

**NGO COMPLEMENTARY REPORT ON THE
IMPLEMENTATION OF THE
OPTIONAL PROTOCOL TO THE CONVENTION ON
THE RIGHTS OF THE CHILD ON THE
INVOLVEMENT OF CHILDREN IN
ARMED CONFLICT**

**COMPILED BY
UGANDA CHILD RIGHTS NGO NETWORK**



March 2007

Acronyms

ADF	: Allied Democratic Forces
CRC	: Convention on the Rights of the Child
DDRR	: Disarmament, Demobilisation, Rehabilitation and Reintegration
GUSCO	: Gulu Save the Children Organisation
ILO	: International Labour Organization
IPEC	: International Programme for Elimination of Child Labour
LCs	: Local Councils
LRA	: Lords Resistance Army
MoGLSD	: Ministry of Gender, Labour and Social Development
NCC	: National Council of Children
SCiU	: Save the Children in Uganda
NGOs	: Non Governmental Organizations
UPDF	: Uganda Peoples Defence Forces

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Foreword

Armed conflicts the world over have had a negative impact on children's growth and wellbeing. Uganda has been embroiled in a series of armed conflicts since independence, with glaring implications for children's survival and development. The Convention on the Rights of the Child (UNCRC), to which Uganda is a State Party, captures succinctly the broad rights that should be enjoyed by all children without discrimination. In 2002, the Government of Uganda acceded to the Optional Protocol to the UN Convention on the Rights of the Child on the involvement of children in armed conflict.

The initial report of Government of Uganda showing progress made in implementing the Protocol since its ratification has been prepared by the Ministry of Gender, Labour and Social Development (MoGLSD). This report was prepared through wide consultations with UCRNN members, government ministries and departments, civil society actors, UN agencies and other stakeholders. It maps out progress made by the Government of Uganda in implementing the Optional Protocol and provides key recommendations for Government and other duty bearers.

The report observes that the long standing conflict in Northern and North-Eastern Uganda has negatively affected the implementation of virtually all the rights of children. About 30,000 children are said to have been abducted by the Lord's Resistance Army (LRA) and turned into child soldiers. Abducted children experience an almost total violation of their rights. The right to life, protection from all forms of abuse and violence, education, health, non recruitment into the armed forces, growing up in a family environment have been undermined by the conflict. It points to the urgent need for massive awareness raising, education opportunities for children, poverty eradication, cooperation between civil society and the Uganda Peoples Defence Forces, strengthening birth registration and support to displaced persons in areas affected by conflict.

The network acknowledges the financial and technical support accorded by UNICEF-Uganda to the preparation of this report. We are further grateful to member organizations, government and civil society partners and other individuals and organizations that provided input into the report.

It is my prayer that this report informs interventions to prevent recruitment of children in to the armed forces, demobilization, rehabilitation and reintegration of child soldiers.

Together, we can create a Uganda Fit for Children!



Jolly P.T Nyeko,
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1. 0 Introduction

1. The preparation of this report was coordinated by the Uganda Child rights NGO network (UCRNN), a coalition of NGOs working in the field of child rights in Uganda. UCRNN aims at upholding child rights and has since its inception been playing a key role in providing a collective voice in advocating for children rights in Uganda and in monitoring the implementation of programmes and instruments on the rights of the child.
2. The report complements the Government report and highlights some of the key measures in place that support the implementation of the Optional Optional Protocol as well as some obstacles that still impinge on effective implementation of the Optional Protocol. Specific recommendations are provided to enable the Government of Uganda to continue to fulfil her obligations and commitments and to ensure that children are not involved in armed conflict and to support those who have been affected.

1.1 The Optional Protocol on the involvement of children in armed conflict

3. The Optional Protocol on involvement of children in armed conflict was adopted by the UN general Assembly on May 25, 2000 and entered into force on February 12, 2002. The Optional Protocol addresses the involvement of children in armed conflicts as regards participation in hostilities, age at conscription, non Governmental armed groups and voluntary recruitment. The Optional Protocol raises the minimum age of recruitment into armed forces from 15 to 18 years and state parties to the Optional Protocol have to establish and maintain safeguards to ensure that no under age children are recruited. Uganda ratified the Convention on the Rights of the Child (CRC) in 1990, and ratified the Optional Protocol in 2002.

1.2 Cause and Impact of armed conflict on children

4. Without indulging so much on the impact of armed conflict on children which is well documented elsewhere, suffice to note is the fact that the long standing conflict in Northern and North-Eastern Uganda has negatively affected the implementation of virtually all the rights of children. As expressed very well by War Child:

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“Children affected by war, are not just those who are killed or wounded during the conflict. They are the children whose homes and schools have been destroyed, the children who saw their families and friends killed and tortured, the children who were conscripted as fighters, the children who were abandoned by parents who simply could not afford to look after them any more”ⁱ

5. Indeed, as a result of insecurity, Uganda was estimated to be hosting in October 2003, slightly over 1.4 million internally displaced persons (IDPs), living in camps and such other places such as churches and schools. About 80% of the IDPS are women and children. Camps lack basic amenities such as proper shelter, safe water clothing and sanitation. Many children have dropped out of school due to lack of educational necessities and school facilities, Children are exposed to all forms of abuse, exploitation and violence and face higher risks of contracting HIV/AIDS (Northern Uganda has the highest infection rates of HIV in the Country)ⁱⁱ. Trauma arising out of various forms of abuse is a major dimension of the problems faced by abductees. Out of 16,345 households reached during the listing exercise for a survey,ⁱⁱⁱ 21% had children working as a result of armed conflict. Many people including children have suffered different kinds of disability as a direct result of the war i.e. gunshot wounds, mines, trauma torture and many other factors. Many NGOs (national and international) focus mainly on formerly abducted children. Thus a large group of children who became disabled as a result of the war but were never abducted have not received much assistance to date.^{iv} The cost of service delivery has been continuously rising as districts require additional resources and security personnel to give protection to service providers.^v

The following table provides some insight into the human cost of the war in Northern Uganda^{vi}

Year	UPDF dead	Rebels dead	Civilians killed	Civilians rescued/released	Civilians injured	Civilians abducted
2001	40	60	98	264	125	52
2002	171	436	670	737	172	1775
2003	211	928	768	7,299	-	-

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6. Specifically, about 30,000 children are said to have been abducted by the Lord's Resistance Army (LRA) and turned into child soldiers. Abducted children experience an almost total violation of their rights. The right to life, protection from all forms of abuse and violence, education, health, non recruitment into the armed forces, growing up in family environment, name and identity have all been sacrificed by the ambitions of the LRA.^{vii}

7. The reasons why conflict has persisted especially in Northern and North-Eastern Uganda are complex and are attributed to a combination of factors such as external support to rebel groups, proliferation of guns in the region, poverty and imbalances in access to economic opportunities. These imbalances unless addressed, may themselves fuel future conflicts.^{viii}

2.0 Achievements/progress

8. The Government of Uganda is commended for putting in place the following measures and mechanisms that support the enforcement and implementation of the Optional Protocol.

9. Enactment and adoption of the Uganda Peoples Defence Forces (UPDF) Act which sets the age of 18 years as the minimum age for recruitment of persons into the armed forces and related measures to safeguard children from recruitment into the armed forces as outlined in section 3.6 of the Government report.

10. The national Orphans and other Vulnerable Children policy and the National Strategic Programme Plan of Interventions for Orphans and other Vulnerable Children. The latter inter alia specifies measures for mitigating the impact of conflict on children including strengthening community resilience to mitigate the negative impact of conflict, and providing psycho social support to orphans, other vulnerable children, their families and communities.

11. The enactment and enforcement of the Children Act which is in compliance with the Convention on the Rights of the Child (CRC). Article 8 of the Act provides that "*no child shall be employed or engaged in any activity that may be harmful to his or her health, education, or mental physical or moral development*". In addition to the specific rights therein, the Children

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Act incorporates most rights set out in the CRC and the African Charter on the Rights and Welfare of the child¹

12. The past and current effort towards a peaceful resolution of the conflict in Northern Uganda. *“Military actions will gradually be replaced by dialogue with the insurgent groups”*^{xx}

13. The completion of the National Child Labour policy whose overall objective is to guide and promote sustainable actions aimed at the progressive elimination of child labour starting with the worst forms. Use of children in armed conflict is one of the worst forms of child labour. Children affected by conflict are among the target groups of the policy.

14. The publication of good practice principles of working with formerly abducted and other vulnerable war affected children by the Ministry of Gender Labour and Social Development (MoGLSD).

15. In July 2003, more than 20,000 children (night commuters) were estimated to seek safety each night in Gulu, Pader and Kitgum towns to reduce the risk of abductions in what has been dubbed as a “unique form of displacement”. Government in close cooperation with development partners and civil society are commended for the effort to put in place shelters for the night commuters which to a large extent helped to ameliorate the very harsh conditions the children were experiencing such as sleeping on verandas and under street lamps, fear, and vulnerability to sickness, sexual abuse and HIV/AIDS. Save the Children and other NGOs for example provided shelter and material support to 2623 child night commuters during 2005. This was a short term measure to the children’s protection as the long term solution lies in a genuinely mediated end to the conflict by the Government of Uganda ^x

16. The Constitution of Uganda (1995) requires every citizen to defend Uganda and to render national service when necessary and every able bodied citizen to undergo military training for the defence of the constitution and the protection of the territorial integrity of Uganda whenever called upon to do so. Further more, Article 17 stipulates that it is the duty of every Ugandan citizen to protect children and vulnerable persons against any

¹ Rule 4 (c) Of the First schedule of the Children Act.

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form of abuse, harassment or ill treatment. It further states that children under the age of 16 years are entitled to be protected from social or economic exploitation and shall not be employed in or required to perform work that is likely to be hazardous or to interfere with their education or to be harmful to their health or physical, mental, spiritual moral or social development. Serving in the military is an example of such hazardous work and as noted above, children are forbidden by law (UPDF Act) from enrolling in armed forces.

17. Measures to revitalise Birth and Death Registration (BDR) which is the surest way of ascertaining the age of the child. Failure to ascertain the age of the child is said to be a main factor why some children may be recruited into the armed forces.

18. Programmes established in the conflict affected districts comprising of both centre and community based work with the children which have benefited about 25,000 formerly abducted children.

19. The good cooperation between UPDF, civil society and international bodies such as Save the Children in Uganda and UNICEF evidenced in the establishment of the child protection units in the army, child rights training for the different cadres of the UPDF and UPDF allowing humanitarian agencies in training camps to verify if there are children and UPDF accepting to demobilise those found to be children. This cooperation has fostered dialogue and concerted effort to address the situation of children affected by conflict.

20. The support to the Human Rights Desk activities by the Army leadership although funding to this desk is still small.

21. The Amnesty Act which provides for Amnesty in respect of any Ugandan who has at any time since 1986, engaged in war or armed rebellion against the Government of Uganda by actual participation in combat and other instances thereof; and the establishment of the Amnesty Commission. Children can also benefit from Amnesty^{xi} although children are not explicitly referred to in the Amnesty Act.

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22. The ratification of the African Charter on the Rights and Welfare of the Child which defines a child as anyone below 18 years without exception. It also states that “*state parties to the present charter shall take all the necessary measures to ensure that no child shall take a direct part in hostilities and refrain in particular from recruiting any child (Article 22.2).*”^{xii}

23. The ratification of the Rome Statute of the International Criminal Court in June 2002 under whose auspices, the Lord Resistance Army leadership has been indicted for war crimes and crimes against humanity.

24. Prioritisation of security under the Poverty Eradication Action Plan (PEAP), pillar 3, which concerns security, conflict resolution and disaster management: In respect of security and defence it states that the defence forces should be adequately equipped to protect people throughout Uganda against attack and defeat rebel forces; regularise the status of vigilante forces and ensure that they do not recruit under age children^{xiii}

25. The efforts by civil society to provide support to former child soldiers as well as other vulnerable children in the community. This is good practice as it reduces stigma and isolation of the returned child soldiers.

2.1 Some response to the specific information in the Government report and additional information worth highlighting

26. In respect to the debate in the country prior to the adoption of the binding declaration (section 3.4 of the Government report), it states that there were “informal debates” spearheaded by child rights NGOs and UN agencies especially UNICEF and involving Government and civil society participation. The report however does not indicate what these debates were and what outcomes that yielded.

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27. The process for ratification of a convention or Optional Protocol is worth noting^{xiv}:

Process for ratification of international instruments like the Optional Protocol

- Ordinarily, the responsible department of Government or line ministry is involved in the discussions during the drafting of the convention, Optional Protocol or treaty
- For purposes of ratification, the line ministry originates a Cabinet memo concerning such treaty or Optional Protocol explaining or stating the obligations advantages and or disadvantages of ratifying such instrument
- Cabinet discusses and takes decision
- Cabinet instructs Ministry of Foreign Affairs to ratify, Minister signs and deposits ratification instrument
- After this, it is the responsibility of the line ministry to publicise such instrument and put in place measures for implementation monitoring and reporting on progress

28. In practice, the process of ratifying international instruments has rather been a “quiet affair”. Although Government is commended for quick accession to international child rights instruments including the Optional Protocol, the responsible Ministry has not been pro active in ensuring that the principles and provisions of the Optional Protocol are widely known and promoted by appropriate means to adults and children alike as provided for in Article 6 of the Optional Protocol. Except for some Probation Officers, most district officials, community members and children talked to in the districts^{xv} were not aware of the Optional Protocol, the fact that Uganda had ratified it and had never seen any copy of the Optional Protocol . There is no reason why the debate referred to in the Government report should have been “informal” in the first place.

29. Note that there has been considerable effort to increase awareness of children rights and protection within the army. This effort has been supported by international agencies such as UNICEF and Save the Children in Uganda and the Uganda Human Rights Commission (UHRC).

In 2003^{xvi}, a memorandum of understanding was signed between the Ministry of Defence/Uganda Peoples Defence Forces and Save the children Denmark on collaboration to implement a project on strengthening the capacity of the UPDF on child

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rights (location 4th division Gulu and 5th division Kitgum. The project was aimed at improving the welfare of returning formerly abducted children and observance of child rights by UPDF during peace and war times. This was done by supporting officers of UPDF through training on child rights and protection thus strengthening their capacity to address the needs and welfare of returning children being received in the UPDF 4th and 5th division's barracks in Gulu and Kitgum

30. An important pocket book *“Putting children on the military agenda”* published by Save the Children in English and Kiswahili is an example of a simple way of providing information to the military. It contains legal instruments protecting children in situations of armed conflict which includes the CRC, Optional Protocol and ILO Convention 182, African Charter on the Rights and Welfare of the Child, effects of armed conflict on children and the role of the military in reducing impacts of armed conflict on children. There is an accompanying manual that is being used for training the military.

2.2 Mechanisms and means used for monitoring and periodically evaluating the implementation of the Optional Protocol (6.4 of the Government report)

31. A number of bodies are listed as having the mandate for monitoring the implementation of the Optional Protocol including the investigation and reporting of violations of human rights in the country. Interestingly, the MoGLSD which is the author of the Government report is not mentioned among the agencies responsible for monitoring and evaluating the implementation of the Optional Protocol. While the role played by these individual agencies is appreciated, it is not clear from the report what the actual mechanisms are for monitoring and evaluating the implementation of the Optional Protocol. Government laboured to state the broad mandates of the different agencies and there is no indication that the efforts of these agencies are coordinated in anyway.

32. A particular observation is made in respect of the National Council for Children (NCC) which is supposed to be the main monitoring body for child rights and related international and national instruments. Whereas the mission of the NCC is stated as *“to provide a structure and mechanism for proper coordination, monitoring and evaluation of policies and programmes relating to the survival development and protection of children,”* there is no evidence that the council has been effective. As pointed out in the previous NGO supplementary

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report,^{xvii} NCC as a coordinating body has been relatively weak, and as result, key stakeholder ministries carry out their roles without the required coordination in relation to the CRC and the Optional Protocol. Consequently, the supplementary report recommended that *“there is need to strengthen the links between NCC and other organisations”*. There is no evidence that this has been done, the situation has not really changed and the role of NCC remains largely unknown in the districts.

2.3 Data on children voluntarily recruited into the national armed forces (3.3 of Government report)

33. The report indicates that that there were many children in the armed forces although the number was smaller in respect of the UPDF. The concern is the big number in the militias. The Government report does not indicate whether this is still the status quo as the figures indicated are from a 2004 source. This matter was raised with the Human Rights Desk at the Army headquarters. The Officer responsible said that the children have since been demobilised.

34. In Nov.2003, UNICEF expressed concern that authorities were failing to prevent recruitment of children. It found that 120 recruits out of a sample of 1200 in Lugore training centre were probably under the age of 18. In response the authorities said that any recruits that were found to be under 18 were withdrawn from the forces^{xviii}. In addition, the coalition to stop the use of child soldiers report of 2004, says that children who escaped or were captured or rescued from LRA captivity were sometimes recruited into the armed forces or forced to take part in military operations. In some cases they were used as guides to indicate LRA positions or weapons caches. These practices have not been denied by Government which however has reiterated that these practices have been stopped or greatly minimised. Children were said to have a *“sharp and photographic memory”*- They do not forget easily and that is why they were being used. However this practice has been abandoned as a response to both internal and international queries^{xix}. That this was no longer a common practice was confirmed by agencies working with formerly abducted children in Northern Uganda^{xx}. Auxiliary forces command is also now under UPDF which makes monitoring and control of recruitment much easier.

35. According to the Human Rights Desk of the UPDF, it was also true, that there were children among the file and rank of LRA fighters who were absorbed into the UPDF 105 battalion. Those that were found to be still children (over 40 of them) were discharged.

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36. Why some children ended up in the army and militias was attributed to

- Difficulties of ascertaining age
- Falsification of the ages of the potential recruit by Local Councils (LCs) with the knowledge of the child's parents who look to the army as a source of employment as (indeed it is) although not appropriate for a child.
- In the auxiliary forces, mobilisation was by "over zealous" politicians who were mainly responsible for mobilising the population to enlist in the militias and did not pay particular attention to the age of the volunteers who came forward.
- Laxity of local leaders who were responsible for verifying the age of children before recommending them for recruitment into the UPDF.

2.4 Armed forces operating on the territory of the State of Uganda (4.0 of Government report)^{xxi}

37. In addition to the LRA which has been abducting children in large numbers there are other rebel groups that have been active. Notable of these are:

Uganda National Rescue Front II

38. In April 2002 around 1000 fighters of the Uganda National Rescue Front (UNRF) II and their families returned to Uganda having been based in Sudan since 1997. After negotiations with Government, 135 child soldiers were handed over to UNICEF. In June 2002, the group signed a ceasefire agreement with the Government.

Allied Democratic Front

39. There is no concrete information available about how many child soldiers were involved with this group. Some of the children who escaped or were rescued by the army from this rebel group were reintegrated with the support of some NGOs in western Uganda. However activities of these groups were significantly reduced by 2002.

2.5 Statistics on children who have been recruited and used in hostilities (4.3 of Government report)

40. No exact number is known but the estimate in the Government report is what has generally been quoted although this is mainly based on the number of children who have passed through the various Rehabilitation Centres.

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41. In February 2007, Save the Children in Uganda announced that 10,000 children abducted by the LRA are still unaccounted for as opposed to about 6,000 stated in the Government report. Save the Children further stated that thousands more never passed through any centre; either went home after escape or they came out before any centre was in place. It concludes that the figure normally quoted is 25,000, although the figure could even reach 40,000 for the last 20 years^{xxii}

2.6 Commitment by armed groups at not recruiting children below 18 years of age (4.4 of Government report)

42. It is evident that Government is committed to ensuring that children are not recruited into the UPDF. However no such commitment by the LRA which historically has used abduction of children as a method of recruitment into the rebel ranks. Previous negotiations and discussions including the most recent by the UN Commissioner for Humanitarian Affairs have not succeeded in persuading the armed rebels to release or to stop recruiting and using children. Even in the light of previous attempts at peace talks and cessation of hostilities, the rebels continued to target children. According to the UPDF Human Rights Desk, release of children is one of the issues in the on going Juba initiatives.

2.7 National legislation, international instruments and international law applicable to Uganda (5.0 of Government report)

43. The Optional Protocol to the Convention on the Rights of the Child on involvement of children in armed conflict is treated like any other human rights instruments. These instruments are not directly enforceable. They need to be incorporated into domestic legislation. The Constitution, the UPDF Act, and the Children Act, on the whole provide a legal framework that supports the implementation of the Optional Protocol. What is required is strengthening the implementation of the said domestic legislation.

2.8 Dissemination of the Optional Protocol (6.5 of the Government report)

44. The Government in collaboration with civil society and other development partners has since the ratification of the CRC conducted a wide range of training and public awareness activities on the rights of the child.

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Discussions with community and children^{xxiii} revealed that there is some general awareness about the rights of children especially the rights to survival and development and not so much about the rights to protection including awareness of the principles and provisions of the Optional Protocol. Besides, it was said that communities find it hard to “*conceptualise these terminologies*”. While the general knowledge of children rights is good, lack of emphasis on children involved in armed conflict may likely miss out important interventions like preventive measures stated in the Optional Protocol.

45. The creation of the Human Rights Desk within the UPDF is a welcome measure. This with the support of development partners (UNICEF and SCiU and the Uganda Human Rights Commission mainly has conducted public awareness and training on human rights and children rights in particular within the army. Human rights training is part of the curricula in the training schools for recruits and officers.

46. Although the impact of training and public awareness is difficult to measure, it was pointed out by the Human Rights Desk that soldiers have started to become careful and sensitive about how they handle children especially those that they are confronted within the battle grounds. The UPDF child protection units which receive formerly abducted children or children captured and those who escape from the rebels is one example of positive responses by the army to the rights of children involved in armed conflict.

2.9 Disarmament, demobilisation and reintegration (6.6.1 of the Government report)

47. There has not been any formal demobilisation process for children involved with the rebel forces except for the children in the National Rescue Front. Children involved with the LRA and ADF were either captured, escaped, or rescued. After this, they were taken to the nearest army detachment and then to the army child protection unit for debriefing and medical care before transferring them to the Rehabilitation Centres run by NGOs. The centres work with them to trace their families and to reintegrate them with their families and communities.

48. According to Gulu Support the Children Organisation (GUSCO)^{xxiv} A key challenge to social reintegration of formerly abducted children is the lack of adequate resources to support educational programmes, citing the fact that for example they are not able to

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support all the children through secondary education or University. They lack adequate professional staff in the event of receiving many children at the centre^{xxv} and the money available for income generation activities (Shs300, 000) is inadequate to sustain a viable income generation project. Some children^{xxvi} said that the formerly abducted children are feared by the community and that sometimes they directly call them rebels which make them feel they are not as loved as before they were abducted.

2.10 Measures adopted to ensure psycho social recovery and social reintegration (insert what the centres have been doing 6.7.2)

49. As pointed out in the Government report, psycho social recovery for formerly abducted children and other children affected by armed conflict is being spearheaded by both local and international NGOs supported by international development partners and relevant Government departments at district level. In addition to what has been stated in the Government report, the Rehabilitation Centres offer individual and group counselling, organise radio talk shows, children participate in doing some chores which are aimed at re-awakening the children's role and responsibility as a useful member of the community. The Centres involve the community through community dialogue, cleansing ceremonies, sensitisation and training of community care givers who provide counselling, referral and follow up of reunited children in the community. More recently, communities are involved in the child protection committees which among other things identify vulnerable children in the community, monitor child rights abuses generally and support the reintegration of formerly abducted children .The district authorities are involved as well through the coordinating mechanism for psycho social work.

Impact of rehabilitation and reintegration measures

50. We sought to have some understanding of what was perceived to be the impact of the various interventions for formerly abducted children and the following are some of them^{xxvii}

- Children have had their hope and meaning of life restored
- Communities are more involved in activities to support formerly abducted children
- Some children have learnt some skills and this is helping them to earn some livelihood.
- Less stigma and acceptance of the formerly abducted children back in the community.

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2.11 The Cape Town principles

51. Within the framework of the World Bank's regional multi-country demobilisation and reintegration programme, all actors agreed to uphold the principles outlined in the Cape Town Annotated Principles and best practice of April 30th 1997. The Cape Town principles were developed and adopted by participants in a meeting organised by UNICEF on the prevention of recruitment of children in the armed forces and demobilisation and reintegration of child soldiers in Africa. Unlike the Convention and Optional Protocol which are ratified by national Governments, the Cape Town principles are made for and agreed by practitioners of Disarmament, Demobilization, Rehabilitation and Reintegration (DDRR) process. The principles are specific and provide clear guidelines in the areas of prevention of recruitment, demobilisation and social and economic reintegration of children demobilised from armed groups.

52. From the discussion with different stakeholders, there was no reference to these principles. It can therefore be inferred that the Cape Town principles are not known and yet they are a very important guide and point of reference in regard to interventions for children involved and or affected by armed conflict. More specifically the Cape Town principles define a child soldier not only in terms of those carrying guns and are engaged in combat but looks more broadly at even children who play other roles such as carrying loads or girls who are turned into sex slaves by the rebel groups.

3.0 Issues and concerns

53. While there have been a number of achievements as highlighted in the afore going paragraphs, there are some issues and concerns that we would like to highlight which are impacting on the effective implementation of the Optional Protocol and need to be addressed. These are:

54. It is difficult for the majority of soldiers and indeed the community members including the non-legal professionals and children to understand the legal jargon of the human rights instruments including the CRC and Optional Protocol. Currently most of these are still in English.

55. Monitoring and coordination of the implementation of CRC and the Optional Protocol is generally weak with the responsible bodies facing resource and capacity constraints.

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56. Although there are several national and international child rights instruments that Uganda has ratified and or enacted the issue is that there is inadequate awareness of the principles and provisions of such instruments and the obligations of the state and all citizens to uphold them, coupled with weak enforcement.

57. While the Government report highlights some initiatives for creating awareness regarding the Optional Protocol, it would appear that most of these seem to be focused in war affected areas and yet they need to cover the whole country with emphasis on preventing children being recruited in the national army and in rebel forces as per the provisions of the national and international legal framework.

58. Although the phenomenon of night commuters has drastically reduced, the impact of night commuters on society and child development in particular is immense. This phenomenon is closely associated with some of the former commuters turning into street children; some of them are engaged in prostitution and crime adding to the growing concerns about the welfare of children in this region^{xxviii}.

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4.0 Recommendations

59. Government needs to improve the implementation and monitoring of the Optional Protocol by developing the necessary capacity to conduct country wide awareness about the Optional Protocol and to raise and follow up specific violations. Adequate resources should be availed to the MoGLSD, and the NCC to enable them carry out their mandate. In addition, the Uganda task force on monitoring and reporting on the recruitment and use of child soldiers should be strengthened and resources made available for its proper and effective functioning.

60. Strategies to prevent recruitment of children should be developed with reference to the local and community context. This will require the participation and contribution of local actors to establish criteria for the protection and well being of their children, to monitor events and intervene to implement measures to protect children from recruitment.^{xxix}

61. Building on the existing relationship, there is need for continued strengthening of the cooperation and collaboration between civil society partners and the UPDF to allow continuous monitoring of child recruitment including accessing training schools for purposes of verifying whether children for one reason or another may have been recruited and ensure that if found they are demobilised and reintegrated with their families.

62. Social economic alternatives and education opportunities complemented by practical activities that address their needs and circumstances should be availed to children so that they do not go all the length including falsifying their age to join the army and militias as a source of livelihood and survival. *“Children should not go to the army. They have suffered enough”*^{xxx}

63. Continue sensitisation of children both in school and out of school of their rights and the risks associated with joining armed forces. This is an essential component of prevention strategies. The provisions of the Optional Protocol and the Cape Town principles should be widely disseminated.

64. Simplify and translate the key provisions of the Optional Protocol into Swahili for the Army (common language used in the army) and into other local languages for the purpose of ensuring that the principles and provisions are widely known and understood

Complementary Report on the involvement of children in armed conflict

.Government should coordinate better the production and dissemination of information on the Optional Protocol.

65. The code of conduct for soldiers developed by children should be translated into Swahili and accessed to all soldiers of all ranks as a way of keeping soldiers abreast of their obligations to protect children. All soldiers should sign to this code of conduct and soldiers who violate the code should be appropriately disciplined.

Code of Conduct for soldiers developed by children

- Soldiers must apply and reinforce practical and legal measures to protect children and their mother's lives and property before and after conflict
- Soldiers must be impartial
- Soldiers should not act for personal reasons
- Soldiers should inspire confidence and let children know they are protected
- Soldiers should ensure security and be messengers of peace
- Soldiers should never neglect child protection issues and they should know children rights
- Soldiers should be well trained , professional and working
- Soldiers should be tolerant and courageous and they should not be violent but respect civilians
- Soldiers should stop the use of child soldiers and not give them ammunition to carry
- Soldiers should not rape children
- Soldiers should protect their country and people in other countries
- Soldiers should not maltreat, massacre or mutilate children or separate them from their families
- Soldiers should give children good advice

66. The MoGLSD should educate the public on the process of ratifying and implementing international instruments and how the general population can contribute to this process. Children should also know this process. As rights holders, they should be aware so that they can claim their rights and seek redress in case of violations.

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67. Government and civil society should continue to advocate for unconditional release of children in the ongoing peace talks with the LRA.

68. Government should enhance and support the displaced population particularly in Northern Uganda to return to their homes. This is critical as the sense of disempowerment experienced by many communities affected by armed conflict can make it very difficult for them to act against the recruitment of their children into the conventional and rebel armies. Asked what they can do to stop the recruitment and abduction of their children, women in Gulu^{xxxii} could not hide their despair in their response. *“What can we do, nothing”*. They could only appeal for Government to end the war.

69. Local authorities play an important role in preventing children from being recruited into the armed forces. By virtue of the fact that they are the ones who verify and recommend those to be recruited, they need to be sensitised on the impact involvement in the armed forces has on children so that they do not recommend children for recruitment. Some LC members were aware of this responsibility and said that they would not recommend a child for recruitment.^{xxxiii}

70. Strengthen coordination: While the role played by the various individual agencies cited in the report is appreciated, it is not clear from the report what the actual mechanisms are for monitoring and evaluating the implementation of the Optional Protocol. Coordination and monitoring should be addressed as well as establishing mechanisms for evaluating the implementation of the Optional Protocol beyond the periodic reporting.

71. Continue with the efforts to promote birth registration; Whereas the present measures to strengthen birth registration will help to solve the problem of age determination in the long run, in the short term, vigilance on the part of the army and local councils is imperative in order to ensure that children are not recruited into the army.

Footnotes

- ⁱ War child brochure
- ⁱⁱ Poverty Eradication Action Plan 2004/5-2007-8
- ⁱⁱⁱ Child labour and armed conflict in Uganda 2004
- ^{iv} Uganda Society for disabled children (USDC) paper February 2007
- ^v PEAP document 2004/5-2007-8
- ^{vi} Report o the situation of children and women in the Republic of Uganda 2005

- ^{vii} Long Road home: challenges in protecting and caring for children abducted by LRA
- ^{viii} Poverty eradication action plan
- ^{ix} Poverty eradication action plan
- ^x Save the Children in Uganda Annual Report 2005
- ^{xi} Amnesty Act 2004
- ^{xii} African Charter on the Rights and welfare of the Child
- ^{xiii} Poverty eradication action plan 2005
- ^{xiv} Information from the Ministry of Foreign Affairs
- ^{xv} Gulu, Masaka, Lira, Kasese, Soroti
- ^{xvi} Memorandum of understanding between Ministry of defence (UPDF) and SC Denmark
- ^{xvii} UCRNN supplementary report on the implementation of the CRC
- ^{xviii} Coalition to stop the use of child soldiers report 2004
- ^{xix} Discussion with Major Wacha (UPDF Human rights desk)
- ^{xx} World Vision, GUSCO
- ^{xxi} Coalition to stop the use of child soldiers report 2004

- ^{xxii} New Vision 5th Feb.2007
- ^{xxiii} In Gulu, Lira, Soroti Masaka and Kasese
- ^{xxiv} One of the organisations working with formerly abducted children in Gulu district
- ^{xxv} Currently there is 1 and 6 children at World Vision and GUSCO centre respectively
- ^{xxvi} Children focus group discussion Gulu
- ^{xxvii} Discussions with rehabilitation centre staff in Gulu and Lira districts
- ^{xxviii} Sleepless in Gulu May 2004

- ^{xxix} M.Mccallin: prevention of underage recruitment
- ^{xxx} Paicho women focus group discussion-Gulu district
- ^{xxxi} Focus group discussion
- ^{xxxii} Paicho LC1 leaders-Gulu district, Secretary for community development Gulu District Council

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UCRNN, 2002: Complementary Report on the Implementation of the UN Convention on the Rights of the Child in Uganda