

*Justice for Children DCC News* is a quarterly update on on-going work in the 16 District Chain-linked Committees involved in the Justice for Children (J4C) Program of the Justice, Law and Order Sector. *DCC News* offers updates on program implementation experiences, emerging practices, events, best practices and other information on the work undertaken by DCCs to deliver justice for children. The publication also seeks to foster cross-learning and DCC collaboration between J4C sites.

## Welcome to DCC News!



**Happy New Year!** I present to you our first edition of DCC News in the third year of The Justice for Children (J4C) Program Implementation. This edition covers the period from December 2013 to February 2014. **J4C** is an initiative of the Justice Law and Order Sector (JLOS) funded by UNICEF and implemented by the Centre for Justice Studies and Innovations (CJSI). The Program is aimed at strengthening the overall capacity of the JLOS institutions to respond to the needs of children in the justice system.

In September, 2013, J4C completed its second year since inception. A two month no cost extension period followed during which routine work of fast tracking children's cases, inspection and monitoring of detention facilities and coaching and mentoring justice system actors on child friendly approaches among others were on-going.

J4C is implemented in a total of 16 Districts i.e. the seven districts of Acholi (referred to as the Northern Region), five districts of Eastern and North Eastern Uganda, two districts in Central Uganda and the two districts of Kyenjojo and Kabarole. Interventions are both at Sub National and National levels. This edition of the Newsletter covers the period from December to February which makes up quarter one of the third years of J4C Program implementation with some highlights of activities implemented during the transition period from year two to year three.

## SHARING IS LEARNING!

Implementation of the J4C program is deeply reliant on the District Chain Linked Committees (DCCs). The DCC is the basic coordination structure of the Justice, Law and Order Sector at the District level. Judges in Circuits are the patrons of their respective DCCs. This newsletter is aimed at increasing access to, and sharing of, information between DCCs in order to strengthen functionality and foster learning between them.

***Please share experiences and ask questions. Get involved!***

We welcome contributions from all of our readers. We would love to hear about your results, difficult experiences, innovative solutions, best practices, interesting cases, upcoming events or any other information relating to justice for children.

To submit an article or seek information, please contact your District J4C Coordinator or Regional Team Leader.

Through institutional reforms, improvements in legislation and policy, development of stakeholder capacity/competence and targeted support to critical institutions (in and outside of JLOS), J4C envisages better protection, better services and improved access to justice.

Utilizing the District Chain-linked Committees (DCCs) as an entry point at Subnational level, J4C pursues application of child friendly standards as laid out in the law and evidenced by zero tolerance to detention of children in adult facilities, zero tolerance of petty offenders in remand homes, diversion of petty offender cases, utilization of custodial sentence as a last resort, fast tracking of children's cases, in accordance to the timeline standards set out in the Children's Act, and child-friendly procedures in the pursuit of justice.

**Valentine Namakula, Executive Director, CJSI**

## Editor's Note:

This quarter marks the beginning of yet another year (Year three) of implementing the exciting Justice for Children Program. The last two years were characterized by intensified advocacy and stakeholder capacity strengthening coupled with targeted institutional support for high impact initiatives to attain direct results for children. Focus in year three is on institutionalising reforms piloted by the program and working to make them part of the mainstream justice system to ensure lasting improvements in the delivery of justice services for children in Uganda. Routine activities to attain results for children, mentoring and coaching of Regional and District justice system stakeholders, documentation of good practices as well as advocacy both at national and subnational levels form the bulk of J4C Programming for year three. Year three will also see an exciting roll out of the Program in three new sites of Kumi, Napak and Kaboong. The last quarter saw a number of changes take place in the justice system in terms of transfer of system actors especially in the Judiciary and DPP. This edition brings you details of the changes in the J4C Program sites and recognises those that have been transferred. The upside to the changes is that skills, knowledge and practices adopted during implementation of the Program get rolled out and transferred to other sites ultimately leading to a wider application of child friendly practices and procedures across the country.

### J4C at National Level

While at the sub national level efforts are geared towards practice change, at the national level the focus is on engaging the various platforms and structures namely working groups, the various committees of JLOS, institutional heads and various departments to prioritize issues of children based on the matters arising from implementation at sub national (District and Regional levels). Key on the J4C agenda is to enhance coordination of the national and sub national justice for children players by ensuring that there is constant communication between the two levels of operation with the aim of improving service delivery and to further create visibility for children's issues. J4C has in the last quarter registered the following achievements at national level:

- As a result of the J4C engagements at the national level, Uganda Prison Services issued and

disseminated **administrative guidelines to protect children with mothers in Prisons and for management of suspected juveniles in prisons.**

- A **J4C sub-committee** was established as an operational sub-committee under the Criminal Justice Working Group (CJWG) of JLOS.
- **The JLOS Criminal Justice Working Group for the first time monitored Naguru Remand Home** to ensure compliance with protection standards. Feedback provided by the working group informed the work planning process of the sector 2014/2015.
- The Justice for Children Steering Committee held a meeting to review the J4C work plan for Year III and to further agree on the areas of support to be provided by the committee to the J4C stakeholders. Key areas of support agreed upon include field monitoring and engagements with the management committees of JLOS institutions to respond to issues emerging from J4C program implementation that require national level attention and action.

### J4C at Sub National Level

#### I. East and North Eastern region

**The Region covers the DCCs of Moroto, Kotido, Soroti, Mbale and Buduuda and the new sites of Kumi, Napak and Kabong.** In this quarter, High court sessions were held across the region i.e. Mbale, Kumi and Soroti all under the jurisdiction of Soroti High court circuit. The sessions were intended to dispose of cases involving adults who had stayed unnecessarily on remand. J4C engagement with the Resident Judges in Mbale and Soroti, DPP and Deputy Registrars successfully got a total number of **7** cases involving children cause listed in Mbale High Court and **1** in Moroto. As a result, the **8** juveniles on capital charges, who were not initially part of the high court sessions, had their cases heard and concluded. Out of the **8** children handled, **7** were committed to Kampingisa National Rehabilitation Centre, and **1** in Moroto was cautioned.

In Mbale high court, out of **48** cases concluded, **45** were Aggregated Defilement charges and **3** on murder committed against children. In Kumi high

court session, out of **46** cases concluded, **18** were on Aggravated Defilement.

High court sessions are not held every year. Much as the Judges have exhibited the willingness to fast track children's cases, a number of challenges hinder these efforts for instance inadequate resources to summon witnesses and other logistical requirements.

**The Justice for Children Team Leader in the East and North Eastern Region is Ms Helen Edimu [hedimu@cjsi.org](mailto:hedimu@cjsi.org) currently based in Soroti.**

### **I.I. Moroto**

#### **Changes in composition**

- i. Moroto received a new Grade One Magistrate HW Balintuma Grace
- ii. Mr John Ochopa Resident State Attorney Moroto was transferred to Kumi
- iii. The new RSA is Mr Alamo peter

*Last DCC Meeting held on: 6<sup>th</sup> November, 2013*

*Next DCC Meeting to be held on: 28<sup>th</sup> March 2014*

#### **Highlights**

Other activities during the quarter included

- A High Court Session that began on the 23<sup>rd</sup> of January 2014 that saw a total of 48 cases disposed of out which 19 were child related
- DCC inspection of all the Detention Facilities by the DCC Members on the 21<sup>st</sup>/02/2014

#### **Summary of key discussion points of last meeting**

The DCC resolved to regularize their meetings. They agreed to hold a meeting at least once in every two Months. During the meeting, it was also resolved that Juveniles should not to be remanded back to Police as had been the practice. Notably, there is increased diversion of petty offenders from the formal judicial proceedings to the community leaders to prevent them from being detained with Adults.



*Moroto DCC Members conducting an inspection of the Prison*

#### **Follow up on cases**

All the Children involved during the High Court criminal Session were guided and counseled each time they appeared. This was done in a child support centre at court. The team ensured that all the child related cases were heard in Chambers.

#### **Observed Best Practices**

- ✓ A child support centre has been opened in Moroto Chief Magistrates Court where Children in contact with the Law are counseled and guided before and after court sessions.

#### **Observed Areas of Concern**

- Remanding Juveniles to Police – Court at times sends child offenders on remand to police due to lack of resources to take the children to Mbale Remand home.
- The Probation Officer is not always present whenever a child is appearing in Court

#### **Challenges faced by the Program**

- Most cases originate from Napak and as such it is very difficult to follow up since there is no Judicial Officer in Napak.
- Complainants do not follow up with their cases after reporting to the Police and as such investigations become very difficult

## 1.2. Kotido

Last DCC Meeting was held on: 13<sup>th</sup> December 2013

Next DCC Meeting to be held on: 14<sup>th</sup> February 2014

### Highlights

Activities conducted during the quarter included a DCC Community outreach on the 7<sup>th</sup>/02/2014 to sensitize the community on the legal frame work relating to children's rights and inspection of all the Detention Facilities by the DCC Members on the 14<sup>th</sup>/02/2014.

### Summary of key discussion points/resolutions of last meeting

- The probation Office to always be present when a child is appearing in Court
- Magistrates agreed to always insist on the presence of the Probation officer before hearing cases involving children.
- J4C to avail all the members of the DCC with the DCC guidelines
- Investigating officers to always ensure that suspected juveniles are medically examined before preferring charges
- The DCC to write to JLOS requesting that the funds for medical examination which is currently placed at Police headquarters be brought to the District level to ease access.

### Observed Best Practices

- ✓ Trial Magistrates have ensured that the Probation Officer is always present when a child is appearing and as such it has improved on the quality of case management of child related cases.
- ✓ Suspected juveniles are first medically examined before charges are preferred
- ✓ Police has provided a temporary detention facility at CFPU Reception Centre for children in conflict with the law to avoid them from being detained with Adults
- ✓ The RSA attends suspects' parade as a move to avoid suspects detained for more than 48hrs
- ✓ Spot check visits to the JLOS Institutions at the District

## Observed areas of concern

- The local population prefers the informal justice system as opposed to the Formal even in cases that are capital in nature
- Slow investigation by detectives is still a challenge hence hindering fast tracking of Children Cases.

**The Justice for Children Coordinator for Moroto and Kotido is Francis Legkwo [flegkwo@cjsi.org](mailto:flegkwo@cjsi.org)**

## 1.3. Soroti

### Changes in composition

- i. Mr Samuel Evoke Senior Resident State Attorney Soroti / DCC Secretary was transferred to Anti-Corruption Court in Kampala
- ii. Ms Njuki Miriam Resident State Attorney Soroti was transferred too
- iii. Ms Elisabeth State Prosecutor Soroti was transferred to Bukedea
- iv. His Worship Lawrence Tweyanze Chief Magistrate Soroti was earlier on in November transferred to Nabweru Court in Kampala.
- v. His Worship Baker Rwatooro, is the new Chief Magistrate of Soroti

Last DCC meeting held on: 18<sup>th</sup> December 2013

Next DCC Meeting to be held on: TBD

### Highlights

Key discussion issues in the last DCC meeting:

- The cause listing task was assigned to one court clerk and produced every Friday. This is shared by Court, DPP, Police, prisons and Probation
- Insufficient personnel in Court e.g. there are only two court orderlies yet there are 4 magistrates. The Chief Magistrate has a heavy work load as he covers 7 Districts.
- Uncoordinated movement of files and accused persons where accused persons are unable to go to court because their files have not yet been transferred.

- The need to re-organize the registry in court; the court registry has been centralized and all the clerks and services are in one place.
- Regarding registration of new criminal cases for plea, it was resolved that new criminal cases registered for plea will be heard latest 1:00 pm.
- Many accused persons released on bail never return to court thereby affecting the cases.
- DCC meetings are irregular; DCC resolved to hold their meetings every last Wednesday of the month
- Hearing of cases of children originating from Soroti in Mbale remand home to be fixed on one day.

**Actions undertaken since previous Newsletter, especially actions that had been agreed upon or undertaken by the DCC:**

- One court orderly was tasked with handling of cases that come to DPP's office from outside Soroti district to avoid mixing up and misplacing files
- Matters in magistrates courts are not be adjourned more than 3 times

**Winning/participatory engagements**

*DCC members keenly followed up a case of a boy who had become a repeat offender. He had been arrested and charged with theft severally. It was reported that he preferred to play video games instead of attending school. Before then, he had escaped from two schools in Kampala which had dismissed him, eventually. After being enrolled into another school in Soroti, he had attended classes for only 15 days in an entire term. He often stole money from his parents. By the time of his arrest, he had stolen about 700,000 shillings in total and was living on the streets. When he was arrested, his parents claimed he was 14 and not 10 years old seeing as they did not want him to be returned to their home. After age verification instigated by J4C intervention, the boy's real age was ascertained as 10. This was brought to the attention of the magistrate who counselled and cautioned both the parents and their son. The parents accepted the boy back in the family and gave him another chance. He is now enrolled in a UPE school where he is being closely monitored by teachers, parents, and the probation office. A follow up visit revealed that the child is on the way to reform. Without the DCC's direct involvement and J4C support, this child might never have received justice.*

**Observed Areas of Concern**

- Reluctance of the actors especially in Police to observe the child friendly procedures for instance there are still instances of children being detained adults.

**The Justice for Children Program Coordinator for Soroti is Rose Okaka – [rokaka@cjsi.org](mailto:rokaka@cjsi.org)**

**1.4. Mbale**

**Changes in composition**

- i. The chief Magistrate H/W Lillian Bucyana was transferred to the Family Division of the High Court
- ii. The new Chief Magistrate is Her Worship Atingu Stella new posted to Mbale.
- iii. The new Senior Resident State Attorney is Mr Muwaganya Jonathan
- iv. The new District Community Liaison officer in Police is Mr. Tukei Robert

*Last DCC Meeting held on: 21<sup>st</sup> January 2014*

*Next DCC Meeting to be held on: TBC*

**Highlights**

**Summary of key discussion points of last meeting**

The Magistrate Family and Children's Court decried the increasing number of children in conflict with the law and called for a concerted effort in addressing this issue. Members agreed to carry out community sensitization over radio and community outreach which has continuously been done throughout this period.

The Resident Senior State Attorney noted the variance in case disposal between court records and police following an inspection of institutional records by the inspection subcommittee. This inconsistency was as a result of absence of police files at the hearing dates. It was recommended that stringent measures on compliance with procedure be taken to take record of every update on all files.

**7** children were identified by the welfare officer in Maluku adult prison and were transferred to the

remand home. A follow up inspection of the detention facilities was done by the Magistrate in charge FCC H/W Hope Namisi with a representative from DPP's office, CFPU and the J4C Coordinator to discuss ways of preventing children from getting into the adult facilities again.

### Observed Best Practice

- ✓ CFPU Mbale CPS Staff monitor cells in turns to prevent children from being detained with adults in police cells.

### Observed Areas of Concern

Parents to children who are repeat offenders deliberately misrepresent the ages of their children and report them as adults in order to have them treated as adults during prosecution to ensure they get harsh punishments assumed to help them reform.

### Challenges faced by the Program

Age determination is still a very big challenge given the fact that parents lie about the age of their children and the scientific methods of age determination available are not accurate.

**The Justice for Children Coordinator of Mbale and Bududa is Betty Agudo – [bagudo@cjsi.org](mailto:bagudo@cjsi.org)**

### 1.5 Buduuda

#### Changes in composition:

- The DCC co-opted new members to cater for outstanding matters affecting the district. The affected areas were security, education and health. The co-opted members include: District Internal Security Officer (DISO), District Education Officer (DEO), Deputy LCV Chairperson and Medical superintendent.
- Buduuda received a new G. I magistrate/ DCC Chairperson – H/W Angura Phionah Sheilah

*Last meeting was held on: 18<sup>th</sup>/December/2013*

*Next Meeting to be held on: Date TBD*

### Summary of key discussion points of last meeting

- It has been observed that during school holidays, the rate of crime by children and against children is higher than usual.
- There is reluctance by police to separate children from adults in detention facilities.
- Profiling child repeat offenders and ensure sharing of such information amongst actors.
- Increasing defilement cases pending at police and the need to clear them as fast as possible because justice delayed is justice denied.

### Observed Best Practice

- ✓ Granting bail to petty offenders has resulted into having no children in the remand home from Bududa

## 2. Northern Region

**The Justice for Children Program in Acholi sub-region is implemented in the seven districts of Gulu, Amuru, Nwoya, Kitgum, Lamwo, Agago and Pader. The new team leader is Rhonah Babwetera – [rbabwetera@cjsi.org](mailto:rbabwetera@cjsi.org)**

### 2.1. Gulu

#### Changes in Composition

- The DCC Chairperson HW Praff Rutakirwa has been transferred and a new Chief Magistrate posted to Gulu
- The secretary of the DCC who was the Gradel magistrate H/W Barigye Said has been transferred to Kamwenge district
- The RSA of Gulu Jonathan Muwaganya has been transferred to Mbale.

*Last DCC Meeting held on: 19<sup>th</sup> August 2013*

*Next DCC Meeting: TBD*

## Highlights

### ➤ DCC Meetings

The DCC of Gulu has not held regular meetings in the last two quarters. Most of the dates set for the meetings were overtaken by events such as activities in JLOS institutions. The subcommittee for children's affairs, chaired by His Worship Angole Joseph, a Grade one magistrate for the FCC Court, converged to hold its meeting on the 17/12/2013 unfortunately the members who turned up were few and could not make quorum so the meeting was postponed till further notice.

### ➤ Inspections

The DCC subcommittee for children's affairs inspected the Gulu Remand Home after receiving reports of the disappearance of two juveniles from the Remand Home. Police was notified in writing by the probation officer as recommended by the DCC in the last meeting. The members made recommendations that the children be traced. The police provided escort to the probation officers and one of the children – a girl was re-arrested together with the man who had facilitated her escape from the Remand Home in the night. During the quarter, two additional inspection visits to the remand home were conducted by the RDC who promised to address the issue of security at the Gulu Remand Home.

### ➤ Outreaches

The DCC - specifically the subcommittee on children's affairs - carried out two radio talk shows to interact with the public. Some of the issues talked about during the show were child trafficking, parental responsibility for children and their general welfare. Among the DCC participants were His Worship Angole Joseph, a Grade one magistrate for the FCC Court, OC Main Prisons, Margaret Orik Obonyo, OC Traffic Gulu, Angwech Juliet, Legal Officer LAP, Community Liason Officer and the J4C Coordinator.

***The J4C coordinator is Rhonah Babwetera who is also the team leader for the region taking over from Derrick Masinde.***

## 2.2. Kitgum

### Changes in composition

- i. Kitgum received a new Chief Magistrate (Chairperson of the DCC) His Worship Omala Felix
- ii. The Resident State attorney, Omia Patrick was Transferred, the new one Innocent obare took office at the beginning of February
- iii. State attorney Emalu Peter was transferred to Moroto. None has been posted yet. Kitgum has only one prosecutor i.e. the RSA

*Last Meeting held on: 25<sup>th</sup> February 2014*

*Next Meeting to be held on: 27<sup>th</sup> March 2014*

### Highlights

#### Summary of issues discussed/resolved at the last meeting

- The Family and children sub-committee to follow up issue of Kitgum District contribution towards the Gulu remand home and report to the Chairperson and also in next meeting
- Emphasis was put on improvement on the role of coordination as key aspect in DCC functionality. As a result, it was resolved that every member would get a list of all stakeholders' contact details to improve coordination.
- Members agreed to re-ignite Sub Committees that had become dormant
- CLO to involve other DCC members in Radio talk shows and to always remind them. The family and children committee agreed to participate in the next Radio talk show during which emphasis would be put on defilement.
- DCC to conduct an outreach program in Orom Sub County where defilement is on the rise.
- Preparation for an Open day at court: Budget for open day was to be prepared by DPP and shared with the chairperson under the theme: "Justice for All"
- The Prisons Welfare officer to compile list of all cases whose files had been lost or misplaced, share with chief magistrate for action
- Members were reminded that court should always start at 9:00 am. Reporting time for staff is 8:30am

- DCC to write letter to District Local Government about requesting for structure to house a remand home/reception centre for children.

#### Any other upcoming events:

1. DCC meeting to be held on 27<sup>TH</sup> March 2014
2. Court Open Day scheduled for April, date to be communicated
3. Community Dialogue to be facilitated by the DCC- Orom Sub county before the end of March
4. Suspected Juveniles in adult prisons to appear before Chief Magistrate on 20th March 2014

#### Other highlights

- One juvenile was resettled to Pader by the probation office with the help of ANNPCAN.
- A case of Child Desertion was followed up and completed in court. It was the first of its kind in which a mother who neglected her child was sentenced to one year imprisonment. A conviction had never been secured in a child desertion case in Kitgum District. The case was registered on 30/1/2014, to RSA office on 5/2/14, convicted and sentenced on 13/3/14. The child (1 year and 2 months) was taken to “child care”, a Non-Government Organization.

#### Actions undertaken since previous Newsletter

DCC inspection of detention facilities took place on 25th February 2014 during which one child was found in Police cells. He had not yet made 24 hrs and with engagement of the DCC he was released on police bond. He was detained in a juvenile cell. The cells were found to be very clean with separate cells for male and female juveniles.

#### Follow up on key cases

The issue of missing files was followed up. For the files that were not located duplicate files have been made. The DPP office, Police and Judiciary are working and coordinating this process. So far 10 Duplicate files have been made. A meeting was scheduled and officers from court and police were warned about the issue of misplacing files.

#### Observed Best Practices

- ✓ Handling of children’s cases in chambers- this was observed in two cases one in magistrate grade ones court and the other in Chief Magistrate’s court. For the cases in Chief Magistrate’s court, the chambers were going under some repairs, so the magistrate ordered all other litigants to get out of court and they were recalled after a child’s case was handled. This was a good practice not only in favour of the child but also for information for other litigants on the procedure of handling juveniles in court. It was evident some did not understand why they were being told to first get out of court.
- ✓ Since the DCC meeting, charge sheets are now shared with the probation office. Police officers had relaxed with this practice but after it was discussed in DCC meeting this was resolved.

#### Observed Areas of Concern

Lack of good and effective communication between Police and Court leading to delay of some children’s cases

#### Challenges

- Age determination, especially by the police, is still a challenge. Some children tell the truth about their age yet this is not taken into consideration because they appear like adults.

#### 2.3. Lamwo

*Last DCC Meeting held on: 22<sup>nd</sup> January 2014*

*Next DCC Meeting to be held on: 26<sup>th</sup> March 2014*

#### Highlights

##### Summary of key issues discussed/resolved at the last meeting

- Community awareness meetings to be conducted in selected sub counties and schools especially on land issues which have also led to disturbance of children’s education

- Minutes of meetings should be timely and precise
- The OC CID to follow up files that have lost position and establish the cause of this and report to the DPC.
- A letter to be written to JLOS through the chief magistrate requesting for JLOS funds to support the committee activities.
- A facilities inspection at prison was carried out on 6<sup>th</sup> February 2013
- Police to beef up awareness programs to curb land wrangles and domestic violence issues.

#### **Any other upcoming events:**

- DCC inspection to facilities Prisons and identification of suspected juveniles in prisons
- Meeting with Magistrate Grade two to discuss DCC functionality
- Community sensitization (outreach programs)

#### **Actions undertaken since previous Newsletter;**

1. Police officers wearing civilian clothes while going for dialogues. This came up because people tend to avoid these dialogues whenever they see a police officer in uniform.
2. Letters written to Senior Technical advisor of JLOS informing him about the need from a judicial officer in Lamwo District and the need for a state attorney. Both letters were hand delivered.
3. Meeting to strengthen the relation between Police and magistrate Grade two took place, differences ironed out and now there is better coordination between the two offices. Less work load ensured for Kitgum GI Court.

#### **Follow up on key cases/ Issues**

Follow up on the issue of medical officers not positively responding to cases that require medical examination was made. A meeting was held with hospital administrator at Padibe, it was realized that medical officers from other health centres are the ones that are not responding. This has stagnated work at the out posts. The administrator was requested to contact the District Health Officer and get a solution to the problem and bring it to the attention of the committee.

The DCC was involved in follow up of a case of aggravated defilement until the culprit was remanded. Possibility of foul play was detected and prevented. The suspect awaits committal to High court.

#### **Observed Best Practices**

- ✓ Bringing sub county Chiefs on board the DCC committee and improved coordination between the sub county chief and the Community Development Officer on matters relating to children.
- ✓ DCC meetings being hosted on rotational basis by members to ensure maximum participation and ownership.

***The Justice for Children Coordinator of Kitgum and Lamwo is Fatuma Matovu [fmatoru@cjsi.org](mailto:fmatoru@cjsi.org)***

#### **2.4. Nwoya**

*Last DCC Meeting held on: 12<sup>th</sup> December, 2013*

*Next DCC Meeting to be held on: 26<sup>th</sup> March 2014*

#### **Highlights**

- Inspection of detention facilities: The working committee agreed that police as the only JLOS institution in Nwoya should be inspected at least twice every 3months
- Restorative justice: The working committee suggested that instead of children in conflict with the law who are involved in petty offences like

stealing of chicken or a goat going through the justice system, it would be better for such juveniles to pay back what they stole

- **DCC functionality:** It was also agreed that it is better to use the name DCC instead of the working committee and it was agreed that the magistrate should write to JLOS for the DCC funding besides that the working committee agreed that they will be meeting every 1st Thursday of every month
- **Data management:** The working committee agreed that data managers should be trained in order to improve on the capturing of data
- **Roles of each system actor:** At the working committee each system actor pledged full support towards realization of justice for children.
- **Diversion:** It was also agreed that juveniles of petty offences should not be allowed to go through the system and they encouraged diversion at different levels.

### Observed Best practices

- ✓ Separating juveniles from adults in police cells
- ✓ Diversion of petty juvenile offenders to the LCs and traditional leaders called Ateker
- ✓ Some cases like child to child sex handled by both CFPU and CID
- ✓ Avoiding violence when arresting children in conflict with the law (avoid using hand cuffs)
- ✓ Using a language children understand while handling their matters
- ✓ Helping children in conflict with the law understand the laws used in handling their matters
- ✓ No children allowed to stay alone without adults in rented premises
- ✓ Time limit for video halls and the police having check-up visits
- ✓ Some cases like child to child sex handled by both CFPU and CID
- ✓ No children allowed to work in the rice farms for longer hours
- ✓ Children usually report to police in case of any offence committed because of the awareness programs conducted

### Observed Areas of Concern

In some instances, children are still being held in police custody beyond 24 hours. The actors have

pledged to improve and ensure that the standard 24 hours are adhered to.

### Challenges faced by the Program

- Much as J4C is working hand in hand with its stakeholders to see that child friendly procedures are followed when handling children matters there are still gaps e.g. there is still absence of a Probation Officer when children's matters are being heard.
- Medical officers who are supposed to examine victims of defilement in most cases are unavailable to attend to the victims this becomes a big challenge.
- Some parents deliberately want their children to be detained in different detention facilities because to them the children have become unruly and very disobedient and to them the only solution is to have the children detained this becomes a challenge because in most cases this children are not even offenders.

**The Justice for Children Coordinator of Nwoya is Viola Ajok – [vajok@cjsi.org](mailto:vajok@cjsi.org)**

### 2.5. Amuru

A new DPC, Mr. Denis Anywar, was posted to Amuru.

*Last DCC Meeting held on: 5<sup>th</sup> December, 2013*

*Next DCC Meeting to be held on: TBD*

### Highlights

The Family and Children subcommittee committee had a meeting on 29<sup>th</sup> January 2014 and key issues discussed included the issue of some children not going to school and strategies to mitigate this. It was resolved that during the school mid-term the Family and Children subcommittee would launch operations to check if all children of school going age are in school with the support of LCs and Rwot Kwere. One strategy against school dropouts is to engage LCs to register all school going children in their areas and such records reconciled with school records to enable tracing of drop outs or their parents. It was also agreed that school management

would be urged to give written permission for those who are out of school. After the meeting inspection of juvenile facilities at the AMURU CPS was conducted and challenges identified include; lack of beddings for juveniles and insufficient meals. Efforts are underway to engage Save the Children International to support the Child support centre and the juveniles in this regard.

### **Summary of key discussion points of last DCC meeting**

- The PSWO raised the issue of lack of support for orphaned children. The DCC resolved to look out for such cases and seek non state actors' support.
- There is an alarming trend of negotiation in cases of defilement in the community; once victims have been sent for medical examination they often do not go back to police so that results of the medical examination can be entered into the police file. There's need for vigilante follow up of cases.
- Furthermore, there was appreciation of the practice of diversion by DCC members that has helped reduce case backlog.
- A key challenge for Police is transporting accused persons to Gulu yet the Prisons service does not compensate them for the transport. There is also challenge with the transportation of accused persons on remand to attend court.
- The chairperson of the DCC informed DCC members that funds have been availed for the construction of prisons in Amuru. The local government of Amuru will follow up and avail land that will be utilized for the construction of the Prisons.

### **Any action agreed from last meeting:**

- Police were to ensure that once a child offender has been arrested and charged 3 copies of the charge sheet are made, of which one must be furnished to the probation officer.
- The contribution of Amuru local government support the Gulu remand home has not yet been sent. The assistant Probation officer agreed to follow up with the district. The delay was attributed to the new CFO of Amuru who needed time to settle in.

### **Follow up on key cases**

A child aged 17 years charged with receiving a stolen white shirt wrongly ended up in the Prisons in Gulu yet the charge sheet reflected his age as 17 years. The child was produced in court in the next sitting of the court and the magistrate immediately counseled and cautioned the juvenile.

### **Observed Best Practices**

- ✓ Fit persons have become an invaluable support system to children in contact with the law. The role of fit persons, who are based in the community, has become central in the effective response to children through the child support centre. Fit persons support children by supporting victims through counselling and offering temporary custody, attending suspects' parades, standing surety for children and lobbying for diversion of petty offenders' cases.
- ✓ There is increased coordination among stakeholders of the justice system and linkages are increasing and getting strengthened with the other Non-State Actors like Action Aid and other informal structures like traditional leaders. This has led to efficient and faster access to justice for children in contact and in conflict with the law.

### **Observed Areas of Concern**

- Medical officers ask for money from victims of defilement and those without money are turned away.
- Health workers in Elegu border post and Atiak when filling police forms do not specify the actual age of the child in cases of defilement. What is written in the age section is either above 18 or below 18. The CIID has taken note of this and efforts are underway to ensure that this practice stops.

### **Any other Business**

The RSA participated in two radio talk shows on juvenile justice sponsored by Save the Children and J4C on the 11th and 12th Dec 2013.

The Officer in charge of CFPU participated in a radio talk show on restorative justice also supported by Save the Children International. Furthermore, the

DCC agreed to carry out sensitization on juvenile justice, land, and Sexual and Gender Based Violence (SGBV) to the 'hotspots.'

**The Justice for Children Coordinator of Amuru is Viola Ajok Balson [vajok@cjsi.org](mailto:vajok@cjsi.org)**

## 2.6. Agago

*Last DCC Meeting: 27<sup>th</sup> February 2014*

*Next Meeting: 27<sup>th</sup> March 2014*

### **Summary of key discussion points of last meeting:**

- Inspection and monitoring of JLOS institutions; there was a need to inspect the JLOS institutions that had not been inspected for a while.
- Clearing and cleaning of the Agago Airfield- the Airfield had become bushy and a dangerous playground for children exposing them to risks as such, there was a need for the town council to come in and assist. The Mayor to take charge as regards the clearing and cleaning of the Airfield.
- The DCC had also found out that medical officers were asking for money from victims of sexual violence without which, they would not be examined and this would subsequently delay the



*Agago DCC Chairperson during a DCC meeting*

justice process. The DCC resolved that medical officers who charge victims to be arrested and charged

- The DCC expressed the need for support in the form of a uniport to help police address the challenge of congestion.

### **Observed best practices**

- ✓ Diversion and Expeditious handling of child related matters at all levels
- ✓ Maintaining proper and clear records of cases in the system

## 2.7. Pader

*Last DCC Meeting: 9<sup>th</sup> January 2014*

*Next Meeting: No date yet for next meeting*

### **Any other upcoming events:**

- DCC executive and general assembly meetings for February
- Conducting radio outreach by DCC

### **Summary of key discussion points of last meeting:**

- The DCC work plan developed by the Executive Committee was reviewed and adopted by the DCC members
- Inspection and monitoring of JLOS institutions- there was a need to inspect the JLOS institutions that had not been inspected for a while. Among the issues on the checklist is whether they are carrying out their mandate as per the Law as well as data management.
- Community sensitization in Sub counties- this follows the high rates of defilement cases reported and the fact that not many crimes are reported yet they occur within the communities.
- Obtaining permission for the use of Patongo Prison truck in Pader Prison because of the long distance between court and the prisons in Pader- it was agreed that the OC Patongo Prison would be contacted for this purpose
- CAO's office to clarify on the issue of remanding Pader juveniles at the Gulu Remand Home. This follows the resolutions adopted at the Gulu Remand Home quarterly meeting where CAO was represented and where it had been agreed that each district that sends children to that

- facility should make quarterly contributions to cater for food and security for the children
- Fuel facilitation to the Probation Officer in resettling and following up of juvenile matters. Emmanuel Ogutti, the Probation Officer for Pader raised a challenge of fuel for the motorcycle J4C gave him, as it is hard for him to resettle and follow up cases of children. Agreed that J4C would assist where possible.
  - Following up with the new Community service officer posted to Pader – a new community service officer was recruited for Pader but he had not reported, yet there was a lot of work to be done.
  - CAO's office to clarify on the issue of remanding Pader juveniles at the Gulu Remand Home. This follows the resolutions adopted at the Gulu Remand Home quarterly meeting where CAO was represented and where it had been agreed that each district that sends children to that facility should make quarterly contributions to cater for food and security for the children

#### **Actions undertaken since previous Newsletter**

- DCC Work plan developed
- A community service officer was recruited for Pader District and is already working
- The two juveniles who had been sent to Naguru Remand Home were sent back to Pader and **Trainings Capacity Building (This was conducted at national level and involved all**



DCC Members in a meeting

#### **J4C sites)**

Data management training; J4C organized and conducted a data management training for one data clerk in each district (J4C Sites), on 13<sup>th</sup> -16<sup>th</sup> January 2014. A reporting template that harmonizes all data needs of the DCC from the JLOS institutions was developed.

#### **Follow up on key cases:**

Odong Ensio, 15 years, who committed the offence of theft and was sentenced on 13<sup>th</sup> August 2013, was taken to serve his order of three months at the National Rehabilitation Centre on 5<sup>th</sup> September 2013. He has now served his order and is awaiting return to Pader to be resettled back home.

#### **Observed best practices:**

- ✓ Conducting community sensitizations in sub counties often. This gives the community a chance to understand the roles of different stakeholders involved in the justice process.
- ✓ Diversion and Expeditious handling of child related matters at all levels
- ✓ Maintaining clear records

#### **Observed Areas of Concern**

The communities failing to report cases of crime within their areas

#### **Challenges faced by the Program:**

- There is no remand home in Pader/Agago districts which are a great distance from the Gulu remand home which poses a number of challenges at all levels of the justice system.

### **3. Central Region**

**The team leader of the Justice for Children Program in the Central region overseeing Nakawa, Entebbe, Kabarole and Kyenjojo is Naome Bazinzi [nbazinzi@cjsi.org](mailto:nbazinzi@cjsi.org)**

2 High court sessions were conducted in the region. One high court session was held in Entebbe by Justice Masalu Musene the resident Judge for Nakawa high court circuit. It started on 9<sup>th</sup> December 2013. Through the J4C program with support from DCC a total number of 3 cases involving children from Entebbe remanded at Naguru remanded home were cause listed and ultimately 2 were acquitted and one

sentenced to Kampiringisa National rehabilitation centre for 4 months. The session in Kabarole also benefited 11 juveniles. 5 were sentenced, 4 are awaiting probation reports from the respective districts of Bundibugyo and Kasese and two escaped from the remand home.

The region has experienced an increase in number of children that are in need of care and protection especially in Nakawa and Entebbe where the number ranges from 4- 8 on a monthly basis.

At regional level, departmental meetings have been adopted as one way of encouraging stakeholders to come up with practical solutions to issues identified. For example In Kabarole, Justice Kiiza Akiki initiated the practice of monthly meetings for heads of departments from core JLOS institutions. This meeting takes place at the beginning of every month.

In the last three months, all the DCCs in the region were able to conduct DCC meetings and this is a clear indication that members are committed to working together and ensuring that the DCC structure is visible.

### 3.1. Entebbe

*Last DCC Meeting held on: 27<sup>TH</sup> February 2014*

*Next DCC Meeting to be held on: TBD*

#### Highlights

#### Summary of key discussion points of last meeting

- Current statistics of children from Entebbe in Naguru Remand Home were shared as 4 in total and the Chief Magistrate and other magistrates were requested to dispose of the matters urgently. The Chief Magistrate committed herself to expeditious handling of the cases.
- The DCC members were informed of the detention of juveniles with adults at Entebbe Police Station despite efforts by the J4C Coordinator and O/C CFPU to ensure that it stops. They were informed of the current status

in which 3 juveniles were detained with adults yet they were not charged and I was below the age of criminal responsibility. The Police officers present were tasked to explain and DCC members resolved to inspect the police cells from time to time. It was agreed that an inspection is conducted immediately after the meeting which was done and resulted to instant separation of adults from juveniles, and release of 2 juveniles. J4C facilitated the transportation and resettlement of the juveniles.

- The DCC resolved that since the former probation officer did not hand over the motor cycle (which was provided by J4C), it be impounded by police and be handed over to CFPU since they do not have any means of transport yet they handle very many children cases.
- The prison authorities at times find it challenging when they receive suspects whose physical appearance is that of juveniles. They called for orders for medical examination to be made by judicial officers expeditiously. The members further recommended that medical practitioners should act professionally when determining age and not simply rely on the information from the suspects or victims. They were also reminded to request for documentary proof of age and they should act carefully before relying on the documents.

#### Any action agreed from last meeting:

- Justice for Children Subcommittee to plan for sensitization in schools and visit to 2 islands among others.
- Justice for Children Coordinator and fit person to support the police in investigations involving a studio in which it is alleged that the owner took photographs of children having sex and ensure that he is prosecuted.
- Court to visit locus before handling a case.
- Juveniles in Naguru Remand Home to be brought to court before 20<sup>th</sup> December 2013 or court are moved.
- The judicial officers pledged to limit remand of petty offenders and to always grant them bail or consider for alternative sentences other than juvenile detention. The police officers were advised that most petty cases should not reach Court but should rather be diverted at police.

- It was agreed that the community sensitization Programs would continue.
- The DCC members expressed commitment to closely working together and to prioritize children cases.

### Follow up on key cases

Two cases involving child offenders were followed up and fast tracked by the team. Through engaging with the Resident State Attorney and the Deputy Registrar, the two **Uganda Vs. Katikajira Mustafa and Uganda Vs. Ddumba Fahad** were included on the causelist and the children subsequently appeared in High Court session in Entebbe on 9<sup>th</sup> December 2013, they pleaded guilty and were sentenced to 1 year and 6 months respectively. The juveniles were subsequently transferred to the National Rehabilitation Centre on 10<sup>th</sup> December 2013. The J4C team contacted Uganda Christian Fraternity for a Lawyer to counsel and represent the juveniles, and a lawyer was sent to Naguru Remand Home.

### Observed Best Practices

- ✓ Effective and efficient coordination and communication amongst DCC members from time to time.
- ✓ Resettlement of juveniles in need of care and protection by Entebbe Municipality upon engagement with the town clerk and CDO by J4C Coordinator, fit person and O/C CFPU of Entebbe Police Station.

### Observed Areas of Concern

- Delay in conducting DCC meetings.
- Over stay of juveniles in police custody beyond 24 hours.
- Remand of petty offenders to Naguru Remand Home.

### Challenges faced by the Program

Limited funds to transfer juveniles to Naguru Remand Home, National Rehabilitation Centre and for resettlement

### Any other Business

DCC inspection was held in Entebbe Police Station on 11<sup>th</sup> December 2013 based on information got during the DCC meeting from the J4C Coordinator that juveniles had been detained in the same cell with adults. The inspection resulted into separation of juveniles from adults and the release of 2 juveniles. The officers at police promised to desist from detaining adults with children and DCC members pledged to regularly visit the facility.

**The Justice for Children Coordinator for Entebbe is Grace Chelimo [gchelimo@cjsi.org](mailto:gchelimo@cjsi.org)**

### 3.2. Nakawa

*Last meeting: 20<sup>th</sup> December 2013*

*Next Meeting: 5<sup>th</sup> March 2014*

### Summary of key discussion points of last meeting

- Rejuvenating DCC to be much more active than the previous quarters.
- Jinja Road Police Station to consider bringing suspects to Nakawa Magistrates Court instead of Luzira Court.
- It was resolved that DCC meetings be regularized.
- Conduct DCC outreach Programs more frequently.

### Follow up on key cases

#### Uganda Vs. Kalisa Shadrack

The case was tracked from Naguru Remand Home registered May 2013 and was subsequently handled by two magistrates in Nakawa Chief Magistrates Court. The J4C team subsequently engaged with the Resident State Attorney, Lawyer representing the juvenile from Uganda Christian Lawyers Fraternity and the Magistrates who were handling the case. Subsequently the juvenile who had spent 9 months in Naguru Remand Home was granted

bail by H/W Nabakooza Flavia on 5th December 2013 upon J4C team persistently following up on the case.

### Observed Best Practices

- ✓ Good working relationship between CID and CFPU at Jinja and Kiira Road Police Stations.
- ✓ Resettlement of juveniles originating from within Kampala and nearby Districts by the Officers in charge of CFPU at both Jinja and Kiira Road Police Stations without any support from other institutions.

### Observed Areas of Concern

- Failure by Naguru Remand Home to bring juveniles to Court in some occasions on dates of hearing causing children to stay longer on remand.
- The continued detention of juveniles and adults in the same cell at Jinja Road Police Station which is attributed to the lack of detention cells for juveniles.
- Regarding the challenge of inadequate resources to transport children from the remand home to court, the DCC has requested J4C to offer support in this regard. This will indeed be catered for under institutional support to enable the remand home take all children to court including those from Districts outside the J4C target sites but remanded in Naguru Remand home.

### Challenges faced by the Program

No funds for resettlement of children in need of care and protection from upcountry.

### Any other Business:

Nakawa DCC conducted the following activities during the Quarter:

- DCC open day was held on 20th December 2013. The participants included DCC members and members from the general public. Information was disseminated on how the justice systems work and the people from the general public were asked to express any challenges they

experience in accessing justice. The outstanding issue that came up was the ignorance on the criminal and civil justice systems which were clearly explained to the satisfaction of the general public. The members present were also educated on the DCC functionality and encouraged to make good use of the platform in addressing challenges they encounter in accessing justice in all the JLOS institutions.

- In addition to the above, on the 20th December 2013 Nakawa DCC launched the Small Claims Desk at the Chief Magistrates Court, an initiative that has been applauded by the public. **The Justice for Children Coordinator in Nakawa is Grace Chelimo [gchelimo@cjsi.org](mailto:gchelimo@cjsi.org), Assistant Coordinator is Caroline Nankinga [cnankinga@cjsi.org](mailto:cnankinga@cjsi.org)**

### 3.3. Kabarole

#### Any changes in composition

The chief magistrate has been transferred to the land division of the High Court. The incoming chair will report by 10th February 2014. The New Chief Magistrate/DCC Chairperson is His Worship Samuel Emokor.

*Last meeting: 13<sup>th</sup> February 2014*

*Next Meeting: 10<sup>th</sup> April 2014*

#### Summary of key discussion points of last meeting.

- Fort Portal was discussed as a conduit of child trafficking and illegal adoptions
- A fit person reported the worrying safety of the witness/victim who was defiled by her father. It was agreed that the state has the mandate of safe guarding the witnesses. J4C was given the task to protect the witness/victim.

#### Any action agreed from last meeting:

- The family justice subcommittee was tasked to make a spot visit of the orphanages in the district which sometimes recommend children for adoption and to establish the whether the homes

follow the laid down procedures for children such as court care orders.

- Court was tasked to make sure care orders are carefully awarded to prevent illegal adoptions and child trafficking.
- CFPU and J4C to regularly visit police outposts to check on conditions of child offenders.

### Follow up on key cases

The team followed up a case in which the safety of a victim/witness of aggravated defilement was uncertain. A resolution between J4C, police and a fit person was reached that the witness be withdrawn from the community. J4C together with CID transferred her to a child reception centre where she spent two days and was later transported by Fort Portal CFPU to old Kampala CFPU which connected the child to Entebbe learning centre. Meanwhile the search for her mother is on as police wind up with investigations as the RSA and the Deputy Registrar ensures to have the case heard in court before April 2014.

### Observed Best Practices:

- ✓ Regular DCC meetings and transparency of the chair

### Observed Areas of Concern

Delayed probation reports that lead to sentencing of juveniles to different dates which finally poses a challenge of transportation of children to Kampiringisa National Rehabilitation Centre.

### Challenges faced by the Program

Not all magistrates in the region are on the same footing regarding child friendly procedures such as no cash bail for children in conflict with the law.

## 3.4. Kyenjojo

### Any changes in composition:

The New DCC Chairperson is His Worship Ogwang, Grade One Magistrate

*Last meeting: 13<sup>th</sup> December 2013*

*Next Meeting: 3<sup>rd</sup> April 2014*

### Any other upcoming events:

*DCC Open day on the 3<sup>rd</sup> April 2014*

### Summary of key discussion points of last meeting.

- The demand for a uniport for juveniles at Kyenjojo police station was key on agenda. It was resolved that J4C takes on the responsibility of securing a uniport to act as a cell for children as way of separating them from female adults.
- Juveniles sent to the remand home usually miss their court days. It was resolved that J4C follows up on the issue.

### Follow up on key cases

J4C with the support of a fit person from Kabarole ensured safety of a witness aged 9 years in a defilement case (CRB 1348/13) in Kabarole. The fit person provided temporary custody for the child who was later temporarily placed in the custody of another relative until the child was entirely withdrawn from the community for safety purposes. The child witness who had been transferred to the reception centre from the village as a security measure was later transferred to Entebbe early learning centre (a Non State Actor run agency providing child support services) through collaboration with Kabarole regional CFPU and old Kampala CFPU. J4C provided support while the child was in the custody of the fit person and eventual transport costs to Entebbe. Efforts are underway to trace the mother and reunite her with the child. *The story featured in new vision 21 December 2013.*

### Observed Best Practices:

- ✓ The observance of one of the core activities of DCC- out reaches. One was held in Bufunjo and another is yet to be held in Butunduzi Sub County.

## Challenges faced by the Program

- Lack of transport for juveniles from remand home to attend court on their gazetted days in Kyenjojo
- Lack of shelter for children at police; they sleep at the open counter or the female cell when it is not in use

**The Justice for Children Coordinator of Kyenjojo/Kabarole is Brenda Kyomugisha**  
[bkyomugisha@cjsi.org](mailto:bkyomugisha@cjsi.org)

### Winning intervention - Kabarole

A defilement case was fast tracked by the Central Region team involving a 9yr old girl who was defiled by her own father,(CRB 1348/13) preliminary inquiries were made between the RSA, CID and the Deputy registrar for each responsible party to play its role to fast track the case and ensure it appears in court before April 2014. This was seen to be in the best interest of the child whose life had been threatened by the accused until J4C together with CFPU relocated her to Entebbe learning centre through CFPU old Kampala. The story featured in new vision 21 December 2013.

### Winning Practices



In a meeting between J4C, CID and RSA, regarding the case of one Kakembo Bernard, charged with Aggravated defilement (CRB 1464/13), it was agreed that a sign language expert be brought on board to help the victim who is an imbecile and unable to talk to make a statement and further support be provided when the case comes up for hearing. This support was got and the case is still on-going.

"I have found joy in advocating and supporting children in conflict with the law and the vulnerable. The program has helped me appreciate and understand how children issues cut across from being in conflict with the law to being a vulnerable witness, safety of the witness being detained far from home and other issues such as remand home not being able to support the educational aspect of these children which calls for a holistic approach towards advancing the demands of children interfacing both criminal and societal challenges. It has also made me learn that children are not seen as an important category that demands Justice from the systems actors. The program is worthwhile undertaking for the systems actors to begin and continue to use a third eye and ear to iron out children issues holistically.

**Brenda – J4C Coordinator Kabarole/Kyenjojo**