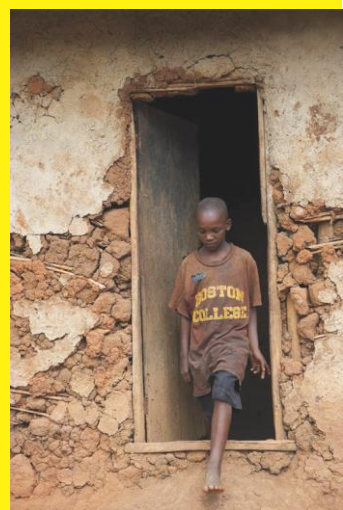




THE STATUS OF THE CHILD PROTECTION SYSTEM IN UGANDA

Child Protection Systems' Mapping Report



Report of the Child Protection Systems Mapping in Uganda



THE REPUBLIC OF UGANDA



THE REPUBLIC OF UGANDA

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FOREWORD

Over the last two decades, since the Government of Uganda ratified the UN Convention on the Rights of the Child, and subsequently, the African Charter on the Rights and Welfare of the Child, the government, working with her development partners, has made significant efforts to improve the overall protection and wellbeing of children. Among other things, the government has undertaken legislative, policy and programme initiative that seek to protect the rights of all children, especially the vulnerable groups, from abuse, neglect and exploitation.

These efforts notwithstanding, substantial numbers of children in Uganda continue to live in situations of vulnerability, abuse and deprivation, highlighting a significant disconnect between our policy intentions and the reality of children's lives in Uganda.

The Government recognizes that child protection interventions are central to the sustainable realization of our overall goals for child wellbeing. Regrettably, child protection efforts by both the Government and Development Partners have, and continue to face, significant challenges in terms of coverage, efficiency and effectiveness. Underlying the general under-performance of this sub-sector are several constraints in terms of human, financial and logistical limitations. However it is also true that until now, most of the child protection interventions, by both the Government and Development Partners have been limited in scope and coverage and the linkages between the various child protection actors continue to be weak. Consequently, vulnerable children are not yet able to access the necessary integrated and comprehensive, preventive and rehabilitative package of services that are so critically required to ensure the safety and wellbeing of all Uganda's children.

It is against this background that the Ministry of Gender, Labour and Social Development with support from UNICEF, commissioned a national mapping process of the country's child protection system. This was geared at informing the process of strengthening the national child protection response and building an effective and integrated child protection system.

This child protection systems mapping report provides a comprehensive but synthesized analysis of the current state of Uganda's child protection system. The report identifies the positively functional elements as well as the gaps and limitations in the child protection system. The issues highlighted are critical in building a functional national child protection system that is able to respond effectively to the needs of all children everywhere.

The Ministry of Gender, Labour and Social Development, building on the outcomes of this mapping process, will actively mobilize partner Ministries and Institutions with a child protection mandate and development partners to develop a national child protection strategy whose implementation will progressively make it possible for Uganda's children to enjoy their right to protection from all forms of abuse and maltreatment.



MARY KAROORO OKURUT (MP)
MINISTER OF GENDER, LABOUR AND SOCIAL DEVELOPMENT

PREFACE

Preventing and responding to violence, exploitation and abuse is essential to ensuring children's rights to survival, development and well-being. The vision and approach of UNICEF is to create a protective environment where girls and boys are free from violence, exploitation and unnecessary separation from family; and where laws, services, behaviors and practices minimize children's vulnerability, address known risk factors and strengthen children's own resilience.

Strengthening national child protection systems is a core element of UNICEF's global child protection strategy, premised on a firm belief that it is only through the adoption of a systems approach that a protective environment can be built. Child protection systems comprise the set of laws, policies, regulations and services needed across all social sectors – especially social welfare, education, health, security and justice – to support prevention and response to protection related risks. Strengthening the national child protection system requires a deliberate and sustained focus on those elements for which the state bears primary responsibility such as government commitment, legislation, service provision, monitoring and human resource capacity.

In the past, child protection programmes have been fragmented, focusing on specific categories of children, such as, working children, abused children and children working and living on the streets, among others. The mapping exercise is the first step towards consolidating a systems approach to child protection in Uganda and UNICEF is pleased to have partnered with the Ministry of Gender, Labour and Social Development in this endeavor. It is hoped that the findings will pave the way for placing child protection as a critical cross-sectoral priority, and towards development of child protection strategy, to build a safer and secure environment for all children in the country.



May Anyabolu
Deputy Representative
UNICEF Uganda

ACKNOWLEDGEMENTS

This report is the outcome of collaborative efforts of multiple child protection actors. The Ministry of Gender, Labour and Social Development (MoGLSD) greatly appreciates the financial and technical support of UNICEF Uganda which made the mapping process possible. We also thank all sister Ministries, Development Partners and Non-Governmental Organizations (NGOs) that supported and participated in the process, especially Child Fund International Uganda and World Vision Uganda who commissioned community level child protection mapping processes which greatly informed this report.

The Ministry also greatly acknowledges the important role played by all the members of the mapping sub-committee chaired by Mr. James Kabogozza, for their guidance and oversight to the mapping process. Appreciation further goes to the members of the Mapping Secretariat namely; Stella Ogwang and Agnes Wasike (MoGLSD), Wilbroad Ngambi and Caroline Aloyo (UNICEF) for their coordination and technical input into the process.

Last but not least, the Ministry thanks the technical team that prepared the report including the National Consultant, Deogratias Yiga and his support team members, namely: Julie Nakayenga, Regina Kacwamu, and Simon Enamu from Development Links Consult and the International Consultants from Maestral International, namely; Manolo Cabran and Ghazal Keshavarzian, who provided technical backstopping to the mapping process.

LIST OF ACRONYMS

ACDO	Assistant Community Development Officer
ACPF	African Child Policy Forum
ACRWC	African Charter on the Rights and Welfare of the Child
AIDS	Acquired Immune Deficiency Syndrome
ANPPCAN	African Network for the Prevention and Protection against Child Abuse and Neglect
ART	Anti retroviral Therapy
BRMS	Basic Requirements and Minimum Standards for Education Institutions in Uganda
CADER	Centre for Arbitration and Dispute Resolution
CAO	Chief Administrative Officer
CBOs	Community Based Organizations
CDO	Community Development Officer
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CFPU	Child and Family Protection Unit
CID	Criminal Investigation Department
CLP	Child Labour Policy
CPC	Child Protection Committee
CPRSNU	Child Protection Recovery Strategy for Northern Uganda
CRC	Convention on the Rights of the Child,
CRPD	Convention on the Rights of People with Disabilities
CSOs	Civil Society Organizations
DCC	District Chain-linked Coordination Committees
DCDO	District Community Development Officer
DCPWG	District Child Protection Working Group
DOVCs	District OVC Committees
DPP	Directorate of Public Prosecutions
DYCA	Department of Youth and Children Affairs
ESA	Education Standards Agency
FBOs,	Faith Based Organizations
FCCs	Family and Children Court
FGM/C	Female Genital Mutilation/Cutting
FUE	Federation of Uganda Employers
HIV	Human Immune Deficiency Syndrome
HRC	Human Rights Commission
IASC	Inter Agency Steering Committee
JLOS	Justice, Law and Order Secretariat
JSC	Judicial Service Commission

LC	Local Council
LDC	Law Development Centre
LDSA	Labour disputes and Settlement Act
MoES	Ministry of Education and Sports
MoFPED	Ministry of Finance, Planning and Economic Development
MoGLSD	Ministry of Gender Labour and Social Development
MoH	Ministry of Health
MolAs	Ministry of Internal Affairs
MoJCA	Ministry of Justice and Constitutional Affairs
MoLG	Ministry of Local Government
MTEF	Medium Term Expenditure Framework
NAADS	National Agriculture Advisory services
NCC	National Council for Children
NCPWG	National Child Protection Working Group
NFPACC	National Framework for the Provision of Alternative Care to Children
NGO	Non-Government Organisation
NOSC	National OVC Steering Committee
NOTU	National Organization of Trade Unions
NSPPI	National Strategic Programme Plan of Initiatives
NUSAF	Northern Uganda Social Action Fund
OBT	Output Based Budgeting
OPM	Office of the Prime Minister
OSH	Occupational Safety and Health
OVC	Orphans and Other Vulnerable Children
OVC MIS	Orphans and Other Vulnerable Children Management Information Systems
PSCC	Public Service Code of Conduct
PSWO	Probation and Social Welfare Officer
PWD	Persons with Disability
RSB	Registration Services Bureau
SAGE	Social Assistance Grants for Empowerment
SCDO	Senior Community Development Officer
SIP	Strategic Investment Plan
SOVCCs	Sub-Country OVC Committees
SUNRISE	Strengthening the Uganda National Programme for the Implementation for Orphan and Vulnerable Children
TAT	Tax Appeal Tribunal
HCIA	Hague Convention on Inter-country Adoption
UAIS	Uganda Aids Indicator Survey
UBOS	Uganda Bureau of Standards

UDHS	Uganda Demographic Health Survey
UHRC	Uganda Human Rights Commission
ULRC	Uganda Law Reform Commission
ULS	Uganda Law Society
UNCRC	United Nations Convention on the Rights of the Child
UNHCR	United Nations High Commission for Refugees
UNHS	Uganda National Household Survey
UPDF	Uganda People's Defense Forces
UPE	Universal Primary Education
UPF	Uganda Police Force
UPFC	Uganda Parliamentary Forum for Children
UPS	Uganda Prison Service
URSB	Uganda Registration Service Bureau
USE	Universal Secondary Education.

EXECUTIVE SUMMARY

This mapping process was commissioned by the Ministry of Gender, Labour and Social Development in order to facilitate the transitioning of Uganda's approach to child protection from a disjointed, issue-based and project-oriented approach to a more system-oriented approach in order to respond effectively to the multi-dimensional and complex child protection needs of all children in the country. The mapping was undertaken through literature review, key Informant interviews and thematic group consultations with key child protection actors at various levels. The major findings from the mapping are presented around six key areas, namely: the legal and policy framework; the child protection system structure, functions and capacities; the continuum of care; public and civil society accountability; resource mobilization and fiscal accountability; and the availability of data for decision-making.

Legal and policy framework

On the whole, Uganda has a robust legal and policy framework on which a sound child protection system can be built. Having ratified and domesticated most of the key international child protection instruments through the enactment of several child protection laws and policies, the major challenges are related to the inadequate implementation of laws and policies for child protection. This has perpetuated continuing abuse of children in spite of the existing legal and policy framework.

The child protection system structure, functions and capacities

The Ministry of Gender, Labour and Social Development is the nodal institution for child protection in the country. In as much as the child protection mandate rests with the Department of Youth and Children Affairs, it is also spread across other departments, notably that of Gender and Women Affairs, Culture and Family Affairs and of Labour and Industrial Relations. Beyond the Ministry, the mandate for child protection is shared with the Ministry of Internal Affairs, Ministry of Justice and Constitutional Affairs, Ministry of Education and Sports and Ministry of Health. At the district level, the mandate for child protection is with the Community Based Services Department. The array of Departments and Ministries involved in child protection indicate a need for coordination if effective child protection services are to be delivered. Unfortunately, despite the numerous coordination mechanisms in place, some of which are cross-sectoral in nature, current coordination efforts are not delivering concrete outcomes for children. Additionally, human resource and logistical challenges constrain the ability of key institutions, both at the national and district level, to play their statutory responsibilities.

The continuum of care

There are some preventive interventions by both government and NGOs that are geared at addressing the underlying beliefs and practices that predispose children to abuse and neglect. Unfortunately, their coverage remains limited and the overall pace of social change has been slow despite efforts at community mobilisation and awareness creation. There are also several interventions and institutions that seek to respond to violence against children. However, the response efforts are constrained by lack of a service package for the different types of cases and there is no unified mechanism for case documentation and follow up. Alternative care options for children deprived of parental care are also poorly developed with institutional care remaining the most predominant formal option available to children despite the fact that the vast majority of child care institutions are neither approved nor being monitored by the government. Also, the legal procedures for inter-country adoption are not being followed, and instead, guardianship orders, that take as little as two weeks to process, are being used. Access to justice for children remains a major gap although there are a number of promising practices that are being pioneered by the Justice, Law and Order Sector to fast track children's cases.

Public and civil society accountability within the child protection system

The major mechanisms for ensuring that child protection actors and institutions discharge their mandate effectively include; the Parliament of Uganda, the Human Rights Commission, Treaty Monitoring Mechanisms and the NGO Board (in the case of NGO operations). On the whole, the effectiveness of the accountability mechanisms for child protection is limited by several factors. These include: limited enforceability of the recommendations of key treaty monitoring bodies; limited public awareness; the lack of clear child protection standards for measuring performance; limited involvement of children; and, weak coordination and quality assurance mechanisms for CSO interventions.

Resource mobilization and fiscal accountability

Most of the weaknesses and gaps in the functionality of the child protection system in Uganda is attributed to inadequate public resourcing of child protection structures, institutions and programmes. Apart from salaries of government child protection staff, most of the funding for child protection programmes is donor dependent. This is partly attributable to the failure of the sector to package and communicate child protection services in a manner that makes them amenable to increased public financing as well as the fact that the bulk of donor support is provided outside the government budget framework which does not create obligations for government to invest in child protection. All this is exacerbated by the absence of effective mechanisms for tracking

and monitoring the use of the resources allocated to institutions with a child protection mandate.

Availability of data for decision making

One of the major challenges related to building an effective child protection system is the limited availability of reliable, up-to-date, nationally representative and well disaggregated data on key child protection indicators. The child protection indicators on which some, albeit insufficient, child protection data is available include; birth registration, child labour, internally displaced and refugee children, children in residential care, children in conflict with the law and violence against children.

Key Recommendations

Based on the assessment of the major gaps and challenges and the existing strengths and opportunities, the following recommendations are made to strengthen the child protection system in the country:

1. Laws, policies, standards and regulations

The government should update and consolidate the existing child protection laws, simplify and disseminate them more effectively and institute practice standards and regulations for all key child protection actors. In addition, the government should consider the enactment of a child protection policy to redress the current dichotomization of child protection efforts.

2. Cooperation, coordination and collaboration

In order to engender a more integrated and systematic approach to child protection, there is critical need to improve coordination, co-operation and collaboration among child protection actors by reviewing and re-aligning the existing child protection coordination structures at both national and district level, strengthening multi-sectoral linkages, and improving civil society coordination.

3. Capacity building

There is need to systematically address the capacity gaps that are undermining the functionality and effectiveness of the various elements of the child protection system, including undertaking a comprehensive capacity audit of the child protection system at various levels, expanding the social work force across the child protection sector, expanding standardized child protection training for key child protection professionals and actors as well as redressing the logistical constraints at various levels.

4. Services and service delivery mechanisms

The government and child protection actors must address the scattered and disconnected nature of child protection services at all levels and ensure children's access to comprehensive and good quality child protection services through mapping and monitoring service provision coverage, institutionalizing a universal case management system, strengthening quality assurance mechanisms and monitoring outcomes for children while strengthening the oversight role of the MoGLSD in relation to community level service delivery.

5. Communication, education and mobilization for social change

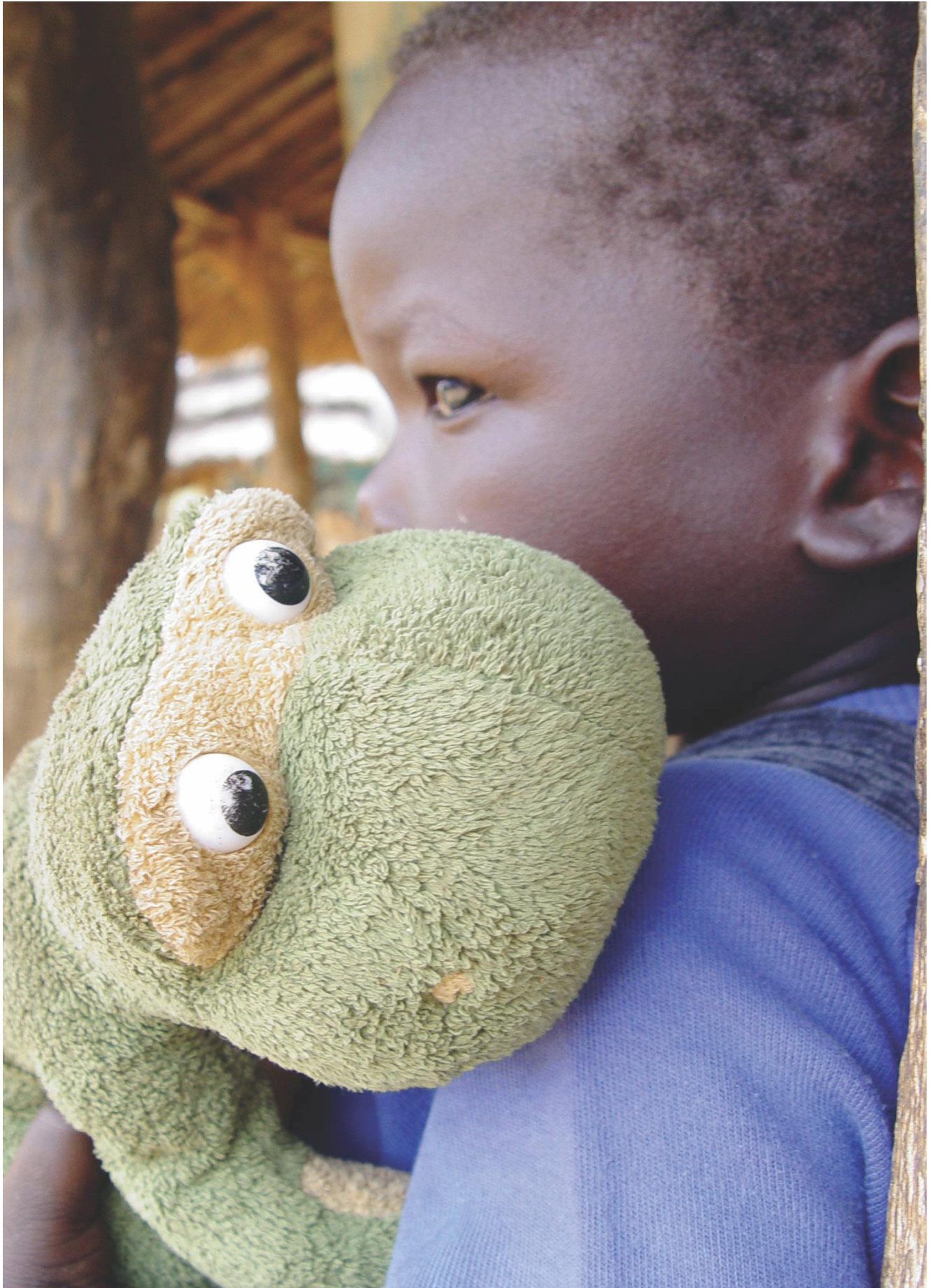
In order to enhance the protective environment for children, government and child protection actors must scale up efforts that promote community dialogue on controversial child protection issues, enhance the role of indigenous agents of change (cultural, religious and opinion leaders) and strengthen links with the media.

6. Financial resources

There is need to find new ways of attracting resources into the child protection sector while ensuring improved efficiency and accountability in the utilization of the available limited resources. This can be done through: targeted advocacy for incorporation of child protection into the Medium Term Expenditure Framework (MTEF) and for conditional grants to districts; redirecting donor funding to key child protection system priorities; ensuring stronger coordination of donor support; and instituting a child protection resource tracking mechanism.

7. Accountability mechanisms

In order to ensure that both individuals and institutions are effectively discharging their respective child protection mandates and obligations, it is recommended that the key actors in the sector institute periodic sector performance reviews against preset targets and indicators; strengthen the child protection focus within key accountability mechanisms; and institute an effective child protection information and data information management system.



1.0 INTRODUCTION AND METHODOLOGY

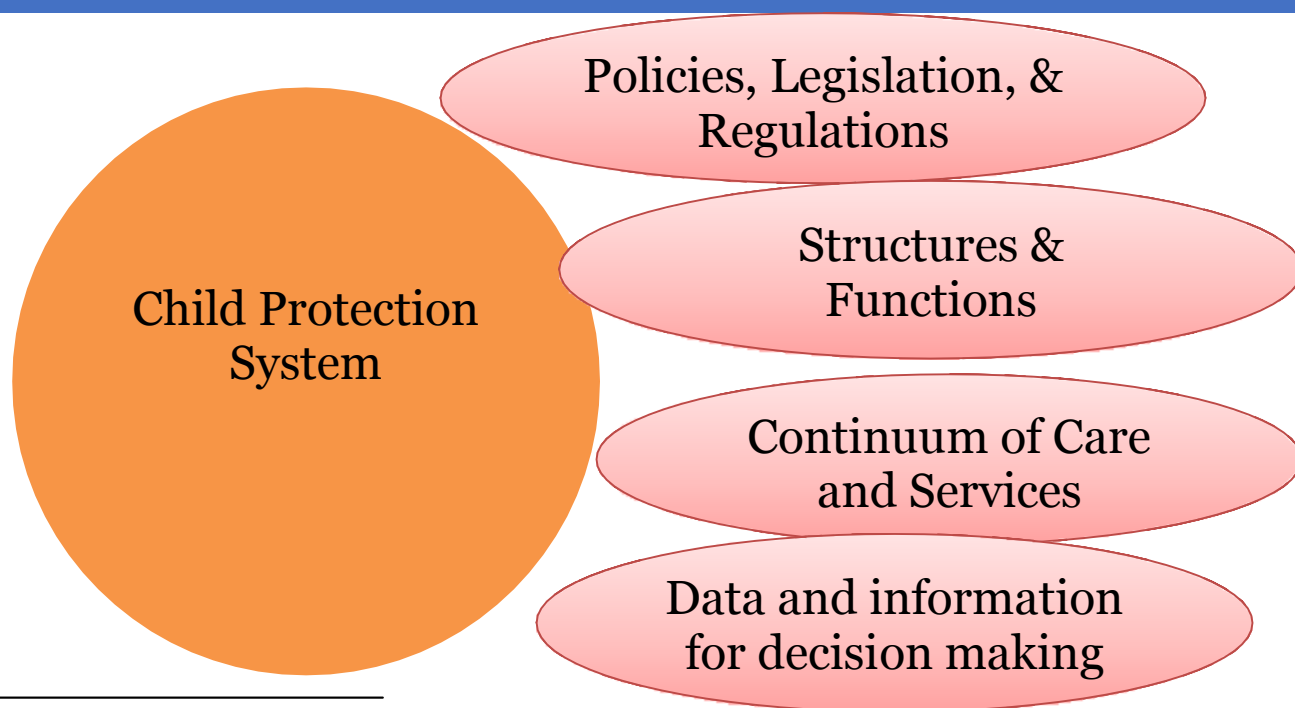
1.1 INTRODUCTION

The concept, “Child Protection”, though defined differently by various actors, generally refers to *“interventions aimed at preventing and responding to violence, exploitation and abuse against children, with the aim of ensuring children’s wellbeing and happiness”*¹.

In the past, most child protection interventions have been vertical in nature, working within silos and focusing on specific groups and categories of children e.g street children, sexually abused children, and working children, among others. The current paradigm shift towards a systems approach to child protection is borne out of the recognition of the inadequacy of past issue-based approaches to child protection.

Just as there are differences in the way a child is defined, there are variations in the articulation of the concept of a “Child Protection System”. The different perspectives notwithstanding, there is general consensus on the concept of a child protection system as representing a more systematic, coordinated and comprehensive approach to child protection. It embodies *“a series of components (e.g. laws, policies, regulations, services, capacities, monitoring, and oversight) organised around the goal of preventing and responding to protection risks such as abuse, abandonment, exploitation, and neglect”*.

Figure 1: Illustration of a child protection system and its components



¹ Maestral International , 2012 , Child Protection and a Systems Approach

In practical terms, the systems approach to child protection entails;

- ❖ A shift from vertical silo-based programming focusing on specific categories of children to integrated programming approaches that protect all children,
- ❖ Greater linkages between sectors (Social Welfare, Education, Health, Justice),
- ❖ Greater linkages between levels (national, sub-national and local).

Moving the child protection sector in Uganda from a disjointed, issue-based and project-oriented approach to a more system-oriented approach requires a careful and systematic assessment of what exists and what needs to be improved in order to inform the process of building consensus on the most important changes that are needed.

It is against the above background that this “Child Protection Systems Mapping” was commissioned by the Ministry of Gender, Labour and Social Development (MoGLSD) with support from UNICEF. The mapping process was undertaken using a comprehensive toolkit that was developed by UNICEF with support from Maestral International. The mapping process was overseen by a National Child Protection Systems Mapping sub-committee that included representatives of the various sub-sectors with a stake in child protection under the overall leadership of the MoGLSD.

1.2 METHODOLOGY USED IN MAPPING THE CHILD PROTECTION SYSTEM

This report was generated through three data collection methods namely; literature review, key informant interviews and thematic group consultations. As a mapping process, and not necessarily a robust primary research endeavor, the mapping process heavily depended on secondary sources of data with limited reliance on primary data sources.

The major sources of the literature review included: legislation and policy documents and guidelines; national planning and budget frameworks; household survey reports; government and NGO research reports; programme reviews and updates; practice and training manuals; statistical records; community systems mapping reports; and concept and issues papers. A full list of documents reviewed is attached as Annex 1.

The data that was compiled using the systems assessment tool was presented and discussed during a two-day validation workshop involving representatives of key child protection institutions and agencies at national and district level. The workshop participants validated and updated the data in each of the mapping tools and identified key priority actions for strengthening the Child Protection System. This report is prepared based on the validated tools.



2.0 THE NATIONAL CONTEXT FOR CHILD PROTECTION IN UGANDA

Children are a very significant group in Uganda's demographic structure. With a total population of 24,442,084 people², more than half of Uganda's population (13,708,263) is children under 18 years³. The country has one of the highest annual population growth rates in the world, standing at 3.2%⁴, with the life expectancy rate at birth at 50.4 years⁵. Only 30% of children in Uganda have been registered (38% urban and 28.7% rural)⁶.

Though poverty levels have registered a downward trend over the last decade, a significant number of the country's population (24.5%) live on less than 1.25 dollars a day⁷. The country's key child health indicators; namely, infant and under 5 mortality, though improving, are still poor (at 54/1000 and 90/1000 respectively)⁸.

Uganda has registered commendable progress in primary education where impressive levels of enrollment have been attained with a primary school net enrollment ratio of 83%⁹. Unfortunately, the gains in primary education are rapidly lost in the transition to secondary education, with a secondary school net enrollment ratio of 25%¹⁰.

A significant number of children (55.3%) have lost one or both parents to AIDS¹¹. A total of 150,000 children between 0-14 years are living with HIV¹² with only 32% of the children infected by HIV and AIDS that are in need of ART accessing it¹³.

²UBOS 2010: UNHS 2009/10; Index Mundi (2012) Est up to June 2012. (35,873,253 total; 17,367,389 M; 17,244,861 F) www.indexmundi.com

³UNHS 2009/10 (56.1% of total popn 50.6 male, 49.4 female); 2002 ug pop and housing census report

⁴UBOS 2002 Uganda Population and housing census analytical report

⁵ Index Mundi Ug dem profile 2012 est. (53.45 - gen pop; 52.4 male, 54.54 female)

⁶UDHS 2011

⁷UBOS 2012(BASED ON UNHS 2009/10)

⁸UDHS 2011

⁹UBOS 2010 (UNHS 2009/10)

¹⁰UNICEF 2010(status is for 2007-2010)

¹¹UCW 2008

¹²UNICEF, 2010 (Status is for 2009)

¹³Uganda Aids Indicator Survey (UAIS 2011) status is for 2011

It is estimated that 29.6% of children in Uganda have disabilities. The major disabilities affecting children include; movement impairment, hearing, vision, speech and mental impairments as well as fits¹⁴.

A total of 25.4% of Uganda's children between the ages of 5-17 years are engaged in labour. The majority of these (95.5%) are engaged in the agricultural sector¹⁵. Almost all working children (97%) are engaged in unpaid labour.

There are a number of adverse and harmful traditional practices that affect children in Uganda, key among which are child marriage and female genital mutilation/cutting (FGM/C) though data on their prevalence is inadequate.

Though population-wide data on the prevalence of the various forms of child abuse, neglect and violence is limited, the available data highlights this as a major problem, especially within the family and school settings. According to a 2012 African Child Policy Forum (ACPF) survey, 48% of children between 11-17 years reported having been whipped and or caned within the family. Up to 32% reported having been punched, kicked or slapped in the family while 36% reported the same kind of violence from the community. Most forms of physical violence were more prevalent in the rural areas¹⁶.

Neglect is another major form of violence experienced by children in Uganda. According to the ACPF survey (11-17 years), 8% of children reported being denied food, 7% denied medical care and 5% denied adequate clothing, all within the family setting¹⁷.

Sexual violence against children though known to be widespread is hardly reported especially if it occurs within the family context. Defilement is the leading sex-related crime in Uganda. In 2011, defilement constituted half of the serious crimes reported for the year (49.5%). According to the Police Annual Crime and Road Safety (PACRS) reports, over a three year period (between 2009 and 2011), the Police received 22,614

¹⁴UBOS 2002 Uganda Population and housing census

¹⁵UNHS 2009/10

¹⁶African Child Policy Forum 2012

¹⁷ibid

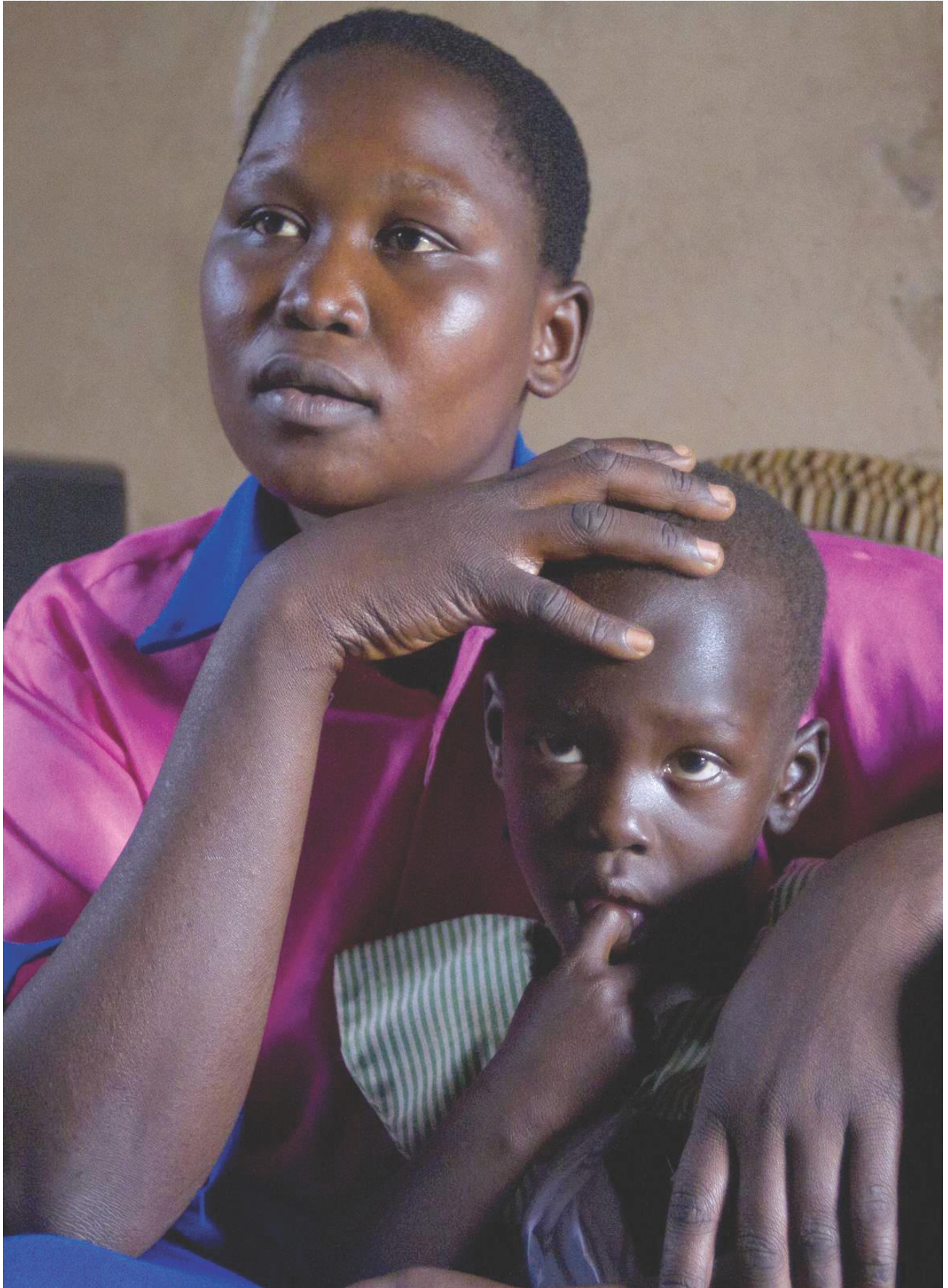
defilement cases.¹⁸ This despite the fact that the majority of cases are not reported to the Police.

Though recognized as a growing issue of concern, Uganda has no reliable data on issues related to child mobility and trafficking, including prevalence data on commercial sexual exploitation of children.

A significant number of children in Uganda interface with the justice system as child offenders. According to the Uganda Police statistics, a total of 1774 children were reported as being in conflict with the law in 2011¹⁹.

¹⁸ Uganda Police, Annual Crime and Road Safety Reports 2009,2010,2011

¹⁹Uganda Police Force Annual Crime Report (status is for 2011



3.0 THE LEGAL AND POLICY CONTEXT FOR CHILD PROTECTION IN UGANDA

Any child protection system must be hinged on the normative legal and policy framework of the country. This includes the country's commitments to international child protection instruments and the extent to which these commitments are translated into national legislation and policy.

3.1 RATIFICATION OF INTERNATIONAL CHILD RIGHTS INSTRUMENTS

Uganda has ratified most of the important International instruments related to the protection of the rights of children with the exception of the Hague Convention on Inter-Country Adoption (HCIA), as Table 1 shows.

Table1: Status of Uganda's ratification of key international and regional child rights instruments

Instrument	Status	Date ratified
Convention on the Rights of the Child (CRC, 1989)	Ratified	16.09.1990
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979)	Ratified	22.07.1985
Optional CRC Protocol on Sale of Children, Child Prostitution and Child Pornography	Ratified	30.11.01
Optional CRC Protocol on Involvement of Children in Armed Conflict	Ratified	06.05.02
Optional Protocol to CEDAW (1999)	Signed	06.10.99
Hague Convention on Protection of Children and Inter-country Adoption	Non-Party	
Hague Convention on Civil Aspects of International Child Abduction	Non-Party	
Convention on the Rights of Persons with Disabilities (2007)	Ratified	25.09.08
Minimum Age Convention (ILO Convention #138, 1973)	Ratified	25.03.03
Worst Forms of Child Labor Convention (ILO #182, 1999)	Ratified	21.06.01
(Palermo) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000)	Non-Party	
Rome Statute of the International Criminal Court	Ratified	14.06.07

Convention Relating to the Status of Refugees (1951)	Acceded	27.09.76
Protocol to the Convention Relating to the Status of Refugees (1967)	Acceded	27.09.76
African Charter on Human and People's Rights (1981)	Ratified	10.05.86
African Charter on the Rights and Welfare of the Child (1990)	Ratified	17.08.94

3.2 NATIONAL CHILD RELATED LAWS AND POLICIES

Uganda has domesticated most of her international child rights commitments through the enactment of various laws relating to the protection of the rights of children. These are summarized in Table 2.

Table 2: The key National Legal instruments for child protection in Uganda

Legislation	Child protection issue covered
The Constitution of Uganda, 1995	Provides for children's rights to basic education and health, parental responsibilities, protection from exploitation, rights of child offenders, and protection of orphans and other vulnerable children.
The Children's Act - Cap 59	Provides for the rights of the child, roles of local authorities, procedures for dealing with children in conflict with the law, care and protection of children including alternative care arrangements (foster care placements, adoption and institutional care).
The Penal Code Act – Cap 120 (as amended)	Defines criminal violations including violations against children and provides for sanctions. Amendments provide for the charge of child-to-child sex.
Prevention of Trafficking in Persons Act (2009)	Child sexual exploitation, child sacrifice, child labour, child abduction.
The Prohibition of Female Genital Mutilation Act (2010)	Criminalizes FGM/C and provides sanctions for persons who carry out FGM/C on another, persons who self-mutilate, and persons who aid/abet FGM/C and those who participate in the actions/activities related to FGM/C.

International Criminal Court Act (2010)	Prohibits forceful recruitment and abuse (especially sexual abuse) of children during armed conflicts.
The Domestic Violence Act 2010	Physical, sexual and psychological abuse occurring within households.
The Uganda People's Defense Forces Act(CAP 307) 1992	Protection of children from conscription into the UPDF.
The Births and Deaths Registration Act(CAP 309) 1973	Registration of all births and deaths.
The Uganda Registration Services Bureau (URSB) Act (Cap. 210)	Establishes an institutional mechanism for registration of civil records including births, deaths and marriages.
The Local Government, Act (Cap 243) 1997	Outlines the roles of local authorities including in the protection of the rights of children.
The Employment Act 2006; Occupational Safety and Health Act (OSHA) (2006).	Prohibits exploitative employment of children and regulates employment of children.
The Labour Dispute and Settlement Act (LDSA) (2006).	Regulates conditions of employment including for children.
The Education Act (2008).	Provides for the rights of children to education.
The Persons with Disability Act (PWD) 2006	Provides for the right to quality education, health, and rehabilitation services and prohibits discrimination against PWD including children.
The Refugee Act (2006).	Provides for the rights of refugee children to elementary education and entitles them to the same rights as all other Ugandan children as provided for in the Children's Act and other international child rights instruments.
The Amnesty Act (CAP 294).	Provides amnesty to persons participating in hostilities towards the government including for children and provides for the rehabilitation and re-integration of children associated with armed groups.

In addition to these legislations, there are several key policies and national action plans that guide child protection interventions and responses, among them: the National OVC Policy (2004) with its attendant National Strategic Program Plan of Interventions (NSPPI), which is in its second phase (2011/12 – 2015/16), the first phase having been

implemented between 2005/6 – 2009/10; and the Child Labour Policy (2004) with its attendant National Plan of Action on Child Labour (NPACL) (June 2012). There are also a number of action plans that remain in draft such as the National Action Plan on Child Sexual Abuse and Exploitation (NAPCSAE), the National Action Plan against Child Sacrifice (NAPACS) and the National Framework for the Provision of Alternative Care to Children (NFPACC).

3.3 LEGAL DEFINITION OF A CHILD

Uganda has made commendable efforts to harmonize the applicable definition of the child within most laws with the exception of the age of criminal liability (12 years) and the minimum age of employment (16 years) as highlighted in Table 3.

Table 3: Minimum and Maximum ages related to child protection under the law

Key child protection age-sensitive themes	Age thresholds under the law
Minimum age for child justice procedures for children in conflict with the law	12
Maximum age for child justice procedures for children in conflict with the law	17
Minimum age for marriage	18
Minimum age of consent to sexual relations	18
Minimum age of legal employment	16, 12 for light work
Minimum age of voluntary recruitment into armed forces	18
Minimum age for direct participation in hostilities	18

3.4 KEY GAPS IN UGANDA'S LEGAL AND POLICY FRAMEWORK FOR CHILD PROTECTION

1. Fragmentation of child protection legal provisions

As is evident from Table 2, provisions relating to child protection are scattered in several separate pieces of legislation. Not only are laws on distinct child protection issues located in separate laws, but even legislation on similar issues is spread across different laws despite the existence of the Children's Act. This has greatly limited prospects for a comprehensive and unified understanding of the child protection legal regime, undermining effective implementation and monitoring of compliance.

2. Lack of mandatory reporting

Whereas there are established mechanisms and institutions to which child rights violations can be reported, there is no explicit and enforceable legal obligation for any

specified category of individuals or the general public to report violations. This coupled with such practical encumbrances as distance to reporting centers, reluctance to participate in the justice process and poor appreciation of the gravity of violations has kept reporting of child rights violations to a bare minimum.

3. Inadequate criminalisation and sanction for some child rights violations

There are areas of child rights violations which are clearly prohibited under the law but for which no explicit criminal liability or sanction is defined. Such gaps are evident in relation to legislation on child labour, corporal punishment, mutilation of children for their body parts and child marriage. This erodes the deterrent value of existing legislation.

4. Circumvention of some protective legal provisions

There is a deliberate effort to circumvent some protective legal provisions as in the case with inter-country adoption. Given the 3-year pre-adoption fostering requirement that seeks to protect Ugandan children that are subject to adoption proceedings, potential adoptive parents instead seek and obtain guardianship orders, take children out of the country and then initiate adoption proceedings from their own countries.

5. Conflict with the dominant cultural value systems

One of the major challenges in the application of the various child protection legal standards is the fact that some of them are incongruent with and inherently challenge deeply entrenched social values and conventions which take time to change. In such instances, laws are viewed as an affront to social/cultural continuity, stability and order. This is especially the case in respect to issues such as FGM/C, child marriage, use of corporal punishment to discipline children, and child labour.

Overall, the biggest gap in relation to Uganda's legal and policy framework is the huge disparity between the robust and progressive legal and policy provisions (normative framework) and the persisting violation of children's rights. This reflects an enormous failure to translate legal provisions into actual protection for children.

4.0 THE CHILD PROTECTION SYSTEM STRUCTURE, FUNCTIONS AND CAPACITIES

The child protection system in Uganda can be defined at four levels namely; the national, the district, the sub-county and the community level. At all these levels, there are a multiplicity of different actors and institutions with varied functions and capacities.

4.1 NATIONAL LEVEL STRUCTURES FOR CHILD PROTECTION

The national level child protection mandate is shared across 5 Ministries and the Judiciary. The Ministries include;

- ❖ Ministry of Gender, Labour and Social Development (Primary Ministry),
- ❖ Ministry of Internal Affairs,
- ❖ Ministry of Justice and Constitutional Affairs,
- ❖ Ministry of Education and Sports,
- ❖ Ministry of Health.

Some of the Ministries have associated semi-autonomous structures that are responsible for specific child protection functions. The various child protection ministries, associated institutions and their respective roles are highlighted in Table 4.

Table 4: National level Institutions responsible for child protection

Ministry	Department/Directorate	Semi/Autonomous Institution	Description of child protection mandate/function
Ministry of Gender, Labour and Social Development (Primary Ministry)	Department of Youth and Children Affairs (Primary Department)		Coordinating child protection actors/actions across sectors; policy direction and standard setting; overseeing child protection programmes and providing child protection services through management of children's institutions.
	Directorate of Labour, Employment and Occupational Safety		With the broad mandate for formulation, implementation and enforcement of labour policies, laws and guidelines. This Directorate has the primary responsibility for handling child labour issues in the country.
	Directorate of Gender and Community Development		The Directorate is responsible for initiating, formulating, implementing and evaluating laws, policies and programmes that address issues of gender, culture, community development; and the family institution as well promote positive cultural values and practices.
		National Council for Children (NCC)	This is the only multi-sectoral institution with a statutory mandate to coordinate child protection in Uganda. The Council is mandated to coordinate, monitor and evaluate policies and programmes relating to the survival,

			development, protection and participation of children in the county. NCC is also mandated to identify the needs and problems of children and communicate them to government.
Ministry of Internal Affairs		Uganda Police Force	Addressing crime including those committed against children and by children through arrest of perpetrators, investigation of cases and mediation between conflicting parties.
	Immigration		Ensures that children for whom travel documents are sought are properly identified and those crossing borders are travelling with legally authorised people (including those undergoing adoption processes).
	NGO Board		Registers and regulates the operations of non-governmental organizations, a substantial number of which are child focused.
Ministry of Justice and Constitutional Affairs	The Directorate of the first Parliamentary Council		Responsible for drafting principal legislation, subsidiary legislation and local government legislation including legislation on child protection.

		The Directorate of Public Prosecutions (DPP)	Directs and supervises investigations of crimes including those committed by and against children; and prosecutes offenders including child offenders.
		The Uganda Registration Services Bureau (URSB)	Responsible for civil registration (including births, deaths, adoption orders granted by courts, and marriages among others).
		The Uganda Human Rights Commission (UHRC)	Investigates human rights violations, monitors government's compliance with international instruments; makes binding orders in case of human rights abuses, conducts training, civil education and research on human rights issues; and makes recommendations to parliament and the executive on human rights issues.
		The Uganda Law Reform Commission (ULRC)	Ensures regular revision of laws including laws on child protection and simplifies/translate specific laws to enhance understanding of these laws in an effort to increase access to justice.

Ministry of Education and Sports	Gender Unit		Works with the other sub-sectors in education to mainstream gender. Are particularly looking at increasing the deployment of female teachers and pioneering initiatives to increase retention of girls including through policy guidance on re-entry of pregnant girls in school and the safe school initiative.
		The Directorate of Education Standards	Ensures the implementation of and adherence with the Basic Requirements and Minimum Standards for Education Institutions in Uganda (BRMS). These standards guide and facilitate schools and institutions towards the attainment of quality education.
		Education Service Commission	Responsible for the enforcement of basic standards and professional codes of conduct among teachers critical for prevention of abuse of children by teachers and for responding to such abuse when it occurs.

Ministry of Health	Department of Community Health		<p>Responsible for the overall provision of both preventive and curative health services including for children through the formulation of health policies and supervision of health institutions at all levels.</p> <p>Provision of remedial services to child survivors of abuse and neglect. Supports the clinical management of cases of gender-based violence, especially sexual abuse, a significant number of who are child survivors.</p>
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The Judiciary

In addition to the above Ministries and their associated Institutions, the Judiciary which is an independent arm of government also plays a major role in the protection of the rights of children. The Judiciary is responsible for the overall administration of justice for children as well as the protection of their rights through judicial processes. The Judiciary has as part of its structure, Family and Children's Courts with a mandate to hear and determine specified matters relating to the welfare of children as well as all criminal charges against children except offences punishable by death and any offence for which a child is charged with an adult.

4.2 LINKAGE BETWEEN NATIONAL AND SUB-NATIONAL STRUCTURES WITH PRIMARY RESPONSIBILITY FOR CHILD PROTECTION:

The child protection structures at sub-national level with primary responsibility for child protection are closely associated with those at national level though the strength of linkages is rather weak due in part to the structural set-up within the decentralized service delivery framework. Table 5 highlights the existing organizational arrangements at the different levels.

Table 5: Organizational arrangements at national and sub-national level

Level	Organizational Arrangement
National Level	Primary responsibility for child protection rests with the Department of Youth Children Affairs (DYCA), MoGLSD. The department is headed by a Commissioner and 2 Assistant Commissioners, one in charge of Youth Affairs and the other in charge of Children Affairs. The Assistant Commissioner, Children Affairs, is directly responsible for executing the ministry's child protection mandate, supported by 3 Probation and Social Welfare Officers. The Commissioner reports to the Director, Social Protection, the Directorate under which the department falls.
District Level	Primary responsibility for child protection rests with the Community Based Services Department which is headed by a District Community Development Officer (DCDO). The Probation and Social Welfare Office (PSWO) which is under this department is directly responsible for executing the district's child protection mandate. Uganda has 112 districts and each district is supposed to have a Senior Probation and Social Welfare Officer but according to a MoGLSD 2011 report, only 56% of districts have a substantive PSWO in place ¹ . PSWOs report to the DCDO who reports to the Chief Administrative Officer (CAO) of the district and has no real reporting line to the DYCA's at the national level.
Sub-county Level	Primary responsibility for child protection rests with the Community Development Officer (CDO) who is in some districts assisted by an Assistant Community Development Officer (ACDO). Every sub-county/town council is supposed to have a CDOs and an ACDO who in addition to performing the

¹MoGLSD; 2011: Human Resources and Financing for Child Care and protection Services; Issues Paper

	<p>roles of the PSWO at sub-county level are also responsible for mobilization and supervision of all government programmes in the sub-county/town council. Despite this enormous task, only 41.3% of the approved CDO/ACDO positions are filled². Moreover a large number of CDOs at sub county level are also acting as Sub- county Chiefs. CDOs report to the Sub-county Chief and to the Senior Community Development Officer (SCDO) at district level and have no direct reporting line to the PSWO at district level despite the fact that they discharge the PSWO function at sub-county level.</p>
Community Level	<p>There are a number of different structures at community level that are involved in child care and protection. There are Local Council (LC I) at the village which remain instrumental in settling community level disputes some of which are of a child protection nature despite the expiry of their legal mandate. In some districts, there are Child Protection Committees (CPCs) which support delivery of child protection services to children at risk or those abused. Others include family/kinship structures, religious/faith based groups and other voluntary groups such as women groups, youth groups and in some communities children's clubs.</p> <p>The major principles that inform the operations and approaches of the community structures include; promoting reconciliation and harmony between and among the warring parties; re-integration in cases where children or individuals have been expunged from the community either by their own actions or forced by circumstances; compensation where a specific breach has occurred. It is important to note that whereas these principles and approaches may offer the most practical and effective solution to difficult and complex issues in a way that the formal structures might not, they sometimes result into serious miscarriage of justice and violation of the rights of individuals</p>

²MoGLSD; 2011: Human Resources and Financing for Child Care and protection Services; Issues Paper

	<p>especially children and women.</p> <p>The major services offered by the informal community level child protection structures include community mobilization to address known risks and create awareness for prevention, instituting local arrangements to meet basic needs of children especially those deprived of parental care, and dispute resolution through mediation.</p>
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4.3 MAJOR CONCERNS, GAPS AND CHALLENGES RELATING TO FORMAL CHILD PROTECTION INSTITUTIONS AT NATIONAL AND SUB-NATIONAL LEVEL

The major gaps relating to the effectiveness of the formal national and sub-national level child protection structures identified during the mapping process include the following:

1. Lack of clear and explicit child protection mandates for key institutions

Some of the key government Ministries and Institutions that have a major role to play within the child protection system do not have an explicit mandate for child protection. This is the case for example with Ministry of Education and Sports which, notwithstanding the fact that it has the highest direct contact with children, does not have an explicit mandate of ensuring the protection of children within the education system. This not only limits the accountability of such institutions with respect to child protection, but also affects allocation of human and financial resources towards child protection functions.

2. Limited human and other resource capacities

There are real gaps in availability of enough skilled workforce and operational resources across almost all child protection service institutions including those that have primary responsibility for child protection. In fact, the human and operational resource gap is highest within the primary Ministry (MoGLSD) at the national level and the Community Based Services Department at district level. Understaffing within the MoGLSD has made it almost impossible for it to supervise and coordinate actors and responses. At the district level, the fact that persons with child protection responsibility such as the PSWO and the CDOs have a multiplicity of other functions means that they are overloaded and thus unable to adequately deliver on their child protection responsibilities. For instance, many children go through the justice system without the accompaniment of the PSWOs, simply because they are engaged elsewhere. The same gaps are evident within the Police Family and Child protection Units (CFPUs) which were specifically created to improve the handling of family and children's cases by the UPF. A 2012 assessment of the CFPU in 20 districts revealed that 90% of them do not have enough staff in both the main stations and the outposts. Only 5% of the units have facilities to talk to children in private and the majority (55%) have no holding facilities for children²⁰.

3. Structural challenges in the context of decentralization

Under the decentralised local government structure, vertical chains of command between Ministries and sub-national service delivery structures are weakened. Unlike the Ministry of Internal Affairs whose function remains centralized, the function of the

²⁰ 2012 UPF Assessment of CFPUs in 20 districts

MoGLSD, the primary Ministry responsible for child protection is decentralized. As indicated in Table 5, the Ministry has no supervisory responsibility over the function of the DCDO or that of the PSWO. The Ministry is as such dependent on the local governments to enforce guidelines and directives. Since there is no obligation on the part of the DCDO and PSWO to report back to the Ministry on progress of implementation of set service standards, a lot of policies and practice standards for the delivery of child protection services remain on paper.

4. Accountability

Whereas there are individual mechanisms within the various child protection institutions for ensuring performance, there is no equivalent of an Ombudsperson or unified mechanism for ensuring that the various child protection institutions are held accountable for their child protection mandates. Thus failures in performance, breaches of standards, as well as other violations cannot be effectively redressed. There are also deficiencies in terms of performance management processes for delivering child protection services.

4.4 CHILD PROTECTION COORDINATION STRUCTURES AT NATIONAL AND SUB-NATIONAL LEVEL

There are several structures at both national and sub-national level that have a mandate to coordinate the delivery of child protection services. Table 6 below highlights the various coordination structures for child protection services and programmes.

Table 6: Child Protection Coordination Structures at national and Sub-National level

Level	Structure	Host Ministry	Nature and Function
National	The National OVC Steering Committee (NOSC)	MoGLSD	This is a multi- sectoral structure that comprises of senior ¹ representatives from MoGLSD, MoES, MoJCA, MoFPED, MoLG, MoH, OPM, UN Agencies (UNICEF), bilateral agencies (USAID) and civil society organizations involved in delivery of the OVC national response. The NOSC is chaired by the Permanent Secretary MoGLSD and primarily acts as the decision making and advocacy organ for OVC programming in the country. The NOSC meets on a quarterly basis subject to availability of funds.
	The National Council for Children	MoGLSD	This is the only multi-sectoral institution with a statutory mandate to coordinate child protection in Uganda. According to the NCC Act, the Council is to consist of 21 members representing key ministries – MoFPED, MoH, MoES, MoGLSD, MoLG, MoJCA, MoIA, Information and National Guidance, Natural Resources – by an officer not below the rank of undersecretary; representatives from 4 indigenous nongovernmental organizations; and 1 representative each from the Joint Christian Council and the Muslim Supreme Council; and 5 other persons of proven integrity, 3 of them women. The term of the last Council expired in 2011 and a new Council is yet

¹Representatives of government departments are supposed to be at the level of Assistant Commissioner and above.

			to be constituted. The Council is supposed to meet on a quarterly basis.
	The National Steering Committee for Child labour	MoGLSD	This structure was set up to coordinate key actors in the area of child labour to support the implementation of the National Action Plan on child labour (2012). It includes representatives of government Ministries working on child Labour issues such as the MoGLSD, the Ministry of Education and Sports, representatives of worker's (NOTU) and employers' (FUE) organizations, representative of the media, the academia and NGOs working on child labour issues.
	The Anti- Trafficking Task Force	Ministry of Internal Affairs	This is a multi-sectoral structure that supports the implementation of the Trafficking in Persons Act. The Task Force includes representatives of the Ministry of Education, Ministry of Gender Labour and Social Development, Office of the Prime Minister, Internal Security Organization, External Security Organization, International Organization on Migration, Ministry of Justice and Constitutional Affairs, First Parliamentary Council, Directorate of Public Prosecutions, Police and Civil Society Organizations. The Task Force coordinates training of stakeholders, information sharing, and policy guidance and advises on trafficking in persons' issues including coordinating the response to identified/reported cases.
	The Justice, Law and Order (JLOS) Secretariat	Ministry of Justice and Constitutional Affairs	JLOS is a coordination mechanism that brings together institutions with closely linked mandates of administering justice and maintaining law and order and human rights. These include; Ministry of Justice and Constitutional Affairs. Other members include: Ministry of

			<p>Internal Affairs (MIA); The Judiciary; Uganda Police Force (UPF); Uganda Prison Service (UPS); Directorate of Public Prosecutions (DPP); Judicial Service Commission (JSC); The Ministry of Local Government (Local Council Courts); The Ministry of Gender, Labor and Social Development (Probation and Juvenile Justice); The Uganda Law Reform Commission (ULRC); The Uganda Human Rights Commission (UHRC); The Law Development Centre (LDC); The Tax Appeals Tribunal (TAT); The Uganda Law Society (ULS); Centre for Arbitration and Dispute Resolution (CADER) and The Uganda Registration Services Bureau (URSB).</p> <p>This mechanism coordinates justice issues across the different sectors. The JLOS framework is the overall coordination and monitoring mechanism for children justice issues through the Justice for Children Steering Committee, which is represented by senior personnel from each relevant sector. The Strategic Investment Plan (SIP) III has included nine Juvenile Justice indicators for monitoring.</p>
	The Justice for Children Steering Committee (Under JLOS)	Ministry of Justice and Constitutional Affairs	<p>The Justice For Children area is relatively new in Uganda. The Steering Committee focuses on ensuring a coordinated and child friendly justice system for children both as victims and as children in contact with law. It is chaired by the Head of the Family Division of the High Court with representation of all key sectors including MoGLSD.</p>
	National Child Protection Working Group (NCPWG)	MoGLSD	<p>The NCPWG was established in September 2009 following the phasing out of the IASC child protection Sub-cluster which was in</p>

			<p>place during the humanitarian response to the armed conflict in Northern Uganda. Although initially created to coordinate the implementation of the Child Protection Recovery Strategy for Northern Uganda (2009 – 2011), in 2010 the group took on a national focus as it became evident that the critical child protection concerns that the group was addressing cut across the entire country.</p> <p>The group is hosted and chaired by the Department of Youth and Children Affairs and its membership is drawn from both governmental and non-governmental agencies with a child protection mandate. It seeks to coordinate the efforts of child protection actors, identify and respond to key national child protection issues and provide a platform for linking, sharing information and learning within and among actors. The group meets on a bi-monthly basis.</p>
District	The District OVC Coordination Committee (DOVCC)	Respective District Local Government	<p>The DOVCC is led and chaired by the Chief Administrative Officer. Other members include the Local Council 5 Secretary in charge of children affairs, the PSWO who doubles as the District OVC focal person, the DCDO, the District Production Coordinator, District Health Officer, District Education Officer, District Planner, 2 representatives of development partners, 2 representatives of CSOs, 2 representatives of FBOs, police child and family protection officer, Family and Children Court, 2 representatives of the private sector</p>

			and representation from the child protection working group (CPWG). It co-ordinates the OVC response at district level and makes inputs into the technical planning committee of the district to ensure that OVC issues are streamlined into district planning and budgeting processes. It is in 80 of 112 districts and 13 municipalities with varying levels of functionality.
	District Child Protection Working Group (DCPWG)	Respective District Local Government	DCPWGs are in place in some districts, having been constituted as part of the inter-agency standing committee child protection sub-cluster during the humanitarian response to the conflict in Northern Uganda. The working groups now functions as a specialized sub-committee, providing technical advice to the DOVCCs on child protection issues and coordinating child protection actors at district level.
	District Chain-linked Coordination Committees (DCCs)	Judiciary (District Courts)	DCCs are responsible for joint planning, supervising, monitoring and evaluation of performance against set targets. DCCs are responsible for rallying all district based JLOS and non JLOS resources towards the attainment of JLOS targets individually in their respective institutions and as a collective. The Justice For Children subcommittee is part of the DCC. The DCC includes Institutional representatives at district level namely, representatives of the legal profession, District Probation and Social Welfare Officers, relevant CSOs, Faith Based Organizations and community structures engaged in advancing justice, law and order in the district as well as Local government representatives and

			<p>nominated members of the public.</p> <p>Under the SIP III, the DCC is now chaired by the most senior judicial officer in the district and meets monthly. The DCC has two reporting lines. One is to the Advisory Board through the RCC and the other to the JLOS Technical Committee through the JLOS Secretariat. The DCCs report on a quarterly basis to the Technical Committee and monthly to their respective institutions.</p>
Sub-county	Sub Country OVC Committees (SOVCCs)	Ministry of local Government	<p>The SOVCC comprises of the sub-county Chief, the CDO, Health Officer, Production Coordinator, NAADS Coordinator, Secretary Education Affairs, Chairperson LC III, Chairperson head teachers, 2 representatives (NGOs and CBOs), 3 representatives of FBOs, one representative of private sector, and the agriculture extension officer.</p> <p>It is responsible for coordination of OVC actors and interventions at Sub- County level. Like with the DOVCCs, the functionality of the SOVCCs varies widely from district to district, and from sub-county to sub-county.</p>

4.5 KEY ISSUES AND CHALLENGES RELATED TO THE EFFECTIVENESS OF CHILD PROTECTION COORDINATION MECHANISMS AND STRUCTURES

Despite the existence of a number of coordination structures as depicted in Table 6, coordination remains a major challenge within the functioning of the child protection system due to a number of factors:

1. Multiplicity of structures and coordination centres

Child protection is currently being coordinated by various structures with varying and sometimes overlapping mandates especially at the national level, even when the different coordination structures are being hosted by the same Ministry as is the case with structures under the Ministry of Gender, Labour and Social Development. Coordination mechanisms are generally geared at ensuring a more harmonized approach to the conduct of any given business. This harmonization becomes more challenging with multiple coordination centers. The multiplicity of structures and coordination centres has created an unnecessary duplication and even confusion among the different actors, undermining any gains that could have been made by their existence.

2. Lack of a leadership/hierarchy in coordination

Within the primary Ministry (MoGLSD), the issue of duplication of structures is further compounded by the lack of a clear hierarchy between the structures. Technically, all these structures are accountable to the Permanent Secretary of the MoGLSD. Unfortunately, there is no evidence that this accountability is adequately harmonized by way of one structure reporting to another higher structure. This makes it difficult to clearly define the added value of the various structures on any given child protection issue.

3. Inadequate multi-sectoral involvement

Notwithstanding the fact the MoGLSD has the lead responsibility for child protection related issues, by their nature, child protection issues cut across several sectors including health, education, and justice. They also involve several institutions outside the MoGLSD. A number of the coordination structures e.g. NCC and NOSC, institutionalize the involvement of other sectors through the way they are constituted. Despite this, multi-sectoral involvement in the different coordination forums has not been realized due to non-participation, inconsistent representation or low level representation of the other sector ministries. Generally, the leadership and coordination role of MoGLSD though well recognized across the different sectors is poorly rated by many actors.

4. Limited coverage and functionality of district coordination structures

The coverage and functionality of the district level structures varies widely across districts depending on the availability of donor support for their operations. The DCPWG is only in the previously conflict affected Northern Districts, and the DOVCC is constituted in only 80 of the 112 districts.

5. The overlap between OVC and child protection programming

The programmatic linkage between OVC and child protection programming remains blurred and generally unresolved among most child welfare actors. Whereas some actors believe that the OVC framework is broad and child protection is only a component thereof, there is an equally strong view that child protection has a much broader remit focusing on all children in all situations and not merely those categorized as explicitly vulnerable. This conceptual blurredness continues to undermine consensus on what structure is best placed to coordinate child protection issues especially considering that most of the current child protection interventions have been and continue to be implemented as part of the OVC response.



5.0 THE CONTINUUM OF CARE: SCALE AND SCOPE OF CHILD PROTECTION SERVICES

Within the context of this mapping, the concept of continuum of care is used broadly to refer to the spectrum of interventions and services necessary to prevent and respond to child rights violations and ensure that children live in a safe and nurturing environment.

5.1. PREVENTION OF CHILD ABUSE AND NEGLECT AND PROMOTION OF A PROTECTIVE ENVIRONMENT

In Uganda, varied community beliefs, attitudes and practices have both a positive and negative impact on the protective environment. Some of the practices and attitudes that have been recognized as promoting violation of children's rights include the following:

- (i) Denial of education to girl children _ though spread nationally, it is more common in rural households and among illiterate and poor parents;
- (ii) Food taboos _ wide spread and is associated with the dominant patriarchal structures across the country;
- (iii) Child marriage _ rampant in many Ugandan communities and generally condoned under the Islamic faith;
- (iv) Use of corporal punishment _ widely accepted and practiced across the entire country as a legitimate form of child discipline, both in the home and school settings;
- (v) Female genital mutilation/ cutting (FGM/C) _ mainly prevalent among the Sabiny and Pokot communities;
- (vi) Child sacrifice _ spread across the country, but with more reported cases in the districts of Gulu, Mukono, Kayunga and Masaka;
- (v) Involving children in witchcraft _ reported in Nakasongola and Tororo districts, but prevalent in many parts of the country.

The major on-going responses to address the foregoing negative beliefs and practices include: promotion of girl child education; community education and awareness creation including on existing legislation; community mobilization for local action to address risk factors; and on-going dialogue on community norms.

There are several initiatives by government, development agencies, NGOs, FBOs, CBOs and community groups that are directed at promoting child protection and creating an

environment in which children are safe. Unfortunately, the quality of documentation of information on these initiatives is still poor. The major national level initiatives that were on-going at the time of the mapping included: strengthening the Ugandan National Response for Implementation of Services for Orphans and Vulnerable Children (SUNRISE OVC, 2010-2015); Social Assistance Grants for Empowerment (SAGE); the Northern Uganda Social Action Fund (NUSAF II); Democratic Governance Facility; Civil Society Fund; and the Independent Development Fund, all of which contribute to creating a safer, nurturing and rights-sensitive environment in which children can grow.

The major challenges related to preventive responses include:

The limited coverage of preventive interventions: Notwithstanding positive achievements in terms of awareness creation, many communities remain unreached in terms of awareness on child protection issues.

The slow pace of behaviour change: Despite increasing awareness on the adverse effect of various harmful practices in relation to child wellbeing e.g FGM, corporal punishment and others, the pace of transition from awareness to positive practice has been very slow.

The linkage between livelihood promotion and child protection: much as a number of livelihood strengthening interventions are undertaken in order to engender child protection outcomes, the exact linkage between the two has not been adequately analysed and established. In addition, collaboration between child protection and livelihood actors has been limited, and many livelihood interventions have not been leveraged to promote child protection outcomes.

5.2 RESPONDING TO CHILD RIGHTS VIOLATIONS

Most of the child protection interventions tend to be more remedial than preventive. This notwithstanding, there is no clearly defined referral pathway or universal case management framework for abused children. The actions taken in handling the child abuse cases generally depend on the range of accessible services available within the community and the level of awareness of the person seeking the service or handling the case. Table 7 highlights the major interventions and key actors in responding to child rights violations.

Table 7: Major responses and actors in responding to child rights violations

Response	Key Actors
Identification of children in need of protection including reporting and referral of cases	Done by community members including parents, neighbors, CDO and the Police or as part of government interventions like OVC mapping processes as well as issue specific operations in the community e.g enforcing compliance to the USE/UPE directives, immunization or sanitation.
Investigation of child rights violations	Depending on the level at which the case was reported, a case may be investigated by the LC, CDO, PSWO or Police.
Response and support to abused children staying within their families	This includes provision of counseling; psychosocial support and facilitation of access to health and legal aid services and provision of educational support to those at risk of schools drop out. These services are predominantly provided by the CSO sector.
Response and support outside the children's family	This includes interventions such as rescue, alternative placement including emergency placement, health, education and legal services, preparation of child and family for reintegration. These services are mostly provided by the CSOs though documentation on the scale, quality and coverage of these services is very minimal.

Follow-up, record-keeping and monitoring children's progress	There is no unified mechanism for case documentation and follow-up although it is expected that this is done by the Directorate of Community Based Services in each district. Overall case documentation and follow-up is a major gap, especially as many cases are never brought to the attention of the PSWO or CDO.
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5.3 PROVISION OF SOCIAL WELFARE SERVICES TO CHILDREN (ALTERNATIVE CARE)

One of the major functions of a child protection system is to ensure that children in need of care and protection are safe and well cared for. This function becomes more critical in situations where children, for one reason or another, can no longer live or thrive within their biological family environment, or are disconnected from it and are therefore in need of alternative care. The Children's Act makes provisions for responding to the needs of children at risk or in need of care and protection as highlighted in Table 8.

Table 8: The legal processes related to the provision alternative care for children in need of care and protection

Action	Process
Case identification and reporting	Case of a child in need of care and protection brought to the attention of PSWO.
Emergency protection	Depending on the case, a PSWO, Police or other authorized person who believes that a child is in a situation of harm may remove the child for emergency protection for a maximum period of 48 hours. In such cases, the person must inform the Secretary of Children's Affairs/Family and Children's Court (FCC) in writing before doing so.
Case investigation/assessment/validation	PSWO carries out a social investigation to assess living circumstances of the child to determine appropriate interventions.
Court application for supervision/withdrawal of a child	The PSWO makes an application to the FCC to intervene for the protection and welfare of a child.
Court decision	Depending on the findings of the social investigation, Court can either issue: Supervision order placing a child under the supervision of a PSWO while the child is in the custody of his/her parents in situations where a child is suffering or likely to be harmed by the person they are staying with or if the child is beyond parental control. A care order placing a child in an approved home or with foster parents in situations where all other alternatives to assist the child have

	failed or where the danger is severe and requires immediate removal of the child.
Enforcement of court decision	PSWO charged with the responsibility of enforcing court decision

Depending on the specific circumstances of the child, the Children's Act provides for a range of alternative care options for such children - kinship care, foster care, institutional care (approved homes), and adoption.

Table 9: Applicable alternative care options for children in need of care and protection

Care option	What is provided for	Status, Issues and Concerns
Kinship care/informal foster care	<p>In case of the death of both parents, relatives of either parent may assume parental responsibility.</p> <p>A relative of a child without parents or a guardian, may foster the child without seeking authority from the District PSWO</p>	<p>This is the most used alternative care option. It is however not supported in any way by the state, leaving a number of children in the care of grandparents/caregivers who are physically and economically unable to provide for their welfare. Although it is expected that the SAGE program which currently provides cash grants to persons 65 years and above (60 years in Karamoja) in selected districts will address some of these challenges, huge gaps remain.</p>
Institution care	<p>Institutions providing residential care to children must be approved by the Minister, MoGLSD.</p> <p>Children in need of care and protection can be sent to an Approved home by the PSWO on the basis of a care order issued by the FCC.</p> <p>In case of an emergency situation, the Police or a PSWO, or another</p>	<p>This is the most used formal care option in Uganda. There are a number of gaps, concerns and challenges in its use:</p> <ul style="list-style-type: none"> -Are mostly run by private and not for profit organizations and churches that do not adhere to the established minimum standards for operating such institutions, only 9% of the known homes are approved. - Informal and unregulated placements of children in institutional care without care orders resulting into unnecessary institutionalization of children.

	<p>person may place a child in an approved home without a care order but such a child must be brought before court within 48 hours.</p>	<ul style="list-style-type: none"> - Placement of children in non-approved homes, including by PSWOs. - Inadequate programmes for family reintegration and family support services such that children remain in institutions for an indefinite period of time, sometimes even after the age of 18 years. - Inadequate monitoring and supervision of child care institutions by PSWOs. - Limited utilization of child-care institutions to provide emergency/temporary shelter to abused children.
Foster care	<p>An application to foster a child is made to the PSWO or an approved home.</p> <p>The PSWO carries out a background check of the prospective foster parents to determine their suitability to foster.</p> <p>Foster parent signs an undertaking on the day on which the child is placed with him/her, a copy of</p>	<p>The foster care system in Uganda is not well developed. The Government of Uganda (GoU) does not run any foster care programme at the moment and makes no provision of either financial or logistical support to foster families. Although there are some NGOs providing some support, for the most part, foster families have to depend on their own resources to look after the children that they take in. There is also inadequate documentation and supervision of foster care placements by the PSWO.</p>

	<p>which is maintained by the PSWO and sent to the Commissioner, Youth and Children's Affairs (YCAAs).</p> <p>PSWO monitors the child's placement.</p>	
Adoption	<p>Application for adoption is made to the Chief Magistrate Court where the child/person seeking to adopt the child lives</p> <p>Application for adoption can only be made to the Chief Magistrate Court after the applicant has looked after the child for 3 years under the supervision of the PSWO.</p> <p>Court decision is informed by a social background report from the PSWO. A non-Ugandan may adopt a Ugandan child if the applicant has lived in Uganda for 3 years and</p>	<p>Domestic adoptions are very rare although there is an on-going campaign to promote it – Ugandans adopt campaign. International adoptions are on the increase, raising a number of concerns:</p> <ul style="list-style-type: none"> - Circumvention of the legal procedures for adoption through the use of guardianship orders, - Unjustified/illegal adoptions due to unethical practices, - Inadequate adoption documentation, regulation and support services owing to the fact that there are no centralized government agency overseeing adoption in the country, - Lack of follow up mechanism of inter-country adoptions as Uganda has not ratified the Hague Convention on Inter-country Adoptions.

	fostered the child for 3 years, under the supervision of a PSWO; has a recommendation from a PSWO from their country; and has satisfied the Court that his or her country of origin will recognize the adoption.	
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The MoGLSD has now developed a national framework for the provision of alternative care to children based on a defined continuum of care options. It is hoped that the effective implementation of the framework will significantly contribute to redressing the above gaps and challenges.

5.4 CHILDREN'S ACCESS TO JUSTICE

Children's access to justice is a major aspect of the Continuum of Care. Included in this consideration are four categories of children who may come into contact with the justice system namely; children in conflict with the law, child witnesses, children in need of care and protection, and child victims of abuse and rights violations.

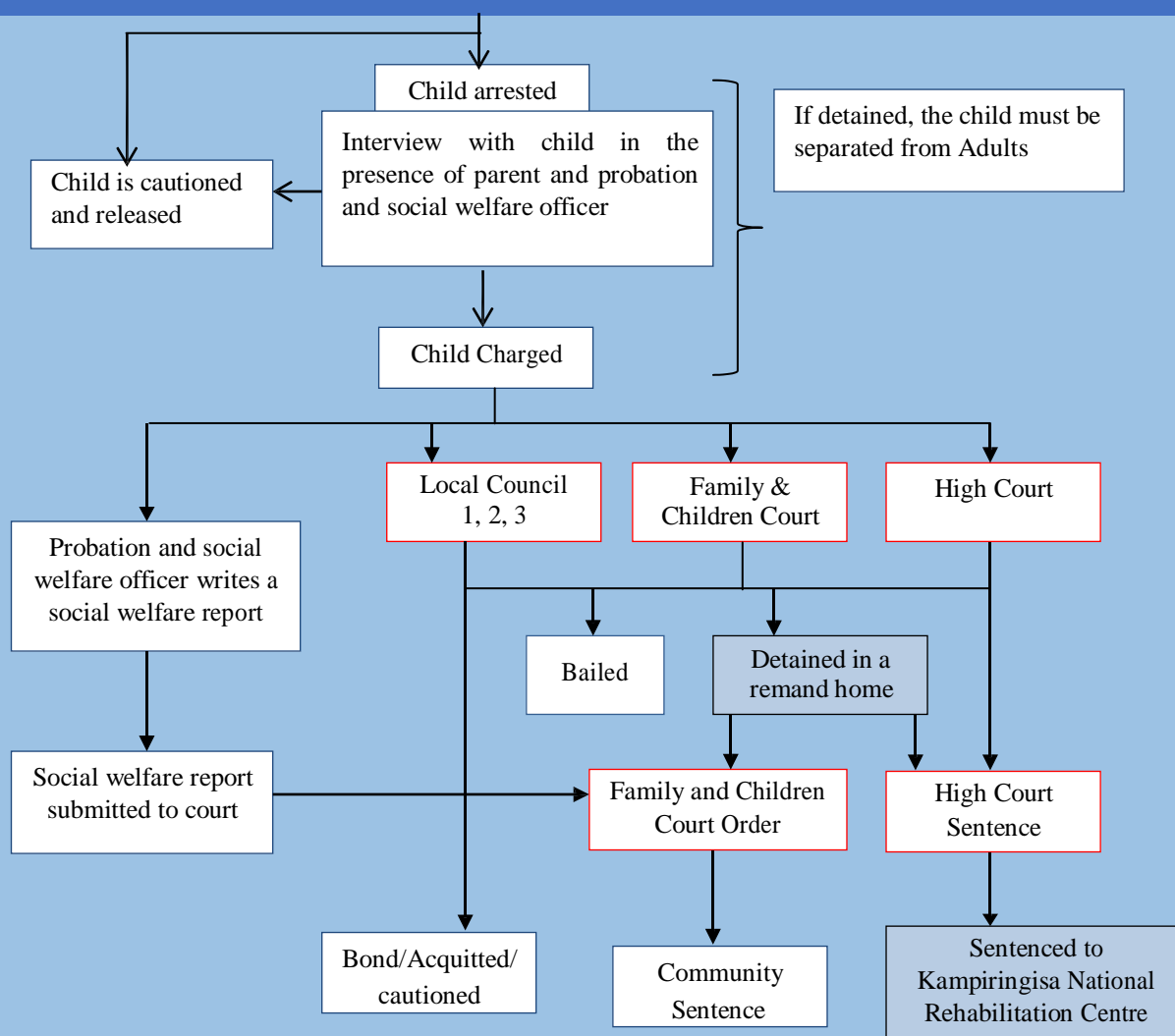
The responsibility for supporting children's access to justice is shared between:

- ❖ The Judiciary, particularly the Family and Children's Court (FCC),
- ❖ Ministry of Justice – the DPP as well as the Human Rights Commission,
- ❖ The Ministry of Internal Affairs – the Police which also has a specialized unit, the Child and Family Protection Unit (CFPU) to deal with children's issues,
- ❖ The Ministry of Gender Labour and Social Development – including the probation and social welfare structures as well as remand and rehabilitation institutions.

The FCC and the CFPU were instituted to ensure that children interfacing with the justice system are handled and supported in a manner that is cognisant of their unique vulnerability, needs and rights. At the time of the mapping, there were a total of 103 FCCs countrywide presided over by Grade I Magistrates.

The Children's Act provides a framework for handling cases of children in conflict with the law as highlighted in Figure 2. The framework seeks to maximize opportunities for diversion, ensure expeditious handling of cases in a manner that respects rights and needs of children and recognizes their vulnerability. Unfortunately these intentions are not always realized in practice due to challenges in the justice system.

Figure 2: The Journey of a child in conflict with the law in Uganda



Source: African Prisons Project (2010): Review of Ugandan Remand Homes and Rehabilitation Centre.

The major concerns and issues related to children's access to justice in Uganda include:

a) Judiciary related gaps and challenges;

- ❖ Limited access to courts due to delayed processing of cases, long distances to and from courts and the associated transport and other process costs
- ❖ Lack of specialised child protection training for judicial officers beyond the general training in human rights
- ❖ Lack of specialised judicial officers to handle children's issues/cases.

b) Police related challenges;

- ❖ Negative attitude by police officers towards children in conflict with the law (viewing them as purely criminals and not children requiring support)
- ❖ Lack of knowledge, skills and information about child related legislation partly due to inadequate training of police officers in child protection
- ❖ Lack of enough staff with the necessary authority to effectively handle child related cases within the CFPUs
- ❖ Poor coordination and linkages between the various units of the Police department, especially CID and CFPUs
- ❖ Inadequate facilities and logistics for the police to professionally and effectively discharge their functions
- ❖ Limited referral services/options for children interfacing with the police system
- ❖ Absence of standardised formats for data collection.

c) Remand, Probation and Social Welfare related challenges;

- ❖ Very limited and sometimes non-existent funding for Probation and Social Welfare activities by both the central government and the local governments
- ❖ The fusion between the probation function (which is a court function) and social welfare functions results into prioritization of the later at the expense of the former given the wide scope of responsibilities associated with the provision of social welfare services. This results into lack of support to and accompaniment of children interfacing with the justice system
- ❖ Inadequate, disproportionately distributed, and uncoordinated support services for child survivors of abuse/ violence and children in need of care and protection
- ❖ Despite the fact that most remand homes operate below their designated capacity, children on remand in many districts without remand homes continue to be detained in adult facilities and at police stations due to lack of transport facilities to transport children to the regional remand homes (and in the case of Gulu remand home, associated cost of maintaining a child there).

5.5 KEY CROSS-CUTTING ISSUES AND GAPS IN THE CONTINUUM OF CARE FOR CHILDREN IN UGANDA

The major challenges and gaps in relation to the availability and adequacy of preventive and remedial services for children in need of care and protection include the following;

- ❖ **Identification and reporting of child rights violations:** The fact that most child right violations are committed by people on whom children are dependent e.g parents and care givers, and teachers coupled with the costs associated with the reporting and follow up of process greatly undermines the prospect for reporting of child

rights violations. The lack of alternative care and support arrangements/options further constrains the ability of child victims to seek and access justice.

- ❖ **Limited geographical coverage:** Considering that a significant proportion of the child protection services (especially the psycho-social services) are delivered within the framework of specific projects, they cover only a very limited geographical scope.
- ❖ **Partial and disconnected services:** Due to lack of adequate coordination to ensure service convergence reflected by absence of one stop service centres for abused children, children have very limited access to comprehensive services.
- ❖ **Poor case management:** Owing to absence of uniform national standards for case management, inadequate casework documentation, poor referral services and systems as well as inadequate follow up and review of outcomes, the case management system is generally poor.
- ❖ **Inadequate logistics and infrastructure:** There are major logistical limitations among key service providers (transport, stationary, communication, practical support). The lack of alternative places of safety for emergency care and support to children in need undermines effective delivery of services for children.
- ❖ **Disconnect between policy and practice:** Despite a generally sound legal framework relating to children in conflict with the law, there are major shortfalls in practice (with respect to diversion, timeliness of response, role of probation reports, custody, rehabilitation and reintegration).
- ❖ **The risk of secondary abuse:** Though the need to protect child witnesses/victims from trauma and secondary abuse during the justice process is recognised and encouraged, it remains discretionary and depends on the sensitivity of the presiding judicial officer.
- ❖ **Diminished mandate of Local Councils:** Community level formal justice structures especially LC Courts which would be most accessible for children, are constrained by a diminished mandate and credibility and tend to miss-apply the law due to a tendency to overstep their mandate.
- ❖ **The role of informal justice structures:** whereas informal justice structures (community, clan and family) play an important justice role e.g in property and care issues, their work is not documented.



6.0 PUBLIC AND CIVIL SOCIETY ACCOUNTABILITY ARRANGEMENTS IN THE CHILD PROTECTION SYSTEM

Accountability mechanisms in a child protection system help to hold the various parts of the system and the actors within the system accountable for their actions including omissions and commissions and compel them to effectively discharge their obligations according to established standards. Uganda does not have a unified code of professional practice for all child protection actors.

The public sector child protection professionals are generally bound by the Public Service Code of Conduct which is generic in nature. Some institutions especially International NGOs have and implement organizational child protection policies. Overall, efforts to establish codes of conduct for child protection professionals are still nascent.

6.1 KEY PUBLIC ACCOUNTABILITY MECHANISMS FOR CHILD PROTECTION

The two key statutory institutions that discharge accountability responsibilities at both institutional and individual level in relation to human/children's rights are the Uganda Human Rights Commission and the Parliament of Uganda.

6.1.1 The Human Rights Commission

Established under article 52 of the Constitution of Uganda, the Commission acts as an Ombudsman for human rights in the country. Among other things, the Commission has the broad mandate to investigate human rights violations including visiting detention facilities; receive and dispose of complaints relating to human rights violations including ordering for compensation of victims; research and educate the public on human rights; monitor government compliance with international human rights treaties and make recommendations to Parliament on the most effective measures to promote human rights.

In 2011 the Commission received a total of 1,182 complaints of which only 22 were received directly from children highlighting the limited ability of children to directly raise complaints to the Commission. Cases reported by children were related to right to education, maintenance and neglect. A significant proportion of the public is not aware of the functions of the Human Rights Commission.

6.1.2 Parliament and the Uganda Parliamentary Forum for Children

The Parliament of Uganda is among other things responsible for pre-legislative scrutiny of bills before enacting them into laws; scrutinizing of the government budgets and plans, ensuring accountability in use of public resources and monitoring implementation of government programmes and projects. In all these functions parliament has the

potential and duty to hold the executive accountable for fulfilling the government's obligations to the wellbeing of children.

Although Parliament does not have a specific committee with responsibility for child rights and protection, children's issues are covered within a number of committees under the 9th Parliament as highlighted in Table 10.

Table 10: Parliamentary Committees responsible for children's issues

Committee	Issues covered
The Standing Committee on Equal Opportunities	Ensuring equal opportunities for all children especially those marginalized on the basis of age, disability or other reason.
The Standing Committee on HIV and AIDs and related matters	Protection of children from HIV and AIDS and access to treatment and support.
The Standing Committee on Human Rights Affairs	Monitoring government's compliance with established human rights standards, and treaties including those related to children. The Committee also scrutinizes the performance of public human rights institutions.
The Sessional Committee on Gender, Labour and Social Development	Monitoring the performance of the Primary Ministry for Child Protection (MoGLSD).
The Sessional Committee on legal and parliamentary affairs	Scrutinizing bills and laws relating to children and overseeing the performance of key justice institutions.
The Sessional Committee on Health	Overseeing issues related to children's access to health services including health services for victims of child abuse and neglect.
The Sessional Committee on Education and Sports	Overseeing children's access to quality education.

In addition to the statutory structures of Parliament, the Uganda Parliamentary Forum for Children (UPFC), a voluntary, non-statutory and bi-partisan advocacy group which seeks to ensure that all business of parliament is responsive to the needs and rights of

children, organizes exposure and capacity building activities to update members on issues affecting children.

6.1.3 Treaty Monitoring and Reporting Mechanisms

The treaty monitoring and reporting arrangements also constitute an important oversight mechanism on child rights/child protection issues. Key among these is the reporting mechanism embedded within the UNCRC, ACRWC, CEDAW and CRPD. Over the years in response to government reports and CSO alternative reports, the various treaty monitoring bodies have made recommendations to governments for enhancing the realization of the various rights of children enshrined in the respective instruments, although many of these recommendations remain unimplemented.

6.2 CIVIL SOCIETY ACCOUNTABILITY


Civil society organizations and actors including; local and international NGOs, Faith-based organizations, Community based organizations, the media and many other self-organized groups play a vital role in all areas of child protection. Despite this, there is no comprehensive data and or information on the number of CSOs active in child protection. This notwithstanding, the difficulty in tracing and accounting for the contribution and impact of the work of CSO within the child protection sub-sector is partly because there has been no comprehensive assessment of the quality of performance of CSO in child protection.

The government oversight function over child rights and child protection NGOs continues to be shared between the line Ministry responsible for Youth and Children Affairs (MoGLSD) and the National Council for Children. The NGO Board which is responsible for the registration of NGOs also has a mandate to ensure that all NGOs including child protection NGOs operate in accordance with and in fulfillment of their registered mandate. The Uganda Child Rights NGO Network is a membership organization that brings together over 100 child rights-focused organizations with view to enhancing self-coordination and improving the effectiveness of child rights NGOs. Despite these mechanisms, CSO accountability for child protection service delivery remains weak.

6.3 KEY CHALLENGES RELATED TO CHILD PROTECTION ACCOUNTABILITY MECHANISMS

1. The advisory nature of treaty bodies

Most of the recommendations made by Human Rights Treaty bodies are merely advisory and the treaty bodies have no legal mechanisms for compelling the state parties to comply with their recommendations. In the case of Uganda, most of these



recommendations have in the past not been widely and adequately disseminated nor effectively implemented.

2. Limited public awareness and access to the Human Rights institutions

There is generally a low level of public awareness about the role and work of public human rights organizations especially the Human Rights Commission which limits the level to which people, especially children, seek redress through such mechanisms. In addition the limited geographical presence (especially up-country) of the Human Rights Commission limits people's access to its services.

3. Lack of clear child protection standards for measuring performance

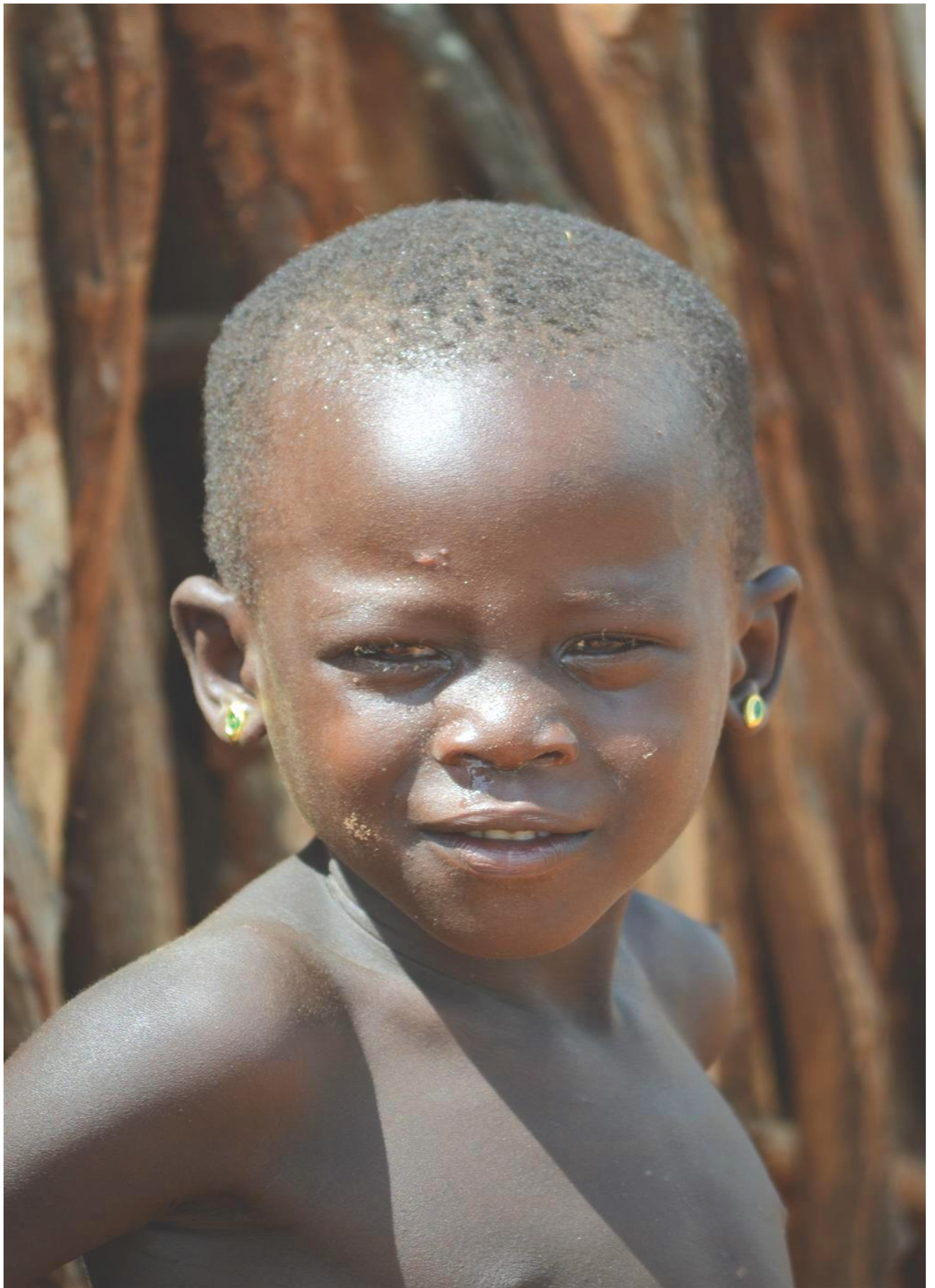
There are no clear national standards and protocols against which the performance of child protection agencies (governmental and non-governmental), can be measured. Each organization adopts its own approaches and standards which makes quality assessment difficult.

4. Limited children's involvement in public accountability mechanisms

Children are often at the receiving end of service provision with limited ability to influence the quality and adequacy of service provision and hold service providers accountable. Children's involvement in the various accountability platforms e.g., treaty reporting, public fora at national and district level is often over-mediated by adults and their contributions and concerns are often not acted on. Generally, there are hardly any institutionalized mechanisms for children to hold actors accountable for their obligations.

5. Weak coordination and quality assurance mechanisms for CSO interventions

The existing mechanisms for coordination and oversight over the work of CSOs are weak and ineffective. The MoGLSD and NCC relate with CSOs largely as co-partners in programme implementation and have limited capacity to coordinate the vast activities of child rights NGOs and hold them accountable. The self – coordination mechanisms of the CSOs have also not been effective in discharging this function. As a result there are big disparities and overlaps in the provision of services and widespread fragmentation of services due to lack of programmatic convergence within the CSO sector. Consequently, it is often difficult for children to access a comprehensive package of child protection services in any one centre or point.



7.0 RESOURCE MOBILIZATION AND FISCAL ACCOUNTABILITY

Resourcing for child protection is one of the most important dimensions in operationalizing an effective child protection system. Within the literature, most of the gaps and weaknesses related to the effective functionality of child protection responses have been attributed to poor financing of child protection activities, functions and services.

7.1 THE NATIONAL BUDGETING FRAMEWORK

The national budget is the most sustainable source of financing for public programmes including child protection. In Uganda, the Medium Term Expenditure Framework (MTEF) is the pre-eminent mechanism within which public resources are allocated and managed. The current MTEF covers the period 2011/2012 – 2016/2017).

The GoU has instituted a generally open and participatory approach to the budget making process which offers room for various stakeholders at both national and sub-national level to input into the final budgeting decisions.

At the time of the mapping, the National Development Plan (NDP) and or strategies and the budget/ MTEFs did not explicitly reference child protection. The MTEF budget line elements of the MoGLSD and that of other aligned Ministries with a child protection mandate are consolidated and do not allow for easy delineation of the actual resources earmarked for child protection. Budget support to the MoGLSD only focuses on payment of salaries and support to institutions).

MoGLSD together with NCC have the responsibility of ensuring adequate allocation of public resources for child protection activities. However, both institutions continue to face the challenge of articulating tangible/measurable outcomes of investing in child protection (which is a major criterion for resource allocation by the ministry of Finance).

7.2 KEY ISSUES RELATED TO FINANCING FOR CHILD PROTECTION

The major concerns related to resourcing for child protection include the following;

1. Limited capacity to influence the resource allocation process

Despite the open and participatory nature of the budgeting process, once determined, the budget projections under the MTEF do not usually change within a six year period. Addition of new elements into the MTEF requires high level political direction (from cabinet). Opportunities for additional financing from the budget (e.g., due additional resources becoming available to government) are always ad hoc and extremely competitive. Overall, the child protection sector has not been able to frame issues

related to child protection financing in a manner that resonates with the Output Based Budgeting (OBT) approach that is used by the government so as to attract the necessary resources to render child protection institutions and mechanisms effective. The lack of standard child protection packages makes it difficult to cost child protection interventions in a manner that would make them easily fundable and there have been no investments in defining these packages.

2. External dependency

Almost 95% of the funding that supports child protection work is donor-funded through time specific OVC grants and NGO programmes/projects²¹. Given the volatility of donor funding, this high donor dependency limits the prospects for sustainable resource allocation to some core and recurrent child protection cost areas.

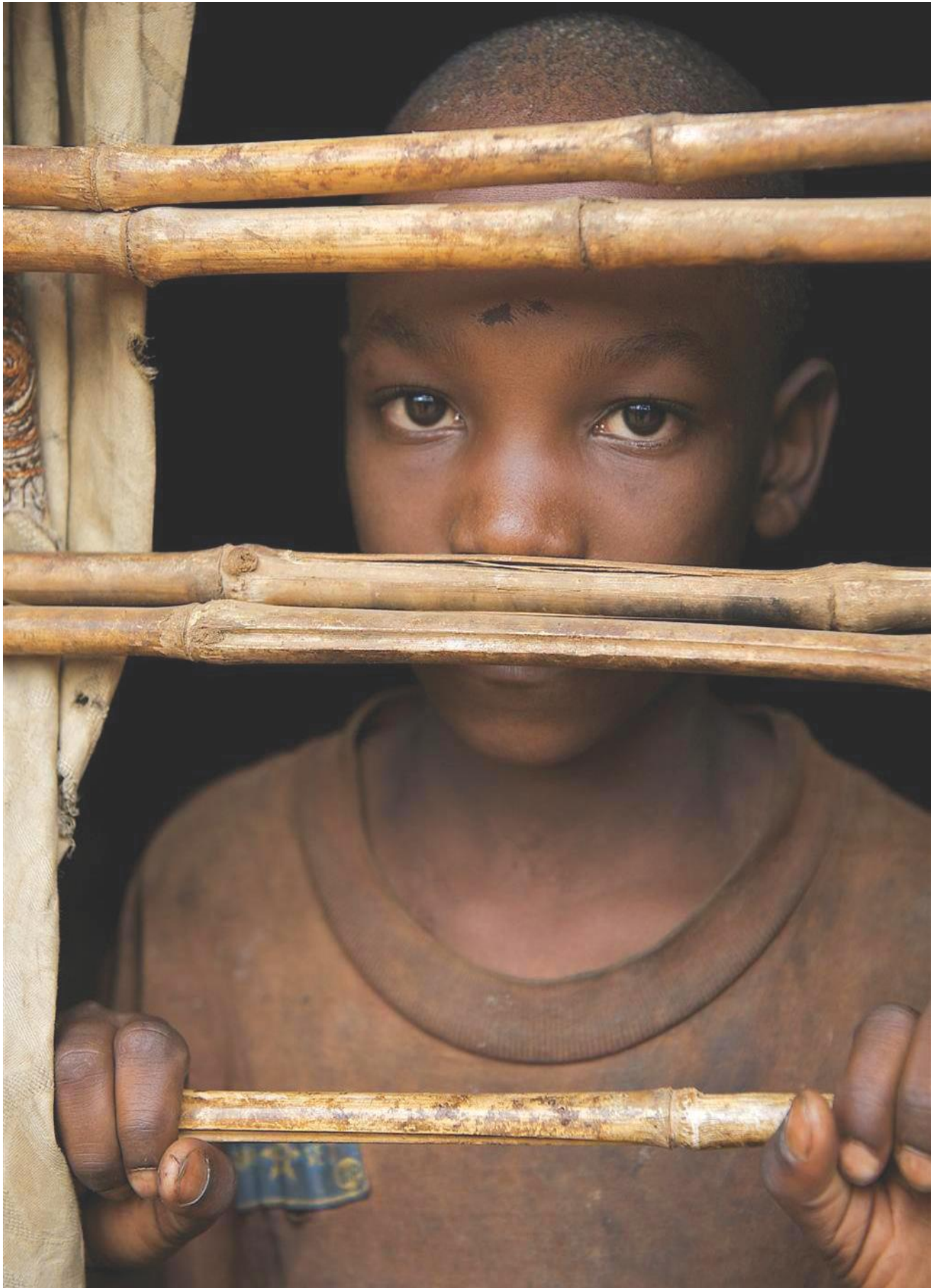
3. Off-budget financing

According to the Ministry of Finance, in circumstances where external (donor) support to public institutions is routed through the government budget, with pre-agreed transitional financing agreements between donors and government, government continues to support those programmes when donor support ends. Unfortunately almost all child protection related financing by donors is delivered off-budget. This diminishes any prospect of the government taking over financing responsibilities at the termination of donor support.

4. Lack of expenditure tracking

The Office of the Prime Minister instituted a monitoring and evaluation (M&E) system that would among other things enable the tracking of the use of public resources including those for child protection. Unfortunately, the system is not functional. In the absence of a functional and effective M&E system for all sectors, the Ministry of Finance (Budget Unit) only monitors high-spending/risk sectors (Education, Agriculture, Energy, Health, Roads, Information and Communication Technologies, Water and Sanitation and Supplementary expenditures). Consequently, it is not possible to confirm if funds allocated to child protection are effectively used for the purposes that they are allocated.

²¹ Interview with Official of the Ministry of Gender, Labour and Social Development.



8.0 AVAILABILITY OF DATA FOR DECISION MAKING IN CHILD PROTECTION

The availability of up-to-date reliable and nationally representative data on major child protection indicators is crucial for legislation, policy making, programming, resource allocation, advocacy and effective service delivery. Unfortunately the mapping process encountered major gaps in the availability of reliable and up-to-date data on key child protection indicators. The lack of reliable data was identified by most key stakeholders as a major gap in child protection planning.

8.1 SOURCES AND AVAILABILITY OF CHILD PROTECTION DATA

Currently, the major sources of child protection data include the following.

1. The national OVC Management Information System (MIS). At the time of the mapping, the OVC MIS collected data on four key indicators – child labour, birth registration, child protection and legal services, and children in conflict with the Law whose cases have been handled.

2. Uganda Bureau of Statistics (UBOS) has in its various national surveys provided status and prevalence data on birth registration, child labour, violence against children and disability.

3. The Uganda Police Services issues annual reports that include data on the number of crimes committed by and against children.

4. The Human Rights Commission in its annual reports highlights the number of children's cases reported and/or handled by the Commission.

5. Advocacy and Service providing NGOs, such as ANPPCAN, issue annual reports highlighting the number of child protection cases that they have handled.

6. Government Departments, UN Agencies, International and National NGOs undertake studies of various child protection issues of programmatic interest and produce and/or issue reports that are largely unrepresentative although they provide useful insights into specific issues.

The availability and adequacy of child protection data varies widely across the various child protection themes and issues. Whereas there is no child protection issue on which comprehensive, nationally representative and up-to-date data is available, some of the child protection issues on which some data is available include:

- ❖ Birth registration (UBOS, UDHS 2011),
- ❖ Child Labour (UBOS, UNHS 2009/10),
- ❖ Internally displaced and refugee children (UNHCR 2012),
- ❖ Children in residential Care (MoGLSD 2012),
- ❖ Children in Conflict with the Law (Uganda Police Annual Crime Reports),
- ❖ Violence against Children (ACPF 2012).

8.2 MAJOR CONCERNS RELATED TO CHILD PROTECTION DATA

The major concerns related to child protection data that became evident in the course of the mapping include the following;

1. Lack of data of key child protection indicators

There are major child protection issues and/or indicators on which reliable fairly recent data is either unavailable or very scanty/unreliable. These include: the number of children with disabilities, prevalence of child marriage, prevalence of FGM, children in need of alternative care, child trafficking, commercial sexual exploitation of children, status of children going through the justice system (beyond number of cases reported to the Police) as well as adoption and guardianship data.

2. Lack of nationally representative data

Several research studies that have been undertaken on key child protection issues have a very limited geographical scope (in one region or a few districts). Such studies cannot be relied on to project the national status in relation to a given child protection indicator.

3. Reliance on service based data

Most of the data provided by institutions such as the Police, the OVC MIS and service delivery NGOs and institutions is always limited to the children that have sought or received services from the respective institutions. When such data is used to project the level of prevalence, it constitutes a major under-representation, considering that the majority of children whose rights are violated do not report or access services. For example, very few cases of sexual abuse are actually reported to the Police.

4. Inadequate collection and management of routine child protection data

Notwithstanding the imitations associated with relying on service-based data, in most child protection service providing institutions, primary data is not well managed. This is especially so in relation to abused children accessing services from the health system and children going through the justice system (courts). The data collected through the OVC MIS system is also partial and unreliable. There is also very limited data on cases handled by the Probation and Social Welfare Officers in the various districts.



5. Data disaggregation

Often, where data is available, it is not adequately disaggregated in terms of age and sex, which clouds the differentiated vulnerability and needs of boys and girls of the various age groups.



9.0 PRIORITIES FOR STRENGTHENING THE CHILD PROTECTION SYSTEMS IN UGANDA

The following recommendations are informed by the analysis of the key gaps in Uganda's child protection system by the assessment team as well as the suggestions made by key child protection stakeholders that participated in the child protection mapping validation workshop held in December 2012. The recommendations are structured around the 7 key building blocks of an effective child protection system.

9.1 LAWS, POLICIES, STANDARDS AND REGULATIONS

Given the widely acknowledged robustness of Uganda's legal and policy framework, and the significant disconnect between the normative framework and actual implementation, the key proposed priorities in this area include the following;

Consolidating and updating child protection laws

Legal reforms should be directed towards bringing the scattered child protection provisions (in the various legal instruments) into a consolidated child protection code whose implementation can be more effectively coordinated and monitored. This includes updating the laws to provide appropriate sanctions for all child rights violations and strengthening provisions that guarantee child friendly processes for child victims and witnesses.

Enacting a national child Protection policy

In order to guide and harmonize the actions of the various child protection actors and institutions as well as redress the current dichotomization of child protection efforts, government should enact a national child protection policy that consolidates the child protection elements that are currently scattered in the various sectoral policies.

Institute practice standards and regulations for all key child protection actors

In order to minimize the risk of children's exposure to abuse or unprofessional practice in the course of seeking and accessing child protection services, the MoGLSD should institute, implement and monitor practice standards for all key child protection actors and institutions.

Simplification and dissemination of laws, policies and standards on child protection at all levels

Given the complexity of the various child protection laws and policies in a context of widespread literacy challenges, it is imperative to develop and widely avail simplified versions of the key child protection laws and policies in languages that the various child protection actors including children and their care givers can clearly understand as a supplement to all the awareness and sensitization work that is ongoing.

9.2 COOPERATION, COORDINATION AND COLLABORATION

In order to engender a more integrated and systematic approach to child protection, there is critical need for actors to improve coordination, co-operation and collaboration among themselves.

Review and re-align the existing child protection co-ordination structures at both national and district level

There is need to review and harmonize the linkages between the various child protection coordination structures and mechanisms to ensure value addition within and across the child protection sub-sectors. This may require centralizing the mandate for coordination of child protection work to one or fewer structures that can be adequately supported to be more effective in this role.

Strengthen multi –sectoral linkages

There is need to address the barriers to effective multi sector participation in the coordination of child protection initiatives. The starting point in addressing this gap is to ensure that the child protection mandate of each of the key sectors is clearly defined and understood by the respective sector with dedicated financial and human resources to coordinate this function under each of the sub-sectors/key ministries.

Improve civil society co-ordination

There is need to institutionalize effective intra-CSO coordination mechanisms as well as coordination between CSOs and the government at all levels.

9.3 CAPACITY BUILDING

There is need to systematically address the capacity gaps that are undermining the functionality and effectiveness of the various elements of the child protection system.

Undertaking a comprehensive capacity audit of the child protection system

Building on the preliminary assessments so far done, there is need to commission a multi-sectoral assessment of the needs and capacity gaps in relation to child protection within the various sectors as a basis for a more comprehensive and targeted multi-sectoral child protection capacity building programme.

Expanding the social work force across the child protection sector

There is need to address the inadequacy of social work professionals at various levels of the child protection system both within MoGLSD and within key secondary Ministries and institutions with a child protection mandate especially the institutions responsible for justice.

Expanding standardized child protection training for key child protection professional and actors

In order to bridge the evident gaps in the technical competence of key child protection professionals at various levels, the MoGLSD and partners should expand the availability and access to standardized and accredited child protection programmes targeting in-service child protection professionals across the various child protection sub-sectors. In addition, efforts geared at mainstreaming child protection pre-service training for key child protection professionals e.g., lawyers and judicial officers, health professionals, police, and teachers should be sustained.

Redress logistical constraints

The mapping process and previous assessments have highlighted the critical logistical handicaps that hinder the effective delivery of child protection services. These gaps must be addressed with special focus on the district community based services departments and the Family and Protection Units of the Police.

9.4 SERVICE AND SERVICE DELIVERY MECHANISMS

The major challenges to be addressed in the area of service delivery relate to the scattered and disconnected nature of child protection services at all levels which undermines children's access to comprehensive and good quality child protection services.

Mapping and monitoring service provision coverage

In order to rationalize the delivery and access to child protection services, there is need to undertake periodic mapping of child protection service provision across the country so as to direct interventions and services to the most deserving and least served areas and gradually promote universal coverage of integrated child protection services.

Institutionalize universal case management system

In order to ensure systematic and holistic delivery of child protection services, the key actors across the child protection sector must evolve, institutionalize and promote a more universal case management framework including well elaborated referral pathways and documentation procedures in relation to child protection services.

Strengthen quality assurance mechanisms and monitoring outcomes for children

Building on the available quality standards in relation to child protection within the OVC policy framework, there is need to expand the scope and coverage of these standards to cover all child protection sector actors and institutionalize a mechanism for monitoring and promoting compliance with these standards.

Strengthen the oversight role of the MoGLSD in relation to community level service delivery

There is need to address the disconnect between the MoGLSD and the child protection institutions at sub-national level so as to strengthen the supervisory and oversight function of the MoGLSD in relation to the delivery of child protection services at district and community level.

9.5 COMMUNICATION, EDUCATION AND MOBILIZATION FOR CHANGE

Future efforts must be directed at scaling up evidence-based good practices that enhance the protective environment and address deeply rooted beliefs, attitudes and cultural practices with a major bearing on the overall protective environment for children.

Promote community dialogue on controversial child protection issues

In addition to the enforcement of legal provisions against abusive social and cultural practices, there is need to scale up and embed, within child protection interventions, approaches that promote dialogue with communities on key controversial practices such as FGM/C, corporal punishment, early marriage and child labour.

Promote indigenous agents of change (cultural and religious and opinion leaders)

In order to engender sustainable positive transformation of attitudes to child protection, there is need to identify and promote local champions and agents of change outside the professional cadre of child protection actors including religious, cultural and other opinion leaders in challenging strongly held beliefs and practices that are grounded in cultural norms and religious beliefs.

Strengthen links with the Media

Given the vital role of the media in shaping public opinion and attitudes, future strategies should focus on strengthening strategic partnership between the child protection sector actors and the media.

9.6 FINANCIAL RESOURCES

Future strategies must be directed at finding new ways of attracting resources into the child protection sector while at the same time insuring improved efficiency and accountability in the utilization of the available limited resources.

Targeted advocacy to incorporate child protection into MTEF

Targeted and innovative advocacy efforts are necessary to ensure the explicit inclusion of child protection financing within the national budget framework. This calls for

substantially improved articulation of measurable child protection packages, indicators and outcomes.

Advocacy for district conditional grants for child protection

In order to re-energize community level service delivery, immediate efforts must be directed at lobbying for the institution of conditional grants to districts from the national level to support child protection programmes at community level.

Re-direct donor-funding to key child protection system priorities and stronger co-ordination of donor support

If the shift from a thematic and disjointed approach to a more systems-oriented approach to child protection is to happen, there is need for re-alignment and re-direction of the current and future donor-funding priorities and focus. This calls for a stronger donor coordination mechanism.

Resource tracking mechanism

In order to sustain and justify expansion of the current levels of child protection financing, there is need to guarantee effective utilization of the available resources. This calls for instituting an effective resource tracking mechanism for both public and donor funded child protection programmes.

9.7 ACCOUNTABILITY MECHANISMS

For any system to deliver good quality outcomes sustainably, there is need for strong accountability mechanisms in order to ensure that both individuals and institutions are effectively discharging their respective mandates and obligations.

Institute periodic sector performance review against targets and indicators

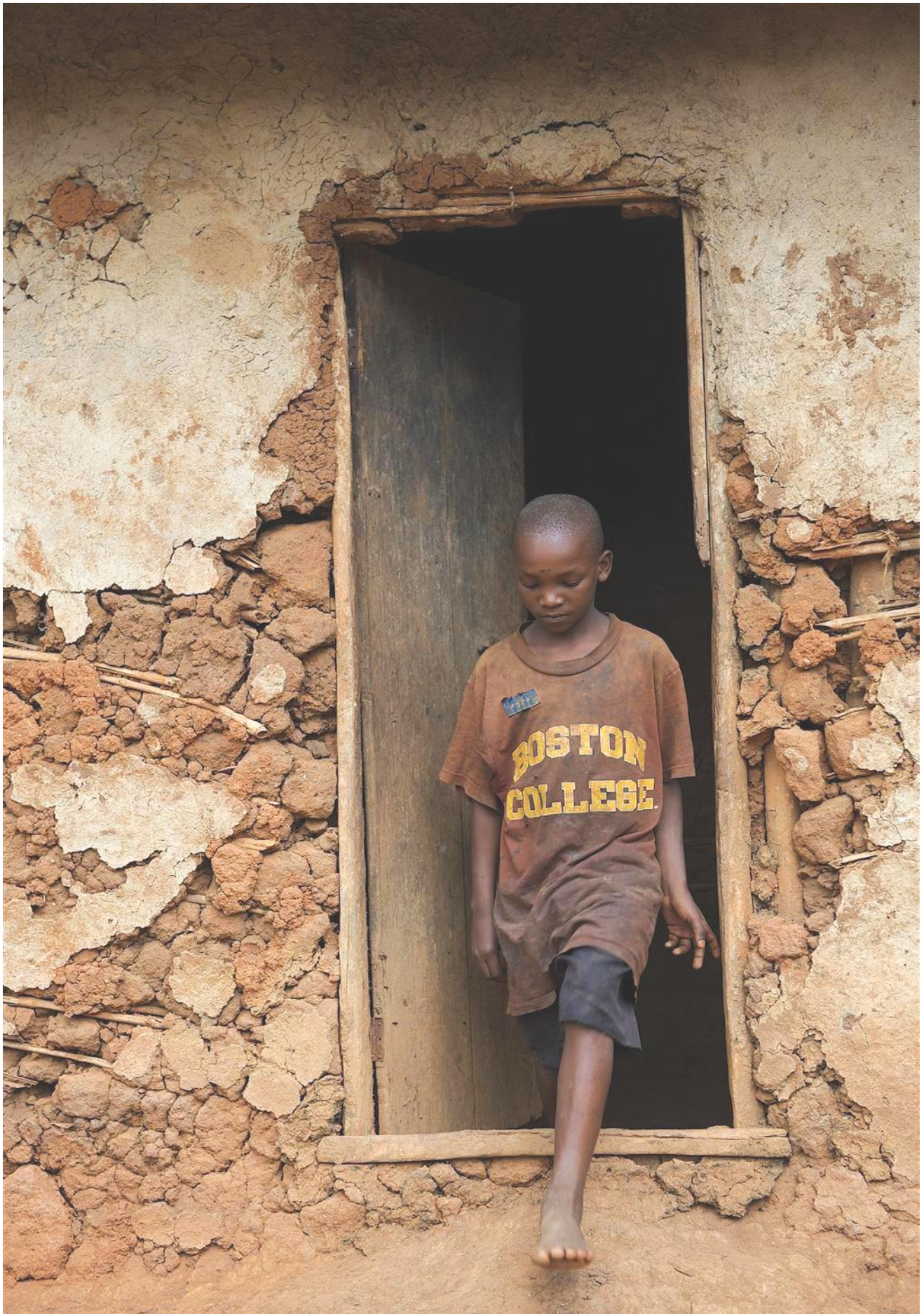
In order to hold child protection duty bearers at various levels accountable, there is need for a well-articulated and focused sector-performance framework with clear targets and indicators, timeframes and levels of responsibility, as a basis for regular (preferably annual) performance reviews.

Strengthen the child protection focus within the key accountability mechanisms

Future efforts ought to be directed at ensuring that child protection monitoring is distinctively integral to the work of institutions such as the Human Rights Commission and the Human Rights Committee of Parliament. Recommendations of treaty monitoring bodies relating to child protection need to be monitored and followed by these institutions.

Child protection information and data information management

An effective performance measurement and accountability mechanism must be based on a reliable and up-to-date evidence base. This calls for investment in strengthening the child protection data and information management system at all levels.



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