



HUMAN
RIGHTS
WATCH

“Where Do You Want Us to Go?”

Abuses against Street Children in Uganda



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Abuses against Street Children in Uganda

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SUMMARY AND KEY RECOMMENDATIONS



Street children in Mbale town, east of Kampala sleep on shop verandas after owners have closed for the day.



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These police have to give us our rights. They should make us a home where we can be taken, but let it not be a police station, let it not have policemen so that it is not a prison. This is our country too. Let us not be strangers in our own country.

—Zachary L., 16-year-old from Bugembe town, Jinja district, seven years living on the street, February 2014

Government structures should not just be there in name. They should function. In Kampala, apart from beating them up, the government is doing nothing [for street children]. If all systems were working, you would not see these children suffering.

—Manager of a nongovernmental organization’s center for street children outside Kampala, February 2014

When 13-year-old Stephen B.’s father died, his older brother did not want to care for him and sent him to look for his mother. But he got lost on a trip looking for her and decided to approach the police in Masaka town for help. They offered no assistance. Without money or contacts, Stephen turned to the streets, and one year after, he remained homeless. Stephen said that he feared his encounters with the police more than anything else during this period. “One day, I was sleeping and four policemen came and started beating me. They beat me so badly on the ankles, knees, and elbows that I couldn’t move. They also beat my friends who were sleeping. Then one policeman said ‘Who has money so that we leave you alone?’ [My friend] Moses had 500 shillings (US\$0.20). The policeman took it. This happens always in the night.”

Uganda has one of the largest populations of young people in the world with over 56 percent of its 37 million people under the age of 18, and more than 52 per-



A 13-year-old boy in Mbale was injured in an assault by a woman from the community, who wrongly accused him of theft. The boy has spent eight years on the streets and has previously been beaten by security personnel and members of the community. Though he was in pain, he did not have money for medical treatment.

cent under age 15. Children are also the single largest demographic group living in poverty in Uganda. According to civil society groups who assist street children, local government officials, and police officers of the Child and Family Protection Unit who are tasked to focus on children, the number of Ugandan children living on the streets is increasing. But the total number of street children is unknown.

Children living on the streets in the capital, Kampala, and throughout Uganda’s urban centers face violence and discrimination by police, local government officials,



their peers, and the communities in which they work and live. Some left home because of domestic abuse, neglect, and poverty, only to suffer brutality and exploitation by older children and homeless adults on the streets. They often lack access to clean water, food, medical attention, shelter, and education.

This report is based on interviews in seven towns across Uganda with more than 130 current or former children who live or work on the streets, known generally as street children. Some spend their days and nights on the streets. Others work on the streets during the day and occasionally return to their homes or other locations at night. Street children risk a range of abuses when working on the streets and moving about without protection.

Police and communities often treat street children as a part of the larger crime problem, arbitrarily arresting, detaining and beating them, and forcing them to clean de-

A 14-year-old boy in Mbale town, east of Kampala, was taken to the Kampiringisa National Rehabilitation Center outside Kampala. He was hit on the head with a baton when he resisted arrest, though later escaped.

attention facilities. There is widespread belief within both the community at large and the police that street children are all criminals. Street children are often the first suspects when a crime, such as theft, is committed. Many street children expressed fear of the authorities and a total lack of protection on the streets. Police and officials from the Kampala Capital City Authority (KCCA) threaten them at night, and beat them with batons, whips, or wires while demanding money or as a form of discipline for vagrancy. Children often hand over to the police and others whatever small sums they have to avoid further abuse or detention.



A 10-year-old boy looks for metal scraps at a garbage heap in Mbale town, east of Kampala. He sells metal scraps and empty plastic bottles in exchange for money, food, or petrol to sniff.

Key government institutions are failing to adequately protect these children. The Ministry of Gender, Labour and Social Development, charged with child protection, and local government officials periodically order general roundups of street children throughout the country. These roundups usually occur ahead of special events, official visits, international conferences, or are a way for the ministry to be seen to be tackling the perceived “problem” of street children. At various times, police around the country have detained large groups of up to 100 children without charge in police stations with adults. According to knowledgeable sources, these roundups often occur at the behest of the ministry of gender and other officials. Many children are released back to the streets after several days, or in some cases weeks, often only after paying a bribe or being forced to work for the police while in custody, including cleaning.

Even when there are no pending criminal charges some children are transferred, without any clear justification, to one of the country’s four national remand homes or to the Kampiringisa National Rehabilitation Center, a juvenile detention center outside Kampala. Though civil society activists say instances of physical abuse in remand homes has decreased, the homes continue to suffer from inadequate staffing and resources. Children and nongovernmental organizations (NGOs) report that both conditions and treatment at Kampiringisa continue to be deplorable.

In some instances in the locations where Human Rights Watch conducted research, community members harass, threaten, beat, and exploit street children. When a suspected or actual theft occurs, communities have converged on street children, occasionally carrying out mob violence; as a result, there are reports that some children have been killed. For example, in the northern town of Lira, local journalists documented three killings of street children by mobs between July and September 2013. Organizations working with street children acknowledge that police do not often investigate crimes committed against street children.

Older children or adults have viciously beaten and sexually abused children who are new to the streets as a form of initiation. These older children or street adults force younger or new street children to pay “rent” for staying with them or in a certain location on the streets. Older children and adults force some children into drug use, as well as occasionally coerce them to participate in theft or other crimes.

Children reported working as vendors, porters, domestic help, or laborers in homes, small restaurants, and other businesses, in order to get money for food. They were paid little for long hours and physically demanding work. Some children were victims of commercial sexual exploitation, using sex work to survive, and according to both Human Rights Watch research and the work of local organizations, both boys and girls faced rape and sexual assault by men and older street boys. Street children told Human Rights Watch that they rarely reported crimes committed by their peers or adults to the police, fearing reprisals from the others on the street, or punishment by the police.

An 11-year old boy sniffs a combination of petrol and coffee spirits in Mbale town, east of Kampala. Children say that sniffing petrol helps them feel less hungry when they are unable to find scraps to sell or other work to buy food.





A 14-year-old boy washes his only pair of pants in the Nakivubo sewage channel in Kampala, his shirt tied around his waist.

The Ugandan government has adopted strong domestic child protection legislation including the Children Act and laws prohibiting child labor. The Ministry of Gender, Labour and Social Development has created multiple programs and policies intended to realize the rights of at-risk children like the National Strategic Programme Plan of Interventions for Orphans and Other Vulnerable Children, which includes street children. And yet the government of Uganda has failed to meet its obligations to protect children on the streets from abuse at the hands of the police, local authorities, and others, because of the shortcomings in the government’s implementation of its child protection framework.

The Uganda Human Rights Commission noted that the government’s approach of “resettling and rehabilitating street children without addressing the factors that send children to the streets is an unsustainable solution in the long run.” And argued that “there is an urgent need to address the causes and not just the symptoms.”

Local NGOs are at the forefront of providing protection and services to street children throughout many small towns in Uganda. Some end up “facilitating” the costs for police and district officials to carry out their child protection duties, providing fuel, vehicles, and occasionally cash for services. District ordinances, in Lira and Kasese, have criminalized providing support to street children. These provisions, designed to protect children, should not be implemented in a way that curtails the work of local NGOs providing assistance such as food, education, and rehabilitation programs for street children given the multiple gaps in available government services.



A boy sleeps seated during the day outside of a closed business on a street in Mbale town, east of Kampala. Many children sleep during the day, and not at night, out of fear of being attacked at night by older street children or security personnel.

The government should ensure that street children are afforded the same rights and protections under domestic Ugandan law and regional and international provisions as all other Ugandan children. Human Rights Watch calls on the government of Uganda to meaningfully implement its child protection system and ensure that authorities in child protection at the district level have the means, support, and training to adequately perform their duties. The ministry of gender and local government officials should cease ordering roundups of children and arbitrary arrests. They should instead focus on ending the stigma associated with street children by providing education and positive campaigns on the rights of all

children throughout the country. Uganda's Universal Primary Education (UPE) system should be used to ensure that the basic educational needs of all Ugandan children are met. The government should work to eliminate the extra costs of what is supposed to be free primary education under the UPE system and prevent future generations of children from ending up on the streets. NGOs seeking to support street children should be regulated but not face threat of criminal sanction for offering assistance.

Uganda has faced a number of corruption scandals and allegations of financial mismanagement in the last few years and some donors have cut or restructured their assistance in response. Donors considering how to provide development assistance in Uganda should support civil society organizations working in child protection and activities directly targeting street children throughout the country. Any funds should be carefully monitored to ensure they reach intended beneficiaries. Uganda's international partners should also actively voice their concerns regarding child protection and the treatment of street children at the hands of police and other authorities, and encourage the Ugandan government to uphold its international, regional, and domestic obligations to child rights.

KEY RECOMMENDATIONS

To the Government of Uganda

To the Ministry of Gender, Labour and Social Development

- End the ministry's involvement in or promotion of roundups of street children in Kampala and elsewhere in Uganda.
- Empower the National Council for Children to act as a focal point to promote the protection of street children and monitor law enforcement practices related to street children.
- Ensure that sufficient budgets are allocated to ministry-led interventions that target street children specifically, working with nongovernmental organizations assisting street children to address gaps in programming.
- Take measures to fight stigma and discrimination against street children, for example through awareness-raising campaigns about the rights of all children, and creating a campaign and improving mechanisms to report child abuse to police. Such mechanisms should be available and accessible to both children and adults, like a free hotline and desks dedicated to receive reports in the offices of district-level probation and social welfare officers.
- Incorporate information on how to respect the rights of children into existing trainings of police officers, justice officials, health workers, district probation and social welfare officers, and others who interact with vulnerable children.
- Allocate sufficient funds to construct and maintain alternative facilities for children not in conflict with the law in each district as an alternative to remand homes and the national rehabilitation center.
- Carry out regular monitoring visits of the Kampiringisa National Rehabilitation Center and the four remand homes in Naguru (Kampala), Mbale, Gulu, and Fort Portal, to ensure the health and well-being of children in the centers.

To the Ministry of Education and Sports

- Formulate and implement a national strategy to progressively reduce and eliminate costs related to education that often prevent children from going to or staying in school, such as the cost of meals, books, writing instruments, and uniforms.

To the Ministry of Local Government

- Ensure that all probation and social welfare officers are trained in child rights.
- Allocate sufficient budgets to probation and social welfare officers to carry out their work on child protection, and implement programs for officers to conduct regular surveys of the number of children in their district to improve interventions and assistance.
- Allow, in the absence of government services, NGOs to operate assistance programs for street children and ensure that district ordinances do not impede the work of NGOs.

To the Kampala Capital City Authority

- End the roundups of children and the practice of taking them to Kampiringisa or forcefully returning them to their homes.
- Ensure that all KCCA officers are trained in child rights and enforce the prohibition of abuse of children by KCCA officers.
- Initiate investigations into complaints concerning the abuse of street children, and disciplinary measures and criminal sanctions should occur where appropriate.

To the Uganda Bureau of Statistics

- Include questions relating to children living, working, and sleeping on the streets in the next August 2014 census, in addition to existing questions relating to orphans.

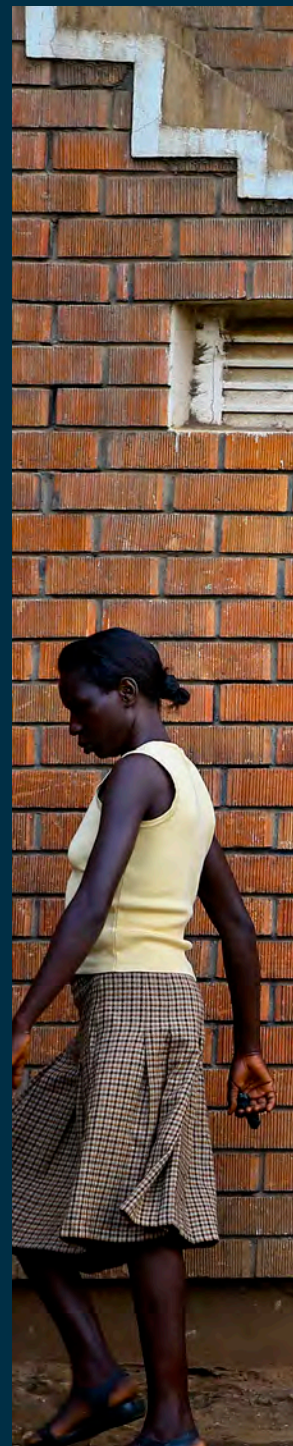
To the Uganda Police Force

- End arbitrary arrests, detention, and roundups of street children.
- Investigate all allegations of beatings and violence of street children by police and consider bringing charges under Uganda's 2012 Anti-Torture Act.
- Enforce the prohibition against police brutality of street children.

- Improve its investigative and forensic capacity to combat child abuse.
- Increase the number of Child and Family Protection Unit (CFPU) officers to ensure that they are located in every police station.
- Provide adequate support, including resources for transportation and communication, to the CPFU to carry out its work on child protection.
- Improve safeguards for children in police custody.

To Uganda's International Partners

- Urge the government of Uganda to investigate abuses of street children committed by the Uganda Police Force (UPF) and KCCA.
- Condemn roundups of street children regularly when they occur and consistently raise concerns with Ugandan government officials, especially the inspector general of police, the minister of gender, labour and social development, and the executive director of the KCCA.
- If considering support to the government, provide technical and financial assistance specifically to improve the protection of children's rights.
- Promote the role and work of nongovernmental organizations in Uganda working with street children and help coordinate among NGOs and the government on child protection issues.





Street boys rest on the steps of a building in downtown Mbale town, east of Kampala. Many street children spend their time outside of stores and other businesses, in car parks, or inside music or video halls during the day when they are not searching for work or ways to find food.

Methodology

This report focuses on abuses of street children in Uganda, in Kampala and in urban centers throughout the country. Unlike small children engaged in forced begging who often feature prominently in Ugandan media reporting, the children featured in this report are older, unaccompanied, live among peers, and are less likely to be targeted for assistance and social programs by both independent organizations and the government of Uganda. This report touches on issues related to juvenile justice, but it is not an examination of Uganda's juvenile justice system.

This report is based on research carried out by Human Rights Watch from December 2013 to February 2014. Human Rights Watch conducted interviews in town centers in the eastern towns of Mbale and Soroti; in the north in Lira and Gulu towns; in the west in Kasese town; and in Masaka town and the capital, Kampala, in central Uganda. These towns were selected for research to cover the geographic breadth of Uganda, because of reports of abuses against street children in those towns, and because of the importance of those towns as commercial and transportation hubs which draw street children from the region.

Human Rights Watch staff interviewed 132 current and former street children (109 men and boys and 23 women and girls). Of those interviewed, 97 were children who currently live or work on the street, between the ages of 8 and 18; and 37 were former street children—either children or adults currently in rehabilitation or vocational training programs, or now homeless adults. Human Rights Watch staff interviewed the children in markets, bus parks, and in other public places during the day and in the evening. Assisted by nongovernmental and faith-based organizations, we also interviewed street children who spend some of their time in NGO centers for meals and classes, as well as former street children on site at their rehabilitation or vocational training centers.

An additional 49 interviews were conducted in person, by telephone, or by email correspondence with members of civil society organizations providing assistance to street children, health service providers, international humanitarian and children's organizations, police, and local government officials. Human Rights Watch wrote letters to the Ministry of Gender, Labour and Social Development, the Ministry of Local Government, the Kampala Capital City Authority, and the Uganda Police Force requesting information related to this

report. The letters, and the only received response, are attached as annexes. Human Rights Watch did not seek to visit Kampiringisa National Rehabilitation Center outside Kampala where some street children said they had been detained because the problems at Kampiringisa are relatively well-known and efforts to improve conditions there are an ongoing part of local Ugandan NGO advocacy.

Interviews with children were conducted individually, with the presence in some cases of Ugandan civil society activists who knew and introduced the children to Human Rights Watch. Most interviews were conducted in English, Kiswahili, or Luganda, or with an interpreter providing Kiswahili, Langi, Luo, Luganda, or Lugisu translation. Human Rights Watch staff discussed with all interviewees the purpose of the interview, its voluntary nature, the ways the information would be used, and that no compensation would be provided for participating. Interviews typically lasted between 30 and 90 minutes.

The majority of interviews were conducted with male street children as girls were overall more difficult to locate and access. Human Rights Watch observed that female street children were either fewer in number in some locations, or were off the streets during the day. This was further confirmed by local organizations working with street children. Some girls are engaged in domestic labor, and thus not on the streets most of their time, and others are involved in sex work. The latter tend to pay for lodging during the day, then work on the streets at night. NGOs said they are quick to provide assistance and accommodation for female children who they see as more vulnerable than boys.

The research required asking about sensitive subjects, including sexual abuse, drug use, or involvement in crimes, which children may not address honestly due to a variety of fears and their mistrust of adults. Human Rights Watch staff informed the children about the confidential nature of the interviews as a way to establish trust, and corroborated information gathered from the children with information from other sources. Care was taken with victims to minimize the risk that recounting their experiences could further traumatize them or put them at physical risk.

Throughout the report, where necessary, names and identifying information of the interviewees have been withheld to protect their privacy. Pseudonyms have been used in place of the names of all children quoted or described in this report.

I. Context

I didn't come to the street because I wanted to. I just found myself here because of the mistreatment by my step-mother. Sometimes you walk along the street and people shout at you.... They call you a thief when you have not stolen anyone's property.... You just become hard and accept these difficult conditions you live in.

—Gabriel A., 15-year-old, one year living on the streets of Mbale, December 2013¹

Street children are referred to by different names across Uganda. In the eastern town of Mbale they are birds, *mawungu*, because “street children are like hawks; they snatch and go.”² In Soroti town the community calls them scavengers, *chokora*, while in northern Gulu town people simply call them *otino korido*, children of the street. “Even if you tell people your name, they just call you ‘street kid, street kid,’ and it pains us,” said Andrew F., a 17-year-old boy who has been living on the streets of Soroti for over five years.³ More often than not, they are referred to as *bayaaye* or *muyaaye*—vagabonds, idlers, deviants.⁴ To many people street children are all thieves, *ababandi*.

More Children on the Streets

Uganda has one of the youngest populations in the world with over 56 percent of its 37 million people under the age of 18, and more than 52 percent under age 15.⁵ Children are the single largest group of Uganda's poor, constituting 59 percent of those living under the poverty level.⁶ Street children are some of the most visible of the country's poor—living,

¹ Human Rights Watch interview with Gabriel A., 15-year-old, Mbale, December 5, 2013.

² Human Rights Watch interview with civil society activist, Mbale, December 3, 2013.

³ Human Rights Watch interview with Andrew F., 17-year-old, Soroti, December 7, 2013.

⁴ Uganda Human Rights Commission, “Children working and/or living on the street,” undated, <http://www.ohchr.org/Documents/Issues/Children/Study/UgandaHRightsCommission.doc> (accessed February 19, 2014).

⁵ The Government of Uganda, “The State of Uganda Population Report 2012: Uganda at 50 years: Population and Service Delivery; Challenges, Opportunities and Prospects,” 2012, http://mail2.unfpa.or.ug/pub/2012/2012_SUPRE.pdf (accessed April 29, 2014).

⁶ *Ibid.*, p. 57. According to a June 2014 report, 3.7 million children under the age of five live in poverty and extreme deprivation, with limited access to health care, nutrition, education, sanitation, and shelter. See Didas Kisembo, “3.5m children living in abject poverty – report,” *Daily Monitor*, June 11, 2014, <http://mobile.monitor.co.ug/News/Number-of-children-on-streets-rises-to-10-000/-/691252/1748668/-/format/xhtml/-/os8ivs/-/index.html> (accessed June 16, 2014).

sleeping, and working in public—and as such they are exposed to extreme risk of violence and abuse.

Street children are frequently on the move and it is difficult to gauge their exact numbers. The number of children in a town can swell with the seasons, particularly around national holidays and in the rainy season, and children move depending on their ability to find food and safety. A 2013 study by the African Network for the Prevention and Protection against Child Abuse and Neglect (ANPPCAN) estimated that there are 10,000 street children in Uganda, a 70 percent increase in the number of children on the streets since 1993, with 16 new children coming to the Kampala streets every day.⁷ To date, the government has not undertaken any comprehensive survey of the number of street children in the country. A clear picture of the number of children on the streets would allow for probation and social welfare officers at district level to carry out targeted programs and planning for assistance delivery and support. Human Rights Watch is not aware of any official plans to take street children into account in the upcoming August 2014 national census.⁸

NGOs assisting street children in towns such as Mbale in the east, Lira in the north, Masaka in the west, and Kampala city routinely conducted night surveys to try to register new children on the streets. Not only did they report seeing new faces each night, but staff told Human Rights Watch they have counted larger numbers coming to their centers, seeking food, a place to bathe, medical attention, and, for the very few organizations that provided it, shelter for the night.⁹

⁷ Abdu Kiyaga, “Number of Children on Streets, Rises to 10,000,” *Daily Monitor*, April 15, 2013, <http://www.monitor.co.ug/News/National/Number-of-children-on-streets-rises-to-10-000/-/688334/1748668/-/index.html> (accessed February 19, 2014), and Yudaya Nangozi, “Street children: choice between order, charity,” *The Observer*, May 6, 2013, http://www.observer.ug/index.php?option=com_content&view=article&id=25117:street-children-choice-between-order-charity&catid=34:news&Itemid=114 (accessed March 5, 2014).

⁸ Human Rights Watch interview with Sudha Murali and Harriet Akullu, the United Nations Children’s Fund (UNICEF), Kampala, February 6, 2014.

⁹ Human Rights Watch interviews with NGO child protection officer, Mbale, December 4, 2013; NGO nurse, Mbale, December 4, 2013; and email correspondence with Moroto NGO program director, February 17, 2014.

Moving to the Streets

The children will always come back to the streets. You have to treat resettlement and the situation at home.

— Lillian Mugeni, public relations officer for the NGO Dwelling Places in Kampala, February 2014¹⁰

Numerous interrelated socio-economic factors have pushed children from their homes to the streets. Conflict, poverty, the HIV/AIDS epidemic, and government failure to deliver basic services over the years have affected the standard of living of Ugandans, especially children. The long conflict in northern Uganda from 1987 to 2006 was devastating for children who became orphaned, homeless, or were born and raised in camps for the internally displaced.¹¹ Other children were abducted and forced to fight with the rebel group the Lord's Resistance Army.¹² The forced disarmament operations in the remote northern Karamoja region and its consequences of death and loss of livelihoods for the local populations also continue to fuel an influx of street children into Kampala.¹³

Rapid urbanization, the breakdown of traditional support structures of extended families, and growing single-parent households also have brought children to the streets.¹⁴ NGOs assisting street children and the children themselves listed violence and mistreatment by their parents and neglect as the main factors driving children to the streets.¹⁵ One social

¹⁰ Human Rights Watch interview with Lillian Mugeni, public relations officer, Dwelling Places, Kampala, February 7, 2014.

¹¹ See Arbeiter-Samariter-Bund (ASB), "Inter agency protection mission," Mbale, 26 June to 27 June 2008, on file with Human Rights Watch; and ASB, "On the footsteps of Karimojong: Rapid situation assessment in Eastern-Uganda," September 2007, on file with Human Rights Watch.

¹² The LRA is a Ugandan rebel group that originated in the late 1980s in northern Uganda as a response against the abuses the Acholi communities faced at the hands of successive governments. In the early 1990s the LRA became increasingly violent against civilians, abducting and killing thousands of civilians in northern Uganda and replenishing its ranks by abducting, terrorizing, and "brainwashing" children to fight. See Human Rights Watch, *The Scars of Death: Children Abducted by the Lord's Resistance Army in Uganda*, September 1997, <http://www.hrw.org/reports/1997/09/18/scars-death>; *Stolen Children: Abduction and Recruitment in Northern Uganda*, March 2003, <http://www.hrw.org/reports/2003/03/28/stolen-children>; and *Abducted and Abused: Renewed War in Northern Uganda*, July 2003, <http://www.hrw.org/reports/2003/07/14/abducted-and-abused-o>.

¹³ Human Rights Watch interviews with Ruth Birungi, research and information coordinator, ANPPCAN, Kampala, February 10, 2014; and Christine Alalo, Child and Family Protection Unit in charge, Uganda Police Force, Kampala, February 6, 2014. For more on Karamoja, see Human Rights Watch, *"How Can We Survive Here?" The Impact of Mining on Human Rights in Karamoja, Uganda*, February 2014, <http://www.hrw.org/reports/2014/02/03/how-can-we-survive-here-o>.

¹⁴ Human Rights Watch interview with Vincent Alele, program manager, Child Restoration Outreach (CRO), Lira, December 9, 2013.

¹⁵ Human Rights Watch interviews with civil society activist, Mbale, December 3, 2013; NGO child protection officer, Mbale, December 4, 2013; NGO resettlement officer 1, Mbale, December 4, 2013; journalist, Lira, December 8, 2013; Vincent Alele,

worker pointed out that children who lose one parent (but not both) are also very likely to come to the streets. Step-parents sometimes single out step-children—not allowing them to go to school, forcing them to do more work in the home, and denying them food.¹⁶

Orphaned children described, in some instances, how their new guardians pushed them out of the home, particularly if the child was living with HIV or came from a family where a parent was suspected to have died of HIV.¹⁷ There are 2.7 million orphans in Uganda, and over 1 million are estimated to be orphans from HIV/AIDS.¹⁸

Additionally, the prohibitive cost of education can contribute to forcing children out of school and on to the streets. In 1997 the government introduced Universal Primary Education (UPE), which was meant to ensure free education for all.¹⁹ But there are limited numbers of government-run schools and additional educational costs arise—from school uniforms to books and other supplies. As a result, poor families can choose to keep some children out of school and make them work at home. Some children reject being kept from school and decide to come to the streets, or they work on the streets to gather money to pay their own school costs.

Finally, poverty is an underlining and crosscutting obstacle. “There is total poverty, nothing for a child, so they are forced to the streets,” one street children’s resettlement officer in Mbale told Human Rights Watch.²⁰ Some parents or guardians, unable to care for their children at home, send them to town during the day to sell or beg, while others permanently force children out to fend for themselves.

program manager, CRO, Lira, December 9, 2013; NGO program officer, Masaka, December 19, 2013; and Ruth Birungi, research and information coordinator, ANPPCAN, Kampala, February 10, 2014.

¹⁶ Human Rights Watch interview with NGO acting country director, Kampala, February 7, 2014.

¹⁷ Human Rights Watch interviews with NGO child protection officer, Mbale, December 4, 2013; NGO resettlement officer 1, Mbale, December 4, 2013; and NGO program officer, Masaka, December 19, 2013.

¹⁸ Human Rights Watch, *Letting Them Fail: Government Neglect and the Right to Education for Children Affected by AIDS*, vol. 17, no. 13(A), October 2005, <http://www.hrw.org/reports/2005/10/11/letting-them-fail-o>; and UNICEF, “Uganda,” Statistics, December 31, 2013, http://www.unicef.org/infobycountry/uganda_statistics.html (accessed March 25, 2014).

¹⁹ A preliminary 2013 Transparency International report on UPE found gross abuse of funds in Northern Uganda, including teacher absenteeism, low pay for teachers, and mismanagement of receipts and expenditures. The report also indicated that “the lack of midday meals was partly contributing to the drop out of school children as they prefer to stay at home or take merchandise to markets where they get something to eat.” Stephen Kafeero, “Transparency International report shows misuse of UPE funds in Northern Uganda,” *The Independent*, June 28, 2013, <http://www.independent.co.ug/news/news/7961-transparency-international-report-shows-misuse-of-upe-funds-in-northern-uganda> (accessed May 10, 2014).

²⁰ Human Right Watch interview with NGO resettlement officer 1, Mbale, December 4, 2013.

Getting Off the Streets?

In Lira, there is no remand home. Government involvement [with street children] stops at roundups. Any fully engaged rehabilitation of street children is not here.

—Vincent Alele, program manager with the NGO Child Restoration Outreach in Lira, December 2013²¹

Uganda lacks any system of rehabilitation centers which could provide adequate healthcare and education for children found living on the streets. While NGOs have tried to provide some facilities for children to sleep in safety off the streets, the only government-run centers available are intended for children in conflict with the law. Conditions, treatment, and services are often seriously lacking.

Uganda's ministry of gender runs only four remand homes throughout the country—Naguru, outside Kampala, Mbale, Gulu, and Fort Portal—for children who are charged with or convicted of crimes and there are plans for two others ongoing.²² A local activist indicated that generally conditions at the remand homes are improving, though the 2013 Auditor General's report deemed several centers "unsuitable" for juveniles, citing understaffing and poor infrastructure.²³ The Kampiringisa National Rehabilitation Center, a juvenile detention center outside Kampala, has long been criticized by local children rights' activists for its poor conditions and treatment of children.²⁴ While it was intended to hold children convicted of crimes, it has often been used by local officials to detain children found on the streets when they have not been charged with any crime.²⁵ Thirteen street children who spoke to Human Rights Watch had been through Kampiringisa, some

²¹ Human Rights Watch interview with Vincent Alele, program manager, CRO, Lira, December 9, 2013.

²² Construction of two new remand homes in Kabale and Arua were ongoing as of a 2013 Auditor General report. The Ministry of Gender also runs vocational rehabilitation centers and sheltered workshops, though the Auditor General has also found the facilities to be inadequate. See Office of the Auditor General, Republic of Uganda, "Annual Report of the Auditor General for the Year Ended 30th June 2013," vol. 2, on file with Human Rights Watch.

²³ Human Rights Watch interview with civil society activist, Mbale, December 3, 2013. Human Rights Watch visited Naguru and Fort Portal remand homes in 2011 and 2012 and observed improvements in the conditions of detention of the children.

²⁴ Sustain for Life, "No Place for Children – Kampiringisa," March 2013, <http://www.sustainforlife.org/2013/03/no-place-for-children-kampiringisa> (accessed May 29, 2014); and Marianne Moore, "Juvenile Detention in Uganda: Review of Ugandan Remand Homes and the National Rehabilitation Centre," October 2010, http://www.crin.org/docs/Juvenile%20detention_Uganda.pdf (accessed May 29, 2014); and Human Rights Watch interview with Lillian Mugeni, public relations officer, Dwelling Places, Kampala, February 7, 2014.

²⁵ The government has often used Kampiringisa as a holding center for groups of women and children from Karamoja who are rounded up from the streets of Kampala and then forcibly returned to Karamoja. See "Uganda: Gov't relocates 'beggar' pastoralists," *IRIN*, April 19, 2007, <http://www.irinnews.org/indepthmain.aspx?InDepthID=63&ReportID=71702>.

multiple times, after being rounded up from the Kampala streets and taken there without being charged with any criminal offence.

Staff working at NGOs focused on the rights of children told Human Rights Watch about the harsh conditions children face at Kampiringisa, including staff abuse, forced labor in nearby communities, and dilapidated facilities. Some of the children themselves described recent experiences at the center such as beatings, being detained for a period of one week to two months, being forced to stay indoors all day, and being detained in a room with too many people to lay down to sleep.²⁶

Following an October 2013 visit to Kampiringisa, Mary Okurut, the minister of gender, labour and social development, admitted that “the situation at the center needs urgent attention,” and said that the ministry would work to improve the living conditions of those held there.²⁷ The center’s principal, Michael Alule said the increasing number of street children in the center has overwhelmed an already limited operation, particularly when children are rounded up and “dumped” in Kampiringisa without warning.²⁸

Members of parliament have also raised concerns about the reliance on Kampiringisa. In February 2014 parliament’s Public Accounts Committee (PAC) held a hearing examining evidence from the 2011/2012 Auditor General’s report. The PAC accused the ministry of gender of not adequately responding to the issue of street children.²⁹ The national budget allocates the ministry billions of Ugandan shillings to “address the plight of street children.”³⁰ The PAC committee noted that it was deeply disturbed by the practice of placing street children in Kampiringisa, and that the ministry had received funds for

²⁶ In Kampiringisa, some children described being kept apart from the main group on arrival in a room called “black house,” for one week to a month. Children described how both the other children and the Kampiringisa staff would beat them, the unsanitary living conditions, and that they would receive little food. Human Rights Watch interviews with Tom N., 15-year-old, Masaka, December 19, 2013; Arthur B., 13-year-old, Kampala, February 7, 2014; Cecelia B., 11-year-old, Kampala, February 8, 2014; Patrick N., 10-year-old, Kampala, February 8, 2014; Luke L., 12-year-old, Kampala, February 8, 2014; David A., 15-year-old, Kampala, February 8, 2014; Zachary L., 16-year-old, Kampala, February 9, 2014; and John L., 15-year-old, Kampala, February 9, 2014.

²⁷ Al-Mahdi Ssenkibirwa, “Government to give Kampiringisa children’s home facelift,” *Daily Monitor*, October 23, 2013, <http://www.monitor.co.ug/News/National/Govt-to-give-Kampiringisa-children-s-home-facelift/-/688334/2043246/-/gco4kn/-/index.html> (accessed May 23, 2014).

²⁸ Ibid.

²⁹ Jordan Mubangizi, “PAC Faults Min. of Gender Officials,” *NBS TV Uganda*, February 7, 2014, <http://www.youtube.com/watch?v=rCJDk0d5Y7E> (accessed May 10, 2014).

³⁰ Ibid. Human Rights Watch wrote to the Ministry of Gender asking for clarification on its budget for assistance to street children, though the ministry did not reply, see Annex III. The current exchange rate is 2,600 Ugandan shillings to the US dollar.

remand homes but little actual work had been done to update the facilities.³¹ In fiscal year 2013, the ministry had an estimated budget of 6 billion Ugandan shillings (\$2.3 million) for youth and children affairs. Just two million shillings (\$770) were allocated for renovations and maintenance of remand homes and Kampiringisa.³²

District governments in Lira and Kasese have enacted ordinances to criminalize “providing support” to street children with the aim of reducing any financial incentives for children to stay on the streets.³³ Clearly, providing cash to street children or paying bribes on their behalf can make them more vulnerable to victimization and beatings by those seeking to steal their money. Some NGO officials spoke of the animosity they face from not only community members, but also police and local government officials for the work they do helping street children. Local organizations have stepped in to fill gaps in assistance to street children by providing basic services, psychosocial support, rehabilitation, reintegration, and family tracing and child protection. In some cases NGOs have “facilitated,” or funded, the costs for police and district officials to carry out their child protection duties, providing fuel, vehicles, and occasionally cash. Though these ordinances might be a useful measure to provide an additional level of protection to street children, they should not be interpreted in a manner that curtails, obstructs, or threatens the work of local NGOs at the forefront of street child protection.

³¹ The final report from the parliamentary committee was not yet available at the time of writing. The 2013 Auditor General’s report documents the inspection of rehabilitation centers and remand homes throughout the country. It described how the Fort Portal, Gulu, Mbale, and Naguru remand homes run by the ministry of gender have dilapidated facilities, some lack bedding and blankets, children share mattresses, and in the case of Mbale, children are held for longer than six months without appearing in court. See Office of the Auditor General, Republic of Uganda, “Annual Report of the Auditor General for the Year Ended 30th June 2013,” vol. 2, on file with Human Rights Watch.

³² The Republic of Uganda, “Approved Estimates of Revenue and Expenditure (Recurrent and Development) FY 2013/14,” <http://www.budget.go.ug/budget/sites/default/files/National%20Budget%20docs/Approved%20Estimates%202013-14.pdf> (accessed June 30, 2014). The ministry of gender received 37 billion shillings (\$14 million) for 2013/2014.

³³ The Uganda Gazette, Local Governments (Kasese District) Child Protection and Labour Recruitment Ordinance, Supplement No. 1, Vol. CV, No. 20, April 13, 2012, on file with Human Rights Watch; and the Uganda Gazette, Local Governments (Lira District) Child Protection Ordinance, Supplement No. 2, Vo.CH, No. 18, April 24, 2009, on file with Human Rights Watch. Each district can enact local ordinances, approved at the district level, and are thus different from the national scope of child protection legislation.

Relevant Government Actors in Child Protection

The Ministry of Gender, Labour and Social Development

The ministry of gender is the lead agency mandated to promote the protection of children in Uganda.³⁴ The ministry has developed a national plan for orphans and other vulnerable children in which the ministry recognizes street children as a group in high need of support.³⁵ The Youth and Children Affairs Department within the ministry designs and reviews programs, policies, and laws related to children; coordinates with stakeholders on child-related issues; promotes the participation of children in national development programs; supports the training of service providers; and ensures that all initiatives, programs, and laws address the concerns of children.³⁶ The semi-autonomous National Council for Children within the ministry manages coordination, monitoring, and evaluation of all policies and programs for the protection of children, though it is not an implementing agency.³⁷ The ministry is also responsible for remand and rehabilitation homes—detention locations for children in conflict with the law—across Uganda, including Kampiringisa National Rehabilitation Center, the juvenile detention center just outside Kampala.

Local Government

Each district, through executive committees, is meant to have secretaries charged with children's health and welfare.³⁸ District councils are responsible for services for street children and they are the first line of response on child protection issues.³⁹ These local councils are designed to provide assistance for children in need, and are in place to

³⁴ Ministry of Gender, Labour and Social Development, "About Us," undated, http://www.mglsd.go.ug/?page_id=8 (accessed March 17, 2014).

³⁵ The Republic of Uganda, Ministry of Gender, Labour and Social Development, "National Strategic Programme Plan of Interventions for Orphans and Other Vulnerable Children 2011/2012-2015/2016," May 2011, http://www.unicef.org/uganda/Final_Printed_OVC_Strategic_Plan_Uganda_-NSPPI_2.pdf (accessed March 17, 2014), p. 5.

³⁶ Ministry of Gender, Labour and Social Development, "Youth and Children Affairs," undated, http://www.mglsd.go.ug/?page_id=36 (accessed March 16, 2014).

³⁷ The council members are drawn from other ministries, regional representatives, civil society organizations, and "persons of integrity." The council is meant to coordinate all actors involved in child-related activities, not just those of the ministry of gender. Ministry of Gender, Labour and Social Development, "National Council for Children," undated, <http://www.mglsd.go.ug/?p=256> (accessed March 16, 2014).

³⁸ Local Government Act, 1997, amended 1999, chapter 243, schedule 2, art. 16(4).

³⁹ *Ibid.*, part 2, art. 3(v).

conduct family tracing, or should refer cases to district probation and social welfare officers.⁴⁰ These officers are also responsible for following up cases of child abuse and decide how to intervene to promote the child's welfare.⁴¹

The Uganda Police Force's Child and Family Protection Unit

The police's Child and Family Protection Unit (CFPU), established in May 1998, deals with cases of child abuse and neglect, among other issues.⁴² There are about 450 CFPU officers across the country,⁴³ and members of the unit are meant to be in every police station with trained officers to address issues of violence against children.⁴⁴ Street children in conflict with the law or those who need to access police officers to report abuse should have access to an officer in the unit.⁴⁵ The CFPU has no specific budget to carry out activities related to street children.⁴⁶

Kampala Capital City Authority (KCCA)

The KCCA is the governing body for the capital under the direct supervision of the central government.⁴⁷ Among other activities, the authority is mandated to provide, control, and manage services for the welfare of children in the city.⁴⁸ KCCA probation officers are tasked with assisting children, particularly when they are in conflict with the law or "when their rights are infringed upon."⁴⁹ The officers should investigate such cases and seek court judgments. Regarding street children, KCCA manages a transit center in Kampala where children are meant to be rehabilitated before resettlement in their home districts, though the KCCA does not describe the extent of its rehabilitation activities.⁵⁰

⁴⁰ The Republic of Uganda, The Children Act, 2003, Chapter 59, art. 10(7).

⁴¹ *Ibid.*, art. 40.

⁴² Uganda Police Force and UNICEF, "The Role of the Uganda Police," <http://sgdatabse.unwomen.org/uploads/Uganda%20-%20Police%20training%20manual%20-%20gov.unicef.pdf> (accessed March 25, 2014). p. ii.

⁴³ See Annex II, response from the Uganda Police Force to Human Rights Watch.

⁴⁴ Committee on the Rights of the Child, "Consideration of Reports Submitted by States Parties Under Article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography – Uganda," August 16, 2007, CRC/C/OPSC/UGA/1, <http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.OPSC.UGA.1.doc> (accessed March 25, 2014).

⁴⁵ Human Rights Watch interview with Christine Alalo, Child and Family Protection Unit in charge, Uganda Police Force, Kampala, February 6, 2014.

⁴⁶ See Annex II, response from the Uganda Police Force to Human Rights Watch.

⁴⁷ Parliament of the Republic of Uganda, "Kampala Capital City Authority Act," 2010, 3rd schedule.

⁴⁸ *Ibid.*, art. 28(d).

⁴⁹ Kampala Capital City Authority, "Services rendered by KCCA," Child Care and Protection, 2014, http://www.kcca.go.ug/services.php#youth_and_community_development (accessed March 17, 2014).

II. Violence against Street Children

Abuse by the Police and Other Authorities

Government should look for a better solution for street children instead of beating and arresting us. The more you beat us the more we get hardened with life and it does not solve the problem. They want us to go back home but some of us do not even have homes. Others do not know where our parents are. So when they beat us to go home, where do you want us to go?

—Sam L., 15-year-old, lived four years on the streets in Masaka, December 2013⁵¹

In its November 2005 concluding observations on the rights of children in Uganda, the Committee on the Rights of the Child noted “the increasing number of street children, especially in Kampala and other major urban centers, who are victims of, inter alia, drug abuse, sexual exploitation, harassment and victimization by members of the police force.”⁵² The committee was “gravely concerned at the fact that society considers such children as dangerous people and a burden for the society.”⁵³

Street children are uniquely vulnerable to abuse and violence, particularly by authorities charged with public order who often see street children as a public nuisance. Children told Human Rights Watch that members of the Ugandan police, the Kampala Capital City Authority (KCCA), and local government officials have frequently harassed, threatened, beaten, arrested and detained, or robbed them during the day and at night when they were sleeping.

⁵⁰ Kampala Capital City Authority, “Services rendered by KCCA,” Child Care and Protection, 2014, http://www.kcca.go.ug/services.php#youth_and_community_development.

⁵¹ Human Rights Watch interview with Sam L., 15-year-old, Masaka, December 19, 2013.

⁵² United Nations Convention on the Rights of the Child, “Consideration of Reports Submitted by States Parties Under Article 44 of the Convention, Concluding observations of the Committee on the Rights of the Child: Uganda,” Fortieth session, November 23, 2005, CRC/C/UGA/CO/2, <http://www.refworld.org/publisher,CRC,CONCOBSERVATIONS,UGA,45377eb70,0.html> (accessed March 19, 2014), para. 71.

⁵³ Ibid.

Beatings

There is a tradition—*kwercho*—that the police use as a way of punishment in threes: the first beating is to open your eyes; the second is to show you the way home; the third is to send you home. They say this to you [as they beat you].... They kept us in rooms where we were caned ... from the back to the buttocks. On the third day they opened the gate and we were caned as we left.

— Daniel P., 15-year-old, living 10 years on the streets of Lira,
December 2013⁵⁴

Street children spoke about the abusive nature of police and KCCA patrols. Officers have beaten and mistreated children who resisted arrest or extortion attempts. Many children sleep outside in alleyways or on exposed verandas in front of businesses and shops and police find them easily at night when they are sleeping. Eleven-year-old Richard N. told Human Rights Watch that “The police try to chase us away.... They find us where we are sleeping. If they catch us, they beat us.”⁵⁵

Seventy-four former and current street children told Human Rights Watch that they had been beaten during police sweeps at night. Four people working with NGOs assisting street children also spoke of routine police beatings of children. When asked if they knew why they were being targeted and beaten, most children said that the police rarely accused them of a specific crime. Fifteen-year-old Gabriel A. showed Human Rights Watch a cut he sustained on his knee two days earlier during a police beating. He explained:

On Tuesday [December 3, 2013] about 20 policemen came to the place where we sleep. They surrounded us and started beating every child around. They were not saying anything but just beating. One boy was beaten on the jaw and sustained a cut. Another was hit on the mouth with a baton. He is still in pain. I was whipped with a wire on my knee.... The police did not arrest anyone, they just beat and went.⁵⁶

⁵⁴ Human Rights Watch interview with Daniel P., 15-year-old, Lira, December 9, 2013.

⁵⁵ Human Rights Watch interview with Richard N., 11-year-old, Mbale, December 4, 2013.

⁵⁶ Human Rights Watch interview with Gabriel A., 15-year-old, Mbale, December 5, 2013.

Fifteen-year-old Christopher P. told Human Rights Watch that “The police come get us, ask us where we come from, where we are going, and we run away. I was once stopped, hit with a baton on the knees and shoulders.... Some days they beat us and leave us, some days they take us. This happened about eight times, and I was taken to a police post or the central police station three times.”⁵⁷

Other children said that at night police regularly sprayed tear gas at them at close range. For example, in Gulu, police beat 13-year-old Edward B. with the butt of a gun, causing him injuries that needed medical treatment. He said that “Sometimes when [the police] come, they spray tear gas and they can also beat us. Sometimes they use the butt of the gun and they threaten us that they will use the bayonet. They say ‘We will cut you.’”⁵⁸ In another incident, police chased 14-year-old Ryan N. from Wandegeya market in Kampala one night in October 2013. Police surrounded the market place where he was sleeping and sprayed the children they found outside with tear gas.

I woke up and couldn’t see where I was going. They sprayed me with [tear gas] and started laughing as I tried to run.... I think they were just trying to send us away from that place because they could have arrested us, they were so many. [The police] left a passage for us to run through; they had surrounded us and beat us as we went through. Some kids go back to sleep there. Sometimes [the police] pass by and don’t bother us, but you never know.⁵⁹

Some children explained how they sleep in large plastic bags for warmth on cold nights. Police officers have come at night and forced children to stand in their plastic sleeping bags and hop toward police vehicles while beating them with batons. A child described how in one incident, police officers tied the bags over the children’s heads before throwing them onto police trucks.⁶⁰ Police officers have also tied the arms and legs of children and forced some of them under metal car seats or tied them onto motorcycles to take them to central police stations or other police posts.⁶¹

⁵⁷ Human Rights Watch interview with Christopher P., 15-year-old, Lira, December 10, 2013.

⁵⁸ Human Rights Watch interview with Edward B., 13-year-old, Gulu, December 12, 2013.

⁵⁹ Human Rights Watch interview with Ryan N., 14-year-old, Kampala, February 7, 2014.

⁶⁰ Human Rights Watch interview with Luke L., 12-year-old, Kampala, February 8, 2014.

⁶¹ Police posts are smaller detachments than police stations. Human Rights Watch interviews with Rehan F., 11-year-old, Soroti, December 8, 2013; Rashid P., 12-year-old, Lira, December 12, 2013; Ronald P., 17-year-old, Lira, December 13, 2013;

Police officers also abused children during interrogations to obtain information or confessions relating to other crimes. Children described officers taking them out of detention cells to rooms and beating them with batons, wires, and bicycle locks, among other implements. Fifteen-year-old Peter L. told Human Rights Watch that the police in Lira accused him of smoking marijuana. Despite his denial, police officers removed his shirt, poured water on him, and whipped him with bicycle locks to find out where he obtained the drugs.⁶² In June 2013 police treated Isaac U. in Kasese similarly, accusing him and five others of stealing a TV and a DVD player. Isaac said, “They took us to the police station and put us in a room and three policemen started beating us using batons, sticks, and wires, asking where the stolen items are. We didn’t know anything about it.... They beat us on the elbows and knees and buttocks.”⁶³ Police kept Isaac and his peers in detention for three days, only giving them one meal a day, and forcing them to clean the police compound. He was never asked to give a written statement and police never brought charges against him.

Arbitrary Arrests and Mass Roundups

Children described organized roundups during which police and sometimes other officials, including KCCA officers, arrested street children in large numbers. Officials then took the children to government-run centers or other facilities, or directly back to their home communities. Children were often arrested without charge or held in groups and collectively accused of being responsible for crimes such as theft.

On December 12, 2013, Human Rights Watch interviewed six children in Gulu who had just been released after being held for two days in police detention. They said police officers sprayed a large group of street children with tear gas, arrested 10 of them, and put them in the Gulu Central Police station.⁶⁴ A project officer at a local organization that assists street children told Human Rights Watch that he went to advocate for the children’s release: “We intervened and they were released. The police arrest them even when they have not committed any wrong[doing]. The police tell us that when they are carrying out an

Sam L., 15-year-old, Masaka, December 19, 2013; Leo Y., 17-year-old, Kasese, January 20, 2014; and Theo A., 16-year-old, Kasese, January 21, 2014.

⁶² Human Rights Watch interview with Peter L., 15-year-old, Lira, December 13, 2013.

⁶³ Human Rights Watch interview with Isaac U., 16-year-old, Kasese, January 20, 2014.

⁶⁴ Human Rights Watch interview with Brian P., 12-year-old, Gulu, December 13, 2013.

operation they arrest everybody and sort them out later. The children are getting used to this because it is very frequent in Gulu.”⁶⁵

Human Rights Watch heard from police and NGO staff that the ministry of gender regularly orders police to “clean the streets” of children. These roundups of street children usually occur ahead of special events, official visits, international conferences, or when communities express being “fed up.”⁶⁶ Human Rights Watch wrote to the Ministry of Gender, Labour and Social Development to request information regarding the ministry’s involvement in these organized roundups. At time of writing, the ministry had not responded. Christine Alalo, head of the police’s Child and Family Protection Unit based in Kampala, said that the police participate in roundups in Kampala when ordered to do so by the ministry of gender. She said that police only provide assistance to the KCCA.⁶⁷ In its response to Human Rights Watch, the Uganda Police Force confirmed that it is only asked by the ministry to provide “security,” but stated that they have participated in two roundups since 2011.⁶⁸ Local NGOs, however, described recent roundups and police telling them that they were “under orders” to bring children to the NGO centers.⁶⁹

Children and NGO staff told Human Rights Watch that when police rounded up children, they first took them to a police station for “processing.” Some children described police sorting them by their ages and then either keeping them at the police post or station and then later releasing them, or taking them to another facility. If the children were fortunate, police handed them over to local NGOs. Sometimes however, authorities took street children—not charged with any crime—to government-run centers for children charged with crimes or children who had already been charged and convicted of crimes. In other cases, the Ugandan police, or other authorities like KCCA in Kampala, forcefully returned children to their homes without considering the reasons why the children left their homes in the first place.

⁶⁵ Human Rights Watch interview with Darren P., Gulu, December 13, 2013.

⁶⁶ Human Rights Watch interviews with NGO child resettlement officer 2, Mbale, December 5, 2013; NGO staff member 1, Soroti, December 6, 2013; NGO staff member 2, Soroti, December 6, 2013; NGO acting country director, Kampala, February 7, 2014; and Ruth Birungi, research and information coordinator, ANPPCAN, Kampala February 10, 2014.

⁶⁷ Human Rights Watch interview with Christine Alalo, Child and Family Protection Unit in charge, Uganda Police Force, Kampala, February 6, 2014.

⁶⁸ See Annex II, response from the Uganda Police Force to Human Rights Watch.

⁶⁹ Human Rights Watch interviews with NGO resettlement officer 1, Mbale, December 4, 2013; and Ruth Birungi, research and information coordinator, ANPPCAN, Kampala, February 10, 2014.

The Kampala Capital City Authority seems to provide a level of coordination for roundups carried out in the city. Human Rights Watch wrote to the KCCA about its role in roundups of children in Kampala, and to date KCCA has not responded. In April 2014, Harriet Mudondo, KCCA director of gender, production, and community services, was quoted in the government-owned *New Vision* newspaper as saying that “when enforcement officers are trying to get street kids off the streets, some of them put up a lot of resistance which sometimes leads to fights with the officers and that is when the children are aggressively handled.”⁷⁰

According to one media report, in November 2013, the KCCA rounded up 40 children and took them to Kampiringisa, a facility specifically for children between the ages of 12 and 18 in conflict with the law.⁷¹ According to various other media reports, authorities also took at least 70 street children in 2013 from the streets of Kampala to Masulita Children’s Home, operated by an NGO supported by the First Lady Janet Museveni;⁷² and KCCA rounded up another 70 children in August 2012,⁷³ 100 children in March 2012,⁷⁴ and 300 children in July 2011.⁷⁵

Outside Kampala, NGO officers in Mbale described the roundup of over 45 children in May 2013, though other sources reported that the number nearly reached 80 children.⁷⁶ A protection officer with a local NGO working at the time told Human Rights Watch: “Their mode of resettlement didn’t work. The street was clean for four days and then the children started coming back.”⁷⁷ Police brought some younger children to the NGO, while they took

⁷⁰ Vivian Agaba, “KCCA tasked to enact ordinance on handouts to street children,” *New Vision*, April 12, 2014, <http://www.newvision.co.ug/news/654475-kcca-tasked-to-enact-ordinance-on-handouts-to-street-children.html> (accessed May 10, 2014).

⁷¹ Betty Byatesa, “KCCA Remands 40 Street Kids to Kampiringisa,” *Chimpreports*, November 23, 2013, <http://chimpreports.com/index.php/mobile/special-reports/14392-kcca-remands-40-street-kids-to-kampiringisa.html> (accessed February 19, 2014).

⁷² US State Department, Bureau of Democracy, Human Rights, and Labor, “Country Reports on Human Rights Practices – 2013: Uganda,” February 27, 2014, <http://www.state.gov/j/drl/rls/hrrpt/2013/af/220173.htm> (accessed May 10, 2014).

⁷³ Juliet Waiswa, “KCCA rounds up 70 children off the streets,” *New Vision*, August 9, 2012, <http://www.newvision.co.ug/mobile/Detail.aspx?NewsID=633950&CatID=1> (accessed March 5, 2014).

⁷⁴ “Street Children Increasingly Becoming a Public Nuisance,” *Uganda Radio Network*, March 21, 2012, <http://ugandaradionetwork.com/a/story.php?s=41106> (accessed March 5, 2014).

⁷⁵ Retrak, “300 Children ‘Round-Up’ in Kampala,” July 5, 2011, <http://www.retrak.org/newsDetail.aspx?uid=126> (accessed March 5, 2014).

⁷⁶ Human Rights Watch interviews with NGO child protection officer, Mbale, December 4, 2013; NGO nurse, Mbale, December 4, 2013; and NGO child resettlement officer 2, Mbale, December 5, 2013.

⁷⁷ Human Rights Watch interview with NGO child resettlement officer 2, Mbale, December 5, 2013.

others to the Mbale remand home.⁷⁸ Other reports alleged that on previous occasions, the police and Mbale municipal authorities took children “to the bus park and load[ed] them onto buses to [districts in the Karamoja region], forcing them to return to their homes.”⁷⁹ In Lira, NGO staff told Human Rights Watch that police conducted roundups about four times in 2013.⁸⁰ Interviewees also said that in a 2010 operation in Lira, police had tried to forcibly resettle up to 50 children back to their homes.⁸¹

These organized roundups can be just as brutal as the more frequent arbitrary arrests. A journalist in Lira described witnessing the violence of the 2010 roundup: “How do they get [the children]? By force, of course. When the police round the kids up, they are beaten. I witnessed it. It is very dehumanizing because [there are] those children who try to resist.”⁸²

Extortion

[The policemen] take money from us. If you do not have money they beat you so much.... Last week on Saturday, police came in the night and beat me when I was sleeping with three other children. The policeman beat me on the thighs with a rubber whip. He then hit my knees with a baton. He beat me until I gave him 1,000 shillings (\$0.40) and left me.

—Roger P., 13-year-old, living two years on the streets in Lira, December 2013⁸³

Whether or not, or the extent to which, street children are subject to physical abuse or arrest can depend on whether he or she has money they can hand over to the police or other officials. Police use the threat of beatings, arrest, or detention to extort money from children. Over a third of the children who spoke to Human Rights Watch said that police or KCAA officers forced them to hand over money or small goods in exchange for not being

⁷⁸ Human Rights Watch interviews with NGO child protection officer, Mbale, December 4, 2013; NGO nurse, Mbale, December 4, 2013; and NGO child resettlement officer 2, Mbale, December 5, 2013.

⁷⁹ Denis Olaka, “80 Street Children Rounded Up in Mbale,” *Uganda Radio Network*, May 7, 2013, <http://ugandaradionetwork.com/a/story.php?s=52249> (accessed February 19, 2014).

⁸⁰ Human Rights Watch interviews with Vincent Alele, program manager, CRO, Lira, December 9, 2013; Daniel P., 15-year-old, Lira, December 9, 2013; and Eugene A., 18-year-old, Lira, December 10, 2013.

⁸¹ Human Rights Watch interview with journalist, Lira, December 8, 2013; and Vincent Alele, program manager, CRO, Lira, December 9, 2013.

⁸² Human Rights Watch interview with journalist, Lira, December 8, 2013.

⁸³ Human Rights Watch interview with Roger P., 13-year-old, Lira, December 10, 2013.

beaten or being released from detention. Often officers first beat them and then threatened to arrest them if they could not pay.

For example, police beat 13-year-old Alex J. on three separate occasions in Soroti. “When the policemen arrest you they ask for money. They say, ‘Bring money, bring money!’ When you have money they beat you and leave; when you don’t have money they beat you and take you to police. These policemen, they like money, they like money! They will cane you until they get money from you.”⁸⁴

Sixteen street children described police and KCCA officers forcefully going through their pockets, sometimes after beating them, to find goods or money. “[A police officer] got hold of my hand in the night. He asked for money. I said I don’t have any. He pushed his hand into my pockets and checked them. He got 500 shillings (\$0.20) and then caned me with a baton on my shin.”⁸⁵ Zachary L. has lived on the streets since he was nine years old, spent time in Kampiringisa in 2010, and said that he has also had to pay agents of the KCCA to avoid arrest. “KCCA comes and just beats you, beating, beating, beating, when you are sleeping. When you run away they check where you were sleeping for money. They can come once a month and take your money. They threaten that they are going to take you to Kampiringisa. And because we fear it, we give in and pay not to go.”⁸⁶

Police also took money from Zachary after he worked a day parking cars in Wandegeya market in Kampala.

The officer asked me why I was out so late. I told him I don’t have anywhere to sleep. He told me then he would take me to the police station. I asked why, I have not done anything. I am not a thief. He said, “Give me your money.” But I refused, so he ransacked my pockets and took the 17,000 shillings (\$6.70) I had earned since morning. This has happened many times.⁸⁷

One NGO child protection officer in Kampala recounted witnessing a KCCA roundup and then watching one of the street boys walk away; the boy told him he had paid to avoid

⁸⁴ Human Rights Watch interview with Alex J., 13-year-old, Soroti, December 7, 2013.

⁸⁵ Human Rights Watch interview with Lewis P., 16-year-old, Lira, December 10, 2013.

⁸⁶ Human Rights Watch interview with Zachary L., 16-year-old, Kampala, February 9, 2014.

⁸⁷ Ibid.

arrest.⁸⁸ A former street child who is now a youth pastor working with street children spoke of the KCCA and police rounding up street children: “Instead of taking them, they go through their pockets and take money, phones, whatever. They are like thieves.”⁸⁹

Some police officers also would demand payment for release when they arrest street children. In March 2012, 15-year-old Richard P. was arrested in Nsambya, Kampala. He witnessed a woman he knows who looks after street children pay 50,000 shillings (\$20) for his release.⁹⁰ Zachary similarly said that another woman who looks after children in Wandegeya market paid for his release the last time he was arrested for four days in October 2013. Police demanded 30,000 shillings for his release, so a friend had to go find the woman to pay the bribe.⁹¹ Paying bribes to police, even done to help street children, unfortunately only feeds the system of supporting and prolonging corruption in the police force.

Treatment and Conditions in Police Detention

In police custody, children are subjected to further abuses, particularly at the hands of adult cell mates. Some children were released after a night in custody, others spend considerably longer in detention, from a few days to a few weeks. By Ugandan law police should take children before a court or release them within 24-hours of their arrest.⁹² The Uganda Police Force told Human Rights Watch that if there are no juvenile cells in a police station, children are referred to other stakeholders like the local councils or the courts, and that they make sure the cases are handled within the 24 hour period.⁹³ However, the experience of the children with whom Human Rights Watch spoke, and what is witnessed by those working with street children, indicates that this is not the case in reality.

Many of the children interviewed by Human Rights Watch had been arrested and detained in police stations or posts and said they were detained in cells with adults. Sixteen-year-old James S. was arrested twice in Soroti in 2013; the second time he was found sleeping and was arrested with another boy. Police officers took the boys to Soroti Central Police

⁸⁸ Human Rights Watch interview with NGO staff member 4, Kampala, February 7, 2014.

⁸⁹ Human Rights Watch interview with youth pastor, Kampala, February 9, 2014.

⁹⁰ Human Rights Watch interview with Richard P., 15-year-old, Gulu, December 13, 2013.

⁹¹ Human Rights Watch interview with Elias A., 15-year-old, Kampala, February 9, 2014. Elias said the same woman previously helped him.

⁹² Children Act, 2003, art. 89(7).

⁹³ See Annex II, response from the Uganda Police Force to Human Rights Watch.

Station. “They put us in a cell with adults,” he recounted. “The people in the cell started beating us and asking us for money for lodging. There was a policeman outside [the cell] but he did not stop them.”⁹⁴ A number of children spoke of adult cellmates forcing them to pay “lodging” fees. Children unable to pay were forced to perform painful and humiliating tasks for the entertainment of other detainees, such as inflicting harm on themselves by punching the cell wall. Several claimed that adult detainees beat them in front of police officers.⁹⁵

Other children described the conditions of their cells, including lack of mattresses, blankets, and mosquito nets, as well as limited access to toilets and food. For example, Daniel P. was 8-years-old when he was detained with adults in a police cell for five days. He told Human Rights Watch: “There was nothing to sleep on but urine on the floor. We used a bucket to defecate in and urinate in, and there was overflow on the floor.”⁹⁶ In 2013 police arrested and charged 16-year-old Louis B. with smoking marijuana. Police kept him in custody for over three weeks awaiting his court appearance. He complained that his cell was dirty and that police officers forced him to clean their offices. Because police had beaten him severely during his arrest, he asked the officers for medical help while in detention, but he was denied treatment.⁹⁷ Most children reported that police only provided a single meal per day, usually around 3 p.m. or 4 p.m. Some children spoke of not receiving any meals and only eating when other detainees shared food brought in by visitors.⁹⁸

Children who were not charged with a crime, taken to court, or taken to one of the government remand homes said that they were released from custody only if one of a few things happened. This was either when they had completed forced work in police custody, when someone paid to have them released, when a local NGO employee would negotiate on their behalf, or simply if they managed to escape.

⁹⁴ Human Rights Watch interview with James S., 16-year-old, Soroti, December 8, 2013.

⁹⁵ Human Rights Watch interviews with Ali L., 13-year-old, Lira, December 11, 2013; Ben P., 14-year-old, Gulu, December 12, 2013; and Rashid P., 12-year-old, Gulu, December 12, 2013;

⁹⁶ Human Rights Watch interview with Daniel P., 15-year-old, Lira, December 9, 2013.

⁹⁷ Human Rights Watch interview with Louis B., 16-year-old, Soroti, December 7, 2013.

⁹⁸ Most detainees in police custody in Uganda rarely receive meals and are dependent on family or friends to bring food to the police post. In the case of children living on the street, such support is obviously extremely unlikely, leaving them vulnerable to going without food.

Forced Labor

Children told Human Rights Watch that police have forced them to work while in custody, usually to earn their release. Children, from the seven towns where Human Rights Watch conducted research, described very similar treatment at the hands of police, who would force them to do chores, such as cutting grass (“slashing”) or farming (“digging”); fetching water to mop offices and clean cells, including disposing of other detainees’ waste; and, in a few instances, they were even made to clean police living quarters.

In 2013, police arrested 14-year-old Ibrahim P. several times outside a video hall where some street children spend their time in Soroti, eastern Uganda. “They locked us in the cell in the night. In the morning a policeman took four of us out of the cell to go fetch water. He told us to go wash the police patrol car. He said, ‘Wash that car, it is your car which picks you from town to police’.”⁹⁹ Police released Ibrahim and the other children after they washed the vehicle, never charging them with a crime. Police officers also made Zachary L., who was detained in October 2013 for four days, clean the police station and private police living quarters.¹⁰⁰

Robert U. from Kasese in western Uganda said police arrested him a few days before he spoke to Human Rights Watch. “On Friday around 11 p.m. police arrested 10 of us from the street and detained us in Nyakasanga [police post] until Sunday. I did not pay any money but I slashed the compound on Sunday almost the whole day and they released me. I was released just like that. They did not give me any document, they did not tell me to report back, I did not write a statement. They just set me free after slashing the compound.”¹⁰¹ Police in Kasese initially charged other children with being idle and loitering, like Leo Y., but released them after they cleaned toilets and worked in the police compound.¹⁰²

Mob Violence

The community always tells us that we are children of the street, that we steal, that we should not cross in front of their homes or one of us will be killed.

⁹⁹ Human Rights Watch interview with Ibrahim P., 14-year-old, Soroti, December 7, 2013.

¹⁰⁰ Human Rights Watch interview with Zachary L., 16-year-old, Kampala, February 9, 2014.

¹⁰¹ Human Rights Watch interview with Robert U., 18-year-old, Kasese, January 19, 2014.

¹⁰² Human Rights Watch interview with Leo Y., 17-year-old, Kasese, January 19, 2014.

—Lucas P., 13-year-old, living four years on the streets in Gulu,
December 2013¹⁰³

When mob justice comes, they don't discriminate. A thief is a thief. There is
a big negative attitude. Once a child gets to the streets they are a thief.

—Staff member at an international children's organization in Soroti,
December 2013¹⁰⁴

Occasionally shop owners, market vendors, and others ask street children to undertake small jobs to earn money, offer them places to sleep off the streets, or assist them when the children are sick or injured, helping them get medical treatment. Some community members have even come to the aid of a street child when police demanded bribes for their release from detention. However, such assistance is few and far between, as community members have verbally abused, spat on, kicked, or slapped street children who pass by their businesses or homes. In some instances, groups from the communities attacked street children, beating them severely and in Lira town children have died as a result.

The widespread belief that all street children are thieves fuels violent reactions to rumors or actual incidents of theft. Random children have been caught up in indiscriminate retributive violence when crimes are committed.

For example, two weeks after coming to the streets of Gulu, 13-year-old Edward B. was walking by a home in company of two friends, looking for metal scraps to collect and sell. The homeowners stopped him and took him to the police, accusing him of stealing. The police dismissed the boys, but the homeowners were dissatisfied. They took Edward and his friends to the district local council official who said they should be beaten. "Some people used sticks, others shoes, some a metal rod. About 10 of them."¹⁰⁵ The boys never reported the beating to the police. Another 13-year-old boy in Gulu, Lucas P., remembers being beaten on at least six separate occasions. "The last time was in September. I was picking plastic in a compound.... We were six, they were about twelve. They took our

¹⁰³ Human Rights Watch interview with Lucas P., 13-year-old, Gulu, December 12, 2013.

¹⁰⁴ Human Rights Watch interview with NGO staff member 3, Soroti, December 6, 2013.

¹⁰⁵ Human Rights Watch interview with Edward B., 13-year-old, Gulu, December 12, 2013.

plastic ... [and] beat us with wire locks. We were made to lie down on the ground and they beat us on the back and kicked us.”¹⁰⁶

A journalist in Lira, accompanied by 13-year-old Ali L., described an August 2013 incident when members of the community beat a street boy, Matthew T., nearly to death. Fourteen-year-old Matthew and Ali were walking in the evening when a homeless man convinced Matthew to try to break into a home. The three were quickly chased away, stealing nothing in the end. Police caught Ali first and beat him with a baton, fracturing his arm, and detained him overnight without medical treatment. The next morning police took Ali to hunt for Matthew and the homeless adult. The police found and arrested Matthew and another boy, Nelson J., who was not involved in the attempted robbery. Police looked on while members of the community beat Nelson with an iron bar, and others in the community beat Matthew to the point where police thought he had died. Matthew regained consciousness in the morgue and was taken to the hospital.¹⁰⁷ The journalist showed Human Rights Watch several photographs of the boys’ injuries.¹⁰⁸

Members of the community have also accused and abused street children when they are near the scenes of alleged crimes. Ben P., a 14-year-old boy who stayed some nights with his single mother, other nights in front of a popular nightclub, described being attacked when he was sleeping outside.

At 2 a.m. I was sleeping and [members of the community] claimed that things had been stolen. They were about seven people. I was alone. They used a metal rod and a baton from an *askari* (guard) among them. Mostly they targeted my joints. During that time I was so badly beaten that my friends had to help me.¹⁰⁹

Impunity for Mob Attacks of Street Children

According to local activists, Police have been either indifferent to mob attacks against street children or complicit in the abuses, as in the Lira case above. Police rarely

¹⁰⁶ Human Rights Watch interview with Lucas P., 13-year-old, Gulu, December 12, 2013.

¹⁰⁷ Human Rights Watch interview with Ali L., 13-year-old, Lira, December 11, 2013.

¹⁰⁸ Email communication from journalist in Lira, January 23, 2014.

¹⁰⁹ Human Rights Watch interview with Ben P., 14-year-old, Gulu, December 12, 2013.

investigated the mob attacks even when they led to death. Vincent Alele from Child Restoration Outreach in Lira told Human Rights Watch that “It’s hard to follow the cases [of killings of street children]. At the scene of the crime, and given this attitude against street children, the best the police does is come and pick the body for the mortuary.”¹¹⁰

The journalist who documented the August 2013 attack on the street children in Lira visited Matthew later in the hospital, and followed up with Ali’s mother. He also investigated the killing of three other street boys between July and September 2013 in Lira town, taking pictures of the scenes, including photos of the assailants, and brought all the evidence to the attention of the Lira deputy police commander. He was told police would investigate, though, despite repeated efforts to follow the cases, he has never heard anything further.¹¹¹

In Mbale, eastern Uganda, those with knowledge of these cases voiced similar frustration at the lack of follow up by police when street children are the victims of attacks. “The police never, ever intervene” when members of the community beat street children, said a social worker. “The children themselves fear going to the police since they think they will be arrested instead of being helped.”¹¹² In addition to fearing reporting abuses he faced from the community, 16-year-old Louis B., in the eastern town of Soroti, also refused to report to the police because he thought they would ask him for money to carry out investigations.¹¹³ Children feared reporting members of the community because the police would not offer them any protection. Roger P., who had been collecting metal scraps on the streets for two years, said the welders in town beat him because they thought he was trying to steal their metal. Roger had not reported the beatings to the police because of fears the welders would come after him if he said anything.¹¹⁴

Even children who tried to report incidents to the police say they get no justice. Fifteen-year-old Elias A. wanted to report the vendors who burned him with plastic in a market in Kampala. Police asked him to provide an eyewitness instead of investigating the allegations.¹¹⁵

¹¹⁰ Human Rights Watch interview with Vincent Alele, program manager, CRO, Lira, December 9, 2013.

¹¹¹ Ibid. The Uganda Human Rights Commission (UHRC) reported in June 2014 concern for rising instances of mob justice, particularly in response to theft. See Hilary Heuler, “Uganda Fears ‘Unprecedented’ Rise in Mob Justice,” *Voice of America*, June 6, 2014, <http://www.voanews.com/content/uganda-fears-unprecedented-rise-in-mob-justice/1931384.html> (accessed June 16, 2014).

¹¹² Human Rights Watch interview with civil society activist, Mbale, December 3, 2013.

¹¹³ Human Rights Watch interview with Louis B., 16-year-old, Soroti, December 7, 2013.

¹¹⁴ Human Rights Watch interview with Roger P., 13-year-old, Lira, December 10, 2013.

¹¹⁵ Human Rights Watch interview with Elias A., 15-year-old, Kampala, February 9, 2014.

Sexual Abuse

Most children have been defiled or raped. It is rare to find a 13 or 14-year-old girl [on the street] who has not been pregnant.

—Lillian Mugeni, public relations officer for the NGO Dwelling Places in Kampala, February 2014¹¹⁶

Sexual Abuse of Street Girls

Many girls living on the streets are survivors of sexual assault and rape, including gang rape. Even girls who work on the streets during the day are at risk of sexual abuse, including from fellow street boys. None of the girls who spoke with Human Rights Watch had reported the abuse to police, a few saying that police would ask for eyewitnesses, for money to investigate, and because of a general belief that police would simply fail to investigate.

Some girls sought help and medical attention from NGOs and hospitals. For example, street boys raped Lucy O. when she was 15 years old. A woman in Soroti town helped her seek medical treatment, though she did not report the rape to the police because she believed they would just ask her for an eyewitness she could not provide.¹¹⁷ One nurse in Mbale told Human Rights Watch that she treated girls as young as 9 years old who had been raped while living on the streets, some of whom were also pregnant.¹¹⁸ Girls who have been raped or who are pregnant sometimes seek support from local NGOs before going to hospitals. However, those like Lucy, who was pregnant when she spoke to Human Rights Watch, do not seek any kind of help for their pregnancies. Lucy said people on the street mistreated her because she was unmarried and pregnant, and so she did not think that she could get any help.¹¹⁹

Some girls said that their assailants on the streets were men, not street boys.¹²⁰ A man raped 14-year old Rachel M. one night when she was looking for a place to sleep. “We don’t report these things to police. I don’t think that they would listen to us. They will ask us “Are

¹¹⁶ Human Rights Watch interview with Lillian Mugeni, public relations officer, Dwelling Places, Kampala, February 7, 2014.

¹¹⁷ Human Rights Watch interview with Lucy O., 16-year-old, Soroti, December 7, 2013.

¹¹⁸ Human Rights Watch Interview with NGO nurse, Mbale, December 4, 2013.

¹¹⁹ Human Rights Watch interview with Lucy O., 16-year-old, Soroti, December 7, 2013.

¹²⁰ Human Rights Watch interviews with Stella H., 14-year-old, Lira, December 9, 2013; and Hannah Z., 21-year-old, Gulu, December 13, 2013.

you not an adult? If they raped you so what?”¹²¹ Irene T. lived on the street for four years before being reunited with her mother. She described always being threatened with rape by men from the community as well as street boys. “You keep fighting off men and boys all the time. People do not regard us as human beings.”¹²²

Sexual Abuse of Street Boys

Young boys and boys who have recently arrived on the streets are particularly vulnerable to sexual assault, in the latter case as an “initiation,” or “hazing period.” Some boys interviewed by Human Rights Watch said they knew street children who had been sexually abused by older street boys and men, some of whom were not homeless. Many were very reluctant to speak about male rape. Clearly this is exacerbated by the additional stigma and shame due to widespread homophobia in Uganda, which undermines the authorities’ ability to understand the sexual abuse of boys, conduct meaningful criminal investigations, and hold perpetrators accountable.

Several organizations located in different towns across Uganda that assist street children conceded that they were more and more aware of boys being raped. One nurse working for a street children’s center in Mbale said that some boys had talked to her about sexual abuse, but most were silent and scared.¹²³ In most cases, men raped the boys when they found them sleeping outside at night. Fifteen-year-old Fred N. was anally raped by a man he did not know who found him where he was sleeping. “A man came in the night with a knife and a rope. He tied my hands and sodomized me. He put a knife on my neck and said ‘If you say anything I will kill you’.”¹²⁴ Fred never reported the incident to police.

Other boys spoke of rape as part of the culture perpetuated by older homeless children or adults, who they refer to as “big boys.”¹²⁵ For example, 15-year-old David A. feared the older boys as they would regularly sexually abuse the smaller children. A man raped him one night when he was coming back to the slum where he sleeps after collecting bottles to sell. David reported the incident to a local official who advised him to alert him if he ever

¹²¹ Human Rights Watch interview with Rachel M., 14-year-old, Masaka, December 18, 2013.

¹²² Human Rights Watch interview with Irene T., 16-year-old, Masaka, December 18, 2013.

¹²³ Human Rights Watch interview with NGO nurse, Mbale, December 4, 2013.

¹²⁴ Human Rights Watch interview with Fred N., 15-year-old, Masaka, December 19, 2013.

¹²⁵ Human Rights Watch interview with Carl A., approximately 18 years old, Mbale, December 5, 2013; and Abel C., 16-year-old, Masaka, December 19, 2013.

heard the man’s voice, since David did not see his face. David was never able to identify his assailant, nor did he seek any medical assistance.¹²⁶

Commercial Sexual Exploitation

Both girls and boys engage in sex work—exchanging sex with adults for money, food, or a place to sleep—and become victims of commercial sexual exploitation. Girls spoke of places around pubs or video halls in town where they would find customers. In Kampala, Wandegaya market is known for street children and a popular place where boys engage in sex work. Zachary L., who worked parking cars in the market, spent seven years on the streets in Jinja and Kampala and knew that many of his friends use sex for survival, both with men and women.

A man came with a very good car and my friend will do anything for money ... so he went with him. He came back with 100,000 shillings (\$40). My friend was then able to rent a house for his clients. The street kids are easily enticed by money and video games.... Even women come and park their cars. They come and use you and pay you.¹²⁷

Boys living on the street and NGO staff described how girls are victims of commercial sexual exploitation at night, spending their days in groups in rented rooms or abandoned buildings. Others, like 15-year-old Rachel M. in Masaka, spoke of having sex with men in order to have a place to sleep off the streets at night. “Men take advantage of us and use us.... You accept because you want money to buy food. Last week a man found me in a video hall. He took me to his house to have sex and gave me 5,000 shillings (\$2). Then he threw me out and I had to find somewhere to sleep that night.”¹²⁸

Violence by Homeless Adults

Homeless adults, some of whom are former street children, also abuse their younger peers. Children reported that adults living on the streets have beaten, kicked, burned, raped, and forced drugs on them. Fourteen-year-old Ben P. told Human Rights Watch: “When an older

¹²⁶ Human Rights Watch interview with David A., 15-year-old, Kampala, February 8, 2014.

¹²⁷ Human Rights Watch interview with Zachary L., 16-year-old, Kampala, February 9, 2014.

¹²⁸ Human Rights Watch interview with Rachel M., 14-year-old, Masaka, December 18, 2013.

street boy finds you and you don't have money, you better find another place to sleep because they will ... beat you. Sometimes they burn plastic and drop it on you, or use ... [fluorescent] light bulbs to beat you.”¹²⁹

Threats and acts of physical violence were usually accompanied by theft. The homeless men forced younger children to hand over whatever they have earned that day, or they had to go out to bring back money to homeless men or older boys, sometimes for “rent.” Some children paid 1,000 shillings (\$0.40) for rent to stay with a group or to sleep in a certain location. Other children said they paid 5,000 shillings (\$2) or whatever they had on them at the time they were cornered by the older boys or men. For example, 14-year-old Isaiah R. would sleep under a shipping container in Masaka. The older boys told him he had to pay *kuwola akabeg*, “rent for the street,” telling him he “could not live for free.” They searched him and took away his 2,500 shillings (\$1).¹³⁰ Children told Human Rights Watch that the older boys and adults took money off them at night when sleeping, in addition to stealing their shoes or other items.¹³¹

These actions appear to establish a hierarchy on the streets. A journalist investigating street children in Gulu described how they have strict rules among themselves, “like small empires with leaders.”¹³² Through intimidation, threats, and physical and sexual abuse, leaders and older children exert control over younger street children. In Mbale, Human Rights Watch spoke to the street children’s “chairman,” a former street child himself, who created a committee to “bring discipline on the street and order.” His informal committee allegedly “registered” new children who come to the streets of Mbale, claiming they seek to help children, even at times tracing their families and resettling them to their homes.¹³³

Forced Drug Use

Older children and adults force petrol, which they refer to as “aviation fuel,” glue, and marijuana upon their younger peers possibly to make them easier to control and use them to make money.¹³⁴ Some children told Human Rights Watch that self-proclaimed “chairmen”

¹²⁹ Human Rights Watch interview with Ben P., 14-year-old, Gulu, December 12, 2013.

¹³⁰ Human Rights Watch interview with Isaiah R., 14-year-old, Masaka, December 19, 2013.

¹³¹ Human Rights Watch interview with Shafi O., 12-year-old, Mbale, December 4, 2013.

¹³² Human Rights Watch interview with journalist, Gulu, December 11, 2014.

¹³³ Human Rights Watch interview with “the chairman,” Mbale, December 5, 2014.

¹³⁴ Human Rights Watch interview with NGO child protection officer, Mbale, December 4, 2013; Gabriel A., 15-year-old, Mbale, December 5, 2013; and Richard P., 15-year-old, Gulu, December 13, 2013.

and “leaders” of street children are the ones who lead the abuse, asking for money and forcing children to buy and sniff petrol as an intoxicant.¹³⁵ Children sometimes buy petrol by the bottle cap, paying 50 to 100 shillings (\$0.02 to \$0.04) in Mbale and up to 500 shillings (\$0.20) for the same quantity in Soroti and Lira. Several boys in Mbale said that the chairman buys the petrol from Kampala and sells it at a profit to street children.¹³⁶ Thirteen-year-old Henry N. told Human Rights Watch that “the big boys [older children or adults] force those who do sniff to do so. They hold you by force and pour petrol in your nose and all over the face.”¹³⁷ In Soroti boys spoke of being forced to also sniff glue—usually a brand of common adhesive used to repair shoes—and other children in areas Human Rights Watch conducted research said they were made to smoke marijuana.¹³⁸ Fifteen-year-old Richard P., who spent four years on the streets of Kampala, told Human Rights Watch, “I did not want to smoke marijuana but the big boys forced me to smoke it. In Kampala this habit is very common because they want you to buy from them.”¹³⁹

Some children claimed that sniffing helped them forget their hunger and to sleep at night, keeping the cold at bay. Eleven-year-old Amos N., an orphan living on the streets in Soroti, said he sniffed because “If somebody beats you, if you are thinking of doing something bad, even if your mother dies, you don’t cry, you don’t mourn because you have sniffed.”¹⁴⁰ But Alan P., a 16-year-old who still sniffed fuel and glue even though he claimed not to like it, told Human Rights Watch that, “The more you do it the more you become weak. It is a lie that these things help you not to feel the pain or not to feel hungry. You just become weak and you can’t go to look for money to buy food.”¹⁴¹

¹³⁵ Human Rights Watch interview with Zain N., 8-year-old, Mbale, December 4, 2013; Henry N., 13-year-old, Mbale, December 4, 2013; and Gabriel A., 15-year-old, Mbale, December 5, 2013.

¹³⁶ Human Rights Watch interviews with Henry N., 13-year-old, Mbale, December 4, 2013; and Gabriel A., 15-year-old, Mbale, December 5, 2013.

¹³⁷ Human Rights Watch interview with Henry N., 13-year-old, Mbale, December 4, 2013.

¹³⁸ Human Rights Watch interviews with Amos N., 11-year-old, Soroti, December 8, 2013; James S., 16-year-old, Soroti, December 8, 2013; Ted K., 15-year-old, Lira, December 11, 2013; Will N., 16-year-old, Lira, December 11, 2013; Richard P., 15-year-old, Gulu, December 13, 2013; Stewart A., 15-year-old, Lira, December 13, 2013; Fred N., 15-year-old, Masaka, December 19, 2013; ; Leo Y., 17-year-old, Kasese, January 20, 2014; Paul K., 17-year-old, Kasese, January 21, 2014; Solomon A., 14-year-old, Kampala, February 7, 2014; and Nicholas T., 15-year-old, Kampala, February 9, 2014.

¹³⁹ Human Rights Watch interview with Richard P., 15-year-old, Gulu, December 13, 2013.

¹⁴⁰ Human Rights interview with Amos N., 11-year-old, Soroti, December 8, 2013.

¹⁴¹ Human Rights Watch interview with Alan P., 16-year-old, Soroti, December 7, 2013.

Older boys and men also forced younger ones to steal, either from people's homes or from people on the street.¹⁴² Some boys and men sent younger children to buy drugs for them.¹⁴³ If the children refused they were beaten. Twelve-year-old Aden M. said: "When we are beaten by other people or the big boys we do not report to the police. We fear that the police will also beat us."¹⁴⁴

Child Labor

Street children collect empty plastic bottles and metal scrap to sell by the kilogram; carry water or trash for businesses; load and unload passenger busses; sell food or other goods; work in restaurants or as domestic labor; and engage in other temporary work in exchange for food or money. Other children are involved in hazardous or illegal activities, such as sex work, stealing, or begging. Some adults take pity on street children, allowing them to perform labor for a reasonable sum, or even giving them food and shelter for a short time. But others take advantage of them, paying street children less than they would adults; they know the children have little choice. Children are easily exploited, accepting work that adults will not, or doing it for smaller sums of money than adults would normally be paid.

Fifteen-year-old Fred N., who collected scrap metal and carries garbage and bunches of *matooke* (plantains or cooking bananas) for people in Masaka, described how he is paid very little. Some people treated him well for his work, while others "pay according to their wish. You carry for them their stuff and they call you a *muyaaye* [deviant]. They say a *muyaaye* does not deserve much money."¹⁴⁵

Isa G., a 9-year-old boy, was chased away from home by his mother when he was 7 years old. He would fetch water in 20-liter jerry cans for the small eating places in Gulu town for 300 shillings (\$0.12) per can and he would sometimes take out trash for 500 shillings (\$0.20). He said the work was too heavy for him.¹⁴⁶ Adam J., a 13-year-old boy in Lira, said carrying a 20-liter jerry can on his head and another smaller one in his arms was painful.

¹⁴² Human Rights Watch interviews with Idris N., 11-year-old, Soroti, December 8, 2013; Andrew F., 17-year-old, Soroti, December 7, 2013; Alan P., 16-year-old, Soroti, December 7, 2013; Christopher P., 15-year-old, Lira, December 10, 2013; Lucas P., 13-year-old, Gulu, December 12, 2013; and Fred N., 15-year-old, Masaka, December 19, 2013.

¹⁴³ Human Rights Watch interviews with Rashid P., 12-year-old, Lira, December 12, 2013; Ronald P., 17-year-old, Lira, December 13, 2013; and Abdullahi K., 13-year-old, Kasese, January 20, 2014;

¹⁴⁴ Human Rights Watch interview with Aden M., 12-year-old, Mbale, December 4, 2013.

¹⁴⁵ Human Rights Watch interview with Fred N., 15-year-old, Masaka, December 19, 2013.

¹⁴⁶ Human Rights Watch interview with Isa G., 9-year-old, Gulu, December 12, 2013.

“I would also be made to roll heavy things in a cart for the same person.... Doing those things hurt.”¹⁴⁷

Some people pay children very little for their hard work, or in exchange for the work they are given “leftovers,” food that was sometimes spoiled, usually scraps from small restaurants where patrons had not finished their meals.¹⁴⁸ Others said that employers promised them money and then never paid them. Several boys spoke about being singled out by people in town to do small jobs. A woman told 16-year-old Jack P. in Lira that she would pay him 2,000 shillings (\$0.80) per day to collect metal scrap, but then refused to pay him for a month’s worth of work.¹⁴⁹

Girls reported being taken to private homes for domestic work, including cleaning and washing clothes, and even caring for other children. Helen O., who left home around the age of 13, was taken in by a pastor and his wife. “They made me carry heavy things, they did not provide me with good clothes, and they did not pay me for three months.” When she finally asked to be paid, the pastor drove Helen back to the church where he found her and left her there.¹⁵⁰

Some parents send their children to the streets to hawk items or food with threats of beatings if children come home without a profit.¹⁵¹ Adults send or accompany a child to the streets and force them to beg and handover the money; some unaccompanied street children also resort to begging for money or food, without having to turn over their earnings to anyone else.¹⁵² Alice Z., who was 13 years old, was on the street for just six months in Kampala. She found it safer to sleep at night among the disabled and during the day beg for money to buy food.¹⁵³ Many children resort to begging when they cannot find other work.

¹⁴⁷ Human Rights Watch interview with Adam J., 13-year-old, Lira, December 9, 2013.

¹⁴⁸ Human Rights Watch interviews with Louis B., 15-year-old, Soroti, December 7, 2013; and Ivan M., 17-year-old, Soroti, December 8, 2013.

¹⁴⁹ Human Rights Watch interview with Jack P., 16-year-old, Lira, December 10, 2013.

¹⁵⁰ Human Rights Watch interview with Helen O., 16-year-old, outside Kampala, February 10, 2014.

¹⁵¹ Human Rights Watch interview with Stella H., 14-year-old, Lira, December 9, 2013.

¹⁵² Human Rights Watch interviews with Lawrence T., 12-year-old, Mbale, December 3, 2013; Roland N., 10-year-old, Mbale, December 4, 2013; Ismael P., 15-year-old, Lira, December 11, 2013; Edward B., 13-year-old, Gulu, December 12, 2013; Idris P., 19-year-old, Gulu, December 12, 2013; Rose P., 12-year-old, Gulu, December 13, 2013; and Alice Z., 13-year-old, Kampala, February 8, 2014.

¹⁵³ Human Rights Watch interview with Alice Z., 13-year-old, Kampala, February 8, 2014.

Several street children spoke of how they were sometimes forced to steal by their peers, adults on the streets, or by those who offer them food or shelter as a reward for stealing.¹⁵⁴ Sometimes they are sent to steal by street adults or older children who claim to want to pay them or give them a share of the stolen property. Fifteen-year-old Daniel P. in Lira explained that he resorted to stealing when he was not able to make money and is hungry. “Sometimes I fail to find metal scraps. Sometimes it pushes me to steal. I hate that it compels me to steal.”¹⁵⁵

¹⁵⁴ Human Rights Watch interviews with Simon F., 16-year-old, Soroti, December 7, 2013; Adam J., 13-year-old, Lira, December 9, 2013; Doug M., 13-year-old, Kampala, February 9, 2014; and Brendan T., 15-year-old, Kampala, February 9, 2014.

¹⁵⁵ Human Rights Watch interview with Daniel P., 15-year-old, Lira, December 9, 2013.

III. Laws and Policies for the Protection of Children

In 1993, the United Nations General Assembly recognized the particular plight of street children, urging governments to respect fundamental human rights and “actively to seek comprehensive solutions to tackle the problems of street children and to take measures to restore their full participation in society and to provide, inter alia, adequate nutrition, shelter, health care and education.”¹⁵⁶

Uganda is party to a number of international and regional treaties that protect the basic and fundamental human rights of children, and has even matched its international obligations with strong, domestic legislation on child rights. With a robust framework and multiple government actors mandated to play a role in protecting children, Uganda could have the necessary legal and policy means to provide for and protect its street children.

International Legal Standards

Uganda has ratified the African Charter on Human and Peoples’ Rights (known as the Banjul Charter), which protects the fundamental civil, political, economic, and social rights of all people, including children.¹⁵⁷ The Convention on the Rights of the Child (CRC), which Uganda ratified in 1990, and the African Charter on the Rights and Welfare of the Child (ACRWC), ratified in 1994, spell out the principal responsibility of the government under international law to protect the specific rights of children.¹⁵⁸ The CRC calls on any actors working unofficially or on behalf of the state in official capacity to take all “legislative, administrative, social, and educational measures to protect the child from all forms of physical or mental violence, injury, and abuse.”¹⁵⁹ Article 19 of the CRC requires that states protect children from “neglect or negligent treatment, maltreatment or exploitation,

¹⁵⁶ United Nations General Assembly, “Plight of Street Children,” A/RES/48/136, 85th plenary meeting, December 20, 1993, <http://www.un.org/documents/ga/res/48/a48r136.htm> (accessed April 1, 2014).

¹⁵⁷ African [Banjul] Charter on Human and Peoples’ Rights, adopted June 27, 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), entered into force October 21, 1986, ratified by Uganda on May 10, 1986, art. 18(3).

¹⁵⁸ Convention on the Rights of the Child (CRC), adopted November 20, 1989, G.A. Res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), ratified by Uganda on August 17, 1990; and the African Charter on the Rights and Welfare of the Child (ACRWC), OAU Doc. CAB/LEG/24.9/49 (1990), entered into force November 29, 1999, ratified by Uganda on August 17, 1994.

¹⁵⁹CRC, art. 6.

including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has care of the child.”¹⁶⁰

Right to Protection from Abuse

Children have the right to protection from abuse, including from violence, deprivation of liberty, sexual abuse, and the illicit use of drugs.

The CRC, the International Covenant on Civil and Political Rights (ICCPR), and the Convention against Torture require states to prevent torture, as well as other cruel, inhuman, or degrading treatment or punishment. This prohibition applies “not only to acts that cause physical pain but also to acts that cause mental suffering to the victim,” and the infliction of such treatment can never be justified.¹⁶¹ Street children in Uganda are at particular risk of prohibited abusive treatment by the police, KCCA, as well as by members of communities, and adults on the street. Many of the instances of police and KCCA abuse and extortion constitute cruel, inhuman, or degrading treatment; in some instances this ill-treatment rises to the level of torture.

Police beatings of children with batons, wires, bicycle locks, or other objects, and the use of tear gas, that cause severe pain or suffering and are intended to punish or intimidate children constitute torture. In cases where beatings and harassment of children by police do not rise to the level of torture, they may nevertheless produce a level of physical or mental suffering that constitutes cruel, inhuman, or degrading treatment or punishment. In addition, violence and exploitation of children by police and KCCA on the streets or in detention violate children’s rights under the CRC.

These international treaties also impose an obligation on states at all levels of government to take measures to protect children against sexual violence and abuse. The government should provide a remedy where fundamental protections have been violated. The CRC requires that states “undertake to protect the child from all forms of sexual exploitation

¹⁶⁰ CRC, art. 19.

¹⁶¹ International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, ratified by Uganda on June 21, 1995, art. 7.

and sexual abuse.”¹⁶² This includes ensuring that perpetrators of sexual abuse and exploitation are brought to justice.¹⁶³

Article 33 of the Convention on the Rights of the Child requires states to take all appropriate measure “to protect children from the illicit use of narcotic drugs and psychotropic substances.”¹⁶⁴ In addition to drugs like marijuana, the substances used by children in Uganda, like glue and petrol, can be addictive, altering their state of mind.¹⁶⁵ The government should take legislative, administrative, social, and educational measures to protect children from misuse and forced ingestion or consumption of drugs as described in this report.

Moreover, the CRC requires states to take all appropriate measures to promote physical and psychological recovery and social integration of child victims of any form of abuse. Such recovery and reintegration should take place in an environment that fosters health, self-respect, and dignity of the child.¹⁶⁶

Right to Protection from Arbitrary Arrest and Detention

The ICCPR, the CRC, and the Banjul Charter prohibit all arbitrary or unlawful deprivations of liberty.¹⁶⁷ There are a number of UN instruments that provide authoritative guidance under international law for interpreting treaties’ provisions relevant to the treatment of children in conflict with the law.¹⁶⁸

¹⁶² CRC, art. 34.

¹⁶³ Committee on the Rights of the Child, Concluding Observations: Benin, CRC/C/BEN/CO/2, para. 70(f).

¹⁶⁴ CRC, art. 33.

¹⁶⁵ UNICEF, “Implementation Handbook for the Convention on the Rights of the Child, Part 3 of 3,” 2007, http://www.unicef.org/publications/files/Implementation_Handbook_for_the_Convention_on_the_Rights_of_the_Child_Part_3_of_3.pdf (accessed May 23, 2014), p. 503.

¹⁶⁶ CRC, art. 39. See also Committee on the Rights of the Child, General Comment No. 4: Adolescent health and development in the context of the Convention on the Rights of Child, CRC/GC/2003/4 (2003), para. 37.

¹⁶⁷ ICCPR, art. 9(1) and 9(3), and CRC, art. 37(b). The UN Human Rights Committee, in its interpretation of article 9 on the right to liberty and security, states that it is applicable to “all deprivations of liberty, whether in criminal cases or in other cases such as, for example, mental illness, vagrancy, drug addiction, educational purposes, immigration control, etc.” UN Human Rights Committee, General Comment 8: Right to liberty and security of persons (Art. 9), Sixteenth session, June 30, 1982, para. 1.

¹⁶⁸ See the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), G.A. Res. 40/33, annex, 40 U.N. GAOR Supp. (no. 53), U.N. Doc A/40/53 (1985); the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines), G.A. Res. 45/112, annex, 45 U.N. GAOR Supp. (no. 49A), U.N. Doc A/45/49/ (1990); the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (The U.N. Rules), G.A. Res. 45/113, annex, 45 U.N. GAOR Supp. (no. 49A), U.N. Doc. A/45/49 (1990); the United Nations Standard Minimum Rules for the Treatment of Prisoners, adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Geneva in 1955, and approved by the Economic and Social Council by its resolution 663 C (XXIV) of July 31, 1957 and 2076 (LXII) of May 13, 1977; the Basic Principles for the Treatment of Prisoners, G.A. Res. 45/111, December 14, 1990;

With respect to juvenile detention, the International Covenant on Civil and Political Rights highlights the need for the treatment of children appropriate to their age, and the ICCPR along with the ACRWC require that children—either those suspected or found guilty of violating penal laws—should be segregated from adults and not be detained alongside them.

Organized operations that round up large numbers of children as described in this report are arbitrary and unlawful, as are arrests intended to extort money or information from children. Even when the arrest or detention of children accused of being “idle and disorderly” or of “vagrancy” is not conducted in an arbitrary manner, it may still be unlawful if children are held for an extended period without being charged with an offence.

The CRC specifies that depriving children of liberty “shall be used only as a measure of last resort and for the shortest appropriate period of time,” and that “[e]very child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.”¹⁶⁹ As this report documents, the policy of routinely holding children accused of being idle and disorderly in custody violates the principle that detention should only be used as a measure of last resort. Furthermore, it violates the national laws Ugandan has enacted, as detailed in the section below.

According to the Committee on the Rights of the Child, the placing into institutions of orphans or children requiring alternative care should be a “measure of last resort and only when family-type measures are considered inadequate for a specific child, and that institutionalization is subject to regular review with a view to reassessing the possibility of reunification.”¹⁷⁰ The committee has urged countries to introduce well-resourced foster care systems as an alternative to institutionalized care.¹⁷¹ Where institutionalization is necessary and in the best interest of the child, strict measures are needed to ensure that such institutions meet specific standards of care and comply with legal protection

and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, G.A. Res. 43/173, December 9, 1988.

¹⁶⁹ CRC, arts. 37(b) and 37(d).

¹⁷⁰ Committee on the Rights of the Child, Concluding Observations: Latvia, CRC/C/LVA/15/Add.261, para. 333. See also CRC, art. 10; and Committee on the Rights of the Child, Report of the fortieth session, September 2005, CRC/C/153, para. 670.

¹⁷¹ Committee on the Rights of the Child, Concluding Observations: Nepal, CRC/C/15Add.261, para. 50.

safeguards. States must ensure effective and systematic inspection mechanisms to check on children’s welfare in all institutions, both government and private.¹⁷²

Freedom from Child Labor

The International Covenant on Economic, Social and Cultural Rights (ICESCR), which Uganda ratified in 1987, safeguards children from work that is harmful, dangerous, or likely to hamper their normal development, and requires signatories to prohibit and punish child labor.¹⁷³ Article 32 of the CRC similarly requires states to recognize the right of children to protection from economic exploitation and hazardous labor, but also labor which would interfere with a child’s education.¹⁷⁴ The International Labour Organization (ILO) Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour prohibits the worst forms of child labor for all children under 18.¹⁷⁵ The convention defines “work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of the children.”¹⁷⁶ Sex work, commercial sexual exploitation, and forced begging are the worst forms of child labor.¹⁷⁷

Article 3 of the ILO convention addresses forced and compulsory labor. The work police have children do in police stations and living quarters amounts to forced labor. The convention calls on states to take immediate measures to prohibit and eliminate this and all other worst forms of child labor.

Right to Education

The right to education is enshrined in international human rights instruments, including the Universal Declaration of Human Rights (1948). The CRC, the ICESCR, the Banjul Charter,

¹⁷² CRC, art. 3(3). See also Committee on the Rights of the Child, Concluding Observations: Nepal, CRC/C/15Add.261, para. 50; and Committee on the Rights of the Child, General Comment 3 on HIV/AIDS and the rights of the child, CRC/GC/2003/3, para. 35.

¹⁷³ International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force January 3, 1976, ratified by Uganda June 21, 1995, art. 10(3).

¹⁷⁴ CRC, art. 32(1).

¹⁷⁵ ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Worst Forms of Child Labour Convention), adopted June 17, 1999, 38 I.L.M. 1207 (entered into force November 19, 2000), ratified by Uganda on June 21, 2001.

¹⁷⁶ *Ibid.*, art. 3.

¹⁷⁷ *Ibid.*

and the ACRWC all contain provisions requiring states parties to ensure that education leads to the full development of the child.¹⁷⁸

Both the CRC and the ICESCR require primary education to be compulsory and free without discrimination.¹⁷⁹ Similarly, the African Charter on the Rights and the Welfare of the Child provides that “every child has the right to an education” and stipulates that free and compulsory basic education should be achieved progressively.¹⁸⁰ Secondary education, including vocational training, should be made available and accessible. States are required to protect children from work that interferes with their education.¹⁸¹

The Ugandan Child Protection Framework

Despite a strong framework in children’s rights, activists and NGO staff highlight the failure of the Ugandan government to implement child protection laws and policies across the country.¹⁸² The 1995 constitution reflects many of the basic rights and protections for children set out in international standards. Under the constitution, children are guaranteed the right to all social and economic benefits free from discrimination;¹⁸³ they are protected from “any form of abuse, harassment or ill-treatment;”¹⁸⁴ and vulnerable children are accorded “special protection,” though what those protections entail is not specified.¹⁸⁵

Children in Police Custody

The Children Act provides the legal framework to protect and promote the rights of children. The age of criminal responsibility is 12,¹⁸⁶ though with only four percent of births registered between 1999 and 2003 determining the age of children can be arbitrary and inaccurate.¹⁸⁷

¹⁷⁸ CRC, art. 29; UN Committee on the Rights of the Child, General Comment No. 1, The Aims of Education, 2, U.N. Doc. CRC/GC/2001/1 (2001); ACRWC, art. 11; and ICESCR, art. 13.

¹⁷⁹ CRC, art. 28; and ICESCR, art. 13.

¹⁸⁰ ACRWC, art. 11.

¹⁸¹ CRC, art. 28; and ICESCR, art. 13.

¹⁸² Olive Eyotaru, “Child protection should be priority for post 2015, says activists,” *Daily Monitor*, March 9, 2014, <http://www.monitor.co.ug/News/National/Child-protection-should-be-priority/-/688334/2236326/-/xgry5tz/-/index.html> (accessed April 2, 2014).

¹⁸³ Constitution of the Republic of Uganda, 1995, art. 34(3).

¹⁸⁴ *Ibid.*, art. 17(c).

¹⁸⁵ *Ibid.*, art. 34(7).

¹⁸⁶ Children Act, 2003, art. 88.

¹⁸⁷ UNICEF, “Strengthening Birth Registration in Africa: Opportunities and Partnerships Technical Paper,” undated, http://www.unicef.org/esaro/Technical_paper_low_res_.pdf (accessed May 21, 2014).

According to the Committee on the Rights of the Child's general comment on juvenile justice, 12 years is the absolute minimum age of criminal responsibility.¹⁸⁸ Article 89 of the Children Act, which addresses children in conflict with the law, outlines the procedures of police interaction with children, including discretionary powers on whether or not to caution and release children without recourse to formal hearings;¹⁸⁹ how police must contact a probation and social welfare officer at the time of arrest to partake in interviews with children; and that if children cannot be taken immediately to court and the charges are not serious, the children should be released on bond.¹⁹⁰

Both the Children Act and the constitution stipulate that children should be kept separately from adults during detention,¹⁹¹ and children are not to be detained for more than 24-hours if they are not taken to court in that timeframe.¹⁹² In its response to Human Rights Watch, the Uganda Police Force said that children's cases follow the "guidelines in place as outlined in the Children's Act."¹⁹³ And yet, as documented in this report, street children report that they are routinely detained in police custody with adults, girls were kept with boys and adults,¹⁹⁴ and in some cases well beyond the 24-hour holding limit. The Ugandan police's mixing of children with adult criminal detainees—as well as the mixing of children of different ages, backgrounds, and legal status during detention—in addition to the lengthy detention periods, places children at risk of torture, ill-treatment, and exploitation. These practices violate children's rights under both domestic and international law to be held separately from adults and to be treated with humanity and respect and in a manner which takes into account their needs.

Children and Employment

The constitution,¹⁹⁵ the Children Act,¹⁹⁶ the 2006 Employment Act, and the 2006 National Child Labour Policy constitute a strong framework for the protection of children from

¹⁸⁸ Committee on the Rights of the Child, General Comment No. 10, Children's Rights in Juvenile Justice, CRC/C/GC/10 (2007), <http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.GC.10.pdf> (accessed June 17, 2014).

¹⁸⁹ Children Act, 2003, arts. 89(1) and 89(2).

¹⁹⁰ *Ibid.*, art. 89(6).

¹⁹¹ *Ibid.*, art. 89(8); and the Constitution of the Republic of Uganda, 1995, art. 34(6).

¹⁹² *Ibid.*, art. 89(7).

¹⁹³ See Annex II, response from the Uganda Police Force to Human Rights Watch.

¹⁹⁴ The Children Act, 2003, stipulates that female children in custody should be under the care of a female officer, art. 89(9).

¹⁹⁵ The Constitution of the Republic of Uganda, 1995, art. 34(4).

¹⁹⁶ Children Act, 2003, art. 8.

exploitation and harmful employment. The Employment Act sets the terms for employment of children under 18 and forbids the employment of children under 12.¹⁹⁷ No child should be employed in work that is detrimental to their “health, dangerous or hazardous or otherwise unsuitable.”¹⁹⁸ The child labor policy provides a framework to mobilize actors to eliminate child labor, outlining the governmental response to it and its institutional framework.¹⁹⁹ “Light work” outlined in the Employment Act, is deemed acceptable under Ugandan law for children over 14 years, which could be applicable to some of the small jobs street children perform, if supervised by an adult and should not affect a child’s education.²⁰⁰

Enforcement of Child Rights in Uganda

The government developed a national program specifically targeting orphans and vulnerable children (OVC)—the 2004 National Strategic Programme Plan of Interventions (NSPPI) for OVC—to address high vulnerability of children as a result of conflict, HIV/AIDS, and poverty. The program was renewed with NSPPI-2 through 2015/2016 to guide basic services to this subset of children with coordinated, multi-sector interventions.²⁰¹

Along with the National Council for Children Act, the Orphans and Vulnerable Children Policy of 2004 provides a more specified framework for protection of the critically vulnerable, which explicitly includes children who live on the streets.²⁰² It sets guiding principles for the implementation of policies on vulnerable children.

And yet, despite the national Council for Children and the orphans and vulnerable children policies, the responsibility of implementation of child protection falls heavily on local government councils in the districts across Uganda.²⁰³ As described both in article 10 of the Children Act, which provides for local authority support of children, and the

¹⁹⁷ The Republic of Uganda, Employment Act, 2006, art. 32(1).

¹⁹⁸ Employment Act, 2006, art. 32(4).

¹⁹⁹ The Republic of Uganda, National Child Labour Policy, 2006.

²⁰⁰ Employment Act, 2006, art. 32(2).

²⁰¹ The Republic of Uganda, Ministry of Gender, Labour and Social Development, “National Strategic Programme Plan of Interventions for Orphans and Other Vulnerable Children 2011/2012-2015/2016,” May 2011, http://www.unicef.org/uganda/Final_Printed_OVC_Strategic_Plan_Uganda_-NSPPI_2.pdf (accessed March 17, 2014), p. 5.

²⁰² The Republic of Uganda, Local Government Act, 1997, amended 1999, chapter 243, schedule 2, art. 16(4).

²⁰³ The Republic of Uganda, Ministry of Gender, Labour and Social Development, “The National Orphans and Vulnerable Children Policy,” November 2004, National_OVC_Policy (accessed July 6, 2014).

²⁰³ The ministry of gender has put in place the Youth Livelihood Programme to empower young people with skills and access to start up incomes; however this program only targets unemployed youth between the ages of 18 and 30. Ministry of Gender, Labour and Social Development, “Youth Livelihood Programme,” December 2013, on file with Human Rights Watch.

Local Government Act of 1997, district councils are responsible for the welfare of children. Each district, through executive committees, is to have secretaries charged with children's health and welfare.²⁰⁴ The Local Government Act also makes district councils responsible for services for street children and they are the first line of response to child protection issues.²⁰⁵

²⁰⁴ Local Government Act, 1997, amended 1999, chapter 243, schedule 2, art. 16(4).

²⁰⁵ *Ibid.*, part 2, art. 3(v).

IV. Recommendations

To the Government of Uganda

To the Ministry of Gender, Labour and Social Development

- End the ministry's involvement in or promotion of roundups of street children in Kampala and elsewhere in Uganda.
- Empower the National Council for Children to act as a focal point to promote the protection of street children and monitor law enforcement practices related to street children. The ministry should solicit international funding for the council and consult national and international nongovernmental organizations on best practices in child protection, particularly domestic organizations working with street children.
- Ensure that sufficient budgets are allocated to ministry-led interventions that target street children specifically, working with nongovernmental organizations assisting street children to address gaps in programming.
- Address the root causes of child labor by supporting orphans and other vulnerable children through social protection schemes for vulnerable populations.
- Take measures to fight stigma and discrimination against street children, for example through awareness-raising campaigns about the rights of all children, and creating a campaign and improving mechanisms to report child abuse to police. Such mechanisms should be available and accessible to both children and adults, like a free hotline and desks dedicated to receive reports in the offices of district-level probation and social welfare officers.
- Incorporate information on how to respect the rights of children into existing trainings of police officers, justice officials, health workers, district probation and social welfare officers, and others who interact with vulnerable children.
 - The ministry in its trainings should include specific actions to tackle sexual violence in prevention, protection, reporting, investigation, and prosecution. It should ensure that all stakeholders support children in need of medical attention, including survivors of sexual violence.
- Carry out regular monitoring visits of the Kampiringisa National Rehabilitation Center and the four remand homes in Naguru (Kampala), Mbale, Gulu, and Fort

Portal, to ensure the health and well-being of children in the centers. Ensure that conditions of confinement meet international standards.

- Allocate sufficient funds to construct and maintain alternative facilities for children not in conflict with the law in each district as an alternative to remand homes and the national rehabilitation center. Ensure that homes or centers are available to promote rehabilitation and provide appropriate education and healthcare, and family tracing and options for resettlement or adoption if necessary.
- Facilitate access of nongovernmental organizations to conduct regular monitoring visits to Kampiringisa and the four remand homes, and any police facilities used to detain children.

To the Ministry of Education and Sports

- Formulate and implement a national strategy to progressively reduce and eliminate costs related to education that often prevent children from going to or staying in school, such as the cost of meals, books, writing instruments, and uniforms.

To the Ministry of Local Government

- Ensure that all probation and social welfare officers are trained in child rights.
- Allocate sufficient budgets to probation and social welfare officers to carry out their work on child protection, and implement programs for officers to conduct regular surveys of the number of children in their district to improve interventions and assistance.
- Allow, in the absence of government services, NGOs to operate assistance programs for street children and ensure that district ordinances do not impede the work of NGOs.

To the Kampala Capital City Authority

- End the roundups of children and the practice of taking them to Kampiringisa or forcefully returning them to their homes.
- Ensure that all KCCA officers are trained in child rights and enforce the prohibition of abuse of children by KCCA officers.

- Initiate investigations into complaints concerning the use and abuse of street children, and disciplinary measures and criminal sanctions should occur where appropriate.
- Issue direct orders to all KCCA officers to cease extorting money or goods from street children.

To the Parliament of Uganda

- Approve the pending amendment of the Children Act that would bring greater protection and access to family community courts for vulnerable children who have committed petty and non-capital offenses.

To the Uganda Bureau of Statistics

- Include questions relating to children living, working, and sleeping on the streets in the next August 2014 census, in addition to existing questions relating to orphans.

To the Uganda Police Force

- End arbitrary arrests, detention, and roundups of street children.
- Investigate all allegations of beatings and violence against street children by police and consider bringing charges under Uganda’s 2012 Anti-Torture Act.
- Enforce the prohibition against police brutality of street children.
 - Issue direct orders to all police to never extort money or goods from street children.
 - Initiate investigations into allegations of the use and abuse of street children, including sexual exploitation and abuse, and ensure there are disciplinary measures and criminal sanctions occur where appropriate.
- Improve its investigative and forensic capacity to combat child abuse.
- Increase the number of Child and Family Protection Unit (CFPU) officers to ensure that they are located in every police station. Recognizing the positive role that CFPU officers can play in child protection, limiting abuse, and promoting reconciliations with family members, the government should prioritize the deployment of CFPU officers throughout the country.

- Provide adequate support, including resources for transportation and communication, to the CFPU to carry out its work on child protection.
- Improve safeguards for children in police custody.
 - Guarantee that street children have access to a member of the CFPU, to relatives, and to a lawyer from the onset of detention.
 - Ensure that an officer of the CFPU and a lawyer are present during any interrogation or questioning.
 - Ensure that every child deprived of liberty is held separately from adults.
 - Release children who have been kept in police custody for over 24 hours if they have not been brought to court, as required under the Children Act.
- Investigate cases of child abuse in homes where parents or guardians are reported to physically or sexually abuse children. Cases should be immediately referred to the probation and social welfare officers at the district level.

To Uganda's International Partners

- Urge the government of Uganda to investigate abuses of street children committed by the Uganda Police Force and KCCA; push for charges to be brought under Uganda's 2012 Anti-Torture Act where appropriate, and for the government to carry out fair and credible trials for anyone suspected of criminal acts against street children.
- Condemn roundups of street children regularly when they occur and consistently raise concerns with Ugandan government officials, especially the inspector general of police, the minister of gender, labour and social development, and the executive director of the KCCA.
- Monitor any funding to government and the police to ensure it does not support roundup operations of street children.
- If considering support to the government, provide technical and financial assistance specifically to improve the protection of children's rights. Donors could consider earmarking assistance for:
 - Training of all police and other law enforcement personnel on the rights of the child and handling of juvenile cases.

- Support trainings for police in investigating and gathering evidence in cases of sexual exploitation or abuse of children.
 - Supporting the National Council for Children government action on issues relating to street children.
 - Improving conditions in all detention facilities where children are held—particularly the separation of cells for children from those for adults—and including funding new centers or alternative facilities for children not in conflict with the law.
 - Supporting programs that identify and provide assistance to street children and that facilitate the reunification of street children with their families, if all parties are amenable to reunification.
 - Supporting credible and effective measures to end the social causes of child labor, for example, through projects that improve access to education.
 - Funding for primary education and any related costs such as uniforms, books and meals, to ensure that every child has access to schooling.
 - Support a nation-wide needs assessment of orphans and vulnerable children, highlighting street children, in possible partnership with the government and nongovernmental organizations who support street children.
- Support the Justice Law and Order Sector proposal to establish an ombudsperson for children, which could serve as a focal point and independent entity to promote the interests of children and ensure that the government complies with international and national provisions on children’s rights.
 - Promote the role and work of nongovernmental organizations in Uganda working with street children and help coordinate among NGOs and the government on child protection issues.
 - Develop community reintegration programs, alternative facilities, and income-generating programs for families of street children to assist children returning home and to decrease the likelihood of their return to the streets.

Acknowledgments

This report was researched and written by Jamie Vernaelde, senior associate in the Africa Division at Human Rights Watch. Additional interviews were conducted by a research assistant in the Africa Division. The report was reviewed and edited by Maria Burnett, senior Africa researcher; Juliane Kippenberg, senior researcher in the Children’s Rights Division; and Agnes Odhiambo, senior researcher in the Women’s Rights Division. Aisling Reidy, senior legal advisor, and Babatunde Olugboji, deputy program director, provided legal and program reviews. Lianna Merner, senior associate in the Africa Division, provided editing assistance, and the report was prepared for publication by Grace Choi, publications director, Kathy Mills, production specialist, and Fitzroy Hepkins, production manager.

Human Rights Watch would like to thank the activists and many nongovernmental organizations working in the field of child rights and street children who provided assistance and shared their insight and analyses with us.

Above all, we express our appreciation to all the children who shared their time and experiences with us.

Annex I: Human Rights Watch Letter to the Uganda Police Force



March 18, 2014

Gen. Kale Kayihura
Inspector General of the Uganda Police
Uganda Police Force
P.O. Box 6329
Kampala, Uganda

Mr. Erasmus Twaruhukwa
Human Rights Directorate
Uganda Police Force
P.O. Box 6329
Kampala, Uganda

Via email to kayihurakale1@gmail.com and eraspats@yahoo.com; and via facsimile to +256-414-255-630

RE: Street Children in Uganda

Dear Gen. Kayihura and Mr. Twaruhukwa,

It was good to speak with you both a month ago, and to meet you, Mr. Twaruhukwa. Thank you for your generous time. On behalf of Human Rights Watch I am now writing in connection to recent investigation into abuses against street children in Uganda and to request some information regarding the role of the police in child protection issues. We hope you or your staff will respond to the questions and concerns below so that your views are accurately reflected in our reporting.

In December 2013 and early 2014, Human Rights Watch examined the human rights dimensions of the plight of street children in Uganda. We visited six different towns throughout the country and Kampala, and interviewed over 130 current and former street children. We focused primarily on speaking to children between the ages of 8 and under 18 who live, work, and sleep full-time on the streets. We also spoke with part-time street children who typically stay or work on the streets during the day, but then return home at night. Human Rights Watch conducted another 45 interviews with service providers and organizations assisting street children, among others. We did not focus our work on babies and very young children brought to the streets by adults to beg for money, though we recognize that is another challenge Uganda, among other countries, faces.

Our work examined the factors driving children to the streets, but more specifically it focused on documenting the conditions and risks children face living, working, and sleeping

on the streets, including violence, sexual abuse, and child labor. We examined the abuses they face from their peers, the communities in which they reside, and the police.

We would appreciate your response to the following questions related to our ongoing work.

Mandate and Budget:

1. What is the police's official mandate for assisting and/or protecting street children throughout Uganda?
2. What policies or protocols are there for officers when interacting with street children? Do police, including Special Police Constables, receive training in children's rights? Kindly share information regarding any training in children's rights police officers, including Special Police Constables, have received.
3. What are the numbers of Child and Family Protection Unit (CFPU) officers in Uganda, and how many are there per district? What mandate do CFPU officers have in addressing issues regarding street children? What is the budget for the unit?
4. Kindly provide budgets or other information regarding the operational funds allocated for child protection and details regarding funding of programs for street children.
5. How do police coordinate with nongovernmental organizations in order to ensure that the needs of street children are met in the course of police work? Can you provide any examples?
6. How many district police stations have cells dedicated specifically for children? How does the police ensure that children are not held with adults in the event no children's cells are available? When there are no children's cells, what is the protocol for detaining children?

Round-ups of Street Children:

7. From whom do the police receive operational orders for round-ups of street children in Kampala and in the districts? What is the legal basis upon which police conduct such round-up operations?
8. How often was the police involved in official operations to round-up children in 2011, 2012, and 2013?
9. How does the police conduct operations related to street children in cooperation with other government actors, including the Kampala Capital City Authority (KCCA), Ministry of Gender, Labour and Social Development, the Office of the Prime Minister, and the Ministry of Local Government? How has the police been involved in KCCA activities regarding removal of street children in Kampala, and in particular in taking children to Kampiringisa National Rehabilitation Centre?

Monitoring and Grievance Mechanisms:

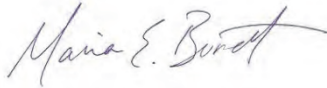
10. Has the police received any allegations of abuse of children by its officers during police patrols or during organized round-ups and what has transpired as a result of any reports?

11. Does the Police Professional Standards Unit (PPSU) monitor or has it investigated alleged abuses against street children at the hands of police? What is the system in place to collect and respond to such allegations? Kindly provide any information or documentation relating to the systems for monitoring or documentation pertaining to investigation into abuses by police of street children.
12. How many PPSU officers are there and how many deal with issues specifically related to children? What are the operational funds for the PPSU?

We would appreciate a response to these requests by April 4, 2014. If for some reason that is not possible, please get in touch with us to propose another timeframe.

Thank you for your attention to this matter and we look forward to your response.

Sincerely,



Maria Burnett
Senior Researcher
Africa Division

Cc:

Christine Alalo, In Charge Child and Family Protection Unit, Uganda Police Force,
alalochristine@yahoo.com

Annex II: Response from the Uganda Police Force to Human Rights Watch

The following response was received from Mr. Erasmus Twaruhukwa, Human Rights Directorate, Uganda Police Force, by email correspondence on April 7, 2014:

REPORT ON STREET CHILDREN OPERATIONS IN UGANDA

Mandate and Budget

1. The Police mandate is to protect life and property which includes protection of children's rights as well. The mandate of child and family protection department is to create an environment in which children and women's rights are protected, promoted, recognized and respected due to their vulnerability. Therefore all children's rights are protected including street children.
2. There are no policies or protocols currently. However, when interacting with street children, police officers use the office's mandate of protecting, promoting recognizing and respecting their rights. During the initial training course, the special police constables are not trained on children's rights. However, child and family protection officers have received various trainings from other stakeholders whose work relates to protection of children's rights like ANNPCAN, Crane Network, and Platform for Labour Action, etc.
3. There are about 450 child and family protection officers across the country and the mandate does not differ from the one mentioned above. The department has no budget to carry out activities related to street children in Uganda because it's the mandate of Ministry of Labour and Social Development (MoSLD).
4. Refer to 3 above
5. Police networks with other NGOs whose work relates to protection of children's rights through meetings, workshops, visits, referrals, etc
6. In case there are no juveniles cells at police stations, the children are referred to other stakeholders like LCs, Courts and we make sure that cases are handled immediately within 24 hours and children who commit petty offences are not detained but diverted or referred according to the guidelines in place as outlined in the Children's Act.

Round-ups of Street Children

7. Police does not get any orders in relation to the round up of children because that does not fall under the police mandate but falls under MoGLD. Police is only asked for security during the exercise.

8. Police is rarely involved in these operations but we are occasionally requested for security. However, we have only participated twice in the operations since 2011.
9. Refer to qns 7 & 8 above

Monitoring and Grievance Mechanisms

10. A complaint was received verbally from one of the RETRAK official an NGO that works with street children a couple of years ago at the head office of child and family protection department. He was referred to the Central Police Station (CPS) to file a complaint since the alleged matter had taken place in its jurisdiction but unfortunately it wasn't. Any case that is not entered in our station diary books is not followed because there is no law backing it up officially.
11. No cases of abuses against street children have been reported to PSU and PSU does not monitor or investigate abuses against street children.
12. There are 98 PSU officers. There is no Desk in PSU specifically handling children issues. No operational funds are designated to handle street children cases by PSU.

Annex III: Human Rights Watch Letter to the Ministry of Gender, Labour and Social Development



March 18, 2014

Hon. Mary Karoro Okurut
Minister of Gender, Labour and Social Development
Ministry of Gender, Labour and Social Development
P.O. Box 7136
Kampala, Uganda

Via email: ps@mglsd.go.ug, and via facsimile: +256 414 256 374

RE: Research on Street Children in Uganda

Dear Honorable Okurut,

On behalf of Human Rights Watch I am writing in connection with research carried out by Human Rights Watch into abuses against street children in Uganda. We request some information regarding the role of the Ministry of Gender, Labour and Social Development given the ministry role in child protection and the National Strategic Programme Plan of Interventions for Orphans and other Vulnerable Children (NSPPI-2).

Human Rights Watch is one of the world's leading independent organizations dedicated to protecting human rights. We conduct objective, rigorous field investigations in more than 90 countries worldwide and produce reports on our findings to raise awareness about human rights issues and to develop and promote policy recommendations for change. Human Rights Watch is committed to producing material that is well informed and objective and we want to ensure that our report properly reflects the views, policies, and practices of the government of Uganda. We hope you or your staff will respond to the questions and concerns below so that your views are accurately reflected in our work.

In December 2013 and early 2014, Human Rights Watch examined the human rights dimensions of the plight of street children in Uganda. We visited six different towns throughout the country and Kampala, and interviewed over 130 current and former street children. We focused primarily on speaking to children between the ages of 8 and under 18 who live, work, and sleep full-time on the streets. We also spoke with part-time street children who typically stay or work on the streets during the day, but then return home at night. Human Rights Watch conducted another 45 interviews with service providers and organizations assisting street children, among others. We did not focus our work on babies and very young children brought to the streets by adults to beg for money, though we recognize that is another challenge Uganda, among other countries, faces.

Our investigation examined factors driving children to the streets and focused on documenting the conditions and risks children face, including violence, sexual abuse, and child labor. We examined the abuses they face from peers, the communities in which they reside, and the police. We would appreciate your response to the following questions related to our ongoing research.

Mandate and Budget:

1. Does the ministry maintain any statistics on the total number of street children in Uganda and if so, please share the total number of children for 2011, 2012, and 2013. How does the ministry account for any fluctuations in the numbers of street children over recent years?
2. Kindly provide any research or documentation regarding street children and child vulnerability/protection led or supported by the ministry.
3. How does the ministry coordinate with other government actors, including the police, the Kampala Capital City Authority (KCCA), the Office of the Prime Minister, and the Ministry of Local Government? How has the ministry been involved in KCCA activities regarding street children in Kampala?
4. How does the ministry partner with nongovernmental organizations on issues related to street children? What roles do these organizations play?
5. What are the operational funds within the ministry for child protection? What is the dedicated budget for issues relating to street children and more broadly children at risk? Kindly provide budgets or other information regarding the operational funds allocated for child protection and details regarding funding of programs for street children.
6. What are the official mandates for probation and social welfare officers regarding street children? How many officers are there in Uganda and what are the numbers per district? What are the budgets for these officers?
7. NSSPI-2 identifies street children as a category of most vulnerable children and in need of protection in Uganda. What are the specific ministry-led interventions that target street children? What are the budgets for these interventions?

Round-ups of Street Children:

8. Human Rights Watch has documented the round-up of street children during which they are arrested, taken to police posts, central police stations, or taken to either remand homes or to Kampiringisa National Rehabilitation Centre. The children are then either detained, released, or attempts are made to resettle them. What is the purpose of the round-ups of street children, both within and outside of Kampala and what changes has the ministry observed as a result of the round-ups? What is the legal basis upon which orders are given for the round-ups?
9. How and under what official mandate does the ministry participate in conducting round-ups, in coordination with other actors?
10. How many round-ups has the ministry taken part in, where, and how many total children have been rounded up as a result in 2011, 2012, and 2013?

Monitoring and Grievance Mechanisms:

11. What systems are in place to monitor or investigate alleged abuses against street children? Kindly provide any information or documentation relating to ministry systems for monitoring or documentation pertaining to investigation into abuses against street children by security agencies and the public.
12. Has the ministry received any allegations of abuse of children during round-ups and what has transpired as a result of any reports?

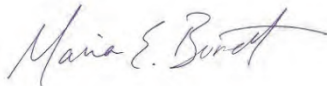
Kampiringisa and Remand Homes:

13. Given that street children are often taken to Kampiringisa or other remand homes despite not being in conflict with the law, are there new children's homes planned for construction in response to meet the needs of street children? How many does the ministry plan to erect, where, and who would they specifically serve?
14. What monitoring or investigations does the ministry undertake into the conditions at Kampiringisa and remand homes where street children have been taken after roundups in Kampala? What records does the ministry keep of the number of street children held in these locations and their cases to ensure their rights are respected? Kindly provide any information or documentation relating to ministry monitoring or investigation into the situation in Kampiringisa or the remand homes.

We would appreciate a response to these requests by April 4, 2014. If for some reason that is not possible, please get in touch with us to propose another timeframe.

Thank you for your attention to this matter and we look forward to your response.

Sincerely,



Maria Burnett
Senior Researcher
Africa Division

Cc:

Hon. Kibuule Ronald, Minister of State for Youth and Children, rkibuule@parliament.go.ug
Mr. James Ssembatya Kaboggoza, Assistant Commissioner for Children, Ministry of Gender, Labour and Social Development, skabogooza@mglsd.go.ug
Mrs. Jane Stella Ogwang, Principal Probation and Welfare Officer, Ministry of Gender, Labour and Social Development, jsogwang@mglsd.go.ug

Annex IV: Human Rights Watch Letter to the Ministry of Local Government



March 18, 2014

Hon. Adolf Mwesige
Minister of Local Government
Ministry of Local Government
P.O. Box 7037
Kampala, Uganda

Via email to ps@molg.go.ug; and via facsimile to +256-414-258-127, +256-414-347-339

RE: Street Children in Uganda

Dear Minister Mwesige,

On behalf of Human Rights Watch I am writing in connection with research carried out by Human Rights Watch into abuses against street children in Uganda. We request some information regarding the role of the Ministry of Local Government in addressing the needs of street children. Because of the role district probation officers play in child protection, and that district councils are responsible for services for street children and orphans, we hope you or your staff will respond to the questions and concerns below so that your views are accurately reflected in our work.

Human Rights Watch is one of the world's leading independent organizations dedicated to protecting human rights. We conduct objective, rigorous field investigations in more than 90 countries worldwide and produce reports on our findings to raise awareness about human rights issues and to develop and promote policy recommendations for change. Human Rights Watch is committed to producing material that is well informed and objective and we want to ensure that our report properly reflects the views, policies, and practices of the government of Uganda.

In December 2013 and early 2014, Human Rights Watch examined the human rights dimensions of the plight of street children in Uganda. We visited six different towns throughout the country and Kampala, and interviewed over 130 current and former street children. We focused primarily on children between the ages of 8 and under 18 who live, work, and sleep full-time on the streets. We also spoke with part-time street children who typically stay or work on the streets during the day, but then return home at night. Human Rights Watch conducted another 45 interviews with service providers and organizations assisting street children, among others. We did not focus our work on babies and very young children brought to the streets by adults to beg for money, though we recognize that is another challenge Uganda, among other countries, faces.

Our investigation examines factors driving children to the streets and focuses on documenting the conditions and risks children face, including violence, sexual abuse, and child labor. We examined the abuses they face from peers, the communities in which they reside, and the police.

We would appreciate your response to the following questions related to our ongoing work.

Mandate and Budget:

1. What is the ministry's official mandate for assisting and/or protecting children at risk and specifically street children?
2. How many total probation and social welfare officers are in Uganda? How many officers are there per district?
3. What policies, guidelines, or best practices are used by local government officials or probation and social welfare officers in dealing with street children?
4. What are the operational funds for the district officials responsible for services for street children? What is the budget specifically for working on child protection, vulnerable children, and street children? And what is the budget for the probation and social welfare officers? Kindly provide budgets or other information regarding the operational funds allocated for child protection and details regarding funding of programs for street children.
5. How does the ministry coordinate with other government actors on child protection, including the police and the Ministry of Gender, Labour and Social Development?
6. How do the probation and social welfare officers or local government officials partner with nongovernmental organizations in order to ensure that the needs of street children are met and that their rights are protected?

Round-ups of Street Children:

7. What are the roles and responsibilities of local councils and the probation and social welfare officers in conducting round-ups of street children and resettlement? When police or other actors conduct round-ups of street children to return them to their homes, at what point do local councils or the probation and social welfare officers become involved?
8. Has the ministry investigated claims of abuse of street children by police or others, in particular the Kampala Capital City Authority (KCCA), or is the ministry aware of such claims? If so, what actions has it taken?

Child Protection Ordinances:

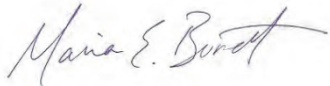
9. We are aware that in some districts child protection ordinances have been enacted with articles designed to keep children from staying on the streets by preventing them from receiving assistance from NGOs or the public. This makes, for example, giving money or food to children illegal. Is there a uniform format for formulating child protection ordinances for all the districts in Uganda? What is the ministry's role

- in making these ordinances, especially provisions relevant to street children? Is there such ordinance for KCCA?
10. Kindly provide copies of all existing ordinances pertaining to child protection with clauses relating to street children.

We would appreciate a response to these requests by April 4, 2014. If for some reason that is not possible, please get in touch with us to propose another timeframe.

Thank you for your attention to this matter and we look forward to your response.

Sincerely,

A handwritten signature in cursive script that reads "Maria E. Burnett".

Maria Burnett
Senior Researcher
Africa Division

Annex V: Human Rights Watch Letter to the Kampala Capital City Authority



March 18, 2014

Jennifer Semakula Musisi
Executive Director
Kampala Capital City Authority
P.O. Box 7010
Kampala, Uganda

Via email to info@kcca.go.ug; and via facsimile to +256-414-231-916

RE: Street Children in Uganda

Dear Mrs. Musisi,

On behalf of Human Rights Watch, we are writing to share some concerns about the treatment of street children in Kampala and request some information regarding the role of the Kampala Capital City Authority (KCCA).

Human Rights Watch is one of the world's leading independent organizations dedicated to protecting human rights. We conduct objective, rigorous field investigations in more than 90 countries worldwide and produce reports on our findings to raise awareness about human rights issues and to develop and promote policy recommendations for change.

Human Rights Watch is committed to producing material that is well informed and objective and we want to ensure that our report properly reflects the views, policies, and practices of the government of Uganda. We hope you or your staff will respond to the questions and concerns below so that your views are accurately reflected in our work.

In December 2013 and early 2014, Human Rights Watch examined the human rights dimensions of the plight of street children in Uganda. We visited six different towns throughout the country and Kampala, and interviewed over 130 current and former street children. We focused primarily on speaking to children between the ages of 8 and under 18 who live, work, and sleep full-time on the streets. We also spoke with part-time street children who typically stay or work on the streets during the day, but then return home at night. Human Rights Watch conducted another 45 interviews with service providers and organizations assisting street children, among others. We did not focus our work on babies and very young children brought to the streets by adults to beg for money, though we recognize that is another challenge Uganda, among other countries, faces.

Our investigation examined factors driving children to the streets and focused on documenting the conditions and risks children face, including violence, sexual abuse, and

child labor. We examined the abuses they face from peers, the communities in which they reside, and the police.

We would appreciate your response to the following questions related to our ongoing work.

Mandate and Budget:

1. What is KCCA's official mandate for assisting and/or protecting street children in Kampala? Does KCCA maintain any statistics on the total number of street children in Kampala and what changes have you observed in the number of street children over recent years?
2. What are the KCCA policies or protocols for KCCA employees interacting with street children?
3. How does KCCA coordinate with other government actors on child protection, including the police, the Ministry of Gender, Labour and Social Development, the Office of the Prime Minister, and the Ministry of Local Government?
4. What is the overall operational budgetary funding for KCCA's Directorate of Gender and Community Services and its probation officers working on child protection? What is the dedicated budget for issues relating to street children and more broadly children at risk? Kindly provide budgets or other information regarding the operational funds allocated for child protection and details regarding funding of programs for street children.
5. How many probation officers are working on child protection issues within KCCA? What is their precise mandate in regards to street children?
6. How does KCCA partner with nongovernmental organizations in order to ensure that the needs of street children are met and that their rights are protected? Does KCCA ever seek to prohibit organizations from assisting street children and if so, why?

Round-ups of Street Children:

7. Does KCCA receive operational orders for the round-up of street children in Kampala, from whom, and in what context do these orders occur? What is the legal basis upon which orders are given to round-up children and for KCCA's involvement?
8. How and when do KCCA employees participate in conducting round-ups of street children? Which officers are responsible for these round-ups and what procedures or policies do they follow?
9. How many operations involving rounding up street children has KCCA conducted in 2011, 2012, and 2013?
10. How many children in total have been rounded up by KCCA since its inception in 2011? Other than Kampiringisa, are children taken to any other locations inside or outside Kampala?

Monitoring and Grievance Mechanisms:

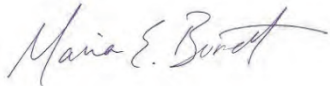
11. Has KCCA received any allegations of abuse of children by its officers during roundups and what has transpired as a result of any reports?

12. What systems are in place to monitor and investigate alleged abuses by KCCA staff? Kindly provide any information or documentation relating to the systems for monitoring or documentation pertaining to investigation into abuses of street children.

We would appreciate a response to these requests by April 4, 2014. If for some reason that is not possible, please get in touch with us to propose another timeframe.

Thank you for your attention to this matter and we look forward to your response.

Sincerely,



Maria Burnett
Senior Researcher
Africa Division

Cc:

Harriet Mudondo, Director, Gender and Community Services, Kampala Capital City Authority



Over half of all Ugandans are under the age of 15 and children are the single largest demographic group living in poverty.

Street children in Uganda's urban centers face the risk of violence, abuse, and discrimination at the hands of the police and the population at large. They lack basic necessities, including access to clean water, food, medical attention, shelter, and education.

Based on interviews with over 130 current and former street children, *"Where Do You Want Us to Go?"* documents human rights violations against street children by the police, local government officials, older street children and adults, and members of the community. Police and other officials, such as those from the Kampala Capital City Authority (KCCA), have beaten, extorted money, and arbitrarily detained street children often in roundups.

Although Uganda has put in place a legal framework designed to protect child rights, including those of street children, key state child protection agencies are failing to respond adequately or effectively to the needs of these children. Human Rights Watch calls on the government of Uganda to end to the roundups and abuses against street children and implement its child protection system. Those responsible for abuse, including police and officials, should be investigated and prosecuted. International partners should consider supporting civil society organizations involved in child protection and activities directly targeting street children throughout the country.

(above) A boy searches for metal scraps at a garbage heap in Mbale town, east of Kampala. Most of the street children in Mbale survive by picking and selling metal scraps.

(front cover) Street children in Mbale town in Uganda, 140 miles east of the capital, Kampala, surround an open fire to stay warm at night.

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