

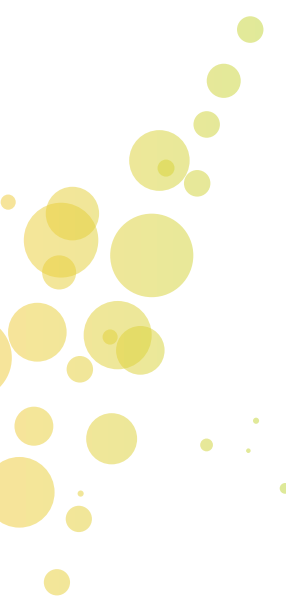
Collection of

CHILDREN

Laws







A SIMPLIFIED HAND BOOK ON
INTERNATIONAL AND
NATIONAL LAWS & POLICIES ON CHILDREN



PREFACE

In Ugandan culture, children are deeply cherished; parents make incredible sacrifices for their children, extended families delight in the joyous laughter of children and entire communities look to children for a brighter future. However, children remain vulnerable as they depend on adults for their growth and wellbeing. Sadly, depraved elements exist in every society; heinous crimes such as child sacrifice, sexual abuse, child labor, domestic violence and child neglect continue to haunt the conscience of Uganda.

In 1990, Uganda ratified the Convention on Child Rights (CRC), meaning that Uganda has an obligation to implement children's rights as communicated in the CRC. Uganda has also ratified other international and regional laws which uphold children's rights. Following the ratification of the CRC and the other international and regional laws concerning children's rights, Uganda passed the Children Act and a number of related laws.

Despite the passing of these laws, widespread ignorance of the law has contributed greatly to the persistent violation of children's rights in Uganda. As these laws are scattered in various 'legalese' documents and are largely inaccessible to duty bearers and child actors, those charged with responsibilities to enforce children's rights are often unaware of their responsibilities, making this Handbook absolutely necessary.

This Handbook presents an easy to understand interpretation of the various laws concerning children's rights. It explains with clarity the legal rights and responsibilities of children and the duties of those who are responsible for protecting children's rights. The Handbook has been designed as a simple and quick reference, divided into 3 parts:

Part I: National Laws.

Part II: International and Regional Laws.

Part III: Child-related National Policies.

It is hoped that national duty bearers, legal practitioners, legal aid service providers, civil society organizations and other child actors will find this Handbook helpful as they seek to realize the fulfillment and protection of children's rights.

FIDA Uganda wishes to thank the following Taskforce members for developing this Handbook:

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Fida Uganda acknowledges the support and guidance of UNICEF in the development of this handbook.



PART 1

NATIONAL LAWS ON CHILDREN

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HIERARCHY OF THE LAWS:

CONSTITUTION

The highest or supreme law of Uganda is the Constitution of 1995 and its amendments. This means that all other laws are below and subject to it. Any provision in these laws that is contrary to the Constitution cannot be enforced.



ACTS / STATUTORY LAWS

These are laws passed by parliament, such as the Penal Code Act, the Domestic Violence Act, The Prevention of Trafficking in Persons Act, the Medical and Dental Practitioner's Act, etcetera.



STATUTORY INSTRUMENTS / RULES AND REGULATIONS

These are usually enacted by the line Ministry to operationalise the specific Act



POLICIES

This is a general principle which guides government in the management of its public affairs



BYE LAW

This is a rule or administrative provision adopted by an organization of community for its internal governance;



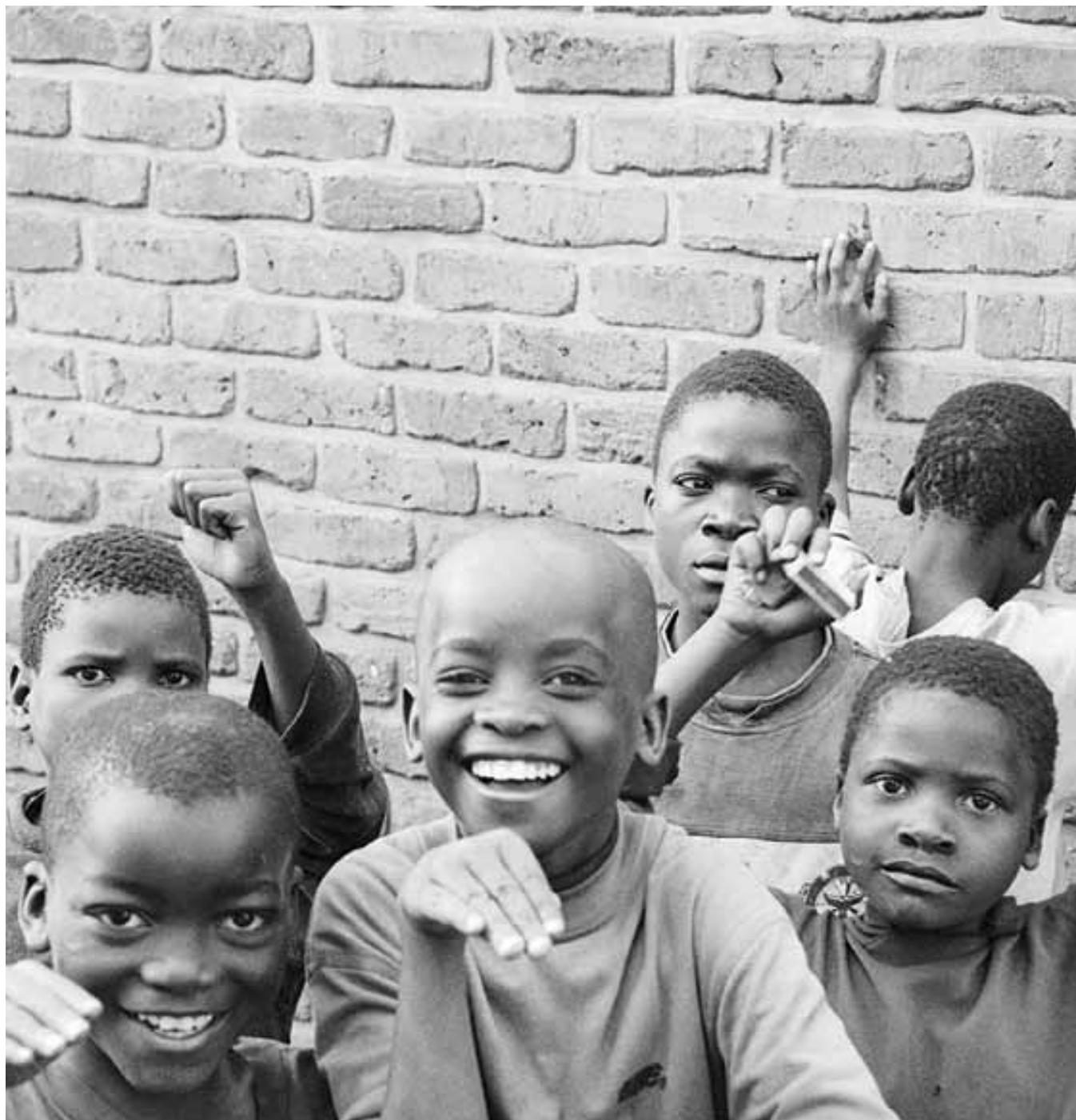
CUSTOMARY LAW

These are rules/customs/traditions governing a particular tribe, clan or community. In many instances customary law is unwritten. The Constitution of Uganda 1995 recognises the positive cultures (Art 36). However, any laws, cultures, customs or traditions that are against the dignity, welfare or interests of women and other marginalised groups or which undermine their status are prohibited by the Constitution (Art 32 (2))
Customary law can only be enforced if it does not contradict the Constitution or Statutes.

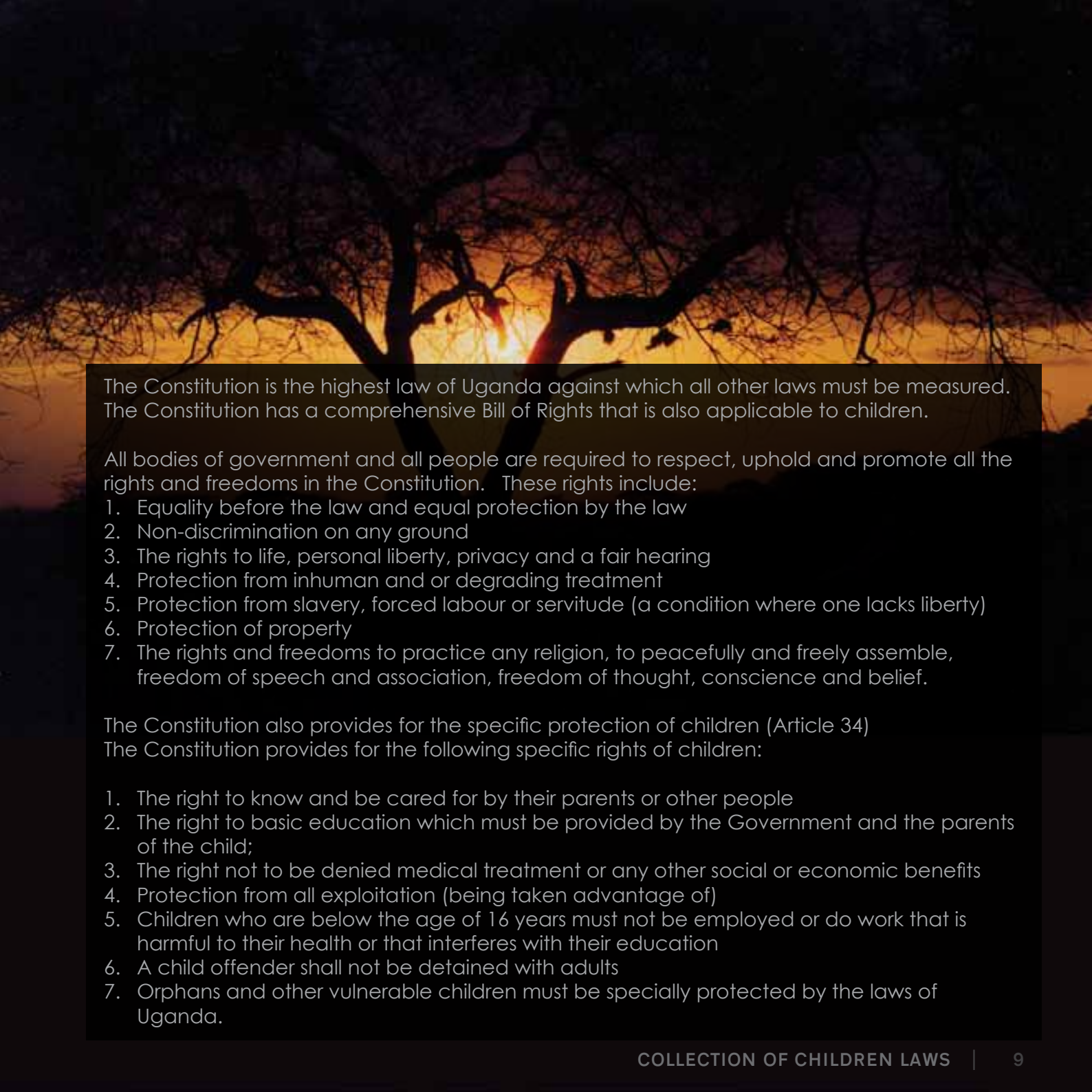


GUIDELINES

There is no legal definition but it is generally understood to mean something that instructs or directs.



THE CONSTITUTION OF THE REPUBLIC OF UGANDA 1995



The Constitution is the highest law of Uganda against which all other laws must be measured. The Constitution has a comprehensive Bill of Rights that is also applicable to children.

All bodies of government and all people are required to respect, uphold and promote all the rights and freedoms in the Constitution. These rights include:

1. Equality before the law and equal protection by the law
2. Non-discrimination on any ground
3. The rights to life, personal liberty, privacy and a fair hearing
4. Protection from inhuman and or degrading treatment
5. Protection from slavery, forced labour or servitude (a condition where one lacks liberty)
6. Protection of property
7. The rights and freedoms to practice any religion, to peacefully and freely assemble, freedom of speech and association, freedom of thought, conscience and belief.

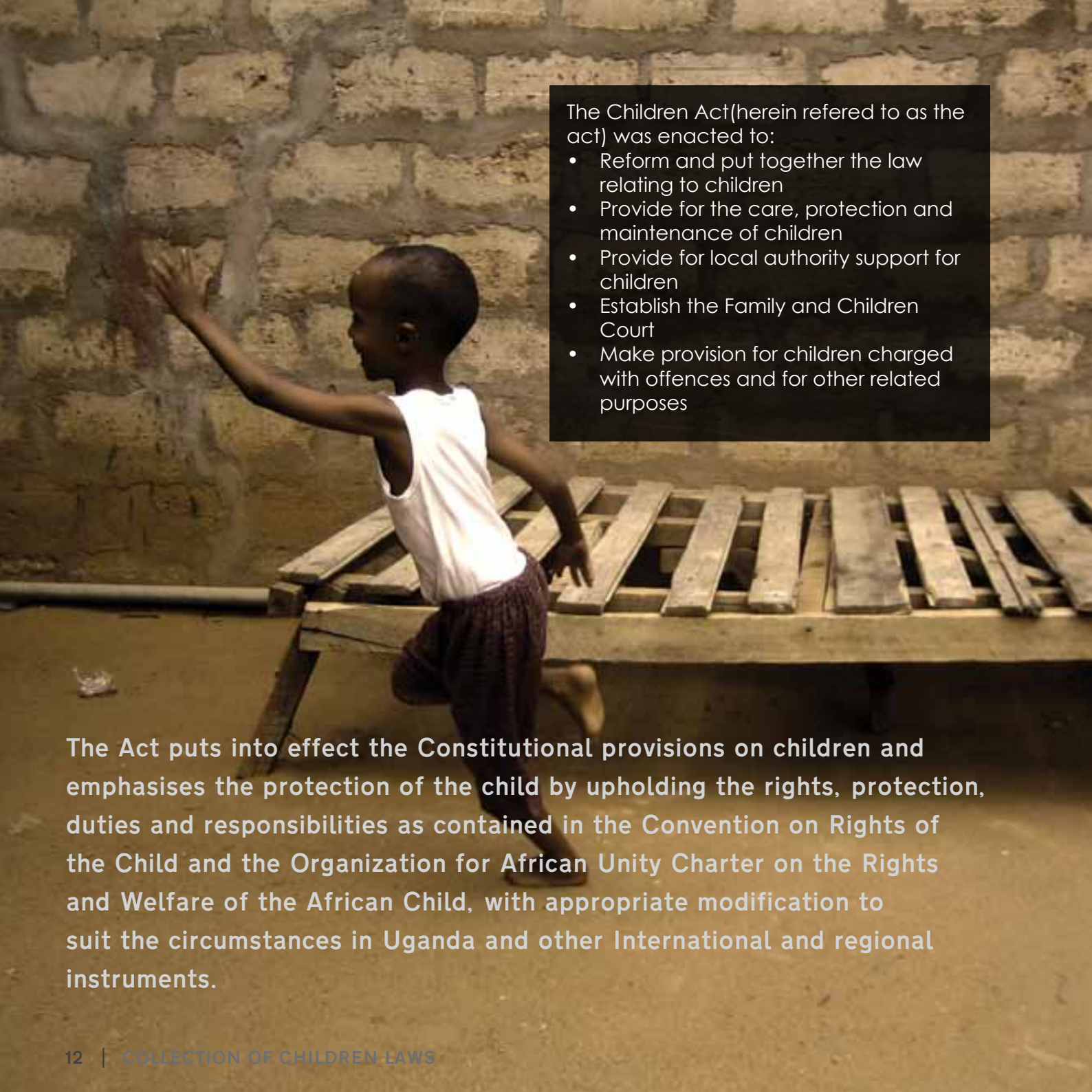
The Constitution also provides for the specific protection of children (Article 34)
The Constitution provides for the following specific rights of children:

1. The right to know and be cared for by their parents or other people
2. The right to basic education which must be provided by the Government and the parents of the child;
3. The right not to be denied medical treatment or any other social or economic benefits
4. Protection from all exploitation (being taken advantage of)
5. Children who are below the age of 16 years must not be employed or do work that is harmful to their health or that interferes with their education
6. A child offender shall not be detained with adults
7. Orphans and other vulnerable children must be specially protected by the laws of Uganda.



THE CHILDREN ACT- CHAPTER 59 LAWS OF UGANDA

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A young child, seen from the side, is running towards a rough, textured wall. The child is wearing a white sleeveless shirt and dark shorts. Their right arm is extended forward, touching the wall. In the background, there is a wooden pallet or bed frame. The overall scene is set outdoors on a dirt ground.

The Children Act (herein referred to as the act) was enacted to:

- Reform and put together the law relating to children
- Provide for the care, protection and maintenance of children
- Provide for local authority support for children
- Establish the Family and Children Court
- Make provision for children charged with offences and for other related purposes

The Act puts into effect the Constitutional provisions on children and emphasises the protection of the child by upholding the rights, protection, duties and responsibilities as contained in the Convention on Rights of the Child and the Organization for African Unity Charter on the Rights and Welfare of the African Child, with appropriate modification to suit the circumstances in Uganda and other International and regional instruments.

Definition of child (s. 2)

A child is a person below the age of eighteen years.

The Guiding Principles

Guiding Principles (s. 3 First Schedule).

Every decision made regarding a child should take into consideration the following guiding principles:

The Welfare Principle

The welfare principle: The wellbeing of the child is the guiding principle in making any decision concerning the child.

Time

Any matter concerning a child must be handled as quickly as possible and without delay.

Standards to be followed when making decisions for a child

In handling matters concerning a child, the following standards must be taken into account:

- The child's wishes if they are able to express them
- The child's age, sex and other background information and overall needs
- The harm suffered or likely to be suffered
- The capacity of the parents or guardians to provide for the child
- The likely effects of any changes in the child's circumstances

Children's Rights

The right to stay with parents (s. 4)

A child has the right to stay with their parents or guardians, unless this would not be in their best interests

Duty to maintain a child (s. 5)

Every parent, guardian or any person with custody of a child has the duty to maintain that child. This duty gives a child the right to:

- Education and guidance
- Immunisation
- Adequate diet
- Clothing

- Shelter
- Medical attention

Any person who has custody of a child shall protect the child from discrimination, violence, abuse and neglect.

The right to leisure, cultural and artistic activities

(s. 4(a) First Schedule)

The child has the right to leisure and to participate in sports and other cultural and artistic activities, which are not harmful to its development.

The right to provision in situations of armed conflict or disaster – (s. 4(b) First Schedule)

Children in situations of armed conflict or disaster must be provided with the necessary services and resources that ensure their survival.

The Convention on the Rights of Children and the OAU Charter on the Rights and Welfare of the African Child – applicable in Uganda (s.4 (c) First Schedule)

All the rights that are provided for under the CRC and the OAU Charter on the Rights and Welfare of the African Child that are not mentioned in the Children Act are applicable in Uganda, with the necessary modification.

Protection from harmful practices (s. 7)

Children must not be subjected to social or customary practices which are harmful to their health.

Protection from harmful employment (s. 8)

Children should not be employed or engaged in activities which may endanger their health, education, mental, physical or moral development.

Children with Disabilities (s. 9)

The parents of children with disabilities and the Government shall take steps to see that those children are:

- Assessed as early as possible to determine the extent and nature of their disabilities
- Offered appropriate treatment
- Given facilities for their rehabilitation and equal opportunities

The welfare principle is the guiding principle in making any decision concerning the child.



Duties and Responsibilities

The Act places various duties, obligations and responsibilities on different actors with regards to safeguarding children's rights.

Parents and guardians (s. 6)

- Every parent, guardian or person in charge of a child has the duty to care for and safeguard the child.
- If both parents are dead, then the relatives of either parent may assume that responsibility.

Members of the community (s. 11(1))

The community has the duty to report any abuse of rights or neglect to provide a child with adequate food, shelter, clothing, medical care or education, to the Local Government Council.

- On receiving the report of abuse or neglect of a child, the Secretary for Children's Affairs may call the offender to discuss the matter and then make a decision in the best interests of the child.
- Where the offender fails to comply with the decision of the Secretary for Children's Affairs the matter may be taken to the Village Executive Committee

Duties of the Local Councils (s.10)

Local Government Councils have the general duty to promote the welfare of the child.

The Local Councils shall:

- Appoint a Secretary for Children's Affairs
- Mediate in situations in which children's rights are abused
- Assist orphaned children to succeed the property of their parents. However LCs do not have the power to distribute the property
- Keep a register of children with disabilities and give them assistance
- Provide accommodation to any child who is lost, abandoned or seeking shelter
- Trace the parent or guardian of a lost or abandoned child and on failure refer the child to the Probation, Social and Welfare Officer (PSWO) or to the Police

Hierarchy of Appeals (s. 12 and 105)

Under the Act, the Village Local Council (LC) Court is the Court with the first responsibility to handle child matters.

In cases involving children an appeal shall lie from:

- i) A village LC Court to a parish and sub county LC Court



- ii) A sub county LC Court to a Family and Children Court (FCC)
- iii) A FCC to a Chief Magistrate's Court
- iv) A Chief Magistrate's Court to the High Court
- v) The High Court to the Court of Appeal
- vi) The Court of Appeal to the Supreme Court

Children in Contact With the Law

Children may come in contact with the law by either being the offenders, victims or witnesses. The law provides special measures for their protection. Courts and other authorities have been given power to handle child matters of different nature and at different levels.

Family and Children Courts (FCC) (s.13 -18)

The FCC were created to:

- Handle all matters concerning children including criminal charges. (However when a child is charged with an adult, the matter is taken to a relevant Court)
- Make orders concerning children against whom an offence has been proved by the High Court
- Have power to hear and determine applications relating to child care and protection
- Make supervision and care orders

The Procedure in the Family and Children Court (s.16 and 18)

The procedure in the FCC is guided by the following:

- The Court shall sit as often as necessary in private
- Proceedings shall be conducted informally
- Parents or guardians shall be present whenever possible
- The child has the right to have a lawyer represent them
- The right to appeal shall be explained to the child
- No other people are allowed in the court room except witnesses, parents or guardians, the PSWO or a person whom court has authorized

Part IV Care and Protection of Children

Care or Supervision Order to benefit the child (s. 17)

The FCC shall not make a supervision order or a care order, unless it considers it beneficial to the child.

Probation and Social Welfare Officer and the Police (s. 19)

The PSWO has powers to make an application to the FCC to intervene for the protection and welfare of a child especially where there is reason to believe that the child's life or other

fundamental rights are at risk and there is need for a speedy intervention.

The FCC may make a supervision order placing a child under the supervision of a PSWO, while the child is in the custody of his or her parents.

The FCC may make a care order or interim care order placing a child in the care of a warden of an approved home or with an approved foster parent.

Welfare Reports – (s. 20)

Before issuing a supervision or care order, the FCC will require the PSWO to:

- Provide a written welfare report containing observations and recommendations for action
- Make a home visit before writing the report
- Interview the parents and the child

Grounds for Supervision or Care Order (s.21)

The FCC will only make a Supervision or Care Order where the child is suffering or likely to be harmed by the person they are staying with or the child is beyond parental control.

Supervision Order (s. 22)

The supervision order can only be made where the LC Courts from village to sub county have failed to resolve the matter or where there is need for continuous supervision of the child enforced by a court order.

The Duties of the Supervisor (s. 23 – 25)

The supervisor is required to:

- Be a friend and supervisor to the child
- Advise the parents
- Plan the child's future
- Apply to change or stop the order

A supervision order is made on an annual basis

- It is extended by written request by the PSWO
- It automatically stops when a child becomes 18 years of age

The duty to enforce a supervision order is with the PSWO who applied for it.

Care Order (s.27 – 29)

A care order is made on application by the PSWO or any authorized person to the FCC.

- A care order is made to place a child in an approved home or with foster parents.
- It is only made where all other alternatives to assist the child have failed.
- It is made where the danger is severe and requires immediate removal of the child

The purpose of the Care Order is to remove the child from significant harm and to solve the problem, so that the child returns to the community.

The maximum duration of a care order is three years or ends when the child turns 18 years.

Parental Responsibility of a Warden or Foster Parent: (s. 31)

The Warden of the approved home or the foster parent with whom the child is placed has the following obligations:

- Performs duties that are similar to that of a parent
- Ensures contact with parents, relatives and friends of the child
- Ensures the child's development particularly health and education
- Informs the parents of progress by the child

Special Duties of the PSWO in relation to care order (s. 32)

Under the care order the PSWO is required to:

- Work with the parents and guardians to prepare for the return of the child, taking into account the wishes of the child
- Inform the parent or guardian about the progress of the child and arrange for the trial period for the child to return
- Visit the child at home during the trial period

Interim Supervision Order and Interim Care Order (s.33)

An interim supervision order and an interim care order may be issued by the FCC where a PSWO or an authorised person states on oath, that a child is suffering or is likely to suffer significant harm


The maximum period for an interim supervision or an interim care order is three months.

Exclusion Order (s. 34 and 35)

The FCC may make an exclusion order stopping a person from having contact with a child for a period to be determined by the Court. It is an offence to break an exclusion order.

Search and Production Order (s. 36)

The FCC may issue a search and production order authorising the PSWO to enter and search a premise and take to safety a child who is likely to suffer or is suffering significant harm. Before searching for the child the PSWO must inform the Secretary for Children's Affairs. The Child must be taken to court within 48 hours.

A close-up, high-contrast photograph of a child's face, focusing on the eye and nose. The lighting is dramatic, with deep shadows and bright highlights, creating a somber and intense mood. The child's skin is dark, and the eye is looking directly at the viewer.

Removal of a Child under emergency protection (s 37)

A PSWO, Police or authorized person believing a child to be in a situation of harm, may remove the child for emergency protection, for a maximum period of 48 hours and must inform the Secretary for Children's Affairs in writing before doing so.

The person who enforces the emergency protection must ensure that the child gets medical attention.

A report considering the child's wishes should be made to the Secretary for Children's Affairs or the FCC, within 48 hours of the child's removal.

The parent or guardian must be informed as soon as possible about the emergency protection order and must be allowed to have contact with the child, unless it is not in the best interests of the child.

Person who can apply for removal or changes in the Protection and Supervision Order (s.38 and 39)

It is an offence to remove a child from a place of safety without authority however the following persons can apply to change or stop the Protection and Supervision Order:

- The child's parent or guardian
- A person with parental responsibility
- A person with whom the child was living before the order
- The PSWO

Part VI Foster Care Placement

Foster care and adoption (s. 43)

- The District PSWO may together with the Warden of an approved home place a child in the home under the care of Foster Parent(s).
- Such foster parent(s) have the same duties and responsibilities as those of the natural parents of the child.
- Applications to foster a child may be made to the District PSWO. However a relative of a child without parents or a guardian, may foster the child without seeking authority from the District PSWO.
- Foster care placement is further governed by the Foster Care Placement Rules, contained in the Second Schedule of the Act.

Part VII Adoption

Jurisdiction for Adoption: (s. 44)

Where the child is a citizen of Uganda an application for adoption may be heard by the Chief Magistrate of the place where the child or the person seeking to adopt the child (the applicant) lives. The application of adoption for a child who is not a citizen of Uganda is made to the High Court.

Conditions for Adoption: (s. 45 and 47)

The following are the conditions for adoption of a child:

- A person may apply to adopt a child alone (sole applicant) or a married couple may jointly adopt a child
- A sole applicant may not adopt a child of the opposite sex.
- The applicant or at least one of the spouses in a joint application, must be 25 years of age and at least 21 years older than the child.
- A married person may not make an application for adoption, without the consent of their spouse, unless the spouse is unable to give the consent.
- Apart from married couples, no two persons may jointly adopt a child.
- The applicant must have looked after the child for 3 years under the supervision of the PSWO.

In making the adoption order Court shall consider:

- A report from the PSWO before making an adoption order; where possible whether the parents of the child to be adopted have given their consent.
- The views of the child who is 14 years and above.
- The child's views, if that child understands what adoption is and its implications on their life.

Inter country Adoption: (s. 46)

A non-Ugandan may adopt a Ugandan child if the applicant:

- Has lived in Uganda for 3 years and fostered the child for 3 years, under the supervision of the PSWO
- Has a recommendation from a PSWO from their country; and
- Has satisfied the Court that his or her country of origin will recognize the adoption.

Functions of the Court: (s. 48 and 50)

Before issuing the adoption order the Court must be sure that:

- Parents giving consent understand that they have given up all their parental rights over the child
- The adoption is for the welfare of the child
- That none of the parties to the adoption have received or intend to receive a reward

The Applicant has a right of appeal if dissatisfied with the decision of the Court handling the adoption proceedings.

Effects of an Adoption Order: (s. 51)

- The adoption order gives the applicant all parental rights and duties over the child
- The adopted child takes on the position of a biological child of the applicant, including the right to inherit property

Disclosure of Adoption: (s. 55)

An adopted child should be informed about who their parents are at the age of 18 years or at an earlier age, if they so request.

Part VIII Approved Homes

Approved homes may be set up by the Government or non-governmental organizations for purposes of caring for children: (s.56)

Admission to an approved home: (s.57)

Children may be taken to an approved home:

- By the Police or a PSWO, or another person where there is an emergency situation but they must be brought before court within 48 hours; or
- On an interim care order or a care order

Purpose of an approved home: (s. 58)

Approved homes provide alternative family care until:

- The parents of the child can provide enough care and meet their basic needs.

- The child has been in the home for a period of 3 years
- The child becomes 18 years of age

The Warden and other staff of such approved homes have the following responsibility: (s. 58(2) and s. 59)

- Assume parental responsibility towards such child.
- Help to re-unite the child with his or her family.

Contact with Parents or Guardians: (s. 60 and s.65)

- A child shall maintain contact with their parents or guardians while in the home, except where there is an exclusion order.
- Court may order a parent or guardian to contribute to the approved home; within their means.

Recovery Order: (s. 61 and s. 62)

- It is an offence to remove a child from an approved home without reasonable cause
- The Court may make a recovery order to ensure the child is found and returned
- A recovery order may be applied for by a person with parental responsibility or the PWSO.

Escape from approved home or foster parent: s (s.64)

- A child who escapes from an approved home or from a foster parent, shall be returned to the approved home or an alternative home
- The child shall be interviewed to establish whether this decision is in their best interests.
- The recovery order can be changed



Part IX Parentage of Children

Declaration of Parentage: (s. 67 and 68)

A mother, father or guardian of a child or the child, can apply to the FCC to know the parent of the child.

The application of parentage is made:

- During pregnancy
- Before the child is 18 years of age
- Within three years of the death of the father or mother. The FCC may permit the application to be made 3years after the death of the parent in certain circumstances.

Parentage proceedings: (s. 69)

In conducting the parentage proceedings the FCC shall:

- Call the parties to court
- Require the application to have additional supportive evidence.
- Require the person who has to be tested to be party to the proceedings
- Require the person claiming parentage to prove it.

Proof of Parentage: (s. 71)

The following shall be proof of parentage:

- The register of births can be used as a proof of parentage
- A written document signed by the mother or father stating parentage
- A court order for maintenance
- A declaration of parentage
- A written or oral will
- A statement written or oral by a deceased person

Effects of declaration of Parentage: (s. 72 and 73)

- A declaration of parentage gives the child the same position and rights as a biological child of the man or woman declared the parent;
- However, the Declaration of parentage does not automatically give rights of custody to the said parent.
- The same court; during the proceedings may grant either parent custody of the child.

The FCC may cancel the declaration of parentage: (s.74)



Maintenance orders:

Maintenance orders: (s. 76)

A person who has custody of a child or a mother, father, guardian of the child, can apply for a maintenance order.

A maintenance order is made during:

- A marriage
- Divorce, separation or nullity of marriage
- Or after declaration of parentage
- Pregnancy or before a child becomes 18 years.

This Order is made by complaint on oath to the FCC against the father or mother.

A maintenance order can include:

- A monthly sum of money or a one off payment according to the financial means of the father or mother
- Funeral expenses where the child has died
- Costs of incurring the order
- Feeding, clothing, education and the general welfare of the child

A maintenance order can be changed to either increase or decrease the amount of money paid. The Order may also be changed where a parent ceases to have custody of the child.

A maintenance order is:

- Made against the property of a deceased mother or father.
- Made to claim expenses even after the death of a child.
- Made directly to the person with custody of the child or through Court.

Where a person fails to pay the maintenance order court may attach earnings or sell or redistribute property: (s. 77)

Appointment of Custodians: (s. 80)

- Court may appoint a custodian where the parent is not a fit or proper person, is dead or of unsound mind or in prison.
- The PSWO, the person having custody of the child and the person against whom the maintenance order is made, can apply for the Court to appoint a custodian.

Misapplying Maintenance Money: (s. 80)

It is an offence to misuse maintenance money.

Maintenance during Divorce, Separation or Nullity: (s. 84)

- During divorce, separation or nullity both parents shall maintain and educate their child
- Both parents shall have access to the child.
- There shall be consultation between the parents on the upbringing of the child.

Children charged with offences - Part X

The Act has special provisions for children who commit offences.

A child below the age of 12 years cannot be charged with a criminal offence (s. 88)

A child above the age of 12 can be arrested and charged if he or she is suspected to have committed an offence.

The following procedure applies for a child who has been arrested:

- The police may handle and conclude a case against a child, without going through the formal court procedures (s. 89)
- A child who has been arrested has a right to representation by a lawyer
- The child's parents or guardians and the Secretary for Children's Affairs shall be informed of the arrest by the Police
- The parent or guardian of the child shall be present during the interview unless it is not in the best interests of the child.
- A child shall not be interviewed alone. In the absence of the child's parents or guardian, a PSWO shall attend.
- Where a child appears in court the magistrate or the presiding officer may release that child on bail, either on court bond or with sureties, who may be the child's parents.
- No cash should be paid for the bond or bail of a child.
- If bail is not granted by the court the child may appeal to a higher court.
- A child may be released on bail without any terms.

Remand (s. 91)

If a child is not released on bail the Court may make a remand order placing the child in custody of a remand home.

If there is no remand home near the Court, the court shall make an order placing the child in

a safe place.

Where a child is remanded the following must be observed:

- A child should not be remanded with adults
- The privacy of the child must be respected
- Remand must be for a very short time (s. 91 (4))
- Wherever possible court shall consider alternatives to remand such as close supervision or placement with a fit person recommended by the PSWO.

Role of the LC Courts. 92 (s. 92 of the Children Act was repealed by the Local Council Courts Act 2006 and replaced with the provision below)

The LC Courts where the child lives shall handle all cases concerning children that are not of a criminal nature.

The LC Courts also have the power to handle the following criminal cases:

- Affray (fighting in a public place)
- Being idle and disorderly (loitering and engaging in immoral activities in public) except for begging in a public place as stated in Section 167(b) of the Penal Code Act.
- Common Assault
- Assault causing actual bodily harm
- Theft
- Malicious damage to property

Despite the penalty stated in the Penal Code, the LC Courts may make the following orders against a child involved in the offences stated above:

- Reconciliation
- Compensation
- Restitution
- Community service
- Apology
- Caution
- Guidance order for a maximum period of 6 months.

The Local Council Court shall not have any powers to remand a child in custody.

Criminal Jurisdiction of the FCC (s. 93)

The FCC shall hear all criminal charges against a child except:

- Any offence punishable by death
- An offence in which a child is jointly charged with a person above 18 years.

Orders of the FCC (s. 94)

Where a case has been proved against a child, the FCC has the power to make any of the following orders:

- Absolute discharge
- Caution
- Conditional discharge for not more than 12 months
- Binding a child to good behaviour for a maximum of 12 months
- Compensation; restitution, or a fine taking into consideration the means of the child but the Court cannot make an order to detain a child if they fail to pay the fine;
- A Probation Order for not more than 12 months (this order should not require the child to be put in a remand home)
- No child shall be subjected to corporal punishment.

Detention of a child

The Detention periods of a child are as follows:

- A child under 16 years is detained for a maximum of 3 months
- A child above 16 years is detained for a maximum of 12 years. Detention in case of an offence punishable by death, must not be for more than 3 years for any child.
- Detention of a child must be made as a last resort.
- The detention should be in a suitable place.
- A child shall not be detained in the same place as adults.

PSWO Welfare Report (s. 95)

When making a decision on a detention or probation order for a child who is found guilty of an offence, the FCC shall consider a Welfare Report made by the PSWO.

National Rehabilitation Centre for Children (s. 96 and 97)

- The Kampirengisa Boys' Approved School has been designated by the Minister as the detention centre.
- The Detention Centre shall have a separate wing for girls.
- The Minister shall make rules to govern the Centre and shall appoint a committee of visitors to visit and inspect the Centre.

Duration of cases (s. 99)

- Every case shall be handled quickly and without delay
- After a child has been taken to court, the case must be concluded within 3 months
- On failure to conclude the case within 3 months, it shall be dismissed with no further proceedings against the child, on account of the same offence
- In serious cases handled by a Court superior to the FCC, the maximum period for remand



for the child shall be 6 months, after which the child shall be released on bail.

- All serious cases must be concluded within 12 months, after the child has been taken to court, otherwise they shall be dismissed with no further proceedings made against the child on account of the same offence.

Restrictions of certain use of words (s. 101)

- The words "conviction" shall be replaced with "proof of an offence against a child"
- The word "order" replaced with the word "sentence" in cases regarding children.

Right to privacy in criminal proceedings (s. 102)

All criminal proceedings against a child shall be heard in private.

Children in a Magistrates Court (s. 103)

A child jointly charged with an adult may be tried in a magistrate's court.

Children in the High Court (s. 104)

- The High Court shall hear cases of a child jointly charged with an adult, where the case falls under the jurisdiction of the High Court.
- Where the case is proved against the child, the FCC will decide the best order for the child.
- When hearing cases against a child, the High Court shall observe the procedures used in handling child related cases.

Part XI Miscellaneous

Criminal offences abolished against children (s. 106)

The following offences no longer apply against children:

- Begging in a public place: (s. 167)
- Being a rogue and vagabond: (s. 168 of the Penal Code Act)

Court inquiry into the age of a person appearing before the court (s. 107 and 108)

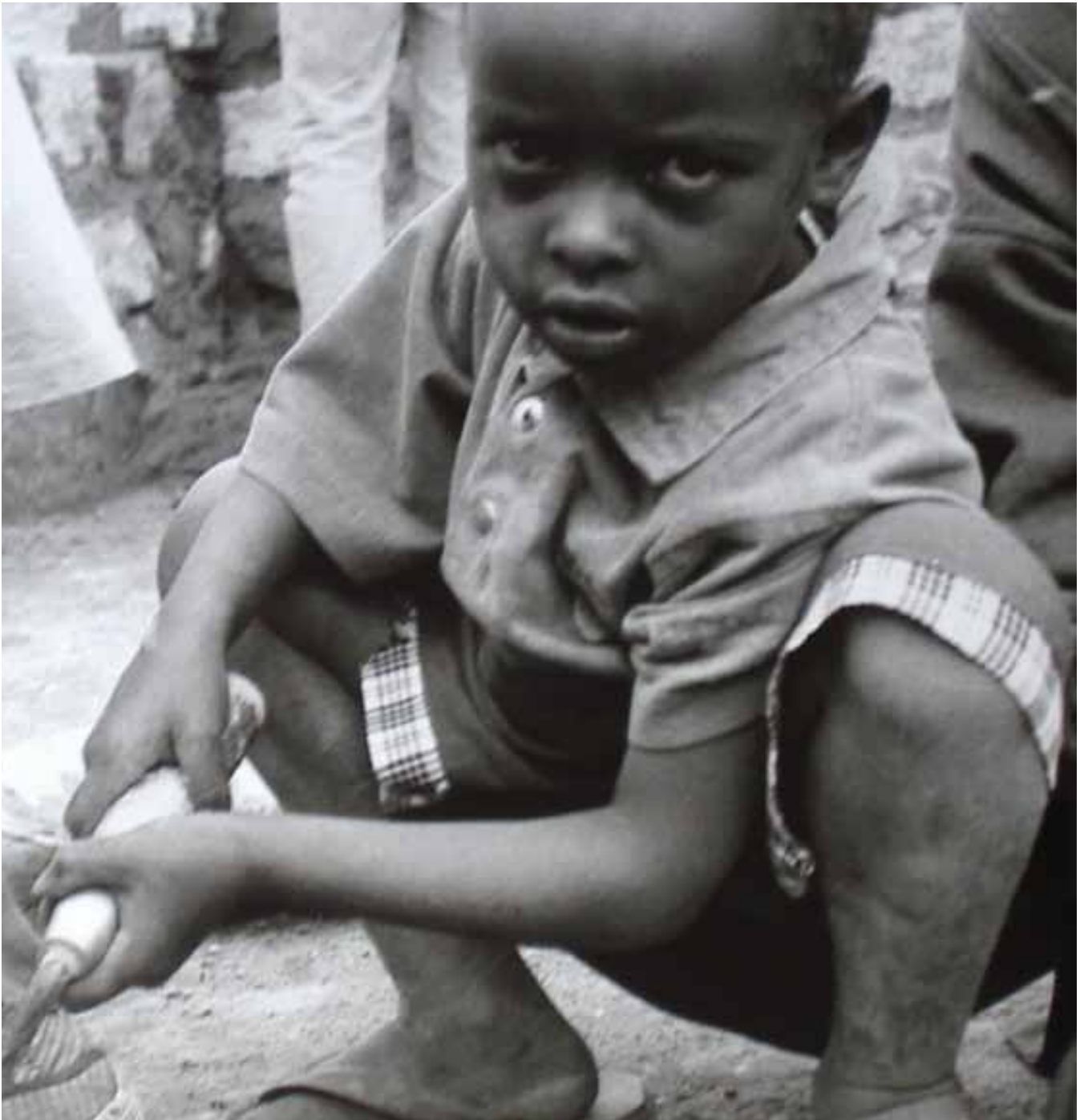
- If in the view of the court a person charged with an offence seems to be a child, the Court shall inquire about the age of that person.
- A medical certificate about the age of the person shall be adequate evidence.

Breach of the provisions of the Act (s. 109)

- It is an offence to breach the provisions of the Children Act
- Anyone who breaches the Act may be made to pay a fine not exceeding one hundred thousand shillings or be sentenced to imprisonment for a period not exceeding 6 months or both.

OTHER NATIONAL LAWS AFFECTING CHILDREN

Domestic Violence Act 3, 2010	34
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The Prisons Act 2006	62
The Uganda People's Defense Forces Act 2005	63
Local Governments Act, Chapter 243	64
The Succession Act Cap 162	65



Domestic Violence Act 3, 2010

Definition of Domestic Violence (s.2)

Domestic violence is defined as 'any act or omission which harms, injures or endangers the health, safety, life, limb or well-being of the victim'

Definition of a domestic relationship (s.3)

A domestic relationship includes:

- A married person,
- A family member,
- Any person sharing the same home;
- A domestic worker;
- An employer whether or not the abused person and the abuser stay in the same home; any other relationship that the court would define as a domestic relationship.

In deciding whether a relationship is a domestic relationship, the court takes into account the following: (s.3)

- The nature of the relationship
- The amount of time spent together by the parties
- The place
- The manner in which the time is spent

The punishment for domestic violence (s. 4)


- Fine or imprisonment of 2 years or both.
- In addition to the above the court may order compensation to the victim

In determining compensation the court takes into account the following as outlined in schedule 2:

- The pain and suffering of the victim and the injuries suffered
- The cost of treatment
- The loss of earning
- The value of property taken, destroyed or damaged
- Cost of accommodation, transport and meals

Consent to domestic violence is not a defence (s.5)



A photograph of a woman standing and speaking to a group of seated women in a traditional brick building. The woman standing is wearing a light-colored patterned top and a long, colorful skirt. She is gesturing with her right hand. The seated women are wearing various colorful traditional dresses. The background is a wall made of red bricks with decorative diamond-shaped openings.

The procedure for addressing domestic violence in the local Council court (s.6)

Any person can make a complaint

The complaint is recorded including:

- The name, sex, age, tribe, religion, disability, occupation and marital status of both the victim and perpetrator
- The name, sex, age, tribe, religion, disability, occupation and marital status of the victims representative and the capacity in which the complaint is made:
- The place of residence
- The names, sex and ages of the children of the victim or the perpetrator
- The nature of domestic violence
- The date or time of the domestic violence
- Whether it is the first time of reporting or previous other reporting
- Any attempts to settle the matter out of court

The remedies by the LC Court are:

- caution;
- apology to the victim;
- counselling;
- community service;
- fine,
- compensation,
- reconciliation,
- declaration,
- restitution,
- attachment and sale, or any other order.

The Local Council Court can refer the case in writing to the police or Magistrate where:

- The perpetrator has committed domestic violence before,
- Is likely to harm the victim
- They think the police should be involved

In all cases of domestic violence the LC must find out whether there are children involved.

Where children are involved, the LC shall refer the case to the PSWO for advice.

All cases of domestic violence are urgent and must be dealt with within 48 hours after filing a complaint.

The Duties of police officers: (s.7)

- Assist the victim by giving advice, assistance or shelter
- Organise a medical examination
- Give legal advice to the victim to either choose civil redress or institute a criminal case
- Offer any procedural guidance

The duties of the medical practitioner to support a victim of violence: (s. 8)

A health worker who suspects that a patient is a victim of domestic violence shall:

- Provide medical assistance
- Accurately document the visit of the victim
- Advise the victim about the options under the law.
- In the case of a minor, the health workers must inform the parent or guardian
- Make himself or herself available to testify in court, where necessary.

Jurisdiction of the court (s. 9)

Any magistrates court can hear a case of domestic violence

The court can give a protection order

The procedures under the Family and Children Court shall apply

Application for the Protection Order (s. 10)

A victim or the representative can apply for a protection order in the following manner:

- The application is supported by an affidavit and any reports
- The application is heard within 48 hours
- In serious cases, the application can be brought outside office hours and even on weekends

Interim Protection Order (s. 11)

An interim order is given where:

- The domestic violence has occurred or there is a threat to commit it
- A victim needs to be protected from harm or discomfort or inconvenience

The Protection Order shall give a hearing date for the application to be considered
The Interim Order lasts for not more than 3 months.

An application for a protection order does not prevent criminal proceedings against the perpetrator. Court can also order counselling or mediation for the victim, perpetrator or any affected person.

Protection Order (s. 12)

A protection order is given where:

- A threat or action regarding domestic violence has taken place
- The person complained against is not in court, where the perpetrator has been served notice

A Protection order is served immediately but not later than 48 hours.

A certified copy of the protection order is given to the victim or their representative and to the nearest police station

Contents of the Protection Order (s. 13)

A protection order is given to:

- Prohibit the perpetrator from committing domestic violence
- Direct the perpetrator to stay away from the premises or place where the victim stays
- Prohibit the perpetrator from entering or approaching any place or premises where the victim works or often goes
- Direct the payment of maintenance of the victim, child or dependants
- Award temporary custody of the children/dependants and regulate right to access of children
- Direct the perpetrator to allow the victim or children access to their places
- Direct the perpetrator to do or not do anything necessary for the wellbeing of the victim, child or dependants

Application for changing, dismissing of orders (s. 14)

- The victim or perpetrator can apply to court to change or dismiss any order
- The application must be heard within 30 days after it is made

Enforcement of Order (s. 16)

- The victim shall apply to the court for remedy where any order is not obeyed.
- Failure to obey an order is an offence punished by a fine or imprisonment.

Jurisdiction of the Family and Children Court FCC (s. 17)

The FCC can hear any case of domestic violence whether or not it involves a child.



The Prevention of Trafficking in Persons Act 7 of 2010

Definition section: (s.2)

Trafficking in persons means:

- The recruitment, transportation, transfer, keeping or receiving a person by threat, force, coercion, abduction, fraud, deception, abuse of power or
- Receiving payments or benefits to make a person having control of another consent to the trafficking.

Exploitation includes: sexual abuse, forced marriages, child marriages, forced labour, harmful child labour, use of children in armed conflict, use of people in illegal activities, debt bondage, slavery, human sacrifice, removal of organs and sex tourism.

The offence of trafficking in persons: (s.3)

The offence of trafficking is committed by:

Any persons involved in executing a trafficking offence. This includes any person who: recruits, transports, transfers, hires, confines, keeps or receives another person for purposes of exploitation.

The offence of child trafficking (s.3)3

Child trafficking includes the recruitment, transportation, transfer, keeping or receiving a child for purposes of exploitation.

Consent to trafficking (s.3 (4))

- There is no defence to the offence of trafficking.
- It is not a defence that no force, threat, coercion, fraud, abduction or deception were used.
- Consent of the child or guardians of the child or the victim to trafficking is not a defence.

Aggravated trafficking in persons (s. 4)

Aggravated trafficking occurs where:

- A child is trafficked
- Adoption or fostering orders are got for purposes of exploitation
- The offence is of a large scale
- The offender is an organisation involved with child protection
- The offender is the ringleader in organising trafficking
- The offender is a close relative or person having parental care, authority or control of the child



- The offender is a public officer
- Where the offender is a military personnel or law enforcement officer
- Where the offence is done for purposes of harmful rituals, human sacrifice, removal of organ or tissue
- Where the victim dies or becomes mad, is mutilated, infected with HIV/AIDs or other threatening illness;

Aggravated trafficking is punished by life imprisonment s (4)

Aggravated trafficking in children (s. 50)

Trafficking in children involves:

- Using a child in armed conflict
- Removing an organ or part of a child for human sacrifice
- Using a child to commit an offence
- Abandoning a child outside the country
- Using a child or any body part in witchcraft

Any person who knowingly engages the labour of a victim of trafficking commits an offence that is punishable with ten years imprisonment (s. 6)

Promoting Trafficking in Persons (s.7)

The offence of promoting trafficking in persons occurs where any person:

- Knowingly rents out, uses or allows the use of a building for exploitation;
- Produces or distributes any information for immigration purposes for trafficking
- Alters or forges any government information relating to immigration requirements
- Helps another to forge or alter documents to enter, stay in or leave Uganda
- Gives or helps in giving false information to enter, stay in or leave Uganda;
- Advertises, publishes, prints, broadcasts (including the internet), any pornographic or other information to help in trafficking
- Engages in the selling and buying of persons
- Unlawfully recruits, transfers, keeps or receives a child without the authority of the parent or guardian
- Abandons a child in situations that may cause fear, injury, pain or harm

Punishment for the offence of trafficking

- The offence of promoting trafficking in persons is punished by a fine of five years imprisonment
- Any person who repeats the offence of promoting trafficking in persons is punished by seven years imprisonment without the option of paying a fine

Offences related to trafficking in persons (s. 8)

Any person who does the following commits an offence:

- Attempts to traffic in persons
- Conspires to traffic in persons
- Recruits, transports, transfers, harbours, provides or receives or trains a person for domestic or overseas employment
- Recruits a person below 16 years in any form of employment for exploitation
- Introduces a person for the purposes of trafficking
- Confiscates, hides or destroys a passport with the aim of denying a person freedom of movement
- Adopts or helps in the adoption of a person for illegal purposes

Failure to disclose conviction (s. 9)

- Any person who does not disclose that they have previously been convicted of the offence of trafficking in persons, when applying for a job for the care of children or offering to take care of children, commits an offence
- The offence is punished by a fine or three years imprisonment

Duty to report trafficking of Persons (s. 10)

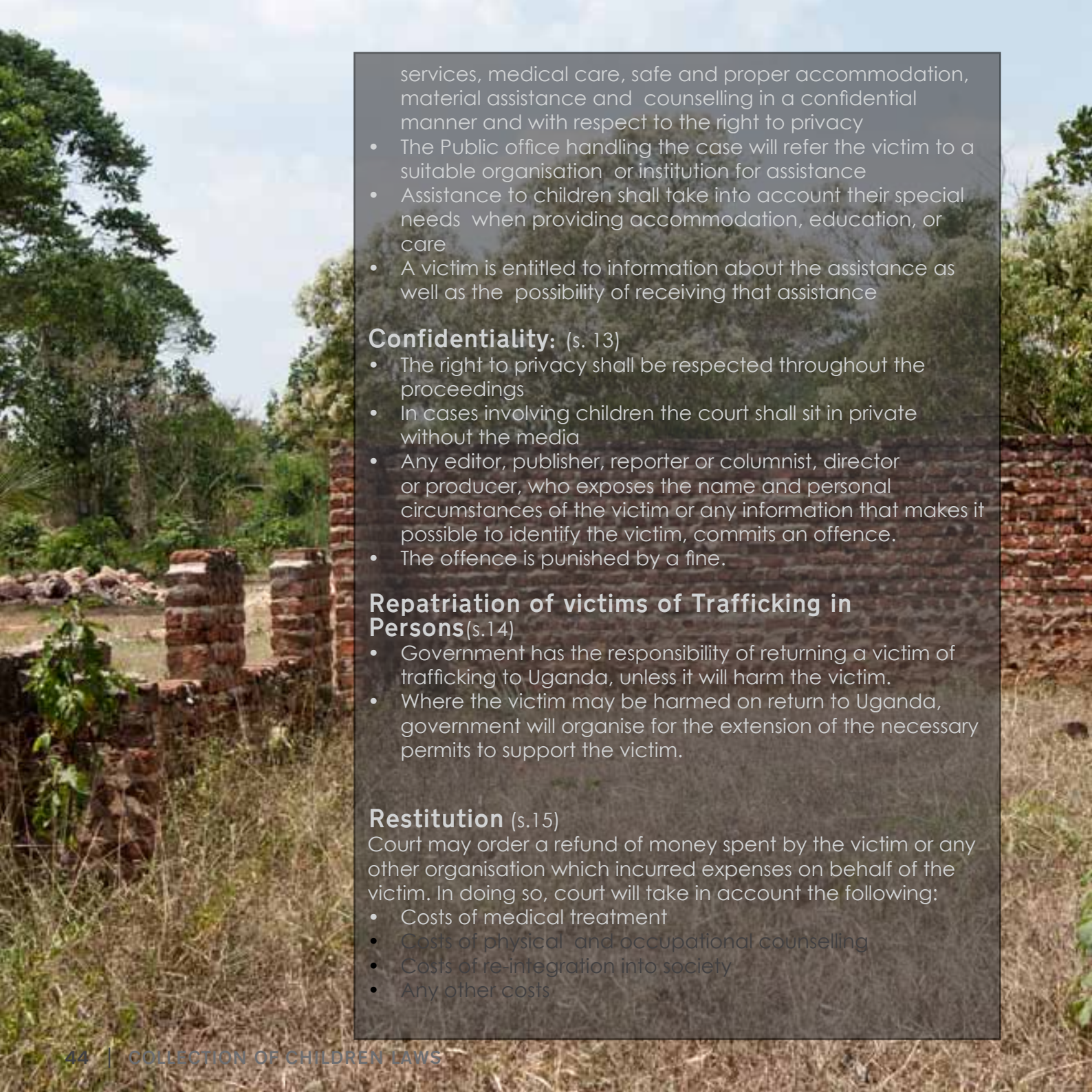
- Every member of the community has a duty to report an offence of trafficking to the police or any other office
- A person who knows that an offence of trafficking is being planned or has been committed and fails to report it to the authorities, is punished with a fine or six months imprisonment

Non-discrimination of Victims of Trafficking in persons (s.11)

- Protection, assistance and support of victims of trafficking must be provided without discrimination because of race, religion, belief, age, family, status, culture, language, nationality or gender
- The offence of discrimination is punished by a fine or imprisonment of 6 months

Protection, Assistance and Support of victims of trafficking (s. 12)

- A victim of trafficking cannot be punished of an offence committed as a result of the trafficking
- A victim of trafficking shall be informed in the language she or he understands, the process of enforcing their rights or duties
- Assistance shall be given to the victim to give his or her views in the legal process
- The criminal process shall not affect the right of a victim to have a civil case
- A victim of trafficking shall be provided with the following services: health and social



services, medical care, safe and proper accommodation, material assistance and counselling in a confidential manner and with respect to the right to privacy

- The Public office handling the case will refer the victim to a suitable organisation or institution for assistance
- Assistance to children shall take into account their special needs when providing accommodation, education, or care
- A victim is entitled to information about the assistance as well as the possibility of receiving that assistance

Confidentiality: (s. 13)

- The right to privacy shall be respected throughout the proceedings
- In cases involving children the court shall sit in private without the media
- Any editor, publisher, reporter or columnist, director or producer, who exposes the name and personal circumstances of the victim or any information that makes it possible to identify the victim, commits an offence.
- The offence is punished by a fine.

Repatriation of victims of Trafficking in Persons(s.14)

- Government has the responsibility of returning a victim of trafficking to Uganda, unless it will harm the victim.
- Where the victim may be harmed on return to Uganda, government will organise for the extension of the necessary permits to support the victim.

Restitution (s.15)

Court may order a refund of money spent by the victim or any other organisation which incurred expenses on behalf of the victim. In doing so, court will take in account the following:

- Costs of medical treatment
- Costs of physical and occupational counselling
- Costs of re-integration into society
- Any other costs

Compensation (s.16)

A person convicted of trafficking in persons, may be ordered to pay compensation taking into account:

- Physical injury
- Emotional suffering
- Pain
- Loss or damage

The absence of a victim from the court does not affect the victim's right to receive compensation (s. 17)

Jurisdiction (s.18)

A case of trafficking in persons can be heard:

- Where the case occurred
- Any place where any part of the offence occurred
- Where the victim lived at the time the offence occurred

Cases outside Uganda (s. 19)

The Act applies to cases committed outside Uganda where:

- The offence is committed by a citizen or permanent resident of Uganda
- The victim is a citizen of Uganda
- The offence was partially committed in Uganda

Permission for the institution of proceedings in the above circumstances, must be got from the Attorney General's Office. A person will not be tried of the same case if it has already been heard in another country.

Officer in charge of Trafficking of Offence (s. 21)

The Minister shall appoint a person in-charge of coordination, monitoring and overseeing the implementation of the Act

Confiscation and seizing profits of trafficking in persons (s.22)

Court shall order the taking or surrender of all profits from trafficking of person.

Education Act 13, 2008

The objective of the Act is to implement the Education policy of Government and clarify the functions and services by Government. The Minister of Education and Sports, is responsible for the Implementation of this Act.

Policy on the provision of education and training (s.4)

- The education and training of a child is the joint responsibility of the State, the parent or guardian and other stakeholders
- Basic education is a right of everybody
- Religious studies shall form part of the curriculum in primary and post primary schools.

Responsibilities of stakeholders in education and training (s.5)

- Government is responsible for providing learning and instructional materials, structural development and teacher's welfare
- Government controls the national curriculum

The responsibilities of the parents and guardians in education are:(s.5 (2):

- Register children of school going age at school
- Provide parental guidance and psychosocial welfare
- Provide food, clothing, shelter, medical care and transport
- Promote the moral, spiritual and cultural growth of the children
- Participate in the promotion of discipline of their children
- Participate in community support to the school
- Participate in the development and review of the curriculum

Government has the responsibility of supervising private education institutions (s. 5(4)

Prohibition of charging money for education in Universal Primary Education (UPE) or "UPPET" Universal Post Primary Education and Training (UPPET) (s.9)

- Charging money for education in any primary or post primary institution implementing the UPE or UPPET programme is prohibited
- UPE and UPPET schools can collect or receive voluntary contributions or payments from parents and well wishers, for any urgent matter concerning the school
- No student shall be sent away from a school or denied access to education for failure to pay, the above contribution

- Violation of the above is an offence punished by a fine or imprisonment of not more than 12 months

Pre-primary schools shall be day schools (s.10)

Primary education shall be (s.10(3))

- universal and compulsory for children aged 6 years
- Government shall ensure that a child who drops out of school before completing the primary education cycle, attains basic education through alternative education

No person shall teach in any school unless they are registered or licensed to teach (s.11).

Removal of a teacher's name from the register (s.15)

The Education Service Commission has powers to recommend the removal of a teacher from the register where:

- A teacher has been convicted of a criminal offence involving morality
- A teacher is found guilty of misconduct unsuitable of a teacher

“Misconduct” includes professional misconduct that negatively affects the physical, mental or moral welfare of any student in a school.

A teacher can apply for his or her name to be restored on the register after 2 years:

Cancellation of licence (s.20)

A license can be cancelled where the teacher:

- Has died;
- Applies for the cancellation
- Is convicted of a criminal offence involving moral standards punished by imprisonment for two and half months
- Is found guilty of misconduct unsuitable of a teacher
- Fails to comply with any condition of the licence

Offences relating to teaching after cancellation of registration or licence (s.23)

- Any person who continues to teach after the cancellation of licence commits an offence.
- Any person who knowingly employs such a teacher commits an offence.

The above offences are punished by a fine or imprisonment not exceeding ten months.

Establishment of student's councils in post primary institutions (s.30)

All post primary institutions shall have a Student's Council in accordance with the Uganda National Students' Association.

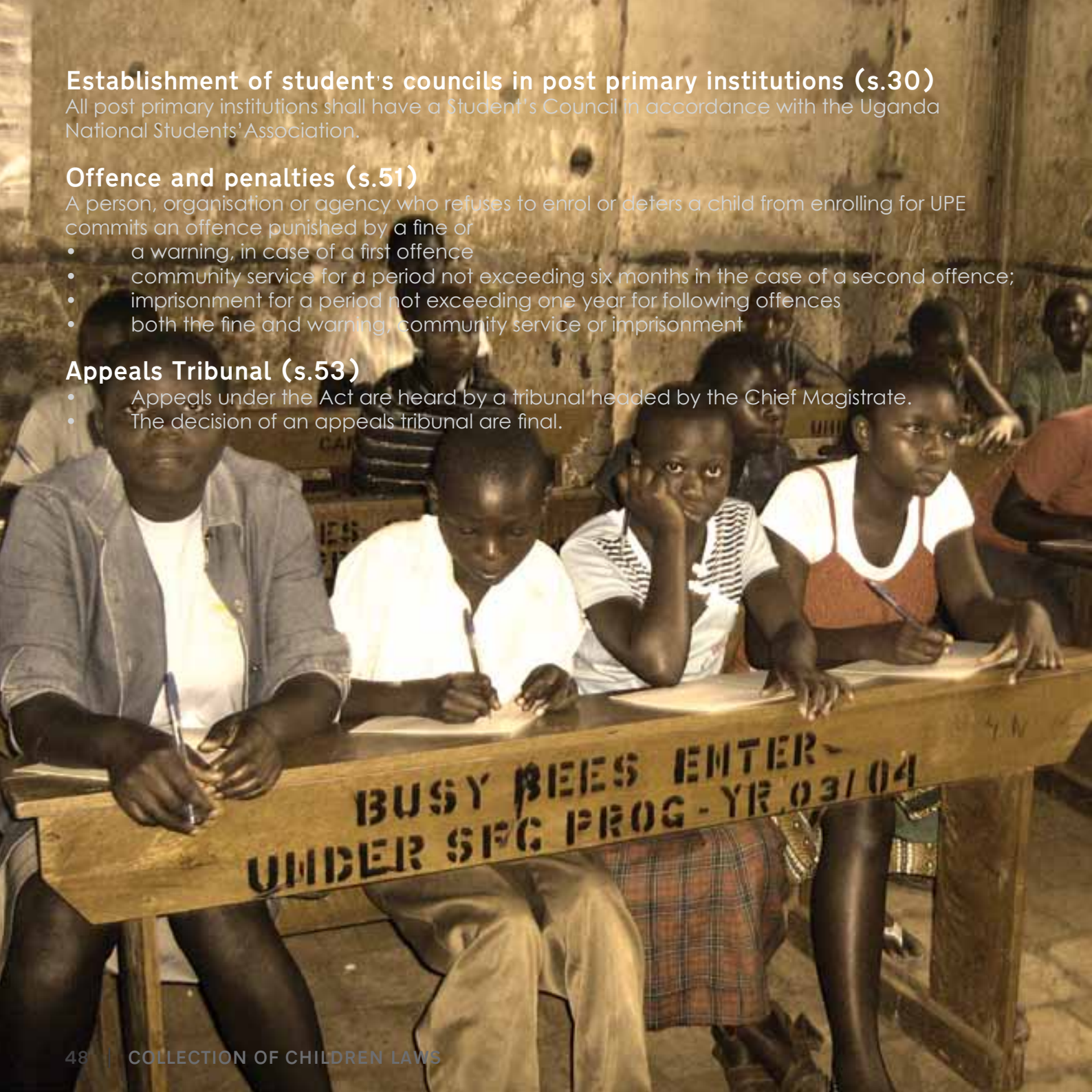
Offence and penalties (s.51)

A person, organisation or agency who refuses to enrol or deters a child from enrolling for UPE commits an offence punished by a fine or

- a warning, in case of a first offence
- community service for a period not exceeding six months in the case of a second offence;
- imprisonment for a period not exceeding one year for following offences
- both the fine and warning, community service or imprisonment

Appeals Tribunal (s.53)

- Appeals under the Act are heard by a tribunal headed by the Chief Magistrate.
- The decision of an appeals tribunal are final.





Employment Act 2006 (s 32)

A child under 12 years cannot be employed under any circumstances

A child between 12- 14 years can only be employed for

- light work under supervision of an adult
- not in school hours

The Labour officer has powers to stop the employment of a child between 12-14 years

A child under 18 cannot be employed in work that is:

- harmful to health; dangerous or unsuitable
- Stopped by labour officer in writing

A child shall not be employed in the night 7 p.m. - 7 a.m

Every Person has the duty to notify the labour officer that a child is working in

injurious employment





The Prohibition of Female Genital Mutilation Act 5 2010

Offence of female genital mutilation (s. 2)

Carrying out female genital mutilation is an offence punished by ten years imprisonment.

Aggravated female genital mutilation (s. 3)

Aggravated female genital mutilation occurs where;

- Death occurs as a result of FGM
- The offender is a parent, guardian or person having responsibility
- Victim suffers disability
- Victim is infected by HIV
- Offender is a health worker

Punishments for offences related to FGM

- Aggravated FGM is punished by life imprisonment
- Carrying out FGM on oneself is an offence, punished by not more than ten years imprisonment (s.4)
- Attempt to carry out FGM is an offence punished by not more than 5 years imprisonment (s.5)
- Assisting to carry out FGM is an offence punished by not more than 5 years imprisonment (s. 6)
- Participating in events leading to FGM is an offence punished by not more than five years imprisonment (s. 7)

Where a parent, guardian or person having responsibility of a victim attempts, assists or participates in FGM such a person is punished by not more than eight years imprisonment (s. 8)

Consent to FGM is not an offence. (s. 9)

Culture and religion is not a defence to FGM (s.10)

Protection of females who do not undergo FGM (s. 11)

Any person who discriminates against or stigmatises a person who does not undergo FGM commits an offence punished by not more than five years imprisonment

Any person who discriminates against or stigmatises a person whose wife, daughter or relatives did not undergo FGM commits an offence punished by not more than 5 five years (s. 12)

Compensation (s. 13)

In addition to a fine or imprisonment, a person convicted of imprisonment can be ordered to pay compensation, taking into regard the injuries suffered by the victim and medical expenses

Special powers of the court (s. 14)

- A magistrate court can issue a protection order for a child or woman likely to undergo FGM
- The Family and Children Court can issue any other order considered necessary

The Act is applicable to where FGM is committed outside Uganda where the victim lives in Uganda (s. 15)

Duty to Report (s. 16)

- Any person who knows that a person intends to or has committed FGM has a duty to report to police or any other responsible person
- Failure to report is an offence punishable by a fine or not more than 6 months imprisonment;
- Threatening or harming a person who has reported is an offence





The Penal Code Act Cap 120

The Penal Code Act provides for the different criminal offences under the laws of Uganda, the penalties and the general rules governing criminal responsibility.

The law protects children by giving grave penalties for criminal offences committed against them.

Child actors must be knowledgeable about what the law says about children and criminal offences.

It is also important to note that children under the age of 12 cannot be held criminally responsible for their actions, because they do not have the capacity to understand the seriousness of their offences.

Abduction (s. 126)

Any person who takes a person away or detains them against their will with the intention of:

- marrying them or
- having sexual intercourse with them or
- causing them to marry or
- having sex with another person commits an offence.

Abduction is punished by imprisonment of seven years.

Child abduction:

- It is an offence to take a person under the age of 18 years, out of the custody of any of their parents or a person in charge of them.
- On conviction the offender is liable to imprisonment for seven years.

Indecent Assault (s.128)

- Any person who unlawfully or indecently assaults a girl commits an offence punished by 14 years.
- Consent is no defence in a charge of indecent assault of a girl under 18 years.
- Any person intending to insult the modesty of a girl; exhibits any object, says any word or makes any sound or gesture or interferes with the privacy of such girl, commits an offence punished by imprisonment for 1 year.

Defilement (s.129)

A person who performs a sexual act with another person who is below the age of 18 years commits an offence punished by a maximum period of life imprisonment.

An attempt to perform a sexual act with another person who is below the age of 18 years is



an offence punishable with imprisonment of not more than 18 years.

Aggravated defilement occurs where a person performs a sexual act with another person who is below the age of 18 years under any of the following circumstances:

- The boy or girl victim is below 14 years of age
- The offender is infected with the Human Immunodeficiency Virus (HIV)
- The offender is a parent or guardian or a person in authority over the victim
- The victim is a person with disability
- The offender is a serial offender

Sexual Act means:

- Penetration of the vagina, mouth or anus however slight of any person by a vagina or penis.
- The unlawful use of any object or organ by a person on another person's vagina or penis.

A Child to Child Sex (s. 129 A)

- Where the offender in the case of defilement is below 12 years of age the matter shall be dealt with under Part V of the Children Act which refers to Protection and Care.
- Where the victim and offender of a defilement case are both above 12 years the offence shall be dealt with as required by Part X of the Children Act which deals with Children Charged with Offences.

Indecent Assault on boys under 18 years (s. 147)

It is unlawful for a person to indecently assault a boy under the age of 18 years.

On conviction the person, punished by imprisonment of not more than 14 years.

Desertion of Children (s. 156).

It is unlawful for a parent or guardian or a person in charge of a child under 14 years, (who has the ability to maintain the child), to desert the child and to leave him or her without means of support.

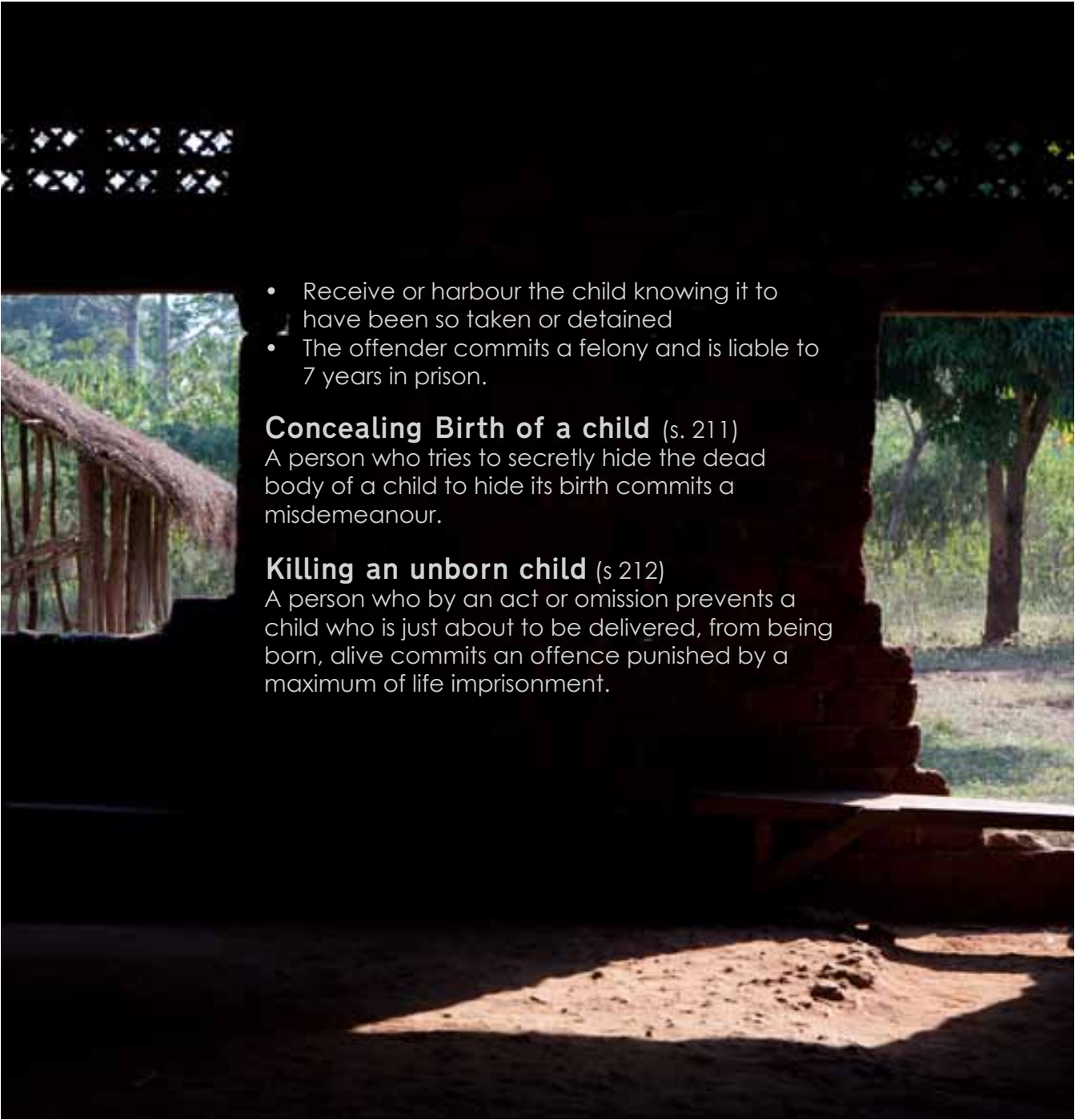
Neglecting to provide food e.t.c for children (s. 157)

It is unlawful for a parent or guardian or a person in charge of a child of tender years, (who has the ability to maintain the child), to refuse or neglect to provide sufficient food, clothes, beddings and other necessities for such child, so as thereby to injure the health of the child.

Child Stealing (s. 159)

It is unlawful for a person with the intent of depriving a parent, guardian or anyone in lawful custody of a child of below 14 years to:

- Forcibly or fraudulently take away or detain the child.

- 
- The background of the page is a photograph of a dark, interior space, possibly a traditional dwelling. A thatched roof is visible on the left, and a large opening on the right looks out onto a bright, sunny outdoor area with trees and a dirt path. The lighting is dramatic, with strong shadows and highlights.
- Receive or harbour the child knowing it to have been so taken or detained
 - The offender commits a felony and is liable to 7 years in prison.

Concealing Birth of a child (s. 211)

A person who tries to secretly hide the dead body of a child to hide its birth commits a misdemeanour.

Killing an unborn child (s 212)

A person who by an act or omission prevents a child who is just about to be delivered, from being born, alive commits an offence punished by a maximum of life imprisonment.

The Births and Deaths Registration Act- Chapter 309

The law requires the registration of the birth of each child as well as their death.

Registration helps to:

Ensure that every child is accounted for, which also guards against trafficking, abduction, kidnapping and the like.

Facilitates the planning process, where programmes can be designed and resources allocated according to the population. This Act puts all the laws relating to the registration of births and deaths in one document.

Duty of Parents to register the birth of a live child (s. 7)

- A parent has the duty to register the birth of a live child within three months after birth.
- Where both parents are not in a position to register the birth of a live child then any person who was present during the birth of that child, or a person at whose place the child is born, has the duty to register the birth of the child.

Where a man is not married to a woman that man does not have a duty to register a child born by that woman and his name cannot be registered as the father of that child unless such a man allows it (s. 9).

Registration of abandoned children (s.10)

- Any person who picks or finds an abandoned child must report the matter to the nearest police station, hospital or LC in the district the child is found.
- When a report is made to any of these places, the person in charge must then register the found child with the Registrar of Births and Deaths, giving all the information about that child

Extension of registration period (s. 11)

- The birth or finding of a child must be registered within 3 months from the date of birth or finding of such child
- The registration period may be extended to 6 months where there is good reason to do so.
- Failure to register a child is an offence

Change of name of child (s.13).

The parents or guardian of any child under the age of twenty-one years who is not married, divorced, a widower or a widow may apply to change the name of the child.

A young child with dark skin and short hair is walking on a sandy beach. The child is wearing a green short-sleeved shirt and orange shorts. The background is a vast, flat expanse of sand under a bright sky.

Change of sex of child (s.14).

If a child, after being registered, either through an operation or otherwise, changes their sex by a certified medical doctor, the registrar shall change the records;

Registration of deaths (s.16).

Every death must be registered in the district it occurred within one month of death or finding the body by:

- any relative of the deceased present at the death or during his or her last illness
- any other relative of the deceased

The registration of death shall be done by

- any person present at the death;
- the occupier or any inmate of the house in which the death occurred if he or she had knowledge of the death
- any person finding or taking charge of the body;
- Any person causing the burial of the body.

Extended period for registration (18).

- The time of registration can be extended from one month to three months:
- After 3 months one applies to the Registrar General upon payment of a fine

Offences and penalties (s.25).

Any person who has the duty to register the birth or death of any person but fails to do so, commits an offence punished by a fine or maximum imprisonment of one month;

Any person who knowingly gives any false information or particulars for registration is liable to a fine not exceeding five hundred shillings or to a term of imprisonment not exceeding three weeks.

The National Council for Children Act- Chapter 60

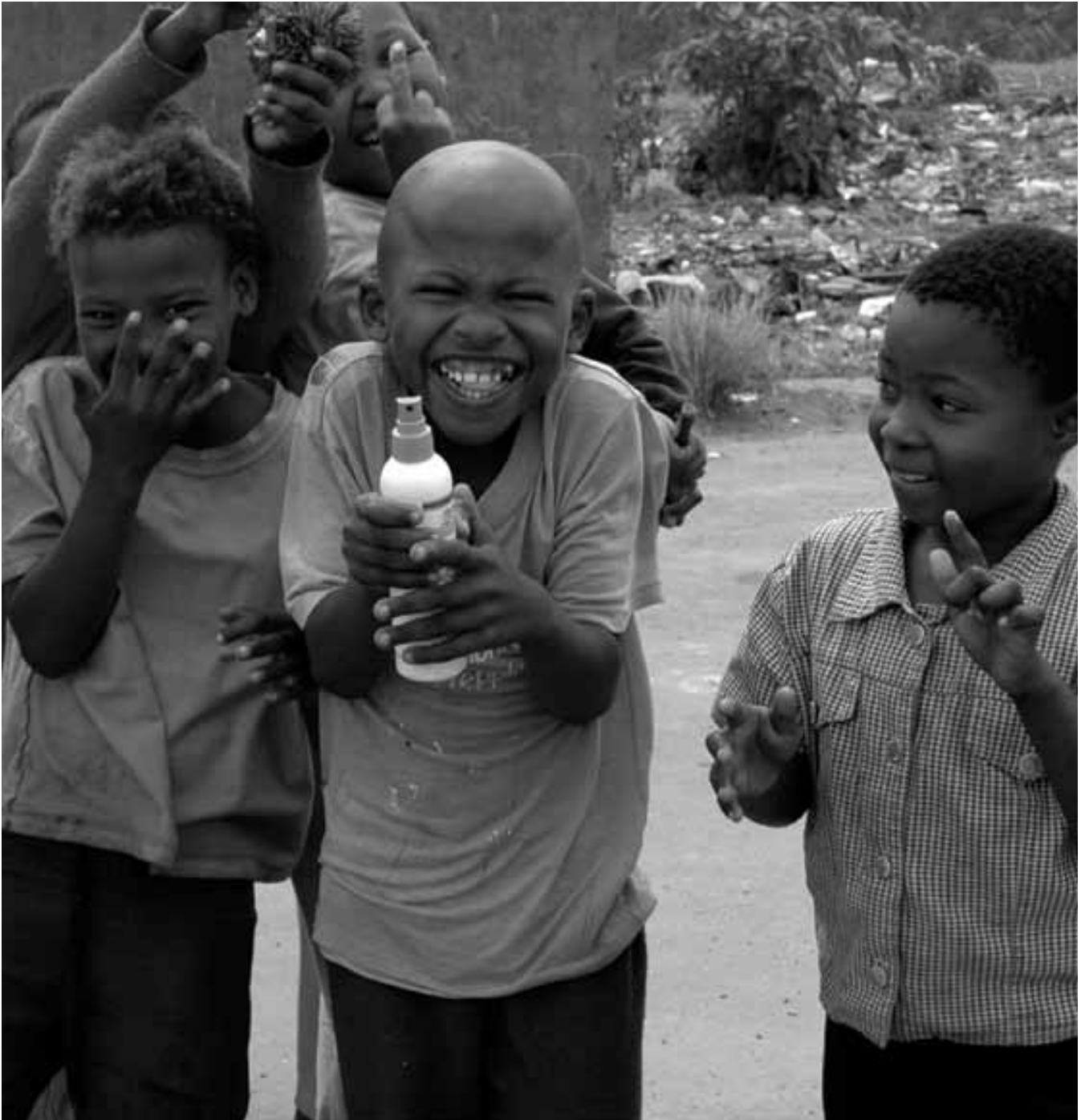
This Act established the National Council for Children. The main purpose of the law is to provide a structure and mechanism for the proper coordination, monitoring and evaluation of all policies and programmes relating to the survival, protection and development of children in Uganda.

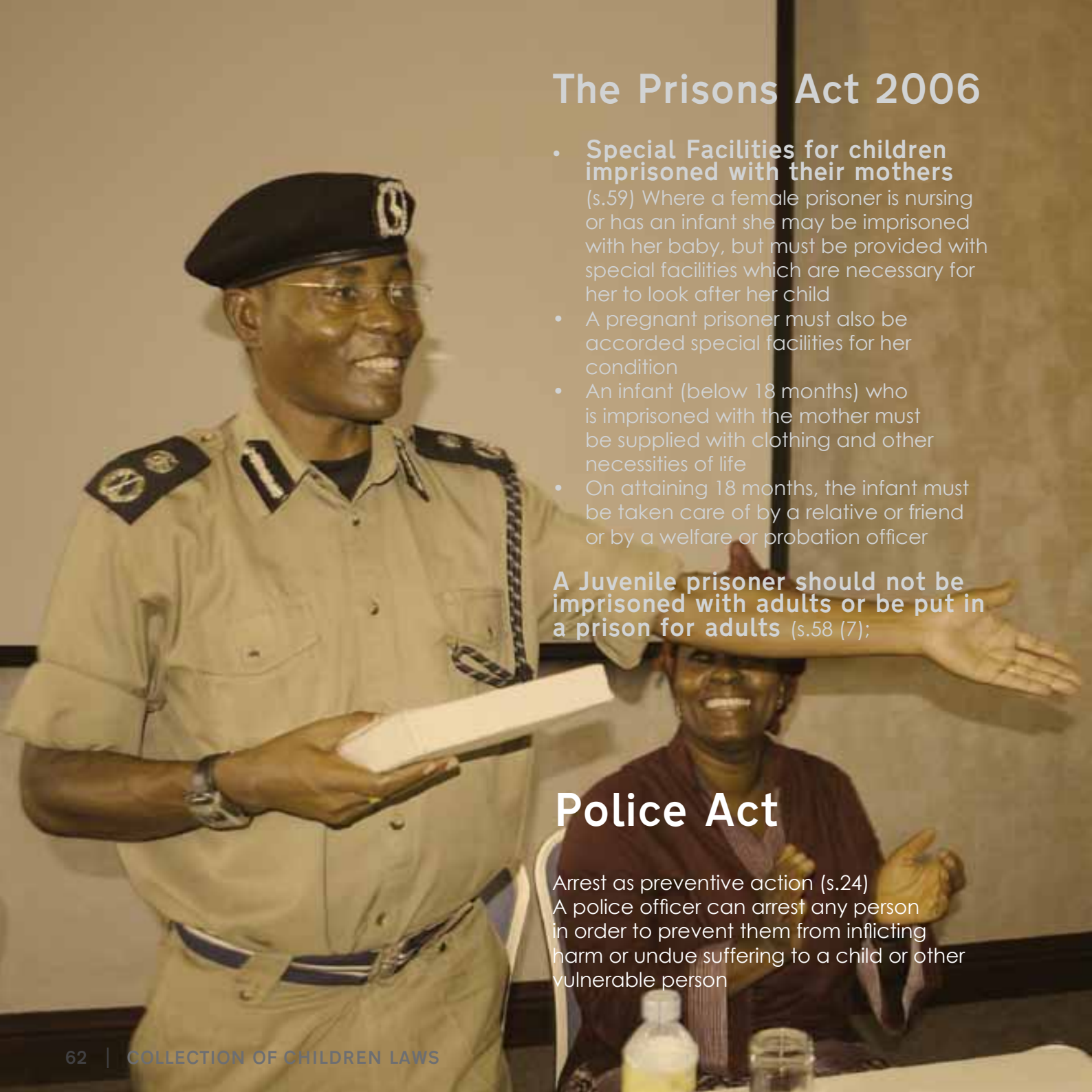
The specific objects of the Council are (s. 3)

1. To articulate the needs and problems of children to government and other stakeholders in the area of the care and protection of children;
2. To coordinate the provision of child-based activities in Uganda to ensure integrated approaches and maximum use of resources, to avoid resource wastage;
3. To participate in planning and resource allocation programmes of the various stakeholders in order to promote the adoption and realization of the government plan of action for children;
4. To assist local governments in the development of action plans for children as well as in developing monitoring systems for their implementation;
5. To maintain a database on the situation of children in Uganda as well as activities relating to them;
6. To act as a monitoring agency of activities by different stakeholders relating to children including monitoring their changing needs and/or emerging priorities.

Apart from the above objects the Council is also very important for the following reasons:

- It has the duty to promote policies and programmes regarding the survival, development and protection of children in Uganda;
- It must ensure proper planning and coordination of child-based programmes as well as regularly reviewing, monitoring, evaluating and identifying obstacles to implementation of Uganda's programme of action for children;
- It collects and publicizes data on the situation of children in Uganda and activities relating to them.
- It coordinates the activities of the various stakeholders regarding Uganda's programme of action for children, on budgetary matters and on all matters necessary for the well-being of children.
- It promotes and encourage activities by different stakeholders, including on the regional and international levels, towards the promotion of children's welfare and protection.





The Prisons Act 2006

- **Special Facilities for children imprisoned with their mothers** (s.59) Where a female prisoner is nursing or has an infant she may be imprisoned with her baby, but must be provided with special facilities which are necessary for her to look after her child
- A pregnant prisoner must also be accorded special facilities for her condition
- An infant (below 18 months) who is imprisoned with the mother must be supplied with clothing and other necessities of life
- On attaining 18 months, the infant must be taken care of by a relative or friend or by a welfare or probation officer

A Juvenile prisoner should not be imprisoned with adults or be put in a prison for adults (s.58 (7);

Police Act

Arrest as preventive action (s.24)
A police officer can arrest any person in order to prevent them from inflicting harm or undue suffering to a child or other vulnerable person

The Uganda People's Defense Forces Act 2005

Prohibition of the enrolment of children in the army (s.52 (2))

No person shall be enrolled in the Defence Forces unless he or she is at least 18 years of age.



Local Governments Act, Chapter 243

Duty to Protect and Promote the welfare of children (s.10)

- All local government councils must safeguard and promote the welfare of all children in their area
- Special attention must be given to children with disabilities and other needy and vulnerable children who must all be registered and given assistance where necessary
- Local governments must make efforts to re-unite children who become separated from their parents and guardians

Each local government council must have a secretary for children's affairs, who is the person directly responsible for affairs relating to children (s.16)

The Secretary for children must work together with other officers of the local government to fulfil this responsibility (s. 25). The Act also provides for the duties of District and Urban Councils to include promoting, assisting and managing the welfare of children, in the provision of education for them-

Second Schedule to the Local Government Act.

- Every local government council is under a duty to protect the property of a child but they are not allowed to distribute such property.
- Local government councils have the responsibility to mediate in all situations where the rights of a child are violated including the right to property as well as other rights.



The Succession Act Cap 162

Distribution on the death of an intestate (person who dies without leaving a will) (s.27). Where a person dies leaving behind a wife or husband or children, a customary heir and other dependant relatives these people take the following shares of the estate:

- The wives or husband share 15%
- All the children share 75%
- The customary heir 1%
- Other dependant relatives 9%

Persons entitled occupation — Second schedule (1)

The main residence of a person who dies without leaving a will must not be divided amongst the survivors.

The widow and children below 18 years for boys and 21 years for unmarried girls, have the right to stay in the home as follows:

A girl/woman has the right to stay in the deceased's person home until:

- she dies
- reaches the age of 21 years or
- marries before attaining 21 years of age or
- stops living in the house for a continuous period of 6 months

A boy/man has a right to stay in the deceased person home until:


- he dies
- becomes 18 years
- stops living in the house continually for 6 months or more.

Rights of cultivation — Second schedule (2)

Any wife, husband or child who normally cultivated or farmed on any land next to a residential property owned by the deceased person prior to his or her death, shall have the right to cultivate and farm the land as long as he or she continues to be resident in the home.

The advancement of children (s.33)

Where a person dies intestate, money or property the person gave to his child during his life time will not be considered when dividing the property amongst the rest of the children.

A young child with dark skin and short hair is smiling and looking towards the camera. They are wearing a blue long-sleeved hoodie and a pink skirt with white ruffles. They are standing on a dirt ground in front of a wooden wall made of vertical planks.

Persons capable of making wills.

(s. 36)

A minor is not capable of making a will to dispose of his or her property.

Provision for the maintenance of dependents to be made in every will (s. 38)

Where a person, by his or her will, shares out his or her property without making reasonable provision for the maintenance of his or her dependent relatives, the court has the power to provide for a share of the property for these dependants.

Testamentary guardian. (s.43)

A father may by will appoint a guardian or guardians for his child before they attain the age of 18.

Statutory guardians (s. 44, 45)

- Statutory guardians may be provided for where a father dies without appointing a guardian for his child.
- A statutory guardian can be the mother, brothers or sisters or anyone appointed by the Court.
- The Court has power to remove a guardian for the welfare of the child.

Definition of Children (s. 86 &87)

All children both born within and outside wedlock shall share equally in the children's share of the deceased's estate.

Letters of administration may not be granted to a minor. (s.190)

Letters of administration shall not be granted to a child or a person of unsound mind.



THE LAND ACT

When the Land Committee receives an application for customary ownership of land, it has a duty to safeguard the interests and rights of the women, absent persons, children and people with disability (s.5)

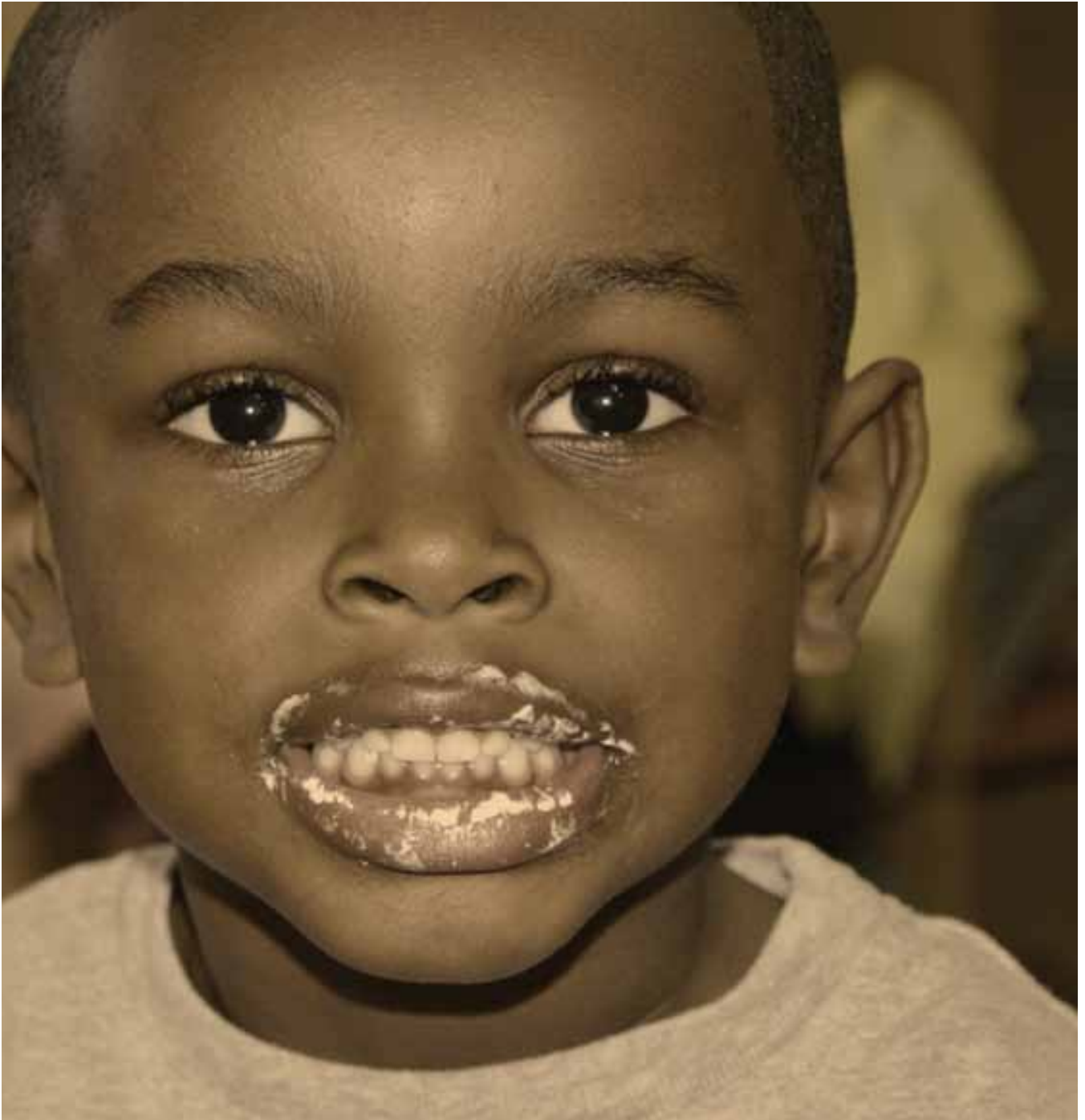
The rights of women, children and person with disability regarding customary land (s.27)

- Any decision on customary land shall be done according to the customs, tradition as and practices of the community
- Any decision that denies children access to ownership, occupation or use or that violates their constitutional rights is invalid;

PART 2

INTERNATIONAL LAWS

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CONVENTION ON THE RIGHTS OF THE CHILD (CRC)

Definition of a child

A child is a person below the age of 18 (Art 1)

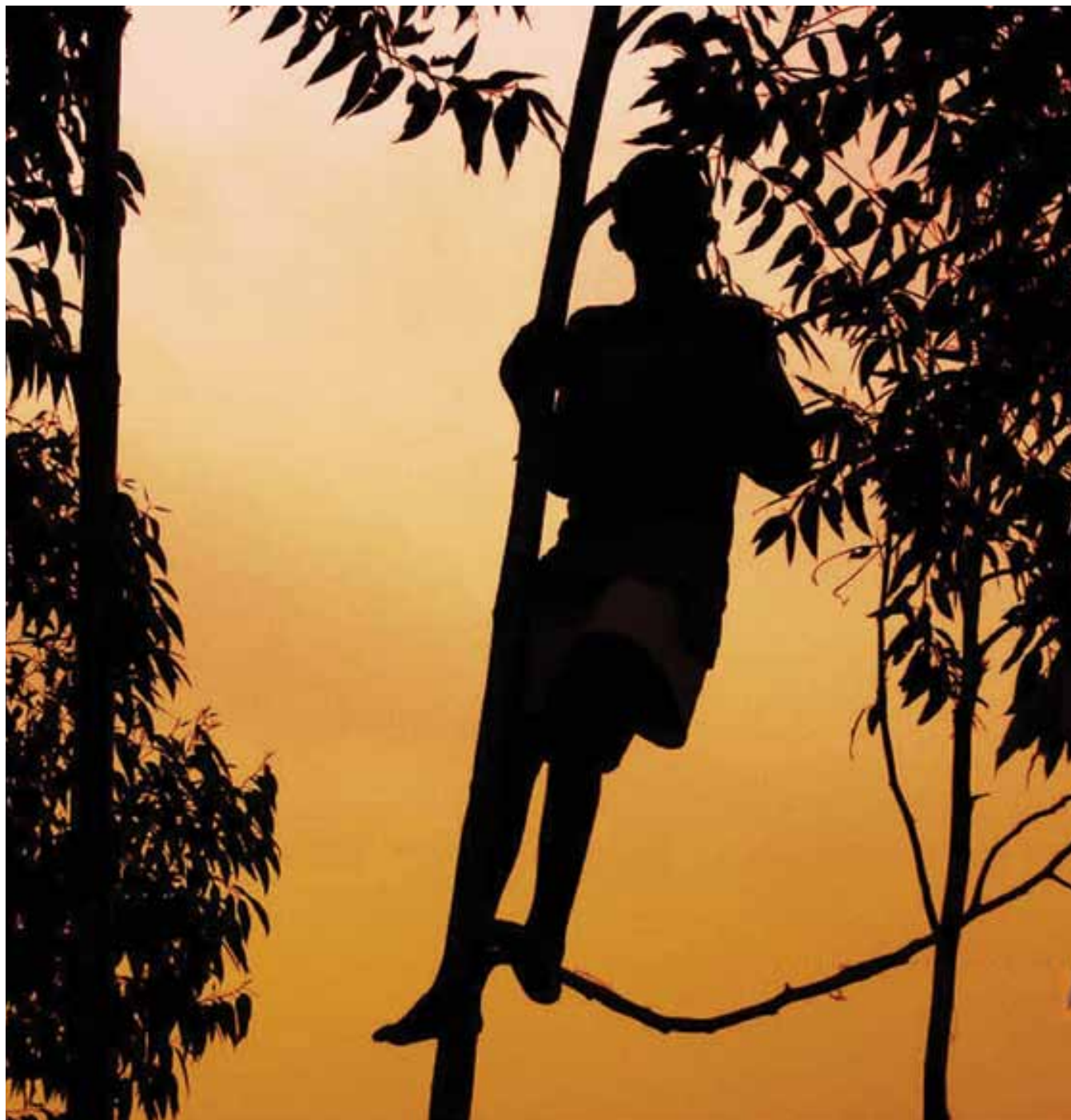
The law also allows the country to define a child according to specific laws

Non discrimination (Art 2)

No child shall be discriminated on the basis of: race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

The **Best interest of the child** is the key consideration in issues affecting children (Art 3)





Right to Life, Survival and Development of the child (Art 6).

Right to immediate Registration at Birth, a right to Name and Nationality; right to know and be cared for by the parents (Art 7)

Right to preserve an identity, nationality, name and family relations without unlawful interference (Art 8)

A child shall not be separated from his or her parents against their will except by court order where the parents abuse or neglect a child or where the parents are separated that there is need to decide where the child stays (Art 9)

In determining the separation of a child from his or her parents the following applies:

- All parties have to participate in the decision
- A child who is separated from one or both parents shall maintain personal relations and direct contact with that parent, except if it violates the child's best interest
- Where such separation results from detention, imprisonment, exile, deportation or death the child has the right to information concerning the absent member(s) of the family

A child whose parents reside in different States shall have the right to maintain on a regular basis personal relations and direct contacts with both parents (Art 10).

Government has a duty to combat the illegal transfer and non-return of children abroad (Art 11).

A child capable of forming his or her own views has a right to express those views and to be heard in any matter that affects their lives (Art 12);

Right to freedom of expression and to seek, receive and impart information of the child's choice (Art 13).

Right to freedom of thought, conscience and religion (Art 14).
Parents have the right to provide direction to the child

Rights of the child to freedom of association and peaceful assembly (Art 15).

Protection from arbitrary or unlawful interference with privacy, family, home or correspondence or unlawful attacks on reputation (Art 16).

Government must encourage the mass media to disseminate information for the well-being of the child (Art 17)

Both parents have common responsibilities for the upbringing and development of the child (Art 18).
Government must offer appropriate assistance to parents and legal guardians to perform their duties;

Government must protect a child from physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, sexual abuse (Art 19),

A child removed from the family environment is entitled to alternative care, such as foster



placement, kafalah of Islamic law, adoption or suitable institutions (Art 20);

In the adoption of children by competent authorities the child's best interest shall be paramount (Art 21).

A refugee child whether unaccompanied or accompanied by his or her parents is entitled to protection and humanitarian assistance and to reunification with the family (Art 22)

Right of mentally or physically disabled child to a decent life and to promote their self-reliance and active participation in the community (Art 23).

Right to the enjoyment of the highest attainable standard of health (Art 24). This includes:

- diminish infant and child mortality;
- medical assistance and health care;
- combat disease and malnutrition and provide adequate nutrition and clean drinking-water;
- ensure appropriate pre-natal and post-natal health care for mothers; access to basic knowledge of child health and nutrition and family planning education and services
- abolishing traditional practices harmful to children

A child placed in care, protection or treatment of his or her physical or mental health is entitled to periodic review (Art 25);

Right to benefit from social security and social insurance; taking into account: the resources and the circumstances of the child

and persons having responsibility for the maintenance of the child (Art 26)

The right of the child to a standard of living (Art 27);

- The parent has the primary responsibility to provide for the child's development
- The state shall assist the parents and guardian to provide for the child

The right to education (Art 28)

- The right of the child to education on the basis of equal opportunity
- Right to free and primary education
- Government to encourage secondary education and vocational education on the basis of capacity by every appropriate means
- School discipline to be administered in a manner consistent with the child's human dignity

The education of the child shall be directed to the development of the child's personality, talents and mental and physical abilities to their fullest potential and in preparation for responsible life (Art 29)

A child belonging to a minority or indigenous community shall enjoy their own culture, religion and use their own language (Art 30);

The right of the child to rest, leisure, play, and recreation and to participate in cultural life (Art 31)

The right of the child to be protected from economic exploitation; doing work that interferes with a child's education or harmful to the child's health and development (Art 32);

Protection of children from the illegal use of drugs and trafficking of illegal drugs (Art 33)

Protection from sexual abuse and exploitation (Art 34)

- Prevents unlawful sexual activity; prostitution, and unlawful sexual practices; and use of children in pornographic performances and materials.

Prevents the abduction of or the sale of or traffic in children (Art 35):

Protects the child from exploitation that affects the child's welfare (Art 36).

Protects children from torture, cruel, inhuman or degrading treatment or punishment (Art 37).

- No capital punishment nor life imprisonment shall be imposed for a child
- No child shall be unlawfully deprived of liberty or arbitrarily arrested.
- Detention or imprisonment of a child shall be a last resort and for the shortest appropriate time
- Child shall not be detained with adults unless it is in the child's best interest
- A child in detention shall maintain contact with his or her family and have prompt access to legal assistance to challenge the legality of the detention

Right to international standards of armed conflicts which are relevant to the child (Art 38).

- A child under 15 years cannot take direct part in hostilities or engage in armed conflict



Right to promote physical and psychological recovery and social reintegration of a child victim that fosters the health, self-respect and dignity of the child (Art 39).

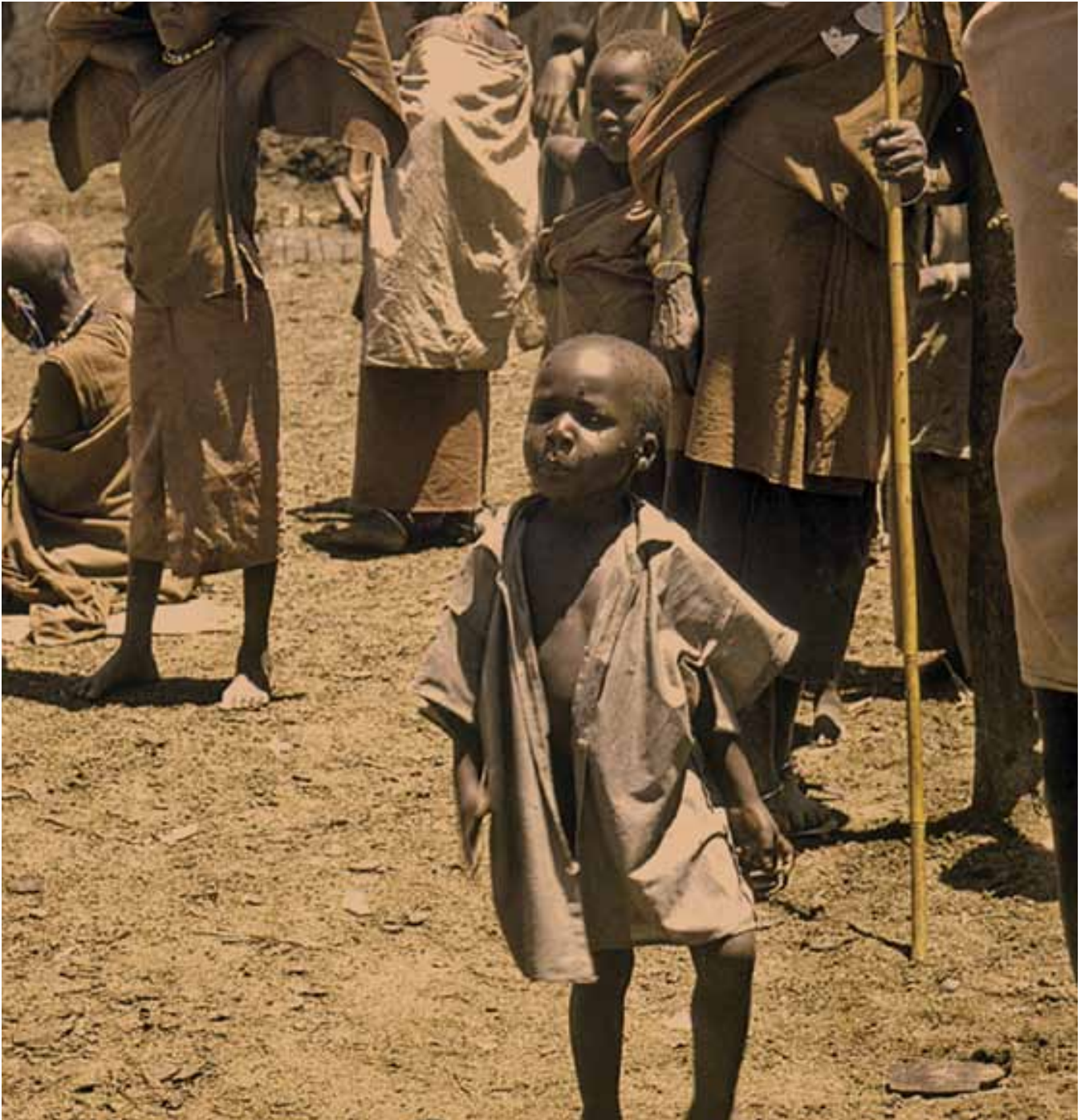
Recognizes the right of every child in conflict with the law to dignity and to promote the

their reintegration in society (Art 40)

Provides for detailed standards for a child accused of an offence (Art 40)

A child accused of an offence shall:

- Be presumed innocent until proven guilty,
- Be promptly and directly informed of the charges through the parents or legal guardians;
- Have legal assistance to prepare and present their defence;
- Have a quick and fair hearing;
- Not be compelled to give testimony or confess
- Have access to an interpreter;
- Have private proceedings;



A young girl with short dark hair, wearing a blue and white checkered school uniform, is crouching in a traditional kitchen. She is smiling at the camera while stirring a pot over an open fire. The kitchen has thick, cracked mud-brick walls and a thatched roof. The background shows a rural landscape with trees and other traditional buildings.

THE OPTIONAL PROTOCOLS

The Convention on the Rights of the Child has two Optional Protocols strengthen its provisions. These are:

1. The Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict- adopted by the United Nations General Assembly on 25th May 2000;
2. The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography- adopted by the United Nations General Assembly on 25th May 2000

OPTIONAL PROTOCOL ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT

This Protocol seeks to address:

- The harmful and widespread impact of armed conflict on children
- The long-term effects armed conflict has for lasting peace, security and development
- The need to strengthen the protection of children from involvement in armed conflict as stated in the CRC
- The special needs of children at risk of being recruited or used in acts of war because of their gender and economic status.

The Protocol strengthens the CRC in the following ways:

- States Parties must raise the minimum age for recruitment in their armed forces from 15 years to 18 years.

- States Parties have the duty to use all measures to ensure that any children do not take part in direct acts of war – (Art 1)
- Children must not be compulsorily recruited into the armed forces (Art 2)
- Government must sign a binding declaration which shows the minimum age for voluntary recruitment in its armed force and the measures taken to protect children from forced recruitment- (Art 3(2))
- Where a State Party allows voluntary recruitment of children below 18 years, it must ensure that:
 - The recruitment is truly voluntary
 - The child has full knowledge of the consequences of recruitment and
 - There is parental consent to the child joining the armed forces (Art 3(3))

Armed groups which are not members of the armed forces of a State Party are prohibited from recruiting or using any child below 18 years in acts of war (Art 4)

Duties of States Parties under the Protocol:

- To take all legal, administrative and other measures to ensure the enforcement of the provisions of the Protocol (Art 6(1))
- To publicize and promote the principles and provisions of the protocol (Art 6(2))
- To ensure the release from service of any child who may have been recruited or used in acts of war (Art 6(3))
- To take all necessary and practical measures to prevent armed groups from recruiting and using children in acts of war (Art 4(2), (3))
- To co-operate with other States Parties, organizations and agencies in the

implementation of the Protocol, the rehabilitation, social reintegration and assistance of victims resulting from abuse of provisions of the Protocol (Art 7)

- Periodically report to the Committee on the Rights of the Child the measures they have taken to implement the provisions of the Protocol (Art 8).

OPTIONAL PROTOCOL ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

- This Protocol strengthens the provisions of the CRC regarding the protection of children from economic exploitation, dangerous work or work which interferes with their education or which is likely to be harmful to their physical, mental, spiritual or moral health and development

The Protocol addresses the:

- Increasing international traffic of children for sale, prostitution and pornography
- Widespread and growing practice of sex tourism
- Risk of children being sexually exploited
- The need to make all aspects of child pornography criminal.

The Protocol strengthens the CRC in the following ways:

It prohibits the sale of children, child prostitution and child pornography (Art 1)

It defines the following offences (Art 2)

- Sale of children: Any person transferring a child to another person or group

in exchange for money or other consideration

- Child prostitution: Using a child in paid sexual activities whether payment is in the form of money or other forms
- Child pornography: Any representation which shows or depicts a child as being engaged in any sexual activity, whether such representation is real or simulated and any representation or depiction of a child's sexual parts for sexual purposes.

The Duties of States Parties under the Protocol:

- Make criminal and punish all acts regarding the sale of children, child prostitution and child pornography whether they are committed within or outside the state (Art 3, 4)
- Make the offences under the Protocol able to be transferred to another country for court process (Art 5);
- Assist and co-operate in investigations, criminal or extradition proceedings in relation to the offences under the Protocol- (Art 6)
- Take all necessary measures to seize all materials used to commit the offences as well as gains from the same (Art 7)
- Take measures to protect and support in all ways child victims of these offences (Art 8)
- Provide legal, psychological and other training for persons working with victims of offences and ensure their protection (Art 8)
- Take all necessary measures to prevent the commission of these offences (Art 9).



THE OPTIONAL PROTOCOL TO PREVENT, SUPPRESS AND PUNISH TRAFFICKING IN PERSONS ESPECIALLY WOMEN AND CHILDREN, SUPPLEMENTING THE UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME- GENERAL ASSEMBLY RESOLUTION 55/25 OF 15TH NOVEMBER 2000

Provides a detailed international approach to the prevention and end of trafficking in persons, especially women and children.

THE HAGUE CONVENTION ON THE CIVIL ASPECTS OF INTERNATIONAL CHILD ABDUCTION- 25TH OCTOBER 1980,

Addresses the wrongful removal of children from proper custody when that happens across countries or borders.

THE CONVENTION ON THE PROTECTION OF CHILDREN IN RESPECT OF INTER-COUNTRY ADOPTION- 29TH MAY 1995

Establishes mechanisms to ensure that inter-country adoptions are not used for purposes of financial gain or for abduction, sale or trafficking of children, while at the same time ensuring that children who would benefit best from inter-country adoptions are offered that opportunity.

There are a number of legal instruments regarding the employment of children that protect children from exploitation and ensure that their education and development is not negatively affected.





CONVENTION CONCERNING THE MINIMUM AGE FOR ADMISSION TO EMPLOYMENT- (MINIMUM AGE CONVENTION) - ILO CONVENTION NO. 138, 1973

This Convention establishes a uniform and minimum age for children employed in the economic sectors like industry, agriculture, fishing, non-industrial employment, sea, and underground work.

It harmonises the minimum age of employment in all Member States as one of the steps towards the total abolition of child labour.

Minimum age:

The minimum age for employment or work which is likely to affect the health, safety or morals of young persons is 18 years (Art 3).

The Convention does not apply to:

- Work done by children or young persons as part of their education (Art 6)
- Light work that does not interfere with their education (Art 7).

Duties and Obligations of Member States under the Convention:

Member states have the following duties and obligations:

- Put in place national policies to raise the minimum age of employment in line with the provisions of the Convention and abolish child labour- (Art 1)
- Submit upon ratification of the Convention, a declaration of the minimum age it has specified for its territory (Art 2)
- Make clear the State's exceptions to the minimum age, with reasons why and the

future plans regarding these categories (Art 4)

- Take all necessary measures to ensure the enforcement of the provisions of the Convention.

CONVENTION CONCERNING THE PROHIBITION AND IMMEDIATE ACTION FOR THE ELIMINATION OF THE WORST FORMS OF CHILD LABOUR-(WORST FORMS OF CHILD LABOUR CONVENTION)-ILO CONVENTION NO. 182 OF 1999

The Convention among other things:

- Supports and promotes the Minimum Age Convention due to the need for effective action to address and stop child labour.
- Provides for the rehabilitation of child victims
- Recognizes the fact that child labour is often caused by poverty and emphasizes the need for economic growth and social progress.

A child is a person below 18 years of age (Art 2);

"Worst forms of child labour" (Article 3) means:

- All forms of slavery and similar practices such as sale, trafficking, debt-bondage, serfdom, compulsory labour, compulsory recruitment of children for use in armed conflict
- Using, causing or offering a child for prostitution or pornography
- Using, causing or offering a child for illicit activities like the production and trafficking of drugs;
- Work which is likely to harm or injure the health, safety or morals of a child

Duties of Member States:

Government has the duty to take effective measures to:

- Implement the Convention (Art 7);
- Secure the prohibition and elimination of the worst forms of child labour as defined by the Convention (Art 1, 6)
- Establish mechanisms for monitoring the implementation of the provisions of the Convention, with contributions from employers and workers organizations (Art 5)
- Co-operate with other Member States to achieve the full and effective implementation of the provisions of the Convention (Art 8).

Juvenile justice is provided for by a number of instruments that ensure that the rights, dignity and wellbeing of the child are respected even when children come in conflict with the law. These are:

BEIJING RULES:

THE UNITED NATIONS STANDARD MINIMUM RULES FOR THE ADMINISTRATION OF JUVENILE JUSTICE-(THE BEIJING RULES)- GENERAL ASSEMBLY RESOLUTION 40/33 OF 29TH NOVEMBER 1985

General principles which must govern the treatment of child offenders (Rule 1)

- The well-being of the juvenile and that of his or her family must be protected
- Resources must be mobilised to promote the wellbeing of juveniles so as to protect and prevent them from coming into conflict with the law

- Juvenile justice must be made an essential part of the process of national development and social justice necessary for the protection of young people and the maintenance of a peaceful society
- Persons involved in juvenile justice services must be trained to acquire competence in their methods, approaches and attitudes so as to better fulfil the provisions of the Rules
- The Beijing Rules must be implemented taking into account the economic, social and cultural conditions of each country

The Beijing Rules define the following (Rules 2, 3, 6):

- Who a juvenile is
- Who a juvenile offender is
- The age of criminal responsibility

Rights of juveniles under the Beijing Rules (Rules 7, 8):

- The right to be informed of any charges against them
- The right to remain silent
- The right to legal representation
- The right to the presence of a parent or guardian during proceedings against them
- The right to cross-examine witnesses
- The right to appeal to higher authorities at all stages of the proceedings
- The right to privacy

Other provisions:

Duty to inform the parents of the juvenile immediately upon their arrest (Rule 10)

Powers to handle an arrested juvenile using other compassionate procedures instead of

the formal court procedures (Rule 11)
Police officers who are in charge of the prevention of juvenile crime must be specially trained in their duties and special police units should be established where possible, for the purpose of handling juvenile offenders (Rule 12)

Detention of Juveniles (Rule 13);
Juveniles must:

- be detained as a measure of last resort
- be separated from adults during detention
- receive care, protection and assistance relevant to their age, sex and personality during detention

Cases regarding juvenile offenders under the formal judicial system should be handled by a competent authority that will:

- Ensure a fair and just trial in the best interests of the juvenile (Rule 14)
- Ensure that the juvenile offender shall not be sentenced without referring to a social inquiry report in respect of the juvenile's circumstances and background and the conditions under which the juvenile committed the offence (Rule 16)
- Exercise good judgement and flexibility regarding the orders they may make and of those, confining the juvenile to an institution must be considered last (Rules 18-19)
- All cases concerning juveniles must be quickly heard and completed (Art 20)
- Records concerning cases of juvenile offenders must be kept strictly confidential and must not be used in adult proceedings in subsequent cases involving them- (Rule 21).

THE UNITED NATIONS RULES FOR THE PROTECTION OF JUVENILES DEPRIVED OF THEIR LIBERTY – UN DOC. A/45/49 OF 14TH DECEMBER 1990

These rules arose due to the concern of the international community for the conditions and circumstances under which juveniles are being deprived of their liberty and the fact that such juveniles become highly vulnerable to abuse, victimization and violation of their rights.

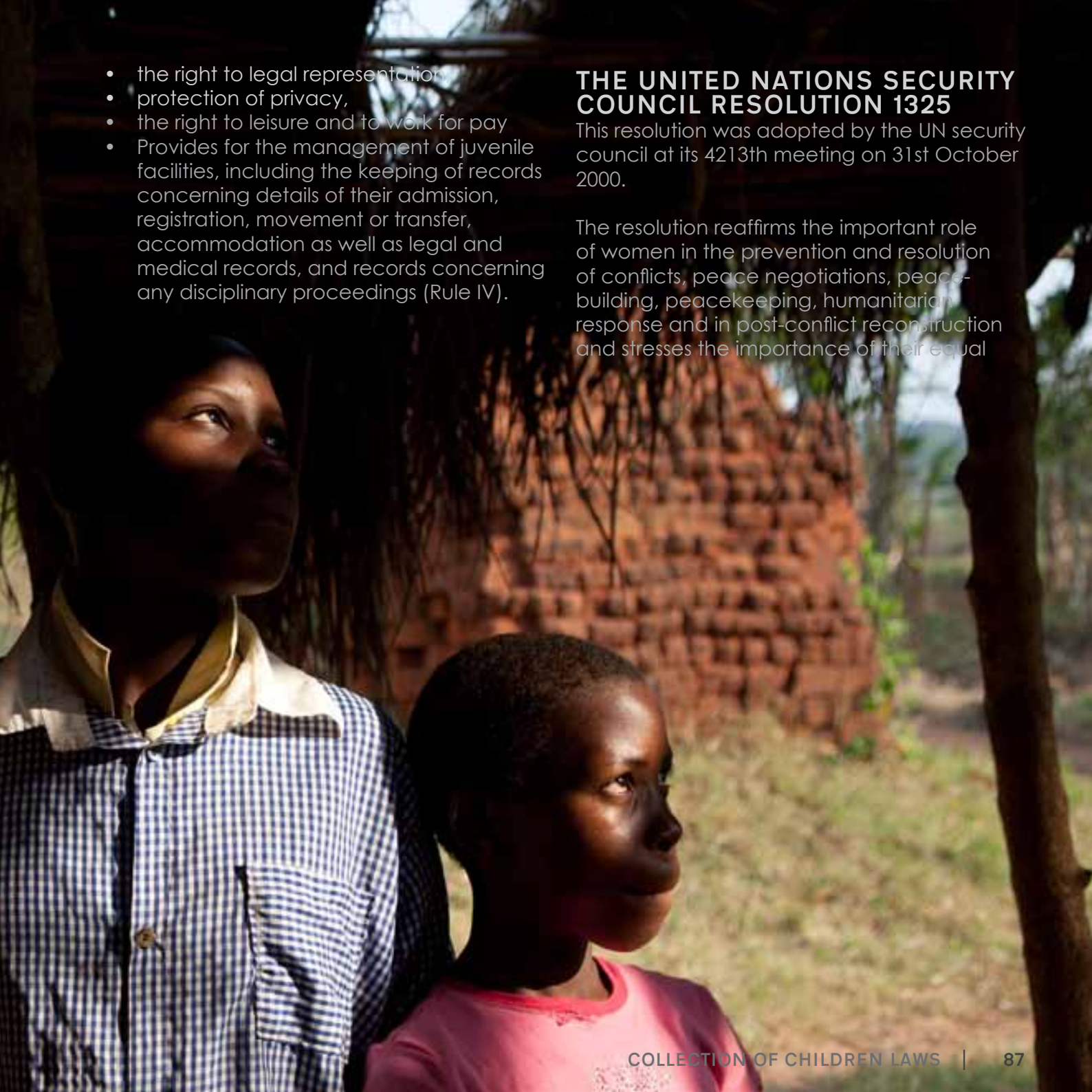
Purpose of the Rules

- Establishes minimum standards for the

protection of juveniles who have been deprived of their liberty (Rule I)

- Sets standards of reference and to provide encouragement and guidance to professionals involved in the management of the juvenile justice system (Rule I)
- Defines the scope and application of the Rules and also defines who a juvenile is (Rule II).
- Provides for the treatment of an untried juvenile who is detained pending trial (Rule III) emphasizing:
- the juvenile's rights to be respected at all times,



- 
- the right to legal representation,
 - protection of privacy,
 - the right to leisure and to work for pay
 - Provides for the management of juvenile facilities, including the keeping of records concerning details of their admission, registration, movement or transfer, accommodation as well as legal and medical records, and records concerning any disciplinary proceedings (Rule IV).

THE UNITED NATIONS SECURITY COUNCIL RESOLUTION 1325

This resolution was adopted by the UN security council at its 4213th meeting on 31st October 2000.

The resolution reaffirms the important role of women in the prevention and resolution of conflicts, peace negotiations, peace-building, peacekeeping, humanitarian response and in post-conflict reconstruction and stresses the importance of their equal

participation and full involvement in all efforts for the maintenance and promotion of peace and security.

Resolution 1325 urges all actors to:

Increase the participation of women and incorporate gender perspectives in all United Nations peace and security efforts.

It also calls on all parties to conflict to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, in situations of armed conflict.

The resolution provides a number of important operational mandates, with implications for Member States and the entities of the United Nations system.

In order to ensure collaboration and coordination throughout the United Nations system in the implementation of the Security Council resolution, the Interagency Network on Women and Gender Equality established the Interagency Taskforce on Women, Peace and Security which is chaired by the Special Adviser on Gender Issues and Advancement of Women.

Provisions Relating to Children

Recognises that women and children are the most adversely affected in situations of conflict as refugees and Internally Displaced Persons and are increasingly targeted by combatants and armed elements. This recognizes children

as an especially vulnerable group in situations of conflict.

Calls on all actors involved in negotiating and implementing peace agreements to take into account the special needs and human rights of women and girls during repatriation, resettlement and post conflict reconstruction (Resolution 8).

Calls upon all parties to armed conflict to respect fully, international law applicable to the rights and protection of women and girls (Resolution 9).

Calls on all parties to armed conflict to take special measures to protect women and girls from gender-based violence: rape and other forms of sexual abuse and all other forms of violence in situations of armed conflict (Resolution 10).

Calls upon all parties to armed conflict to respect the civilian and humanitarian character of refugee camps and settlements and to take into account the particular needs of women and girls (Resolution 12).

Reaffirms the UN Security Council's readiness to give consideration to their potential impact on the civilian population, bearing in mind the special needs of women and girls, in order to consider appropriate humanitarian exemptions (Resolution 14).

Invites the Secretary-General to carry out a study on the impact of armed conflict on women and girls, the role of women in peace-building and the gender dimensions of peace processes and conflict resolution (Resolution 16).

Requests the Secretary-General, , to include in his reporting to the Security Council progress on gender mainstreaming throughout peacekeeping missions and all other aspects relating to women and girls (Resolution 17).



REGIONAL INSTRUMENTS PROTECTING THE RIGHTS OF CHILDREN

1. THE AFRICAN CHARTER ON THE RIGHTS AND WELFARE OF THE AFRICAN CHILD- OAU DOC. CAB/ LEG/24. 9/49 (1990)

This Charter came into force on 29th November 1999.

The Charter was drafted in response to natural disasters, armed conflicts, exploitation and hunger which have hit the Continent.

African States realized that because of children's physical and mental immaturity, they need special safeguards and care for them to develop into self-reliant and responsible adults.

The Charter therefore provides for different rights, duties and obligations on the part of children for their physical and mental health and their moral and social development.

Definition of a child under the Charter:

The Charter defines a child as a human being below 18 years- (Art 2.)

Guiding principles

The principles of Non-discrimination (Art 3) and the best interests of the child (Art 4) must govern all decisions and actions concerning the child.

In observing and applying the best interests of the child, there is the requirement to respect and take into account the views of the child in matters relating to them, where they are able to express those views (Art 4).

Rights of the child recognized and protected by the Charter:

- The right to life, survival and development (Art 5)
- The right to a name and nationality (Art 6;
- The right to education (Art 11)
- The right to leisure, recreation and to participate in artistic and cultural activities (Art 12)
- The right to enjoy the best achievable state of health (Art 14)
- The right to be cared for and protected by his or her family and to reside with his or her parents (Art 19).

Other civil rights and freedoms which are recognized and protected by the Charter:

- Freedom of expression (Art 7)
- Freedom of association and peaceful assembly (Art 8)
- Freedom of thought, conscience and religion (Art 9)
- Protection of privacy except where parents or guardians exercise reasonable supervision over the conduct of the child and protection from attacks on honour and reputation (Art 10)
- Protection from all forms of child labour and economic exploitation (Art 15)
- Protection against child abuse and all forms of torture, inhuman or degrading treatment, including physical or mental injury or abuse, neglect and sexual abuse

(Art 16)

- Protection from all harmful social and cultural practices, including child marriage and promises of marriage of children in the future (Art 21)
- Protection against all forms of discrimination based on race, ethnic or religious grounds. (Art 26)
- Protection from sexual exploitation and sexual abuse (Art 27)
- Protection from drug abuse and from being used in the production and trafficking of such drugs (Art 28)
- Protection from abduction, sale or trafficking and from being used in any form of begging (Art 29).
- Special protection of children with disabilities (Art 13), refugee children (Art 23), and children of imprisoned mothers (Art 30)
- Prohibits all customs, traditions, cultural or religious practices which are inconsistent with its rights, duties and obligations (Art 1(3))

Duties, obligations and responsibilities under the Charter:

Member States have the following duties:

The duty to recognize, respect and ensure:

- All the rights, freedoms and duties in the Charter (Art 1)
- The survival, protection and development of the child (Art 5)
- The principles by which a child acquires the nationality of the State where the child was born if it has no other nationality (Art 6)





- The duty of parents or guardians to provide guidance and direction to the child in the enjoyment of the rights protected by the Charter (Art 9)
- The rights and duties of parents or guardians to take the child to schools of their choice that conform to the minimum standards set by the State and that ensure the religious and moral education of the child (Art 11(4))
- Ensure that parental and school discipline are applied with humanity and with respect for the dignity of the child (Art 11(5))
- That children who become pregnant before completing their education continue with their education on the basis of their ability (Art 11(6))
- The provision of medical assistance and health care to all children (Art 14(2)(b))
- Ensure that the administration of juvenile justice does not violate the rights and freedoms of the child and that children are treated in a manner which upholds their sense of dignity and worth (Art 17)
- Respect and ensure respect for the rules of international humanitarian law during the continuance of armed conflict (Art 22)
- That the adoption of the child is done for and in the best interests of the child (Art 24);
- The provision of alternative care for the child, who for whatever reason cannot be brought up by or is deprived of the family environment (Art 25)

The duty to protect and provide:

- Free and compulsory basic education to the child (Art 11);

- Assistance where necessary, to children with disabilities and their parents/carers which is in line with their condition (Art 13)
- The child with protection from all forms of exploitation and child labour (Art 15), child abuse and torture (Art 16), harmful social and cultural practices (Art 21)
- The child with protection from involvement in direct acts of war and protect the civilian population during armed conflict (Art 22)
- Special protection for children living under apartheid (Art 26), refugee children (Art 23), children separated from their parents (Art 25) and children of imprisoned mothers (Art 30).

The duty to promote and encourage:

- The development of different forms of secondary education and to make it free and accessible to all, encourage regular attendance at school and the reduction of dropout rates (Art 11);
- Discourage customs, traditions, cultural or religious practices which are inconsistent with the rights, duties and obligations of the Charter (Art 1(3)).
- Co-operation with international organizations to protect and assist a refugee child to trace its parents or other relatives (Art 23)
- Co-operation in and promotion of inter country adoption of children where this is considered to be in the best interests of the child as well as conclusion of agreements to that effect (Art 24)

The duty to take appropriate steps and measures:

- To take the necessary steps and

adopt such measures for the effective implementation of the provisions of the Charter (Art 1)

- To take all appropriate measures to achieve the realization of all the rights and protection of the child stated in the Charter (Art 11, 12, 14, 15, 16, 18, 20, 21, 22, 23, 25, 28, 29, 30).

The duty to report:

- Every State Party is under duty to submit periodic reports to the African Committee of Experts on the Rights and Welfare of the Child on the progress made in the enjoyment of the rights stated in the Charter, and the status of and measures taken towards the implementation of its provisions, as well as any factors which may affect the fulfilment of its obligations- Article 43.

Rights, Duties and Responsibilities of Parents, guardians and carers

- The duty to provide guidance and direction to the child in the exercise and enjoyment of his or her rights to freedom of thought, conscience and religion under the Charter (Art 8(2))
- The right to exercise reasonable supervision over the conduct of their children (Art 10)
- The right and duty to determine the best schools for their children (Art 11(4))
- Equal rights and responsibilities in the care and upbringing of their children (Art 18)
- The duty and responsibility to provide parental care and protection for the proper upbringing and development of the child (Art 19, 20)

Duties and responsibilities of the child (Art 31):

- Responsibilities towards family and society
- To work for the unity of the family
- To respect parents, superiors and elders and to assist them in case of need
- To serve his national community physically and intellectually
- To preserve and strengthen social and national solidarity
- To preserve and strengthen African cultural values and to observe the spirits of tolerance, dialogue and consultation
- To contribute to the moral well-being of society
- To preserve and strengthen the independence and integrity of his or her country
- To promote the achievement of African unity



PROTOCOL TO THE AFRICAN CHARTER ON HUMAN AND PEOPLE'S RIGHTS ON THE RIGHTS OF WOMEN IN AFRICA (MAPUTO PROTOCOL) - ADOPTED BY THE ORDINARY SESSION OF THE ASSEMBLY OF THE AFRICAN UNION ON 11TH JULY 2003

This Protocol seeks to promote Article 18 of the African Charter providing for the elimination of all discrimination against women, protecting them from traditional and other practices which may negatively affect them and for ensuring the protection of the rights of women as provided in various instruments.

Though the Protocol is primarily about the rights of women, it also provides for protection of children, especially the girl-child. This is how it seeks to protect children.

Definition:

The term **"woman"** means persons of the female gender including girls (Art 1(k)). For purposes of this handbook reference will be made to girls only.

The term **"harmful practices"** means all behaviour, attitudes and or practices which negatively affect the rights of women and girls, such as their right to life, health, dignity, education and physical integrity (Art 1(g)).

Rights of girls protected by the Protocol:

- Right to dignity and respect as a person and to free development of her personality (Art 3)
- Rights to life, integrity and security of the

person and protection from all forms of exploitation, cruel, inhuman or degrading punishment and treatment (Art 4)

- Right to freely enter into marriage and during marriage the right to acquire, own and administer her property (Art 6)
- Right to equal protection and benefit of the law (Art 8);
- Right to peace (Art 10)
- Protection during armed conflicts (Art 11)
- Right to education and training, including protection from sexual harassment in schools (Art 12)
- Economic and social welfare rights (Art 13)
- Health and reproductive rights (Art 14)
- Right to food security (Art 15)
- Right to adequate housing (Art 16)
- Right to live in a positive cultural context (Art 17)
- Right to a healthy and sustainable environment (Art 18)
- Right to sustainable development (Art 19)
- Right to inherit from their parents (Art 21)

Special protection of children

- Prohibition of all forms of female genital mutilation (Art 5(b))
- The minimum age of marriage for women shall be 18 years (Art 6(b))
- Both parents to jointly contribute to protecting the interests of the family and to educating their children (Art 6(i))
- Both parents to have rights and responsibilities towards children upon dissolution of marriage (Art 7(c))
- Protection of children, especially girls under 18 years from taking a direct part in acts of war and prohibition of recruiting children as soldiers (Art 11(4));

- Protection of the girl child from all forms of abuse, including sexual harassment in schools and other training institutions (Art 12(1)(c))
- Promotion of the enrolment and retention of girls in schools and other training institutions, as well as special programmes for girls who leave school prematurely (Art 12(2)(c))
- Introduce a minimum age for work and prohibit the employment of children below that age and prohibits exploitation of children, especially the girl child (Art 13(g))
- Protection of girls from exploitation and abuse in advertising and pornography (Art 13(m))
- Widows' rights, including the right to automatically become the guardian and custodian of her children (Art 20(b))

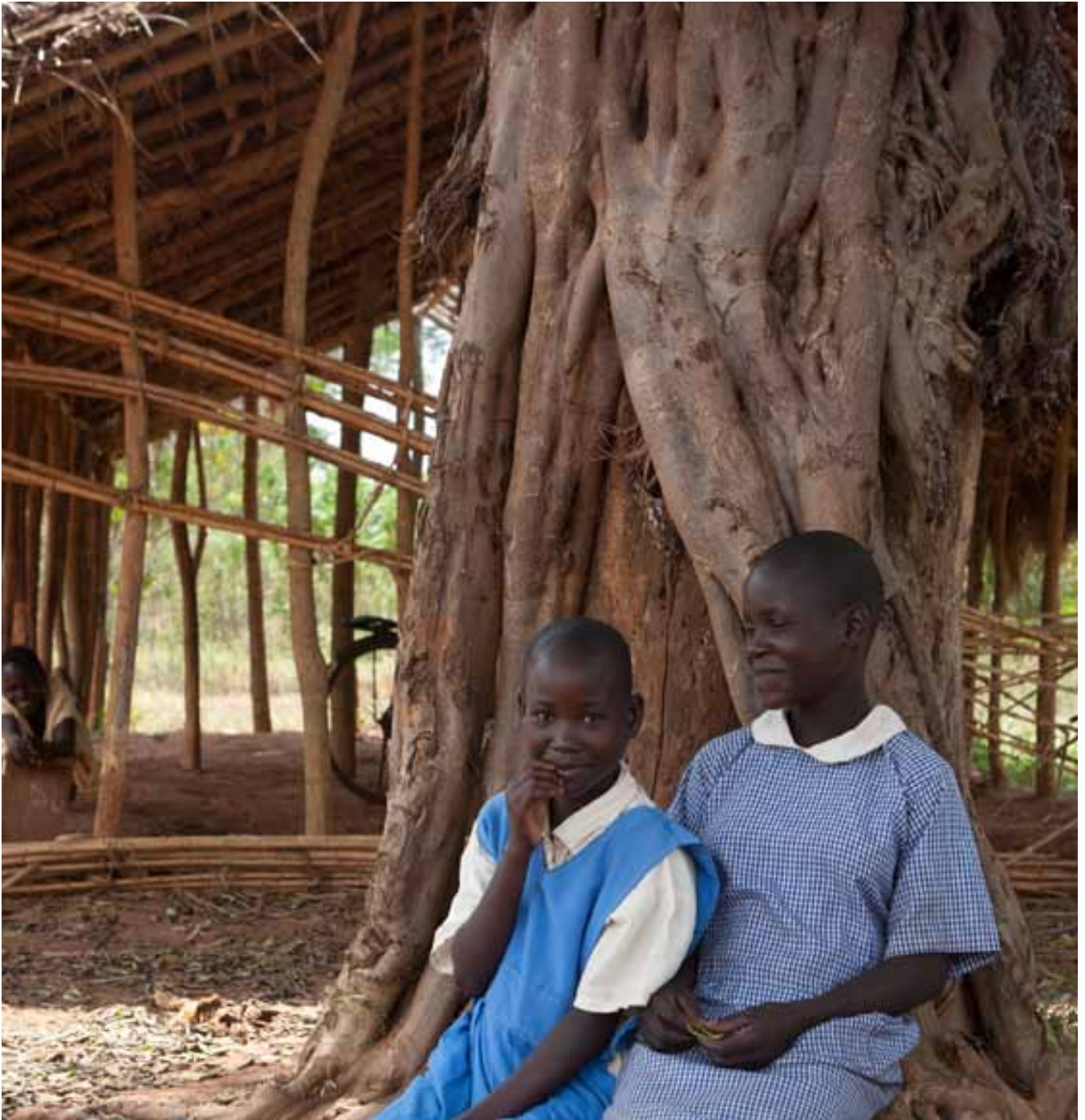
Duties and Responsibilities of States Parties;

- All the Articles require States Parties to take measures, including legislative measures to ensure the promotion and protection of girls and the respect, enjoyment and realization of all the rights and protections in the Protocol;
- The duty to submit periodic reports indicating the legislative and other measures which they have undertaken to implement the provisions of the Protocol (Art 26)

PART 3

NATIONAL POLICIES RELATING TO CHILDREN

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A group of young school children, mostly boys, are gathered in front of a light-colored building. They are wearing white short-sleeved shirts and dark blue or grey skirts or trousers. Many of the children are smiling and looking towards the camera. The scene is brightly lit, suggesting it is daytime. The building in the background has some windows and a door.

INTRODUCTION

Children are the future of our society but they are also the weakest and most vulnerable members. This is why they need special protection and care provided in legislation and policy documents.

Policies that are developed should be undertaken with the clear understanding of children's needs and rights. Direct children voices ought to be heard to ensure their safety and wellbeing in developing plans, policies and legislation by government institutions.

Resources are declining for children both at family and national levels due to structural adjustment programmes and increasing debt burden. This leaves many children suffering from both physical and emotional effects. These negative effects during childhood have a correlation with deviant or dysfunctional behavior as adults that could have been avoided. The welfare and treatment of children are key to enabling them reach their given potential and for increasing society's capacity to develop. Investment in children has a correlation with the future economic and social benefits of a society.



The National Health Policy: (NHP) 2010-2020

VISION, GOAL, MISSION AND GUIDING PRINCIPLES

Vision: A healthy and productive population that contributes to economic growth and national development

Goal: To attain a good standard of health for all people in Uganda in order to promote a healthy and productive life

Mission: To facilitate the attainment of a good standard of health by all people of Uganda in order to promote a healthy and productive life.

Social values:

“Patient Centered” approach and which looks at both the supply and demand side of health care. The Uganda’s Patients’ Charter, guides the implementation of NHP.

The right to the highest attainable level of health:

The Constitution guarantees rights of access for all people in Uganda to high quality health care services:

- Patients have the right to information about diagnosis, treatment, cost of treatment and consent after obtaining information and protection of privacy.
- Patients are entitled to safety in the public and private health sector. This has implications for treatment protocols, standards of medicines, medical supplies, medical equipment and infrastructure .
- Communities are entitled to a healthy and safe environment i.e. access to safe and adequate water supply, sanitation and waste disposal and protection from all environmental dangers.

Solidarity

Government will give due consideration to pursuit of national solidarity in a common concern for health-for-all, with special consideration for welfare of the poor, the most vulnerable and the

disadvantaged.

Equity: Government shall endeavor for equal treatment for equal need and for equal access to healthcare according to need.

Guiding principles

The National policy on health shall be guided by the following principles:

- Government shall offer curative, preventive and promotive services in an integrated manner.
- Government shall explore alternative, equitable and sustainable options for health financing and health service organisation targeting the poor and other vulnerable groups.

The minimum health care package

The minimum health care package in Uganda shall consist of the most cost-effective priority health care interventions and services addressing the high disease burden that are acceptable and affordable within the total resource envelope of the sector.

The package shall continue to consist of 4 clusters namely:

1. Health Promotion, Disease Prevention and Community Health Initiatives
2. including epidemic and disaster preparedness and response;
3. Maternal and Child Health
4. Prevention and Control of Communicable Diseases.

Periodic review of package depending on changes in disease burden, availability of new interventions to address these conditions, changes in the cost effectiveness of interventions and the total resource envelope available for service delivery.

Equitable access by people in conflict and post conflict situations, hard to reach and other underserved areas to the package.

Policy objective

To ensure the provision and increase the utilisation of a UNMHCP consisting of promotive, preventive, curative and rehabilitative services for all priority diseases and conditions, to all people in Uganda, with emphasis on vulnerable populations.



Policy strategies

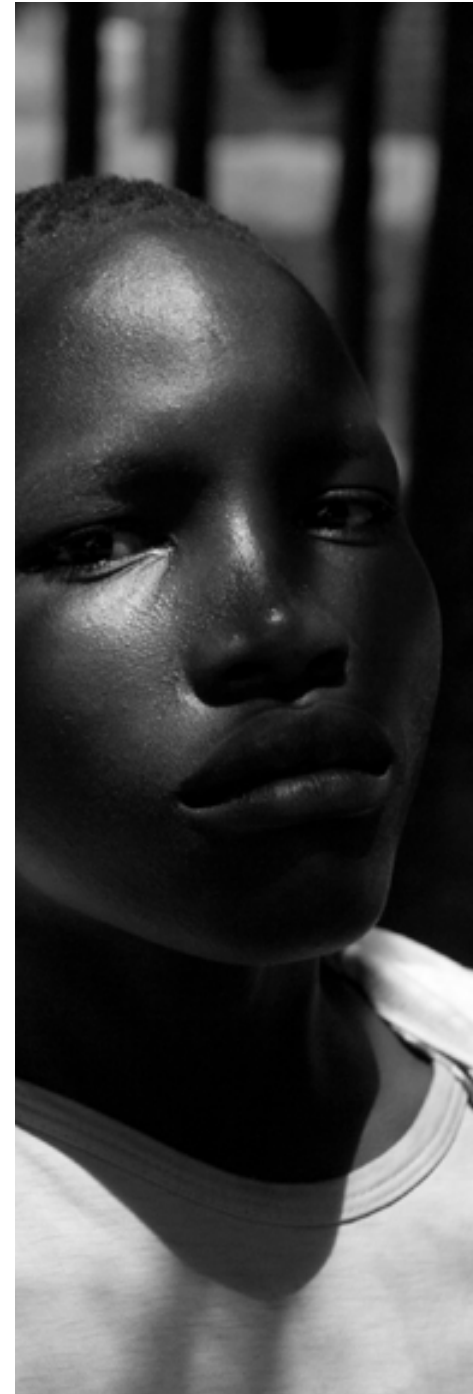
In order to achieve this policy objective, Government shall partner with the private sectors and CSOs to provide promotive, preventative, curative and rehabilitative services that have been proven effective and cost effective.

Priorities:

- Responsible sexual and reproductive health behaviors, especially among adolescents.
- Promotion of household food security and healthier eating habits to improve the nutritional status of the people especially children, pregnant and lactating mothers.
- Implementation of the child survival strategy
- Implementation of a roadmap for reducing maternal and neonatal morbidity and mortality.
- Implementation of hygiene and sanitation programmes.
- Strengthen school health services in both public and private schools and include dietary services.
- Ensure that all users and providers of health services, understand their health rights and responsibilities through comprehensive Information Education and Communication programs.
- Improve people's awareness about health and related issues in order to bring about desired changes in knowledge, attitudes, practices and behaviour, regarding the prevention and control of major health problems in Uganda. Make use of social marketing to establish a clear marketing plan to proactively target those with the greatest need;

Research: High priority to research to support evidence-based policy and intervention formulation, identification of gaps for improvement and identifying critical factors for special needs for vulnerable groups, especially women and children.

Although the National Health Policy does not specifically cover children it addresses them as part of the general population.



The Uganda Gender Policy 2007

This policy is a framework for redressing gender imbalances. The policy's emphasis on gender is based on the recognition that gender is a development concept useful in identifying and understanding the social roles and relations of women and men of all ages and how these impact on development.

Goal: Achieve gender equality and women's empowerment as an integral part of Uganda's socio-economic development.

Purpose: Establish a clear framework for the identification implementation and coordination of interventions designed to achieve gender equality and women's empowerment in Uganda. The Policy is a guide to all stakeholders in planning, resource planning, implementation and monitoring and evaluation of programmes with a gender perspective.

Objectives

- To reduce gender inequalities so that all women and men, girls and boys are able to move out of poverty and to achieve improved and sustainable livelihoods.
- To increase knowledge and understanding of human rights among women and men so that they can identify violations, demand, access, seek redress and enjoy rights
- To strengthen women's presence and capacities in decision making for meaningful participation, in administrative and political processes
- To address gender inequalities and ensure inclusion of gender analysis in macro economic policy formulation implementation and evaluation.

Gender principles

- gender equality
- gender cuts across all sectors and levels
- affirmative action
- household and family relations
- promotion of women in development as well as the gender and development approach



The policy has specific priority action areas which have an impact on children:

Under sec 5.1 (e), **gender and livelihood**

Government shall develop strategies to eradicate the child labour incidence with emphasis on the exploitation of the girl child.

sec 5.2 (f) **gender and rights**

Government shall develop strategies to sensitise communities about children's rights and responsibilities so as to protect the girl child from abuse.

sec 5.3 (e), **gender and governance**

Government shall develop strategies to empower the girl child to take up leadership positions in schools and tertiary institutions.

The institutional framework matrix

The Matrix outlines the roles and responsibilities to implement the policy, some of which concern children:

The Ministry of Local Government is mandated to ensure that the local government development plans, programmes and budgets benefit women, men, boys and girls.

The National Curriculum Centre is mandated to mainstream gender into the primary, secondary and tertiary institutions syllabus and to design education programmes on gender and girl child empowerment in schools.

The Education Policy

The Education Policy focuses on expanding the functional capacity of educational structures and reducing inequalities of access to education between sexes, geographical areas and social classes in Uganda.

It provides for two education policies (i) The Universal Primary Education(UPE) and (ii) The Universal Secondary Education(USE), to enhance equity of access at that level between boys and girls.



Basic Requirements and Minimum Standards Indicators for Education Institutions 2010

In order to strengthen education for all, the BRMS Guidelines regulate access, equity, affordability and efficiency of the both government and private education institutions and at all levels of education (Pre-primary, Primary, Secondary, BTVET and Teacher Education).

Guidelines contribute to the Millennium Development Goals (MDGS) and the Education for All (EFA)

The BRMS Guidelines aim to:

- create a conducive learning environment for quality education
- provide a comprehensive framework for an effective and systematic development, and delivery of quality education and management of schools
- guarantee academic excellence;
- promote physical and mental health, safety and security and child-friendly environments
- provide the structures, systems and procedures essential for enhancing the learning environment;
- emphasises the active participation of both learners and staff in the organisation and management of their institutions;

Child Friendly Schools (CFS) refer to schools which promote the social, physical, moral and intellectual well being of a child.

The BRMS Guidelines have 11 minimum measures or benchmarks of achievement for effective teaching, learning and institutional management, which include:

Indicator 1: Overall Management of learning institutions

Indicator 2: Provision and Management of Structures and Facilities:

Among others, the learning institutions must provide for both normal learners and those with special needs, health and sanitary facilities :

Indicator 3: Staff Organization and Development

Indicator 4: Organization and Management of Teaching and Learning Processes

Indicator 5: Organisation and Development of Co-Curricular Activities

Each institution must have a minimum of two sports activities, equipments, club and games, with clear rules and regulations;

Indicator 6: Organisation and Development of Learners

Schools must have systems for:

- Learners to elect their leaders
- Peer counselors
- Learners' Council
- Collection of learner's views such as suggestion box for learners;

Indicator 7: Finance Generation And Management

Indicator 8: Organisation and Development Of Institution-Parents/ Community

- Parents, community and community leaders should be invited at least once a year to attend school activities;
- Parents should visit their children while attending a lesson at least one a year.
- Each school be involved in at least one community activity;
- At least once a term talented members must address the learners and staff on development issues;
- Parents and teachers must hold at least one joint meeting a year;
- All new parents and new learners must have one orientation day at the beginning of the year;

Indicator 9: Health, Sanitation and Environment Organisation and Development

Learning institutions must have separate washrooms and associated facilities, bathing and latrine/ toilets for both male and female learners;

Indicator 10: Discipline Management And Development

- Learning institutions must put in place
- Clear rules and regulations with modes of punishment for breaking the rules
- Career Guidance and Counseling committee (patron and prefect in charge)
- Provision for moral and spiritual guidance
- A Discipline Sub-committee of the School Management Committee/Board of Governors
- An end of term inter-class and inter-house discipline assessment;
- A trophy for discipline assessment competitions awarded;
- Guidelines on the functions of the student and staff discipline committees

Indicator 11: Time Organisation and Management

The institution should allocate time to include both academic and co-curricular activities,

Indicator 12: Organisation and Management Of School Safety And Security

The institution should have a Copy of the Road Safety Code and Guidelines on the functions of the staff and student Safety and Security Committees with the learners made aware of them; and equipment to minimize risks;

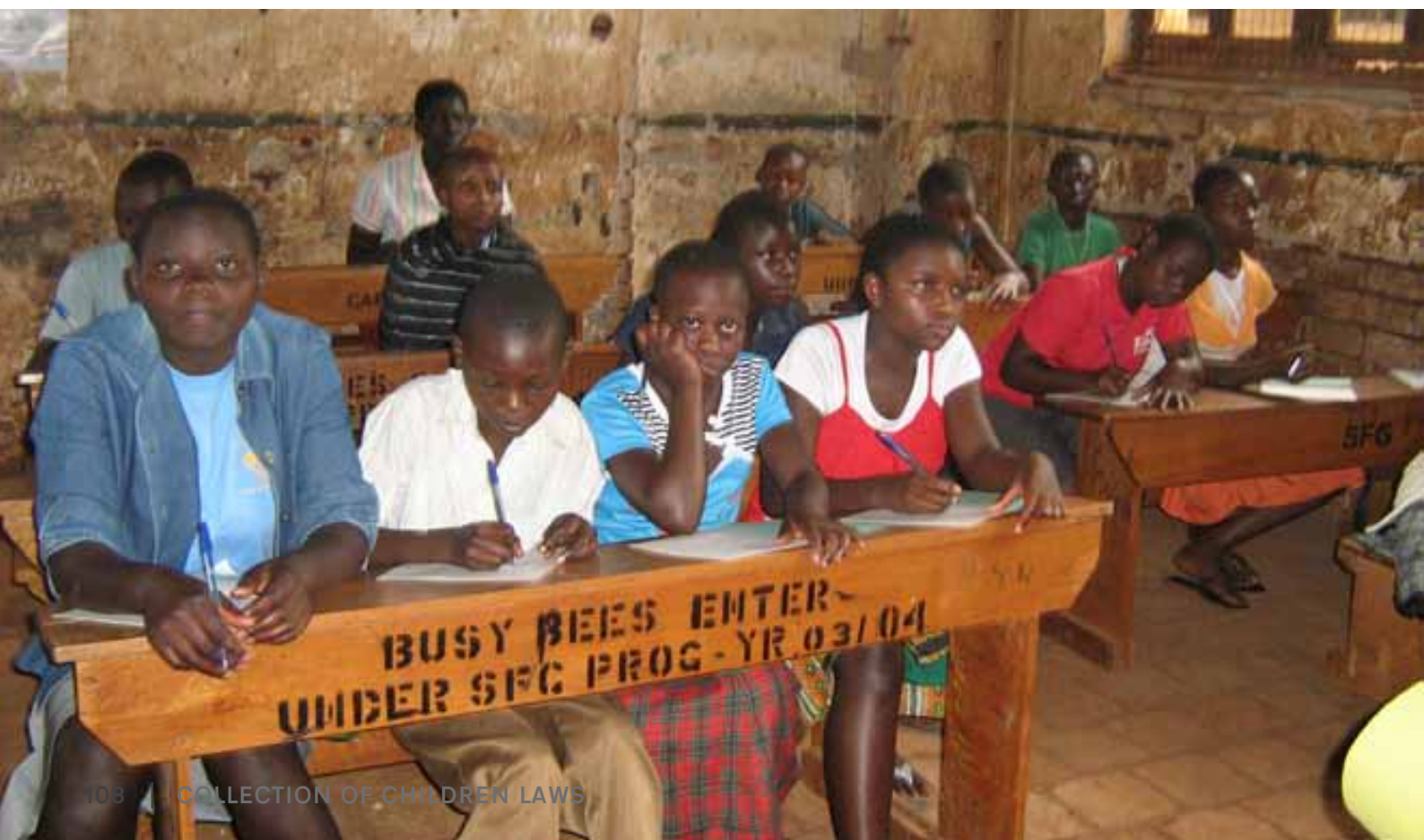
- Each school should have rules and regulations on prevention of violence and abuse
- Prevention of violence procedures
- Mechanisms for reporting abuse or violence

- Response to cases of violence (psychosocial system, health care counseling referrals)
- Peer to peer support mechanism (reporting and monitoring)
- Psychosocial system e.g.
- Spiritual and moral care
- Life skills e.g prevention of self harm, peer abuse, abuse by adults and societal abuse

The Institution institutes measures to:

- i) Control access to its premises
- ii) Ensure security within its premises
- iii) Manage undisciplined and criminal minded teachers and learners
- iv) Prevent crime
- v) Recruit and train guards
- vi) Ensure infrastructural safety

Indicator 13: Management and Organisation of Boarding Facilities



The Universal Primary Education Policy (UPE)

Under UPE, the government commits itself to:

- provide primary education for a maximum of four children per family;
- Two of the four children per family must be girls.
- **Scope of government commitment:** includes: school fees for the children, grants to be spent on institutional materials, co-curricular activities like sports, and the management and maintenance of utilities like water and electricity.

Goals:

- Making basic education accessible to the learners and relevant to their needs as well as meeting national goals.
- Making education equitable in order to eliminate any disparities and inequalities.
- Ensuring that education is affordable by the majority of Ugandans by providing the minimum necessary facilities and resources, to enable every child to enter and remain in school until they complete the primary and secondary education cycle.

THE EDUCATION SECTOR STRATEGY PLAN under the UPE Policy:
It recognizes that

- Education is the right of every child
- Providing education is a shared responsibility of the state and the child's parents.
- There should be equal opportunities for both boys and girls.

National Child Labour Policy

The ministry of Gender, Labour and Social Development is the ministry responsible for formulating and overseeing the implementation of the child labour policy.

The policy identifies and enumerates the socio economic context of child labour in Uganda, the nature, extent, magnitude, the strategies for implementation and the institutional framework.



National Youth Policy 2011

This policy was developed by the Ministry of Gender, Labour and Social Development as an operational framework from which all action programmes and services can be developed to facilitate meaningful involvement of youth, in national development efforts and to respond to their various needs and problems. It is intended to be a youth empowerment policy.

The Policy defines youth as all young people aged between 12-30 years.

Principles underlying the Policy

These Principles provide for the protection and participation of children economically, socially, culturally and politically in the development process of Uganda. These include:

- respect of cultural, religious and ethical values
- equity and accessibility
- gender inclusiveness
- good governance and
- national unity
- youth empowerment
- teamwork and partnership

Rights

The policy emphasizes the following rights:

education

health

right to protection against sexual exploitation and abuse

employment

non-discrimination,

adequate shelter, food and clothing

Responsibilities of the Youth:

To be patriotic and loyal to Uganda and promote her well being and contribute to social economic development at all levels.

Strategic priority areas

- Education, training and capacity building
- Employment and enterprise development
- Youth involvement, participation and leadership



- Health programmes
- Management ,coordination and partnership
- Youth society and culture
- Recreation, sports and leisure
- Environmental conservation

Children in vulnerable circumstances are given priority in the programming.

The Uganda National Land Policy

Chapter 3 of the Policy provides for the rights of women and children. It provides that:

a) Government shall undertake further legislative measures to protect the rights of access to, inheritance and ownership of land for women and children.

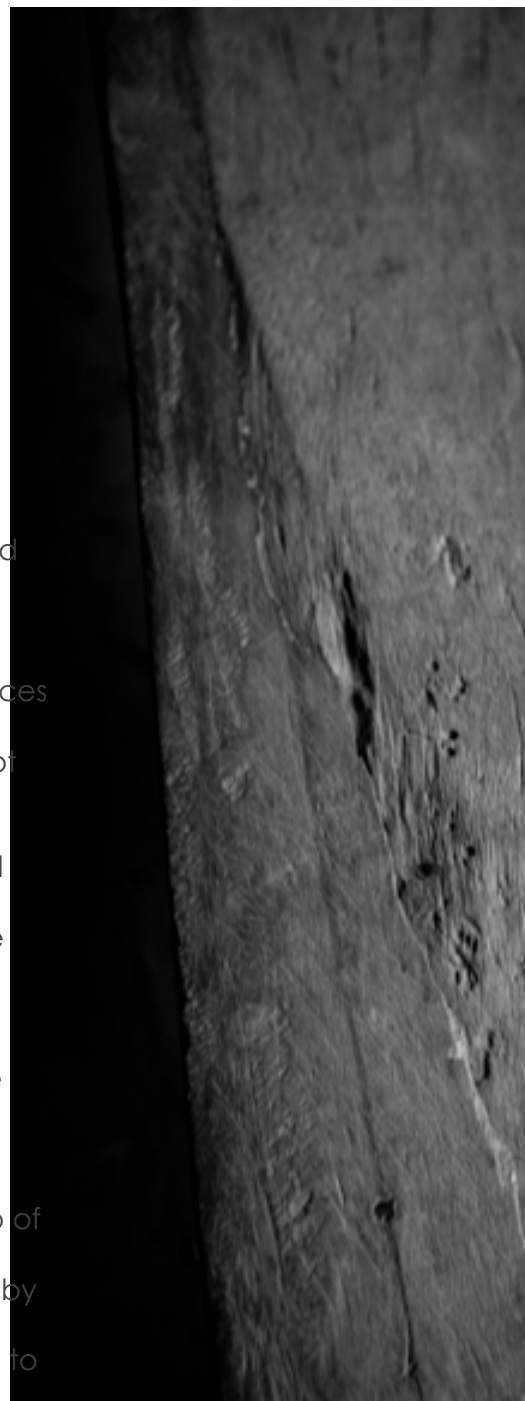
Strategies

Government will review and regulate customary law and practices to:

- Ensure that rules and procedures relating to succession do not impede transmission of land to women and children
- Reform customs, traditions and practices which discriminate against women and children with respect to access, use and ownership of land
- Ensure family land is held in trust for the family and restore the power of traditional leaders in matters of land administration, conditional on their sensitivity to rights of vulnerable groups

Government undertakes to reform statutory law and uphold the principles of gender equity and equality, in order to:

- Design and implement a regime of matrimonial property law aimed at the protection of spouses both within and outside marriages and make legal provision for spousal co-ownership of family land and the matrimonial home
- Enforce the land rights of women and children to succession by reforming the Succession law
- Amend the Land Act provisions to restore the consent clause to



protect children

- Presume the existence of marriage for purpose of securing the property rights of spouses who have acquired property in cohabitation
- Provide for widows and orphans to inherit family land

The Government will take special measures to:

- Mainstream gender into development planning and in all decision-making structures and processes relating to access and use of land, so as to improve the status of women
- Reform the property laws of the country, including those considered gender neutral' to ensure equality and equity in ownership and control of land
- Domesticate all international conventions, which outlaw discrimination against women and children and enforce all the principles

The National Child Participation Guide

The guide shows some of the principles to be followed by stake holders in allowing children of all ages, sex, ability, race, ethnic group, physical abilities among others to participate in decisions affecting their lives.

Child participation means:

- Children having a voice and being heard in a meaning full way
- Active engagement of children in all issues that affect their lives

The Guide provides three steps in handling child participation:

- (i) Preparation
- (ii) Engagement
- (iii) Monitoring and Evaluation

The Guide also provides for the principles of child participation which are based on the BE THE CAUSE slogan

Principle 4: Honoring: Children's desires must be heard up front. Children have the right to make any objections or raise



questions. However children must also respect other's people's time commitments.

Principle 5: Equal opportunity and democracy: The Guide requires that children views should be treated equal to those of adults.

Principle 6: Appreciation, recognition and mutual respect: A child friendly approach that appreciates and values the participation of children.

Principle 8: Uphold non-discrimination and inclusiveness: All children regardless of their age, sex, or physical ability have a right to participate.

National Policy for Internally Displaced Persons 2004

The main objective of the Policy is to deal with Internally Displaced Persons (IDPs), minimize internal displacement and address its causes.

The Policy addresses the need for a standard coordinated, multi-sectoral disciplinary procedure for IDPs, who come to be so through civil conflict or natural disasters.

The lead agency responsible for the implementation and monitoring of the Policy is the Office of the Prime Minister – Department of Disaster Preparedness and Refugees.

The Policy makes no specific reference to children except where it refers to them as a vulnerable group who need special treatment. The assumption is that reference to IDPs includes children.

The IDP Policy makes reference to the Convention on the Rights of the Child 1989 and the African Charter on the Rights and Welfare of the Child.

Part of the mandate of the District Disaster Management Committee (DDMC) is to ensure the registration of IDPs, their resettlement and reintegration, paying close attention to the most



vulnerable groups, including the children (section 2.4).

In the process of voluntary return and resettlement of IDPs, family unity is a principle and agencies are required to trace the family of an IDP and to ensure that children find their families (section 3.4.3).

In the acquisition and allocation of land, the Local Government shall ensure that among others special protection and support is given to children, especially unaccompanied minors. (section 3.6.4)

Families separated by displacement should be reunited as quickly as possible particularly where children are involved (section 3.7.1).

Where children fail to reunite with their families, all necessary action shall be taken to ensure that their rights to food, shelter, clothing, medical care and education are respected and provided by the Responsible Ministries or Local Governments (section 3.7.2).

Children up to the age of 5 years should have at least one full set of clothing and hygiene materials, Sanitaries should be provided for girls (section 3.10.2).

The Ministry of Education and Sports and the Ministry of Local Government shall ensure that IDPs especially Displaced Children have the same access to education, as children elsewhere. Given their lower economic base, government should ensure special provision of scholastic materials, teachers, staff and incentives (section 3.11).

A Guide for Interpreting and Applying National Quality Standards for the Protection, Care and Support of Orphans and Other Vulnerable Children in Uganda 2007

The purpose is to provide a structure and methodology for the development and application of relevant standards for the comprehensive, integrated, protection, care and support of Orphans and Other Vulnerable Children in Uganda at all levels.



The Guide targets children who have been orphaned and the vulnerable ones.

Vulnerability is defined to mean: a state of being in which a person is likely to be in a risky situation, suffering significant physical, emotional or mental harm that may result in their human rights not being fulfilled.

Vulnerable children in this case include:

- Children heading households on their own
- Street children
- Children living in institutions not meeting set standards of care
- Children affected by conflict, war, or natural disaster
- Children with psychosocial or physical vulnerability
- Unsupervised and Child labourers

Support to be provided includes: socio-economic security, shelter, clothing, food and nutrition support, psychosocial support, health care and education and vocational training, as well as protection from abuse, neglect and exploitation.

Core Values that should guide work with Orphans and Other Vulnerable Children: love, care and compassion for Orphans and Other Vulnerable Children.

THE NATIONAL DEVELOPMENT PLAN 2010-2015

The National Development Plan stipulates the country's medium term strategic direction, development priorities and implementation strategies.

Its theme is growth, employment and social economic transformation for prosperity.

The overarching objective is economic growth and poverty eradication.

Chapter seven provides for social sector development. Uganda has a high underage population which obliges government to handle issues of poverty and vulnerability.

The justice system is supposed to support child victims and offenders because most children interact with the law because of



survival issues, offences or indiscipline and therefore need care and protection.

Government support will be focused on; vocational training, special needs education and community based rehabilitation services, strengthen family unit and providing adolescent, life skill programs. Government is further required to strengthen institutional rehabilitation programs for children with disabilities, support community response to vulnerable groups and provide social protection for abused and neglected children and babies. The Government will develop , implement and integrate a low cost model of legal aid and data information systems.

The Social Development Sector Plan

Mission: The creation of an enabling environment for social transformation, leading to improved standards of living for all, increased equality and social cohesion.

The Goal of the SDIP: Ensure full realization of the economic, social, cultural and civic rights, as well as improved livelihoods of people in Uganda, with particular focus on the protection of the poor and vulnerable groups, for sustainable and gender-responsive development.

The Development Sector Strategic Investment Plan (SDIP) is intended to coordinate all actors in the social development arena and ensure the effective execution of social development interventions.

The Social Development Sector deals with matters related to inequality, exclusion, unemployment, inequity, adult illiteracy, vulnerability and non-realisation of rights.

It focuses on water and sanitation, health, housing, community empowerment and education.



The MGLSD is the leading and coordinating agency for the SDS.

The SDIP, seeks to promote the participation of vulnerable and poor people in protecting their inherent rights to growth and development, for the attainment of poverty eradication.'

The SDIP sets out a number of interventions designed to put in place the following outputs:

- Reduction in the number of people living in difficult circumstances, by enabling them to become self-reliant and better able to withstand shocks
- Informed communities mobilised, taking action, accessing services and demanding accountability
- Twenty percent improvement in levels of adult literacy
- An enabling environment for increasing employment opportunities
- Improved performance of Social Development Sector institutions to implement planned programmes at various levels
- Strengthened institutional and regulatory framework for social protection, leading to improved rights and equity for the poor and vulnerable
- Increased integration of equity and social inclusion issues across all sectors and at all levels
- Enhanced community cohesion through strengthening positive cultural values

The 3 overall sector outcomes are:

- Increased equality, equity and respect for rights of the poor and vulnerable
- Increased levels of community empowerment
- Increased productivity and employment opportunities for sustainable livelihoods

The guiding principles underlying the implementation of the SDIP are:

- Promotion and enjoyment of economic, social, cultural and civic rights
- Multi-sectoral collaboration
- Decentralised service delivery



- Private sector participation
- Promotion of equity
- Promotion of women's advancement
- Promotion of social inclusion
- Promotion of community cohesion
- Promotion of employment for income generation
- Promotion of community participation for poverty eradication

National Strategic Plan on HIV / AIDS 2007/8 – 2011/12 (WSP)

Currently, 6.4% of adults and 0.7% of children are infected with HIV, i.e. about one million people nationwide.

International attention has been drawn to the 'recent' reversal of Uganda's prevention success. Sub-national longitudinal studies and indirect estimates indicate a rising rate of new infections, with HIV incidence ranging from 0.2-2.0% in different regions of the country.

The annual incidence reached 132,500 new cases in 2005. This includes 25,000 mother-to-child transmissions. As a cause of 22% of new infections, mother-to-child transmission represents the other critical target area for intervention. At the heart of the NSP is the prevention of new HIV infections

The NSP aims to achieve the following:

The incidence of HIV and AIDS is reduced by 40%, social support is expanded and scaled up interventions of care and treatment are accessible to 80%, of those in need by the year 2012.

The Plan has three thematic service areas: Prevention, Care and Treatment and Social Support.

The thematic service areas are supported by strengthened systems of delivery that include the following:



- Institutional arrangements and human resource requirements
- Research and development
- Resource mobilization and management
- Monitoring and evaluation
- Infrastructure requirements

Anticipated outcomes of the Plan

- Integrate the HIV prevention, care and treatment services
- Reverse the trend in the number of people living with HIV
- Consolidate and scale up access to ART (Anti-Retroviral Therapy)
- Reduce the socio-economic impacts of the epidemic and reduce vulnerability to HIV infection.

Thematic service areas of the NSP

The NSP has three thematic service areas, Prevention Care and treatment and Social Support.

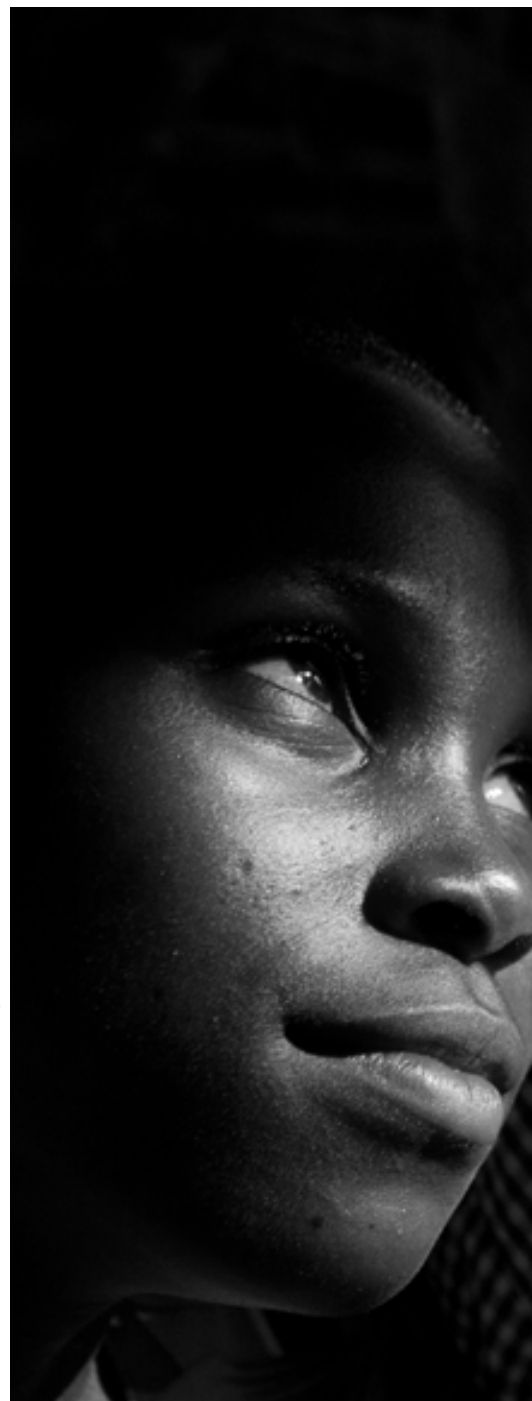
Prevention

- Reduce HIV transmission among discordant couples and married people by couple counseling, testing and disclosure
- Promote abstinence among youths in and out of school
- Focus prevention on key population groups at higher risk addressing socio-economic and cultural factors and promoting prevention among PHAs
- Improve the relevant legislative and policy framework to promote the support of populations at higher risk and criminalize the deliberate transmission of HIV and AIDS
- Utilize all social, religious, health, economic, and cult institutions for delivery of HIV prevention messages and advocacy services, e.g., food distribution points
- Prevention interventions for the groups of women and children at higher risk in conflict areas

Care and Treatment

The priority area associated with the area include

- Ensure supportive home based care policy is in place



- Ensure rehabilitation services are strengthened to manage HIV/AIDS complications
- Facilitate and empower existing community structures, networks to provide ART adherence support
- Strengthen Home Based Care programmes and an effective system for monitoring and support tracking of patients on ART
- Increase equitable access to Anti-Retroviral Treatment
- Support and expand Home Based Care (HBC), palliative care and improve referral systems between HBC and health facilities.

SOCIAL SUPPORT

The key areas of social support include: addressing the legal and political environment; provision of social rights including education; counseling and psychosocial support; food security and social protection initiatives for key populations¹ at higher risk.

The vulnerable populations include: Orphans and vulnerable children.

The priority areas associated with the goal include:

- Provide psychosocial support to PHAs, OVC, and other disadvantaged groups, specifically targeting women and girls
- Provision of formal and informal education, vocational and life skills development for Orphans and Vulnerable Children
- Ensure sustainable community and household livelihood and economic empowerment. Ensure access to services that meet basic social needs of Orphans and Vulnerable children
- Ensure legal and appropriate social and community services to benefit orphans and vulnerable children
- Ensure there is sensitization and awareness creation on human rights and protection mechanisms
- Ensure provision of the non-tuition costs and essential requirements



GLOSSARY

Approved home: A Government or non-governmental home approved by the Minister responsible for the welfare of children, to provide alternative family care for a child. It includes a babies' home and children's home which provide care and accommodation for children.

Authorised person: An official or other person authorized to perform the act in question

Care order: An order made by the Family and Children Court to place a child in the care of a warden, an approved home or with foster parents.

Custodian: A person in whose care a child is physically placed

Foster parent: A person not being the biological mother, father or relative of the child who assumes parental responsibility of the child because of a care order.

Guardian: A person having the same responsibility of parental over a child.

Parent: A biological mother or father or adoptive mother or father of a child.

Parental responsibility: All rights, duties, powers, responsibilities and authority a parent of a child has in relation to the child;

Welfare report: A document about a child's welfare prepared by the Probation and Social Welfare Officer.

Exploitation: Treating a person unfairly in order to gain money or any other advantage at their expense.

Rehabilitation: Help a person live as a responsible and normal human being after a challenging period in their lives.

Re-integration: Help to get back into the community and everyday life.

Extradition: A legal process to send someone who is suspected of breaking the law to the country where the crime happened, in order to judge them in a court of law.

Extraditable crime: A serious crime for which someone can be sent back to the country where the crime happened to be judged in a court of law.

Prohibit: Official stopping of an activity by making it against the law

Inter Country Adoptions: An order to make a child an equivalent of a biological child that is carried out across countries or borders

Instrument: A legal document

Abolition: An official ending a system or law

Juvenile: A child who is in conflict with the law:

Fit persons: Is an adult of high moral character appointed by court. Such a person is not a blood relative of a child but is capable of counselling a child for purposes of rehabilitation and reintegration into their family and community.

