



**YOUNG PEOPLE
IN CONFLICT
WITH THE LAW
IN NORTHERN
UGANDA**



**Chance for
Childhood**

Rebuilding young lives for a better future

Young People in Conflict with the Law in Northern Uganda

INTRODUCTION

In Northern Uganda, the legacy of war and prolonged poverty continues to affect young people with limited education and skills, forcing them to survive in a subsistence environment with little to no prospect of gaining employment. The latest Statistical Abstract released by the government of Uganda confirms that the incidence of poverty remains highest in the Northern region (44% in comparison to 5.4% in the Central Region), whilst a recent youth survey highlighted that up to 70% of the 15-24 age group are involved in subsistence farming, often sharing already limited earnings with their parents and siblings (Dynamics, 2016).

Since 2013, Chance for Childhood (CfC) has been documenting the links between poverty and the likelihood of coming into conflict with the law in the region, and opportunities to promote restorative justice arrangements that address the root causes of committing petty crime. **In 2015, CfC launched its four-year Right2Change initiative, working in partnership with local grassroots organisation Passion for Community (P4C). The project supports Children in Conflict with the Law (CiCL) access alternatives to detention, and pilot a model of community-based structured diversion.** The project targets children who would normally face four fates: indefinite detention by the police in inadequate conditions; referral to adult prisons; being sent to Gulu remand home to face long delays for justice, or an immediate release with no aftercare support due to over-subscription.

Moving away from a short-term punitive approach and lack of care, the project promotes a holistic rehabilitative approach to provide alternatives to detention, including access to legal aid, psychosocial support through Cognitive Behavioural Therapy and peer mentoring, and vocational training to improve access to employment. Developed in consultation with UNICEF, the Justice, Law and Order sector and the Uganda Law Society, Right2Change aims to build the capacity of local judicial systems and empower communities to support rehabilitation of young offenders that provides lasting behaviour changes and lower re-offending rates.

To establish the current situation for young people within the juvenile justice system across the four districts, Right2Change carried out a baseline survey between March and April 2015.

A representative sample of 60 children (47 boys and 13 girls) aged 8 to 17, and samples of various local officers and staff of grassroots structures and the judicial system (64 in total) and other staff (45) took part in the baseline survey. This report summarises the data collected through the use of open-ended questionnaires.

The Institutional Framework

Uganda is said to be performing well in its approach to CiCL and has designed an ambitious juvenile justice legal framework (Moore, 2010). It has ratified international treaties, such as the Convention on the Rights of the Child, along with implementing the National Children's Act to put in place safeguards for the rights of all children (Penal Reform, 2014).

According to the Uganda Constitution, diversion is an alternative strategy developed to prevent young people from committing crime and to ensure they avoid custody if they are prosecuted. This can include attending vocational training or receiving psychosocial support.

However, fragmented implementation, coupled with inconsistent monitoring and evaluation, mean that in reality CiCL continue to face arbitrary arrest, lengthy pre-trial detention and violence (Penal Reform, 2014).

SURVEY FINDINGS

Reasons for detention

The 60 children interviewed for this survey came from different villages within Agago District and had all been arrested at least once since 2013. 82% of the children were teenagers (13 and above), and it was amongst this group that we found a higher rate of more serious crimes being committed, such as defilement and assault. Fewer girls tend to end up in conflict with the law compared to boys, illustrated by the gender split in the sample, whilst the survey also highlighted clear difference between boys' and girls' experiences in the reasons for arrest. Worryingly, attempted suicide was the main reason why girls entered in conflict with the

law¹, with others ranging from defilement to burglary. However, for boys, the most frequent crime committed was assault, with petty theft and defilement also common.

The most common motivation for committing a crime was peer influence. While many of those surveyed did not themselves highlight poverty as a root cause of their crime, the prevalence of "neglect and abuse" and "lack of care and necessities" as the next two most frequent factors points to children often living in desperate conditions, with no financial resources or a stable family to depend on.

Experiences of detention

The overwhelming experience of arrest and detention was one of fear and confusion. The vast majority of children reported being subjected to both emotional and physical abuse during their first contact with the police officers and also whilst in detention. Moreover, the majority of children reported that they were either given no information or unclear information about the next steps. This highlights the need for procedures and explanations given to CiCL to be child-friendly and understandable, and ensure their meaningful participation. When asked to rate their experiences of the facilities and their treatment, the most common answers were 'very poor' and 'poor'.

Experiences of reintegration into the community

Children who have been in conflict with the law may be subjected to stigma and mistreatment when they return to their communities. A staggering 50% of the children reported feeling threatened by their community upon return, and a quarter felt they were labelled as a criminal. Eight children felt they were viewed as a 'disgrace', and three said they had been disowned entirely. The latter were taken in by clan members, who took on sole responsibility for the child by providing care and basic needs. This evidence clearly highlights the misconceptions and negativity faced by children who have been in conflict with the law and how this impacts their lives after having been released.

When interviewing people in positions of authority and within the judicial systems, (e.g. Child Protection Committee members and Probation Officers) the

general consensus was that one of the best ways of tackling the challenges of CiCL cases would be to raise awareness in communities on child rights and juvenile justice. It was often stated this should include educating parents on their responsibilities for their children and helping them understand the justice system.

Alarming Facts

- **83% of the CiCL were not offered food or water upon arrival to a detention centre**
- **77% expressed being in fear and confused during their first contact with the police**
- **Only 3% of the 60 children and young people received information about the procedures of their cases by the police**
- **Only 8% were provided with a blanket whilst in detention**

Experiences of counselling and/or diversion

While their experiences of the justice system may have been punishing and difficult, three quarters of the children did in fact receive some form of counselling during their detention. Counselling sessions were mainly conducted by P4C during bi-weekly spot checks of the police cells and Patongo prison. 88% of children who were given counselling said they found it helped them to change their behaviour. When children were consulted about their plans upon release, the vast majority expressed their wish to return to education.

Despite the petty nature of crimes committed by the survey's respondents, only 15% of those surveyed were registered for diversion programmes, and none were girls.

Challenges and solutions

Some of the main challenges raised, mainly by frontline workers and other officers in the community, were problems within the judicial system, such as lack of resources and funding, which limits its ability to deal

¹ In Uganda, non-fatal suicidal behaviour is a felony punishable by up to 2 years imprisonment.



Working in the most remote areas, Francis Okullu, Lawyer and Head of the Agago Legal Aid Unit has already supported over 200 children and young people to access legal aid in 2015. The Legal Clinic works closely with local police stations, the Magistrate and the District Chain-Linked Committee (DCC) to ensure legal representation to juveniles, and that detention is always used as a last option.

efficiently and effectively with CiCL. The lack of remand homes or rehabilitation centres was often cited as a critical barrier to improving adequate support and appropriate facilities for CiCL. Simultaneously the focus on remand home provision somewhat revealed a lack of awareness of the benefits of diversion options.

Other most commonly raised issues were difficulties with parents and the community. Many officers, such as Child Protection Committee members, suggested parents conceal information to defend their child. In contrast, parents respondents reported a lack of communication from the police as to the whereabouts and bail conditions of their child. Although the vast majority of officers interviewed knew of diversion as an alternative justice solution, opinions regarding the advantages and disadvantages

were mixed. Several responses from magistrates and Probation Officers, highlighted the less costly nature of diversion which they stated reduces crime and re-offending rates. In contrast, a principal disadvantage stated by others was that diversion may encourage re-offending. It was also expressed that diversion can expose children to risks and threats from their community, providing less security than being in detention.

This last point suggests that for diversion to work successfully, it must be implemented alongside other interventions tackling awareness on issues surrounding children and the law so as to create a wider network of support. Nevertheless, opinions overall seemed to believe that diversion is a positive method for tackling and supporting CiCL overall.

Conclusions

The Right2Change baseline exercise allowed to establish several key assumptions on the state of the juvenile justice system for CiCL in Agago District. Firstly, it is clear that the system and processes of arrest and detention are not child-friendly. Children overwhelmingly reported feeling scared and nervous during contact with police and whilst in detention. Additionally, CiCL are unclear and confused regarding their rights and the legal procedures.

Encouragingly, those children who do receive counselling found it helpful to support behavioural change and commit to improving their lives upon release. Feelings towards diversion, from both children and the adults working within the justice system or community, are mostly positive, suggesting this could be an effective method for enabling CiCL to reintegrate into society. Yet it is also evident that it is not purely children responding well to counselling or diversion that will help improve their chances in life. Awareness needs to be raised within communities on child rights and protection, risk factors to engaging in crime, and availability of peer mentors and role models so that children are not stigmatised and mistreated when returning to their homes and communities.

Actions and recommendations

Through a focus on diversion, reform, rehabilitation and support, the Right2Change project aims to realise the following outcomes by end of 2018:

- support over 400 CiCL receive free legal aid and counselling and protection at all time within the justice system, in turn reducing risks of victimization as a predictor of future discrimination and/or re-offending
- provide vocational training and income-generating activities to 1,300 children and young people, to help break the cycle of poverty and desperation that leads to re-offending.
- provide training to over 600 frontline workers and share best practices with child protection organisations on diversion interventions, to raise standards of care and quality for CiCL and young people at risk who may benefit from comprehensive occupational therapy promoting positive behavioural change.

As part of its advocacy objectives the project will also produce evidence and recommendations on;

- the unique experiences of girls at risk and/or in conflict with the law in Northern Uganda, and subsequent implications for community-based rehabilitation programmes
- the cost-efficiency and Social Return on Investment of community-based structured diversion

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