and 2007 on:

(a) The number of reported cases of sale of children, child prostitution and child pornography, with additional information on type of follow-up provided on the outcome of the cases, including prosecution and sanctions for perpetrators;

Response

3. There is no concrete data on Child Trafficking in Uganda. However in 2006, the MGLSD commissioned a study, "The rapid assessment report on trafficking of children including child soldiers", by Rogers Kasirye. According to the research, over 12,000 children are trapped in commercial sexual exploitation, over 20,000 children and youth living in slums are products of trafficking, between 25,000 and 30,000 children were abducted by the Lords Resistance Army (LRA) rebel group in the north, 10,000 street children are living on the streets in Uganda.

4. In order to address this problem, a bill on prevention of trafficking in persons has been tabled before Parliament. It specifically criminalizes human trafficking, sale of children, use of children in prostitution and child pornography.

Issue No. 1 (b) The number of child victims provided with recovery assistance and compensation as defined in article 9, paragraphs 3 and 4 of the Optional Protocol.

Response

5. The Ministry of Gender, Labour and Social Development in partnership with an NGO, Uganda Youth Development Link (UYDEL) is carrying out a number of recovery programmes which have assisted the following children.

Table 1

Number of children by district according to the drop-in centres (orphans and vulnerable children) majority of whom were slum youths trafficked for prostitution, house girls, child labour) and outreach posts

(January-June 2007)

No.	District	Area	Males	Females	Total
	District centre and outreach post				
1	Kampala				
Kalerwe (Dobbi)	1	30	31		
Kalimali	0	31	31		
Makindye	2	19	21		
Beiruti	2	33	35		
Kayanja	0	11	11		
Kakajjo	5	39	44		
Nakulabye	2	77	79		
2	Mukono	Mukono	38	46	84
3	Wakiso	Masooli	126	123	249
4	Busia	Busia	0	138	138
5	Kalangala	Kalangala	5	5	10
Total	181	552	733		

6. According to the table above, it is evident that there are more girls/women trafficked as compared to boys/men. Based on this therefore, the Government will enact stringent laws and regulations to address the skewed trafficking of persons that is leaning more towards girls and women than boys. One such measure is the law to ensure compulsory enrolment and retention of children under universal primary education. Its emphasis will be put on the girl child.

Issue No. 2 Please update the Committee on measures taken to establish an effective system of data collection on violations of provisions of the Optional Protocol.

Response

7. There is no substantive system of data collection on violations of the protocol, but the MGLSD has developed a comprehensive Orphans and Vulnerable Children (OVC) management information system which will capture information on all OVC interventions. Victims of the violations of the Optional Protocol are one of the categories this system will report on.

Issue No. 3 Please inform the Committee whether the State party has adopted or considered adopting a national plan of action to combat violations of the Optional Protocol.

Response

8. The plan was developed and is now in the process of being adopted by the MGLSD. Copies of the plan are available.

Issue No. 4 Please clarify the role played by the Ugandan Human Rights Commission in monitoring implementation of the provisions of the Optional Protocol and whether the Commission has the mandate to receive complaints from, or on behalf of, children on violations of the Optional Protocol.

Response

9. The Ugandan Human Rights Commission (UHRC) is mandated by the Constitution under article 52 to do the following:

(a) To investigate, at its own initiative or on a complaint made by any person or group of persons against the violation of any human right;

(b) To visit jails, prisons, and places of detention or related facilities with a view to assessing and inspecting conditions of the inmates and make recommendations;

(c) To establish a continuing programme of research, education and information to enhance respect of human rights;

(d) To recommend to Parliament effective measures to promote human rights including provision of compensation to victims of violations of human rights and their families;

(e) To create and sustain within the society the awareness of the provisions of the Constitution as the fundamental law of the people of Uganda;

(f) To educate and encourage the public to defend the Constitution at all times against all forms of abuse and violation;

(g) To formulate, implement and oversee programmes intended to inculcate in the citizens of Uganda awareness of their civic responsibilities and an appreciation of their rights and obligations as free people;

(h) To monitor the government's compliance with international treaty and Convention obligations on human rights; and to perform any other functions as may be provided by law.

10. The UHRC has generally monitored the implementation of the Optional Protocols as part of fulfilment of its mandate to monitor the Government's compliance with international treaty and convention obligations on human rights. The UHRC has been pointing out inadequacies in the law and issues such as the plight of children in Lords Resistance Army (LRA) captivity, child trafficking, child sacrifice, child domestic workers, child prostitutes, child marriages and the lack of an organized system for rehabilitation of child victims in its annual reports. For example in its ninth annual report, the UHRC reported on child vulnerability and protection and discussed in depth the extent of child vulnerability. In its eighth annual report, it made a brief assessment of selected government policies in relation to vulnerability. In the 1998 annual report, the Commission brought to the fore the problem of ritual killings and expressed deep concern about the problem; because of the increasing problem of child sacrifice, the Commission has been echoing its recommendation to Parliament of setting up a commission of inquiry to investigate the problem.

11. Most of the issues in the Optional Protocol are criminal in nature and the UHRC does not handle complaints of such nature, but refers them to other service centres. The UHRC has however, as mentioned before, flagged these issues in its annual reports for action by the relevant authorities. Furthermore, in order to enhance monitoring, UHRC has a special unit - the Vulnerable Persons Unit in the Directorate of Monitoring and Inspections - to focus on the vulnerable groups in Uganda which include children, among others. UHRC shall continue to monitor and where necessary and deemed appropriate take on complaints of violations of the Optional Protocols.

Issue No. 5 Please inform the Committee of progress made in the reform of the Penal Code with regards to incorporation of the provisions of the Optional Protocol.

Response

12. The Uganda Penal Code Act contains a number of provisions that could be used effectively in some cases of child trafficking, sale of children and child pornography, depending on the facts of the particular case. These include: child stealing (sect. 159); procurement for prostitution (sect. 131); procuring defilement by threats or fraud (sect. 132); allowing premises to be used for defilement of girls under 18 (sect. 133); detention with sexual intent (sect. 134); living on earnings of prostitution (sect. 147); kidnapping/abduction (sects. 239-246); wrongful confinement (sect. 247); buying/selling persons as slaves (sect. 249); abduction for slavery (sect. 245); habitual dealing in slaves (sect. 250); compulsory labour (sect. 252); abduction for sexual purposes (sect. 126), as well as numerous prostitution-related offences.

13. However, the current Penal Code Act does not fully address all the provisions of the Optional Protocol and as such Government is in the process of enacting a specific law on human trafficking and amending the Act.

Issue No. 6 Please clarify whether legal persons can be held accountable for offences covered by the Optional Protocol.

Response

14. This has been catered for under the draft bill on the prevention of trafficking in persons where section 10 provides:

"Where a body corporate is convicted of an offence it shall be liable to a fine [...] and the court may issue an order to wind up the body [...]"

Issue No. 7 Please explain how the State party may establish jurisdiction over offences in accordance with articles 4 and 5 of the Optional Protocol.

Response

15. This has been catered for under the draft bill on Prevention of Trafficking in Persons where, section 20 provides:

"A criminal action arising from a violation of this Act shall be filed where the offence was committed or where any of its elements occurred, or where the trafficked person actually resides at the time of commission of the offence [...]"

Issue No. 8 Please inform the Committee of the social reintegration assistance as well as physical and psychological recovery measures available for victims of offences covered by the Optional Protocol and the State budget allocations for this purpose.

Response

16. Social reintegration assistance as well as physical and psychological measures available for victims of offences covered by this protocol include the following:

- (a) Emotional and psychosocial support/counselling;
- (b) Income generation activities and/or programmes;
- (c) Parental relation integration;
- (d) Life skills building;
- (e) Drop-in centres where they meet with peers as well as street and slum based outreach service, to obtain information and get advice on how to quit and leave a better meaning life;
- (f) Advocacy campaigns against human trafficking and child soldiering by women and children whose rights are previously violated. This is done using drama, music, radio and poems, etc.;
- (g) Livelihood and vocational skills training: victims are empowered with positive livelihood and other vocational skills, through sports, music, testimonies and traditional methods of dealing with stigma and stress.

17. With regard to budgetary allocations, there is no clear budget allocation to support victims of this protocol, however, there are general budgetary allocations to children's programmes which impact on reduction of the vulnerability of children to circumstances that lead to sale of children, child prostitution and child pornography.

18. The education sector is one of those that receive a substantial percentage of the budget and allocations here have been increasing mainly because of the implementation of the Universal Primary Education (UPE) programme from 683.60 (24 per cent) in 2006/07 to 717.80 (22 per cent) in 2007/08 with an increase of 34.20 (8 per cent). Like wise, the allocations to Law and Order Sector has also been increasing from 189.97 (7 per cent) in 2006/07 to 229.13 (7 per cent) in 2007/08 which is an increase of 39.16 (9 per cent). The economic function and social services sector has also experienced increased allocations from 356.95 (13 per cent) in 2006/07 to 398.88 (12 per cent) in 2007/08 which is an increase of 41.93 (10 per cent).

19. Despite other competing programmes in the sector, Government remains committed to child-related programmes.

Issue No. 9 Please indicate whether special training is provided to professionals, such as prosecutors, judges, social workers and medical professionals, who come into contact with child victims of the offences under the Optional Protocol.

Response

20. No specific training has been provided to prosecutors, judges and medical professionals; however there has been widespread sensitization on the draft bill on prevention of trafficking in persons which seeks to criminalize pornography, trafficking of persons including children.

21. The MGLSD has carried out special training on the Convention on the Rights of the Child funded by Ministry of Finance and Economic Planning (MFEP) and through tailor-made courses supported by United Nations Children's Fund (UNICEF). One hundred and twenty officers in the categories of Probation Officers, Community Development Officers, Youth Officers and Gender Officers were trained. This training has been extended to non-governmental organizations and community-based organizations. In addition, MGLSD carried out training of District Officers in the areas of Acholi, Lango and Teso on sexual gender based violence: these areas were chosen due to the high prevalence of such violence as a result of armed conflict.
