

16 APP. 2924

1978, KAMPALA

PARLIAMENT OF UGANDA



11TH PARLIAMENT

REPORT OF THE COMMITTEE ON GENDER, LABOUR AND SOCIAL DEVELOPMENT ON CHILDREN AMENDMENT BILL 2024

OFFICE OF THE CLERK TO PARLIAMENT

PARLIAMENT BUILDING

KAMPALA-UGANDA

APRIL 2024

ABBREVIATIONS/ ACRONYMS

GoU	Government of Uganda
PwDs	Persons with Disabilities
MoGLSD	Ministry of Gender, Labour and Social Development
MOPS	Ministry of Public Service
NCA	National Children Authority
RAPEX	Rationalisation of Agencies and Public Expenditure

TABLE OF CONTENTS

	<u>Page</u>
1.0 Introduction.....	4
2.0 Background.....	4
3.0 Object of the Bill.....	4
4.0 Legal Framework of NCA.....	5
5.0 Methodology.....	5
6.0 Rationale for dissolution of NCA.....	6
7.0 Implications of dissolving of NCA.....	6
8.0 Committee Observations and Recommendations.....	8
9.0 Conclusion.....	8
10.0 Proposed Amendments to the bill.....	9

A horizontal strip of white paper with various handwritten signatures and markings in black ink. The signatures include "Mike", "John", "Marie", "T. J. Bennett", "John", "John", and "John" (repeated). There are also several "X" marks and a large "3" in the center.

REPORT OF THE COMMITTEE ON GENDER, LABOUR AND SOCIAL DEVELOPMENT ON THE CHILDREN AMENDMENT BILL 2024

1.0 INTRODUCTION

The Children Amendment Bill was read for the first time on 4th April 2024 and referred to the Committee on Gender, Labour and Social Development in accordance with Rule 129 (1) of the Rules of Procedure of Parliament.

The Committee considered the Bill and now report.

2.0 BACKGROUND

The object of Bill is to give effect to the Government Policy for Rationalisation of Government Agencies and Public Expenditures which was adopted by Cabinet on 22nd February 2021. To this effect, the Children (Amendment) Bill 2024, seeks to dissolve the National Children Authority and mainstream the functions of the Children Authority into the Ministry responsible for children affairs.

3.0 OBJECT THE CHILDREN (AMENDMENTS) BILL 2024

The Bill has 10 clauses. Clause 1 provides for the interpretation of the terms used in the Bill. Clause 2 provides for the objectives of the Bill. Clause 3 provides for the purpose of amending the Children Act Cap 59 which is to dissolve the National Children Authority and mainstream the functions of the Authority into the Ministry responsible for children affairs. Clause 4 provides for the dissolution of the National Children Authority. The remaining clauses of the Bill seeks to give effect to the consequential amendments resulting from the dissolution of the National Children Authority.

4.0 LEGAL FRAMEWORK OF THE NATIONAL CHILDREN AUTHORITY

The Constitution provides under Article 34 for the rights of the child and provides for children rights to health, right to education and a right to protection from exploitation. The Children Act Cap 59 is the primary law on children matters that puts into effect the Constitutional provisions on child protection in line with the United Nations Convention on the Rights of the Child (UNCRC) and the

African Charter on the Rights and Welfare of the African Child (ACRWC). Other relevant laws and policies on children matters include; The Penal Code Act Cap 120, the Employment Act 2006, the Computer Misuse Act 2011, the Anti-Pornography Act 2014 and the Prevention of Trafficking of Persons Act 2009, the National Child policy 2022, the Parenting Guidelines and the National Social Protection Policy.

The National Children Authority, the body responsible for children affairs was established under Section 9A of the Children (Amendment) Act 2016 as an autonomous body which replaced the National Children's Council. The mandate of the Authority is stipulated in section 9B which is to advise Government on the formulation of a National Child protection policy and child rights programmes, create awareness of children's rights and consult with stakeholders to safeguard the interests of children.

Whereas the Act creates a board of directors and its functions under section 9C, the board has never been operationalized since the commencement of the law in 2016. The law also provides for a secretariat under section 9L to assist the board in carrying out its objects and functions under the Act. There is a secretariat in place which runs the day to day affairs of the Authority.

5.0 METHODOLOGY

5.1 Meetings and Written Submissions

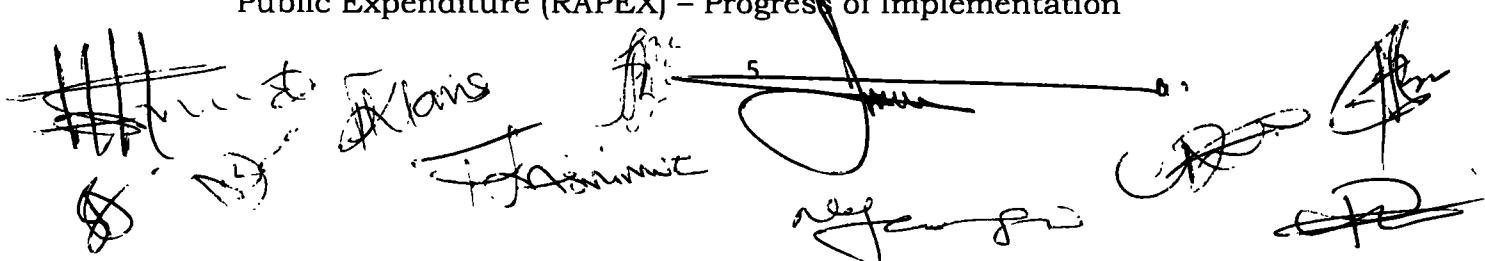
The Committee met with and received written memoranda from the following:

- 1) The Hon. Minister – Ministry of Public Service
- 2) The Hon. Minister – Ministry of Gender, Labour and Social Development
- 3) The National Children Authority (NCA)

5.2 Documents reviewed

The Committee made reference to the following documents:

- 1) The Constitution of the Republic of Uganda
- 2) The Report of the Adhoc Committee on the February 2021 Cabinet Decision to rationalize Government Agencies
- 3) The following Acts of Parliament
 - a) The Children Act, Cap 59
 - b) The Children Amendment Act 2016
- 4) The Ministry of Public Service – Uganda, Rationalisation of Agencies and Public Expenditure (RAPEX) – Progress of Implementation



6.0 RATIONALE FOR THE DISSOLUTION OF THE NATIONAL CHILDREN AUTHORITY

Government has put forward the following arguments to justify the rationalisation of Government Agencies including;

- To restructure and reorganize agencies and departments of Government by eliminating bloated agencies like the National Children Authority.
- To realign the public service structures for all public officers.
- To remove duplication of roles between the department of children affairs in the Ministry and the National Children Authority.
- To reduce wastage of public funds.

7.0 IMPLICATIONS OF DISSOLVING THE NATIONAL CHILDREN AUTHORITY

During the interaction with the National Children Authority, the Committee was informed that the proposal to dissolve the Authority would have the following negative implications for the persons represented thereby.

i. **Increase in the cases of children rights violation:**

Children by virtue of their age are vulnerable to issues like child trafficking, sexual harassment, child labour, child sacrifice, child marriages, teenage pregnancies etc. For instance, the National labour survey of 2020 indicated that 6 million children are trapped in child labour and street children are more than 10,000 according to the National child policy 2020 and the National Children Authority has been at the forefront of addressing these issues.

Therefore, the issues at hand are likely to escalate due to the gap that is going to be created by the abolition of the Authority.

ii. Lack of Political will to Protect Children

The Bill is silent about government's commitment to supporting children right affairs and protection of children from exploitation and the multi-faceted vulnerabilities. There is a capacity challenge already which is a danger in the department of Children in the Ministry has failed to address the affairs of children challenges sufficiently.

iii. **Potential effect on compliance to international instruments:**

The abolition of the Authority will be a set back to the efforts of Uganda in complying with its obligations as a signatory to International instruments country and yet Uganda is leading example for other countries to benchmark on best practices. Such international instruments include the United Nations Convention on the Rights of the Child (1989) and the African Charter on the Rights and Welfare of the Child (1990). For instance, Article 120 of the East African Community Child Policy, tasks partner states that include Uganda to make sure that children are given maximum protection due to their vulnerability.

iv. Loss of jobs and further marginalisation:

The Bill, in the relevant clauses, states that staff of the Councils may be redeployed subject to availability of positions. This implies that some people may lose their jobs if no positions are available, hence further marginalising persons of those groups currently employed.

The Committee notes that the transitional process of the employees who may lose jobs is unclear and non-committal.

v. Potential loss of specialised skills:

The Parliament Ad Hoc Committee on Rationalisation in its 2022 report noted the potential to lose specialised skills and labour, as personnel could opt out of the merged institutions and join the private sector¹. For the Social Development Sector, the skills are key in monitoring the status on equality of persons, which helps in reporting to the national, regional and international bodies on these indicators. Government could lose experienced staff to local and international NGOs, thus affecting overall efficiency of the Social Development Sector.

Lack of an independent structure to provide checks and balances on the Ministry on Children Affairs

The authority was providing research, guidelines, checks and balances to ensure effectiveness in tackling the challenges faced by children. Therefore,

¹Parliament of Uganda (28th February 2022). Report of the Ad Hoc Committee on the February 2021 Cabinet Decision to Rationalize Government Agencies. p22

there will be lack of scrutiny of the gaps in service delivery on matters of children.

With the dissolution of the Authority, the country will lose an intermediary for marginalized and vulnerable groups of children who are being left out during service delivery by the Ministry.

8.0 COMMITTEE OBSERVATIONS AND RECOMMENDATIONS

The Committee makes the following observations and recommendations

1. Inadequate consultation of stake holders

The Councils and the National Children Authority who are the key stakeholders were not consulted on the rationalization process although the Commissioner Equity and Compliance represented MoGLSD on the working group.

Recommendation

The Ministry of Public Service should in future carry out adequate consultation with all the relevant stakeholders especially with the implementing structures prior to formulation of Bills.

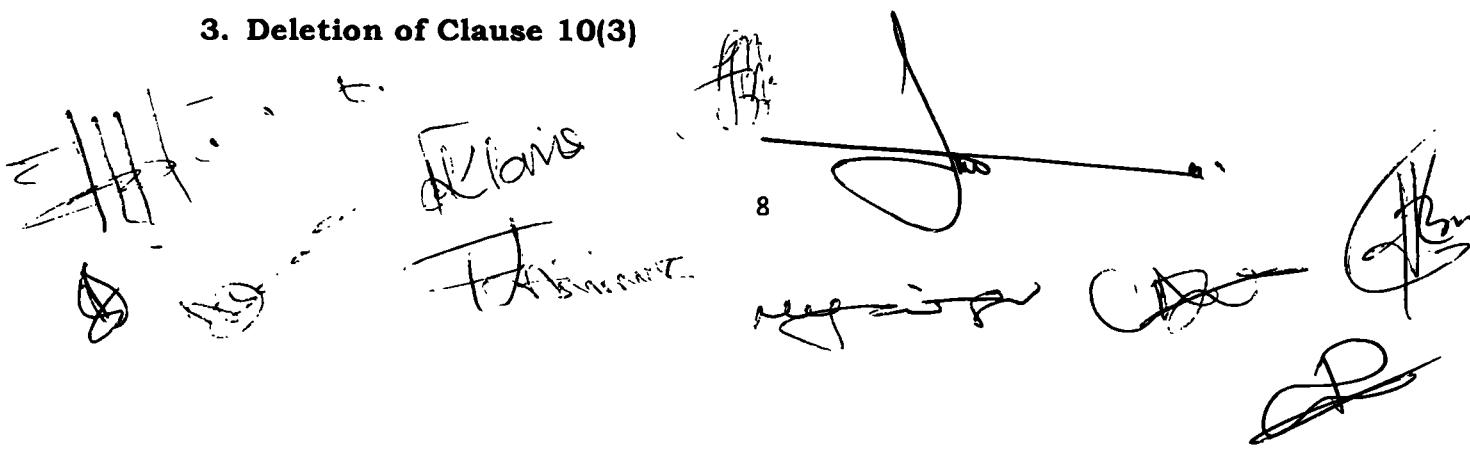
2. Dissolving of the National Children Authority

Clause 4 of the Bill dissolves the National Children Authority (NCA) with its Board and Secretariat as established under Section 9 (A) of the Children's Act Cap 59 thereby creating a gap in the specific monitoring and supervision of the implementation of policies for safeguarding children as a unique special interest group.

Recommendation

The Committee recommends strongly that there is great need to have an independent body responsible for the protection for children rights notwithstanding the intended dissolution of the National Children Authority.

3. Deletion of Clause 10(3)



Handwritten signatures and initials are visible across the bottom of the page, including "E. M. K.", "M. M. M.", "H. M. M.", "F. M. M.", "H. M. M.", and "H. M. M.".

There has never been an institution of a board of directors by the National Children Authority. It was never operationalized and therefore there is no board to dissolve and compensate.

The committee recommends that clause 10 (3) should be deleted because its redundant.

9.0 CONCLUSION

Notwithstanding Government's decision to rationalize Government agencies and that includes the National Children Authority, the Committee strongly argues that children being of tender age and highly vulnerable to exploitation, their issues of children should be given urgent and special attention. The Adhoc Committee that was set up by Parliament to discuss the issue of rationalisation also recommended that agencies in the social development sector should not be rationalized. With the abolition of the Authority, there will be a no independent Government agency on children related matters and therefore, a big gap in the role of policy formation, consultations and efficient protection of children rights in Uganda.

Rt. Hon Speaker, I beg to move that the Committee report be adopted

I beg to move.

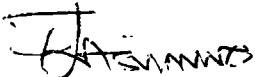
signing

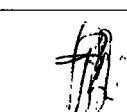
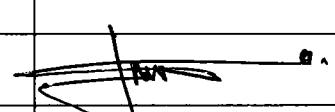
卷之三

4782

100

**MEMBERS OF THE COMMITTEE ON GENDER, LABOUR AND
SOCIAL DEVELOPMENT**

NO.	NAME	CONSTITUENCY	PARTY	SIGNATURE
1	Hon. Kabahenda Flavia Rwabuhoro C/P	DWR Kyegegwa	NRM	
2	Hon. Sarah Najjuma D/CP	DWR Nakaseke	NRM	
3.	Hon. Waako Peggy Joy	OPs National	NRM	
4.	Hon. Kitanywa Sowedi	Busongora North	NRM	
5.	Hon. Dr. Asiimwe Florence Akiiki	DWR Masindi	NRM	
6.	Hon. Bakkabulindi Charles	Workers Rep	NRM	
7.	Hon. Arinaitwe Rwakajara	Workers Rep	NRM	
8.	Hon. Afoyochan Esther	DWR Zombo	NRM	
9.	Hon. Natumanya Flora	DWR Kikube	NRM	
10	Hon. Kunihira Faith Philo	DWR Kyenjojo	NRM	
9.	Hon. Kamara John Nizeyimana	Bufumbira North	NRM	
10	Hon. Chemonges William	Kween County	NRM	
12	Hon. Chemutai Phyllis	Kapchorwa	NRM	

13	Hon. Wokorach Simon	Aswa	NRM	
14	Hon. Taban Sharifah Aate	DWR Koboko	NRM	
15	Hon. Atwakire Catherine Ndamira	DWR Kabale	NRM	
16	Hon. Alioni Yorke Odria	Aringa South	NRM	
17.	Hon. Nyakikongoro Rosemary	DWR Sheema	NRM	
	Hon. Lochap Peterkhen	Bokora East	NRM	
19	Hon. Chemonges William	Kween County	NRM	
20	Hon. Kabuye Frank	Kassanda South	NUP	
21	Hon. Kiyaga Hillary	Mawokota North	NUP	
22	Hon. Mayanja Allan	Nakaseke Central	NUP	
23	Hon. Nantongo Fortunate Rose	DWR Kyotera	NUP	
24	Hon. Businge Joab	Masindi Municipality	FDC	
25	Hon. Muhindo Harold	Bukonzo East County	FDC	
26	Hon. Abeja Susan Jolly		INDEP	
27	Hon. Rwabushaija Margaret Namubiru	Workers	INDEP.	
28	Hon. Kayanga Baroda	DWR Iganga	INDEP	

PROPOSED AMENDMENTS TO THE CHILDREN (AMENDMENT) BILL 2024

CLAUSE 1: AMENDMENT OF SECTION 1 OF PRINCIPAL ACT

Clause 1 is amended by substituting the definition of the word "Ministry" for the following-

“Ministry” means the Ministry responsible for children affairs.

Justification

- To clearly capture the relevant Ministry in charge of the affairs of children.
- To ensure clarity

CLAUSE 3: AMENDMENT OF SECTION 3 OF PRINCIPAL ACT

Clause 3 is amended by inserting immediately after the word "children" the word "affairs"

Justification

- This is a consequential amendment having rectified the definition of the Ministry responsible for children.
- To ensure clarity

CLAUSE 7: AMENDMENT OF SECTION 43 I OF PRINCIPAL ACT

Clause 7 is amended by substituting it for the following:-

“Amendment of section 43I of principal act

Section 43I of the principal Act is amended by substituting for subsection (1), the following-

“(1) Every person to whom a guardianship order is granted shall within fourteen days after the grant of the order, register the order with the National Identification and Registration Authority and the Ministry responsible for children.”

Justification

- To harmonize the provision with the amendments to the National Identification and Registration Authority bill 2024, wherein all matters relating to the registration of persons including children have been transferred from Uganda Registration Service Bureau to the National Identification and Registration Authority.
- To avoid ambiguity in the law.

CLAUSE 8: AMENDMENT OF SECTION 54 OF PRINCIPAL ACT

Clause 8 is amended by inserting immediately after the word "registrar" the words, "of births and deaths"

Justification

- To capture the title of the registrar as it is in the principal Act.
- To ensure clarity.

CLAUSE 10: AMENDMENT OF SECTION 10 OF PRINCIPAL ACT

Clause 10 is amended by-

- (a) inserting immediately after the word "children" the word "affairs"
- (b) deleting subsection (3)
- (c) deleting subsection (4)
- (d) inserting immediately after subsection (4) the following-

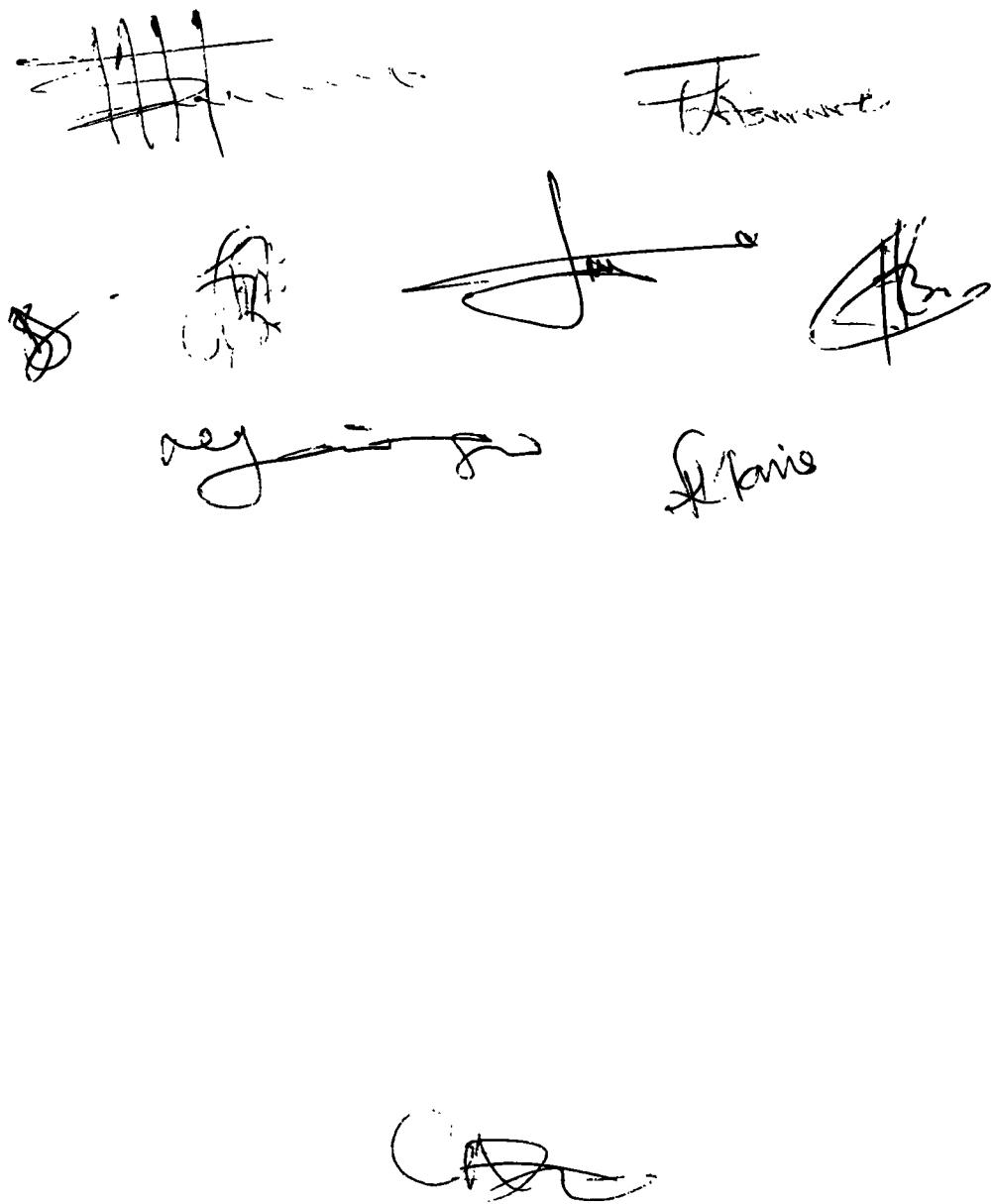
"(1) The staff of the Authority serving immediately before the commencement of the Act, shall be redeployed to serve in the public service subject to the availability of positions."

Justification

- This is a consequential amendment having rectified the definition of the Ministry responsible for children.

Refugee *Atsawic* *Plans* *11* *CD* *JK*

- The board of the Authority has never been operationalized since the enactment of the Children(Amendment) Act 2016 and so there are no directors of the board in place.
- To ensure clarity.
- To ensure that the staff of the former National Children Authority who have expertise in affairs of children are absolved in the service for the benefit of supporting the efforts of protecting the rights of children.



Handwritten signatures and initials are scattered across the page. At the top left, there is a large, roughly drawn 'X'. To the right of it is a signature that appears to start with 'Th'. Below these are several other signatures and initials, including a stylized 'J' and 'A' on the left, and 'S' and 'B' on the right. In the center, there is a signature that looks like 'regards' and another that looks like 'S. Karia'. At the bottom center, there is a large, flowing signature that appears to end with 'C' and 'A'.