



**Convention on the  
Rights of the Child**

Distr.  
GENERAL

CRC/C/OPSC/UGA/1  
7 April 2008

Original: ENGLISH

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**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**

**Initial reports of States parties due in 2004**

**UGANDA\***

[16 August 2007]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited before being sent to the United Nations translation services.

## **Preface**

Uganda is committed to the full realisation of children's rights as enshrined in the Convention on the Rights of the Child and its attendant Protocols. This is evident in the measure Uganda has taken to place its laws in conformity with the CRC and its attendant protocols, the administrative structures and the law enforcement mechanisms. This report presents progress made by Uganda on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. It is the initial report on this Optional Protocol. The report was developed based on the guidelines provided by the United Nations Child Rights Committee.

The report presents policy initiatives, child friendly legislations that have been enacted, programmes specifically for prevention and protection of children from sale, prostitution and pornography and the administrative and enabling environment for implementing the programmes and enforcement of laws. Government efforts have been enhanced by the contribution by the Civil Society organisation, Development partners as well as the private sector. Government on its part continues to provide an enabling environment, coordinate collaborative initiatives and monitors actions taken to fulfil the rights of children.

Uganda in the past had a specific framework for all actors to protect the rights of children in areas of survival, development, protection and participation. Following the embracing the Sector wide approaches, Uganda developed a Poverty Eradication Action Plan (PEAP) that is the overarching national planning framework. Children's concerns have been integrated into the PEAP and are therefore in the Sector Investment Plans through which all funding is channelled. The area of protection that is emphasised in the Optional Protocol has been dealt with under sectors such as health, education, justice law and order and social development. Government will continue to pursue these and will do further analysis in order to achieve full protection of children and enable them enjoy their rights.

Syda Bbumba

**Minister of Gender, Labour and Social Development**

**List of acronyms**

<b>ADF</b>	Allied Democratic Forces
<b>ANPPCAN</b>	African Network for the Prevention and Protection Against Child Abuse and Neglect
<b>CAO</b>	Chief Administrative Officer
<b>CEAWC</b>	Eradication of the Abduction of Women and Children
<b>CFPU</b>	Child and Family Protection Unit
<b>CRC</b>	Convention on the Rights of the Child
<b>CR</b>	Children's Rights
<b>CRESS</b>	Child Rights Education and Support Services
<b>DDPs</b>	District Development Plans
<b>DPAC</b>	District plan of Action for Children
<b>FCC</b>	Family and Children's Court
<b>FIDA</b>	Federation International de Abogadabos (Uganda Association of Women Lawyers (FIDA-Uganda)
<b>GoU</b>	Government of Uganda
<b>GUSCO</b>	Gulu Support the Children Organization
<b>IRC</b>	International Rescue Committee
<b>LRA</b>	Lords Resistance Army
<b>MGLSD</b>	Ministry of Gender, Labour and Social Development
<b>NCC</b>	National Council for Children
<b>NGOs</b>	Non-Governmental Organizations
<b>PCA</b>	Penal Code Act
<b>PEAP</b>	Poverty Eradication Action Plan
<b>PSWO</b>	Probation and Welfare Office/Officer
<b>SCA</b>	Secretary for Children Affairs
<b>SCD</b>	Street Children's Desk
<b>SDIP</b>	Social Development Sector Strategic Investment Plan
<b>SPLA</b>	Uganda Bureau of Statistics
<b>UDHS</b>	Uganda Demographic Health Survey
<b>UN CRC</b>	United Nations Convention on the Rights of the Child
<b>UCRNN</b>	Uganda Child Rights NGO Network
<b>UK</b>	United Kingdom
<b>UN</b>	United Nations
<b>UNICEF</b>	United Nations Children Education Fund
<b>UNPAC</b>	Uganda National Programme of Action for Children
<b>UPE</b>	Universal Primary Education
<b>UPDF</b>	Uganda People's Defense Force
<b>UPFC</b>	Uganda Parliamentary Forum for Children
<b>UYDEL</b>	Uganda Youth Development Link

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## **Introduction**

1. The government of Uganda ratified the United Nations Convention on the Rights of the Child (UN CRC) in 1990. In 1996 Uganda domesticated the CRC by enacting a law for children, the Children Statute, now Children Act (Cap 59), Laws of Uganda. To further strengthen the protection of children, Uganda also ratified the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography on 19<sup>th</sup> August 2002. Since this came after the domestication of the Convention, there is need to ensure that all provisions of the Optional Protocol become part of the national legislation to facilitate adequate protection of the rights of children. This will be done during the revision of the Children Act that is currently underway.

2. This report is a fulfilment of the obligation of States Parties to produce an initial report on the progress made in the implementation of the Optional Protocol from the time of ratification. The report is based on the guidelines provided for reporting by the UN Committee on the Rights of the Child.

### **Public administration**

3. The public administration system of Uganda comprises of the centralised system that focuses on central governments depending on the Parliament as the national legislative body and the government ministries and departments as the administrative units. Government Ministries have been decentralised and have officers performing their activities under district local governments. The Local Government system consists of both the elected District Councils the public administrative units.

### **The economy of Uganda**

4. Uganda has experienced a strong economic growth over the past decade. Real GDP growth at market prices to date has averaged over 6.5% per annum since the early nineteen nineties. The determinant of Uganda's economic growth has been identified as the relative improvement in security, macroeconomic stability, and improvement in terms of trade resulting from coffee price boom in the mid-nineties. Industrial production has seen the highest growth per annum averaging 10.4%, the service industry has also been averaging a growth rate of 7.5% and agriculture has been averaging 4.4% growth per annum.<sup>1</sup>

### **Preparation of this report**

5. This report has been prepared after a process of consultation with the relevant government Departments, civil society institutions and other stakeholders. Documents were reviewed and interviews were carried out with key officials in the relevant institutions. The report has also benefited from case studies from selected districts or areas of the country most affected by the problems that the Optional Protocol seeks to address. A cross-section of stakeholders was

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<sup>1</sup> Poverty Eradication Action Plan 2004/5 Report Page 31.

consulted in two separate workshops targeting government officials, the civil society including those that represent children, and development partners. The preparation of the report has therefore taken into consideration the participation of all the relevant stakeholders.

## **I. IMPLEMENTATION OF THE OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY**

### **The Legal Status of the Optional Protocol in Domestic Law**

6. The government of Uganda ratified the Optional Protocol to the Convention on the Rights of the Child in 2002. This came at a time when the government had already enacted a specific law for children. To date there is no specific law that domesticates this Optional Protocol; however, some of the provisions are addressed in the Penal Code, that is the section on sexual offences, specifically prohibiting prostitution and sexual intercourse with a person below the age of 18 years; and the Media Council Act that gives the mandates the Media Council to monitor exposure of children to pornography. The review of the Children Act will also take into consideration all the protocols, including this one, to comprehensively address the rights of children.

7. The Constitution of Uganda provides for the protection and promotion of human rights and freedoms is a constitutional mandate enshrined in the 1995 Constitution of Uganda. Article 45 of the Constitution states that the rights, duties, declarations and guarantees relating to the fundamental and other human rights and freedoms specially mentioned shall not be regarded as excluding others not specifically mentioned. The Constitution in principle provides guidance on what should be in the enabling law and has therefore laid a foundation for review and reform of other laws to cater for protection of children against sexual abuse and exploitation as provided for in the Optional Protocol.

8. In this vein reviews have been planned including revision of the Sexual Offences Laws, the Domestic Relations Laws; and drafting of new legislation including the Domestic Violence law, among others. This Optional Protocol will form part of the guiding principles for law revision and drafting processes to consolidate its provisions in national legislation.

### **Institutional framework for implementation of the Protocol**

9. The implementation of this Optional Protocol to the UN Convention on the Rights of the Child in Uganda, like the implementation of the main UNCRC has been a collective effort by the Government, NGOs, donors, and religious organizations. As one of the key responses to the Optional Protocol, Government created an enabling environment for the implementation of the CRC and its attendant protocols. Through the decentralisation system of governance, administrative units have been formed at lower levels ranging from Local Council one at the village level to Local Council five at the district level. At all these levels there is a Secretary for Children who is responsible for all issues relating to children. In addition the public service has also provided for two Community Development Assistants at each sub-county to cater for social needs of communities including handling matters of children. At the district level there is Probation and Social Welfare Officer (PSWO).

10. In a bid to take services closer to the people, government created more districts, reducing the number of people each local government is supposed to handle. This in effect facilitates effective service delivery. Each district has a Police Station and at least two police posts in each sub-county. Government has also designated Family and Children Courts (FCC) in addition to the Magistrate's Courts in each district. These maintain law and order and provide legal services within reach for communities including children. Currently there is a toll free help line that children faced with abuse can call and solicit for help.

11. Government works closely with Development partners, NGOs and faith-based organizations to meet the needs of children and these have provided a significant proportion of the resources (financial, material, technical, human and organizational) for the implementation of these treaties. Some of the institutions that have been helpful in the implementation of the Protocol can be identified as below:

### **The Ministry of Gender Labour and Social Development**

12. The Ministry of Gender Labour and Social Development (MGLSD) takes the responsibility for the vulnerable and the marginalised in addition to mainstreaming gender at all levels of government. Children are a mandate of the ministry. The MGLSD has a Department of Children and Youth, Gender and Community Development and a Labour unit (handling child labour as well) and district staff. Under the Decentralization policy the role of line ministries is policy guidance, standard setting, capacity building and monitoring. The Ministry together with its partners has drafted the child labour policy, and more recently, the Orphans and Other Vulnerable Children Policy and Action Plan, 2004. The Ministry however, has some human resource limitations to effectively implement programmes affecting children affecting implementation of its activities.

### **The National Council for Children**

13. The National Council for Children (NCC) is a body that was created by government to coordinate and monitor all issues pertaining to children under the NCC Statute of 1996. After wide consultations with stakeholders, there has been consensus to restructure the NCC to make it financially independent and more autonomous, in order for it to carry out its role of providing a structure and mechanism for proper coordination, monitoring and evaluation of policies and programmes relating to the survival, development and protection of children rights. Consequently a Cabinet Memorandum showing details of the proposed bill to amend the NCC Statute of 1996 has been written by the Ministry of Gender, Labour and Social Development for consideration by Cabinet. It is proposed that NCC be replaced by a new body to be called Uganda National Children Authority (UNCA).

### **Uganda National Programme of Action for Children (UNPAC)**

14. On ratification of the CRC, Uganda prepared a framework document for implementing the CRC, the UNPAC, aimed at translating child survival, protection and development targets into government policies and sectoral plans. The lead agency for coordinating and monitoring it was the NCC. However, with the introduction of Sector Wide approaches, Uganda now has the Poverty Eradication Action Plan (PEAP) as its overarching national policy framework. The PEAP is also Uganda's Poverty reduction Strategic Paper (PRSP). During the preparation of the

PEAP and the two reviews, efforts were made to mainstream children's issues to form part of the core national planning framework. Several child rights issues have been integrated into the PEAP, a lot more can be done. Sector Investment Plans and other related policies including, the Social Development Sector Investment Plan (SDSIP), Education Sector Investment Plan (ESIP), Health Sector Support Investment Plan (HSSIP), Universal Primary Education (UPE policy), the National Gender Policy, among others, draw their plans and guidelines from the PEAP.

### **The Local Government Council**

15. The Children Act Section 10 provides for the support of children by local authorities. For every Local Council, there is an adult representative for children known as the Secretary for Children's Affairs. The implementation of the CRC and its attendant protocols take place at the district and lower levels where a larger percentage of the population is situated. Under the Local Government Act, policy implementation and service delivery is the responsibility of Local Governments, while the Central Government is responsible for setting of national goals and setting national priorities through policy, setting standards, and resource allocation so as to deliver services to their population. Local Councils therefore have an opportunity to influence planning and budgeting for children at the lower levels up to the district. Attempts have been made to make the district development plans (DDPs) "child-friendly", however, this has not happened throughout the country. A survey carried out by the MoGLSD revealed that only 73% of the districts had integrated childcare and protection activities into the DDPs. Districts still lack the capacity to fully integrate childcare and protection issues into their respective DDPs. The main reasons for this are; inadequate staff (in terms of quality and quantity); inadequate funds; and lack of awareness/appreciation of the issues affecting children by district authorities.

### **Uganda Human Rights Commission**

16. The Uganda Human Rights Commission is an independent Constitutional body established to promote and protect human rights. It is established under article 51(1) of the Constitution of the Republic of Uganda of 1995 and by the *Uganda Human Rights Commission Act No. 4 of 1997*. The function of the UHRC is to empower the public by giving them basic knowledge about their rights. The Commission is doing a lot in the areas of training police force and other child advocates on issues that concern child protection and investigating violations of Children's rights. It can and has made orders for appropriate redress where a violation is proven. While Article 50 of the Constitution gives a similar duty to the courts, the UHRC is not a substitute for the courts, but an additional organ available for citizens, especially those who may find it challenging to follow the ordinary legal system and it complements the work of the judiciary.

### **The Uganda Police**

17. There is a Children and Family Protection Unit (CFPU) in most police stations and these handle cases of child abuse and neglect including those provided by this Optional Protocol. This unit has been instrumental in protecting women and children from violence and abuse as well as educating the public on laws and legal procedures. However, it is note worthy to indicate that some districts/police stations do not have trained CFPU officers. Training more of such personnel and deploying them evenly throughout the country would go a long way to protect children from sexual exploitation as well as other rights violations.



18. The Criminal Investigations Department (CID) has the role to investigate criminal offences such as sexual abuse and exploitation. A well-conducted investigation facilitates a child's healing process, because the child knows that they are receiving justice and being protected.

### **Probation and Social Welfare Office (PSWO)**

19. The Probation and Welfare Officer is crucial in the care and protection of children through provision of technical guidance and advice (The Children Act Part V). The Probation and Social Welfare Officer is one of the central persons in the implementation of the Children Act and all other stakeholders interact with him/her at one point. Because the PSWO is based at district level, the Community Development Officers (CDOs) have been given authority to represent the PSWO at lower levels. One of the key responsibilities of PSWO in the implementation of the Optional Protocol is to assist the parents and the victims of sexual abuse obtain medical examination reports and to have evidence required in court, provide initial counselling to child victim and the family so as to cope with abuse and to also ensure that the child is protected from any form of abuse. Government faces the challenge of adequate funding for the offices of the PSWOs, which in turn affects fulfilment of children's rights; however, efforts have been made to fill the funding gap through resources from partners as well as other local government sources.

### **Family and Children's Court**

20. The Children Act Section 13 calls for the establishment of the Family and Children Court (FCC). The court has power to hear criminal cases against a child, except those which carry the maximum death sentence such as murder, defilement and rape; and civil cases related to only applications concerning childcare and protection such as maintenance cases, or parentage cases. Grade II Magistrates in the various districts in Uganda have the jurisdiction to handle cases brought to the FCC. While FCCs are not fully functional in all the districts, plans are underway to institute them in all districts. For cases beyond the FCC, children are tried in ordinary courts and are supposed to be detained in remand homes. Government has not been able to institute functional remand homes in all the districts; however, alternative places have been designated for remand of children in conflict with the law. Functional remand homes exist in Kampala, Kabale, Mbale, Kabarole and Gulu.

### **Uganda Child Rights NGO Network (UCRNN)**

21. UCRNN is a coalition of NGOs working in the field of child rights in Uganda. UCRNN aims to uphold rights and responsibilities as set out in the UN Convention on the Rights of the Child, the African Charter on the Rights and Welfare of the Child and the Uganda's Children Act. Coordination for about 70 NGOs working in the field of child protection and development is provided by the umbrella organization, UCRNN. While the UCRNN could have provided a good structure and mechanism for NGO co-ordination, it does not have adequate human and financial resources to effectively perform the requisite co-ordination functions. The challenge is to build capacity of the UCRNN to be able to co-ordinate the efforts of NGOs and other actors in the children's activities.

### **The dissemination of information to public about the Protocol**

22. Efforts on dissemination of the Optional Protocol is being done by Uganda Child Rights NGO Network (UCRNN), Save the Children in Uganda, the Uganda Human Rights Commission and a number of other focused organizations through posters, leaflets, brochures and pamphlets on the Sale of Children, Child prostitution and Child Pornography. A study by the MGLSD together with ILO/IPEC that has been widely disseminated also highlighted the problem and recommends urgent action to eliminate it.

### **Evaluation of the implementation of the Protocol**

23. This is the first report to the UN Committee on the CRC concerning the implementation of the Optional Protocol. Other measures that have been put in place to facilitate the evaluation of the implementation of the protocol include the following.

#### **Coordination efforts**

24. According to the decentralization policy, functions of central government department include: policy and legislative development, quality assurance (including monitoring and supervision) inspection, training, technical advise and guidance in their respective area of mandate. The lead agency for coordinating and monitoring the implementation of child rights related programme is the National Council for Children (NCC), while the MGLSD formulates policy, develops standards and carries out supervisor and monitoring of implementation. Quarterly and annual reviews and evaluations are done by these institutions; more can still be done with adequate provision of resources and strengthening of these institutions. Each line ministry is carrying out child advocacy and developing policies, which affect children independently as part of their mandates and not consciously as a process of implementing the Optional Protocol to the UN CRC. This situation will improve when NCC, the body which has the mandate to coordinate and monitor implementation of the CRC in Uganda is restructured as proposed in the government white paper on constitutional review.

#### **The PEAP**

25. The PEAP, which is Uganda's framework for development planning ought to support the implementation of the Optional Protocol. However, in its present form, the PEAP largely addresses and provides resources for the child's rights to survival (health) and development (education) while issues of protection and participation in matters that affect them still demands more attention. Initiatives under health and education therefore attract conditional grants from central government. Child protection and participation issues are not considered a priority hence they do not receive conditional grants. Local governments may prioritise them but have to raise local revenue to finance their implementation.

#### **A Street Children's Desk (SCD)**

26. A street children's Desk was established having realised that several offences mentioned in the Optional Protocol Article 3 para. 1 are mostly committed against street children whom the state has a duty to protect according to the Constitution. Uganda has over 10,000 street children in and 85% of these are homeless (Caritas Australia 2001). The Street Children's Desk (SCD)

together with the National Street Children Committee in the MGLSD department of Youth and Child Affairs co-ordinate activities of all NGOs working with street children. As a result a practice guideline and training manual for working with street children has been developed. A programme of reintegration of street children back into their communities has also been launched. Some success has been registered in Kampala after an exercise was undertaken in June 2002, involving removal of children from the streets. The exercise comprised of major phases namely removal, rehabilitation, resettlement and public mobilisation and sensitisation. Key actors such as the Solicitor General, Ministry of Justice and Constitutional Affairs, officials the National Rehabilitation Centre Police and Kampala City Council Welfare Department were involved.

### **Child Labour Unit**

27. A Child Labour Unit and the National Planning Committee on child labour has been set up within the Department of Labour, Employment and Industrial Relations, MGLSD. The members to the sub-committee were drawn from line ministries workers' and employers' representatives, NGOs, academia and the media. The purpose of the Unit and the committee is to develop programme to address the issue of child labour which includes child prostitution and pornography among other Worst Forms of Child Labour (WFCL) Pornography is one of the forms of commercial sexual exploitation. Over 64% of the children involved in prostitution are also engaged in pornography. Over 95% of the children are paid money for sex (MGLSD 2004).

### **The Uganda Parliamentary Forum for Children (UPFC)**

28. UPFC was launched on 15<sup>th</sup> July 2005 and it has since established 28 district policy networks. The UPFC is an advocacy forum in Parliament that undertakes the protection of children by initiating bills and reviewing legislature in favour of children's rights. Members of Parliament monitor the policies and programmes designed for children.

### **District-level mechanism**

29. Following the decentralization policy, the first DPAC was developed in January 1994. Since then, NCC and partners at the national level have facilitated the development of 34 DPACs now integrated into the respective District Development Plans. Local Government Authorities and District Development Committees ensure implementation of programmes for children at district and community levels. Key officers in districts responsible for implementation of children's concerns in the District Development Plans are: Secretary Children's Affairs (SCA), Chief Administrative Officers (CAO), District Planners, District Probation and Social Welfare Officers, District Education Officers and District Director of Health Services. A number of NGOs participate in the district planning and review meeting. Linkages between government and NGOs exist, but can be strengthened further.

### **Challenges of implementing the Protocol**

30. Budgetary allocations and expenditures on departments that are responsible for implementation of the Optional Protocol to the UN CRC is low both at the national and districts levels. From the analysis of central government on community and social services which include children among several other issues only less than 1% is allocated them. At the district level, the

situation is the same. The Community Services directorate which handles children among several other issues receives barely 1% of the financial resources. The other issue handled by community department include community development, gender, social rehabilitation, labour, culture and youth.

31. A detailed study of NCC and its functioning indicated inadequate funding and weak structure, thus the inability for it to effectively execute its mandate. Government has indeed in its White Paper on constitutional amendment accepted all the recommendations made by the Constitutional Review Commission on the restructuring of the National Council for Children (NCC).

32. The delay in domesticating the Optional Protocol is also a challenge on the part of the implementing institutions. While the Children Act has provisions relevant to the Optional protocol, it does not effectively provide for protection of children against sexual abuse and exploitation. This also means that these issues cannot be reflected in the PEAP and therefore cannot be implemented by the sectors and the districts. Government has noted the challenges associated with the children's law and is currently reviewing it to take into consideration the provisions in the Optional Protocols well as other concerns for children.

## **II. EXISTING LAWS ON PROHIBITION OF THE SALE OF CHILDREN, CHILD PORNOGRAPHY AND CHILD PROSTITUTION**

33. The Children Act does not have specific provisions against the sale of children, child prostitution and child pornography. It however assigns institutions and persons responsibility for the protection of the rights of children against all forms of abuse and exploitation. This is mainly because the Children law was enacted prior to ratification of the Optional Protocol. However, Uganda is committed to the protection of children from abuse and exploitation and this is to a large extent dealt with in the Penal Code, Cap.120.

### **Sexual exploitation**

34. The Penal Code prohibits sexual intercourse with a girl below the age of eighteen years,<sup>2</sup> which is defilement. The law however does not provide the same for the boy child, who is dealt with under indecent assault in the same law.<sup>3</sup> The law currently seems to protect the girl child more than the boy; however, this has been dealt with in an amendment bill that was tabled before the 7<sup>th</sup> Parliament seeking to amend the definition of defilement to cover both boys and girls below the age of 18 year. This Bill is yet to be passed and it is hoped that it will be a priority for the 8<sup>th</sup> Parliament as well.

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<sup>2</sup> Cap 120, Laws of Uganda S.129.

<sup>3</sup> S. 147.

35. The law also prohibits procurement of a girl below the age of eighteen years and any attempts to do so.<sup>4</sup> Other related offences are provided within this section on the law that emphasise protection of girl children from any form of sexual violence.

### **Abduction**

36. The practice of abduction has been reported in Uganda associated with the Lord's Resistance Army (LRA) who abduct both boys and girls and conscript them in the army and make them sexual slaves. Under the Penal, Cap. 120, this is dealt with under Section 126. This section of the law prohibits abduction in itself and the sexual act after abduction is then dealt with in the rest of the sections under defilement and procurement.

37. While abduction and sexual abuse is prohibited by law, it has been a challenge for the government of Uganda to address the problem because the rebels are at large. A few who have been apprehended have been punished while others applied for amnesty as provided by law. Government has also referred the matter of non-repentant rebel leaders to the International Criminal Court. An alternative option of a peace deal is also being pursued and it is hoped that this will provide lasting solutions to the problem.

### **Pornography**

38. The Penal Code also protects children against pornography<sup>5</sup> that includes dealing in obscene publications and pornographic materials; trading, distribution, publicly exhibiting, making or possessing obscene writings, drawings, prints, paintings, printed matter, pictures, posters, photographs, cinematography films tending to corrupt morals of others. The law further orders for destruction of such materials in pursuance of Article 7 of the Optional Protocol on confiscation goods and materials and proceeds from the offences. In addition the Electronic Media Act provides for the Media Council to protect children from exposure to pornography by monitoring activities of the electronic media.

### **Improperly inducing consent, as an intermediary for the adoption of a child**

39. According to Article 3 of the Optional Protocol the State Parties should ensure that the above act is covered under the criminal or penal law. The Penal Code<sup>6</sup> creates the offence of child stealing to cover the above act, that "any person who with the intent to deprive any parent, guardian or other person who has a lawful charge over the child under the age of fourteen years forcibly, fraudulently, entices or detains the child or harbors him/her, commits a felony and is liable to imprisonment for seven years."

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<sup>4</sup> S.131 and 132.

<sup>5</sup> S. 166.

<sup>6</sup> S. 159.

40. Government realises the need to consolidate all laws relating to children in the Children Act. The revision of the Children Act will take into consideration all the above provisions as well as those in the Optional Protocol that are not yet adequately dealt with.

### **III. PENAL/CRIMINAL PROCEDURE**

#### **A. Legislative jurisdiction over offences**

##### **The Constitution**

41. The Constitution is the supreme law of the land giving binding force on all authorities and persons throughout Uganda Article.<sup>7</sup> The Uganda Constitution provides for respect for human dignity and protection from inhuman treatment,<sup>8</sup> protection from slavery and servitude,<sup>9</sup> and for the rights of children generally, including the best interest of the child, the rights to education and the rights to protection from social or economic exploitation, among others rights.<sup>10</sup> All these provide a framework within which enabling law should be drafted.

##### **Government making bodies**

42. The governance system has institutions that are responsible for law making. The main institution in charge of the law making process and its implementation is the Ministry of Justice and Constitutional Affairs. In addition, the government put in place the Uganda Law Reform Commission to study and review all laws and matters of legislation and recommend to Parliament for legislation or amendment.<sup>11</sup> Currently the Uganda Law Reform Commission is spearheading the review of the Children Act, identifying all contradictions, missing provisions including issues in this Optional Protocol that need to be domesticated in the Act.

##### **Parliament**

43. The Constitution gives Parliament power to make laws on all matters.<sup>12</sup> The laws are drafted by the Ministry of Justice and Constitutional Affairs, approved by Cabinet and tabled before Parliament to debate and enact them.

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<sup>7</sup> 1 (3) Constitution 1995.

<sup>8</sup> Article 24.

<sup>9</sup> Article 25.

<sup>10</sup> Article 34.

<sup>11</sup> Statute No. 6 1990.

<sup>12</sup> Article 79.

44. The institutions responsible for legislative jurisdiction over the sale of children, prostitution and child pornography are therefore in place and the guiding principles are provided by the Constitution. It only remains for existing laws to be amended and where need be, a specific law provided to domesticate the Optional Protocol. The review of the Children Act will be the main determinant of the course of action.

## **B. Judicial jurisdiction over offences**

### **Jurisdiction of Courts**

45. Uganda has made efforts to have courts at all levels in the community. These range from the lowest court system based on the local council system to the statutory systems that include Magistrate's Courts and High Court. The Judicial jurisdiction over offences is determined depending on whether the offence is criminal or civil. Article 129, Section 1 of the Constitution states that, the judicial power of Uganda shall be exercised by the courts of Judicature, which shall consist of:

- (a) The Supreme Court of Uganda;
- (b) The Court of Appeal of Uganda;
- (c) The High Court of Uganda.

There are also Magistrates Courts ranging from the jurisdiction of Chief Magistrate, Magistrates Grade I and II. At the community level cases are also handled by the Local Council Executive. The offences arising from crimes relating to the Optional Protocol largely fall under the jurisdiction of the High Court, that is, those whose maximum sentence is either life imprisonment or death.<sup>13</sup>

46. The Local Council Courts do not have the mandate to try any cases relating to sexual abuse and exploitation, however, due to proximity to communities, they have become the initial point of reporting. They support the communities to access the right channels of reporting. In addition, at each local council, there is a Secretary for Children who handles all children's concerns in the community.

## **C. Administrative jurisdiction over offences**

47. Uganda has set up adequate institutions to handle administrative issues of children whose rights are violated under the Optional Protocol. These include the Directorate of Public Prosecutions (DPP), the Police, the Probation and Social Welfare Office (PSWO). These are located at both the central government level and local governments. Emphasis is placed in the local governments (districts) since most of Uganda's population is rural and services can reach them better in their local governments.

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<sup>13</sup> S.157 Magistrates' Courts Act.

### **The Director of Public Prosecutions (DPP)**

48. The institution that handles investigations of cases relating to offences under the Optional Protocol is the Directorate of Public Prosecutions.<sup>14</sup> The powers of the Directorate of Public Prosecutions are of a general nature applying to all criminal proceedings and include investigation, institution of criminal proceedings under a competent jurisdiction. The directorate has representation in all the districts for proximity with the communities including children.

### **The Uganda Police**

49. The police have been mandated under sections 31 of the Police ACT, part V, to institute criminal proceedings against individuals involved in criminal activities including the violation of the rights of children. Accordingly, there is a Family and Children's Unit in many police stations that handles cases of child abuse and neglect. By reporting to this unit the police officer investigates into the matter and takes relevant action. In addition, the Criminal Investigations Department (CID) role is to investigate criminal offences such as sexual exploitation or sexual abuse of children. These work hand in hand with those specifically trained to handle children and family matters. The challenge still remains to have adequate numbers of these specialized police to adequately provide redress to children who are abused.

### **The Probation and Social Welfare Office (PSWO)**

50. The Probation and Social Welfare Officer is crucial in the care and protection of children through provision of technical guidance and advice (The Children Act Part V). The PSWO is the central person in the implementation of the Children's Act and all other stakeholders interact with him/her at one point on children's concerns. One of the key responsibilities of PSWO in the implementation of the Optional Protocol is to provide access to justice and other forms of redress to victims of sexual abuse including, obtaining a medical examination report, having adequate evidence required by court, providing initial counselling to child victims and the family so as to cope with abuse and to also ensure that the child is protected from any form abuse. To make easy the work of the PSWO, government also has two Community Development Assistants (CDAs) in each sub-county. A district consists of several sub-counties, ranging from a minimum of eight to a maximum of 31. The CDAs handle children's issues at the lower levels and where there is need, refer them to the PSWO. Likewise, the PSWO may refer a child to a CDA for continued support after redress has been initiated or provided.

### **Extradition**

51. There is some evidence that Uganda is a source country for trafficked persons, primarily women and children. Over the past eighteen years, a terrorist organization, the Lord's Resistance Army (LRA), has abducted tens of thousands of women and children and forced them to carry stolen goods, to cook, to serve as sex slaves and to become rebel soldiers. There is no other evidence of trafficking under circumstances different from the above.

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<sup>14</sup> Article 120, Constitution.



52. Uganda does not have strong specific actions and legislations to deal with trafficking save for the regular legal framework. Under the law, the Penal Code prohibits trafficking. Any violation of this law leads to prosecution under the criminal justice system. The government of Uganda however is using the military approach to deal with the LRA rebels who abduct children and take them to the Sudan and other bases where they are located for purposes of using them as sex slaves and otherwise. Some children have been rescued militarily, others have escaped from the rebels while the UN and the Civil Society are using the negotiation and advocacy approaches to get the rebels release the children. This has also resulted in the return of some children, however, a large number still remain in captivity. The only workable legal procedure instituted against the rebels considering that they have their bases in and out of Uganda is the request to the International Criminal Court to prosecute their leaders. In order to deal with the problem of child abduction by children, the Uganda government has also set up the Amnesty Commission to receive offenders and grant them amnesty. It is hope that this would put an end to the insurgency and the children would in turn be released.

53. With the practice of trafficking being on the increase in some countries, Uganda will not be free from the vice for a long time. There is need for Uganda to enact a law that can effectively protect children from trafficking both from within and outside the country. This would require considering provisions in the Optional Protocol that lead to extradition of perpetrators who may have left the country. The government will also work at a law that will monitor and return into the country children who are trafficked and provide them with psycho-social support to address the trauma they faced during abuse.

#### **Other measures**

54. A committee for the Eradication of the Abduction of Women and Children (CEAWC) was set up on the basis of the Presidential decree in 2002. The government has also worked in partnership with both local and international agencies to offer support to the rescued children abductees. Some of these Organisations include, the UNHCR, UNICEF, the World Vision, the Gulu Support for Children Organization (GUSCO), the International Rescue Committee (IRC), Save the Children in Uganda, AVSI and the Kitgum Children and Women's Association (KICWA) among others.

### **IV. PROTECTION OF THE RIGHTS OF CHILD VICTIMS**

#### **Measures adopted to protect rights and interests of child victims**

55. In light of Articles 8, 9 paragraphs 3 and 4, of the Optional Protocol, measures have been adopted to protect the rights and interests of child victims. Uganda as a signatory has several measures in place designed to prevent these abuses as well as protect children affected with these abuses as well as other rights violations.

#### **Protecting the best interests of children**

56. Article 34 (1) of the Constitution of the Republic of Uganda emphasizes the principle of best interest of the child. Section 3 of the Children Act also sets out this principle as the guiding principle in the making of any decision concerning a child. In order to popularise the best interest of the child as well as other provisions on child protection, the Children Act has been

disseminated among leaders, Local Councils specifically targeting Secretaries for Children, development workers, civil servants, communities and children themselves. In a bid to promote the best interest of the child, government has also gazetted institutions and designated Officers to oversee that the best interest of the child is maintained at all times and in all actions. These are the PSWOs, CDAs and Secretaries for Children at all levels whose mandate is to ensure children's rights are adhered to.

### **Initiating criminal investigations**

57. The police are empowered in the Police Act Cap 303, sect 31, to institute criminal proceedings to persons suspected of wrongdoing. Under section 27 of the Act, the Police can make searches while in section 24 they can make arrests. Following the ratification of the Convention on the Rights of the Child, the Police have designated a special unit known as the "Family and Child Protection Unit". These are found at almost all Police stations and posts and handle issues relating to the family, children and child abuse cases. This special unit ensures that children faced with abuse get redress with minimum delay.

58. The Family and Child Protection Unit have been very instrumental in handling cases of children arrested as prostitution suspects. In Uganda, prostitution is a criminal offence. According to the law, any person who benefits from the proceeds of prostitution commits an offence and is liable to arrest and criminal proceedings including imprisonment. This is one of the areas of law that creates challenges for the law because it discriminates against women and girls. The law on prostitution punishes the people who gain from prostitution but not their clients. In Uganda the trend has been that women are the service providers while the men are the clients. The law therefore punishes the women and not the men. In addition the area is a challenge due to contradictions to the law, making it rather difficult for law enforcers to effectively implement the law. The Penal Code Act criminalises sexual intercourse with a person below the age of 18 years; the law considers these persons incapable of consenting to sexual intercourse. The Children Act also protects children from being charged in the same manner as adults in matters of a criminal nature. However, the same Children Act places the age of criminal responsibility at 12 years. The Family and Child Protection Unit has been able to identify children from suspects of prostitution, counselled and released them.

59. Government does recognise that whatever remedies are currently in place are not adequate to protect children, especially those engage in prostitution. It is clear that this children are there for reasons beyond their control. With the increasing number of orphans and vulnerable children, the possible is that most of the children engaged in prostitution belong to this category. The form of vulnerability is children who are exploited and are therefore forced onto the street to engage in prostitution and bring the money to the adults in their lives. There is need for studies and analysis of this phenomenon. The review of the Children Act is one such process that will identify the underlying causes to this phenomenon and thereafter effectively provide for protection and redress of children faced with this abuse. In addition, the review process will harmonize all the laws relating to children to eliminate contradictions.

### **Making the procedures child sensitive**

60. Where children are in conflict with the law such as children being involved in prostitution among other cases, the Government has put measures for protection of their rights. The Uganda

government created the Child care and Protection Unit, the Family and Children's Court (FCC) and Probation and Welfare Officers (PSWOs), which are a specialized departments handling children matters. The FCC handle minor cases of children in conflict with the law and are located close the communities, e.g. at counties. Courts where children's cases are heard generally address children's issues in a friendly and a child sensitive manner. For example, children in conflict with the law are required to go to court or any other session related to what they suspected for together with the Probation Officer and the child's parent or guardian (Section 16 (1) (d) Children Act. The Children Act also requires that the proceedings be as informal as possible and by inquiry other than cross-examination. In addition, children have the right to legal representation (Section 16 (1) (e) Children Act (Cap 59). The civil society has contributed a lot in providing free legal services. These include, Legal Aid Project, FIDA Uganda, DANIDA and Legal Aid Clinic of the Law Development Centre. The Directorate of Public Prosecutions is also required to provide these services.

61. The civil society has also been vigilante in providing redress to children affected by sexual abuse. Such NGOs include, Hope After Rape, Uganda Youth Development Link (UYDEL) and Slum Aid Project. These provide services such as psychosocial counselling, vocational training and financing and other related support services. An annual report of UYDEL for the year 2004 indicates that it provided counselling to a total of 1560 children (639 boys, 921 girls).

#### **Protecting the privacy and identity of child victims**

62. Proceedings in court are held in camera and the media is therefore prohibited from publicizing court proceedings concerning children (Section 16 (1) (b) Children Act (Cap 59). The press is also barred from court proceedings involving children. Where a child's name and photo has to appear in any publication, the identification is changed and the face is hidden. These ensure the privacy of children and the protection of their identity.

#### **Ensuring the safety of child victims and others**

63. Currently, there is no specific law that ensures the protection families and witnesses, individuals and organisations from intimidation and retaliation in respect of pursuit of justice in defense of child victims. However, when this happens and it is reported, the Police always take action by cautioning the perpetrator. The civil society has again taken steps on this and provides protection services to child victims of sexual abuse and exploitation. Hope After Rape give custody to children while their cases are under investigations. In some cases, relatives of these child victims keep the children while their cases are handled to ensure safety.

### **V. PREVENTION OF THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY**

64. The most effective way of protecting children from child sexual abuse, child pornography and child stealing is prevention. It is generally acknowledged that it is better to take steps to prevent child abuse, neglect and exploitation than to deal with its consequences. Preventive strategies should be specific about what is being prevented, how it can be achieved and the demonstration of the results. There are many possible strands, including livelihood issues, education and training, awareness raising, measures to protect women and children, visible procedure for reporting and monitoring instances of abuse, neglect and exploitation, and an

effective police and judiciary system. There are direct and indirect measures and institutions that have been put in place to prevent the above offences from taking place. They include the following.

#### **A. Administrative measures**

65. Administratively, there are several institutions mandated by government to provide preventive measures to prevent child trafficking, child pornography and child prostitution. These include measures right from the community level where there are Secretaries for Children in the Local Councils. At the village level, Local Councils represent ten (10) family units. These have among them also the Secretary for Defence. The people in each village are registered with the Local Councils and visitors to the village have to be reported. Village Local Councils are also linked. They build up into Local Council two (2) consisting of many villages and go up to LC 4 for municipalities and LC 5 for districts. These have been helpful in identifying wrong members in communities as well as strangers who may take advantage of children. They also follow up through their LC network in case a crime is reported.

66. Within the government civil service, there are Community Development Assistants and Community Development Officers at sub-county level who support the Probation and Social Welfare Officer based at the district. There is a fully fledged Community Services Department at the district. These sensitize communities delivering messages on protection and in case of abuse where it should be reported and the relevant procedures to be taken. To prevent trafficking, the Immigration department has strict border check points at every terminal and can easily identify persons wrongly taking children out of the country. The challenge has been trafficking as a result of abduction that sometimes beats the UPDF and get away with the children. Efforts have been made to follow up some of these children and reintegrate them with their families.

67. Among the civil society, Save the Children is working in partnership with local authorities to combat the phenomenon. The organisation working in partnership with local organisation is mobilizing the communities and training them to be able to detect cases of child trafficking and to offer the necessary protection. Save the Children has for example identified bus terminals as entry points for protection of children under the risk of being trafficked. The taxi touts and bus owners or operators, are accordingly trained to interview children and ask them where they are going. By interviewing children, they are able to get details about the safety of children on account of where they are going. Others like Kids in Need have removed children from the streets who are at the risk of entering child prostitution and being exposed to pornography.

#### **Universal Primary Education**

68. Children out of school are most susceptible to engage in activities like pornography and prostitution as they do not have full time occupation. Some spend most of their time in places like bars, lodges and restaurants, markets and helping out with domestic chores, some of which expose them to dangers of exploitation (MGLSD 2004). Children are also employed as domestic workers and this makes them very vulnerable to sexual abuse and exploitation as well as trafficking.

69. Government has introduced Universal Primary Education (UPE) whose intention is to have all school going children accessing education. This has been faced with the challenge of high

drop out rates and low achievement rates. Some children are still out of school due to lack of other facilities such as scholastic materials and other social factors such as HIV/AIDS in the family, child headed families and a host of other challenges. There are demands on the government to make UPE compulsory and to address those challenges that face children with special needs that keep them out of school. In the current Poverty Eradication Action Plan, government also plans to open up vocational training institutions to absorb UPE graduates. In addition, this year (2006) government has declared Universal Post Primary Education and Training (UPPET). This will go a long way to protect children from these vices.

70. The girl child is more prone to these abuses and government has specifically instituted affirmative action to facilitate girls' entry into tertiary education by adding 1.5 points to their final school examination scores. This has seen more girls getting to higher levels of education than in the past. The numbers are still low but progress is being made. Other support to the education sector includes UNICEF's support to the government of Uganda working together with other development partners to develop and launch the National Strategy for Girls' Education in Uganda. The strategy aims at eliminating barriers arising out of socio cultural factors like early marriages, discrimination of girls, engagement in domestic work, and FGM been identified as form of sexual exploitation by CEDAW. However, there is a lack of a policy framework to make children remain in school in after enrolment. Girls have especially continued to drop out of school due to voluntary/uninformed and forced marriages. Over 60% of girls drop out at A- level while the girl drop out rate at O-level is 30% (UNCRNN 2002).

#### **MGLSD**

71. Efforts taken by government to prevent the sale of children, child prostitution and child pornography has been through the creation of child labour unit and Street Children Desk in the MGLSD. The MGLSD has also done various sensitization programmes. The Ministry gives support to NGOs, which encourages them to be involved in activities geared towards the prevention of child prostitution, sale and pornography for example the ministry has given Save the Children in Uganda a financial grant to implement a Programme called "Child Protection and Empowerment". The Ministry is also in the process of developing a Community Mobilization and Empowerment Strategy with support from development partners such as UNICEF, DFiD, DANIDA, UNDP, Development Cooperation of Ireland, GTZ, among others. These programmes remind parents of their duty to provide education to all their children and to avoid getting them to marry early. Other messages that are delivered include health conditions that arise out of early marriage and pregnancy including the risk of HIV/AIDS infection.

72. The Department of Labour in the Ministry of Gender, Labour and Social Development has been able to raise awareness on the Worst Forms of Child labour with financial and technical support from a UN body ILO/IPEC as well as media organisations. In this partnership, the media organisations have educated the masses and laid the foundations for elimination of the Worst Forms of Child Labour. The government is yet to pass a law the censures pornographic materials for example on the Internet. In the print media, those involved can be subjected to the law, but they use loopholes in the existing laws to continue publishing pornographic material which affects children. All these loopholes will be identified and addressed in the revision of the Children Act. However, there is also the need to harmonise all laws to be responsive to the rights of children.

## **Uganda Human Rights Commission**

73. The Uganda Human Rights Commission is an independent Constitutional body established to promote and protect human rights. The function of the UHRC is to empower the public by giving them basic knowledge about their rights. In addition to educating the masses on issues of rights, the Human Rights Commission has investigated child abuses under the regimes prior to the NRM Government and has already submitted its report to Government. Currently the Commission investigates and reports matters of child abuses to government. It has recently introduced the department for children that specifically handles children's issues considering the increase on abuses on children. While the Commission is making considerable effort to fight child abuse and neglect and exploitation through highlighting cases of abuse, limited success has been realised in bringing to book the culprits. The Commission has however, successfully brought to book some culprits on negligence and failure to maintain their children.

### **B. Legislative measures**

#### **The Uganda Constitution 1995**

74. The Uganda Constitution 1995 (Chapter 1 Article 34 (4) provides for the protection of children from hazardous and exploitative labour. The Constitution spells out the following rights of children; Children are entitled to be protected from social and economic exploitation and shall not be employed in or required to perform work that is likely to be hazardous or interfere with their education to be harmful to their health or physical, mental, spiritual, moral or social development. This provision has been compounded under the Children Act Cap 59.

75. The Constitution outlines the duties and obligations of the State. It effectively outlines the fact that the State is responsible for acting through its institutions to protect and prevent children from abuses for example the Uganda Human Rights Commission. While the Constitution has laid down the duties of the institutions in protecting children's rights, the enforcement and implementation is left to the state organs such as the line ministries in particular the MGLSD. At the moment the government needs to popularize the Constitution underlining the key factors that violate the rights of children. Popularizing the Constitution requires that the Constitution is translated into local languages and made available to communities. Communities also need to be educated about the contents.

#### **The Penal Code Act (PCA)**

76. The PCA has also played a vital role in the prevention of sale of children, child prostitution and child pornography. The measures are enshrined in section 147 of the penal Code Act states that any person who unlawfully and indecently assaults a boy under the age of eighteen commits a felony and is liable to imprisonment for fourteen years, with or without corporal punishment. It further stipulates under section, Section 131 subsection 1(a) states that, any person "who, procures or attempts to procure any girl or woman under the age of twenty-one years to have unlawful connection, either in Uganda or elsewhere, with any person or persons; b) procures or attempts to procure any woman or girl to become either in Uganda or elsewhere, a common prostitute; c) procures or attempts to procure any woman or girl to leave Uganda, with intent that she may become an inmate of or frequent a brothel elsewhere; or; d) procures or attempts to procure and woman or girl to leave her usual place of abode Uganda, such place not being a

brothel, with intent that she may, for the purposes of prostitution, become an inmate of or frequent a brothel either in Uganda or elsewhere, commits an offence and is liable to imprisonment for seven years". It's upon this Penal Law that courts and the police criminalize and penalize child offender.

### **The Family and Children's Court**

77. The FCC handles matters concerning families and children. The court has power to hear criminal cases against a child, except those which carry the maximum death sentence such as murder, defilement and rape; and civil cases related to only applications concerning childcare and protection such as maintenance cases, or parentage cases.

78. NGOs in collaboration with government have put in place innovative model projects like Save the Children's Child Rights Education and Support Services (CRESS). There is good working relationship among NGOs and between NGOs and government of Uganda on children's issues. Government should be commended for providing an enabling environment for promotion of children's rights. It should however be noted that such interventions are on a very small scale (CRESS project operates in only 2 districts out 81 and even within the 2 districts the project is only active in 9 out of 33 lower local governments).

79. As a result of this collective effort, a number of achievements have been recorded. These include: increased awareness by community of the problem and as a result more crimes are being reported to Police and LCs; more arrest of violators; children and families are becoming more aware of the dangers of child sexual abuse; reporting of early marriages (sometimes the children themselves); and a successful network and collaboration has been established between NGOs and Government. The following NGOs have been key in tackling the problem of child sexual exploitation and abuse: Slum Aid Project, Reproductive Health Care initiative, Family Protection Unit in the Uganda Police, Uganda Association of Women Lawyers (FIDA), Friends of Children Association, Uganda Muslim Supreme Council, African Network for Prevention and Protection against Child Abuse and Neglect (Uganda Child Rights NGO Network (UCRNN), National Association of Women's Organization, African Centre for Treatment and Rehabilitation of Torture Victims, Uganda Youth Development Link(UYDEL), Legal Aid Project and Hope After Rape.

### **Means used to raise awareness about the offences prohibited by the Protocol**

80. Both Government institutions and NGOs have, with the support of donors, been involved in awareness creation through development and distribution of child rights advocacy materials. Some of the materials specify worst forms of child labour like the ones talked about in the protocol. These materials are produced in various forms and format such as; calendars, posters, brochures, t-shirts, caps and audio/visual materials on child sexual exploitation which is part of the Optional Protocol. Dissemination of The Children Act is also done through debates, essay competitions, music, dance and drama, child rights clubs in schools and Child rights Advocates in the communities. This law for children has also been simplified and translated into some languages; more needs to be done considering the diversity of languages spoken in Uganda. The day of the African Child that is commemorated annually is used as a special day to advocate for

children in general. While much has been done on the sensitization and awareness of the Convention on the Rights of the Child in general, there have not been much efforts geared towards the Optional Protocol on child sale, prostitution and pornography.

### **Participation of children, communities and victims of abused is ensured**

81. Children especially in schools, have opportunities to express their views through songs, drama, debates, clubs and story telling. A major IEC campaign is the Sara initiative, which is being implemented to promote the development of the girl child. Through such means the children and communities learn how to avoid circumstances that expose them to child sale, prostitution and pornography. Children engaged in these initiatives are supported to discuss in a participatory manner matters relating to the Protocol. This happens where the facilitators are well trained. Comparatively, such initiatives only reach a handful of children.

## **VI. INTERNATIONAL ASSISTANCE AND COOPERATION**

### **Prevention**

82. In light of article 10 paragraph 3 of the Optional Protocol Uganda as a State Party cooperates with the international community in addressing issues like poverty and under development, which contribute to the vulnerability of children and consequently to the sale of Children, Child Prostitution, Child Pornography and Child Sex Tourism. The ILO-IPEC programme on 'Building the Foundations for Elimination of the Worst Forms of Child Labour' is one of the international initiatives that have been undertaken. This programme addresses wider issues of child labour including building institutional capacity, increasing awareness about the problem, building the knowledge base through research and undertaking direct action programmes. Child prostitution and pornography are some of core elements addressed under the programme.

83. International organisations are also extending support to rehabilitation and resettlement of formally abducted children in the northern part of the country. These include UN agencies such as UNDP, UNOCHA, WFP, UNICEF and donor agencies. The partners are further urging the government to resolve the conflict through peaceful means as in a bid to reduce risks of abduction and trafficking that children suffer.

### **Protection of victims**

84. Child victims are given physical and psychological recovery services where child victims are rehabilitated and counselled. ANNPCAN a regional organisation provides services to child victims. ANNPCAN Uganda Chapter serves as a national centre for the prevention and protection of children against child abuse and neglect as well as for the promotion, defense and advocacy for child rights. World Vision, Save the Children in Uganda and IRC are all involved in providing services to children in the north who are rescued from abduction. It is important however to underline the fact that the services are very much limited and many children cannot be adequately reached.



## Law enforcement

85. Uganda has ratified several international and regional instruments, which give special protection to children. The positive act of ratification has committed the government to comply with the obligations set out therein, for example, enacting or amending existing laws to bring them in conformity with the instruments. On analysis of the legal status of the Optional Protocol in domestic law in Uganda, to a large extent article 3 paragraph 1 has indeed been to a large extent incorporated into the domestic legal instruments and especially as seen in our criminal law the Penal Code Act Cap 120 and the Children Act Cap 59. The police, CFPU and the courts ensure that the law is enforced and justice administered. Despite the legal framework, the resultant effect has been that a lot of factors, notably cultural and socio-economic have tended to overtake its efforts as far as children's welfare is concerned.

## REFERENCES

- ANPPCAN (1999). *African Charter on the Rights and Welfare of the Child*. Nairobi. Kenya.
- GoU (2000). *Implementation on the UN Convention of the Rights of the Child in Uganda*. Kampala: First periodic Report Ministry of Gender, Labour, and Social Development.
- ILO & MoGLSD (2004). *Report of the Sectoral Study on Child Labour and commercial Sex Exploitation of Children in Uganda*. International Labour Office and Ministry of Gender Labour and Social Development. Kampala. Uganda.
- MFPEP (2002) *The Poverty Eradication Action Plan; A Summary Version*. Ministry of Finance Planning and Economic Development.
- Sanyu Semafumu and Anne-Marie Nassali Ssemakula (July 1995). *Suffer the Children: A preliminary investigation into Child Abuse in Uganda*. FIDA Uganda. Kampala. Uganda.
- Kamya S, Chemonges E., Mwendu J, (2004). *Child Development: Issues and trends in children's rights. Course content for the training practitioners and Social Workers*. Dept. of SWSA Makerere University Kampala.
- The Republic of Uganda (2003). *The UN CRC: What has been achieved in Uganda and what remains to be done*. A summary of the first periodic report. MoGLSD. Kampala. Uganda.
- The Republic of Uganda (2003). *SDIP 2003-2008: Integrating human progress with economic growth for sustainable development*. MoGLSD. Kampala. Uganda.
- The Republic of Uganda (July, 2001). *Implementation of the Children Statute 1996: Local Council Guidelines*. Save the Children UK in collaboration with MoGLSD. Kampala. Uganda.
- The Republic of Uganda (1995). *The Constitution of the Republic of Uganda*. Kampala. Uganda.
- The Republic Uganda (1970). *The Magistrates' Courts Act, 1970. Act No. 13 of 1970*. Kampala. Uganda.
- The Republic of Uganda. (1997). *The Children Statute 1996*. Kampala. Uganda.

The Republic of Uganda. (2003). *The Children Act*. Kampala. Uganda.

UCRNN (2003): *Uganda's Poor Vulnerable Children, The PEAP and The Rights of the Child; An Analysis of the PEAP from a Child Rights Perspective*. Kampala, Uganda Child Rights NGO Network.

Uganda Child Rights NGO Network (2005). *NGO complementary report on the implementation of the UN Convention on the Rights of the Child*. Kampala.

UNCRC: The United Nations Convention on the Rights of the Child, 1989.

Walakira E. J: An Investigation into Commercial Sex Exploitation of Children in Uganda, published in Mawazo Journal Vol. 8 June 2002.

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