

**THE ROLE OF NON GOVERNMENTAL ORGANISATIONS IN  
THE PROTECTION OF CHILDREN'S RIGHTS  
CASE STUDY OF GULU DISTRICT**

**BY**

**KIJANGE STELLA LAJIRI  
LLB/31532/102/DU**

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**DECLARATION**

I **KIJANGE STELLA LAJIRI**, declare that this dissertation has not been presented for publication anywhere, or for any award in any university, college or institute of higher learning for a similar or the same award.

Signed.....*Kij*.....

**KIJANGE STELLA LAJIRI**

Date.....*12/6/2014*.....

## APPROVAL

I certify that the work submitted by this candidate has been under my supervision. Her work is original and worth for the award of a bachelor's degree in Bachelor Laws at Kampala International University

Signature



(Supervisor)

**MR. KALENGE MUBARAK**

Date: 12/6/14

## **DEDICATION**

This study is dedicated to my lovely and dear parents Mr.Okwera Francis Lugenyand MrsAciro Nighty Okwera, siblings, relatives and friends for their love, patience and encouragement towards my achievement for this dissertation.

### **ACKNOWLEDGEMENT**

I am very grateful for the consistent assistance rendered to me by the people who were there for me during the development of this Research. Lojum Moses, there is nothing that I could ever do to pay you for helping me accomplish this. Sincere gratitude goes to my academic supervisor. Thank you for the incredible work of active guidance given to me during the development of this research. I also acknowledge and thank all my colleagues who gave me a lot of their precious time and above all to the Almighty GOD.

## **LIST OF STATUTES AND CONVENTIONS**

### **International Instruments**

The United Nations Convention on the Rights of the Child 1990  
African Charter on the Rights and Welfare of the Child 1999  
The Universal Declaration of Human Rights 1948  
The International Covenant on Civil and Political Rights 1966  
The International Covenant on Economic, Social and Cultural Rights

### **Local Instruments**

The Constitution of the Republic Of Uganda 1995  
The Penal Code Act Cap 102  
The Children Act Ac 59  
The Adoption of Children Act  
Succession Act Cap 139

## **LIST OF CASES**

Kalisa V Kalisa (1974) HCB 108

Nakaggwa V Kiggundu (1978) HCB 310

Teopista Kayongo V Richard Sekiziyuru (1978) HCB 240

Suleiman Muwanga V Walji Bhimji Jiwani and another (1964) Ea 171

Mayambala V Mayambala Divorce Case No: 3/1998

The Matter of Juliet Jane Nakazibwe (1973) 1 ULR 140

Re Hoffman V Hoffman (1972) EA 100

## **LIST OF ABBREVIATIONS**

UN	:	United Nations
NGO	:	Non Governmental Organization
CA	:	Child Abuse
CSO	:	Civil Society Organization
HR	:	Human Rights
UNHCHR	:	United Nations High Commission For Human Rights
UHRC	:	Uganda Human Rights Commission
UWESO	:	Uganda Women's Effort to Save Orphans
L R A	:	Lord's Resistance Army
CPSS	:	Child Protection and Support Services



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## **ABSTRACT**

The purpose of the study is to establish the role of NGOs in protecting children's rights in Gulu district Northern Uganda. The objectives of the study were; to establish the range of activities done by NGOs in protecting children's rights in Gulu district, to identify the effects of NGOs' work on the protection of children's rights in Gulu district and to investigate the existing legal framework and the protection of children's rights in Gulu district.

The summary findings from objective one revealed that the majority of respondents argued that the most significant activities of protecting children's rights by NGO's in Gulu district were Communication and Advocacy.

The summary findings on objective two revealed that majority of the respondents were of the opinion that most NGOs are involved in developing several child protection institutions in different areas designed to help all the children. Most children use these organizations as their turning points and in case of any form of child abuse, these associations come in to protect the children since they handle cases of any child mistreatment.

The summary findings on objective three revealed that the Uganda's legal framework on the protection of children's rights emanate from Article 34 Of The Constitution Of The Republic Of Uganda 1995, Children Act Cap 59 And The African Charter On The Rights And Welfare Of The Child 1999, The UN Convention On The Rights Of A Child 1989.

The conclusion of the study said that the most significant activities of protecting children's rights by NGO's in Gulu were; Communication and Advocacy, Health Care and Services, Agenda Setting and Policy Formulation among others, and that the most important hindrances to the NGO's' efforts to promote child rights were among others; Lack of Funds, Absence of Strategic Planning.

The recommendation made for the study stated that there should be more strict measures laid by the government and policy makers to curb children's rights abuse in society and culprits should be heavily punished to teach others a lesson.

## CHAPTER ONE

### INTRODUCTION

#### **Introduction**

This chapter looks at the back of ground of some of the issues that are being highlighted. It includes problem statement, purpose of the study, scope of the study, objectives of the study, and significance of the study.

#### **1.1 Back ground of the Study**

The emergence of the Non-Governmental Organization sector is a significant phenomenon from the standpoint of all development aspects. By playing an important role in public protection and development, this sector has earned its own identity all over the world. Over the last several decades, the meaning, nature and scope of development have undergone considerable changes. The NGOs have emerged as "third sectors" with a view to addressing the needs of development<sup>1</sup>. NGOs have emerged as significant actors in Bangladesh's development scene only in the 1970s. During the course of the last three decades, they have made themselves inseparable from the country's economic, social and political development process and this has become a normal trend in many parts of the world today.

Non-governmental organizations (NGOs) in Bangladesh constitute the country's non-profit private sector in development. Their activities embrace various fields of development and are largely geared to alleviating poverty, public right protection and protecting sustainable development. In recent days, the role of NGOs, engaged in the developing countries of the third world, has become a highly discussed topic. Low developed countries are countries of villages, high population and rural economy. Most of the population is used to rural customs and manners. In today's world the lives of people are centered and oriented on the villages. In all countries, NGOs' involvement in community work is vital. Over the last two decades, the NGO sector in areas like Uganda, like in many other places in the world, has performed as a major factor in facilitating the process of children rights protection through developing institutions of the victims and the poor at the grassroots as well as bringing the disabled and orphans to the

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<sup>1</sup>Holloway, 1995, argued that The NGOs have emerged as "third sectors" with a view to addressing the needs of development, and also said that NGOs have emerged as significant actors in Bangladesh's development scene only in the 1970s.

development frontiers<sup>2</sup>

During the colonial period, most NGO activity in Uganda was restricted to humanitarian and missionary causes. There was, however, a formalization of voluntary services led by churches, primarily in education and health care. During the early post-colonial era, indigenous NGOs were not very active. This was reflective of the repressive political situation as well as the socio-cultural climate in the country at the time. Churches, however, remained significant during the Amins regime when most managers of NGOs either fled the country or cancelled services. In the virtual disintegration of the state under the governments of Milton Obote and Idi Amin, it became necessary to incorporate autonomous self-help organizations and NGOs to fill in the vacuum<sup>3</sup>

During that period the country experienced a lot of child abuse like mistreatment, child labor, raping, beating and denying of education. This is because there was lack of child right protection organizations during the 1990s and the fact that the level of ignorance regarding the public rights was very low. Since 1986, there has been a rapid proliferation of both indigenous and international NGOs in Uganda<sup>4</sup>. NGOs include locally constituted agencies, locally based international agencies, and external organizations. NGOs provide many forms of support to communities, including religious, educational, literary, agricultural, social or charitable to different categories of people in society and mainly the public rights protection. NGOs' contributions can also be classified as technical (capacity building, skill and knowledge); resources (equipment, supplies and funds); liaison/linkages with other agencies and advocacy. In the period of relative peace since 1986, there has been a shift in focus of the NGO activity from relief to development.

Northern Uganda has for a long period of time been affected with the Lord's Resistance Army rebels that have highly mistreated the children public rights leaving many young people affected in a number of ways. According to the media report on public rights, during 2004 over 1000 children had been kidnapped by the rebels and many had been raped, eaten, beaten and also turned into rebels.

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<sup>22</sup>(Clark, 1991).

<sup>3</sup>Dicklitch, 1998 However, there was specific attention given to the PWDs in the post- colonial times in Uganda.

<sup>4</sup>Kwesiga and Ratter, 1993. By 1995, more than 1200 NGOs had been registered with the Ministry of Internal Affairs.

The NGOs together with support from the government have however tried reducing this kind of child mistreatment and abuse in northern Uganda. The number of children going to school has increased in Gulu unlike the way it was in 1990 s and early 2000 when the LRA were a problem to the area. This has all been possible for the great efforts of NGOs operation that have improved and protected the rights of the children. A number of activities have been done to help children's rights in order to boost their standards of living.

## **1.2 Statement of the Problem**

Local NGOs and external organizations have played an essential role in the protection of children's rights including efforts against child abuse like rape, kidnapping child labor among others.

In Gulu district, the role of NGOs improving the children's rights in the area has not been all that significant. Although NGOs have sponsored unprivileged academically talented students, provide modern agricultural inputs such improved seedlings and animal breeds, as well as building schools and hospitals, their work has not fully protected the rights of the children since most of them have left out in the development plans of these organizations.

Besides, the role played by these NGOs in protecting the children's rights has not been clearly documented. It is against this background that the study intends to fill all these gaps.

## **1.3 Purpose of the Study**

The purpose of this study is to establish the role of NGOs in protecting children's rights in Gulu district Northern Uganda.

## **1.4. Specific Objectives.**

- (i) To establish the range of activities done by NGOs in protecting children's rights in Gulu district.
- (ii) To identify the effects of NGOs' work on the protection of children's rights in Gulu district.
- (iii) To investigate the existing legal framework and the protection of children's rights in Gulu district.

## **1.5. Research Questions**

- 1) What range of activities do NGOs do in protecting children's rights in Gulu district?
- 2) What are the effects of NGOs' work on the protection of children's rights in Gulu district?
- 3) What is the existing legal framework and the protection children's rights in Gulu district?

## **1.6. Scope**

### **1.6.1. Geographical scope**

The study was conducted in Gulu district the area that many cases regarding children's rights.

### **1.6.2. Content Scope**

The study was limited to the study objectives; the range of activities done by NGOs in improving the protecting of children's rights, the effects of NGOs contribution in protecting the rights of children and constraints of NGOs in protecting children's rights

### **1.6.3. Time scope**

The study concentrated on the time period between 2005- 2013 since that was the time when most of the NGOs registered their presence in Gulu district. It took a period of four months to cover all the objectives.

## **1.7 Significance**

**Stake holders;** the study will help the stakeholders to examine the role of NGOs in protecting children's rights in Gulu district.

**Government;** The study will help the government of the Republic of Uganda to initiate, stimulate, launch, support and promote child protection projects based primarily on increasing the number of NGOs and use the locally available resources to foster self-reliability and self-sustainability of the NGOs.

**Academia;** the findings of this research will provide evidence and add new knowledge to the existing NGOs information in the understanding of the impact of the complex of the role of NGOs in improving the living standards of people.

**Future researchers;** the study will help future researchers who may carry out their researches in similar or related topics with relevant on the impacts of the role of NGOs in child protection in Gulu district.

## **1.8 Hypothesis.**

The role played by NGOs forms part of the fundamental entity for the enjoyment, protecting children's rights both under domestic and international human rights legal regimes.

However, the issue that arises is to establish whether;

NGOs have succeeded in protecting and protecting children's rights or



Whether the failure of NGOs to achieve its roles of protecting children's rights is due to the absence of well coordinated mechanisms?

## **1.9. Chapter outline**

### **The study had five chapters**

Chapter one discussed the background, statement of the problem, objectives of the study, questions, scope of the study, hypothesis, chapterization of chapter outline, literature review, methodology. Chapter two discussed the answers to the questions, activities of NGO's in protecting children's rights, effects of NGO's in the protection of children's rights in Gulu. Chapter three discussed the existing law on the protection of children's rights in Uganda; Chapter four discussed the challenges facing the NGO's in the protection of children's rights in Gulu and measures taken to solve those challenges. Chapter five discussed the conclusion and recommendation, ethical conclusion and bibliography.

### **1.10 Methodology.**

The method administered in this research shall mainly include secondary data collection from existing books, journals and articles on this topic. It is anticipated that all the gaps shall be filled during the research. It is also important to note that secondary data has been used in the fulfillment of this research.

My major sources of information were:

- Information mostly from books on women issues
- Universal Conventions/Treaties
- Articles
- Newspaper cuttings
- Material from the internet and Papers presented at various workshops.

### **1.11 Definitions of key concepts**

**Child abuse** is the Communication and Advocacy and emotional mistreatment of a child.

**Children** were little people and endless sources of trouble.

**Human right** is based on the belief that every human being is entitled to enjoy his or her rights without discrimination.

**Child right** is the children's right to participate fully in family and cultural life among education and other children rights protections and policies in the light of the best interest of the child.

## 1.12 Literature Review

A comprehensive overview of the discussion on what constitutes a nongovernmental organization, how these organizations are structured internally, and how they interact externally with intergovernmental organizations, specifically in the field of human rights. The book is particularly informative in terms of the multiple parameters that influence NGO interaction with governments on an international level. Children's rights are explicitly addressed in a subchapter as an area in which NGO influence on standard-setting has been and remains remarkable.

Exploring the evolution of human rights legislation, particularly with regard to a gradual encroachment into areas previously considered "private," such as violence against women or the protection of children from abuse in the family context. Discusses how cross-border civil society activism has successfully constructed "private wrongs" as issues of global concern. Specifically analyzes how global civil society has sought to achieve better human rights protection for migrant children.

Collaborations in developing countries, in which NGOs and community-based organizations worked together in innovative ways, aiming to enhance child protection through participation and empowerment of children and adolescents. The volume's contributions share the argument that to be cross-culturally relevant, the UNCRC's principles must be interpreted in flexible and innovative ways in order to make sense in diverse social contexts<sup>5</sup>. NGO's form the "conscience of the world" as advocates for particularly vulnerable people has become one of the most cited slogans in the literature on nongovernmental organizations. Two of the case studies explicitly deal with children's issues, exploring the role of NGOs in the drafting and evolution of the Save the Children Fund by the UNCRC from a relief organization to a children's rights organization.

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<sup>5</sup>Willets, Peter, (1996) Argued that NGO's form the "conscience of the world" as advocates for particularly vulnerable people has become one of the most cited slogans in the literature on nongovernmental organizations.

## **CHAPTER TWO**

### **INTRODUCTION**

#### **2.1 Introduction**

This chapter contains the review of the happenings related to the research topic. Combined different ideas put forward by different authors in regards to the explanation of the causes, effects and actions put in place towards the attempt to solve the problem.

#### **2.2. What range of activities do Ngos do in protecting children's rights in Gulu district?**

##### **Developing Children Protection Institutions**

NGOs are involved in developing several child protection institutions in different areas designed to help all the children. Children use these organizations as their turning points and in case of any form of child abuse, these associations come in to protect the children and they handle cases of any child mistreatment. With a diverse range of Non-Governmental Organisations (NGOs) providing services to children, young people and their families, the non-government sector plays a key role in child protection and wellbeing<sup>6</sup>. This can vary from identifying and reporting or responding to and meeting the needs of child protection situations. Staffs from the non-government sector who work with children and young people are required to report suspected risk of significant harm. This is through the use of the online Mandatory Reporter Guide to the Child Protection Helpline. NGOs are autonomous bodies who frequently work collaboratively with government and other organisations when addressing child wellbeing

##### **Education of the Public about Children's Rights**

The NGOs have developed education programs designed to sensitize and communicate the public about their rights and the rights of children. Children's protection program defines children rights as being the essential need for any child. Children have the right to go to school, have food, among others though some people deny these children.

According to the Human Rights Watch 2010<sup>7</sup>, Millions of children have no access to education,

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<sup>6</sup> (Barton & Bizimana, 1995, argue that NGOs are involved in developing several child protection institutions in different areas designed to help all the children

<sup>7</sup> According to the Human Rights Watch 2010, it says that Millions of children have no access to education, work long hours under hazardous conditions, are forced to serve as soldiers in armed conflict

work long hours under hazardous conditions, are forced to serve as soldiers in armed conflict, or languish in institutions or detention centers where they endure inhumane conditions and assaults on their dignity. Young and immature, they are often easily exploited. In many cases, they are abused by the very individuals responsible for their care. We are working to help protect children around the world, so they can grow into adults.

Respondents in Gulu said that NGO-related health education efforts had mobilized and sensitized the community on the importance of preventive behaviors such as immunization and family planning. A key informant in GULU explained that mothers regularly attend clinics; more mothers give birth in the NGO-supported health unit, while those who are not able to come to the health unit have been assisted by Traditional Birth Attendants (TBAs) as observed below: “These people found us in a poor state but today the TBAs assist women in labor instead of women walking all the way to Gulu Regional Referral Hospital. Women used to die in labor but now each LC1 has at least two TBAs.”<sup>8</sup>

### **Aids activities**

At least 15 NGOs are involved in various AIDS activities, including preventive education on HIV transmission, provision of condoms, care of People With AIDS (PWAs) (treatment, counseling and home visits) as well as support to AIDS orphans. Some of the NGOs in Gulu district that are involved in AIDS activities are doing so in collaboration with other NGOs working in the same geographical location, as one local leader observed: “They have taught us how to use condoms and they supply us with them. They give them to people they have trained. Each LC 1 has a number trained to counsel others on AIDS and this member distributes condoms to the society.”<sup>9</sup>

### **Orphan support activities**

A local leader in Gulu said orphan support, especially to AIDS orphans, is provided by NGOs through orphanages or support to foster parents in the form of school fees and scholastic materials. Older orphans are sometimes supported in vocational training schools through

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<sup>8</sup> Barton & Bizimana, (1995) argue that the Europeans found us in a poor state but today the TBAs assist women in labor instead of women walking all the way to Gulu or Kasambya

<sup>9</sup> GULU District Local Council, 1996, states that the NGO’S have taught people how to use condoms and they supplied to them. They give them to people they have trained. Each LC 1 has a number trained to counsel others on AIDS and this member distributes condoms to the society.”

provision of fees and supply of equipment, and are assisted in acquiring jobs after completion of courses<sup>10</sup>

### **Children's Services**

Support parents and parenting by providing early childhood development for children up to the age of six years in long day care, pre-school, occasional care and family day care and before and after school care. Services may also work directly with children who have suffered abuse or neglect.

### **Services for People with Disability**

Provide a range of services for children and young people with a disability, and their families and carers including case management, behaviour support and therapy, as well as early childhood services for children 0-6 years old. In addition, families may access respite care (including in-home, host family and centre-based services), support and education groups, and counselling services. For young people, services may also include day program, training and employment support services. Disability advocacy services provide information, advice and support to children and young people with disabilities and their families to enable them to make informed decisions. They act to promote and protect the rights and interests of children and young people with disability and their families<sup>11</sup>

### **Services for Homeless People**

Provide people who are homeless, or at risk of homelessness, with a range of interventions including outreach, counselling, case management, accommodation, advocacy and living skills development through the National Affordable Housing Agreement (NAHA). NAHA is Australia's primary response to homelessness and is jointly funded by the Australian Government and the state and territory governments. In New South Wales NAHA is jointly funded by Community Services and the Australian Government Department of Family and Community Services and Indigenous Affairs. People assisted include families, single adults,

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<sup>10</sup>Dicklitch, 1998, argues that Older orphans are sometimes supported in vocational training schools through provision of fees and supply of equipment, and are assisted in acquiring jobs after completion of courses

<sup>11</sup>Barton & Bizimana, (1995) say that there is promotion and protection of the rights and interests of the children and young people with disabilities and their families

young people, and women and children affected by domestic violence.<sup>12</sup> The key goals are to resolve crisis; re-establish family links where appropriate; and re-establish the capacity of clients to live independently.

### **Support Services for Young People**

offer children and young people support and run programs that reach out to vulnerable children and young people, such as drop-in centres, youth health services, specialist youth services, counselling and support, mediation in crisis intervention to assist in averting family breakdown, child and adolescent sexual assault counselling services, advocacy, outreach, street work, recreational activities and group work and activities.

### **2.3 What are the effects of NGOS' work on the protection of children's rights in Gulu district?**

#### **Proper Child Protection**

The children in developing countries like Uganda have been protected ever since the emergence of the NGOS that have strongly fought for the children's rights. According to the human rights commission report 2005, the percentage of children going to school has increased to 65% and the cases of child abuse of atlas dropped by 5%.

The children and the public are now aware of the children rights and the penalties of side effects that can come out of child mistreatment and this has been possible by the help of NGOs in the countries.

#### **Community Cohesion**

NGO activities have bred enthusiasm among people and groups who work together during community activities as one respondent noted: "Under the Gulu Women Development Association (GWDA), groups have realized the importance of working together, keeping records, accountability and having a focused vision." (GWDA Co-coordinator, Gulu ) Action AID Gulu staff members further explained that the community capacity to identify, prioritize and plan to solve their own problems had been enhanced through involvement with the NGO. They said that the spirit of voluntarism among the community had improved community

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<sup>12</sup>Lore, A.C. (1993) argue that People that are assisted include families, single adults, young people, and women and children affected by domestic violence

members' view the project and activities as their own and do not wait for coercion to participate.<sup>13</sup>

### **Community Involvement in Implementing Of NGO Activities**

Participation in implementation is the commonest form of community involvement. The community in Action AID Gulu area explained that they are directly involved in the construction of schools and health centers. Communities contribute by providing land and building materials such as sand, stones and bricks while the NGO provides cement, corrugated iron sheets and transport for these materials. In Gulu district Omoro Sub-county), community members contribute to development through monthly subscriptions, which are determined by the community and are affordable to the majority. The NGO provides the extra funds required in completing a project.<sup>14</sup>

### **Gender-Related Benefits**

The involvement of women in NGO activities has empowered them on both economic and social fronts. Key informants in Gulu said that women as a group have had significant improvements in their economic status through proper utilization of grants for IGAs. Women who are able to earn a living from such IGAs are not only able to improve the standard of living in their families, but they have also become less economically dependent on their husbands, as one woman councilor observed "There is a general improvement in incomes in villages. Here a woman can easily buy the domestic needs other than wait for her husband to provide everything." (LC I Women Representative, LayibiGulu)<sup>15</sup>, Respondents in Gulu also said that economic empowerment had improved the awareness and assertiveness of women who are now earning an income. Increasing numbers of women are participating in community activities because they are no longer held back by their husbands, since the men have themselves realized the benefits of the activities of the respective NGOs.

The contribution of the NGO, sector to national development is sufficiently important to justify

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<sup>13</sup>Action AID Buwekula 1995, 1996, 1997, argue that that the spirit of voluntarism among the community had improved community members' view the project and activities as their own and do not wait for coercion to participate

<sup>14</sup>Barton, T. and Wamai, G., 1994, argue that The NGO provides the extra funds required in completing a project

<sup>15</sup>LC I Women Representative, Bungokho, Gulu, states that there is a general improvement in incomes in villages. Here a woman can easily buy the domestic needs other than wait for her husband to provide everything

measures aimed at reinforcing and protecting the sector. There are however, some limitations. The state agencies find it difficult to deal with different kinds of problems of PWDs in an efficient manner, so there is need for the intervention of NGOs. The role of NGOs in the protecting of the welfare of PWDs has been recognized as vital because of their special abilities in their mode of functioning such as innovation, flexibility in operation, and sensitivity to the changing needs and high level of motivation of functionaries. NGOs aim at helping the PWDs to help themselves by mobilizing their own resources, tapping their potential, identifying problems, finding solutions to them, and implementing them to achieve their goals, state seeks increasingly contact and consultation with NGOs and providing funds to them to support their development indicating the state's recognition of their role.<sup>16</sup>

## **2.4 The NGOs Which Protect the Rights of Children in Uganda and Gulu district In Particular**

### **World Vision<sup>17</sup>**

World Vision is also partnering with communities across Uganda to ensure that the conditions that allowed the LRA to form in the first place are never allowed to emerge again. One way we do this is by promoting child protection awareness External Link so that children and their caregivers are equipped with new tools to protect children from exploitation. World Vision trains community members on topics including advocacy for child rights, forms of child abuse and neglect, procedures for managing allegations of child abuse and neglect, and child participation in the community<sup>18</sup>.

In post-conflict Northern Uganda, mothers have a newfound hope for their children. Says Margaret, "I would love my children to study up to Makerere University in Kampala. That's why I am cultivating to educate them."World Vision is tackling child hunger and malnutrition through maternal and child health and nutrition programmes. Within the past two years, one Area Rehabilitation programme have been supported to integrate maternal and child health and

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<sup>16</sup>Marsden's. Oakley's. & Pratt, NGO's have provided support by providing funds to them to support their development indicating the state's recognition of their role

<sup>17</sup>World vision helps in Preventing child exploitation

<sup>18</sup>World Vision trains community members on topics including advocacy for child rights, forms of child abuse and neglect, procedures for managing allegations of child abuse and neglect, and child participation in the community



nutrition into their programmes. The health and nutrition capacity building project is tailored to identify and enhance capacity gaps in maternal and child health and nutrition.

### **Child Protection and Support Services (CPSS)**

The Child Protection and Support Services Programme (CPSS) promotes and protects the rights of children within the criminal justice system through the facilitation of multi-disciplinary services for children and their caregivers for the advancement of both healing and justice.

### **Centre for Protection of Children's Rights Foundation (CPCR)<sup>19</sup>**

CPCR began its crusade to protect children's rights over twenty years ago in 1981. Although CPCR initially focused on assisting children who had been neglected, abandoned, physically abused or exploited through child labour, its area of involvement expanded in 1985. The Centre became involved in combating the commercial sexual exploitation of children and started assisting young people who had been sexually abused or forced into prostitution. Today CPCR continues to work in all areas of child abuse, neglect and exploitation.

### **Invisible Children**

Invisible Children, Inc. is an organization founded in 2004 to bring awareness to the activities of the Lord's Resistance Army (LRA) in Central Africa, and its leader, Joseph Kony. Specifically, the group seeks to put an end to the practices of the LRA which include abductions and abuse of children, and forcing them to serve as soldiers. To this end, Invisible Children urges the United States government to take military action in the central region of Africa. Invisible Children also operates as a charitable organization, soliciting donations and selling merchandise to raise money for their cause. The organization promotes its cause by dispensing films on the internet and presenting in high schools and colleges around the United States.

### **War Child<sup>20</sup>**

War Child is a Non-Governmental Organisation founded in the UK 1993, which focuses on providing assistance to children in areas of conflict and post-conflict. They use their film and

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<sup>19</sup>Centre for Protection of Children's Rights Foundation (CPCR) assists abused, orphaned, neglected or trafficked children and combats commercial sexual exploitation of children by legal and public relations means. CPCR runs three rehabilitation homes for children and young people rescued from trafficking.

<sup>20</sup>[www.warchild.org](http://www.warchild.org) War Child International exists to create the conditions that will fulfill the protection, development and survival rights for children and young people who are living with or recovering from the effects of armed conflict

entertainment background to raise money for aid agencies operating in former Yugoslavia. War Child UK was soon followed by organisations in the Netherlands and Canada. War Child Netherlands currently works in Afghanistan; Colombia; Democratic Republic of Congo; Israel/the Palestinian territories; Lebanon; Sierra Leone; Sri Lanka; Sudan; and Uganda.

**War Child's goal is:**

The establishment and implementation of psychosocial programmes in which creative and sports activities are used to reinforce the psychological and social development and the welfare of the children; The establishment and implementation of creative and sports programmes that are aimed at uniting children who have been driven apart because of war, in order to contribute to a peaceful society; The creation of public awareness of the problems of children in (former) war zones and the generation of support for these children

**Uganda Women's Effort to Save Orphans (UWESO)**

UWESO was founded in 1986 by Ugandan mothers committed to providing relief aid to needy children left parentless by the civil turbulence of the early mid-1980s, and the HIV/AIDS pandemic. UWESO operated in war-torn areas of the Luweero Triangle which in today's districts includes Luwero, Mubende, Kiboga, Nakasongola, Mpigi, Gulu, Wakiso, Mukono and Kayunga. Funding of these activities was mainly from UWESO members and donor grant support. With this funding UWESO was able to sponsor 2,000 orphans per year in primary school, and 200 older orphans benefited from vocational training programmes between 1992 and 1994. UWESO changed its focus from relief services to development programs in order to improve the welfare of the neediest orphans in a sustainable approach through provision of basic needs and sponsorship in secondary and vocational institutions.

## CHAPTER THREE

### INTRODUCTION

## THE EXISTING LEGAL FRAMEWORK IN THE PROTECTION OF CHILDREN'S RIGHTS IN UGANDA

### Introduction

This chapter discusses The Constitution of the Republic of Uganda 1995, Children Act Cap 59, and The African Charter on the Rights and Welfare of a Child, The UN Convention on the Rights of the Child and Cases.

### 3.2 What is the existing legal framework and the protection children's rights in Gulu district?

#### Who is a child?

**Section 2**<sup>21</sup> defined a child to mean a person below the age of 18 years. This definition is also in line with **Article 1**<sup>22</sup> which states that for purposes of the present convention a child means every human being below the age of 18 years unless the law applicable to the child majority is attained earlier and **Article 2**<sup>23</sup> defines a child as meaning every human being below the age of 18 years.

**Article 14**<sup>24</sup> provides for the best interests of the child whereby in all actions concerning the child undertaken by any person or authority, the best interests of the child shall be the primary consideration.

**The First Schedule**<sup>25</sup> provides for welfare principle whereby whenever the state, court, a local authority or any person determines any question with respect to

- (a) the upbringing of a child or
- (b) the administration of a child's property or the application of any income arising from it,

The child's welfare shall be of the paramount consideration.

### 3.3 The Right to Life

**Article 22(1)**<sup>26</sup> it is stated that no person shall be deprived of life intentionally except in

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<sup>21</sup>Children Act Cap 59,

<sup>22</sup>The Un Convention On The Rights Of The Child, 1989

<sup>23</sup>African Charter On The Rights Of The Child, 1999

<sup>24</sup> The African Charter on the Rights and Welfare of the Child

<sup>25</sup>Children Act Cap 59

<sup>26</sup>The Constitution Of The Republic Of Uganda 1995,

execution of a sentence passed in a fair trial by court of competent jurisdiction in respect of a criminal offence under the laws of Uganda and the conviction and sentences have been confirmed by the highest appellate court.

**Article 22(2)**<sup>27</sup> states that no person has the right to terminate the life of an unborn child except as may be authorized by the law.

**Article 6**<sup>28</sup> also brings out this inherent right of life and that the state parties shall ensure to the maximum extent possible the survival and development of the child. Development means in its broadest sense as a holistic concept, embracing the child's physical, mental, spiritual, moral, psychological and social development.

### **3.4 Right to Education**

**Article 34(2)**<sup>29</sup> States That A Child Is Entitled To Basic Education Which Shall Be The Responsibility Of The State And The Parents Of The Child.

**Section 5(1) (a)**<sup>30</sup> recognizes the duty to maintain a child. Wherein it shall be the duty of a parent, guardian or any person having custody of a child to maintain that child and, in Particular, that duty gives a child the right to education and guidance.

**Article 28**<sup>31</sup> states parties shall recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity. Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child and take appropriated measures such as the introduction of free education and offering financial assistance in case of need.

**Article 11(2) (a)**<sup>32</sup> states that the education of the child shall be directed to the promotion and development of the child's personality, talents and mental and physical abilities to their fullest potential.

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<sup>27</sup>The Constitution Of The Republic Of Uganda 1995

<sup>28</sup>The UN Convention On The Rights Of The Child 1989

<sup>29</sup>The Constitution Of The Republic Of Uganda 1995.

<sup>30</sup>Children Act Cap 59

<sup>31</sup>The UN Convention On The Rights Of The Child 1989

<sup>32</sup>The African Charter On The Rights And Welfare Of The Child

### 3.5 Right to Medical Treatment, Health and Health Services

**Article 14<sup>33</sup>** states that, state parties shall recognize the right of the child to the enjoyment of the highest attainable standard of health and facilities for the treatment of illness and rehabilitation of health. It should be ensured that no child is deprived of his/her right to access to such health care services. They shall pursue full implementation of this right and in particular shall take appropriate measures to diminish infant and child mortality and to ensure appropriate prenatal and post natal health care for mothers.

**Section 5(f)<sup>34</sup>** states that it shall be the duty of a parent, guardian or any person having custody of a child to maintain that child and, in particular, that duty gives a child right to medical attention.

### 3.6 Children with Disabilities

**Section 9<sup>35</sup>** Imposes a duty on the state to take appropriate steps to see that children with disabilities are assessed at an early stage to the nature of their disabilities and they should be afforded facilities for their rehabilitation and equal opportunities to education.

**Article 35(1)<sup>36</sup>** where parliament shall enact laws appropriate for the protection of persons with disabilities

**Article 23<sup>37</sup>** recognizes the rights of the disabled child to special care encourage and ensure the extension subject to available to the eligible child and those responsible for his or her care, of assistance for which application is made and is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.

### 3.7 Right To Parental Care and Protection

**Article 34(1)<sup>38</sup>** states that children shall have the right to know and be cared for by their parents and those entitled by law to bring them up

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<sup>33</sup>African Charter On The Rights And Welfare Of The Child

<sup>34</sup>Children Act Cap 59

<sup>35</sup>Children Act cap 59

<sup>36</sup>Constitution of the Republic Of Uganda 1995

<sup>37</sup>UN Convention On The Rights Of The Child

<sup>38</sup>Constitution Of The Republic Of Uganda 1995

**Section 4**<sup>39</sup> states that a child has a right to live with his or her parents or guardian. except where a competent authority determines in accordance with the laws and procedures applicable that it is in the best interests of the child to separate him or her from his or her parents or parent, the best substitute care available shall be provided for the child.

**Article 19** <sup>40</sup> states that every child shall be entitled to the enjoyment of parental care and protection and whenever possible have the right to reside with his/her parents. no child shall be separated from his parents against his will except when a judicial authority determines in accordance with the appropriate law that such separation is in the best interest of the child and any child separated from one or both parents shall have the right to maintain personal relation and direct contact with both parents on a regular basis.

**In Nakaggwa V Kiggundu**<sup>41</sup>, It was held that the parent without custody has a right to access a child provided that such access didn't interfere or disrupt the rights of the child and court further noted that a rigid timetable was not practical because in life there are emergencies.

**In Kalisa V Kalisa**<sup>42</sup> the mother of the child had obtained custody, however she entrusted them to her mother and went to Nairobi to look for work, she applied to court later to move the children to Nairobi. However court declined stating that the applicant had shown irresponsibility by going to Nairobi and leaving the children with their grandmother and as a result, court granted custody to their father

**Article 20**<sup>43</sup> states that parents and other persons responsible for the upbringing of the child shall have the duty to ensure that the best interests of the child are their basic concerns and to ensure within their abilities and financial capacities, conditions of living necessary to the child's development and that domestic discipline administered with humanity and in a manner consistent with the inherent dignity of the child.

**In Teopista Kayongo V Richard Sekiziyuru**<sup>44</sup> Nyamchoncho J stated as concerns custody of

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<sup>39</sup>Children's Act Cap 59

<sup>40</sup>African Charter On The Rights And Welfare Of The Child,

<sup>41</sup>(1978) HCB 310

<sup>42</sup>(1974) HCB 108,

<sup>43</sup>African Charter On The Rights And Welfare Of The Child

<sup>44</sup>(1978) HCB 240,

the child of tender years, such children should normally stay with the mother unless she is not fit and proper. Where custody is taken away from the mother, she should be free to visit her children as often as she pleases.

### **3.8 Right to Protection against harmful Social and Cultural Practices**

**Article 34(4)**<sup>45</sup> states that, children 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

**Section 7 and 8**<sup>46</sup> state that it shall be unlawful to subject a child to social or customary practices that are harmful to the child's health and no child shall be employed in any activity that may be harmful to his/her health, education or mental, physical or moral development.

**Article 21(2)**<sup>47</sup> Adds that child marriage and the betrothal of girls and boys shall be prohibited and effective action, including legislation shall be taken to specify the maximum age of marriage to be 18 years and to take appropriate measures to eliminate those customs and practices discriminatory to the child on the grounds of sex or other status.

### **3.9 Protection against Child Abuse and Torture**

**Article 37**<sup>48</sup> states that no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment and especially physical or mental injury or abuse, neglect or maltreatment including sexual abuse while in care of the child.

**Article 27**<sup>49</sup>, states that a child shall be protected from all forms of sexual exploitation and sexual abuse and shall in particular take measures to prevent the inducement, coercion or encouragement of a child to engage in any sexual activity.

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<sup>45</sup>Constitution Of The Republic Of Uganda 1995

<sup>46</sup>Children Act Cap 59

<sup>47</sup>African Charter On The Rights And Welfare Of The Child

<sup>48</sup>UN Convention On The Rights Of The Child

<sup>49</sup>African Charter On The Rights And Welfare Of The Child

### 3.10 Right of Access to Information and Expression

**Article 41<sup>50</sup>** states that every citizen has a right to access of information in the possession of the state agency except where the release of the information is likely to prejudice the security or sovereignty of the state or interfere with the right to privacy of any other person.

**Article 7<sup>51</sup>** states that every child who is capable of communicating his/her views shall be assured the rights to express his/her opinions freely in all matters and to disseminate his opinion subject to such restriction as are prohibited by law.

**Article 13<sup>52</sup>** states that every has a right to freedom of expression, this shall include freedom to seek, receive and impart information and ideas of all kinds regardless of frontiers, either orally or through any other media of the child's choice.

### 3.11 Right to Maintenance by the Parent Or Guardian

**Section 6<sup>53</sup>** imposes parental responsibility on every parent and where the natural parents are dead; this responsibility is passed on to the relatives of the parents.

**In Suleiman Muwanga V Walji Bhimji Jiwani and another<sup>54</sup>** a school girl was 13 years old at her death. her father had predeceased heron his death, the first plaintiff who was the paternal uncle of the deceased became her guardian according to the custom and was responsible for her upbringing and education.it was held that in the clan to which the deceased belong, the paternal system prevails and accordingly the first and second plaintiff were members of the deceased.

**In Mayambala V Mayambala<sup>55</sup>** court looked at the financial means of the father and the mother and the status of the life of the child in determining the maintenance sum to be paid. Where court is satisfied that the applicant is not a proper and fit person to have custody of the child or if that person is dead or is of unsound mind or that person is imprisoned, then court may appoint a person to be a custodian of the child and the maintenance order is made to that custodian.

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<sup>50</sup>The Constitution Of The Republic Of Uganda 1995

<sup>51</sup>African Charter On The Rights And Welfare Of The Child

<sup>52</sup>UN Convention On The Rights Of The Child

<sup>53</sup>Children Act Cap 59

<sup>54</sup>(1964) EA171,

<sup>55</sup>DIVORCE CASE NO:3/1998



### **3.12 Right to Identity, Name, Nationality and Family Relations**

**Article 8**<sup>56</sup> states that state parties to respect the right of the child to preserve his/her identity, including nationality, name and family relations as recognized by the law without unlawful interference. and where a child is deprived of some or all of the elements of his/her identity, relevant authorities shall provide appropriate assistance and protection with a view to speedily re-establishing his identity.

**Article 6(4)**<sup>57</sup> states that states parties to the present charter shall undertake to ensure that their constitutional legislation recognize the principles according to which a child shall acquire the nationality of the state in the territory of which he has been born if at the time of the child's birth, he is not granted nationality by any other state in accordance with its laws.

### **3.13 Right to Freedom of Thought, Conscience, Peaceful Assembly and Freedom of Association**

**Article 8 and 9**<sup>58</sup> State that, every child shall have the right to free association and freedom of peaceful assembly in conformity with the law. And every child shall have the right to freedom of thought, conscience and religion where applicable, legal guardians shall have a duty to provide guidance and direction in the exercise of these rights, having regard to the evolving capacities and best interests of the child.

### **3.14 Right to Leisure, Recreation and Cultural Activities**

**Article 37**<sup>59</sup> states that every person has a right applicable to belong to, enjoy, practice, profess, maintain and promote any culture, cultural institution, language, tradition, creed or religion in community with others.

**Article 12**<sup>60</sup> states that every child has a right to rest, leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

### **3.16 Right to Adequate Feeding, Shelter, Clothing and Immunization**

**Section 5**<sup>61</sup> States that it shall be the duty of a parent, guardian or any person having custody of a child to maintain that child and, in particular that duty gives a child the right to

(b) immunization

(c) adequate diet

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<sup>56</sup>UN Convention On The Rights Of The Child

<sup>57</sup>African Charter On The Rights And Welfare Of The Child

<sup>58</sup>The African Charter On The Rights And Welfare Of The Child

<sup>59</sup>Constitution Of The Republic Of Uganda 1995

<sup>60</sup>African Charter On The Rights And Welfare Of The Child

<sup>61</sup>Children Act Cap 59

- (d) clothing
- (e) Shelter

## **Adoption**

**Article 24**<sup>62</sup> States that in cases of adoption, the right and best interests of the child shall be the paramount consideration such as to ensure that the adoption is carried out in conformity with applicable laws and procedures and on the basis of relevant and reliable information, that the appropriate persons concerned have given their informed consent to the adoption on the basis of appropriate counseling.

### **In the Matter Of Juliet Jane Nakazibwe<sup>63</sup>WambuziCJ, Held That**

**Section 4(5)**<sup>64</sup> states that an adoption shall not be made... in respect of any infant unless he is a British subject or a citizen of Uganda and is resident in east Africa. Since the nationality of the infant was not known, an adoption order couldn't be made merely because the infant was found abandoned in Uganda, it didn't render the child a Uganda citizen.

## **3.17 Refugee Children**

**Article 23**<sup>65</sup> States that appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable law, shall whether accompanied or unaccompanied receive appropriate protection and assistance in the enjoyment of these rights to assist such a child trace the parents or other close relatives.

## **3.18 Trafficking, Abduction and Kidnapping**

**Article 29**<sup>66</sup> States that appropriate measures to prevent the abduction, the sale of, or trafficking or kidnapping of children for any purpose by any person including parents or legal guardians of the child.

**In Re Hoffman V Hoffman**<sup>67</sup> custody of a 6 year old child was granted to a mother but the child was subsequently kidnapped by the father and taken to Tanzania claiming that he had better financial means. Court dismissed his claims saying that his financial means were irrelevant since

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<sup>62</sup>The African Charter On The Rights And Welfare Of The Child

<sup>63</sup>(1973)1 ULR 140

<sup>64</sup>Adoption Of Children Act,

<sup>65</sup>African Charter On The Rights And Welfare Of The Child

<sup>66</sup>African Charter On The Rights And Welfare Of The Child

<sup>67</sup>(1972)EA 100

such support could be given to the mother to support the child.

**In Conclusion Article 43<sup>68</sup>**, in the enjoyment of the rights and freedoms prescribed in this chapter, no person shall prejudice the fundamental or other human rights and freedoms of others or the public interest. These rights, duties, declaration and guarantees relating to the fundamental and other human right and freedoms specifically mentioned shall not be regarded as excluding others not specifically mentioned.

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<sup>68</sup>Of the Constitution of The Republic of Uganda 1995

## CHAPTER FOUR

### INTRODUCTION

#### CHALLENGES FACED BY NGOS IN THE PROTECTION OF CHILDREN'S RIGHTS AND THE MEASURES TAKEN TO SOLVE THEM IN GULU DISTRICT.

##### 4.0 Introduction

This chapter discusses the constraints faced by the NGO's in protecting children's rights and the measures taken to solve the constraints faced by the NGO's in Gulu district.

##### 4.1 Factors that constrain the Ngos' contributions on the protection of children's rights

###### Community needs and expectations

Key informants in Gulu explained that the community has several problems most of which cannot be addressed by a single NGO. Among the problems mentioned include high prevalence of disease, especially malaria, with a high mortality and morbidity among infants, lack of safe water, poor social infrastructure, poverty and low literacy. NGO's staff said that communities often expect NGOs to solve all their problems and in so doing often get disappointed on learning that this is not possible. This often leads to the community getting dissatisfied with the NGO's and declining to effectively support its activities.<sup>69</sup>

###### Inadequate mobilization and involvement by communities

Respondents in Gulu district explained that often NGO's do not fully involve the communities in planning; implementation and monitoring of activities. This leads to lack of ownership of the NGO activities by the community since the community and NGO's plans do not tally, as observed below: "The community is not fully assimilated in some of these projects. People are hesitant and fear that these NGO's are self-seeking and have their own agenda and objectives."<sup>70</sup> *"NGO's plans often overrule our needs, even before we request for something or*

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<sup>69</sup>Gulu District Local Council, . NGO's said that Among the problems mentioned include high prevalence of disease, especially malaria, with a high mortality and morbidity among infants, lack of safe water, poor social infrastructure, poverty and low literacy

<sup>70</sup>Head-teacher and Community Elder, Bukigai, Gulu, said that The community is not fully assimilated in some of these projects. People are hesitant and fear that these NGO's are self-seeking and have their own agenda and objectives

*even need it, we find when they have already given it to us.”<sup>71</sup>*

### **Lack of Transparency**

Key informants at district and national level explained that NGO staff members are occasionally secretive about their functions in a given area, especially about funding sources and amount procured. This often leads to inadequate planning and co-ordination of the NGO's in district /national plans, as observed below: “Some NGO's are not open. It is not easy to get all the information on what they are doing.”<sup>72</sup> Key informants at national and district level further explained that NGOs sometimes falsify records in order to be seen to be working, but often do not represent a true picture of the actual activities, as observed: “Sometimes they give you figures and numbers of people they are helping but they often exaggerate.”<sup>73</sup>

### **Inadequate funding and dependence on external donor funding**

Many NGO staff in Gulu explained that some of their activities are not carried out as expected due to inadequate funding. This arises from delayed funds, less than expected release of funds from donors, or the absence of alternative donor sources. These financial problems arise from poor planning of activities and, therefore, inadequate support from both the communities and other agencies in the region. Community members in Gulu said some NGO have a donor dependency syndrome and are unable to sustain their activities when funding from these donors ceases.<sup>74</sup>

### **Large areas covered by the NGO.**

District officers in Gulu explained that their biggest constraint to monitoring the role of NGOs in social development was the fact that in some cases they did not know what the NGOs were doing nor where they are located within the districts thus it is really very difficult to determine the change brought in by some of these NGOs, especially where they do not have a specific area

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<sup>71</sup>Swift. A., 199, said that NGO's plans often overrule our needs, even before we request for something or even need it, we find when they have already given it to us.”

<sup>72</sup>(Welfare and Community Services Secretary, Kampala City Council (KCC

<sup>73</sup>Welfare and Community Services Secretary, KCC), Marden.D and Oakey.P.,1990, argue that Community members in Gulu said some NGOs and CBOs have a donor dependency syndrome and are unable to sustain their activities when funding from these donors ceases

<sup>74</sup>MOFEP, Statistics Department, 1992, argue that Community members in Gulu said some NGOs and CBOs have a donor dependency syndrome and are unable to sustain their activities when funding from these donors ceases

of operation within the district. Many of them do not exist but are the briefcase type.

Secondly, one district official in Gulu said that the functions of the NGOs are not mutually exclusive and cannot, therefore be assessed in isolation. He explained that many NGOs complement the work of government agencies and even private practitioners. He further explained that establishing of a health bill, formation of a national NGO coordinating body and enforcement of registration of all NGOs operating in the district would enable the relevant district offices to monitor the role of NGO activities.

### **Poor Documentation and Information Sharing**

Evaluation and assessment of a given NGO is a difficult undertaking by all stakeholders (the NGO itself, the policy makers and by the community it serves). NGO staff members were in many instances not precise about the domain of their respective NGOs. The poor record keeping among NGOs worsens this situation. There were hardly any statistics that were availed to the research team because either some NGO records were poorly kept or not kept at all. In addition, although records did exist in some NGOs, there was reluctance on the part of some NGO officials to share them. There appears to be no policy on information sharing and, therefore, no obligation on the part of the NGOs. On the other hand, another Gulu district official explained that useful indicators for assessing NGO contribution to social development are those laid down in the project documents of the respective NGOs. She, however, added that some NGOs have no such documents and operate in a haphazard manner, making it difficult to monitoring them<sup>75</sup>.

## **4.2 The viable and sustainable ways to address the challenges faced by NGOS in the protection of children's rights in Uganda.**

### **Local resource mobilization**

Provides potential for NGO's to raise funds from local businesses, individuals, government and locally generated income. To do these NGO's must have strong governance and accountability mechanisms, clear strategies and local credibility.<sup>76</sup>

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<sup>75</sup>Valadez.J.ans. and Bamberger, M,1994, say that Gulu district official explained that useful indicators for assessing NGO contribution to social development are those laid down in the project documents of the respective NGOs

<sup>76</sup>Agyei and Daba, 1992, say that NGO's must have strong governance and accountability mechanisms, clear strategies and local credibility. (

## **Local Networking**

Provides opportunities for mutual learning, identifying appropriate development initiatives, generating learning resources, improving coordination and cooperation with local government, harmonizing approaches to development and pursuing effective local advocacy. Form consortia to source funding from the donor community (larger projects to access larger donors).<sup>77</sup>

## **Regional NGO'S Networks**

Regional and thematic networks present opportunities to NGO's to share research, approaches, resources, capacity and work with both Government of Uganda and the corporate sector. Strong regional networks also provide the basis for supporting district level networks and ensuring the Ngo's Council remains strong by keeping its membership strong.<sup>78</sup>

## **Effective support from the Ngo's board and Ngo's council**

Maintaining NGO'S records with the NGO'S Coordination Board was to enable NGO's to received regular information and gain access to basket funding. The NGO Coordination Board is also working hard to improve the public image of NGO's through the protecting and support of annual NGO Week. A more effective NGO Council supported by its members and responding to NGO'S expressed needs was to provide appropriate and affordable capacity building support and an enabling environment for the sector. Good Governance of the NGO Council would provide a positive example for all NGO's to emulate. Good Governance can be achieved if the serious, active and engaged NGO's exercise their rights and responsibilities in a professional manner. An effective NGO'S Council was to become a voice of the sector when interacting with Government of Uganda and Regional Governments.<sup>79</sup>

## **Enabling Environment**

The new governmental dispensation has provided Ugandans with more political space to undertake their own development initiatives. People at all levels of society are more prepared to pursue their own development activities rather than wait for government and external actors to

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<sup>77</sup>Mukasa, OworEds, 2001, said that larger projects to access larger donors

<sup>78</sup>Mukasa, OworEds, 2001, argue that Strong regional networks also provide the basis for supporting district level networks and ensuring the NGO'S Council remains strong by keeping its membership strong.

<sup>79</sup>Save the Children, 2002, argue that An effective NGO'S Council was to become a voice of the sector when interacting with GoU and Regional Governments.

provide services, relief and welfare support. Improved infrastructure (roads, electricity, IT, communications, water, market access) provides more development opportunities to poor people and their communities. Tax incentives are now encouraging donations to registered charities. Government of Uganda is also enhancing the performance of its line Ministries, who are now all on performance contracts. Government of Uganda technical personnel are now willing to partner with NGO's who need not duplicate skills that are already locally available.<sup>80</sup>

### **New NGO Act**

The proposed new NGO Bill and Act, provides both opportunities and threats to the NGO community. If the NGO Council effectively lobbies for the NGO's in an informed and professional manner, a more enabling environment for this sector may result. Alternatively it is possible for the Sector to lose its self-regulating mechanism and be controlled by a single government-appointed body.<sup>81</sup>

### **Government Devolved Funds and New Funding Mechanisms**

The Constituency Aids Funds, Youth, Women, Water and other locally available development funding is available to local NGO's which should also be more involved in the management of these funds. New basket funding from central government, through the NGO's Board, is also a possibility.<sup>82</sup>

### **Use Volunteers**

Uganda has a huge supply of idealistic, young, energetic and well educated graduates who are unemployed or underemployed. Many of them are searching for opportunities to serve their country and get work experience. There are also many older experienced professionals willing to give their time to NGO's. Many companies were to loan experienced personnel to NGO's. Finally, there are opportunities to appoint international volunteers to fill vacancies that would otherwise require unavailable funds to fill. Student exchange programmes also offer NGO's low cost human resources that can support research, documentation and staff capacity building

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<sup>80</sup>Sylvia Tamale, 2001, argue that government of Uganda technical personnel are now willing to partner with NGO's who need not duplicate skills that are already locally available

<sup>81</sup>Sylvia Tamale, 2001, said that it is possible for the Sector to lose its self-regulating mechanism and be controlled by a single government-appointed body.

<sup>82</sup>UNDP, 2011, said that NGO's should involve in the management of these funds. New basket funding from central government, through the NGO's Board, is also a possibility.



initiatives.<sup>83</sup>

### **Development Approaches**

Communities have assets, wisdom, labour, time, and skills to be applied to their own development programmes. Communities are now willing to work for their own development. Invest in community institution building, train local people; enable them to plan, implement and evaluate their own development programmes, and to access available local resources. Innovative local solutions to local problems always attract support.<sup>84</sup>

### **NGO Income Generation**

NGO's with excess assets can use them to generate income which may be used as the NGO'S determines. Consider renting buildings, providing consultancy, offering training, trading on your name or with locally made products.<sup>85</sup>

### **Information, Communication and Technology (ICT)**

The world has moved into the technological age. Get connected! Internet and email are fundamental to serious organizations. Set up a simple website and start building your networks and your profile. Share with others your work, approaches and impact.<sup>86</sup>

### **NGO's Provide Potential Partnerships**

Progressive NGO's are looking to partner with local institutions and have the ability to provide financial, technical and institution building support. Some also support thematic and issue-based advocacy initiatives that enhance local networking and address the structural causes of poverty, inequity and injustice. (The world has moved into the technological age. Get connected! Internet and email are fundamental to serious organizations.)<sup>87</sup>

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<sup>83</sup>Gulu district/FIDA, 2009, asserts that Student exchange programs also offer NGO's low cost human resources that can support research, documentation and staff capacity building initiatives.

<sup>84</sup>Agyei and Daba, 1992, said that . Innovative local solutions to local problems always attract support.

<sup>85</sup>Agyei and Daba, 1992, said that, providing consultancy, offering training, trading on your name or with locally made products.

<sup>86</sup>Gulu district/fida, 2009, said that the world has moved into the technological age. Get connected! Internet and email are fundamental to serious organizations.

<sup>87</sup>The world has moved into the technological age. Get connected! Internet and email are fundamental to serious organizations.

### 4.3 Conclusion

The Ministry of Health of Uganda has developed a training manual for health workers concerning the victims of children rights violations. The Slum Aid Project (SAP), an initiative of several Uganda women has a domestic children rights protection program, which is centered on the protection and protecting of children's rights reduction of HIV/AIDs among women and empowering the girl child.

Through this project women and young girls in slum areas in Uganda have received counseling and support to be able to eliminate children rights violations from their lives. They are advised on where to go to take their abused children in order to seek for special assistance. The Social Development Sector deals with matters related to equality, inclusion, employment, equity, adult literacy, vulnerability and rights. The Plan focuses on social protection and encompasses initiatives that reduce economic and social vulnerability.<sup>88</sup>

Research investigating the effects of child abuse and neglect is extensive; however, in most research studies, due to several limitations, it is difficult to make casual links between abuse/neglect and adverse consequences. Many research studies are unable to control for other environmental and social factors. This makes it difficult to rule out influences such as socio-economic disadvantage, disability and social isolation when associating abuse and neglect with negative consequences for children and young people. Other research limitations include problems with definitions for example, type or severity of abuse, recruiting a representative sample, and obtaining accurate recollections of past events by participants. In spite of the various limitations, research in the area consistently identifies strong links between child abuse/neglect and adverse consequences for children/adolescents.<sup>89</sup>

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<sup>88</sup>KisambaMugerwa, 2004, argued that The Plan focuses on social protection and encompasses initiatives that reduce economic and social vulnerability

<sup>89</sup>National Gender Policy, 1997, said that In spite of the various limitations, research in the area consistently identifies strong links between child abuse/neglect and adverse consequences for children/adolescents

## CHAPTER FIVE

### SUMMARY OF FINDINGS, CONCLUSION AND RECOMMENDATION

#### 5.0 Introduction

This chapter mainly dealt with summary, conclusions and recommendations related to the study of examining the contribution of non-governmental organizations in the protection of the children's rights in Gulu district while specifically concentrating on findings got from Gulu district

#### 5.1 summaries of findings.

The summary of the findings were presented in accordance with the research objectives of the study.

The first objective of the study was to establish the range of activities done by NGOs in protecting children's rights in Gulu district. Research findings show that the majority of respondents argued that the most significant activities of protecting children's rights by NGO's in Uganda was Communication and Advocacy while some of the respondents suggested that another important activity of protecting children's rights by NGO's in Uganda suggested by respondents at Gulu district was the provision of Health Care and Services. A few of the respondents were of the opinion that being Agenda Setters was yet another activity of protecting children's rights by NGO's in Gulu district. Policy Formulations another activity of protecting children's rights by NGO's in Uganda was cited by several of the population studied at Gulu district. Other relevant but insignificant activities of Gulu district in the protecting of Child Rights in Uganda were among others; partners, pilot function, raising money and building basic infrastructure.

The second research objective of the study was to identify the effects of NGOs' work on the protection of children's rights in Gulu district. From analysis of key informants' arguments the study found that the majority of the respondents were of the opinion that the most important Developing children protection institutions child protection institutions in different areas designed to help all the children. Children use these organizations as their turning points and in case of any form of child abuse, these associations come in to protect the children and they handle cases of any child mistreatment. And there is collaboration with the police and the district executives to protect the rights of children as it was stipulated by the 2012 report on child protection in the northern Ugandan districts of Lira and Dokolo, by the NGO Child Protection in

Crisis, found that major sources of harm include: sexual abuse, child labour, verbal abuse, unfriendly home environments, poverty, as well as harmful cultural practices like early marriage.

The third objective of the study was to investigate the existing legal framework and the protection of children's rights in Gulu district. Research revealed that the Uganda's legal framework on the protection of children's rights are stated in the constitution of the republic of Uganda 1995, The African Charter on the rights and Welfare of the child, the UN Convention on the rights of the child, The Children Act Cap 59. Every child has a right to live with his/her parents or guardians and every parent has to be responsible for his/her child. The legal framework also provide an enhancement of dignity for every child in a non-discriminatory manner and equal access to children's rights, child participation, family unit and best interest of the child. These are vital principles of the human rights based approach to the protection of children rights.

## **5.2 Conclusions**

The conclusions of the study were presented in accordance with the findings from the research questions;

The first objective of the study was "what are the activities of protecting children's rights by NGO's in Uganda?" The study concluded that the most significant activities of protecting children's rights by NGO's in Uganda were; Communication and Advocacy, Health Care and Services, Agenda Setting and Policy Formulation among others like being partners, pilot function, raising money and building basic infrastructure.

The second research question of the study was "what are the effects of NGO's in protecting of children's rights in Gulu?" The study findings concluded that the most important hindrances to the NGO's' efforts to promote child rights were among others; Lack of Funds, Absence of Strategic Planning, Limited Capacity and that NGO's in Gulu district were having a problem of Poor Networking as a hindrance to their effort to promote child rights.

The third research question of the study was "the investigation of the existing legal framework and the protection of children's rights in Gulu district. The legal framework of the children's rights is guided by the Constitution of the Republic of Uganda 1995, the Children's Act cap 59, UN Convention on the Rights of the Child, African Charter on the Rights and Welfare of the Child. All these legal instruments stipulate that every child has a right to live with his/her parents

or guardians and every parent has to be responsible for his/her child. The legal framework also provide an enhancement of dignity for every child in a non-discriminatory manner and equal access to children's rights, child participation, family unit and best interest of the child. These are vital principles of the human rights based approach to the protection of children rights.

### **5.3 Recommendations**

According to the findings and conclusions of the study, the researcher found it necessary that the recommendations below were of much importance;

It was recommended that there should be more strict measures laid by the government and policy makers to curb children's rights abuse in society and culprits should be heavily punished to teach others a lesson. Gulu district further can enhance this by creating more awareness drives about the consequences of indulging in any form children's rights abuse.

Gulu district together with women and child social workers should be given the right and enough man power to investigate and prosecute children's rights abuse in society so that this vice can be wiped from society.

More effort should be made by feminist groups and women leagues to sensitize the women and men at large about the dangers and causes of the conditions of domestic and children's rights abuse in society. Gulu district can become beneficial in this regard because it reaches out to a wide audience and hence the message was heard and thus acted upon by society.

### **Governments**

- Lay down national legal framework and comprehensive plan of action for.
- Establish independent national institutions with clear mandate to design, implement and co-ordinate national plan of action on Human rights initiative.
- Adopt Human rights initiative, as a single subject or as a major component of interdisciplinary courses. Such as civic education, to be taught nationwide.
- Allocate as much resources as possible for implementing Human rights initiative programmes and do their lewd best to raise fund from potential sources.
- Considering the advantages and benefits in state reporting, they should be honest to state the

Problems and challenges they face in relation to human rights

### **Non Governmental Organizations**

- Create and strengthen networking and forum for experience sharing.
- Constantly remind governments of their obligation to educate on human rights.
- Try to collaborate with governmental institutions with human rights promotion mandate.
- Use other civil society organizations as training targets or advocates for the promotion and respect of human rights.
- Follow-up and report on the Human rights initiative activities of governments and, in case where the African Commission has made comments, on compliance with such comments.

### **The African Commission**

- Bring national institutions into its pre-session forum for NGOs and make human rights initiative a major point of discussion. It may also emphasize human rights initiative on the forum it may open for governmental institutions independently.
- Develop guidelines for effective human rights initiative which shall serve as frame of reference in assessing activities in the area.
- Make sure that its Special Reporters and other mandate-holders systematically incorporate, in their activities, sensitization and reporting on human rights
- Use the state reporting procedure to monitor the implementation by states to educate on human rights. It can get the necessary information from Sources like NGOs beforehand.
- using the examination of state reports, the Reporters specifically assigned to prepare its of questions and Commissioners should stress the issue of Human Rights Initiative and concluding others as incorporating comments on human rights activities should be adopted at the end.
- There should also be follow-up on the implementation by states of recommendations. In which NGOs may participate.
- The state reporting guidelines of the commission should expressly require states to discuss the

implementation of their obligation to promote or educate human rights.

- The Commission can deal with non-reporting states by appointing Special Reporters. gathering information, including activities in Human Rights Initiative, examining reports submitted to other rear bodies, and then, making recommendations.

We believe that the above steps can help towards making Human rights initiative effective, in terms of bringing about respect for human rights, in Uganda and African continent at large.

Fathers and mothers in homesteads should be encouraged to volunteer in counseling programs aimed at solving social and domestic issues without the abuse of children's rights.

#### **5.4 Areas for Further Research**

More research can be conducted by future researchers to fill the gaps that this researcher has left in the due course of carrying out this research study. The possible gap to be filled could be the role of Non- governmental organizations in protecting of children's rights: a case study of Gulu district.

This could be able to answer what this researcher missed in conducting this research.

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