
UGANDA

Republic of Uganda

Population: 28.8 million (16.5 million under 18)

Government armed forces: 45,000

Compulsory recruitment age: no conscription

Voluntary recruitment age: 18

Voting age: 18

Optional Protocol: acceded 6 May 2002

Other treaties ratified (see glossary):

CRG, GC AP I and II, ICC, ILO138, ILO 182, ACRWC

Up to 2,000 women and children remained with the opposition Lord's Resistance Army (LRA) in October 2007. They included girl soldiers who had been raped and borne children while in the ranks. Children were abducted and used by the LRA in combat and other roles and forced to commit and witness human rights abuses. Fighting and LRA abuses had significantly decreased by early 2006. Children were recruited and used by the national army, the Uganda People's Defence Force (UPDF), and auxiliary Local Defence Units (LDU). Children captured by the UPDF were used for gathering intelligence on the LRA and to identify LRA positions and weapons caches.

Context

Armed conflict between government forces and the opposition Lord's Resistance Army (LRA) in northern Uganda continued between 2004 and early 2006. The government's strategy of pursuing a military solution to the conflict contributed to humanitarian suffering and abuses against the civilian population. In March 2004 a major military operation (Iron Fist II) resulted in an escalation of the conflict, with the LRA intensifying its attacks and expanding into the south and east, to areas previously less affected by the conflict, such as Lango and Teso.¹ The national army – the United People's Defence Force (UPDF) – and auxiliary local defence units (LDUs) committed human rights violations, including killings, beatings and rape and other crimes of sexual violence.² UPDF soldiers were also responsible for killings and torture during law enforcement operations to combat insecurity and weapons proliferation in the Karamoja region of north-eastern Uganda from mid-2006.³ In one incident 66 children were reportedly crushed by armoured vehicles or trampled to death by

stamping animals following shooting during a February 2007 raid by UPDF troops.⁴

The LRA was responsible for the killing, torture, rape, mutilation and abduction of thousands of adults and children, which continued to be carried out until late 2005.⁵ In January 2004 President Yoweri Kaguta Museveni announced that he had referred the case of the LRA to the International Criminal Court (ICC), and arrest warrants were issued in October 2005 for LRA leader Joseph Kony and four senior commanders. The ICC stated that the LRA had “established a pattern of brutalization of civilians by acts including murder, abduction, sexual enslavement, mutilation, as well as mass burnings of houses and looting of camp settlements”. The war crime of forced enlistment of children below the age of 15 was included among the charges against Joseph Kony, Vincent Otti and Okot Odhiambo.⁶ Two of those charged were subsequently killed; Raska Lukwiya was killed by government troops in August 2006 and Vincent Otti died in October or November 2007. According to some reports Otti was executed after being accused by Kony of spying for the government.⁷

The LRA was sustained by support from the Sudanese government which reportedly began in 1994; this waned in early 2005 following the peace agreement which officially ended the civil war in southern Sudan.⁸ Military pressure from the Ugandan armed forces caused the LRA partly to retreat to Garamba National Park in the Democratic Republic of the Congo (DRC) in September the same year.

Peace talks between the Ugandan government and the LRA officially opened in July 2006 in Juba, southern Sudan, and a cessation-of-hostilities agreement was signed in August by both parties. The talks stalled after three months of negotiations, but resumed in April 2007, and the agreement was extended until 30 June, following which remaining LRA combatants in Sudan crossed into the DRC and assembled in Garamba Park.⁹ The Juba peace process and the LRA's withdrawal from Uganda brought welcome security improvements to the civilian population. No violent incidents attributed to the LRA were reported from mid-2006 in Uganda, and some 300,000 displaced persons began to leave camps for areas closer to their original homes.¹⁰ However, as of October 2007, 1.4 million people remained in camps for internally displaced persons (IDPs) which were characterized by acute overcrowding and lack of accommodation, medical care and nutrition.¹¹

Government

National recruitment legislation

The 1995 constitution required every citizen “to defend Uganda and to render national service when necessary”, and every able-bodied citizen

“to undergo military training for the defence of this Constitution and the protection of the territorial integrity of Uganda whenever called upon to do so” (Article 17(1)(e)). It stated that the duty of every Ugandan citizen was “to protect children and vulnerable persons against any form of abuse, harassment or ill-treatment” (Article 17(1)(c)). The constitution stated that children under the age of 16 “are entitled to be protected from social and 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” (Article 34(4)). It also specified that “children may not be separated from their families or the persons entitled to bring them up against the will of their families or of those persons, except in accordance with the law” (Article 31(5)).

Uganda's 2002 declaration on ratification of the Optional Protocol stated that there was no conscription and that the minimum voluntary recruitment age for the armed forces was legally set at 18.¹² The UPDF Act (2005) set the minimum age at 18 for recruitment into the armed forces.¹³ Section 52(2)(c) stated that “no person shall be enrolled into the Defence Forces unless he or she is at least 18 years of age and has attained such level of education as may be prescribed”. In compliance with the Convention on the Rights of the Child, the Children's Act 2000 provided for the care, protection and maintenance of children. The age of criminal responsibility was set at 12 years of age. The act stated that “where a child is arrested, the police shall under justifiable circumstances caution and release the child” (Section 89 (1)), that “No child shall be detained with an adult person” (Section 91 (8)) and that a child should be put in safe custody (Section 91(3)).

Child recruitment and deployment

The UPDF continued to hold children captured from the LRA for longer than the 48-hour limit specified by UPDF regulations, and to use children for intelligence-gathering or to identify weapons caches. In 2005, children who escaped or were captured or released from the LRA were reportedly pressured by the UPDF to join their forces and fight the LRA. The Ugandan government said in March 2005 that the UPDF had never knowingly recruited a child, but admitted that age verification could be difficult and that sometimes under-18s were recruited.¹⁴

Local Defence Units

The LDUs were established in the late 1990s to provide protection for IDP camps and the roads in northern Uganda. While administered and paid for by the Interior Ministry, they operated under UPDF command.¹⁵ Children below the age of 15 continued to serve in LDUs throughout 2007.

Local government officials said that under-18s were often drawn to enlist by the promise of pay and because of a lack of alternative educational or employment opportunities.¹⁶ Some 1,000 children who were reported to have been enrolled into LDUs in late 2004 in Kitgum, Pader and parts of Teso had apparently not been demobilized by October 2007.¹⁷

Government-backed militias

Militia groups armed by government forces were established in several areas from 2003. They included the Amuka militia, formed in Lango in 2003, and the Frontier Guards in Kitgum and Pader and the Elephant Brigade in Gulu, all formed in early 2004.¹⁸ The Arrow Boys, formed in Teso in mid-2003, were used to protect IDP camps, took part in military operations and received some pay and training from the armed forces.¹⁹ Some of the groups, including the Frontier Guards in Kitgum, reportedly included children.²⁰ The Amuka militia, the Arrow Boys and the Frontier Guards were reportedly demobilized in early 2006; some of their members were apparently absorbed into the UPDF and LDUs. Child protection agencies were not involved in the demobilization process, and it was not known whether those released included children or adults who had been recruited as children.²¹

Armed groups

Lord's Resistance Army

About 25,000 children were abducted by the LRA from the beginning of the conflict in the late 1980s. Abductions peaked after 2002, with an estimated 10,000 children abducted between May 2002 and May 2003 alone.²² Throughout 2003 and 2004 more than 20,000 child “night commuters” sought safety each night in Gulu, Kitgum and Pader towns, to reduce the risk of their abduction.²³ During active hostilities children in the LRA were forced to participate in combat and to carry out raids, kill and mutilate other child soldiers and civilians and loot and burn houses. Children were forced to kill relatives, including their younger siblings, often to “initiate” them into the LRA. They were trampled to death, beaten or mutilated either as punishment or if physically unable to keep up with their unit. Girls were routinely raped and many bore children while in the ranks. While thousands of children managed to escape or were captured by government troops, large numbers of those abducted, and their children, remained unaccounted for. Many were believed to have died in battle, to have been killed by their abductors or to have died from injury or illness.²⁴

In some regions an estimated 24 per cent of LRA child soldiers were girls.²⁵ Girls as young as 12 were used in combat and for other military purposes, as well as for sexual slavery. Many

bore children as a result of rape. On average girls spent longer with the LRA than boys, since they were defined as “wives” of commanders and left in rear camps with their babies.²⁶ The girls, especially those with babies, found it more difficult to return to their communities, where they were stigmatized and rejected.²⁷

Abductions decreased from 2005, with just over 200 reported for the first six months of 2006.²⁸ Some Sudanese and Ugandan children were forcibly recruited by LRA fighters based in camps in southern Sudan during 2006 and early 2007.²⁹ About 70 children, including about ten girls, were returned from the LRA after escape or capture in Sudan in 2007. The LRA had yet to release any women or children from its ranks, claiming that those remaining were their wives and children. They maintained this stance despite repeated pleas, including a request by the UN Secretary-General. While the total number of remaining LRA fighters in the bush remained unknown, up to 2,000 women and children were believed to remain in LRA camps in the eastern DRC and southern Sudan.³⁰

Disarmament, demobilization and reintegration (DDR)

There was no official DDR program in northern Uganda. The majority of children leaving the LRA were captured by or surrendered to government forces, or escaped. Under military procedures, LRA children were to be referred to the UPDF's child protection unit and released within 48 hours. However, children were frequently held for longer periods and some were used for intelligence purposes or as guides to identify LRA positions and weapons caches. Fewer than half the returning child soldiers registered for demobilization with the UPDF, fearing the army itself, or rejection by their communities if they were identified as LRA members.³¹ Those who did not register at reception centres and who returned straight home could not obtain an amnesty certificate or a resettlement package.³²

During the 1990s non-governmental organizations (NGOs) and other agencies established a number of reception centres to respond to the needs of returning children, in Gulu, Lira and other locations. Such centres had assisted some 20,000 returning children and youth.³³ Children stayed from three to four months in the centres, which offered a variety of services, including medical assistance, family tracing, recreational activities, counselling and psychosocial support. Some offered training programs, mainly focused on life skills, and basic skills training. While the children were at the centres, efforts were made to prepare families and communities for the children's return. In practice, support for children at reception centres varied widely and was often inadequate, particularly in relation to health and trauma issues.³⁴

The number of former child soldiers entering the reception centres decreased substantially after 2004. In one survey only about 600 children were found to have arrived at centres in 2005.³⁵ By June 2007, following the LRA's retreat to the DRC and Sudan, many reception centres were almost empty.³⁶ Difficulties faced by children returning to their communities were widely reported. Girls in particular faced rejection, especially those who returned with babies. In one study, returning child soldiers in the Teso region reported extensive and persistent stigmatization and rejection by their communities and constant bullying by their peers at school. They also noted that assistance which set them apart from other war-affected children provoked jealousy in the community.³⁷

Developments

Justice and accountability

In January 2004 President Museveni publicly announced that he had referred the case of the LRA to the International Criminal Court (ICC). In October 2005 the ICC unsealed arrest warrants against LRA leader Joseph Kony and four senior commanders. They were accused of crimes against humanity and war crimes, including murder, abduction, rape, mutilation and sexual enslavement. Three of the five were charged with the forced enlistment of children below the age of 15.³⁸ Human rights organizations and others emphasized the need for the ICC prosecutor to act independently and to investigate crimes committed by all parties to the conflict, including government forces.³⁹

The involvement of the ICC was widely believed to have added impetus to the peace process, but potential tensions emerged over the objectives of peace and justice. The security of children still with the LRA was a major concern, and there were fears that their safety would be further endangered if hostilities resumed.

Civil society organizations raised concerns that the threat of prosecution would cause the LRA to withdraw from peace negotiations: the LRA repeatedly cited the ICC indictments as an obstacle to finalizing a peace agreement.⁴⁰ Concern was also expressed that the ICC's involvement would undermine progress achieved through the 2000 Amnesty Act which provided a framework for the surrender and reintegration of LRA and other insurgents.⁴¹ Several surveys revealed complex views among the population, with variations across different regions and levels of exposure to LRA and UPDF abuses. Some emphasized traditional justice processes and reconciliation, but a significant proportion expressed the view that LRA members, UPDF troops and political leaders should be punished for conflict-related crimes.⁴²

The government and the LRA signed the

Agreement on Accountability and Reconciliation on 29 June 2007. It set out a national framework to address “serious crimes, human rights violations and adverse socioeconomic and political impacts” of the conflict and to promote peace and reconciliation. The agreement provided for the prosecution in Ugandan courts of those who “bear particular responsibility for the most serious crimes”, to be complemented by traditional justice and other informal processes and reparations to be established in law. The parties agreed to negotiate subsequently an annex to the agreement “to set out elaborated principles and mechanisms for implementation”.⁴³ Human rights organizations emphasized that national trials in Uganda would not represent an alternative to the ICC unless certain benchmarks were reached, including fulfilment of the conditions that the trials were credible, impartial and independent, applied appropriate penalties and were consistent with international fair trial standards.⁴⁴

Other developments

In June 2006 the Special Representative of the Secretary-General for children and armed conflict visited Uganda. During the visit the government acknowledged the presence of children in the UPDF and in LDUs. It agreed to strengthen the implementation of existing legal and policy frameworks on the recruitment and use of children in armed conflict, to monitor the implementation of various laws and to remove children found in the armed forces.⁴⁵

Representatives of the Security Council Working Group on children in armed conflict visited northern Uganda in February 2006. In July 2007 the chair of the Working Group issued a public statement condemning the recruitment and use of children, and other abuses by the LRA, and urging it to take immediate steps to release unconditionally children associated with its forces.⁴⁶ The LRA, the UPDF and LDUs were listed as parties recruiting and using children in the Annex to the Secretary-General’s annual report on children and armed conflict between 2002 and 2007.

At a February 2007 ministerial meeting in Paris, Uganda and 58 other states endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The documents reaffirmed international standards and operational principles for protecting and assisting child soldiers and followed a wide-ranging global consultation jointly sponsored by the French government and UNICEF.

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