



Convention on the Rights of the Child

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Summary record of the 1059th meeting

Held at the Palais Wilson, Geneva, on Thursday, 15 September 2005, at 3 p.m.

Chairperson: Mr. Doek

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The meeting was called to order at 3 p.m.

Consideration of reports of States parties (agenda item 4) *(continued)*

Second periodic report of Uganda (CRC/C/65/Add.33; list of issues (CRC/C/Q/UGA/2); written replies by the Government of Uganda to the list of issues, document without a symbol distributed in the meeting room in English only)

1. *At the invitation of the Chairperson, the delegation of Uganda took places at the Committee table.*
2. **Ms. Bakoru** (Uganda) stated that the Government of Uganda was cooperating with the World Bank, Norges Bank and the European Union with the aim of keeping the peace in the north of the country and had set up a committee to facilitate that process. Uganda had no need of international peacekeepers, as the Government was capable of handling that internal conflict.
3. One of the missions of the National Council for Children, whose restructuring was among the goals of the social development plan, was to remedy the problems of children in the north of the country, for which it required more autonomy. It was true that the restructuring was behind schedule, but the delay was not due to any hidden Government agenda. The Council was now having to cope with a whole range of new problems, and that made it all the more necessary for it to be restructured and given greater autonomy.
4. The Poverty Eradication Action Plan rested on four pillars: good governance, a sustainable economy, economic development and higher revenues. Its goals needed to be achieved through a variety of programmes, not least in the education and health sectors, and that would have medium-run consequences for the situation of children.
5. Secretaries for children, who were elected by local committees, brought children's issues to light and listened to children in different forums. Those forums would be developed as part of the restructuring of the National Council for Children.
6. Uganda had a law forbidding corporal punishment, but the measures taken to implement it had come up against the large cultural component of the phenomenon, which was bound up with the mindset of the country's people. Some teachers believed that the disappearance of corporal punishment was a cause of indiscipline among children, and it was that type of problem that needed to be tackled at the root. Incidentally, protection for children's rights needed to be accompanied by measures to instil in them a sense of responsibility.
7. Children were sometimes expelled from school as a non-violent form of discipline, but that punishment could have very adverse consequences for them and it was helpful if parents insisted on their children being allowed to sit the exam.
8. The problem of child soldiers in Uganda primarily concerned children who were forcibly enlisted in the conflict on the side of the rebel forces; some had been rehabilitated and gone back to school upon their return. Some young people lied about their age to enlist in the Ugandan army, and since physical appearance was not always a reliable guide to age, efforts were needed to solve the problems stemming from the lack of birth certificates.
9. In the north, people living on the outskirts of towns or displaced persons' camps benefited from military protection, but villagers, including children, did not, and they went to seek refuge in the safe zones at night to avoid abduction by the rebels. They slept in the streets unprotected and were at risk of sexual or other types of abuse. The Government was of course responsible for child protection, but the situation was difficult.
10. **Mr. Filali** wished to know the extent of judicial regularization of civil status.

11. **Ms. Bakoru** (Uganda) said that the lack of birth records was a serious problem. The Ministry of Justice was responsible for practical measures to deal with it, while the role of the social sector was to raise public awareness. There had been delays in that programme, implemented with the United Nations Children's Fund (UNICEF), but cooperation with the Ministry of Justice held out the promise of progress in that area.
12. **The Chairperson** asked what steps were taken to determine that young people without birth certificates were aged over 18 when recruited into the armed forces and local defence units.
13. **Ms. Bakoru** (Uganda) replied that local councils formulated a recommendation on young recruits at the time of enlistment after checking that they had completed all their schooling, so as to deduce whether they were over 18 years old.
14. **Mr. Ssonko** (Uganda) explained that the law forbade recruitment officers to enlist anyone appearing to be under 18 or over 30 years old. Furthermore, applicants had to provide a letter of recommendation from their local council and information about themselves, including their date of birth and education level. The recruitment teams included qualified doctors responsible for ascertaining applicants' age and state of health. Recruitment centres were open to the public, so that representatives of non-governmental organizations (NGOs) had the opportunity to monitor the process.
15. **Mr. Filali** asked whether Uganda had any intention of lodging a complaint against Mr. Joseph Koni before the International Criminal Court for crimes against humanity.
16. **Ms. Bakoru** (Uganda) replied that Uganda had already brought Joseph Koni's case before the International Criminal Court, despite advice to the contrary from some members of the international community.
17. **Ms. Ouedraogo** asked what measures had been taken to register people who had not been registered at birth and whether the Government meant to take measures to protect children in the north who left their homes at night to take refuge in a safe place because they feared abduction.
18. **Ms. Bakoru** (Uganda) replied that the Government had undertaken to protect vulnerable children in the north of Uganda but had come up against the problem of inadequate resources and capabilities. The Government had not sought external aid because the issue was intermittent and was not of a scale to justify it.
19. **Ms. Smith** asked whether the education budget was not inadequate, given that it accounted for just 2.5 per cent of the budget.
20. **Ms. Bakoru** (Uganda) stated that the Government wanted to change things but the country was still fragile. The Government's first priority was good governance and security, which came before education, the budget for which was indeed inadequate, followed by health.
21. **Ms. Ouedraogo** asked whether antiretroviral drugs were available for children suffering from HIV/AIDS. She also wished to know whether children returning from armed conflicts, 50 per cent of whom were seropositive, were systematically identified and received treatment as necessary.
22. **Ms. Bakoru** (Uganda) replied that antiretroviral drugs were provided to some of the population but not everyone had access to them. Their price had fallen and they were available at all regional and district hospitals. A great deal of research into generic drugs had been carried out in the country and they were used where possible, as they were less expensive.

23. The minimum age of marriage was set at 18, and marriage at younger ages was an infraction for which the penalty was so prohibitive that people invariably avoided reporting any transgressors so as not to create problems in the community. However, there was a highly effective paralegal programme to assist and advise those concerned. The State did not sanction such marriages and took the view that the age of consent should not be lowered, not least because of HIV/AIDS. Dialogue was ongoing between civil society and the legislature, but there were no current plans to ease the law.

24. **Ms. Aluoch** asked whether it was true that hearings in child abduction cases were public and, if so, whether that system did not risk harming children, particularly girls.

25. **Ms. Bakoru** (Uganda) replied that hearings took place in camera. The law on sex offences, a legacy of colonialism, and the articles in the Penal Code outlawing child abduction were currently being amended to bring an end to the discrimination that applied with regard to the age of sexual consent, which usually resulted in boys being charged while girls were protected.

26. Uganda feared that if it facilitated adoption by ratifying the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, children might end up being adopted for the purposes of drug trafficking, human trafficking or terrorism, among other things. The country had accordingly passed very stringent laws under which potential adopters had to have a supervised relationship with the child concerned for at least three years.

27. Specific programmes had been put in place for children from two minorities, the Batwa (Pygmies) and Karamojong (nomadic herders). Because the Karamojong depended for their livelihood on the water their flocks required, itinerant teachers had been trained to provide those children with an “alternative basic education”.

28. **Ms. Ouedraogo** was under the impression that the sexual offences bill had been held up for some time, even though that issue was a very important one, given the known problems of sexual exploitation and abuse.

29. **Ms. Bakoru** (Uganda) replied that in-depth consultation and a major effort of persuasion were needed before laws going back in some cases to the 1960s could be amended and harmonized.

30. **Ms. Ouedraogo**, noting that the promotion and distribution of condoms in primary and secondary schools had been banned in April 2005, asked whether that did not risk compromising the progress made to date in the struggle against HIV/AIDS. Pointing out that the prevalence rate was reported to have increased by 0.3 per cent, she wished to know what measures were planned to reverse that trend and whether there were systematic arrangements to take care of AIDS orphans.

31. **Ms. Bakoru** (Uganda) stated that the strategy of Uganda relied on three equally important elements: (a) abstinence, and in particular a later age of first sexual experience, (b) limitation of the number of partners, in particular by combating polygamy in the Muslim community, and (c) condom use. For that strategy to succeed, it was obviously necessary to take account of the country’s economic realities and cultural diversity. The behaviour of young people was already changing and the prevalence of HIV/AIDS was falling among them. Groups of young people were choosing abstinence, which they saw as a way of strengthening morality, while condom distribution was perceived as encouraging sexual licence. The important thing was to let people choose their own lifestyles and give them the means to protect themselves.

32. **The Chairperson** asked whether Uganda meant to abolish polygamy as the Human Rights Committee had recommended.

33. **Ms. Bakoru** (Uganda) observed that extramarital relationships were by no means rare in monogamous societies and said that laws were easy to pass but much harder to apply, as it took time to change traditional behaviour.
34. **Ms. Khattab** stressed that it was Ugandan teachers who were claiming that curricula had been amended to favour abstinence alone, and asked for clarification.
35. **Ms. Bakoru** (Uganda) answered that the age of children needed to be taken into account. University students evidently needed access to condoms (even if that was not enough by itself to solve the problem), but it was not essential to bring up the issue in primary schools, especially since there were all sorts of programmes, meetings and events that existed to spread knowledge among young people and enable them to make informed choices.
36. In the Rakai region, where the first case of AIDS in Africa had been discovered, there were children who had become heads of families because all the adults had died of AIDS. It was usually grandmothers who took children in, even when lacking any source of income. Programmes had accordingly been put in place to assist elderly people, obtain housing for them and pay for the children's schooling. A large number of associations, many of them religious, had taken it upon themselves to pay for children's schooling, for example in the north of the country, where war had deprived parents of their livelihood.
37. Five of the six institutions that took in AIDS orphans had been modernized, and what were once appalling living conditions had improved considerably. All of them were now visited regularly by inspectors. Most of the children placed in those institutions had committed offences and would be in danger if left to themselves. Those establishments thus acted simultaneously as rehabilitation and protection centres. Juvenile justice was also evolving, with certain "minor" offences now being dealt with at the community level.
38. Informal adoption of children also posed all kinds of problems, and parents and relatives who took in AIDS orphans stood in need of psychological and financial support since, as a rule, parents suffering from AIDS depleted their financial resources before dying, so that their children were completely unprovided for. Those problems were given particular attention through the intermediary of "community vigilance" and family courts.
39. The optional protocols to the Convention on the Rights of the Child had been ratified and the initial reports were currently being prepared. Bills dealing with refugees and sexual offences were currently being scrutinized by Parliament and should be passed shortly.
40. On the subject of child labour, 2.7 million children were working in Uganda, which did not necessarily mean that they had dropped out of school: for example, they might be working on tobacco plantations while continuing to attend school. There were some abuses, however. Thus, 3,000 children had been working in rice plantations in Doho as part of a development project, completely deprived of schooling and freedom; the International Labour Organization (ILO), the International Programme on the Elimination of Child Labour (IPEC) and the authorities had put an end to that project and all the children had returned to school. Another programme had been launched in the Masindi region, where the industrialization of sugar cane growing had caused working conditions to deteriorate so badly that it had become necessary to protect children.
41. The Government, in collaboration with the judiciary and NGOs, was striving to find solutions to the problem of street children, who fell into several categories: they might be totally indigent, or be begging with their families or on behalf of other adults, or be the prisoners of organizations that pretended to care for them. In the case of Karamojong children who arrived with their families, begged for a month and then left again,

Karamojong members of Parliament and community leaders were trying to develop negotiated solutions.

42. Special attention had also been given to the abuse and trafficking of illegal substances, particularly in schools. The authorities, assisted by NGOs, had been working to educate and inform children and the public at large, but also to get children off the streets and provide them with psychosocial support and treatment.

43. Lastly, vocational training and microfinance programmes were being put in place with the assistance of the United Nations Development Programme (UNDP) to enable vulnerable people (women, the disabled, the young) who had left school at the end of the primary level to receive training, gain access to financing and thereby enhance their autonomy.

44. **Ms. Al-Thani** asked what specific measures had been taken for disabled children.

45. **Ms. Bakoru** (Uganda) replied that those schools were currently being equipped to enable disabled children to attend them. All laws voted on in Parliament took account of the issue of disability. Disabled children had been fully integrated into education since 1997. Preventive measures had been taken to forestall disability (immunization against polio and mumps) and NGOs were implementing programmes of assistance for the disabled. In the north of the country, wheelchairs were being provided for children injured by mines and information and prevention programmes were being applied.

The meeting was suspended at 4.20 p.m. and resumed at 4.35 p.m.

46. **Mr. Liwski** asked whether the community was involved in the implementation of health-care strategies, particularly when it came to reducing maternal and infant mortality or expanding vaccination coverage.

47. **Ms. Vuckovic-Sahovic** wished to know whether programmes had been put in place to combat child trafficking and exploitation.

48. **Ms. Aluoch** wanted to know whether magistrates sitting in juvenile courts were specially trained and whether such courts existed in all regions of the country. She asked whether minors could be sentenced to community service rather than prison terms. She wished to know what agency could be approached by a minor who was the victim of domestic violence or sexual abuse. Lastly, she asked whether the centres that took in child soldiers were run solely by NGOs or whether the Government was involved in their operation.

49. **Ms. Ouedraogo** asked whether measures had been taken to ensure that child soldiers who had escaped from or been released by the rebels were transferred as quickly as possible to care centres. It appeared that some of them were immediately enrolled in the Government forces. It would be helpful for the delegation to provide clarification on the subject. It might also specify the measures taken to facilitate the rehabilitation of girls, who often found it harder than boys to resume a normal life and sometimes ended up working as prostitutes or undergoing other forms of exploitation. Lastly, the Committee had been informed that the militia supposedly protecting populations in the north of the country were guilty of wrongdoing. The delegation was asked to give details of the measures taken to supervise those militias, train their members and ensure that they did not employ minors.

50. **Mr. Kotrane** said that, according to the report, most family and children courts were not operating because of a lack of magistrates and asked whether the situation had improved. He asked for details of the role and functioning of those courts. Lastly, he wished to know how many babies lived in prison with their mothers.

51. **Mr. Zermatten** asked whether it would not be possible to use community councils to deal with lower-level offences. Regarding the project for a national children's forum, he wished to know whether it had been finalized and whether it was a centralized project.
52. **The Chairperson** asked whether measures had been taken to increase the number of women teachers, improve teaching quality and raise teachers' salaries. He wished to know how orphans' education expenses were met. He asked whether any specific action had been taken to enable more students to go on to secondary education.
53. **Mr. Otim** (Uganda) said that, given that school attendance was not compulsory, the Government was working hard to encourage parents to send their children to school, particularly girls, by running awareness campaigns. The primary school attendance rate among girls had risen from 46.5 per cent in 1997 to 48 per cent in 2003. The National Strategy for Girls' Education, developed in 1997 with the assistance of UNICEF and launched in 2000, aimed to coordinate the action of the Government and its partners in that area and to identify and remove obstacles to girls' education. Programmes had been put in place in the districts where the school dropout and repetition rates among girls were highest. With UNICEF collaboration, the Government had launched a programme of complementary opportunities for primary education that had benefited 6,919 pupils (4,216 boys and 2,703 girls) in 2001.
54. Work had been undertaken at schools (including construction of extra toilets and access ramps) so that they could cater for girls and disabled children. The Promotion of Girls' Education scheme, launched in 1995, provided for the allocation of supplementary funds to schools that emphasized girls' education. Those funds were used to finance work aimed at making schools more welcoming for girls. Teachers were encouraged to pay girls more attention, particularly in science, and invite them to participate as fully as boys in the life of the classroom. The Government had issued directives to make science subjects compulsory at all levels and put policies in place to promote girls' access to secondary education. Thus, at least a third of pupils at mixed schools had to be girls. As far as possible, when the school head was a man, the post of deputy head went to a woman, but that was impossible in some regions because of a lack of suitably qualified women. The lack of staff housing further aggravated the problem.
55. **Ms. Smith** noted that there were a great many programmes and donors and asked whether there was any agency responsible for coordination and planning.
56. **Mr. Otim** (Uganda) said that there was an education planning unit, run by a permanent secretary who had the task of coordinating the use of donors' funds. Vocational training courses were offered from the seventh year of education.
57. **Mr. Krappmann** asked whether there were preschool education curricula and whether vocational training courses were available for pupils who had left school.
58. **Mr. Otim** (Uganda) answered that preschool education curricula were currently in preparation.
59. **The Chairperson** noted that the country suffered from a distressing lack of human resources in the area of health care and that there were great disparities from one region to another, and asked whether measures had been taken to remedy that. He deplored the lack of available information about malaria.
60. **Mr. Otim** (Uganda) said that health initiatives taken locally involved the community through health committees. In the case of malaria, he explained that the Government had launched large-scale awareness campaigns to promote the use of mosquito nets. Mosquito nets were distributed free of charge by certain NGOs and could also be purchased on the market for a modest price.

61. A great many Ugandan doctors had left the country and the Government was trying to attract them back. Recruitment of new doctors was ongoing and efforts had been made to raise salaries in order to deal with the dearth of medical personnel.

62. **Ms. Lwanga** (Uganda) said that family and children courts had been set up under the Children Act to deal with all matters affecting children, be they civil cases relating to child welfare or criminal cases. They tried minors aged from 12 to 18 who had committed criminal offences. Children under 12 were not criminally liable. Accordingly, if they had committed a crime and it was believed that they could not remain in the custody of their parents or the latter had lost authority over them, they could become subject to a supervision or care order placing them in the care of a probation and social welfare officer. They could then be placed in a foster family or institution.

63. The procedures used by the family and children courts differed from those of the adult courts and were much more informal. Children's names were never published and all hearings were held in camera.

64. The family and children courts tried all cases involving minors except capital crimes and offences they had committed with adults. Furthermore, the Children Act listed a number of offences, such as theft and disorder, that were dealt with by local councils because they were not serious enough to be brought before the family and children courts. The police could also caution children committing offences without thereby initiating court proceedings, provided they were first time offenders.

65. There was currently a shortage of magistrates in the Ugandan judicial system, which had the effect of delaying the workings of justice. The few magistrates qualified to judge cases involving minors in the country were thus forced to travel between districts to deal with the backlog of juvenile cases.

66. **Ms. Aluoch** wished to know whether that meant that minors in conflict with the law were held on remand for longer than they should be.

67. **Mr. Filali** asked whether, when minors were arraigned before the High Court for committing a crime with adults, the High Court applied the same provisions to adults and to children.

68. **Ms. Smith** wished to know whether minors were entitled to free legal aid when they were arraigned before the courts.

69. **Ms. Lwanga** (Uganda) said the shortage of magistrates did result in suspects spending longer on remand, but the Children Act prescribed that minors could not be held in police custody for more than 24 hours or remanded for a period exceeding six months, and then only in the case of an offence punishable by death. If that offence had been committed jointly with adults, the High Court would assess the facts but remit the case to a family and children court for an appropriate order to be made. Minors benefited from free legal aid in cases of that type, often provided by NGOs.

70. The 1996 Children Act made no provision for community service sentences, but the principle had been integrated into Ugandan law in 2002. It should be possible to fill the gap when a planned review of the Act took place.

71. A working group had been set up to develop a domestic violence law protecting anyone who might be subject to violence within the family, namely husbands, wives, parents and children, and domestic employees. Victims of violence could currently report it to the Secretary for Children's Affairs at the local council or the Child and Family Protection Department of the Ugandan police.

72. The sexual offences bill currently under scrutiny was intended to remedy the discriminatory provisions of the law currently applying on the issue, whereby when two

minors had sexual relations the boy was considered to be the offender and the girl the victim.

73. **Mr. Ssonko** said that children taken to northern Uganda by the Lord's Resistance Army and then rescued by Government forces were housed for two days in the child protection units set up for that purpose. Financed jointly by the Government and Save the Children-Uganda, those units were meant to re-establish child soldiers' trust in uniformed men and enable Government forces to obtain information on the rebels and the location of minefields. The children were then placed for a month in one of the country's many rehabilitation centres, where they received psychosocial support and were given food and clothing. Girls were trained as seamstresses there, so that they would later be able to earn a living. With a view to social rehabilitation, they were all put through a purification ceremony based on the traditions and rites of the Acholi people, so that they would be well received by that tribe in the north of the country. All those activities were carried out by the Government, associations, NGOs and international institutions, including UNICEF, the World Food Programme, and the International Rescue Committee and Save the Children-Uganda.

74. Of all individuals once detained by the Lord's Resistance Army, only those who had reached the age of majority were offered the chance to enlist in the Government forces, and there was no forcible recruitment. Furthermore, the Government was wholly in favour of UNICEF inspecting troops, as it often did, to identify young soldiers who appeared to be minors and return them to civilian life even if they claimed to be of age.

75. The militia members responsible for guarding displaced persons' camps did not have as thorough a training as soldiers in the Government armed forces, as they only received three months' training to familiarize them with light weapons. However, there were plans to acquaint them in the near future with the provisions of international conventions, the treatment appropriate to children and the legislation governing the armed forces.

76. The delegation had no information on international trafficking of minors.

77. **Ms. Smith** expressed her satisfaction with the fruitful dialogue the Committee had had with the Ugandan delegation, as this had enabled it to form a more accurate idea of the situation of children in the country. She hailed the creation of a department responsible for children that was invested with numerous powers, but remained very concerned about the fate of children in the north of the country and about poor living conditions in displaced persons' camps, particularly as regarded security, health, education and nutrition. She appreciated that the situation was largely due to lack of resources and encouraged the State party to persist in the programmes it had implemented to date.

78. **Mr. Otim** (Uganda) thanked the Committee for the advice it had formulated over the course of its consideration of the second periodic report, which he had carefully noted.

The meeting rose at 5.55 p.m.