

Progress, Gaps, And Recommendations (September 2020–July 2023)

POLICY BRIEF



By UCRNN / Freedom House/USAID/Rights and Justice Activity-RAJA

EXECUTIVE STATEMENT:

Child Justice is a critical issue in Uganda, as many children continue to face various forms of abuse, exploitation, and violence. Despite the Government's efforts to address the issue, there are still gaps that need to be filled to ensure that children's rights are protected and that justice is served. This policy brief examines the progress made under the project on Enhancing Access to Justice for Children in Uganda, identifies the gaps that still exist, and provides recommendations on how to improve the access to justice for the children.

Progress: There have been some positive developments in child justice in Uganda in recent years, for example; the Government has passed several laws and policies aimed at protecting children's rights and preventing child abuse. These include; the Constitution of Uganda 1995, The Penal Code Act, the Children Act 2016, the Prevention of Trafficking in Persons Act 2009, and the National Child Policy 2020 among others. To date, the Judiciary has received from United Nations Children's Fund (UNICEF) 10 audio visual links installed in eight High Courts (Arua, Kabarole, Mbale, Mbarara, Gulu, Kampala, Jinja, Family Division) and in two Chief Magistrates (Iganga, Kabale) that has eased taking of evidence from child victims, provided protection for the child victims and resulted in more child friendly court proceedingsⁱ

Gaps: Despite significant advancements in the legal and institutional frameworks of child protection, there is inadequate enforcement and adherence to the existing legislation in respect to the wellbeing of children and the below par structured diversionary methods in existence. While we greatly appreciate the efforts and contribution made by the Ugandan Government and the different organizations in ensuring and upholding children's rights and justice, different obstacles are still faced by children while seeking to access justice and enjoy their human rights. As per the 2022 Uganda crime report, over 5.8% of

the reported cases were a result of child-related offenses with 13,489 instances where children were direct targets and victims of crime. According to the report, reported cases of Child abuse and torture rose from 1073 in 2021 to 1240 in 2022.ⁱⁱ

To address some of the challenges, the Government in close partnership with other formal and informal child justice actors and Civil Society Organisations(CSOs) need to take steps to improve access to justice for children through the creation of awareness through community and school outreaches, advocating for case diversion, reintegrating child victims back to their families, conducting mobile legal aid clinics, training of judicial and legal personnel on children's rights and the promotion of community-based mechanisms for resolving disputes involving children.

THE ENHANCING ACCESS TO JUSTICE FOR CHILDREN IN UGANDA PROJECT (Overview, Key Findings, and Recommendations)

Child Justice refers to the system of laws, policies, and practices that aim to protect and promote the rights of children who come into contact and conflict with the justice system. The Ugandan Constitution and other National laws provide for the protection of children's rights, including the right to a fair trial and protection from discrimination, abuse, and exploitation.

Access to justice for children with HIV/AIDS and children with disabilities in Uganda is still a challenge due to various factors such as discrimination, stigmatization, inadequate legal aid, and limited knowledge about their rights. However, efforts have been made to improve access to justice for vulnerable children through legal and policy frameworks, provision of legal aid services, and awareness-raising campaigns.

The Ugandan Government has developed a revised National Policy on Persons with Disability 2022 to guide the inclusion of children with disabilities in all aspects of life, including access to justice.ⁱⁱⁱ Additionally, the National HIV and AIDS Strategic Plan 2024/25 has been developed to ensure that children with HIV/AIDS have access to justice and other essential services. ^{iv}

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Various CSOs have also been established to provide legal aid services to children with disabilities and children living or affected by HIV/AIDS. Overall, while progress has been made, there is still a need for further efforts to improve access to justice for children with HIV/AIDS and children with disabilities in Uganda.

It is under this background that a Child Justice Subgroup (CJSG) was created to increase access to justice for children in conflict and contact with the law, advocate for the protection and promotion of children's rights, including children who are victims of sexual exploitation and abuse, advocate for policy reforms, and aid in the mainstreaming of child offenders at all levels of programming, including the inclusion of children with HIV/AIDS and children with disabilities.

The CJSG was under the United States Agency for International Development (USAID)/Uganda Rights and Justice Activity (RAJA); a three-year activity implemented by Freedom House (FH), which commenced on September 1st, 2020. One of the main aims of the program was to ensure that members of vulnerable populations including children who are victims of human rights abuses are supported to access justice, protection, and referral services.

The CJSG emerged from the Freedom House inception meetings that were held in February 2021 comprising five partner organizations: Uganda Child Rights NGO Network (UCRNN) the lead partner, Law Development Centre, Legal Aid Clinic (LDC-LAC), Uganda Female Lawyers Association (FIDA Uganda), Free Child Uganda (FCU) and Child Aid Uganda (CHAU).

Goal:

The overall goal of the project was to enhance access to justice for children in and out of the justice system in Uganda.

Specific objectives were:

- a. To increase access to legal aid services to survivors of child sexual exploitation and abuse (SEA) including children with disabilities and children affected by HIV/AIDS.
- b. To strengthen systems at community and

national levels (informal and formal) to prevent and respond to child sexual exploitation and abuse through by-laws, community sensitization, and legal awareness campaigns.

Scope: The project was implemented in the districts of; Arua, Lira, Wakiso, Kyotera, Mukono, Mbale, Gulu, Masaka, Kayunga, and Sembabule.

Methodology: Through a collaborative relationship, the sub-group partnership advanced Child Justice at the policy and operational level through legal aid services provision, protection, partnerships, case diversion, reintegration, community-based reporting mechanisms, and child rights advocacy.

KEY ACHIEVEMENTS UNDER THE THREE YEARS OF IMPLEMENTATION:

Year One:

- Provided legal aid services to 362 (257F, 135M) children in the districts of Kyotera, Arua, Lira, and Wakiso.
- Conducted 43 Mobile Legal Aid Clinics (MLAC) for 2800 (1516F; 1284M) people, of which 1,070 (432F; 638M) were children, in Kyotera, Arua, Lira, and Wakiso.
- Reintegrated 141 (71F; 70M) children and rescued 10 girls from child marriage.
- Aired spot messages on 4 radio stations with key messages on access to justice for child survivors of sexual abuse and other abuses to 2,810,000 listeners.
- Strengthened collaboration and knowledge among 21 news editors (10F, 11M) and 15 journalists (10M, 5F) from different media houses on the promotion of access to child justice.
- Reviewed and Validated the Children Act 2016 regulations.

Year two:

- Provided legal aid support, case identification, legal counseling, support, and representation to 901 vulnerable children (686M, 215F).
- Conducted 37 Mobile Legal Aid Clinics and

reached a total of 3,700 participants (1,624M, 2,076F) and attended to a total of 652 vulnerable people (236M, 416F).

- Reintegrated a total of 95 children (82M,13F) with their families
- Diverted cases of 153 children (114M, 39F)
- Created awareness about case diversion among 65 leaders (32M, 33F) including Judicial Officers, Probation and Social Welfare Officers, Community Development Officers, and Local Councilors.
- Conducted 65 community/school outreaches and reached out to a total of 10,529 community members (5,164M, 5,482F) including 5,497 school pupils/students (2,496M, 3,001F).
- Drafted 3 by laws in Kyotera (2) and Mukono (1) on child sexual abuse.
- Conducted 3 coordination dialogues with 100 justice actors on access to child justice (51M, 49F).
- Conducted 5 one-day pieces of training with 136 participants (86M, 50F) including religious and cultural leaders.
- Developed and disseminated 2 policy briefs to 129 key policymakers and actors. (Child grooms and children with disabilities experiencing sexual abuse).
- Conducted mass media awareness campaigns through 17 radio talk shows, 10 TV talk shows, publication of a policy brief in a print paper and social media campaigns. All these approximately helped the CJSJG reach out to 10 million viewers, listeners, and newspaper readers.

Year three:

- Provided legal aid support, legal counseling, support, and representation to 514 children (342F, 172M)
- Conducted 12 MLACs reaching a total of 1,162 people (541M, 591F);
- Successfully reintegrated 49 children (40M, 9F) with their families
- Conducted 2 Case diversion meetings reaching a total of 45 key stakeholders (24M, 21F) in the districts of Mukono (31 participants – 16M, 15F),

and Masaka (14 participants (8M, 6F).

- Conducted 16 outreaches including 8 community and 8 school outreaches reaching 1,964 people (999M,965F)
- Conducted 8 radio talk shows and 3 TV shows to create awareness among listeners on access to justice for children.
- Conducted 7 capacity building trainings with Cultural, Religious, and Child Justice Actors in Sembabule (2), Mukono (1), Mbale (1), Kayunga(1), Arua (1), Gulu (1)reaching to over 200 leaders
- • Conducted 4 capacity building trainings for journalists and editors with 81 participants(58M, 23F)
- Developed byelaws on ending child sexual abuse in Mukono (1), Arua (2), Kyotera (2), Lira (1), Gulu (1) and Sembabule (2)

Key findings (Gaps and Challenges in access to justice for child victims of sexual abuse and those affected by HIV/AIDS and disabilities)

- Limited awareness and understanding: Many children, their families and communities lack awareness and understanding of child rights, child protection laws and available support services. This results in under-reporting of cases and lack of demand for justice.
- Weak legal and policy framework: although Uganda has laws and policies addressing child protection and HIV/AIDS, there are gaps in implementation, enforcement and coordination among different government agencies. Inconsistent interpretation and application of laws leads to inconsistent outcomes for child victims.
- Inadequate resources: limited funding and resource allocation to child protection initiatives, including access to justice programs, hinder effective responses. This affects the availability and quality of legal aid services, counseling, medical support and other essential services for child victims.
- Judicial system challenges: the judicial system faces various challenges including case backlog,

delays in court proceedings and lack of specialized courts or judges experienced in handling child sexual abuse and HIV/AIDS cases. This results in prolonged legal processes, retraumatization of child victims and a lack of timely justice.

- Stigma and discrimination: child victims of sexual abuse and children affected by HIV/AIDS often face stigmatization and discrimination within their communities. This discourages reporting, hinders access to support services and impedes their participation in legal processes
- Limited capacity and training; some law enforcement officials, judicial officers and other key stakeholders have inadequate specialized training on child rights, child sensitive interviewing techniques and trauma-informed approaches. This leads to insensitive handling of some cases for child victims.
- Inadequate support services: access to comprehensive support services including medical care, counseling and rehabilitation are limited and inconsistent in some areas. This hampers the recovery and wellbeing of child victims and children affected by HIV/AIDS.
- Cultural and social barriers: Deep rooted cultural norms, practices and beliefs as well as socio-economic factors pose barriers to accessing justice for child victims.

RECOMMENDATIONS:

Members of Parliament:

1. Enact and strengthen legislation that specifically addresses child sexual abuse and provide comprehensive protection for the child victims
2. Allocate adequate resources for the implementation of child protection programs and access to justice initiative
3. Establish specialised courts or designate specific judges to handle cases of child sexual abuse and HIV/AIDS related issues.

Ministry of Justice and Constitutional Affairs

4. Develop and implement training programs for judges, prosecutors and lawyers on child rights,

child sensitive interviewing techniques and trauma informed approaches.

5. Ensure effective enforcement of existing laws and policies related to child protection
6. Establish child friendly courtrooms and procedures that minimize the retraumatization of child victims during legal proceedings.

Ministry of Gender, Labour and Social Development:

7. Strengthen child protection systems and services including the child helpline and safe houses for child victims
8. Develop and implement comprehensive prevention programs that address the root causes of child sexual abuse and HIV/AIDS among children
9. Provide support and resources to community based organisations working on child protection and HIV/AIDS related issues.

Uganda Human Rights Commission

10. Conduct regular monitoring and reporting on the implementation of child protection measures and access to justice for the child victims
11. Advocate for the rights of child victims within the justice system and ensure their voices are heard and considered
12. Collaborate with civil society organisations to provide legal aid and support services to child victims.

The Police Force

13. Strengthen the capacity of law enforcement officers in handling cases of child sexual abuse and providing victim centered support.
14. Establish specialized units or child protection desks within police stations to handle cases involving children.
15. Encourage the reporting of child sexual abuse and ensure that victims' safety and confidentiality are prioritized during investigations.

Cultural and religious leaders:

16. Engage in community sensitization and awareness campaigns to challenge harmful cultural practices

and beliefs that perpetuate child sexual abuse and HIV/AIDS stigma.

17. Promote child protection and advocate for the rights of child victims within their respective communities.
18. Provide counseling and support services for child victims and their families within religious and cultural settings.

Media houses:

19. Raise public awareness about child sexual abuse and HIV/AIDS related issues through responsible reporting and ethical journalism
20. Highlight successful legal interventions and positive stories of child victims' recovery to inspire action and change.
21. Collaborate with child protection organisations to develop educational campaigns that promote prevention, reporting and access to justice

Civil Society Organisations:

22. Provide legal aid services and psychosocial support to child victims throughout the legal process
23. Advocate for policy reforms and the allocation of resources to improve access to justice for child victims and children affected by HIV/AIDS.
24. Conduct research and data collection to inform evidence based interventions and monitor the progress of child protection initiatives.

CONCLUSION:

After three years of implementation, it is evident that enhancing access to justice for children in Uganda has greatly improved, but there is still much work to be done. The implementation of the project has led to the provision of legal aid support to over 1,777 vulnerable children in communities, reintegration of over 285 children, diversion of over 153 cases involving children, development of 9 byelaws on ending child sexual abuse and development and dissemination of 3 policy briefs showing the current trends on child justice.

The project has further led to the training of over 117 media journalists and editors, 336 cultural and religious leaders, over 20,155 community members in child-friendly justice. This has resulted in increased awareness of children's rights and an improvement in the quality of justice delivered to children.

However, there are still challenges in accessing justice for children, particularly in rural areas where most legal aid services are not yet available. There is more need to increase awareness of children's rights and availability of free legal aid services among the general public, including parents and guardians, to ensure that they are able to identify and report cases of violations of children's rights.

To build on the progress made in the past three years, it is recommended that the Government of Uganda continues to invest in child-friendly justice, particularly in rural areas. The Government should also continue working with CSOs and other stakeholders to increase awareness of children's rights and the importance of access to justice for children. With continued dedication and investment, Uganda can create a future where all children have access to justice and their rights protected.

References

- i. UNICEF: <https://www.unicef.org/uganda/stories/unicef-boosts-ugandas-justice-system-protect-victims-survivors-and-alleged-child-offenders>
- ii. Uganda Police Force Annual Crime Report 2022
- iii. NUDIPU: <https://nudipu.org/wp-content/uploads/2022/05/Disability-Rights-in-Uganda-Dec-2019.pdf>
- iv. Uganda AIDS Commission: https://uac.go.ug/index.php?option=com_content&view=article&id=24:hiv-prevention-1123&catid=8&Itemid=101



USAID
FROM THE AMERICAN PEOPLE



The USAID/Rights and Justice Activity (RAJA) has been a three-year activity implemented by Freedom House which commenced on September 1st, 2020. RAJA was seeking to ensure that citizens know, use and shape the law to exercise their civil and political rights in a safe and secure manner. The program was aiming to ensure that members of vulnerable populations including children who are victims of human rights abuses are supported to access justice, protection, and referral services.

One of the areas under RAJA has been Child Justice with the project of: “Enhancing access to justice for children in Uganda”. The project implementation was in ten districts of Arua, Lira, Wakiso, Kyotera, Mukono, Mbale, Gulu, Masaka, Kayunga, and Sembabule. The project was aimed at increasing access to legal aid services for child sexual exploitation and abuse including children with disabilities and children affected by HIV/AIDS. The project also aimed at strengthening systems at community and national levels (informal and formal) to prevent and respond to child sexual exploitation and abuse through by-laws, community sensitization, and legal awareness campaigns.



UCRNN: was formed in 1997 as a coalition of child-focused organizations including community-based, national, and international organizations working for the welfare and the rights of children in Uganda. UCRNN plays a role in mobilizing child-focused organizations for collective action at national, regional, and international levels and has been the CSO voice on child rights in Uganda.



Free Child Uganda: was started in 2016 due to demand and shortage of legal representation of juvenile offenders, and inadequate rehabilitation and reintegration programs in the country. With a rights-based, non-institutional approach the organization gives voices to thousands of neglected and delinquent children through legal aid, counseling, and facilitating the release and resettlement of children from government detention centers and remand homes.



FIDA Uganda: was formed in 1974, to provide legal aid services through a strategic network of offices reaching into 20 districts across the country, supported by lawyers, FIDA-Uganda Members, Community Legal Volunteers, and local authorities. The organization promotes and defends human rights with a focus on the rights of women and children.



Child Aid Uganda: was established in 2004 by a group of Ugandan children's rights activists and professionals in response to the ever-increasing needs of HIV/AIDS orphans and other vulnerable children living in difficult circumstances superseding the available interventions from other NGOs. The organization was formed to protect and provide care to orphans and vulnerable children to achieve a purposeful future.



LDC/Legal Aid Clinic: was founded in 1998 and started its activities in 1999 by assisting in imparting practical skills to students of the Diploma in Legal Practice (Bar Course) through its Clinical Legal Education Program and Providing legal aid services to juveniles, indigent litigants and accused persons. In fulfillment of its mandate, the clinic has been carrying out; A Reconciliation Program at Magistrates Courts, a Diversion Program for children in conflict with the law, and Use of Bar Course students to access to justice for juveniles.

