

# Child Protection in Crisis Uganda: March 2012 Learning Retreat

*From projects to systems – A Macro level  
overview of the child protection system in  
Uganda*

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Child Protection in Crisis

Network for Research, Learning & Action

# Introduction

- Assessment Commissioned by Oak Foundation
- Assessment undertaken between July and September 2010.
- Outcomes disseminated to key stakeholders in December 2010
- 4 page policy brief combining outcomes of assessment and consultative workshop available.
- Outcomes informing support to the CPWG by Oak Foundation

# Objectives

- To assess the processes, prospects, opportunities and challenges around the development of a comprehensive Child Protection System in Uganda
- To explore the possible integrative linkages between a national child protection system and indigenous / community-based child protection responses.

# Objectives

- Identify necessary areas and levels of intervention by various actors in order to support the development of a national Child protection system.
- Identify and explore other issues relevant to child protection in Uganda including; e.g OVC planning process, trends in the use of residential care , funding for child protection etc...

# Methodology

- Desk review of legal and policy documents related to child protection, previous studies and assessments in the area of child protection; programme documents and reviews as well as National Plans (NPs) with a bearing on child protection.
- Primary data collection through key informant interviews including government and NGO actors as well as representatives of development/donor agencies that focus on child protection.

# Conceptual issues around child protection

- The 3P perspective to child protection *actions and interventions that seek to address children's vulnerability to specific forms of child exploitation, violence and cruelty, arbitrary separation from family, and abuses in the criminal justice system.*

# Conceptual issues around child protection

- The all embracing view of child protection *includes all actions that ensure the protection of the rights of children in their entirety and thus seek to create a total environment that enhances the wellbeing of children.*

# Uganda's CP normative framework

- an impressive record with regard to the ratification of international instruments relating to children's rights.
- an impressive record in domestication of international commitments ( constitution and other domestic legal instruments).
- Most respondents that despite some gaps Uganda generally has a reasonable normative framework within which a vibrant child protection system can be constructed.

# The link between formal and informal child protection systems

- It is generally understood that any child protection system operates within varied but closely interacting contexts ranging from the very formal to the less formal. Within these varied contexts there are also a cross section of actors with different forms and levels of authority.

# Formal child protection system

- The formal child protection mechanisms are generally based on statutory instruments or other formal instruments enacted by the government which designate specific functions and authority to actors and institutions at various levels to discharge child protection functions.

# Formal child protection systems

- In the case of Uganda the formal child protection system includes the range of actions envisaged at different levels (from national to community level) within the various legal and policy instruments that the government has put in place. This system is amenable to greater regulation, standardization and wider application

# Informal child protection systems

- Informal child protection mechanisms are based on cultural and traditional organisational forms and sources of authority. They are mostly voluntary and driven by the concepts of shared responsibilities for child care. They are generally more localised. The nature, scope and efficacy of informal child protection systems could vary significantly across communities in any given country or society.

# Informal child protection systems

- In Uganda informal child protection systems largely take the form of kinship networks and structures within the extended family network/ clan system, voluntary groups formed in response to specific child vulnerability concerns which often transform into community based organisations, or faith-based arrangements and initiatives.

# Informal child protection systems

- Informal child protection mechanisms in Uganda provide a range of vital services in form of physical safety for vulnerable children, food and shelter, informal foster care and psycho social support.

# Informal child protection systems

- Because of their informal and voluntary nature informal systems are often resource constrained and are more inclined to offer support that does not involve substantial financial costs.
- In Uganda there is always great overlap between the formal and informal structures

# Informal child protection systems

- There is a danger in over –glorifying informal traditional systems and ignoring their limitations( rootedness in cultural beliefs and value systems that are sometimes discriminative and abusive)
- Over dependency on community structures resulting into underinvestment in the formal structures.

# Key actors in the child protection system- potentials and limitations

- Children – critical reporting violations but generally voiceless
- Families – Unit of first line protection but major sphere of perpetration of abuse.  
Breakdown of family/community cohesiveness
- Formal/statutory actors- possess statutory authority but lack adequate capacity to respond.

# Key issues in building a CP system – structural

- Managing the interface between CP sub-systems namely; ***the child care/ social protection sub-system*** that focuses on issues of vulnerability, ***the law/ order and justice sub-system*** that focuses on enforcement, legal protection and dispensation of justice as well as the ***basic social service sub-system*** that includes health and educational services.

# Key issues in building a CP system – governance, mgt and enforcement

- In Uganda, given the relatively fragmented nature of the system it is difficult to locate a particular centre where the governance, management and enforcement functions of the system are discharged. The different components in the system are managed within their respective sectors.
- NCC constrained by institutional and capacity challenges . CPWG limited by voluntary nature and mandate.

# Key issues in building a CP system – Capacities

- There are significant capacity challenges in form of insufficient staffing, poor technical competence especially among the grassroots child protection duty bearers (Local Council leaders) as well as very inadequate funding for child protection activities at all levels.

# Key issues in building a CP system – Capacities

- Most of the protection and response services are provided within the realm of the informal sector. When violations occur it is largely the family and community support systems that provide the first line of response.
- Increasingly more services are being sought from formal child protection system through increased reporting of cases to the police, a few of which make it through to the justice system.

# Key issues in building a CP system – Continuum of care

- Major barriers still hinder many children from accessing appropriate responses from the formal child protection mechanisms including ; non-responsiveness by the formal systems due to financial and logistical constraints, corruption, the unfriendly nature of the response systems especially the police, justice and health systems as well as the costs involved in accessing these services , for example transport to police and court.

# Key issues in building a CP system

## The process of care

- The process of care refers to the procedures and mechanisms through which the child protection system responds to specific violations. It includes aspects of identification, reporting, referral, investigation, assessment, treatment and follow- up.
- Uganda does not have a mandatory child abuse reporting regime. Reporting is a voluntary endeavor.

# Identification and reporting

- Most cases are reporting to LCs and less than 20% make it beyond the LC level.
- Innovations such as the child helpline service offer great opportunities for significantly improving the reporting system
- Overall most cases of child rights violations remain unreported.

# Referral

- Given the general inadequacy of most child protection services at community level, in many communities it is not possible to access the full range of required services for abused children.
- Even in situations where services are available, there is a serious lack of referral mechanisms among the various actors. Where referrals occur, they are often adhoc and poorly documented without adequate follow up to ensure effective service delivery.

# Referral

- There are also wide variations in the availability and level of functioning of referral pathways between rural and urban areas in Uganda partly due to the uneven distribution of services, the distances involved in accessing these services and the availability of NGOs working in the areas of child protection

# Documentation and data management

- In Uganda, lack of comprehensive and up-to-date data on the prevalence, trends and outcomes on child protection variables remains a major limitation to the functionality of the child protection system.
- Most LCs do not document cases they handle. Many probation officers have no comprehensive records of the cases they handle.

# Documentation and data management

- Within the health system, most forms of violations are not recognised as a primary diagnosis and are therefore not captured in the medical records. For example a case of sexual abuse reported to a hospital will be recorded in relation to the medical symptoms presented without reference to the cause of the symptoms.

# Documentation and data management

- The police system has registered progressive improvements in the documentation of crime cases and is currently the most reliable source of incidence data on child protection cases.

# . Accountability mechanisms within the CP system

- There remains a glaring lack of a quality assurance mechanism within child protection agencies. Different child protection organisations determine their own standards and methods of work depending on the financial and technical resources at their disposal. This results into wide variations between the scope, quality and depth of services offered by the various agencies.

# Accountability mechanisms within the CP system

- Without standardised protocols or any form of inspection or regulatory institution, many children are left with no clear external recourse in case of dissatisfaction with the nature of service provided by an agency or actor.

# Way forward

- Refer to policy brief – separately distributed.

**THANK YOU VERY MUCH**