

Juvenile Detention in Uganda



Review of Ugandan Remand Homes and the National
Rehabilitation Centre

Marianne Moore

October 2010

Contents

1.	Executive summary	1
2.	Overview	8
2.1.	International juvenile justice law	8
2.2.	Juvenile detention centres.....	8
2.3.	Method	9
3.	Profile of children in conflict with the law	10
3.1.	Ages of children	10
3.2.	Common offences	11
3.3.	Population	11
4.	Safeguarding children	14
4.1.	'Street children'	14
4.3.	Social welfare report.....	16
5.	Juvenile justice system	18
5.1.	Arrest	18
5.2.	Bail and remand	19
5.3.	The Courts	20
6.	Conditions of detention	22
6.1.	Staffing.....	22
6.2.	Accommodation, bedding and clothing.....	23
6.3.	Discipline.....	24
7.	Healthcare	26
7.1.	Nutrition and hygiene	26
7.2.	Medical services.....	27
7.3.	Psychological support and detoxification	28
8.	Education and training	29
8.1.	Sentence planning	29
8.2.	Education	29
8.3.	Vocational training.....	31
8.4.	Recreation.....	32
9.	Community reintegration	33
9.1.	Parental contact	33
9.2.	Resettlement.....	33
10.	Conclusion	34
11.	Bibliography	35

1. Executive summary

Overview

- **International juvenile justice law:** Uganda performs well internationally in terms of its approach to children in conflict with the law. It has ratified the main international treaties, enshrining their key principles in the Uganda Children Act cap.59, which includes a comprehensive outline of the rights of such children.
- **Juvenile detention centres:** In Uganda, children in conflict with the law are principally the responsibility of the Ministry of Gender, Labor and Social Development. However, the Uganda Police Force and the Judiciary of the Republic of Uganda are also important partners. Detained children are placed in one of the four remand homes in Fort Portal, Gulu, Naguru, or Mbale. In addition, the Kampiringisa National Rehabilitation Centre detains sentenced children from the whole of Uganda.
- **Method:** This review of the remand homes and the national rehabilitation centre was carried out during August 2010 in association with the UK and Ugandan charity the African Prisons Project and the Ugandan Ministry of Gender, Labor and Social Development. An assessment was conducted in all of the functioning juvenile detention facilities against their compliance with international guidelines, particularly the United Nations' Rules for the Protection of Juveniles Deprived of their liberty 1990 ("The Havana Rules"). The field work consisted of an in depth interview with a representative from each centre or home and a site visit. Interviews were also carried out with the Commissioner for Youth and Children and representatives from the Ugandan based Foundation for Human Rights Initiative (FHRI).

Profile of children in conflict with the law

- **Ages of children:** In Uganda the small percentage of officially registered births makes it difficult to concretely identify the ages of children in conflict with the law. A child in Uganda is considered a person under age 18 and the age of criminal responsibility is 12 years old. However, as less than 4% of children aged between 12 and 18 have birth certificates, determining a person's age can be a subjective process. In order to establish the age of children, the police contact their parents, assess appearance or check the children's teeth. As a result, all of the remand homes and the national rehabilitation centre felt they had housed young people outside of the appropriate age boundaries.

Recommendations:

1. Efforts to improve the registration of births should be continued by the Ministry of Gender, Labor and Social Development
2. A national framework for assessing a child's age should be agreed upon between the Ugandan Judiciary and the Uganda Police Service and disseminated to all relevant agencies.

- **Common offences:** The most common offence for a child to be charged with and detained for was defilement. Defilement is an 'offence against morality' defined as sexual activity with a girl under the age of 18. In the remand homes children were detained for both capital and petty offences. However, in the national rehabilitation centre, Kampiringisa, the most common offence children were sentenced for was petty theft. For

example, one child reported that he had been sentenced to the centre for stealing a 20 shilling note.

- **Population:** The review found that there was no overcrowding in the remand homes and that the number of children detained is manageable in relation to capacity. However, Kampiringisa National Rehabilitation Centre is operating at an overcrowded level. The numbers of girls in conflict with the law was small compared to boys, and as there were often just one or two girls in a home containing 20 to 30 boys, they are likely to miss other female company. They are also potentially vulnerable to sexual exploitation given that defilement is such a prevalent offence.

Recommendation:

3. The Ministry of Gender should re-examine the accommodation of female children in mixed remand homes. Potentially two alternative measures could be introduced: create a national remand home specifically for females so that they can be housed together; or create small-scale female remand homes in the current districts staffed by a matron.

Safeguarding children

- **'Street children':** Due to a lack of provision for children in need of care and protection, Kampiringisa National Rehabilitation Centre was being used to hold 103 'street children' alongside young offenders. This practice began in 2002 with the intention that the children would be resettled back into their communities after 3 months. There is no alternative welfare accommodation for these children, nor is the centre receiving dedicated resources to care for them. The children, from babies to 18, are housed with, and looked after by, much older offenders, potentially putting them at risk.

Recommendations:

4. Immediately allocate enough resources for the street children in Kampiringisa
5. As soon as possible establish a separate facility for the shelter and protection of children who are taken off the streets or in need of care and protection.

- **Child Protection:** The framework for child protection has been established in Uganda, however work is required to ensure that it is fully resourced and coordinated. Children at Kampiringisa are being held simply because they have been deemed 'unruly' by their parents. In addition, there is no welfare provision for children leaving detention who do not have families to look after them.

Recommendation:

6. Cease the detention of children who are considered unruly by their parents. Probation and social welfare officers should investigate each case and make alternative provision for them.
7. Welfare accommodation should be created for children who have no extended family or a safe place to live, especially on return from custody. This could be the same facility for the shelter and protection of children who are taken off the streets.

- **Social welfare report:** We were informed that to ensure that the welfare needs of children are considered in sentencing, all children who are undergoing trial for an offence should have a social welfare report prepared by probation and social welfare officers. The social welfare report, including background information on the child, should be taken into account by the court before making the order/sentence. However, in the majority of cases these reports were not being written. Therefore children were being convicted

without them and the remand homes and the national centre had little understanding of the child's background, vulnerability or risk factors.

Recommendations:

8. The social welfare report should be completed on arrival to the remand home, preferably within a time limit, for example four weeks. This timely completion should then be monitored by an independent auditor.
9. The social welfare report should include the vulnerability factors faced by the child in conflict with the law. The report should outline the plan of action for the child to undertake work in the community or explain why the risks they pose to the public are so great that they should be sentenced.

The Juvenile justice system

- **Arrest:** When a child is arrested, the police have the discretion to caution and release the child or dispose of the case without recourse to formal court. However, this rarely happens because police do not always inform the child's parent or guardian when they are arrested. Also, in some cases parents or guardians are scared to accompany their children to police stations in case they themselves are arrested. As a consequence, children appear in court unaccompanied and the magistrate is forced to deny them bail and remand them. The FHRI report that some children are still being detained with adults in police cells.

Recommendations:

10. Police officers should receive refresher training on their powers to caution and release or release on bond and the necessity of contacting the child's parents or guardian on arrest
11. Police should undertake community sensitization to show how they operate and emphasize that they are not going to automatically arrest parents or guardians
12. The detention of children in police cells should be monitored by an independent auditor to ensure that it does not exceed 24 hours and that they are separated from adults.

- **Bail and remand:** The Children Act 1997 sets out that remand in custody should not exceed six months in the case of an offence punishable by death (if they were an adult) and should not exceed three months in the case of any other offence. The majority of children are not remanded beyond the time limits. However a minority, mostly charged with capital offences, are being remanded for a longer period.

Recommendation:

13. Employ an independent auditor to periodically assess the length of pre-trial detention in accordance with national commitments.

- **The courts:** There are three levels of courts that can administrate juvenile justice: local councils, the children and family courts, and the High Court. Local councils are meant to play a central role in the administration of juvenile justice legislation, but have been 'constrained by their lack of training on the law and on juvenile justice issues' and often refer the children on to the remand homes. Children and Family Courts (FCC) established by the Children Act, have the jurisdiction to hear and determine most criminal charges against a child except capital ones. However, there are often delays of case hearings, as well as many children facing trials without representation. Children charged with capital offences are seen in the High Court, and provided with lawyers and legal aid.

However as these children are tried in the same courts as adults and given no priority, there is a backlog of children waiting for their cases to be heard.

Recommendation:

14. The efficiency of the Family and Children Court should be improved through training of the judiciary, employing more social and welfare officers and funding for legal aid.
15. All children's cases should be heard at the children and family courts as opposed to the High Court.

Conditions of detention

- **Staffing:** The Commissioner for Youth and Children noted that there was understaffing in the youth detention system. This was verified by the site visits, particularly in Kampiringisa National Rehabilitation Centre which was operating on a skeleton staff of 18 with 22 positions vacant. It was noted also that the warden of Mbale Remand Home was absent during the site visit. In terms of training, although the wardens of the remand homes had received child protection training, this had not been disseminated to the guardians/social workers who therefore have no specialised training to work with this group of children.

Recommendations:

16. Recruit staff to the national rehabilitation centre and other vacant positions
17. Monitor the presence and capacity of staff at the facilities through an independent auditor
18. Training on child protection and how to provide psychological support to children in conflict with the law should be given to all guardians/social workers working with children in detention.

- **Accommodation, bedding and clothing:** The conditions in the homes and the centre were mixed. Whilst Fort Portal was exceptional, and Gulu and Naguru had generally good conditions, this review expresses concern about the welfare of the children in Mbale, and in Kampiringisa National Rehabilitation Centre, where children appeared to be living in poor conditions with very few members of staff in attendance. There was a wide variety of conditions in terms of the bedding and sleeping quarters of the remand homes and the national centre. Gulu Remand Home had a surplus of unused beds, whilst in Mbale Remand Home the children had no beds in either the boy's dormitories or the small room used by the girls. Finally, the majority of homes and the centre did not have adequate uniforms for their occupants.

Recommendation:

19. The Ministry of Gender should audit the resources they have at each site and redistribute them where necessary
20. Adequate uniforms and spares need to be provided for all the children and their conditions monitored.

- **Discipline:** In Uganda, corporal punishment is prohibited in the youth detention system; although it is not prohibited in the home or school. This may account for the extremely mixed approach to discipline. In the majority of remand homes there was no recourse to physical discipline and children who misbehaved were verbally reprimanded. However in both Mbale Remand Home and Kampiringisa National Rehabilitation Centre, corporal punishment in the form of caning was routinely used for disciplinary reasons. In addition,

Kampiringisa had an isolation cell used for punishment. These practices are contrary to international guidelines and the Ugandan Children Act.

Recommendation:

21. Educate and train remand home and national rehabilitation centre staff at all levels on the prohibition of violence against children in Ugandan institutions and alternative forms of discipline
22. Employ an independent auditor to monitor the compliance with the prohibition of violence and any other cruel and degrading treatment in Ugandan institutions.

Healthcare

- **Nutrition and hygiene:** The majority of remand homes and the national centre were providing the children with three meals a day. However, this review has concerns regarding Mbale Remand Home where the children had not been given breakfast on the day of the visit. Also Gulu Remand Home had very low food supplies. The majority of homes were hygienic, however, and Fort Portal Remand Home demonstrated high levels of cleanliness and safety in food preparation and conditions. It was also the only institution where it appeared that food was prepared by cooks rather than the children themselves demonstrating good practice. In contrast, however, Kampiringisa National Rehabilitation Centre had very low hygiene levels.

Recommendation:

23. Replicate the practice at Fort Portal Remand Home, where meals are prepared by cooks rather than the children and hygiene levels are high. Children should not be left in charge of open fires.
24. Employ an independent auditor to monitor the food supplies, food preparation and to ensure that the children are receiving adequate food.

- **Medical services:** Neither the remand homes nor the national rehabilitation centre had adequate on-site medical facilities or sick bays. All of them use local medical facilities when necessary, either calling in a medical professional such as a nurse, or taking the young people to outside hospitals. This was particularly concerning in Mbale Remand Home and Kampiringisa National Rehabilitation Centre where we encountered young people who appeared to be ill and without access to medical facilities or staff support.

Recommendation:

25. Dedicated sick bays for isolating sick children should be used along with a supply of basic medicine. Ideally, the Ministry of Gender and Ministry of Health should employ a dedicated medical officer to coordinate health services in the detention facilities in terms of disease prevention and testing, seeing to sickness, and referring children to appropriate hospitals.

- **Psychological support and detoxification:** There is no dedicated psychological support for any of the young people in detention in Uganda, nor are there any facilities for detoxification in any of the remand homes. In Kampiringisa National Rehabilitation Centre it was noted that ‘we have drug addicted children’, however they are held in ‘isolation rooms’ not designed for this purpose.

Recommendation:

26. Psychological training and support should be available for children in detention. This could be provided through links with universities or NGOs.
27. Appropriate detoxification facilities should be available for children recovering from drug addiction, preferably away from any detention facilities.

Education and training

- **Planning:** There is no evidence of the planning of programmes for young people in any of the remand homes. In the national rehabilitation centre a process of planning was described whereby the social workers talk to newly arrived children then hand them to a career guidance committee which assigns them to different areas, for example education or farming. If they are above school age then they are able to undertake vocational training. Unfortunately there is no evidence that the majority of these programmes are available in practice. Also, we found no evidence that the assessment process or the programmes took the young person's background, risks and individual needs into account.

Recommendation:

28. The social welfare report written at the beginning of a remand period should be used as a basis from which to provide a plan for the remaining time the children are on remand. The report and subsequent plan should then accompany the child if they are transferred to the national rehabilitation centre. These should be used as a basis for a more detailed sentence plan at Kampiringisa and guardians/social workers should measure progress against this plan.

- **Education:** In January 1997 the Government of Uganda introduced universal primary education and in 2005 universal secondary education was introduced. However, the majority of remand home children are provided with absolutely no education at school going age. Naguru Remand Home is able to provide some education through an NGO which teaches basic literacy and encourages those children who are literate to varying degrees, to maintain their reading and writing skills. The national rehabilitation centre allows 85 children whose parents are willing to pay their fees to go to local schools. However the rest of the children at the centre, including the street children, do not have access to formal education. All of the remand homes and the centre provide some form of religious education.

Recommendation:

29. The Ministry of Gender should work with the Ministry of Education to ensure that *all* children in detention, regardless of their illiteracy or educational level when they arrive, receive basic educational provision such as that taking place in Naguru Remand Home
30. Adequately stocked libraries should be made available to the children in all facilities.

- **Vocational training:** The majority of remand homes are unable to offer the young people any vocational training. Only at Naguru and the National Rehabilitation Centre are courses available due to the help of NGOs. The vocational training provided in Naguru and Kampiringisa is extensive. For example *Defence for Children International* pays for some children to become trained in carpentry, plumbing and electronics at the boarding vocational schools at Masulita Vocational Training Centre and Bira Vocational Training. However, it is unclear whether risk assessments have been made for these young

people. Moreover, as the programmes are for a few select children, the remainder have no access to these facilities.

Recommendations:

31. Children being schooled or trained outside the national centre should have a risk assessment to ensure that they are able to work with other children safely
32. The Ministry of Gender should take steps towards ensuring that all children in detention have the opportunity to undertake vocational training.

- **Recreation:** There are limited recreation activities available for children in the homes and in the national centre, although in the majority of the homes and centre they are able to play football or board games.

Community reintegration

- **Parental contact:** The remand homes and national centre have an open policy on visits from family and parents, although they are not always able to visit.
- **Resettlement:** In some parts of Uganda, communities are tempted to take the law into their own hands and lynching of children charged with crimes is reported to occur. Resettlement after detention is carried out to varying success by the remand homes and the national centre. Where there are vehicles, for example in Fort Portal and Mbale, resettlement is easier. Where there is no easy access to transportation the facilities struggle with resettlement.

Recommendations:

33. Ensure that children are promptly resettled following the end of their sentence
34. Ensure that sensitization is undertaken with parents and communities so that children are welcomed home after their period of detention.

2. Overview

2.1. International juvenile justice law

Uganda performs well internationally in terms of its approach to children in conflict with the law. In 2008 the African Child Policy Forum ranked Uganda 12th in respect of legal protection of children, stating that ‘Uganda has performed well in areas relating to the juvenile justice system’¹. The 2010 African Committee of Experts on the Rights and Welfare of the Child congratulated Uganda ‘for efforts made under the framework of taking charge of children in conflict with the law especially in terms of setting up Family and Juvenile Courts, and the establishment of the remand homes and the National Rehabilitation Centre’².

Uganda has ratified the following international treaties:

- United Nations Convention on the Rights of the Child
- African Charter on the Rights of the Child
- Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Pornography
- Optional Protocol on the Convention on the Rights of Child on the involvement of Children in Armed Conflict
- ILO Convention on Minimum Age for Admission to Employment (ILO Convention No. 138)
- International Covenant on Civil and Political Rights

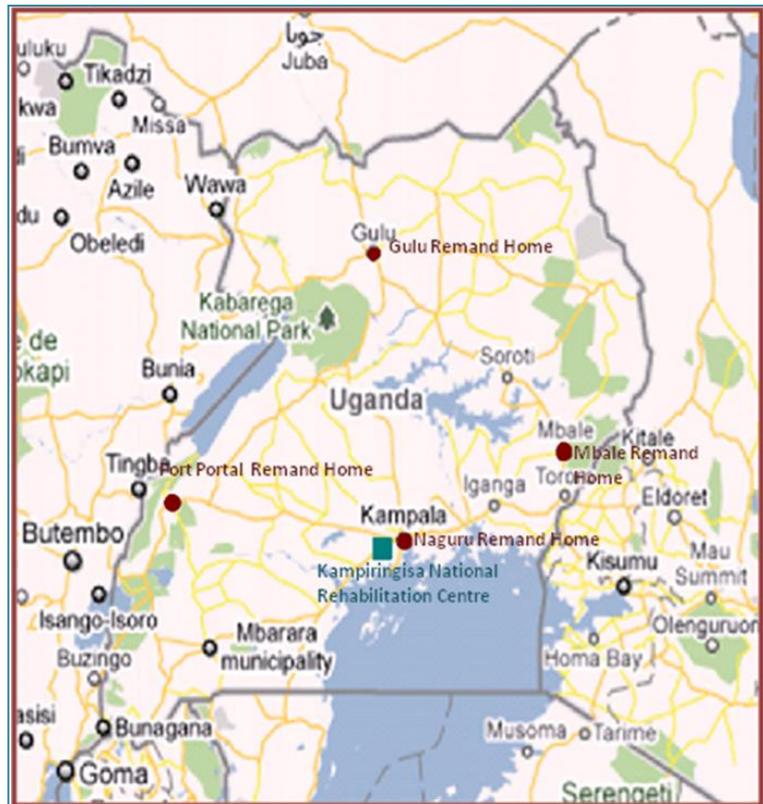


Figure 1: Location of remand homes and the national rehabilitation centre

The principals behind many of these international treaties are enshrined in the Uganda Children Act cap.59 which includes a comprehensive outline of the rights of children in conflict with the law in Uganda.

2.2. Juvenile detention centres

Children in conflict with the law in Uganda are principally the responsibility of the Ministry of Gender, Labor and Social Development. The Uganda Police Force and the Judiciary of the Republic of Uganda also play an important role.

¹ The African Child Policy Forum (2008) *The African Report on Child Wellbeing: Country Briefs Uganda*

² African Committee of Experts on the Rights and Welfare of the Child (March 2010) *Recommendations and Observations sent to the Government of the Republic of Uganda by the African Committee of Experts on the Rights and Welfare of the Child on the Initial Implementation Report of the African Charter on the Rights and Welfare of the Child*. Addis Ababa, Ethiopia.

Detained children are placed in one of four remand homes if awaiting trial or in the national rehabilitation centre if they have received orders or sentences. There are currently four operating remand homes serving their local districts:

- Fort Portal Remand Home
- Gulu Remand Home
- Naguru Remand Home
- Mbale Remand Home

The Kampiringisa National Rehabilitation Centre serves children from the whole of Uganda. All of the homes and the centre contain young males and females in conflict with the law from the ages of 12 to 18. In addition, and contrary to its original mandate, the national rehabilitation centre also contains children found roaming the streets of Kampala who have not been charged with or sentenced with an offence.

2.3. Method

This review of the remand homes and national rehabilitation centre was carried out during August 2010 in association with the UK and Ugandan charity the *African Prisons Project* and the Ugandan Ministry of Gender, Labor and Social Development.

The research was based on an assessment of the facilities against international standards and best practice. An assessment checklist was devised from the following international guidelines:

- United Nations (UN) Rules for the Protection of Juveniles Deprived of their Liberty 1990 (“The Havana Rules”)
- UN Standard Minimum Rules for the Administration of Juvenile Justice 1985 (“The Beijing Rules”)
- UN Guidelines for the Prevention of Juvenile Delinquency 1990 (The Riyadh Guidelines)
- UN Standard Minimum Rules for the Treatment of Prisoners 1977
- African Charter on the Rights and Welfare of the Child 1999
- UN Convention on the Rights of the Child 1989
- Optional Protocol on the Involvement of Children in Armed Conflict 2000
- HM Inspectorate for Prison’s Healthy Prison Test – UK 1999

Using this checklist, field work in the form of interviews and observations was conducted in all of the functioning juvenile detention centres: in Kampiringisa National Rehabilitation Centre on 9th August 2010; in Fort Portal Remand Home on 11th August 2010; Gulu Remand Home on 3rd August 2010; Naguru Remand Home 10th August 2010; and Mbale Remand Home on 7th August 2010. This review did not include a review of police detention cells or adult prisons.

The fieldwork consisted of an in depth interview with a representative from each centre or home. In most cases this was the warden of the home. However the warden of Mbale Remand Home was absent when the visit was undertaken, and therefore the interview was conducted with a guardian/social worker. The interview in Kampiringisa National Rehabilitation Centre was also carried out with a guardian/social worker.

In addition to site visits, interviews were carried out with the Commissioner for Youth and Children and representatives from the Ugandan based Foundation for Human Rights Initiative (FHRI). A representative from UNICEF and the Minister of Gender, Labor and Social Development were also consulted as part of the review.

3. Profile of children in conflict with the law

3.1. Ages of children

In Uganda, a child is defined as someone below the age of 18 years³, and in 2006 there were 16.8 million children in the country.⁴ Although Uganda has legal provisions for the registering of births, bureaucracy, lack of resources, and the fact that rural births often take place away from medical facilities, mean that the majority of births are not registered. Nevertheless, there appears to have been a large improvement in recent years: only 2% of births were being registered in 2002, rising to 50% by 2004⁵.

The registration of births impacts on the success of ensuring that the ages of children in conflict with the law are correctly identified. The age of criminal responsibility in Uganda is 12 years old,⁶ an age in line with the recommendation of the UN general comment No. 10.⁷ Nevertheless, of children aged between 12 and 18, less than 4% have birth certificates, meaning that determination of a person's age is subjective. In order to establish the age of children the police contact the parents, assess appearance, or check the children's teeth⁸.

As such, all of the remand homes and the national rehabilitation centre felt they had housed young people outside of the boundaries of childhood. All of the remand homes stated that they felt they had housed people who were over 18, and two mentioned that they had been sent young people they believed to be below the age of 12. Usually, if the remand homes are sent someone of inappropriate age, they return them to court for a medical assessment to disprove it. This is not always a smooth process. Naguru Remand Home experienced a bitter dispute with the court when they asked for a medical assessment for a child they suspected of being below 12 years of age. After a protracted argument the young person was accepted as being below 12 and handed to the probation and social welfare officer⁹. As the court is expected to make an enquiry into the age of anyone who appears to be older or younger than the appropriate age before sentencing, and obtain a medical certificate as proof¹⁰ by the time the juvenile offender has been sentenced to Kampingisa national rehabilitation centre, the age of the child cannot be disputed. Indeed a representative from the National Rehabilitation Centre, stated that 'if the court says he is 12, he is 12 – if they say he is 12 and he is 18 we can't do anything about it. It is common, especially under my care – some children deflate their ages to get more lenient sentences.' Owing to a tendency against transfer to adult prisons, they also appear to hold young people beyond their eighteenth birthday until they have finished their sentence, regardless of how long that is.¹¹ This means that in some cases there are children held in detention both under the age of criminal responsibility and over the age of childhood.

³ Government of Uganda (1997) The Children Act Cap 59

⁴ The African Child Policy Forum (2008) *The African Report on Child Wellbeing: Country Briefs Uganda*

⁵ Foundation for Human Rights Initiative (2009). *Juvenile Justice in Uganda*

⁶ Government of Uganda (1997) The Children Act Cap 59

⁷ United Nations (2007) *Convention on the Rights of the Child General Comment 10: Children's rights in juvenile justice*

⁸ Foundation for Human Rights Initiative (2009). *Juvenile Justice in Uganda*

⁹ Naguru Remand Home interview and site visit – 10th August 2010

¹⁰ Government of Uganda (1997) The Children Act Cap 59

¹¹ Kampingisa National Rehabilitation Centre interview and site visit - 9th August 2010

Recommendations:

1. Efforts to improve the registration of births should be continued by the Ministry of Gender, Labor and Social Development
2. A national framework for the agreement of a child’s age should be agreed upon between the Ugandan Judiciary and the Uganda Police Service.

3.2. Common offences

The most common offence for a child to be charged with and detained for was defilement. Defilement is an ‘offence against morality’: sexual activity with a girl under the age of eighteen

Offence arrested for	Nos. in 2009	Nos. in 2008
Defilement	785	680
Theft	411	291
Assault	305	344
Breakings	199	NA
Robberies	113	NA
Drug abuse	NA	57
Killings	NA	36
Total	2,245 ¹²	2,421 ¹³

Figure 2: Numbers of child arrests in 2008 and 2009 (Uganda Police Force annual reports)

(the age of sexual consent).¹⁴ According to the Commissioner for Youth and Children ‘even consensual sex is called defilement.’¹⁵ The majority of remand homes noted that defilement was the most common offence among the children detained there, and that girls as well as boys could be held for this offence.

In the remand homes and the national rehabilitation centre children were either detained for capital or minor, petty offences. Capital offences include murder, manslaughter, rape, defilement, and aggravated robbery¹⁶. In Gulu the most common were capital offences such as ‘aggravated defilement’ or murder. They also held children on charges of arson and some petty cases of theft and were lobbying court to reconsider whether remand was appropriate for them¹⁷. In Naguru they had both capital offences including defilement, aggravated robbery, murder and manslaughter, and non-capital offences including theft, assault, and damage to property. Boys were more likely than girls to be charged with capital offences here. The Warden noted that ‘mostly girls are working as housemaids and they steal from their employers.’¹⁸ In Mbale, the most common offence was defilement. They also housed children on charges of murder, theft, house breaking, assault, aggravated defilement, and possession of fire arms. The only two girls in the home were charged with defilement and stealing a phone¹⁹. Surprisingly then, in the national rehabilitation centre Kampiringisa, the most common offence children were sentenced for was petty theft. For example, one child reported that he had been sentenced to the centre for stealing a 20 shilling note. Two girls in the centre, however, were being held for the capital offence of murder.²⁰

3.3. Population

This review found that there was no overcrowding in the remand homes and that the number of children detained was manageable in comparison to capacity. However, Kampiringisa National

¹² Uganda Police Force (2009) *Annual Report*

¹³ Uganda Police Force (2008) *Annual Report*

¹⁴ Government of Uganda (1950) Penal Code Act Ch 120

¹⁵ Interview with Commissioner for Youth and Children 30th July 2010

¹⁶ Government of Uganda (1950) Penal Code Act Ch 120

¹⁷ Gulu Remand Home interview and site visit - 3rd August 2010

¹⁸ Naguru Remand Home interview and site visit – 10th August 2010

¹⁹ Mbale Remand Home interview and site visit - 7th August 2010

²⁰ Kampiringisa National Rehabilitation Centre interview and site visit - 9th August 2010

Rehabilitation Centre is operating at an overcrowded level due to the receipt of children in need of care and protection in large numbers since 2002 (for a full discussion of this see section 4.1 below).

Figure 3: Number of young people housed in the institutions between 3rd August and 12th August 2010

	Gulu Remand Home	Mbale Remand Home	Naguru Remand Home	Fort Remand Home	Portal	Kampiringisa National Rehabilitation Centre
Total capacity	40	45	160	45		200
Capacity male	20	40	130	30		-
No. of male	18	35	110	24		93
Capacity female	20	5	30	15		-
No. of female	0	2	16	1		17

3.3.1. Population of young female offenders

The numbers of girls in conflict with the law is small compared to boys. There were often just one or two girls in a home which contained 20 to 30 boys. They congregate with the boys at all times apart from sleeping in comparatively isolated dormitories, in many cases on their own. In accommodating female children a balance has to be met between placing them near to their family and ensuring that their other needs are met. Their isolation from other females could be detrimental to some of these girls. Furthermore, they are potentially vulnerable to sexual exploitation given that they are in the minority and defilement is such a prevalent offence.

Recommendation:

3. The Ministry of Gender should re-examine the accommodation of female children in mixed remand homes. Potentially two alternative measures could be introduced: create a national remand home specifically for females so that they can be housed together, or create small-scale female remand homes in the current districts staffed by a matron.

3.3.2. Population of former child soldiers

In light of the abductions of children by the rebel Lord’s Resistance Army in northern regions of Uganda between c.1987 and 2008, an enquiry was made into whether any former abductees or child soldiers were being detained. There were none of this population in any of the youth detention centres when the review was undertaken.²¹ However, a number of months ago, Gulu Remand Home had housed a high proportion of abductees/former child soldiers. Indeed half of their inhabitants (15 out of 30) were such children. The warden noted that these children’s behaviours were ‘very strange’ and that ‘they were prone to break things.’²² It is unclear whether they received ‘the appropriate assistance for their physical and psychological recovery’ as required by international law.²³

²¹ Although the Officer in Charge of the nearby prison said that he held some adults who were former abductees

²² Gulu Remand Home interview and site visit - 3rd August 2010

²³ United Nations (2000) *Optional Protocol on the Involvement of Children in Armed Conflict*

4. Safeguarding children

4.1. 'Street children'

International guidance states that children who are vagrant, 'roaming the streets or runaways should be dealt with through the implementation of child protective measures'²⁴ rather than through the criminal justice system. However Kampiringisa National Rehabilitation Centre held 103 such children, 63 boys and 40 girls, alongside young offenders at the time of this review²⁵.

Kampiringisa National Rehabilitation Centre has a history of holding young people in need of care and protection. It was established in 1952 under the Ordinance Act as an 'Approved School' catering for boys aged 6 to 16 who: had committed offences, were in need of care and protection, or who were beyond parental control. This was changed in 1997 when the Children Act stipulated that the school was opened for children who had been convicted of offences as a 'place for the detention, rehabilitation and retraining of children' aged between 12 and 18.²⁶ However in 2002 the Ministry of Gender, Labor and Social Development initiated a programme designed to 'decongest' Kampala of street children and housed them alongside offenders in the centre. The intention was that street children would be taken to the centre for up to three months pending resettlement with their families.²⁷

The government does not provide alternative accommodation for children in need of care and protection, nor do they give dedicated resources to them at the centre, 'they just give a set amount every quarter and so the street children are not planned for.'²⁸ The children range in age from as little as one year old and are housed with and looked after by much older offenders.²⁹ The site visit for this review corroborated FHRI findings that the children in the centre are separated only for the purposes of sleeping and that 'in their daily activities children at the centre mix freely and participate equally in scheduled programs'.³⁰ However, it appeared that in the case of the girls, the street children and offenders were also sleeping in the same quarters.³¹ This close proximity potentially puts the street children at risk of harm or exploitation from the offenders. Although we were shown a plot of land that had allegedly been set aside for a centre for street children, and although FHRI were told that the government had identified a site for the centre, we were unable to corroborate this with the government.³² In light of the fact that few organisations are offering targeted support to street children and children from very poor families, addressing the needs of this vulnerable population is crucial.³³ Ensuring that these children do not become tomorrow's offenders should be a priority for the government. International guidelines allow for the institutionalisation of children who have been neglected, abused, abandoned or exploited,³⁴ however it is advised that any such institution set up for the care and protection of children should be separate from the detention of children in conflict with the law.

²⁴ United Nations (2007) *Convention on the Rights of the Child General Comment 10: Children's rights in Juvenile Justice*

²⁵ Kampiringisa National Rehabilitation Centre interview and site visit - 9th August 2010

²⁶ Government of Uganda (1997) *The Children Act Cap 59*

²⁷ Foundation for Human Rights Initiative (2009) *Juvenile Justice in Uganda*

²⁸ Kampiringisa National Rehabilitation Centre interview and site visit - 9th August 2010

²⁹ Foundation for Human Rights Initiative (2009) *Juvenile Justice in Uganda*

³⁰ *ibid*

³¹ Kampiringisa National Rehabilitation Centre interview and site visit - 9th August 2010

³² Foundation for Human Rights Initiative (2009) *Juvenile Justice in Uganda*

³³ Saneul Kalibala and Lynne Elson (2010) *Protecting Hope: Situation Analysis of Vulnerable Children in Uganda 2009*. The Population Council Inc.

³⁴ United Nations (1990) *Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines)*

Recommendations:

4. Immediately allocate enough resources for the street children in Kampiringisa
5. Establish a separate facility as soon as possible for the shelter and protection of children who are taken off the streets or in need of care and protection.

4.2. Child protection

Child protection is an important element of preventing children from coming into conflict with the law. The framework for child protection has been established in Uganda, however more work is required to ensure that it is fully resourced and coordinated. A total of 4,821 cases where children were the direct targets/victims of crime were reported and investigated in 2009 by Uganda Police Force.³⁵ This compares with a total of 3,760 cases reported and investigated in 2008.³⁶ In 2004 the Ministry of Gender, Labor and Social Development developed the National Orphaned and Vulnerable Children Policy, aimed at improving the quality of life for poor and vulnerable children. In 2009 it was reported that up to 96% of children in Uganda have some level of vulnerability, and that 51% are considered moderately or critically vulnerable.³⁷

Figure 4: Criteria used for identifying vulnerable children in Uganda

Criteria currently used for identifying vulnerable children in Uganda ³⁸			
1	Living on their own/ institutionalised	8	Female caregiver head of household
2	Psychosocial status poor/potentially poor	9	Elderly caregiver head of household
3	Unstable environment (abusive, conflict, migratory)	10	Abandoned (parents known to be alive or assumed alive but cannot be located)
4	In need, as determined by consensus but could include: inadequate food (one meal or less), inadequate clothing (fewer than three sets including uniform), poor shelter (grass thatch and mud walls), lack of/irregular education, regular cash income < US \$1 equivalent per day	11	Parents of guardians cannot be located or are absent (are assumed dead or missing and cannot be located)
5	Orphaned	12	Chronically ill child
6	Single/widowed caregiver or head of household	13	Illiterate/not going to school
7	Chronically ill adult in household	14	Disability

In collaboration with the government, organisations such as *Save the Children* have set up Child Protection Units (CPUs) within most police stations. These units ensure that children are not detained with adults,³⁹ sensitize the community, children and families as to what constitutes child abuse, and provide training.⁴⁰ Judges, Police, and probation and welfare officers are the frontline actors in identifying child protection concerns and assisting vulnerable children. Probation and social welfare officers are supposed to be in place in all districts, however a number of key positions remain unfilled. In some cases police officers individually support vulnerable children and some street children are being taken off the street but are sleeping in police stations.⁴¹

³⁵ Uganda Police Force (2009) *Annual Report*

³⁶ Uganda Police Force (2008) *Annual Report*

³⁷ Saneul Kalibala and Lynne Elson (2010) *Protecting Hope: Situation Analysis of Vulnerable Children in Uganda. 2009*. The Population Council Inc.

³⁸ *ibid.*

³⁹ Foundation for Human Rights Initiative (2009) *Juvenile Justice in Uganda*

⁴⁰ Saneul Kalibala and Lynne Elson (2010) *Protecting Hope: Situation Analysis of Vulnerable Children in Uganda. 2009*. The Population Council Inc.

⁴¹ *ibid.*

In 1996 the government announced a policy for vulnerable children that favoured family and community-based care, with institutional care as a last resort.⁴² According to the government's National Strategic Plan the nuclear and extended family should be the first line of response to the needs of vulnerable children, followed by members of the community. However, it is understood that the family 'can become a serious source of abuse of children and misuse of donated resources or inherited properties of the children.'⁴³ Also, community leaders are not usually able to identify or help children in the community who may not have a home or are in a home where they are being neglected and abused: 'communities and extended families are often too poor to be able to help; everyone expects government and NGOs to look after vulnerable children.'⁴⁴ In addition, some abusive families may seek to detain children they find a burden. FHRI found that some of the children in the 'offender category [at Kampiringisa] had not been found guilty in a court of law but had been brought to the centre directly by their parents.'⁴⁵ If a parent informs a probation officer about his or her child's unruly nature, the case may be heard by a magistrate and a Care and Protection Order be made which detains the child in Kampiringisa Rehabilitation Centre.⁴⁶

Provision for children leaving detention is a particular need. For example one child housed at Mbale Remand Home was abandoned by her parents. She lived with her aunt who 'was brutal to her so she ran away to live with someone in Soroti where she fell in with a man'⁴⁷. It is possible that this man was sexually exploiting her and he reported her for stealing a mobile phone. She has nowhere safe to go if she is released from custody. There is no welfare alternative to family for such children and they would have to come back to the remand home. International guidelines advise that 'special facilities should be set up to provide adequate shelter for young persons who are no longer able to live at home or who do not have homes to live in.'⁴⁸

Recommendations:

6. Cease the detention of children who are considered unruly by their parents. Probation and Welfare Officers should investigate each case and make alternative provision for them.
7. Welfare accommodation should be created for children who have no extended family or a safe place to live, especially on return from custody. This could be the same facility for the shelter and protection of children who are taken off the streets.

4.3. Social welfare report

Children in conflict with the law are often vulnerable children with child protection needs. As one warden explained, 'many of the children come from broken families, poor families. The children steal because their families are struggling economically'.⁴⁹ A recent child consultation for a situation analysis of vulnerable children also revealed that the perception was that children came in contact with the law 'through theft, gambling, "fornication", rape, defilement, drug abuse, sex work, use of vulgar language, fighting, homosexuality, poverty, peer pressure, poor home atmosphere, and lack of guidance.'⁵⁰

⁴² *ibid.*

⁴³ *ibid.*

⁴⁴ *ibid.*

⁴⁵ Foundation for Human Rights Initiative (2009) *Juvenile Justice in Uganda*

⁴⁶ Interview with FHRI August 2010

⁴⁷ Mbale Remand Home interview and site visit - 7th August 2010

⁴⁸ United Nations (1990) *Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines)*

⁴⁹ Gulu Remand Home interview and site visit - 3rd August 2010

⁵⁰ Saneul Kalibala and Lynne Elson (2010) *Protecting Hope: Situation Analysis of Vulnerable Children in Uganda, 2009*. The Population Council Inc.

According to the Commissioner for Youth and Children, all children who are undergoing trial for an offence should have a social welfare report prepared by a probation and social welfare officer to ensure that the welfare needs of children are considered in sentencing. This report is designed to give a full picture of the young person and their background and should give a recommendation to the judge as to what solution would be most desirable for the child.

The social welfare report should be taken into account by the court before making the order/sentence. A copy of the report should be given to the child and their legal representative and include the social and family background, the circumstances in which the child is living and the conditions under which the offence was committed.⁵¹ There was a varying level of success in terms of the completion of the social welfare report in the remand homes. Fort Portal Remand Home claimed that the reports were always written for the children.⁵² Gulu Remand Home also stated that the social welfare report is written and used by the staff 'to argue the case for the young people.'⁵³ However in Naguru and Mbale remand homes the social welfare reports do not appear to be regularly written. In Naguru five children's files were shown at random, none of which contained a social welfare report. It was stated that 'the probation and welfare officers rarely come to do the appropriate interviews with the children' and therefore the reports are not completed.⁵⁴

Recommendations:

8. The social welfare report should be completed on arrival to the remand home, preferably within a time limit, for example four weeks. This timely completion should then be monitored by an independent auditor.
9. The social welfare report should include the vulnerability factors faced by the child in conflict with the law. The report should outline the plan of action for the child to undertake work in the community or explain why the risks they pose to the public are so great that they should be sentenced.

⁵¹ Government of Uganda (1997) The Children Act Cap 59

⁵² Fort Portal Remand Home interview and site visit - 11th August 2010

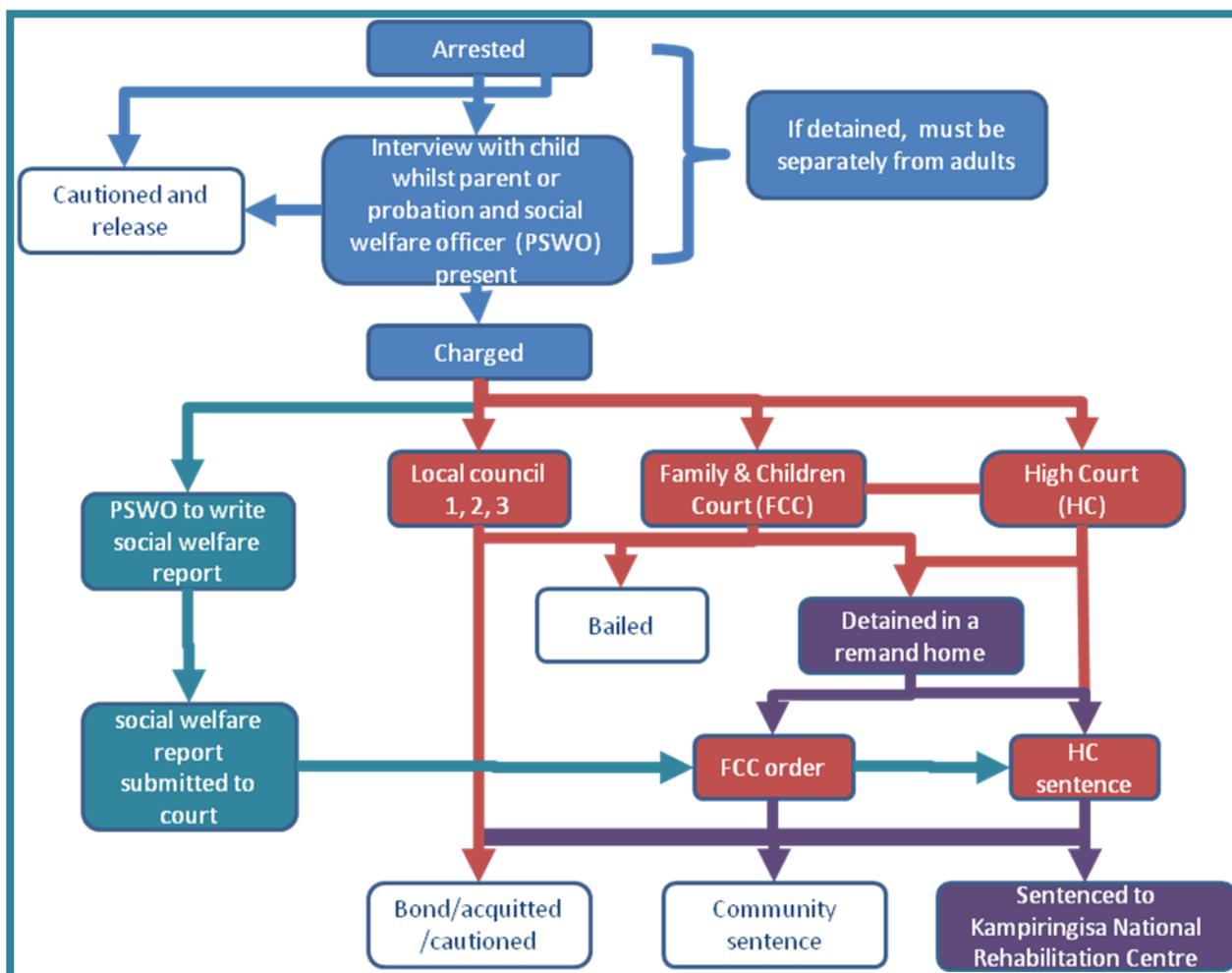
⁵³ Gulu Remand Home interview and site visit - 3rd August 2010

⁵⁴ Naguru Remand Home interview and site visit – 10th August 2010

5. Juvenile justice system

The system of juvenile justice in Uganda comprises three main departments: Ministry of Gender, Labor and Social Development; the Uganda Police Force; and the Judiciary of the Republic of Uganda. The overlapping jurisdictions of these departments are outlined in the diagram below:

Figure 5: The journey of a child in conflict with the law



5.1. Arrest

When a child is arrested, the police have the discretion to caution and release the child or dispose of the case without recourse to formal court.⁵⁵ However, they do not often take advantage of these powers. Instead, children are detained in remand homes and subsequently acquitted when they reach trial⁵⁶ or are given court orders for petty crimes.⁵⁷

As soon as possible after arrest, the police are obliged to inform the child’s parent or guardian and the Secretary for Children’s Affairs of the local government council in the area in which the child resides. Then, either the children’s parent and guardian or a probation and social welfare

⁵⁵ Government of Uganda (1997) The Children Act Cap 59

⁵⁶ Interview with Commissioner for Youth and Children 30th July 2010

⁵⁷ Kampiringisa National Rehabilitation Centre interview and site visit - 9th August 2010, and Foundation for Human Rights Initiative (2009) *Juvenile Justice in Uganda*

officer should attend the police interview. Unfortunately, this does not appear to be happening.⁵⁸ Even when they are informed, FHRI explained that parents or guardians are often scared to accompany their children to police stations in case they themselves are arrested.⁵⁹ As a consequence, children appear in court unaccompanied and the magistrate is forced to deny them bail and remand them.

If a child cannot be immediately be taken to court then the police may give them a release bond⁶⁰ or they may be detained in police custody for a maximum of 24 hours or until they are taken to court. During this time the Children Act 1997 stipulates that ‘no child shall be detained with an adult person.’⁶¹ Nevertheless, the FHRI have shown that some children appear to be being detained with adults in police cells.⁶²

Recommendations:

10. Police officers should receive refresher training on their powers to caution and release or release on bond and the necessity of contacting the child’s parents or guardian on arrest.
11. Police should undertake community sensitization to show how they operate and emphasize that they are not going to automatically arrest parents or guardians
12. The detention of children in police cells should be monitored by an independent auditor to ensure that it does not exceed 24 hours and that they are separated from adults.

5.2. Bail and remand

The Children Act stipulates that ‘unless there is a serious danger to the child’ they should be released on bail⁶³. If they are bailed they get a bail remand form and are required to report to court. If bail is not granted, the court may remand them to custody in a remand home, either in the same area as the court making the order or within a reasonable distance of the court. The Children Act sets out that remand in custody:

- should not exceed 6 months in the case of an offence punishable by death (if they were an adult)
- should not exceed 3 months in the case of any other offence
- that no child should be remanded in custody in an adult prison.⁶⁴

Defence for Children International noted that in practice this provision is sometimes not adhered to due to delays in court.⁶⁵ However it was reported that in 2005 there had been a reduction in the number of persons staying on remand beyond the stipulated period from 39% to 1% for serious offences and 23% to 10% for petty offences⁶⁶ and this seems to have been echoed in the remand homes for children. The majority of children are not remanded beyond the stipulated time. However a minority, mostly charged with capital offences, are being remanded for a period that exceeds the limits. For example in Fort Portal the children were presented in court after 14 days or earlier if they had a production warrant, however the warden stated that there ‘there are problems with high court cases – the kids don’t get priority. We have had some children that

⁵⁸ ibid

⁵⁹ ibid

⁶⁰ Government of Uganda (1997) The Children Act Cap 59

⁶¹ ibid

⁶² Foundation for Human Rights Initiative (2009) *Juvenile Justice in Uganda*

⁶³ Government of Uganda (1997) The Children Act Cap 59

⁶⁴ ibid

⁶⁵ Defence for Children International (2007) *“Form Legislation to Action? Trends in Juvenile Justice Systems across 15 countries”*

⁶⁶ *Justice Law and Order Sector Uganda (2005) Sector wide approach in justice law and order: the Ugandan experience* By Evelyn B. Edroma, Senior Technical advisor, JLOS

have been here for 1 year and nothing is going on. The registrar says that adults are getting priority'.⁶⁷

In Naguru it was reported that most of the capital cases take the right amount of time. However, they have had some cases where children were waiting for a year and one case of a child being remanded for 2 years. Like Fort Portal, they observed that 'children don't have their own court so they don't take priority'.⁶⁸ In Mbale it was reported that for both capital and minor cases timescales were being met.⁶⁹

Recommendation:

13. Employ an independent auditor to periodically assess the length of pre-trial detention in accordance with the Children Act 1997.

5.3. The Courts

5.3.1. Village Executive Committee Court

Local councils are meant to play a central role in the administration of juvenile justice legislation.⁷⁰ The reasoning for this is that communities can handle children's issues more quickly, without recourse to more formal courts. Indeed the Children Act stipulates that all matters of a civil and criminal nature concerning children should be dealt with by the Village Executive Committee Court (Local Council level 1). They have the power to make an order for: reconciliation, compensation, restitution, apology, or caution. They can also make a Guidance Order for a maximum of six months 'under which the child shall be required to submit himself or herself to the guidance, supervision, advice and assistance of a person designated by the court'.⁷¹

The local councils are not supposed to make an order remanding a child into custody. Unfortunately, however, the local councils have been 'constrained by their lack of training on the law and on juvenile justice issues in particular'.⁷² Indeed the Commissioner for Youth and Children noted that 'if a child has committed a minor offence they should be dealt with in the community by the Local Councils levels 1, 2 and 3. Nevertheless, instead of these councils being the last port of call for a young person, they often refer the children on to the remand homes'.⁷³

5.3.2. Family and Children Courts

Family and Children Courts for every district in the country were established by the Children Act 1997. This is in line with the UN Convention for the Rights of the Child, which calls for state parties to establish 'laws, procedures, authorities and institutions specifically applicable to children in conflict with penal law',⁷⁴ and in addition, the General Comment No. 10, which recommends that state parties 'establish juvenile courts either as separate units or as part of existing regional/district courts'.⁷⁵

⁶⁷ Fort Portal Remand Home interview and site visit - 11th August 2010

⁶⁸ Gulu Remand Home interview and site visit - 3rd August 2010

⁶⁹ Mbale Remand Home interview and site visit - 7th August 2010

⁷⁰ The Local Council system was formalized in the 1995 Uganda constitution to function at: Village (LC1); Parish (LC2); Sub-county (LC3); County or municipality (LC4); and District (LC5) level

⁷¹ Government of Uganda (1997) *The Children Act* Cap 59

⁷² Defence for Children International (2007) *Form Legislation to Action? Trends in Juvenile Justice Systems across 15 countries*.

⁷³ Interview with Commissioner for Youth and Children 30th July 2010

⁷⁴ United Nations (1989) *Convention on the Rights of the Child, article 40*

⁷⁵ United Nations (2007) *Convention on the Rights of the Child General Comment 10: Children's rights in juvenile justice*

The Family and Children Court have the jurisdiction to hear and determine all criminal charges against a child except offences punishable by death or offences for which a child is jointly charged with a person over 18 years of age. The maximum order period for a petty offence is six months. It is stated that ‘detention shall be a matter of last resort and shall only be made after careful consideration and after all other reasonable alternatives have been tried and where the gravity of the offence warrants the order.’⁷⁶

In 2003, the government acknowledged that the Family and Children Court could not function properly due to inadequate funding, poor transportation facilities and understaffing. For example in 1999, 44% of Family and Children Courts were not functioning at all due to the unavailability of magistrates.⁷⁷ Children charged with lesser offences are mainly defended by a probation and social welfare officer, however it has been reported that they are rarely trained for courtroom litigation. Moreover, because there is often only one per court, there are often considerable delays of case hearings as well as many children facing trials without representation.⁷⁸ This discrepancy between areas was apparent in the site visits. For example, while in Fort Portal the children have access to lawyers,⁷⁹ in Gulu the staff of the Remand Home act as the children’s advocates.⁸⁰ In Naguru NGOs have been offering legal representation for children who have committed petty and non capital offences through the Legal Aid Clinic (LAC) of the Law Development Centre⁸¹ and *Justice for Children, Christian Lawyer Fraternity*.⁸² In Mbale they said that the staff work hand in hand with paralegals who come and assist them.⁸³ In addition the Justice Law and Order Sector (JLOS) Programme is working on improving the capacity of the Family and Children’s Court and ensuring that Local Council Courts members have legal training or sufficient knowledge of the law.⁸⁴

5.3.3. High Court

According to legislation, only children charged with capital offences or those who are being tried jointly with adults should be sent to High Court. These children are provided with lawyers and legal aid by the government. Those who are tried jointly with adults should be remitted to the Family and Children Court for an appropriate order.⁸⁵ However this rarely appears to be the case.⁸⁶ As these children are tried in the same courts as adults with no priority, there is a backlog of children waiting for their cases to be heard at court. The maximum sentence for those who have committed capital offences is three years.

Recommendation:

14. The efficiency of the Family and Children Court should be improved through training of the judiciary, employing more social and welfare officers and funding for legal aid.
15. All children’s cases should be heard at the Family and Children Courts as opposed to the High Court.

⁷⁶ Government of Uganda (1997) The Children Act Cap 59

⁷⁷ Defence for Children International (2009) *Juvenile Justice Newsletter No. 13*

⁷⁸ Government of Uganda (1997) The Children Act Cap 59

⁷⁹ Fort Portal Remand Home interview and site visit - 11th August 2010

⁸⁰ Gulu Remand Home interview and site visit - 3rd August 2010

⁸¹ Foundation for Human Rights Initiative (2009) *Juvenile Justice in Uganda*

⁸² Naguru Remand Home interview and site visit – 10th August 2010

⁸³ Mbale Remand Home interview and site visit - 7th August 2010

⁸⁴ Justice Law and Order Sector Uganda (2005) *Sector wide approach in justice law and order: the Ugandan experience* By Evelyn B. Edroma, Senior Technical advisor, JLOS

⁸⁵ Government of Uganda (1997) The Children Act Cap 59

⁸⁶ Defence for Children International (2007) *“From Legislation to Action? Trends in Juvenile Justice Systems across 15 countries”*

6. Conditions of detention

6.1. Staffing

6.1.1. Staffing levels

The Commissioner for Youth and Children noted that in terms of staffing, the youth detention system is operating below 50%. Understaffing was verified by the site visits which revealed:

- Fort Portal is operating with its full capacity of staff: 10 (1 warden, 4 guardians including a matron, 2 guards/watchmen, 2 kitchen attendants, and a driver).
- Gulu is understaffed. There are just 3 staff (1 Warden, 2 guardians and two volunteers from a local university on an internship. There is no night staff at the moment)⁸⁷
- Naguru should have 19 members of staff but is currently operating with 16 (6 guardians/social workers, the remainder security and kitchen staff)
- Mbale is understaffed. There are supposed to be 6 staff (1 warden who was absent during the site visit, 4 guardians/social workers, 1 nurse and a special visiting nurse from the main hospital)⁸⁸
- Kampiringisa was severely understaffed. There are supposed to be 40 staff in the centre, but only 18 were present (1 vocational teacher, 2 farm workers, 7 social workers, 2 domestics/cooks, 2 security, 1 principal, 2 deputies, 1 tractor operator)

The national rehabilitation centre is lacking teachers and vocational workers. They left, retired, were sacked, transferred, or died. There is also no longer a carpenter, tailor, mechanic, mason, or electrician so of the vocational programmes they advertise (carpentry, tailoring, mechanical building and brick laying) none were being held. Those who transferred or died have not been replaced. This was claimed to be government policy.

Recommendations:

16. Recruit staff to the national rehabilitation centre and other vacant positions
17. Monitor the presence and capacity of staff at the facilities through an independent auditor.

6.1.2. Staff training

There is generally a lack of specialist staff training in the facilities. The Commissioner for Youth and Children noted that there are no psychologists in any of the homes or any psychological based training given. Also, although the wardens of remand homes have had child protection training, this had not been disseminated to the guardians/social workers. They had been trained in social work, but have received no specific training on working with children in conflict with the law. The warden at Fort Portal noted that all the wardens of the homes meet periodically to share information, best practice and offer support to each other. In Gulu, the warden spoke of child protection training in Kampala delivered by UNICEF.⁸⁹ At Mbale Remand Home staff indicated that they would benefit from training in child law. They mentioned that 'we are social workers but don't understand much about the law.' They also said that they would like to receive the child protection training that the wardens have, as well as an opportunity to visit and learn from practices in other remand homes.⁹⁰

⁸⁷ Gulu Remand Home interview and site visit - 3rd August 2010

⁸⁸ Mbale Remand Home interview and site visit - 7th August 2010

⁸⁹ Gulu Remand Home interview and site visit - 3rd August 2010

⁹⁰ Mbale Remand Home interview and site visit - 7th August 2010

Recommendation:

18. Training on child protection and how to provide psychological support to children in conflict with the law should be given to all guardians/social workers working with children in detention.

6.2. Accommodation, bedding and clothing

Fort Portal Remand Home stands out as a well maintained and ordered home. All of the rooms in the building were extremely clean. It was a good example of how a remand home should be run in Uganda and the children appeared to be well cared for and attended to by the warden.⁹¹ Gulu Remand Home also presented a well maintained and homely environment. One young person said that the staff ‘make us feel not like we are in prison but in a home.’⁹² However, due to the fact that the district government had not paid the bills the home has no electricity or water.⁹³ Naguru Remand Home benefits from the interventions of many NGOs, meaning that the dormitories have facilities such as televisions. There appeared to be a bustling atmosphere in the dormitory with young people coming and going in good spirits.⁹⁴ Mbale Remand Home has well kept grounds, but the accommodation areas are sparse. At the time of the visit all 35 boys were congregated in one dormitory whose door had been locked.⁹⁵ This review expresses concerns about the welfare of the children in Mbale for this reason, and also for those in Kampiringisa National Rehabilitation Centre, where children appeared to be wandering around in poor conditions and very few members of staff were visible.⁹⁶

6.2.1. Bedding and sleeping quarters

There was a wide variety in terms of the bedding and sleeping quarters of the remand homes and the national centre. The beds in Fort Portal were arranged in dormitory fashion, with one for girls and one for boys. The girls’ dormitory was the same size as the boys’, yet contained just one bed. This, although well kept, appeared to be isolating for the young woman.⁹⁷ Gulu Remand Home was ordered in a similar way to Fort Portal, although there were no girls currently occupying their dormitory, which contained several unfurnished beds. A number of surplus bed frames were also kept in the store room. The male dormitory contained 10 bunk beds with capacity for 20 boys. Because of the small room, the beds were in close proximity to each other making the conditions cramped. The light was sufficient for one young person to be reading from his bunk, however some of the beds’ blankets were threadbare.⁹⁸ The bedrooms in Naguru Remand Home were brightly lit with electric lighting. All the young people appear to have a bed, one had been decorated with balloons on the date of the visit to celebrate a young person’s birthday, others had the children’s possessions stored around them. The majority of the bedding was in good condition, though some blankets were breaking or tatty.⁹⁹

In Mbale Remand Home the children had no beds in either the boys’ dormitories or the small room used for the girls to sleep in. There was also a lack of mattresses, and many of those present were broken. The two girls shared one mattress and the boys had a small number of mattresses between them. There did not appear to be clean sheets or enough sheets or blankets. There was no artificial lighting and the natural lighting was poor. The guardian/social

⁹¹ Fort Portal Remand Home interview and site visit - 11th August 2010

⁹² Gulu Remand Home interview and site visit - 3rd August 2010

⁹³ *ibid*

⁹⁴ Naguru Remand Home interview and site visit – 10th August 2010

⁹⁵ Mbale Remand Home interview and site visit - 7th August 2010

⁹⁶ Kampiringisa National Rehabilitation Centre interview and site visit - 9th August 2010

⁹⁷ Fort Portal Remand Home interview and site visit - 11th August 2010

⁹⁸ Gulu Remand Home interview and site visit - 3rd August 2010

⁹⁹ Naguru Remand Home interview and site visit – 10th August 2010

worker informed us that there were shortages of equipment because of the bureaucracy at the Ministry of Gender.¹⁰⁰ In Kampiringisa National Rehabilitation Centre the boys' bedrooms were arranged according to the age of the children. Each bed slept two children due to overcrowding. The street children and the child offenders sleep in the same places. The rooms were dark but tidy. A night warden sleeps in each of the separate rooms, and the doors between the age groups are locked at night.¹⁰¹

Recommendation:

19. The Ministry of Gender should audit the resources they have at each site and redistribute them where necessary. There are many additional beds held at Gulu Remand Home which are not being used, whilst at Mbale Remand Home there are no beds at all.

6.2.2. Uniforms

Supplies of uniforms were mixed across the homes and the centre. All the children in Fort Portal Remand Home had uniforms in good condition.¹⁰² The children in Mbale Remand Home were also wearing adequate uniforms.¹⁰³ However in Gulu Remand Home, although they were supplied with 15 uniforms by UNICEF when the Home opened, they had run out and the children were wearing their own clothes. The Warden stated that the young people frequently arrive 'in clothes which are rags' and the staff have no clothes to put them in.¹⁰⁴ Similarly, there were not enough uniforms in Naguru or Kampiringisa and the majority of children did not wear them.¹⁰⁵ The staff at Kampringisa removed the shirts of those who had just arrived to distinguish them from the rest of the population. It was also difficult to distinguish between street children and juvenile offenders as they all wore donated multicoloured clothes.¹⁰⁶

Recommendation:

20. Adequate uniforms and spares need to be provided for all the children and their conditions monitored.

6.3. Discipline

In Uganda, corporal punishment is prohibited in the youth detention system, although it is not prohibited in the home or school.¹⁰⁷ This may account for the extremely mixed approach to discipline in the remand homes and the national centre. In Fort Portal there was hardly any recourse to discipline. The warden said 'our children are not really wild – we do not punish them. They do try to escape, but if they do that, we talk to them and they admit it and then they calm down – there is no corporal punishment.'¹⁰⁸ In Gulu, interviews with the young people indicate that they are treated well.¹⁰⁹ In Naguru if there is an allegation of misbehaviour they 'first talk to them to see if it's true, then we need to tell him he did wrong. If it's a second offence, after a warning, we discipline him. We don't administer corporal punishment but give him some work to do - like they must clean the room where they sleep for a week. Normally they do it on a

¹⁰⁰ Mbale Remand Home interview and site visit - 7th August 2010

¹⁰¹ Kampiringisa National Rehabilitation Centre interview and site visit - 9th August 2010

¹⁰² Fort Portal Remand Home interview and site visit - 11th August 2010

¹⁰³ Mbale Remand Home interview and site visit - 7th August 2010

¹⁰⁴ Gulu Remand Home interview and site visit - 3rd August 2010

¹⁰⁵ Naguru Remand Home interview and site visit - 10th August 2010

¹⁰⁶ Kampiringisa National Rehabilitation Centre interview and site visit - 9th August 2010

¹⁰⁷ The African Child Policy Forum (2008) *The African Report on Child Wellbeing: Country Briefs Uganda*

¹⁰⁸ Fort Portal Remand Home interview and site visit - 11th August 2010

¹⁰⁹ Gulu Remand Home interview and site visit - 3rd August 2010

rotational basis. Or we make them work in the compound or splitting firewood when others are playing.¹¹⁰

However, in both Mbale Remand Home and Kampiringisa National Rehabilitation Centre corporal punishment was routinely used for disciplinary reasons. In Mbale Remand Home the guardian/social worker stated that if the children misbehave then they talk to them and then punish them. One of the children explained that ‘they don’t cane us lying down on the floor just like that. They cane us if we misbehave just once.’ When asked what type of behaviour they would get the cane for he said ‘fighting or something like that’.¹¹¹ The guardian said that they have leaders amongst the children who must attempt to prevent violence (such as slapping) and inform the staff.¹¹² In Kamprisanga the FHRI found that while children alleged the use of corporal punishment the staff denied this.¹¹³ However this review found the staff to be open about the use of corporal punishment. The guardian said ‘if they misbehave we give them two strokes of the cane or they have to weed the compound. Some of the children are unruly – they misbehave – they continue with theft here – others abuse staff who are not social workers’.¹¹⁴ FHRI also noted that a form of punishment was ‘detention in a *batanga cell*’- a dark cell where children could be detained for up to a week and given one meal a day.’¹¹⁵ On the site visit this cell was still in use but was called an isolation cell. The child occupying it spoke through the grill above the door, explaining through the social worker that he had been placed there because he had sold his shirt for food. He had been in there for one day and was being given three meals a day.¹¹⁶ The use of this cell and administration of corporal punishment goes against article 66 of the UN Rules for the Protection of Juveniles Deprived of their Liberty, which states that ‘all disciplinary measures constituting cruel, inhuman or degrading treatment shall be strictly prohibited, including corporal punishment, placement in a dark cell, closed or solitary confinement or any other punishment that may compromise the physical or mental health of the juvenile concerned’.¹¹⁷

Recommendations:

21. Educate and train remand home and national rehabilitation centre staff at all levels on the prohibition of violence against children in Ugandan institutions and alternative forms of discipline
22. Employ an independent auditor to monitor the compliance with the prohibition of violence and any other cruel and degrading treatment in Ugandan institutions.

¹¹⁰ Naguru Remand Home interview and site visit – 10th August 2010

¹¹¹ Mbale Remand Home interview and site visit - 7th August 2010

¹¹² *ibid*

¹¹³ Foundation for Human Rights Initiative (2009) *Juvenile Justice in Uganda*

¹¹⁴ *ibid*

¹¹⁵ *ibid*

¹¹⁶ Kampiringisa National Rehabilitation Centre interview and site visit - 9th August 2010

¹¹⁷ United Nations (1990) *Rules for the Protection of Juveniles Deprived of their liberty* (“*The Havana Rules*”)

7. Healthcare

7.1. Nutrition and hygiene

The majority of remand homes and the national centre were providing the children with adequate food, however there are concerns regarding Mbale Remand Home. International guidelines suggest that 'every detention facility shall ensure that every juvenile receives food that is suitably prepared and presented at normal meal times and of a quality and quantity to satisfy the standards of dietetics, hygiene and health.'¹¹⁸ The children at Fort Portal Remand Home get breakfast, lunch and dinner of posha and beans which is prepared by the cooks each day.¹¹⁹ In Gulu Remand Home there was a severe shortage of posha on the site visit, with only enough to last them for 4 days. They supplement their food with vegetables grown from the garden.¹²⁰ At Naguru Remand Home the children receive three meals a day.¹²¹ At Mbale Remand Home we were informed by the guardian/social worker that the children also receive three meals a day: porridge for breakfast, lunch and an evening meal of matoke and rice, which they try and vary. However the children told us that they had not had breakfast that day, and there are severe concerns regarding the discrepancy between what we were told and what was happening at the home.¹²² In Kampiringisa we were informed that they get three meals a day and that they are cultivating potatoes, casson, and maize to supplement the food from the government supply of beans and posha.¹²³

Fort Portal Remand Home is the only home where all the meals are prepared for the young people by a cook. The kitchen area was also the cleanest and safest as the oven was purpose built and the opportunities for burns on the open flame were minimized.¹²⁴ Due to the fact that Gulu Remand Home has had their water and electricity cut off, the hygiene standards are not as good as they could be. The boys have to collect water in jerry cans and store them in the home. This means there is a problem with hygiene as they are unable to flush the latrine and flies are collecting around the water supplies¹²⁵. Although *Save the Children* provided the home with three cooking stoves, they are unfinished and cannot be used, meaning the children cook on a smaller cauldron which is more dangerous.¹²⁶ The grounds of Naguru Remand Home are not as open as the other homes, but the standards of hygiene appeared sufficient.¹²⁷ Kampiringisa National Rehabilitation Centre was not clean, and appeared unhygienic. The level of flies at the centre was larger than at any other place of detention. The kitchen area was outside and the children were washing the cauldrons after having lunch. This stove did not appear safe or hygienic: the fire was open and the cauldrons were too big for children to carry or clean safely. There was no adequate drainage around the food area or for cleaning the dining hall and many flies were congregated around the food and the dining room floor. Although we were told that they have two cooks, it appears that the children themselves play a large role in preparing food and in cleaning the food areas.¹²⁸

¹¹⁸ *ibid*

¹¹⁹ Fort Portal Remand Home interview and site visit - 11th August 2010

¹²⁰ Gulu Remand Home interview and site visit - 3rd August 2010

¹²¹ Naguru Remand Home interview and site visit – 10th August 2010

¹²² Mbale Remand Home interview and site visit - 7th August 2010

¹²³ Kampiringisa National Rehabilitation Centre interview and site visit - 9th August 2010

¹²⁴ Fort Portal Remand Home interview and site visit - 11th August 2010

¹²⁵ Gulu Remand Home interview and site visit - 3rd August 2010

¹²⁶ *ibid*

¹²⁷ Naguru Remand Home interview and site visit – 10th August 2010

¹²⁸ Kampiringisa National Rehabilitation Centre interview and site visit - 9th August 2010

Recommendations:

23. Replicate the practice at Fort Portal Remand Home, where meals are prepared by cooks rather than the children and hygiene levels are high. Children should not be left in charge of open fires
24. Employ an independent auditor to monitor the food supplies and preparation and to ensure that the children are receiving the correct food.

7.2. Medical services

Neither the remand homes, nor the national centre had adequate on-site medical facilities. All of them use local medical facilities when necessary, either calling in a medical professional such as a nurse, or taking the young people to outside hospitals. The government provides free healthcare through its Ministry of Health facilities which exist in all parts of the country. However these tend to be under-staffed and rural facilities often experience delayed deliveries of drugs.¹²⁹ In Fort Portal the most common diseases are ‘coughs’, scabies, and malaria. If the young people are ill then ‘we have a nearby health centre which we take them to’. However, it was felt that ideally they would have a visiting health professional because the hospital ‘doesn’t really cater for them – it would be best to have a medical professional instead to dedicate their time to the young people.’¹³⁰ Gulu Remand Home also uses the local hospital if the young people are ill. However, they have a problem with transport, which can be difficult to arrange.¹³¹ Naguru Remand Home appeared to have the best access to medical care. One of the social workers is acting as a nurse, and the children attend a health clinic once a week. The most common illnesses are coughs, malaria, headaches, and stomach problems. The children are also able to go to Mulago Hospital if necessary. They had the option of having mosquito nets, but the staff do not generally use them for fear that the young people might use the nets to commit suicide or set fire to them.¹³²

In Mbale Remand Home and Kampiringisa National Rehabilitation Centre we encountered young people who appeared to be ill and without access to medical facilities or staff support. We were informed that in Mbale Remand Home a special nurse visits from the main hospital when necessary. The children suffer from malaria, headaches, coughs or flu there. One child was coughing acutely and appeared sick. However when we enquired about this boy his capital charge was used as an excuse as to why nothing had been done for him.¹³³ In Kampiringisa, there are no medical facilities, and the medicine dispensary has anthrax in the roof.¹³⁴ The most common diseases there are malaria, dysentery, and wounds. In addition, it was noted that the Karamajong street children tend to have skin diseases. There are insufficient drugs to treat the children and diseased children spend time with children who are not ill as there is no sick bay to isolate them in. On our visit three ill children were lying together on a small mattress in a room not much bigger. This was the makeshift sick room, and no-one appeared to be looking after them although we were informed that the NGO *Dwelling Place*, who undertake the treatment of diseases, visit once a month¹³⁵

¹²⁹ Saneul Kalibala and Lynne Elson (2010) *Protecting Hope: Situation Analysis of Vulnerable Children in Uganda. 2009*. The Population Council Inc.

¹³⁰ Fort Portal Remand Home interview and site visit - 11th August 2010

¹³¹ Gulu Remand Home interview and site visit - 3rd August 2010

¹³² Naguru Remand Home interview and site visit – 10th August 2010

¹³³ Mbale Remand Home interview and site visit - 7th August 2010

¹³⁴ Kampiringisa National Rehabilitation Centre interview and site visit - 9th August 2010

¹³⁵ *ibid*

Recommendation:

25. Dedicated sick bays should be used along with the supply of basic medicine. Ideally, the Ministry of Gender and Ministry of Health should employ a dedicated medical officer to nationally coordinate the health services in the detention facilities in terms of disease prevention and testing, seeing to sickness, and referring children to appropriate hospitals.

7.3. Psychological support and detoxification

There is no dedicated psychological support for children in detention in Uganda. The guardians/social workers in each home state that they provide counselling to the young people, however when this is described it does not appear to contain a psychological element. Nevertheless there are pockets of support from NGOs. For example the young people at Gulu Remand Home are receiving psycho-social support from an NGO called the *Acholi Community Empowerment Network (ACEN)*. This NGO comes for two hours every week and undertakes group work and counselling through the ACEN psycho-social programme¹³⁶. In addition, in Naguru Remand Home an NGO provides group counselling and one-to-one work with young people¹³⁷.

The remand homes do not have any facilities for dealing with mental illness, and sufferers are transferred to hospital. Naguru Remand Home has a visiting nurse who makes mental health assessments. They state 'we alert him to the mental health if we see a child acting abnormally'¹³⁸ In Mbale, the guardian/social worker said that if a young person displayed mental illness 'we either try and find somewhere or if it's a minor offence then it is suggested they go back into the community. The probation officer should look after that young person'.¹³⁹

There are no facilities for detoxification in any of the remand homes. In Kampiringisa National Rehabilitation Centre it was noted 'we have drug addicted children, we tend to put them in the isolation rooms – they can become violent – we put them in the isolation rooms until they become sober.'¹⁴⁰ This is contrary to international guidelines which states 'juvenile detention facilities should adopt specialized drug abuse prevention and rehabilitation programmes'.¹⁴¹

Recommendation:

26. Psychological training and support should be available for children in detention. This could be provided through links with universities or NGOs
27. Appropriate detoxification facilities should be available for children recovering from drug addiction, preferably away from the detention facilities.

¹³⁶ Gulu Remand Home interview and site visit - 3rd August 2010

¹³⁷ Naguru Remand Home interview and site visit – 10th August 2010

¹³⁸ *ibid*

¹³⁹ Mbale Remand Home interview and site visit - 7th August 2010

¹⁴⁰ Kampiringisa National Rehabilitation Centre interview and site visit - 9th August 2010

¹⁴¹ United Nations (1990) *Rules for the Protection of Juveniles Deprived of their Liberty: "The Havana Rules"*

8. Education and training

8.1. Sentence planning

There is limited planning of programmes in the detention facilities. There is no evidence of planning in any of the remand homes, however in the national centre, a process of planning was described: ‘the social workers talk to the children when they first arrive, then they hand them to the career guidance committee. This committee takes them to different areas – e.g. education, farming. If they are above school age then straight away it’s vocational.’¹⁴² All the child offenders have three months’ ‘social integration training’ when they arrive at the centre, then they are supposed to have access to one of the following:

- Casework/counselling
- tracing and resettlement
- vocational skills training
- formal education
- farming
- hygiene and
- health management.¹⁴³

Unfortunately there is no evidence that the majority of these programmes are taking place. Also, there is no evidence that they take the young person’s background, risks and needs into account. Moreover, there appears to be an informal approach to transferring information. In Naguru they explained how ‘yesterday we took five to Kampiringisa – two weeks back we took nine. We give them the nature of the offence, family background, whether they have been at school etc. We don’t give them the social welfare report.’¹⁴⁴

Recommendation:

29. The social welfare report written at the beginning of a remand period should be used as a basis from which to provide a plan for the remaining time the children are on remand. The report and subsequent plan should then accompany the child if they are transferred to the national rehabilitation centre. These should be used as a basis for a more detailed sentence plan at Kampiringisa and guardians/social workers should measure progress against this plan.

8.2. Education

In January 1997 the Government of Uganda introduced universal primary education and in 2005 universal secondary education was introduced. However universal secondary education is still in its infancy and has not reached all parts of the country, and universal primary education still appears to be excluding vulnerable children due to a lack of resources needed for uniforms, stationary and exam fees.¹⁴⁵ Education was originally provided in the remand homes and centre by the government as part of this scheme. However, as the Commissioner for Youth and Children pointed out, running education programmes in remand homes is difficult because residents come and go regularly and are all at different levels: ‘one person may have stopped in

¹⁴² Kampiringisa National Rehabilitation Centre interview and site visit - 9th August 2010

¹⁴³ *ibid*

¹⁴⁴ Naguru Remand Home interview and site visit – 10th August 2010

¹⁴⁵ Saneul Kalibala and Lynne Elson (2010) *Protecting Hope: Situation Analysis of Vulnerable Children in Uganda, 2009*. The Population Council Inc.

Primary [level] one, some may have never been to school, some know how to read and write and others don't know at all.¹⁴⁶

As a consequence, the majority of remand home children are provided with absolutely no education at school going age. Fort Portal Remand Home has no educational facilities and 'most of them can't read or write.'¹⁴⁷ Mbale Remand Home also had no educational provision: 'we can't take them to a school and no schools come in to teach them.'¹⁴⁸ Both Gulu Remand Home and Naguru Remand Home benefit from some support from NGOs, but this is limited in terms of what is available and to whom it is available. For example in Gulu they have some volunteers teaching literacy and numeracy each week, yet there is no secondary provision in the home. One young person told us that he was worried about his education when he is released as he had missed exams while in the home. In Naguru, the *Companionship for Works Association*, an Italian NGO, provide primary education every morning for those who were at school before they arrived. For others at different levels, an NGO teaches them how to read and write so they do not get out of the habit. Those who have never experienced school do not receive education because 'it is difficult to engage them.'¹⁴⁹ In Kampiringisa no education is provided. Originally they had five teachers, but they have all retired and not been replaced. Instead, 85 children (whose parents are willing to pay their fees) are sent to local schools. This includes 66 boys and 4 girls at primary level and 19 boys and 3 girls at secondary level. They travel there each morning and return for meals and in the evening. They are monitored by prefects and staff to ensure they do not escape.¹⁵⁰ FHRI reported that the rest of the children, including the street children, do not have access to formal education, and noted that in certain exceptional circumstances members of staff assist some children by personally paying for their school fees.¹⁵¹

None of the remand homes had a library. There was a library in Kampiringisa, however it was locked and being used as an office and storeroom for the children's possessions. It did not appear to be accessed by the children.¹⁵² This is contrary to international guidelines which recommend 'access to a library that is adequately stocked' and that children are 'encouraged and enabled to make full use of it'.¹⁵³

Recommendation:

29. The Ministry of Gender should work with the Ministry of Education to ensure that *all* children in detention, regardless of their illiteracy or educational level when they arrive, receive basic educational provision such as that taking place in Naguru Remand Home
30. Adequately stocked libraries should be made available to the children in all facilities.

8.2.1. Religious education

All of the remand homes provided religious studies to some extent. In Fort Portal the warden and visiting Church groups held ceremonies on Sundays. In Gulu there is Bible teaching every Friday and Tuesday, though one child felt that he would like more access to a religious representative. In Naguru a spiritual and moral education programme was being run by a Christian organisation who came to teach the children on a daily basis.¹⁵⁴ In Mbale they have

¹⁴⁶ Interview with Commissioner for Youth and Children 30th July 2010

¹⁴⁷ Fort Portal Remand Home interview and site visit - 11th August 2010

¹⁴⁸ Mbale Remand Home interview and site visit - 7th August 2010

¹⁴⁹ Naguru Remand Home interview and site visit – 10th August 2010

¹⁵⁰ Kampiringisa National Rehabilitation Centre interview and site visit - 9th August 2010

¹⁵¹ Foundation for Human Rights Initiative (2009) *Juvenile Justice in Uganda*

¹⁵² Kampiringisa National Rehabilitation Centre interview and site visit - 9th August 2010

¹⁵³ United Nations (1990) *Rules for the Protection of Juveniles Deprived of their Liberty: "The Havana Rules"*

¹⁵⁴ Naguru Remand Home interview and site visit – 10th August 2010

Bible study,¹⁵⁵ and in Kampiringisia there were four NGOs that offer ‘spiritual development’ to the young people: *An Open Door*; *Jesus Cares for All*; *Footstep*; and *Give Me a Chance*.¹⁵⁶

8.3. Vocational training

The majority of remand homes are unable to offer the young people any vocational training. Only Naguru and the national rehabilitation centre are able to offer courses due to the help of NGOs. In Fort Portal there is no capacity for any vocational training. In Gulu they have rooms which were originally intended to be vocational workshops for activities such as carpentry. However they decided that because the boys are not there for very long they do not have time to follow a proper programme. The sole vocational programme they offer is farming, in which the children grow maize, aubergine, sweet potato, and cabbage. One boy mentioned his pleasure at having learned farming skills. In Mbale, there was no vocational training at all. A single young person was labouring in the garden, but it was unclear why he was the only one doing this¹⁵⁷

The vocational training provided in Naguru and Kampiringisa is extensive. In Naguru a number of NGOs were working with the home: *Give me a Chance* offers tailoring; *Sodi* offers computer studies; *Companionship for Works* teaches home economics, music, dance and drama as well as paying school fees for children from poor backgrounds. Further NGOs offer carpentry, hairdressing, art and craft. All the programmes are provided by NGOs but some posts are funded through the government. The children are assigned particular activities according to their interests.¹⁵⁸ In Kampiringisa, owing to a shortage of staff, none of the vocational programmes they advertise as running (carpentry, tailoring, mechanical building and brick laying) are held except welding. Despite this, 26 boys and 4 girls are registered for these courses. This is a marked deterioration from a year prior when FHRI reported that the children could undertake carpentry and metalwork, and were sometimes remunerated for their labour.¹⁵⁹ Some NGOs offer services however: *World Support Outreach* do football coaching; *Tigers Club* do sports training; *Footstep* provide educational materials. In addition, *Defence for Children International* pays for the children to become trained in carpentry, plumbing and electronics at Masulita Vocational Training Centre and Bira Vocational Training, both of which are boarding schools. Every two weeks the social worker visits the young people to see the progress they are making. They make fortnightly reports on each child – giving a copy to the funders and the principal of the centre.¹⁶⁰ It is unclear whether risk assessments have been carried out for these young people to ensure that they can live safely within a boarding school community.

Unfortunately it seems that there are few children in detention accessing such opportunities in Uganda. This review verified FHRI’s report that there are no programs designed for the youngest children in Kampiringisa. They are cared for by the older children or ‘just loiter around and eat.’¹⁶¹ Nevertheless, international guidelines state that not only should every juvenile have the ‘right to receive vocational training in occupations likely to prepare him or her for future employment’, but that the juvenile should be able to choose the type of work they wish to perform, and ‘whenever possible, juveniles should be provided with the opportunity to perform remunerated labor.’¹⁶²

¹⁵⁵ Mbale Remand Home interview and site visit - 7th August 2010

¹⁵⁶ Kampiringisa National Rehabilitation Centre interview and site visit - 9th August 2010

¹⁵⁷ Mbale Remand Home interview and site visit - 7th August 2010

¹⁵⁸ Naguru Remand Home interview and site visit – 10th August 2010

¹⁵⁹ Foundation for Human Rights Initiative (2009) *Juvenile Justice in Uganda*

¹⁶⁰ Kampiringisa National Rehabilitation Centre interview and site visit - 9th August 2010

¹⁶¹ Quoted in Foundation for Human Rights Initiative (2009) *Juvenile Justice in Uganda*

¹⁶² United Nations (1990) *Rules for the Protection of Juveniles Deprived of their Liberty: “The Havana Rules”*

Recommendations:

33. Children being schooled or trained outside the national centre should have a risk assessment to ensure that they are able to work with other children safely
34. The Ministry of Gender should take steps towards ensuring that all children in detention have the opportunity to undertake vocational training.

8.4. Recreation

There are limited recreation activities available for children in the homes and in the centre. In Fort Portal they have small gardens, and play football and netball. They also have activities in the evenings such as listening to the radio and playing games.¹⁶³ In Gulu the children can exercise when they want and play football. They have radios which they listen to 'but they prefer to listen to music rather than the news!' One boy also informed us that they have a fine art class.¹⁶⁴ In Mbale there were no activities for the children and they reported that they were 'very bored'. The guardians/wardens reported that they had ordered draughts and a football but these had not arrived yet.¹⁶⁵ In Kampiringisia some of the children were listening to music through a TV.¹⁶⁶

¹⁶³ Fort Portal Remand Home interview and site visit - 11th August 2010

¹⁶⁴ Mbale Remand Home interview and site visit - 7th August 2010

¹⁶⁵ Mbale Remand Home interview and site visit - 7th August 2010

¹⁶⁶ Kampiringisa National Rehabilitation Centre interview and site visit - 9th August 2010

9. Community reintegration

9.1. Parental contact

The remand homes and national centre have an open policy on visits from family and parents, however they are not always able to visit. For example in Gulu parents are encouraged to visit at all times, and there are no visiting hours. However it was noted that they do not always come.¹⁶⁷ In Mbale it was reported that ‘some boys will stay here and have not even seen their relatives.’¹⁶⁸

9.2. Resettlement

In some parts of Uganda, communities are tempted to take the law into their own hands and lynching of children charged with crimes can occur. It was reported that in the past where police investigations or court cases appeared slow then ‘the public often times took the law into their own hands by lynching suspects.’¹⁶⁹ Equally, the warden in Gulu reported that it can be difficult to persuade a community that a remand home is an appropriate place for children: many people would rather administer punishment themselves.¹⁷⁰ In Mbale it was reported that if a boy commits murder in the community they can be hostile to his return. Therefore ‘if there is fear that the community may attack them then we talk to a relative in another area, we need to ensure he is in the right hands’.¹⁷¹

Resettlement is carried out with varying success by the remand homes and the centre. Where there are vehicles, for example in Fort Portal and Mbale, resettlement is easier, but where there is no easy access to transport the homes struggle. In Fort Portal they undertake community resettlement with support from the Justice Law and Order Sector (JOSL). The staff meet the probation and social welfare officer first, then talk to the local counsel, then find the parents. The warden reported that ‘some of the parents aren’t accepting’ so they undertake counselling with the family informing them of the child’s rights, until they accept them back home. This is facilitated by a vehicle donated by JLOS.¹⁷² This vehicle solves the problem identified by FHIR in 2009 when they reported that lack of transportation meant that children in Fort Portal could not access the court or leave the home¹⁷³. In Gulu there is a lack of adequate transportation: they have a car which they share with community services – however it is frequently not there¹⁷⁴. In Naguru they do not have their own transport, but told us that the ‘ministry take the child back into the community’ and ‘we also have a probation welfare officer in the areas where the children come from and local counsellors and church leaders to ensure the children are well received and stay in the community there’¹⁷⁵. Mbale Remand Home has a vehicle and they described how they drive it to the children’s homes to see where the parents live and assess the environment. They explained that there is not always family to go to, however.¹⁷⁶ In Kampiringisa there are no vehicles for resettlement. However *Give Me a Chance* does work in tracing and resettlement, and provides vehicles. There is a community reintegration worker who reintegrates the children when they have funds. However, funds are not always available, meaning that the children sometimes have to stay past their sentence. Moreover, the NGO does not resettle children who

¹⁶⁷ Gulu Remand Home interview and site visit - 3rd August 2010

¹⁶⁸ Mbale Remand Home interview and site visit - 7th August 2010

¹⁶⁹ Justice Law and Order Sector Uganda (2005) *Sector wide approach in justice law and order: the Ugandan experience* By Evelyn B. Edroma, Senior Technical advisor, JLOS

¹⁷⁰ Gulu Remand Home interview and site visit - 3rd August 2010

¹⁷¹ Mbale Remand Home interview and site visit - 7th August 2010

¹⁷² Fort Portal Remand Home interview and site visit - 11th August 2010

¹⁷³ FHIR (1990) *Juvenile Justice in Uganda*

¹⁷⁴ Gulu Remand Home interview and site visit - 3rd August 2010

¹⁷⁵ Naguru Remand Home interview and site visit – 10th August 2010

¹⁷⁶ Mbale Remand Home interview and site visit - 7th August 2010

live in the North of Uganda. The guardian/social worker noted that ‘there are about eight upcountry children [children who live in the north of Uganda] whose sentences are finished but who have not been resettled.’¹⁷⁷

The Children Act stipulates that before a child is released from detention, the probation and social welfare officer and the authorities in the detention centre shall discuss the period of aftercare with the child, but ‘in all circumstances it shall not exceed 12 months after the child’s release from detention’.¹⁷⁸ We found no evidence of this taking place.

9.2.1. Resettlement of street children

Although street children are supposed to be resettled after three months, this period is often extended due to lack of resources. FHIR were told that ‘at times the release of money to resettle them came late so you find [the process] takes longer.’¹⁷⁹ The NGO *Give Me a Chance* have helped to resettle some children, but do not have the capacity to resettle them all.¹⁸⁰ The majority of street children are from the Karamajong tribe in the north-east of Uganda. Ongoing conflict in the area leads many of them to travel to the streets of Kampala and Jinja as well as other major towns. Kangore Church of Uganda, in Karamoja, operates a centre which receives some of these children when they return from Kampala and elsewhere.¹⁸¹

Recommendations:

35. Ensure that children are promptly resettled following the end of their sentence
36. Ensure sensitization is undertaken with parents and communities so that children are welcomed home after their period of detention.

10. Conclusion

Overall, there is both good practice and elements of concerning practice in Ugandan detention facilities. The majority of children appear to be well looked after, and Fort Portal and Gulu remand homes can be particularly praised in this regard. There are generally good basic facilities and enthusiastic staff in all the facilities, who unfortunately struggle with a lack of resources and provision. There are some concerning elements that deserve the governments immediate attention however. The removal of children in need of care of protection from Kampiringisa Rehabilitation Centre, the provision of some form of education and vocational training for all children, and training for staff to ensure that they do not administer corporal punishment is crucial. In turn the government would benefit from employing an independent auditor to ensure any changes implemented are closely monitored, staff are present at their posts, and resources are adequate and being maintained. Above all, a closer eye by the government through an auditor would ensure that the welfare of the children in conflict with the law in Uganda is upheld.

¹⁷⁷ Kampiringisa National Rehabilitation Centre interview and site visit - 9th August 2010

¹⁷⁸ Government of Uganda (1997) The Children Act Cap 59

¹⁷⁹ Quoted in Foundation for Human Rights Initiative (2009) *Juvenile Justice in Uganda*. FHIR

¹⁸⁰ Foundation for Human Rights Initiative (2009) *Juvenile Justice in Uganda*

¹⁸¹ Saneul Kalibala and Lynne Elson (2010) *Protecting Hope: Situation Analysis of Vulnerable Children in Uganda, 2009*. The Population Council Inc.

11. Bibliography

The African Child Policy Forum (2008) *The African Report on Child Wellbeing: Country Briefs Uganda*

African Committee of Experts on the Rights and Welfare of the Child (March 2010) *Recommendations and Observations sent to the Government of the Republic of Uganda by the African Committee of Experts on the Rights and Welfare of the Child on the Initial Implementation Report of the African Charter on the Rights and Welfare of the Child*. Addis Ababa, Ethiopia

African Union (1999) *African Charter on the Rights and Welfare of the Child*

Defence for Children International (2007) *“Form Legislation to Action? Trends in Juvenile Justice Systems across 15 countries” A preliminary mapping of the implementation of relevant international standards on juvenile justice in Albania, Argentina, Belgium, Bolivia, Canada, Chile, Costa Rica, France, Ghana, Italy, the Netherlands, Niger, Palestine, Sierra Leone and Uganda on 2007.*

Defence for Children International (2009) *Juvenile Justice Newsletter No. 13*

Foundation for Human Rights Initiative (2009) *Juvenile Justice in Uganda*

Government of Uganda (1950) Penal Code Act Ch 120

Government of Uganda (1997) The Children Act Cap 59

HM Inspectorate for Prisons (1999) *Healthy Prison Test. UK*

Justice Law and Order Sector Uganda (2005) *Sector wide approach in justice law and order: the Ugandan experience* By Evelyn B. Edroma, Senior Technical advisor, JLOS

Saneul Kalibala and Lynne Elson (2010) *Protecting Hope: Situation Analysis of Vulnerable Children in Uganda 2009*. The Population Council Inc

United Nations (1989) *Convention on the Rights of the Child*

United Nations (2007) *Convention on the Rights of the Child General Comment 10: Children’s rights in juvenile justice*

United Nations (1990) *Rules for the Protection of Juveniles Deprived of their liberty (“The Havana Rules”)*

United Nations (1985) *Standard Minimum Rules for the Administration of Juvenile Justice (“The Beijing Rules”)*

United Nations (1990) *Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines)*

United Nations (1977) *Standard Minimum Rules for the Treatment of Prisoners*

United Nations (2000) *Optional Protocol on the Involvement of Children in Armed Conflict*

Uganda Police Force (2009) *Annual Report*

Uganda Police Force (2008) *Annual Report*