



CIVIL SOCIETY RESPONSES TO THE LIST OF ISSUES

**IN RELATION TO THE INITIAL REPORTS OF UGANDA TO
THE COMMITTEE ON ECONOMIC, SOCIAL AND
CULTURAL RIGHTS**

**55th session of the
Committee on Economic, Social and Cultural Rights
Geneva, 1 – 19 June 2015**

Submitted by:

Franciscans International
The Office of Justice Peace and Integrity of Creation Franciscans Africa
The National Association of Professional Environmentalists
The John Paul II Justice and Peace Centre
The Centre for Women in Governance

May 2015

Introduction

1. This alternative report seeks to assist the UN Committee on Economic, Social, and Cultural Rights in carrying out a constructive review of Uganda's compliance with the International Covenant on Economic, Social, and Cultural Rights during its 55th session (1 – 19 June 2015). The report was drafted on the basis of first-hand information provided by the organisations listed below based on the List of Issues issued by the Committee.
2. Franciscans International (FI) is a faith-based International Non-Governmental Organisation (INGO) with General Consultative Status with the United Nations Economic and Social Council (ECOSOC). It was founded in 1982 to bring the concerns of the most vulnerable to the United Nations. FI relies on the expertise and first-hand information of Franciscans and other partners working at the local level around the world to advocate at the United Nations for structural changes addressing the root causes of injustice.
3. The Office of Justice Peace and Integrity of Creation Franciscans Africa (JPIC Franciscans Africa) was established in 2007. It is a programme of the Franciscans Family Association based in Kenya with an African mandate. Through coordination, communication, collaboration and formation, the office animates the Franciscan Family and the people they minister to within the Eastern African region to promote the values of justice, peace and integrity of creation.
4. The National Association of Professional Environmentalists (NAPE) is an NGO that lobbies and advocates for the sustainable management of natural resources. It has worked in the areas of natural resource management and human rights for the last 15 years. It has conducted various studies on extractive industries and human rights and received an award in 2013 from the Uganda Human Rights Commission as a lead advocate in environmental and human rights protection.
5. The John Paul II Justice and Peace Centre was established in 2007 to promote awareness and a creative response to issues of justice and peace in Uganda. The Centre collaborates with other institutions and faiths in Uganda through training, research and advocacy for justice and peace.
6. The Centre for Women in Governance (CEWIGO) is a nonpartisan, not for profit, non-governmental women's organisation established in 2006 and located in Kampala. CEWIGO promotes gender equality and women's empowerment, and works to increase the numbers, quality, visibility and effectiveness of women in national and local level governance and decision making.

Article 3 – Equal rights of men and women

14. In light of paragraph 34 of the State party report (E/C.12/UGA/1), please update the Committee on progress achieved in:

(b) Addressing gender segregation in the labour market and the gender wage gap, as well as the exploitation of women by microfinance entities which charge extremely high interest rates.

Unregulated/unsupervised Savings and Credit Cooperatives (SACCOs) in Uganda

7. Savings and Credit Cooperatives are usually initiated to contribute to poverty alleviation strategies. They are often established through local, community-based initiatives, but find collaboration and support from main stream commercial banks. While commercial banks are supervised by the Bank of Uganda (BoU), SACCOs are not. The failure to supervise SACCOs exposes poor people to deception and exploitation. Of particular concern are cases involving women, who become overwhelmed in debt and are further unable to escape a cycle of poverty.
8. There are SACCOs in Uganda that through their manners of lending and manipulating interest rates are exploiting borrowers. A SACCO typically borrows from the government run Micro Finance Support Department or a commercial bank at 9% or 10%. The SACCO then lends to poor people at 24% or 30% interest. In addition, the interest on loans from some of these SACCOs is 3% on principal (not a declining balance) per month for 8-10 months. While this would work in Kampala and other urban centers with wholesale ventures and the retail of imported and manufactured goods, it is not applicable in the majority of Uganda's rural economies. This exploitation is of particular concern as over 80% of Uganda's population is considered rural and women maintain a slight majority, constituting 51.4% of the population.¹
9. The same SACCOs are granting up to 30%-36% per annum on fixed deposit accounts. Concrete examples can be cited of SACCOs in Kyanamukaaka and Kirumba sub-counties in Masaka and Kyotera-Kakuuto Districts respectively.
10. In the last three years the BoU has taken steps to implement a new Financial Inclusion project,² but due to issues involving regulation and consumer protection, SACCOs have been excluded.³ The project's initiatives would be beneficial to the recipients of these microloans as they work to strengthen protective measures extended to consumers and to inform the public of their proper rights and obligations to financial institutions.

11. Recommendations

We would urge the Committee to make the following recommendation to the State:

- a) **Ensure that programmes assisting in the financial inclusion of non-banking portions of the population include measures protecting consumers, particularly the rural-poor, from excessive interest rates.**

In the light of paragraph 34 of the State party report (E/C.12/UGA/1), please update the Committee on progress achieved in:

Improving women's access to land and property rights, as well as their involvement in the management of natural resources.

¹ Over 80% of Uganda's population is considered rural according to the 2014 Census. In this census, women constitute 51.4%.

² Bank of Uganda. (2015). Financial Inclusion Project. Retrieved from: https://www.bou.or.ug/bou/supervision/Financial_Inclusion/Financial_Inclusion_Overview.html, accessed on March 19, 2015.

³ Bank of Uganda. (2011). Consumer protection guidelines. Retrieved from: https://www.bou.or.ug/opencms/bou/bou-downloads/Financial_Inclusion/Financial-Consumer-Protection-Guidelines-2011.pdf accessed on March 20, 2015.

The case of oil exploration in the Albertine region

12. The Uganda Land Act 2010 (amended) upholds the Constitution's support of ensuring property rights for women and girls. Article 27 stipulates that any decisions made pertaining to customary land rights or regulation in accordance with customs or traditions that deny women access to ownership, occupation, the legal use of any land, or in any way violate the rights of women outlined in the 1995 Constitution, are null and void.⁴ The 2013 National Land Policy alludes to this as well.⁵ It recognises the rights of women and children to the inheritance and ownership of land and ensures that both men and women enjoy the right to land before, during, and at the point of dissolution of marriage without discrimination. This is however limited to legally married women and excludes widows, divorcees and women in cohabiting relationships.
13. This part of the report will focus on the current situation regarding the impact of oil exploration in the Albertine region on the local population, especially on women. The majority of women in the region are deprived of land ownership, but have access to family land for farming. In many communities, traditional leaders are responsible for resolving issues pertaining to land allocation and ownership. Many women depend upon traditional inheritance practices to ensure they have access to farmland. A recent study conducted by CEWIGO indicated that 76% of the female participants did not possess legal land entitlements.⁶ As such many women lack the legal documentation they would need to defend the land they have been allocated in their community and are often excluded from negotiations, they are unable to prevent the sale of valuable farm and forestland to oil agencies and other land prospectors. Furthermore, as most women do not hold land titles, they often do not directly benefit monetarily from these transactions.⁷
14. It is of grave concern that families residing in oil exploration areas are becoming landless as men sell off family land for short-term monetary gains. It is noted that when some men sell off their land, they misuse the money, dispossessing their women and families of land without sustainable plans for the future.⁸ Women are often tasked with providing the majority of food crops for their families and depend upon available land to provide them with a means of earning an income. It has become common for married women to desert their husbands in order to engage in prostitution with men working with oil exploration companies, who they know to have greater disposable incomes. This is partially an effect of the government's failure to provide clear guidelines guaranteeing the economic security and sufficient compensation of women and families forced off their lands.
15. Furthermore, in Panymur, residents reported that the compensation agreements for the land needed for development in the Albertine region were in English and owners were not

⁴ Uganda Land Act, (1998) (amended in 2010), article 27: "Rights of women, children and persons with a disability regarding customary land. Any decision taken in respect of land held under customary tenure, whether in respect of land held individually or communally, shall be in accordance with the customs, traditions and practices of the community concerned, except that a decision which denies women or children or persons with a disability access to ownership, occupation or use of any land or imposes conditions which violate articles 33, 34 and 35 of the Constitution on any ownership, occupation or use of any land shall be null and void."

⁵ The National Land Policy, (2013), para. 65: "(a) Government shall by legislation, protect the right to inheritance and ownership of land for women and children; (b) Government shall ensure that both men and women enjoy equal rights to land before marriage, in marriage, after marriage, and at the succession without discrimination."

⁶ CEWIGO and National Endowment for Democracy. (2012). Baseline Study on the Impact of Oil Exploration on Women's Leadership in the Albertine Sub-region of Uganda, p. 6.

⁷ Idem.

⁸ Idem, p. 41.

provided with resources to interpret the content. The majority could not read or write English and many were unable to distinguish the specifics of the document they were presented.⁹ Instances were reported in which some women thought they had signed land use agreements, yet they were actually signing for compensation of destroyed crops, while others signed without any knowledge of what they were consenting to.¹⁰

16. Women benefit very little from local resource wealth because they are largely excluded from the labour force in the oil industry and are negatively impacted by the companies' impact on the sources of their livelihood (water, food, environment, etc). Encouraging girls to take science classes and enrol in science-based programs would grant them greater access to this opening labour market. Oil exploration in the Albertine Region has also increased demand for food. Food shortages have been registered in areas with high population density such as the Ndaiga sub-county in Hoima.¹¹ Furthermore, the process of acquiring the 29 sq km of land needed for the construction of the oil refinery in Buseruka sub-county in Hoima district resulted in serious land rights violations and food shortages. The affected communities who opted for re-settlement have not yet been resettled, and have been prevented from growing food crops that take more than four months to mature, yet their staple food (cassava) takes eight months to mature. If measures were taken to address these issues, such as teaching local women more efficient farming practices and helping them to regain land to produce crops, these food shortages could be combatted and the local economy revitalised.¹²
17. Women in the Albertine region are represented in decision-making bodies, but their influence is limited when it concerns matters related to oil exploration and future oil production. This is due to the relative lack of information provided to them on the oil industry and a lack of experience and active participation in debates.¹³ The fact that female perspectives are limitedly taken into account in decision-making processes pertaining to natural resources hinders women and their communities from benefitting from their due economic, social, and cultural rights. More needs to be done to inform women of the pertinent issues and regulations, and to teach them how to effectively advocate for the rights and interests of women in their communities.

18. Recommendations

We would urge the Committee to make the following recommendations to the State:

- a) **Create legislation to ensure that the right of Free, Prior and Informed Consent is upheld and that the prices determined between landowners and investors reflect proper market values.**
- b) **Establish training programs for female community leaders so they can effectively represent their constituencies on the issues of land rights, oil production, and public services. In connection, provide opportunities for women leaders to connect and discuss better ways to be proactive representatives, particularly concerning oil-related issues.**
- c) **Put in place mechanisms to ensure that the replacement land needed to resettle**

⁹ Uganda Human Rights Commission. (2013). Oil in Uganda. Emerging Human Rights Issues. Special Focus on Selected Districts in the Albertine Graben, p. 22.

¹⁰ Idem.

¹¹ CEWIGO. (2012), p. 42.

¹² Idem, p. 21-22.

¹³ Idem, p. x; p.14.

affected people is secured prior to issuing eviction notices, and that the land has the necessary infrastructure to support the wellbeing of the affected people. There should be mechanisms in place to ensure that compensation is received in an adequate and timely manner.

Articles 13 and 14 – The right to education

Please provide information on measures taken to ensure access to universal primary education for all children, in particular children of ethnic groups and indigenous peoples and children with disabilities. Please also provide information on the impact the growth of private education in the State party has had on the right to education of girls and children living in poverty. Please also indicate steps taken to improve quality of education and qualifications and skills of teachers.

19. While the government has made commendable progress in the provision of universal primary education, certain parts of the country are still underserved. The ability to disburse funds to primary education schools in Northern Uganda faces several challenges. The funds are often severely insufficient for the needs of these schools, there are frequent delays in disbursement, and the amounts are irregular and inconsistent. This affects the procurement of scholastic materials, the ability to maintain effective management and administrative structures, and the continued existence of co-curricular activities in schools.¹⁴ While the education policy requires a standard classroom to be 7m by 8m in size and to accommodate 50 pupils, the pupil-class ratio in north and north-eastern Uganda is as high as 74:1.¹⁵ There are also schools reporting ratios as high as 100:1 and above in north-eastern Uganda.¹⁶

20. Recommendations:

We would urge the Committee to make the following recommendation to the State:

- a) **Take concrete measures to ensure quality education for all children in Uganda, regardless of proximity to the national capital or regional capitals.**

Article 10 – Protection of the family, mothers and children

Please provide information on measures taken to combat child labour, child sacrifice and early and forced marriages. Please also indicate measures taken to register all children born in Uganda.

¹⁴ John Paul II Justice and Peace Centre. (2014). The State of Universal Primary Education Schools in North and North Eastern Uganda, p. 15.

¹⁵ Idem, p. 17.

¹⁶ Idem, p. 21.

Early and forced marriages

21. The phenomenon of early and forced marriages is still prevalent in Uganda, especially in rural areas. There are several reasons for the continuation of these practices, but they are largely linked to engrained cultural beliefs. Within the tribes and cultural groups that practice Female Genital Mutilation (FGM), females are only considered adults and ready for marriage after they have undergone this procedure. This typically occurs when girls are between the ages of 12 and 16. A circumcised girl can attract large dowry offers. For example, in the Sabin tribe such a girl is worth roughly 30 cows.
22. Furthermore, in the Busoga and Bugisu regions, where the rate of children with albinism is high, the rate of rape and defilement is increasingly rising. There is a misconception that if an HIV infected person engages in intercourse with an albino woman, he will be cured. There also persists a notion that body parts of people affected by albinism, like their hair or nails, can deliver wealth and good luck. There have been instances in which culprits of rape and assault have married their victims in order to avoid prosecution.¹⁷
23. The government has taken some steps towards preventing early and forced marriages, but the practice is still widespread. The Ugandan government and civil society organisations have carried out awareness campaigns in areas in which this most frequently occurs. The Constitution of Uganda (1995) stipulates that the minimum age for marriage is eighteen years for both sexes and guarantees equal rights during and following the dissolution of a marriage.¹⁸ Moreover, the controversial Marriage and Divorce Bill (2009), which is still pending before the Ugandan Parliament, provides for marriages previously exempted from legislation,¹⁹ and reiterates that the minimum age for marriage is eighteen years for both boys and girls. It also recognises the right of consent, which both parties must assent to in order for the intended marriage to be valid.²⁰

24. Recommendations

We would urge the Committee to make the following recommendation to the State:

- a) **Intensify efforts to prevent early and forced marriages by addressing the root causes contributing to the persistence of such practices. This includes sponsoring awareness-raising activities at the community and family levels in affected areas about the consequences of some cultural practices on the full enjoyment of children's rights.**

Child labour

25. In Uganda, 31% of children aged 6-13 years qualify as child labourers.²¹ Several factors influence the increasing prevalence of the economic exploitation of children in Uganda. The most common causes of child labour include high levels of poverty, domestic violence, the prevalence of orphan and single parent situations, child neglect, school drop-out rates, and

¹⁷ Speech by the executive director ANPPCAN Uganda chapter on the day of awareness for albino children on behalf of civil society, 21st March 2015.

¹⁸ Constitution of Uganda, (1995), article 31: Rights of the family.

¹⁹ The current bill does not apply to Muslim marriages.

²⁰ The Marriage and Divorce Bill, (2009), articles 15, 16, 37, 38, 57, 58.

²¹ UCW. (2014). Understanding children's work and youth employment outcomes in Uganda, p. 17.

lucrative economic activities that include sugar cane growing/harvesting, fishing, and charcoal burning.

26. The Government of Uganda has undertaken considerable efforts to combat child labour through new legal and institutional frameworks. Uganda is a state party to the core international instruments regarding child labour,²² and has enacted relevant national legislation to protect children from economic exploitation.²³ According to the recent National Action Plan against the Worst Forms of Child Labour (2012/2013- 2016/2017),²⁴ if an illegally employed child is discovered, actions that can be taken include withdrawal, rehabilitation, and integration of the affected children within the framework of their families and/or communities and education sector.²⁵
27. Parents and Secretaries for Children's Affairs at the Local Councils levels are expected to be responsible for discovering where and when child labour is occurring. However, the Secretary for Children's Affairs is a non-remunerated position, making it more difficult for them to commit to investing time and money into following up on a complaint. The National Council for Children (NCC) has had some success in sensitising local governments to this issue. The NCC coordinates the National Child Labour Partners Forum, which is an umbrella forum that brings together government ministries and Civil Society Organisations (CSOs) whose missions are geared towards eliminating child labour. The forum meets on a quarterly basis to deliberate on emerging issues, follow up on what has been done in the previous quarter, make new commitments, and welcome new members into the forum. However, the lack of human and financial resources remains a serious constraint for the full realisation of its mandate.
28. Unfortunately, arrests are rarely made in connection to cases of child labour. When arrests do occur they are infrequently recorded since the Magistrate courts, which handle these cases, are not courts of record. Furthermore, children departments at police stations may decide not to hand over an abuser for prosecution on the grounds that it is in the best interest of the affected child to avoid legal action and investigation.

29. Recommendations

We would urge the Committee to make the following recommendations to the State:

- a) Take necessary measures to ensure the effective implementation of the National Action Plan against the Worst Forms of Child Labour, including by increasing resource allocation and ensuring the full realisation of the monitoring mechanisms at all levels.**
- b) Strengthen its judicial system in order to ensure that those responsible for child labour are prosecuted and punished.**

²² Uganda has ratified the UN Convention on the Rights of the Child (1989), ILO Convention No. 138 (1973) on the Minimum Age for Admission to Employment, and ILO Convention No. 182 (1999) on the Prohibition of the Worst Forms of Child Labour.

²³ The National Constitution (Article 34), Employment Act No 6 of 2006, The Children's Act (Chapter 59), etc.

²⁴ The National Action Plan aims at operationalising the National Child Labour Policy (2006).

²⁵ Strategy 5 of the National Action Plan.

Birth Registration

30. Birth registration has been an issue of long-term concern in Uganda. In 2011, only three in ten children were registered in the country.²⁶ While this number has improved over the past few years, in 2013 UNICEF reported that five million children under the age of five still remain unregistered.²⁷
31. The Constitution of Uganda provides that the state shall register every birth occurring within its territory.²⁸ The adoption of the Births and Deaths Registration Act in 1973 made birth registration compulsory in Uganda.²⁹ The Act was amended in 2005 to regulate the costs of the fees charged for the issuance of birth certificates and for the registration itself.³⁰
32. Still, the act does not accurately represent the current social and economic circumstances in the country. The stagnancy of legislation deters any real, permanent changes or improvements. The technicalities of the act further deter progress and prohibit many from seeking birth registration. For example, the act does not acknowledge the circumstances of children born outside of the state of Uganda, but who would otherwise be recognised as Ugandan citizens.³¹ The act's conditions of accountability and responsibility further lower registration numbers. One such condition stipulates that the father of a child is allowed to renounce any responsibility (including birth registration) over a child that is not a child by marriage.
33. The Uganda Registration Services Bureau (URSB) is responsible for civil registration,³² including birth registration, and has offices in Kampala, and in the regions of West Nile, Northern Uganda and Western Uganda. A declarant first has to register the birth with the Hospital Administrator, either the Sub County Chief or the Town Clerk, depending on the place where the child was born. Upon this registration, the declarant will be issued with a short birth certificate as proof. This birth certificate needs to be submitted to a URSB office.³³ From the URSB the declarant picks up assessment forms and deposits the requisite amount of money in a bank of his or her choice. In most cases this is done by brokers for a fee, as people want to avoid the inconveniences involved with the process. The declarant has to return the pay slip and then wait for the issuance of the long birth certificate. The wait period requires the applicant to return another day to receive the long certificate.
34. To register a child, the aforementioned documents suffice to obtain a birth certificate. For an adult who was not registered at birth, proof of identity by introductory letters from Local Councils, and family lineage names are requested.

²⁶Uganda Bureau of Statistics. (2011). Uganda Demographic and Health Survey, p. 19.

²⁷UNICEF. (2013). Every Child Birth's Right: Inequities and trends in birth registration, p.16.

²⁸ Constitution of Uganda, (1995), chapter 3, article 18: "Registration of births, marriages and deaths: The State shall register every birth, marriage and death occurring in Uganda."

²⁹ Births and Deaths Registration Act, (1973), part III, article 7: "Within three months of the date of birth of a live child, the father or mother of the child shall register particulars concerning the birth as may prescribed with the registrar of the births and deaths registration district in which the child was born." The current law is Birth and Death Registration Act Cap 309 Laws of Uganda.

³⁰ The Birth and Deaths Registration (Amendment) Regulations, (2005). Statutory Instruments 2005, No. 36.

³¹ Uganda Law Reform Commission. (2014). Issues Paper Project: Reform of the births and death registration Act Cap 309, p. 6.

³² Chapter 210 The Uganda Registration Services Bureau Act, Part II, Article 3: "There is established a body to be known as the Uganda Registration Services Bureau."

³³ URSB. (2015). Obtaining a birth certificate. Retrieved from http://www.ursb.go.ug/index.php?option=com_content&view=article&id=75:procedure-for-obtaining-a-birth-certificate&catid=40:birth-certificate&Itemid=75

35. The URSB is allowed to charge fees for its services.³⁴ The 2005 amendment to the Births and Deaths Registration Act³⁵ provides that for the registration of a birth of a child, one must pay 1000 Ugandan Shillings (USH) (approximately 0.35 USD), or 20 US Dollars (USD) if it is for a foreign application. If the registration occurs one or more years after the birth, 1000 USH or 20 USD is charged for each additional year. For the issuance of the birth certificate, a fee of 5000 USH (approximately 1.75 USD) is incurred for a long certificate, and 1000 USH for a short certificate. For a foreign application this amounts to 40 USD and 20 USD respectively. For refugees, birth registration is free of charge. The interim findings from a survey carried out by Franciscans in Uganda reveal that some people have paid 15,000 USH (over 5 USD) through brokers who purport to process birth certificates faster.
36. Although short birth certificates can be issued by the designated registrars, fully legally recognised long birth certificates are only issued at the URSB office in Kampala and in regional offices. Since Kampala and the existing regional offices are often too far and too expensive for many to reach, large regional discrepancies persist between the likelihood of children getting registered in rich urban and poor rural communities.
37. Some innovations have been introduced by the URSB which prioritises increasing public awareness of the services it provides, including birth registration, and entered into a private-public partnership with UNICEF and Uganda Telecommunications in 2011. The objective was to develop the Mobile Vital Records System (MVRS), through which birth notifications can be sent by a SMS text to a central server at URSB. This information is subsequently verified by respective registrars at sub-county or town council offices using a computer or mobile phone. If the birth record information is found to be complete and consistent, birth certificates will be printed at the sub-county or town council offices, signed by the registrars and sent to the registered persons.³⁶ This system is accredited with the national increase of birth registration of under 5 years old from 30 percent in 2011 to approximately 47.18 percent as of October 2013.³⁷
38. The MVRS has made the registration process more efficient for the state, but individuals still have to go to Kampala or the regional capitals to collect the long certificate. The MVRS has allowed more people to have access to obtaining the short certificates, but has not eased the process for the long certificate. Other challenges remain too, like unreliable internet connectivity, and a lack of a national Birth and Death Registration policy.³⁸ Moreover, limited public awareness stems from low literacy levels, and some communities associate registration with attracting unnecessary taxes.³⁹ Issues of comprehension, cultural norms and

³⁴ Chapter 210 The Uganda Registration Services Bureau Act, part II, article 4(2): “Without prejudice to the general application of subsection (1), the bureau shall, for the purpose of achieving its objects, have the following functions . . . to charge fees for any services performed by the bureau.”

³⁵ Births and Deaths Registration (Amendment) Regulation 2005, article 2: “FEES: (1) For issuance of certificate of registration on a birth of a child (a) in case of a long certificate [national application 5000 USH; foreign application 40 USD], (b) in case of a short certificate [national application 1000 USH; foreign application 20 USD]. (2) For registration of a birth of a child (a) after six months but within one year [national application 1000 USH; foreign application 20 USD], (b) for every additional year or part thereof [national application 1000 USH; foreign application 20 USD].”

³⁶ Uganda Mobile VRS. (ND). About mobile vital records system. Retrieved from <http://www.mobilevrs.co.ug/home.php>

³⁷ Child Protection Section Programme Division. (December 2013). A Passport to Protection; A guide to Birth Registration programming. New York: New York. UNICEF, p 93.

³⁸ URSB, & UNICEF. (2013). Civil registration study tour in Uganda, p. 11.

³⁹ Uganda Law Reform Commission. (2014). *Issues paper: Reform of the Births and Deaths Registration Act Cap 309*, p. 26. Kampala: Uganda Law Reform Commission. Retrieved from <http://www.ulrc.go.ug/>.

traditional beliefs may deter people from registering their children. For instance, counting children is considered taboo, as this may provoke bad omens.

39. Without a birth certificate, it is hard to prove one's age. This can have serious implications in several circumstances. First, without a proper birth certificate to prove a child's age, young women are at a risk of underage and illegal marriage,⁴⁰ which is of serious concern in Uganda.⁴¹ Moreover, under the Ugandan Penal Code Act, it is a criminal offence to attempt to have, or to have sexual intercourse with a girl under the age of eighteen.⁴² However, prosecution of an offender becomes more complicated if it cannot be established that the victim was a minor. In addition, sentences for abusers of children estimated to be at the borderline years, i.e. 16-17, are usually lighter. In these cases society and the courts often impute consent. Many such cases end up in negotiations for compensation between the parents of the abused girl and the abuser. Considering that 9589 cases of sex-related crimes were reported in 2013,⁴³ this is of serious concern.
40. Age is also a determining factor in determining legality of labour. Having a birth certificate to prove one's age is important to prevent underage employment, but it is also needed to guarantee employment once above the age of 18. In order to work for the government for instance, an applicant needs to prove he or she is not a minor.⁴⁴ Moreover, some children who are forced to repeat classes because they look young give up on education and turn to labouring in plantations and quarries in the Busoga area. Others are forced to begin school early just because they look old enough, which can also affect the desire of those children to remain in school.⁴⁵

41. Recommendations

We would urge the Committee to make the following recommendations to the State:

- a) Revise the national legislation and the administrative procedures to ensure free and universal birth registration, providing for instances of children born out of wedlock or born outside the country who should be recognised as Ugandan citizens. Registration processes should be amended to facilitate greater access for those living in remote and rural areas.**
- b) Intensify efforts to increase awareness on the importance of birth registration and the process of acquiring a birth certificate in order to protect children from the consequences derived from non-registering, these include early marriages and child labour.**

⁴⁰ UNICEF. (2014). Birth Registration. Retrieved from: http://www.unicef.org/protection/57929_58010.html.

⁴¹ The Committee on the Elimination of Discrimination against Women expressed its concern on the high number of early marriages of girls in 2010 (Concluding Observations, para. 47).

⁴² Uganda Penal Code Act, (1950), chapter XIV, article 129 :“Defilement of girl under the age of eighteen: (1) Any person who unlawfully has sexual intercourse with a girl under the age of eighteen years commits an offence and is liable to suffer death. (2) Any person who attempts to have unlawful sexual intercourse with a girl under the age of eighteen years commits an offence and is liable to imprisonment for eighteen years, with or without corporal punishment.”

⁴³ Uganda Police. (2014). Annual Report 2013. Retrieved from [http://www.upf.go.ug/download/publications\(2\)/Annual_Crime_and_Traffic_Road_Safety_Report_2013\(2\).pdf](http://www.upf.go.ug/download/publications(2)/Annual_Crime_and_Traffic_Road_Safety_Report_2013(2).pdf)

⁴⁴ Uganda Law Reform Commission, (2014), p. 9.

⁴⁵ A survey carried out by Franciscan Youth of Jinja and Lugazi dioceses in September 2012. Unpublished.