Understanding factors of offending amongst girls in conflict with the law: recommendations from Northern Uganda's first community-based diversion programme.

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Acronym

ECOSOC UN Economic and Social Council
CiCL Children in Conflict with the Law
P4C passion for community
UGX Uganda shillings
SGBV Sexual Gender Based Violence
FGM Female Genital Mutilation
LRA Lords Resistance Army
NGOs Non-Government Organisation
LCCs Local Council Court
CFPU Child and Family Protection Unit
BIC Best Interest of the Child
DCCs District Chain Link Committees
Abstract

International legal frameworks demand that juvenile justice systems should be purely directed at rehabilitation and reintegration. The UN Committee on the Rights of the Child comments on children’s rights in juvenile justice; “traditional objectives of criminal justice, such as reparation/retribution, must give way to rehabilitation and restorative justice and objectives in dealing with child offenders”. These legal frameworks also place emphasis on the unique risks and vulnerabilities faced by girls. For example, the ECOSOC (UN Economic and Social Council) Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (2005) recognizes “that girls are particularly vulnerable and may face discrimination at all stages of the justice system.” This discrimination could include being harassed and sexually assaulted by the police when reporting a crime.

Despite internationally recognized evidence of their unique needs, juvenile justice systems fail to respond to girls in conflict with the law in a gender-sensitive manner, and this impacts their experiences at every stage of the judicial process, including pre-trial, during detention or non-custodial sentences and after release. Our literature review and practical research in Northern Uganda aims to shed light on the specificities of girl offenders who make-up almost ten percent of the population of Children in Conflict with the Law (CICL) in Uganda. This research also highlights the need to consider histories of neglect and abuse in pre-determining the likelihood of engaging in crime, and most importantly to challenge negative and labelling attitudes amongst communities to which girls in conflict with the law return after their release. This research paper also offers recommendations for gender mainstreaming in juvenile justice interventions, with particular attention given to ensuring the active participation of girl’s protection and their successful rehabilitation.

This paper begins by examining the underlying factors which lead girls to come into conflict with the law drawing on Chance for Childhood’s experience in Northern Uganda as well as global literature. The final sections of the paper focusses on the measures Chance for Childhood and P4C are taking to ensure the equal treatment of girls in the formal and informal justice systems.

Key words: Girls Offending, diversion, Northern Uganda
1.0 Introduction

This paper investigates the factors that lead to offending amongst girls in conflict with the law in Northern Uganda. It seeks to share recommendations from a community based diversion programme implemented by Chance for Childhood through a local partner, Passion4Community in Northern Uganda. Northern Uganda, a post conflict area, presents unique human development challenges as a result of three decades of war. It has some of the worst human development and child wellbeing indicators in East Africa. More than one study in Uganda identifies a strong link between the vulnerability of young people and the engagement in criminal activities (NSSPPI, 2011). Various vulnerabilities force children to abandon their childhood in order to seek different coping strategies to ensure their survival. Often, children are forced into deplorable situations of abuse and neglect, such as being trafficked for sexual exploitation (Harrop, 2016). The post conflict situation in Northern Uganda has exacerbated situations that pull and push children into conflict with the law. In the first year of implementation for example, the Right 2 Change project served a total of 373 children in conflict with the law, close to a quarter of whom were girls. Through the experiences of Chance for Childhood in Northern Uganda, we explore the factors that compound offending amongst girls in Northern Uganda. More importantly, we discuss recommendations from the community based diversion programme.

2.0 Methodology

This review is based on the experiences of the diversion programme implemented by Chance for Childhood in Northern Uganda and a literature review (Harrop, 2016) that involved a critical review of existing knowledge and information on this subject, with emphasis to factors relevant to Northern Uganda. We explored a number of thematic areas which included factors that lead to offending amongst young girls in Northern Uganda. This was supplemented by case studies, focus group discussions and structured interviews with Right 2 Change project beneficiaries and stakeholders including frontline workers such as magistrates and police officers.

3.0 Findings and discussion

In this section we discuss in general terms the vulnerability of children in Uganda and risk factors that influence offending, as well as discussing the recommendations from the Right 2 Change programme in Northern Uganda.

3.1 Child vulnerability in Uganda

More than half of Uganda’s population (56%) is under 18 years of age and yet this group represents the most vulnerable sub population in Uganda. For example, more than a third of the children aged between 6- 17 years live in poverty. According to a situation analysis of child poverty and deprivation, 24% of children aged 0-4 and 18% of children aged 6-18 can be characterized as living in extreme poverty and experience extreme
deprivation (MoGLSD et al., 2014). Available literature about child vulnerability in Uganda indicates that child vulnerability of whatever nature is context specific (NSSPI, 2011). Northern Uganda, a post conflict area, presents unique human development challenges as a result of three decades of war. A situation analysis conducted by Kalibala and Lynne (2010) revealed that nearly all Ugandan children (96 percent) are vulnerable; 43 percent (7.3 million) suffer from moderate vulnerability, and 8 percent (1.3 million) suffer from critical vulnerability. But although child vulnerability is widespread in all regions as indicated, it is greatest in post conflict areas, in particular, Northern Uganda. According to the Uganda’s National Strategic Programme Plan of Interventions for Orphans and Other Vulnerable Children, the northern region has the highest percentage of vulnerable children in the country at 62.9% compared with the central region at 41.4%. Primary school enrolment rates are lowest in the Northern region and in rural areas, with the gap increasing at secondary school level.

3.2 Risk factors of offending amongst girls in Northern Uganda
3.2.1 Poverty and its Gender dimension

Various theories and literature indicate a strong link between crime and poverty (Durkheim, 1994). For both boys and girls in Uganda, theft and other crimes has been seen as a response to poverty. Young people aged 18-30 account for 64% of the total unemployed population in Uganda. Unemployment is higher among the well-educated and among young women. However, even where youths are employed, 60% of paid young employees take home less than the average monthly wages/salaries. The disparity in median monthly wages is significant at UGX 66,000/= (USD $20) for females and UGX 132,000/= (USD $40) for males. Furthermore, according to the Uganda Bureau of Statistics (2015), the incidence of poverty remains highest in the Northern region, which tops all the following categories in Uganda; chronically poor (26.3% of population), slipped into poverty (14.9% of the population) and 62.7% of the population is considered poor (non-poor 37.3%). Due to the gender inequalities, girls and young women in Uganda make up a disproportionate number of the poor. Distinctly, girls and young women are less likely to have access to employment and are more vulnerable to human rights abuses such as Sexual Gender Based Violence, which exacerbates their poverty and likelihood of engagement in crime. Faced with multiple educational, social and economic deprivations, many girls and young women residing in Northern Uganda are left with no option but to engage in other survival strategies which may involve undertaking employment in the informal sector, working and living in the streets.
Case Study A: A child forced to steal because of compounding poverty

Alice, 16 years – Theft: Alice is 16 years old, born in 1998 in Oyam district, Northern Uganda. She grew up with both parents who are both peasant farmers. Alice dropped out of school in 2013 “my father is an alcoholic who used to insult me using bad languages and above all failed to support my education”. She moved to Kalongo Town, Agago District, to earn money so that she join a vocational training school. “While working in one of the guest houses in Kalongo as a waitress, I was arrested for stealing UGX 1,000,000/= and held in Patongo prison.” During a regular inspection by P4C, Alice was identified as a child amongst adult prisoners and her case was raised with the magistrate Grade I Court in Patongo for bail application. With P4C Uganda support, she was counselled and then taken to court and released on a non-cash bail of UGX 2,000,000/=. She was brought to Patongo Youth Centre and offered further counselling and afterwards rehabilitated with her biological parents in Oyam district.

3.2.2 Vulnerability of girls (Inter-related vulnerabilities)

According to the Adolescent Girls Vulnerability Index developed by UNICEF and the Population Council, “adolescent girls are more socially and economically vulnerable (both at individual and community level) than boys” (Amin et al., 2013). Nonetheless, there are specific groups of girls who are further affected and may face more than one vulnerability. These include girls with disabilities, girls in conflict-affected areas, girls who are out of school, and girls subjected to child marriages. Due to a combination of stigma and lack of adequate support structures, girls with disabilities find it more challenging to access the education system (Harrop, 2016). Adding to this, shame, poverty and negative cultural beliefs increase the vulnerability of children with disabilities to violence. A study by the African Policy Forum in 2011, indicated that girls and young women with disabilities are ten times more likely to suffer sexual violence than boys at 16%. Correspondingly, responses from our focus group discussions indicate that girls in street situations also face various challenges and are more susceptible to diseases, sexual abuse, unwanted pregnancy, and stigmatization. A girl’s livelihood options on the street are likely to result in coming into conflict with the law as she may find herself in situations where she may be forced to “choose” between stealing, commercial sex work or going hungry (Harrop, 2016). Consequently, this not only leads to infections and diseases, including HIV/AIDS but substance abuse and unwanted pregnancies, making their vulnerable situation worse (Retract, 2010).

A local council leader in Patongo notes that chances of crime are high in a post war area;

“Yes, having more problems increases the possibility of committing a crime in this area. One problem leads to the other.”
Yet the interrelated vulnerabilities in these areas are still fully entrenched in this community. The observation made by one of the frontline workers in the area summarizes this. Asked to provide a comment on this subject, he noted the following:

“Many children have been born in camps and they have been used to handouts and they are very lazy. As a consequence, they are prone to violence because of their desires/wants, for example; smart phones, good dresses, good life from rich men.”

3.2.3 Lack of access to education

While access to primary education by gender is relatively equal in Uganda, there are indeed noticeable educational disparities as children grow up. For instance, in 2012 there were only 44% of girls enrolled into Higher Institutions in comparison to 56% of boys (UBOS, 2015). This disparity in access to education is most marked in the Northern region, where only 48% of the females are literate compared to 73% of males (UBOS, 2015). The gender discriminations which exist in Uganda are undeniably one of the major hindrances limiting girls’ access to a quality education. In a like manner, the Ministry of Gender, Labour and Social Development (2007), states that “discriminatory practices continue to thrive against the girl child who is expected to stay at home and look after their siblings, compromising their right to education”. On the other hand, there are many cases where young girls have had the opportunity to receive an education but dropped out due to multiple factors. For instance, some girls drop out of school as a result of the school’s inability to protect them from abuse and also discriminative attitudes practiced by male teachers (MoGLSD, 2007). In a like manner, responses from our focus group interviews in Patongo also highlighted how some girls drop out of school due to poverty as well as lack of parental guidance.

We highlight some observations from some participants in our discussions that show a link between crime and school dropout;

“Mostly men who are doing some work and their women are not doing any work, so the men impose a lot of violence upon them.”

“There is also violence due to frustration from dropping out of school and unemployment.”

3.2.4 Girls and child marriages

Drawing on existing literature, it is evident that opportunities for girls to develop their capabilities through education are also undermined by other factors such as child marriage. The Northern region has the highest rate of child marriages (estimated at 59%) which is regarded to be one of the leading factors pushing girls to drop out of school (Government of Uganda and UNICEF, 2015). Undoubtedly, child marriage is a violation of human rights which compromises the development of the girl in multiple ways such as high rates of child malnutrition, difficulties with sexual and reproductive health notably HIV/AIDS (Harrop, 2016). In addition to this, it has been highlighted that
girls who marry early are often marginalized from social activities which reinforces the gendered nature of poverty (Harrop, 2016). Moreover, through our interactions with community members in Patongo we discovered that the issue of child mothers resorting to crime as a survival strategy is highly prevalent. Respondents expressed that due to their inability to take care of their child especially without a strong support system, child mothers resort to prostitution and theft as a way of earning a living. The case of 16-year-old Mary below illustrates this further;

Case Study B: The case of a 16-year-old child mother

Melissa is 16-year-old from Oporot, Bardege parish Patongo Town council. Melissa dropped out of school in primary five in 2015. She got pregnant when in school at 15 years, “with a business man within the town because he had promised to pay my school fees but unfortunately he just wanted to sexually abuse me. When I got pregnant I was chased away from home by my father and denied access to land” said Melissa. She added that, her father chased her away along with her mother. “It was even worse because my father tested positive with HIV/AIDS virus early February 2016. Life then became very hard for me and my mother, but after visiting P4C psychosocial counsellors I was counselled. However, my life still remains in a dilemma”.

3.4.5 Girls in the informal sector

Having missed out on months and years of formal education, many girls and young women find it challenging to obtain sustainable employment as they lack the adequate qualifications and practical skills. Consequently, these vulnerable girls and young women in Uganda resort to working as housemaids or engaging in commercial sex (Harrop, 2016). Under the Ugandan Law (Penal Code Act Chapter 106), it is illegal for women, particularly underage girls, to engage in commercial sex. Nevertheless, commercial sex remains to be a growing concern in Uganda (Harrop, 2016). For instance, a study of rural Ugandan adolescents found that 90% of girls’ three most recent relationships included some level of economic support (Youth Map Uganda, 2011). Correspondingly, responses from our focus group discussions with community members also illustrated how girls who are out of school, in the streets and child mothers commonly resort to commercial sex as a livelihood option.

“Commercial sex, many have engaged in prostitution as way of earning a living due to violence committed on them from home.”

3.4.6 Girls working as maids

It is common for working mothers in the cities to bring young girls from rural areas and employ them to work as their maids (MoGLSD, 2007). Girls and young women can be exposed to various abuses and denied their fundamental rights. According to a
Probation and Welfare officer at the Kampala City Council, many of the girls facing juvenile courts struggle with trumped up charges by their bosses. The officer stated that as a way of denying them what is due to them, some employers accuse the girls working in their homes of stealing money or babies (URN, 2010). Likewise, in our interactions with members of the community through focus group discussions in Patongo, we discovered that it is most common for girls who work as domestic maids/bar workers to be subjected to sexual abuse and mistreatment from their superiors/bosses.

3.4.7 Land ownership and child offenses

A major issue affecting young females from having a sustainable livelihood and generating a sufficient income is due to their limited access to land. Under the customary law in Uganda, property and labour belong to the entire family; however, women are prohibited from owning property (Harrop, 2016). The majority of the parents in Uganda do not apportion land ownership to their daughters making it impossible for girls to inherit any property (Youth Map-Uganda, 2011). There are many cases of young women particularly widows and orphans who have been forcefully evicted from their land following the deaths of their husbands and parents (Harrop, 2016). For instance, a study on orphans and vulnerable children residing in Gulu and Kitgum districts reveals how orphans and vulnerable children are vulnerable to land grabbing by relatives who in some cases sell the land and keep the profits (ANPPCAN Uganda Chapter, August 2013). Likewise, we discovered from our focus group interviews in Patongo that young orphans often had to fight their relatives in order to protect their land. However, this often resulted in them becoming homeless, living on the streets and needing to steal food as a way of survival.

Case Study C: Grabbing of land from juveniles

Eliza, 15 years old from Kotomor ororo, village, Oly elo Parish is an orphan. “My father was abducted by the Lords Resistance Army. He was later killed and left us under the care of my mother who unfortunately died shortly after of HIV/AIDS and left me with my 4 siblings. When we were identified by Peer educators, we were offered psychosocial support and this has improved our lives with the care and support from our mentor. I am not happy however with our neighbour, who is taking advantage of our orphan hood to grab the land that our parents have left us to survive on. I thank P4C Uganda and the legal team, who are handling the matter so that we can regain the ownership of our land which is being grabbed forcefully,” said Eliza.
3.5 Risk factors and types of crimes committed

Due to a plethora of factors notably, the lack of livelihood options, girls and young women often find themselves in conflict with the law. According to Harrop (2016), crimes committed by children and adolescents in Uganda range from theft to capital offenses. Below are the results from a baseline survey conducted by Chance for Childhood and P4C (2013) which highlight the most common crimes committed by girls and boys in Agago district, Northern Uganda.

Case D: A glimpse into main types of crimes

A survey conducted by P4C (2013), amongst children that had been arrested at least once in that year in Agago, showed that for girls, attempted suicide was the main reason given for arrest, as well as defilement and burglary. For boys, assault, petty theft and defilement were common. With regard to defilement, other reports in Uganda indicated a high prevalence; Of 1,256 juvenile offenders between 2011/12, 785(63%) were accused of having committed defilement (JLOs, 2013).

3.5.2 Violent victimization of girls as a warning signal for future offending

Studies have documented the high rates of violence against children in Uganda. More than 98% of children report experiencing physical or emotional violence while 75.8% experienced sexual abuse (Naker, 2005). Furthermore, Uganda also has the highest rate (of the five countries surveyed) of girls who experienced coerced sexual intercourse and rape (Naker, 2005). The widespread violence against women in Uganda takes various forms, including domestic violence SGBV and Female Genital Mutilation (FGM) (Harrop, 2016). Correspondingly, P4C made similar conclusions from their study with frontline workers in Agago. The consensus amongst frontline workers was that the region has a high prevalence of gender-based violence. SGBV is mainly perpetuated by substance abuse by men as well as the negative cultural practices which do not recognize the women’s rights.

Moreover, the history of the areas in which Chance for Childhood operates are marked by high levels of sexual violence towards girls. In 2004, tens of thousands of children in Gulu, Kitgum and Pader were fleeing their homes each night to urban centres and the larger displacement camps fearing attacks and abductions by the LRA (Harrop, 2016). A total of 25,000–30,000 children were forced into armed conflict by the LRA, 15-30% of them girls (Corbin, 2008). Many girls and young women were exposed to immoral behaviours and sexual molestation from both the LRA rebels and government forces. Once a girl reached puberty, she typically assumed the role of “wife” to a commander, acting as sex slaves, and repeatedly raped, often bearing children (Beard, 2011).

Moreover, responses from our focus group interviews conducted by P4C (2016) in Patongo suggests that these adverse effects of the war have to some extent pushed
girls and young women to engage in criminal activities. Majority of the girls and young women have been used to receiving emergency handouts from Non-Government Organisations (NGOs), which is believed to have created a dependency culture. However, when they returned to their original home settings they no longer had access to handouts and as a result resorted to criminal activities notably petty theft (P4C, 2016). On the other hand, the years of conflict have led to a breakdown of social and economic structures which has left many people in absolute poverty. Due to their lack of financial capital, many parents in Agago are unable to provide for their children which has forced many girls to resort to criminal activities as a way of earning a living (P4C, 2016).

A magistrate in Patongo notes the following;

“The effect of the war. Most people are still traumatised and have psychosocial problems. This makes them resort to violent means of solving conflicts.”

3.5.3 Girls treatment within the criminal justice system

It is often cited that Uganda has a comprehensive and far-reaching legislative framework on child rights and the protection of children (Kasirye, 2012). Critically, the existence of this legislation has not had a significant impact on reducing child protection violations, nor has it significantly improved rates of prosecution in child abuse cases focusing on the sexual abuse and exploitation of children and young people (Kalibala and Elson, 2010; MoGLSD, 2010; 2011). Minors in conflict with law particularly girls, continue to be subjected to discrimination and mistreatment within the criminal justice system. Many countries do not have special facilities for girls and as a result, they are often held with adults, which in most cases increases the risk of physical and sexual abuse (Harrop, 2016). Given that defilement is such a prevalent offense which accounts for more than half of all the serious crimes, girls are increasingly likely to be vulnerable to sexual exploitation. In addition to this, their conditions of detention are often more restrictive than those of convicted prisoners. Certain aspects of this, such as limitations on visiting and family contact, may have a disproportionate impact on female detainees (Quaker-United Nations, 2007). Furthermore, Wernham (2004) attests that for girls who are pregnant or have babies with them in detention, access to sanitary supplies and adequate healthcare is likely to be very limited.

Moreover, where police corruption is prevalent and bribes are needed, for example, juveniles in poverty are unable to pay for an early release from custody (Wernham, 2004). Whether or not children in street situations are subject to physical abuse or arrest can depend on their ability to pay police or other officials, with police threatening children to extort money (Harrop, 2016). Harrop (2016) notes how over a third of the children reported to Human Rights Watch in Uganda said that officials forced them to hand over money or small goods in exchange for not being beaten or being released from detention. The negative experiences of detention were also highlighted as a major issue by the children in conflict with law that participated in our 2013 baseline survey.
Case E: Summary of results on experiences of detention: P4C survey results (2013)

Regardless of their crime and motivation, the overwhelming picture painted by children about their experiences of arrest and detention was one of fear and confusion. Alarmingly, only 27% of the 60 children interviewed stated that they were consulted about their rights by the officers. Furthermore, the majority of children were given no information at all about their next steps and when they did receive the information it was very unclear. This highlights the need for procedures and explanations given to CiCL to be child-friendly and understandable and ensure their right to meaningful participation in the proceedings affecting them.

In addition to the emotional stress caused by this lack of understanding of their rights and path through the justice system, CiCL in Agago were also found to be lacking basic facilities and provisions in detention, adding to their discomfort and rights abuses. Half of the children were required to share a space with adult detainees. The majority of these children expressed how they felt scared or nervous about having to share space with adult inmates. Overall when asked to rate their experiences of aspects of the facilities and treatment from officers, ‘very poor’ and ‘poor’ were the most frequent answers. Moreover, abuse, whether physical or emotional, is sadly something that appears to pervade all aspects of children’s experiences of the justice system. In addition to this, most of the children also reported about how they were subjected to both emotional and physical abuse during their first contact with the police officers and also while in detention.

3.5.4 Girls and informal justice systems

The UN Committee on the Elimination of Discrimination Against Women has noted that Local Council Courts (LCCs) in Uganda are another dispute resolution that can frequently be utilized by poor women and men to resolve disputes relating to child maintenance, domestic violence, marital disputes and land disputes. However, “LCCs have sometimes fallen short of effecting justice on account of gender biases and a limited appreciation of the principles of natural justice” (Committee on the Elimination of Discrimination against Women, 2009). The report on the informal justice systems indicated that custom and religion-based systems are likely to uphold rather than to challenge attitudes and patterns of discrimination (UNDP, UNICEF and UN Women, 2009). In a similar manner, majority of the respondents from our focus group interviews expressed that it was acceptable for religious leaders to address the girls in conflict with law. However, they also stated that elders and other community structures should not be involved in addressing criminal offences by girls as they are deeply rooted in Acholi culture which in most cases doesn’t favour girls.

A respondent from our focus group discussion also expressed how;

“Most people respect the religious leaders but fear clan leaders which makes it hard to involve them in solving problems of the girls”
It has often been suggested that to ensure that girls and young women receive fair treatment, it is vital to have the presence of female adjudicators/justice officials (Harrop, 2016). In the same way that women’s participation as police officers and in victim’s service units is a critical part of dealing effectively with domestic violence and rape, it is equally important to foster their participation in informal justice systems. Likewise, responses from focus group interviews conducted by P4C Uganda (2016) also indicated that the participation of women (i.e. as magistrates and judges) would ensure that cases involving girls are handled in a fairer and just manner.

One respondent noted that;
“Women are passionate about their children hence they can easily assist with issues concerning girls” (P4C, 2016).

Case F: Treatment of girls and young women informal justice system

Olive from Orina central, Adilang Sub County said that she was suspected for stealing a saucepan that belonged to her mother-in-law and was taken to the clan and family elders. She added that in one meeting, the elders shut her down and refused to let her defend herself regarding the accusation until she threatened to commit suicide. “They got frightened and terrified when I spoke like that,” said Olive. She testified that some of the traditional beliefs and thoughts of elders still limit many women in the rural community to express themselves or even to defend themselves if something went wrong and the cultural settings always lay blame on the women living out the male counterparts.

3.5.7 Stigmatization of girls in conflict with the law

Even after the commonly distressing experience of going through the justice system, girls who have been in conflict with the law are still likely to be subjected to stigma and mistreatment when they return to their communities. The baseline survey conducted by P4C in 2013 indicated that the negative and discriminatory attitudes displayed by community and family members towards girls who have been in conflict with the law often leads them to become isolated, have low self-esteem and in some cases commit suicide. Consequently, many girls engage in risky behaviours (i.e. heavy drinking of alcohol, substance abuse, and prostitution) as a way of coping with the rejection and isolation from their family and community members. This evidence clearly highlights the misconceptions and negativity which surround children who have been in conflict with the law and how it impacts their lives once they’re released.

3.6 Best practice in diversion for both boys and girls within Eastern Africa.
3.6.1 Girls and diversion

While their experience of the justice system may have been punishing and difficult, there is an alternative method for both boys and girls who come into conflict with the law. Research has shown that non-custodial measures can reduce offending by up to
70% (International NGO Council on Violence Against Children: Creating, 2013). The UHRC 2015 report notes that “Rehabilitation and reintegration of inmates back into society should be the aim of correctional facilities that seek to make inmates responsible members of the society”. While the report lists various forms of training, there is no mention of the gender dimension of training needs (UHRC, 2015).

3.6.2 Vocational education options for girls in diversion programmes

The 49th Session of the State of the Nation Platform in Uganda noted on youth employment generally that “Ineffective vocational training and unattractive employment prospects in the agriculture sector aren’t the solution. Rather, there is need to focus on and engage youth in computing, craftsmanship, and technical and electrical engineering disciplines. Moreover, other studies have shown that girls may also be deprived access to services that boy detainees may receive, such as education and time outside of cells for recreation” (Wernham, 2004). The European Committee for the Prevention of Torture has often encountered female juveniles being offered activities which have been stereotyped as “appropriate” for them (such as sewing or handicrafts), whilst male juveniles are offered training of a far more vocational nature (Quaker United Nations, 2007).

The Kenya Legal Aid Scheme benefits approximately 2,500 children per year (of whom approx. 20% are in conflict with the law). Courts are assisted to make the most appropriate ruling for children in conflict with the law. Children in conflict with the law who have legal assistance spend less time in the justice system (including in police custody awaiting charge) compared to those without legal assistance as the legal assistance helps the cases move faster in court. Increase in diversion and alternatives to detention as a result of the legal aid scheme: paralegals at community level sensitise community members and leaders on child rights and child protection resulting in many cases being handled and concluded at that level through alternative dispute resolution or restorative justice (Save the Children-Hope, 2005).

3.7 The community diversion program in Northern Uganda

Passion 4 Community (P4C) involvement in Restorative Justice and Rehabilitation through structured Diversion approach to handle CiCL starts with Community Awareness & Sensitization; (Restorative justice, child protection and structured diversion justice system). This includes conducting focus group discussions with cultural leaders, local grassroots level, for instance, local council leaders and child protection officers. In addition, the program includes family therapy such as round table sharing and discussions involving the child in decision making where an agreement is reached through cautious action points agreed upon as a family.
3.7.1 Summary of interventions taken as part of Right 2 Change Diversion in Northern Uganda

The following are specific interventions taken as part of the diversion program;

- Routine engagement in meetings with other stake holders that offer similar services for children such as Child and Family Protection Unit, court, police health centres etc.
- School reintegration of CiCL back in schools as part of the diversion program. 34 CiCL (male 16, female 18) of school going age have been successfully reintegrated in to formal education under Right 2 Change project.
- Schools follow up where we share and discuss with the school matrons and patrons at school on tracking attendance, class participations, and performance of CiCL in class.
- Reintegration of CiCL for formal education and informal education. For instance; vocational skills training, such as agricultural business trainings, tailoring & garment cutting, liquid soap production, hair dressing as well as numeracy and literacy skills at the Centre. Children below 13 years are reintegrated back to primary schools.
- Attaching the child to a mentor for example a close relative who does not violate the rights of the child but from time offers counselling and guidance to the child in closed communication with the P4C psychosocial team by giving feedback.
- Child counselling, sharing with the child at length and discovering his/her major problems one on one; This helps to identify the best interests of the child for example whether he/she would want to stay such as with an aunt or uncle.
- Ensuring the child can express his/her feelings using art therapy techniques e.g. drawing pictures. This is done during counselling to help the child express their inner most feelings and together with the counsellor develop an option.
- Legal representation and counselling of CiCL before they appear in child and family court and sharing details of the case with the Directorate of Public Prosecution so the case is handled while considering the Best Interest of the Child (BIC).
- Engaging youth in recreational activities such as games and sports; football, netball etc. This is done as relaxation strategy to help subside the child’s trauma.
- Conduct regular spot checks at the police cells and in prison to ensure that children in conflict with the law are not kept in the police cell beyond 24 hours, and are not put together with adults in the cells or are detained in prison.
- Fit persons working and peer educators in the community enable the CiCL to be reintegrated well in the community ensuring closed follow up and monitoring while at their homes.
- Consultation and advice from the Magistrate Grade I on CiCL cases so that the BIC is catered for and ensuring that child offenders are given bond or the case is dropped, referred to the community lower structures (LC, CPC, Clan Leaders) for mediation and possible cautioning, reparation, or giving community service to the child.
4.0 Recommendations from community based diversion program

Numerous recommendations point toward supporting vulnerable children through a continuum of care and protection interventions that address the multiple challenges and risks faced by the child, protect the child from harm, and provide them with tools and options for their safe development (Save the Children-Hope, 2005). Access to support mechanisms should be prioritized as early as possible, before a child has come into conflict with the law. Particularly important for girls is recognizing the significance of relational ties for girls’ development (Harrop, 2016). The fostering of positive relationships - with family members, peers, romantic partners, therapists, and juvenile justice professionals – has the capacity to play a significant role in helping girls to heal from trauma and resist delinquency (National Child Traumatic Stress Network, 2014).

As there may be fewer choices available to girls than boys, particular efforts should be made to promote gender equality in programming. This may include supporting a girl’s choice to remain in education during and after a teenage pregnancy; for perpetrator of sexual violence to be forced through rule of law to leave the home instead of the girl child running away or before she becomes dependent on another abusive relationship as a way out (Harrop, 2016). Likewise, the majority of participants in our focus group discussions also highlighted that girls should still have the opportunity to access education during and after a teenage pregnancy (P4C, 2016).

“Girls should remain at school, even a girl that is pregnant because not going to school will spoil her future and in case she is chased, a double punishment would be inflicted on the child” (interviewee, P4C, 2016).

With regards to perpetrators of sexual violence some of the participants in our focus group discussions stated that;

“The Law should handle perpetrators above 18 years, family members must support the girl child during her pregnancy to avoid her facing further abuse” (probation officer-P4C, 2016).

4.1 Positive Behavioural change - Empowerment of girls

A key point is that girls and boys need to be empowered to make different and expanded choices (Wernham, 2004). Gender-responsive programming also emphasizes the importance of the agency and control for girls and similar empowerment techniques are part of trauma-informed treatment and family engagement strategies: “Sharing power helps adolescent girls feel that they are being treated fairly, a particularly salient issue for girls caught up in the juvenile justice process.” (Sherman & Black, 2015).

Through our focus group interviews with community members, we discovered that the most common way to empower girls who have been in conflict with the law was through offering psychosocial support and vocational skills training. The majority of the respondents expressed that through psychosocial education, counselling and skills training, girls who come into conflict with the law will be able to positively transform
their lives ultimately contributing to the overall development of the community. Correspondingly, Harrop (2016) asserts that complex potential pathways into vulnerability and criminality therefore need to be tackled with a range of "gender sensitive social and economic interventions" (Wenham, 2004), including: education programmes, poverty reduction strategies, skills development, psychosocial interventions, parental counselling, vocational training, job creation and responsive programmes for ‘risk’ situations to prevent events taking place or re-occurring.

4.2 Summary of what has worked for diversion program in Northern Uganda

- Support from the Local structures and the clan systems settings.
- Strong coordination and network created with the frontline workers directly involved in the implementation of the approach, namely, police, court, prison, and district probation officers. These help in the effective referral and handling of CiCL cases.
- Positive support from the school’s administration in school reintegration as well as attaching matron for the CiCL.
- The work of the DCCs (District Chain Link Committees) strengthened through monthly meetings and outreach sensitization to the community.
- There is strong referral pathway by all the stakeholders involved in the diversion programs. For example; police, the prison authorities, the court, LC1s, CPCs and clan systems in the community.
- Art therapy techniques; children are able to express their feelings well using drawings.
- Attaching children to mentors of their choice helps the child to be free to express his feelings and without fear.

4.3 How can Chance for Childhood’s Right 2 Change approach be replicated elsewhere?

- Strengthening the District Chain Link Committees or other existing child protection activists at district level.
- Through training of stakeholders in child protection and Diversion justice system /Restorative justice.
- Through replication of training and capacity building packages used by Chance for Childhood and P4C to build and strengthen skills and knowledge amongst frontline workers.
- By sharing experiences on the best practices with other stakeholders on what works well and how i.e. through conferences and international workshops, sharing of reports.
- Through identification of a lead Civil Society Organization (CSO) that works with children and empowering them in new approaches of transforming CiCL in the district, as well as establishing strong partnerships with other organizations that
offer similar services on child protection and structured diversion justice systems.

- Through staff exchange visits where different ideas can be shared to draw out some lessons on the new approaches on handling CiCL and other vulnerable youths.
- Creating partnership with other CSOs involved in child protection interventions and strengthening of Juvenile Justice Systems.

4.4 Summary of challenges and learning

- The grassroots community do not take child rights seriously as they are overwhelmed by annoyance due to crime committed and their failure to engage in rehabilitation can act as a continued barrier to reconciliation.
- Traditional Reconciliation process (Mato-oput) works well in the juvenile justice system to restore hope for the CiCL.
- Alternative dispute resolution (ADR) approaches where two parties are brought together work well in resolving conflict that may exist in the family mediations approaches.
- Community members still have negative attitudes towards these children and in many cases call them by nick name for example ‘you thief’.
- Community structures are very instrumental in the reintegration of children in conflict with the law (CiCL) in the community for example family lineage like clans know these children very well and they play a great role when it comes to caution, counselling and monitoring their behaviour.
- Community service orders like slashing, watering flowers, sweeping the compounds, can support behavioural change and reconciliation.
- Remand homes can worsen the behaviours of some CiCL. For example it took longer to rehabilitate a child who had escaped from the remand home. Furthermore, often a remand home lacks capacity to help due to language barriers.
Bibliography


Harrop, E. (2016) Girls in conflict with the law in Uganda: Experiences and needs before, during and after contact with the criminal and informal justice system.


