



Convention on the Rights of the Child

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COMMITTEE ON THE RIGHTS OF THE CHILD

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WRITTEN REPLIES BY THE GOVERNMENT OF UGANDA CONCERNING

THE LIST OF ISSUES (CRC/C/OPAC/UGA/Q/1) TO BE TAKEN UP IN

CONNECTION WITH THE CONSIDERATION OF THE INITIAL REPORT OF

UGANDA UNDER ARTICLE 8 (1) OF THE OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT (CRC/C/OPAC/UGA/1) *

[Replies received on 5 September 2008]

Acronyms

AWG - Amnesty Working Group

CAOs - Chief Administration Officer

CBOs - Community Based Organizations

CDOs - Community Development Officers

CPCs - Child Protection Committees

CRC - Convention on the rights of children

CSOs - Civil Society Organization

DDR - Direct Disarmament and Re-integration

DRC - Democratic Republic of Congo

FAC - Formerly Abducted Children

GoU - Government of Uganda

GUSCO - Gulu Support the Children

ICC - International Criminal Court

ILO - International Labour Organization

LCL - Local Council Leaders

LDUs - Local Defence Units

LRA - Lords Resistance Army

MFEP - Ministry of Finance and Economic Planning

MGLSD - Ministry of Gender Labour and Social Development

MONUC - United Nation Mission

MOU - Memorandum of Understanding

NAP - National Action Plan

NAR-National Attendance Rations

NCT -National Psychosocial Core Team

NGOs - Non Government Organization

NUSAF -Northern Uganda Social Action Fund

OHCHR-Office of High Commission for Human Rights

OVC-Orphans and Vulnerable Children

PRDP-Peace Recovery & Development Plan for Northern Uganda

PSWO-Probation and Social Welfare Officer

SCSiU-Save the Children Uganda

SGBV -Sexual Gender Based Violence

ToT-Training of Trainers

UCRNN-Uganda Child Rights NGO Network

UHRC-Ugandan Human Rights Commission

ULRC -Uganda Law Reform Commission

UN-United Nations

UNCRC-United Nations Convention on the Rights of the Child

UNHCR-United National High Commission for Refugees

UNICEF -United Nations Children's Fund

UNSCR -United Nations Security Council Resolution

UPDF -Uganda People's Defence Forces

UPE -Universal Primary Education

UPF -Uganda Police Force

USE -Universal Secondary Education

UTFMR -Ugandan Task Force on Monitoring and Reporting

UYDEL-Uganda Youth Development Link

WAR -War Affected Children

Introduction

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 involvement of Children in Armed Conflict. In fulfillment of Uganda's obligation as a State Party to the optional protocol, to the report on the implementation of the protocol, a report was prepared and submitted to the UN Committee on the Rights of Children in September, 2006. The UN Committee on the Rights of Children read the report and raised issues which needed to be clarified before the Ugandan delegation defended the report in September, 2008. This report is responding to the issues raised by the Committee in this respect.

The Ministry of Gender, Labour and Social Development (MGLSD) prepared this report with its key stake holder 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

Please inform the committee of the progress made in the state party to include in the Penal code a provision which expressly criminalizes the recruitment of children below the age of 18 years. Please also inform the committee whether the state party intends to provide for the establishment of extra-territorial jurisdiction for the recruitment of children.

The Government of Uganda is still in the process of amending the Penal Code Act to criminalize the recruitment of children in armed forces. We are also in the process of amending the children's act to include provisions which will prevent recruitment of the children in the armed forces. However, section 178 of the UPDF Act provides for sanctions against any military personnel who recruits children in the armed forces and for those persons not in the army but might be involved in abetting recruitment of children in the

armed forces, they can be charged under the Penal Code Act.

In addition, the Uganda Judiciary has already established War Crimes Court Division of the High Court to ensure speedy handling of cases arising out of the armed conflict. The Division will try war crimes immediately after the signing of the final peace agreement. This Court is composed of a team of three Judges.

Issue No. 2

Please inform the Committee whether sanctions are established in the Uganda Peoples Defence Forces Act of 2005 for recruitment of children below the age of 18 years into the army.

The UPDF Act 2005 explicitly states under Section 52 that ‘...no person shall be enrolled into the Defence Forces unless he or she has attained 18 years of age...’

Below are the procedures for recruitment;

Applicants are henceforth required to provide the following;

The process is through advertisement and is transparent

Written application with applicants own handwriting, clearly stating age, citizenship and level of education.

Recommendation letters from Local Council 1 executives, endorsed by Local Council 11 and Local Council 111 executive and Ggombolola (Sub-county) Internal Security Officer (GISO) of a given sub-county or its equivalent.

Examination by a qualified medical personnel

Any person involved in uttering false documents commits an offence under the penal code.

Issue No. 3

Please clarify whether the provisions of the Amnesty Act of 2000 ensure that amnesties are excluded for those responsible for systematic and widespread crimes of war.

The Amnesty (Amendment) Act, 2006 provides for Persons ineligible for amnesty as follows:

“Notwithstanding the provisions of section 2 of the principal Act a person shall not be eligible for grant of amnesty if he or she is declared not eligible by the Minister by statutory instrument made with the approval of parliament”

Formal Criminal and civil justice measures shall be applied to any individual who is alleged to have committed serious crimes or human rights violations in the course of the conflict

Issue No. 4

Please update the Committee on progress towards the adoption of an Action Plan to prevent the Recruitment and use of child soldiers within the framework of Security Council Resolution 1612 (2005.)

A Draft Action Plan was formulated by the Government of Uganda in accordance with the Security Council Resolution 1612. However, pending its adoption, the National Task Force on Monitoring and Reporting reviewed the situation and noted inter-alia that in the last two years there were no cases of recruitment or use of children in the Uganda Peoples’ Defence Forces or any other auxiliary forces. The Chairperson of the National Task Force on Monitoring and Reporting wrote to the Special Representative of the Secretary General on Children in Armed Conflict informing her of the situation. He requested that Uganda Peoples’ Defence Force and Local Defence units (LDUs) be delisted.

Uganda wishes to point out that in the circumstances as reported by the Chairperson of the National Task Force on Monitoring and Reporting and taking into account that the body of laws that exist adequately address the problem, the adoption of an Action Plan is no longer relevant.

Issue No. 5

Please provide the Committee with the information on the estimated number of children currently present in the Lord’s Resistance Army. Please also provide updated information on the number of children present in paramilitary Local Defence Units (LDUs) or in the Ugandan People’s Defence Force (UPDF).

LRA is now operating outside Uganda. The source of LRA manpower has to a large extent always been through abduction of Children. They are still doing it in countries where they are currently operating. It is however estimated that by the time they left Uganda they were 1000 in number, of whom 500 were women and children.

There are no children in the local defence units LDU and the army.

Issue No. 6

Please inform the Committee whether an agreement has been concluded with the Ugandan Task Force on Monitoring and Reporting (UTFMR) in order to ensure regular age verification visits at facilities of the Ugandan People’s Defence Forces (UPDF).

There's a framework in place for cooperating with the UTFMR with which a partnership has already been established and working following the procedures in the UPDF Act and recruitment guidelines.

However, visits to the Uganda Peoples Defence Forces facilities for verification are ongoing.

Issue No. 7

Please provide the committee with further information on the measures taken to expand the birth registration system and which mechanisms are available to control and verify the recommendations for recruitment by the village Local Councils.

Measures taken to expand the birth registration system:

Sensitization on the importance of registration

Providing registration materials in at least to districts

Overseeing the registration of births at sub county levels and the issuing of short birth certificates by the health centers and Local Council 3

Controlling the long birth certificate from the Central government.

Ensuring filing of returns by the Sub counties

Which mechanisms are available to control and verify the recommendations for recruitment by the village Local Councils.

As mentioned above, applicants are henceforth required to provide the following:

The process is through advertisement and is transparent

Written application with own handwriting, clearly stating age, citizenship and level of education supported

Recommendation letters from Local Council 1 executives, endorsed by Local Council 11 and Local Council 111 executive and Gombolola Internal Security Officer (GISO) of a given sub-county or its equivalent.

Examination by a qualified medical personnel

Any person involved in uttering false documents is punishable under the penal code.

Issue No. 8

With reference to the State party report, please clarify whether the training of law enforcement officials and members of the army take into account the provisions of the protocol.

The UPDF syllabi at all levels has a component of international humanitarian law and obligation and obligation. Training on the Optional Protocol on children in Armed Conflict is part of the syllabi. Training on child rights and child protection is continually carried out for the members of the UPDF at all levels of command.

And, the Army has also put in place a department dedicated to human rights and international humanitarian law under the directorate of training.

Issue No. 9

Please indicate whether special training is provided to professionals, such as prosecutors, judges, social workers and medical professional, who come into contact with child victims of the offences under the optional protocol.

The Ministry of Gender, Labour and Social Development (MGLSD) in collaboration with UNICEF has provided special training to professionals doing the work within its mandate including the Probation Officers, the Community Development Officers, and Social Workers from CSOs. Other government agencies and Autonomous bodies have also been able to train their staff including Ministry of Defense, Ministry of Justice and Constitutional Affairs, and the Human Rights Commission.

The training is of different categories; i.e.

Training of personnel from CBOs, Community Development, NGOs and other community structures on Psychosocial Support Skills, Child Rights, and Child Protection, Communicating with Children in difficult circumstances and conflict resolution and management. (33 participants -20 Men and 13 Females) done in 2006.

In 2007 131 participants 96 Males & 35 Females trained across communities in Gulu and Amuru districts. (With support from (SCSiU)

Training of local Artisans to provide apprenticeship to Formerly Abducted Children (FAC) and War Affected Children (WAR). 20 local Artisans 14 Males & 6 females. Aimed at facilitating reintegration process. (In liaison with (GUSCO)

Child Mothers received training on basic child Care, Life Skills, IGA identification and management. (30 Child Mothers) (GUSCO)

60 staff (33 males & 27 Females) were trained on PTSD, Trauma Counseling and Treatment to facilitate their rehabilitation work with Formerly Abducted Children (GUSCO)

30 police Officers from the districts of Masindi, Kitgum, Gulu, Lira and Pader (Police),

Probation Officers and CAOs) were trained on the UN Convention on the Rights of the Child and Optional Protocol on involvement of the Children in Armed conflict 2007. (With support from MGLSD)

Conducted ToT training of 48 persons (30 Males & 18 Females) on Community Dialogue aimed at promoting the rights of Children and Women through support to family and community practices to enhance peoples quality of life. 20007. Participants were from FBOs, CDOs, PSWO and agency staff (With support from UNICEF)

Trained 150 members of Child Protection Committees (CPCs) 70 Women & 80 Men (2007) (with support from UNICEF)

Conducted roll out training on 5 modules on child Protection for Police, SPCs, Social Workers, CDOs and probation officers. 38 participants 26 Females & 12 Males attended (2008) (with support from UNICEF)

30 SPCs Trainers (1 Female & 29 Males) were trained on the Code of Conduct & Human rights. June 2008 (With support from UNHCR).

With regard to the Uganda Human Rights Commission (UHRC), Human Rights Education training has been carried out, to enhance the citizens' understanding of human rights, constitutionalism and civic obligations. These programs aim at generally building a culture of respect for human rights. The training has targeted the Uganda Police Force (UPF), Uganda Peoples Defence Forces (UPDF), and Local Council Leaders (LCL), students, Intelligence Officers, teachers, Civil servants, Private Sector, health professionals, Voluntary Action Groups and the general public.

The UHRC has not yet undertaken specific training for prosecutors, judges, social workers and medical professionals who come in contact with child victims of the offences under the Optional Protocols. Due to resource constraints, the Human Rights Education provided has been general rather than specific. However, there have been instances where the UHRC together with OHCHR and UNICEF carried out specific trainings for field monitors on monitoring and reporting gross violations of children's rights in line with the UN Security Council Resolution 1612 on children in armed conflict. Special training for prosecutors, judges, social workers and medical professionals who come in contact with child victims of the offences under the Optional Protocols can and should be undertaken.

Issue No. 10

Please clarify the role played by the Ugandan Commission on Human Rights in monitoring and 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.

The UHRC is mandated by the Constitution under Article 52 to do the following:

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;

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;

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

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

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

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

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

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.

The UHRC has generally monitored the implementation of the Optional Protocols as part of fulfillment of its mandate to monitor 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. This was the case in UHRC's 8th and 9th Annual Reports.

Most of the issues in the Protocol are criminal in nature and the UHRC has not directly handled complaints of such nature. 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 Protocols.

Issue No. 11

Please inform the Committee of the social re-integration assistance as well as physical and psychosocial recovery for victims of offences covered by the Protocol and the State budget allocations for this purpose. Please indicate the effectiveness of such programmes, if gender aspects are taken into account and whether programmes are elaborated in consultation with local communities and what measures are undertaken to prevent the stigmatisation of demobilized children.

The process of disarmament, demobilization and re-integration is done by the Amnesty Commission. However, the majority of children leaving the LRA do so either by escaping or by being captured government forces. Under the military procedures to the UPDF child protection units and released into the custody of civilian organization within 48 hours. These include World Vision, GUSCO, UNICEF, Save the Children in Uganda, Rachele Rehabilitation Centre

While in the custody of civilian organizations, children receive the following services:

Medical assistance

Family tracing and resettlement

Recreational activities

Counseling and psychosocial support

Educational programmes these include life skill as well as basic training skills to resettle children back into normal life.

At the Centers, social workers hold counseling sessions with the children to help them heal the traumas experienced during captivity. They also carry out home visits to areas where children came from to prepare the homes and the communities for the resettlement of their children.

In Uganda it is government policy to mainstream gender in all programs.

Issue No. 12

Please clarify whether children who have been demobilized from the Lord's Resistance Army (LRA), paramilitary Local Defence Units (LDUs) have equal access to recovery and reintegration measures and programmes. Please indicate which mechanisms are available to monitor the transparency of demobilizations.

When the UPDF captures/ rescues the children, they are immediately handed over to Civil Military Relations Centers that process them and hand them over to humanitarian organizations including: the Human Rights Commission, Police, amnesty commission and other relevant Civil Society Organizations.

Through the government programme of Peace Recovery and Development Program (PRDP), the strategy for demobilization and reintegration focuses on provision of resettlement packages to all ex-combatants, facilitating reunion with their families and providing opportunities to access existing service providers. LRA have fair access to this program, however, there being no cases of demobilized children from LDU, none has had access.

The total PRDP budget for the three year programme for the amnesty process is over 18 billion shillings.

In West Nile, over 3,000 ex-combatants have been linked to Northern Uganda Social Action Fund (NUSAF) programme of goat and cattle rearing, metal work and fabrication, carpentry and poultry, amounting to 1.1 billion shillings.

Under the African Union Commission Project, about 400 LRA ex-child soldiers have been provided with skills training in tailoring, bicycle repair, brick laying and concrete practice, carpentry and joinery. Provision of sanitary materials, maternity kits, supplementary foods for children have also been provided to child mothers in the war affected areas in Kitgum District.

As for transparency of demobilization, the following mechanisms have been put in place:

The National Psychosocial Core Team (NCT), an official advisory body of the Ministry of Gender together with the Amnesty Commission developed Good Practice Guidelines applied in the care of children who are committed into Trauma Counseling Centres in the war affected areas of Uganda.

The guidelines serve as the day-to-day operational regulations, used by the Managers and staff of the trauma rehabilitation centres so that children whose conditions improve leave the centres as soon as it is deemed appropriate. NCT was therefore formed to improve coordination and effectiveness of interventions.

The Amnesty Working Group (AWG) composed of all donors and other government line Ministries hold meetings regularly to monitor demobilization and reintegration programmes.

There are over 30 national and International organizations (implementing partners) that provide support to ex-combatants including children in the war affected areas.

Amnesty Commission jointly with Windle Trust Uganda selects beneficiaries for Acholi bursary scheme for education in Pader,

Kitgum, Amuru and Gulu districts. Out of 1,500 Reporters benefiting from this scheme, 735 are child ex-combatants who have been placed in schools and vocational institutions.

The Invisible Children Uganda is providing education bursaries to 570 children in Gulu and Amuru districts and 120 in Pader district. All beneficiaries have access to mentors which serve as an informal counseling service.

These programmes are augmented by already existing government programmes and structures. For instance, the Universal Primary Education (UPE) as well the Universal Secondary Education (USE). In the financial year 2006/07 the education sector budget was increased from shs 683.60 billion which is 24% of the national budget allocation to shs 717.80 billion in FY 2007/08. Part of the increase was meant to cater for the LRA returnee children. In summary, the Ministry of Education receives the biggest share of the national budget.

In addition to the increased budgetary allocations in the Education sector, the Government of Uganda is in the process of putting in place measures to ensure that the child's right to education is fulfilled. This is being done through ensuring:

Availability of school infrastructure (adequate schools and classrooms and within easy reach of all categories of children including girls and children with disabilities),

Appropriate teacher-pupil ratio,

Availability of instructional materials,

Integration of children with special needs including availability of appropriate instructional materials and teachers for this category of children,

Children's access to play and recreation and quality assurance (monitoring and inspection).

Despite increment(s) in budgetary allocations in 2006/07 and 2007/8, we are still faced with numerous challenges and short falls that unfortunately cannot be addressed by this measure and continue to deny children their right to education especially in the northern region. For instance, among the nine regions, Northern Uganda has the lowest proportion of primary school age children attending school (74%). Karamoja which is classified as a sub population of the North has a net attendance ratio (NAR) of only 43%. In urban areas, 35% of secondary school age children are attending school, compared with 13% of those in rural areas. The secondary school net attendance ratios (NAR) ranges from 44% in Kampala, 12% in Eastern, 8% in Western, 11% in West Nile, 13% in South West to 5% in the North. Within the North, the sub populations in the IDP camps and Karamoja have especially low NARs of 3% and 1 % respectively.

As a legal and policy measure, the government is setting up the Equal Opportunities Commission to ensure affirmative action is implemented for these regions. The law and policy are available.

Issue No. 13

Inform the Committee briefly with regards to the cooperation the state party has provided in order to arrest the five Lord's Resistance Army (LRA) Leaders indicted by the International Criminal Court in 2005.

The indicted persons are outside Uganda and are therefore not under our jurisdiction of the state of Uganda.

It is true Joseph Kony, the leader of the LRA was on the 10th April 2008 expected to sign the final Peace Agreement between his organization and the Government of Uganda. The Peace Agreement is aimed at peacefully resolving the conflict while ensuring that justice is promoted in line with our National and International obligations. This fact is emphasized in the Agreement on Accountability and Reconciliation signed between the two parties on 29th June 2007. Under this Agreement, both parties committed themselves to ***preventing impunity and promoting redress in accordance with the Constitution and International obligations.*** In this connection, they recalled ***the requirements of the Rome Statute of the International Criminal Court (ICC) and in particular the principle of complementarity.***

It is in view of this, that both parties, under sections 14.6, 14.7 and 14.8 of that Agreement agreed that Government will:

Address conscientiously the question of the ICC arrest warrants relating to the leaders of the LRA/M.

Remove the LRA/M from the list of Terrorist Organizations under the Anti-Terrorism, Act of Uganda ***upon*** the LRA/M abandoning rebellion, ceasing fire and submitting its members to the process of disarmament, Demobilization and Re-integration.

Make representation to any State or Institution which has proscribed the LRA/M to take steps to remove the LRA/M or its members from such list.

Consistent with this, the Government of Uganda fully supports the warrants of arrest until the above mentioned processes are successfully completed. Should the LRA not execute their part of the understanding reached, Government is ready to be part of any coordinated efforts that may be undertaken by the ICC and the International Community to ensure prevention of impunity and promotion of Justice.

The following are the steps currently being undertaken by the Republic of Uganda with the view to executing the warrants of arrest.

The LRA has for more than three years been based in the DRC, way beyond Uganda's territorial jurisdiction. Therefore, for steps to be taken to execute the warrants of arrest, authorization and cooperation of the Government of the DRC is a prerequisite.

The Government of Uganda continues to spare no effort in the attempts to secure the cooperation of the Government of the DRC and the United Nation Mission in the DRC (MONUC). The Government of Uganda takes this opportunity to urge the Court to, in accordance with Article 87 of the Rome Statute, request the Government of the DRC to earnestly cooperate.

Kindly accept our assurances that the Government of Uganda will stop at nothing, to have the LRA leaders held accountable for the crimes they committed.
