

UGANDA CHILD PROTECTION SYSTEMS & THE ROLE OF COMMUNITY

**Presentation to Learning Workshop on
Community Driven Approaches**

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Key Concepts Adopted

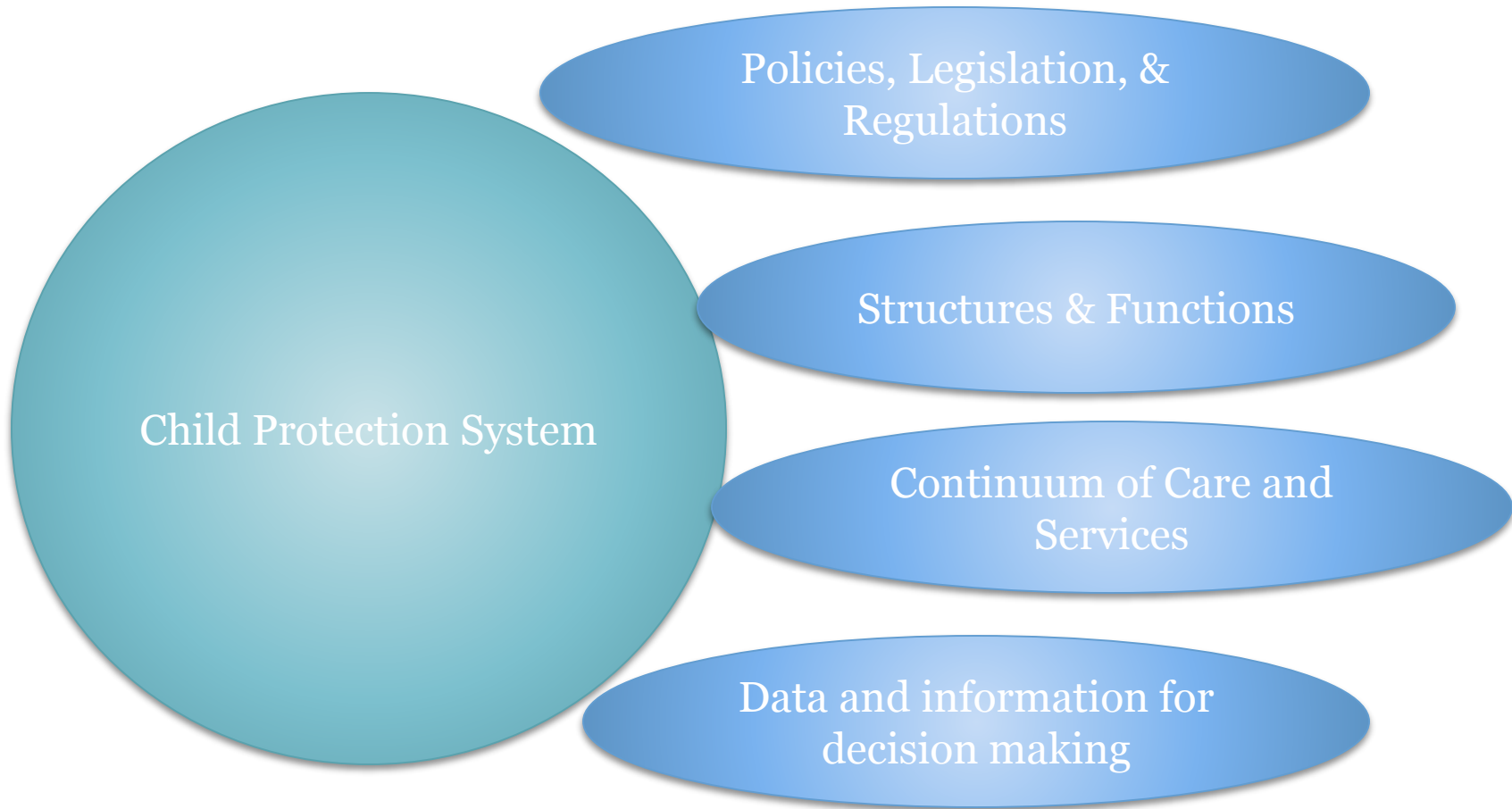
Child protection: “ interventions aimed at preventing and responding to violence, exploitation and abuse against children, with the aim of ensuring children’s wellbeing and happiness”

Child protection system: “a series of components (e.g. laws, policies, regulations, services, capacities, monitoring, oversight) organised around the goal of preventing and responding to protection risks such as abuse, abandonment, exploitation, and neglect”

Background

- Global move to adopt a systems approach to child protection
- What is new with this thinking/approach?
 - Presents a shift from vertical silos-based programming which focuses on specific categories of children to integrated programming across target groups to benefit all children in need of care and protection
 - Brings about greater linkages between sectors (social welfare, education, health, justice)
 - Greater linkages between levels (national, subnational and local)

What is a child protection system?



Legal and Policy Context for Child Protection

- With the exception of the Hague Convention on Inter-country adoption, Uganda has ratified most of the key child rights international and regional instruments
- There have been significant efforts to translate them into domestic legislation as indicated in the table below:

	Legislation
1.	The Constitution of Uganda, 1995
2	The Children’s Act - Cap 59
3	The Penal Code Act – Cap 120 (as amended)
4	Prevention of Trafficking in Persons Act (2009)
5	The Prohibition of Female Genital Mutilation Act (2010)
6	International Criminal Court Act (2010)
7	The Domestic Violence Act 2010
8	The Uganda People’s Defense Forces Act (CAP 307) 1992
9	The Births and Deaths Registration Act (CAP 309) 1973
10	The Uganda Registration Services Bureau (URSB) Act (Cap. 210)
11	The Local Government, Act (Cap 243) 1997
12	The Employment Act 2006; Occupational Safety and Health Act (2006).
13	The Labour Dispute and Settlement Act (2006).
14	The Education Act (2008).
15	The persons with Disability Act 2006
16	The Refugee Act (2006).
17	The Amnesty Act (CAP 294).

- There are a number of policies and plans with a bearing on child protection, some of which are still in draft:
 - Child Labour policy & its attendant NAP
 - OVC policy & its attendant NSPPI II
 - National Action Plan against Child Sacrifice [in draft]
 - The national action plan on child sexual abuse and exploitation [in draft]
 - The national framework for the provision of alternative care [in draft]

Key issues and concerns:

- Fragmented nature of child protection laws and policies – current provisions spread across 17 different legislations
- Lack of mandatory reporting – no enforceable obligation for professionals to report abuse of children
- Inadequate criminalisation and sanction for some child rights violations for instance there is no explicit punishment for child labour, corporal punishment and child marriage

- Conflict with the dominant cultural value systems e.g the FGM Act
- Failure to translate legal provisions into actual protection for children

Child protection System Structure, Functions and Capacities

- System can be viewed from three levels: national, district and community level
- National level mandate shared across five Ministries (including their associated semi-autonomous entities)
 - **MoGLSD:** Coordinating delivery of child protection services including standard setting
 - **MoJCAs:** Ensuring children's access to justice, Birth registration, review and enactment of laws.

- **MoES:** Provision of education services, and has the highest level of direct contact with children.

Child protection incorporated in implementation of Minimum Basic Educational Standards and Safe School Programmes

- **MoIAs:** Uganda police, immigration, NGO Board. Lead role in addressing issues of crime and violence against children and especially in efforts geared at fighting human trafficking. The Ministry also handles children in conflict with the law

- **MoH:** offering health services to children including recovery and rehabilitation services to children who experience grievous bodily harm

Key issues:

- Unclear and implicit child protection mandates and implications for action and follow up
- Limited human and other resource capacities in all child protection sectors but especially in the primary Ministry (MoGLSD)
- Structural challenges in the context of decentralization especially for the MoGLSD work with PSWOs at district level
- No unified mechanism for ensuring that the various child protection institutions are held accountable to their child protection mandates

CHILD PROTECTION COORDINATION

National level structures include;

- The National OVC Steering Committee (NOSC)
- The National Council for Children
- The National Steering Committee for Child labour
- The Anti- Trafficking Task Force
- The Justice, Law and Order (JLOS) Secretariat/The Justice for Children Steering Committee (Under JLOS)
- National Child Protection Working Group (NCPWG)

District Level Structures include;

- The District OVC Coordination Committee (DOVCC)
- District Child Protection Working Group (DCPWG)
- District Chain-linked Coordination Committees (DCCs)
- Sub Country OVC Committees (SOVCCs)

Key concerns related to the effectiveness of CP Coordination mechanisms

- Too many coordination structures at both national and district levels
- No structural/vertical linkages between the structures [lack of a hierarchy in coordination]
- Inadequate multi-sectoral involvement : Other key sector ministries not effectively participating in the different coordination structures
- Limited coverage and functionality of district coordination structures :- Not in all districts and not functional without donor support
- The overlap between OVC and child protection programming

The continuum of care: Scale and Scope of Child Protection Services

Social Norms

Major negative practices include:

- Denial of education to girl children.
- Food taboos
- Child marriage
- Use of corporal punishment
- Female genital mutilation/ cutting
- Child sacrifice
- Involving children in witchcraft

Prevention Measures

The major ongoing responses to address the foregoing negative beliefs and practices and prevent child rights violations include;

- promotion of girl child education,
- community education and awareness creation including on existing legislation
- Community mobilization for local action to address risk factors
- On-going dialogue on community norms

Challenges in prevention

- The limited coverage of preventive interventions
- The slow pace of behaviour change
- The linkage between livelihood promotion and child protection - collaboration between child protection and livelihood actors has been limited, and many livelihood interventions have not been leveraged to promote child protection outcomes.

Response to child rights violations

- Identification of children in need of protection including reporting and referral of cases – largely by the community.
- Investigation of child rights violations – by LCs, CDO, PSWO or police
- Response and social support to abused children staying within their families- largely by CSOs
- Response and support outside the children's family- Largely by CSOs but poorly documented.
- Follow-up, record-keeping and monitoring children's progress – Duty of PSWO and CDOs but poorly done.

Disconnect between the formal and informal child protection systems

- Limited trust of formal systems
- Informal systems trusted but may not have the capacity to deal with some issues
- Culture versus modernisation
- Need to bring the two systems together.

Alternative Care Options for children

- Kinship care/informal foster care: No government support; many children depend on old, poor and vulnerable caregivers
- Institutional care: Many homes not approved, children irregularly placed in care, limited family re-integration programmes, poor supervision by PSWOs
- Foster care: No government support to foster careers, inadequate information on children in foster care
- Adoption: Inter-country adoption more dominant, circumvention of adoption procedures, unjustified adoptions, no regulatory mechanism on adoption, lack of follow up mechanisms for inter-country adoption.

Children's Access to justice: Concerns/Gaps

Judiciary-related gaps and challenges:

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

Police –related challenges include

- Negative attitude by police officers towards children in conflict with the law
- Lack of knowledge, skills and information about child related legislation
- Lack of enough staff with the necessary authority to effectively handle child related cases within the CFPUs
- Poor coordination and linkages between the various units of the police department especially CID and CFPUs
- Inadequate facilities and logistics for the police to professionally and effectively discharge their functions. . .
- Limited referral services/options for children interfacing with the police system
- Absence of standardised formats for data collection

Resource Mobilization and Fiscal Accountability

- The national budget is the most sustainable source of financing
- The current National Development Plan/strategies and the budget/ MTEFs do not explicitly reference child protection
- MoGLSD and NCC have the responsibility of ensuring adequate allocation of public resources for child protection but face the challenge of articulating tangible/measurable outcomes of investing in child protection

MAJOR CONCERNS RELATED TO CHILD PROTECTION DATA

- Lack of data of key child protection indicators: e.g number of children with disabilities, prevalence of child marriage, prevalence of FGM, children in need of alternative care, child trafficking, commercial sexual exploitation of children, status of children going through the justice system (beyond number of cases reported to the police) as well as adoption and guardianship data
- Lack of nationally representative data as most of the research studies that have been undertaken have a very limited geographical scope
- Reliance on service based data: Most of the data provided by institutions such as the police, the OVC MIS and service delivery NGOs and institutions is always limited to the children that have sought or received services from the respective institutions.
- Inadequate collection and management of routine child protection data: In most child protection service providing institutions primary data is not well managed.
- Data disaggregation; Often, where data is available, it is not adequately disaggregated in terms of age and sex .

PRIORITIES FOR STRENGTHENING COMMUNITY ROLE IN CHILD PROTECTION

CAPACITY BUILDING

- ***Undertaking a comprehensive capacity audit of the Child protection systems in the community:*** focusing on the needs and capacity gaps in relation to child protection within the community.
- ***Expanding the Social Work Force across the child protection sector :*** in order to ensure enough social workers at various levels of the child protection system both within the Primary Ministry as well as within key secondary Ministries and institution,districts,subcounty and the community
- ***Expanding Standardized Child Protection Training for key child protection professional and actors:*** in order to bridge the evident gaps in the technical competence of key child protection professionals at various levels,
- ***Redress the logistical constraints :*** with special focus on the district Community –based services departments as well as the Family and Protection Units of the Police.

SERVICE AND SERVICE DELIVERY MECHANISMS

- ***Mapping and monitoring service provision coverage*** : in order to rationalize the delivery and access to child protection services and direct interventions and services to the most deserving and least served areas and gradually promote universal coverage .
- ***Institutionalize universal case management system***: In order to ensure systematic and holistic delivery of child protection at all levels .
- ***Strengthen Quality assurance mechanisms and monitoring outcomes for children*** and institutionalize a mechanism for monitoring and promoting compliance with these standards.
- ***Strengthen the oversight role of the MoGLSD in relation to community level service delivery***: in order to address the disconnect between the MoGLSD and the child protection institutions at sub-national level and strengthen the supervisory and oversight function of the MoGLSD.

END