

Child Maltreatment:
Contemporary Issues in Research and Policy 6

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Eddy Joshua Walakira *Editors*

Child Abuse and Neglect in Uganda

Child Maltreatment

Contemporary Issues in Research and Policy

Volume 6

Series Editors

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Foreword

Despite improvements in technology, education and overall health and well-being, millions of children around the world continue to live on the margins of society, face multiple disadvantages and are often excluded from access to the myriad auspicious experiences that can lead to a full, happy and productive life. The African experience of childhood, beyond child mortality, is often misunderstood and under-researched. Moreover, there is a dearth of research that focuses on understanding the quality of the lives of children who are increasingly surviving the most critical stages of early childhood. This book offers an important contribution to the field about the effects of child maltreatment within the Ugandan context. In the era of the United Nations' Sustainable Development Goals and other international calls to do better for the next generation of young people, it is increasingly important that we begin to consider the diversity of childhood experiences within the African context. This volume is particularly important as it surfaces some of the cultural practices that differentiate the childhood experience in Uganda from other countries including female genital mutilation, child sacrifice, persistent violence and human rights abuses. The volume also presents thoughts about the role that social service systems, policies and programmes play in meeting the needs of these children. Finally, in addition to unpacking these complex issues, this volume highlights the often overlooked capacity of Ugandans to conduct research that is both culturally sensitive and locally relevant. I commend the authors and editors for pursuing this important topic. There is much to be learned.

Director, African Health Initiative
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Doris Duke Charitable Foundation

Lola Adedokun

Preface

Child Abuse and Neglect in Uganda is the sixth book in our series, *Child Maltreatment: Contemporary Issues in Research and Policy*. This volume is at the forefront of a literature on child maltreatment in regions of the world about which we know far too little. Edited by our Ugandan colleagues Dr. Eddy Joshua Walakira and Dr. David Kaawa-Mafigiri and with chapters authored by Ugandan scholars and professionals, this book is a significant contribution in that it is *from* Uganda and Ugandans rather than *about* Uganda from afar.

Most of what we know about child maltreatment is grounded in work from Eurocentric nations. This volume challenges us to think both more universally and more broadly and contextually. What are the overlaps among child maltreatment in Uganda, as one African nation, and the more Western-oriented industrialized nations that have produced the majority of the literature on child maltreatment? What aspects of child maltreatment are informed by culture and context and challenge us to broaden our thinking and horizons for child protection? What aspects are near universals? The perspective of diverse cultures and contexts as exemplified by this book alerts us to the reality that there are not necessarily easy or one-size-fits-all solutions to child maltreatment, but a careful consideration of the context is essential.

More than 50 years after C. Henry Kempe and colleagues' landmark publication on the abuse and neglect of children, the world has made progress in many ways, but at the same time, we have fallen short of protecting our young. Children around the world continue to suffer from a range of harms at the hands of those entrusted with their well-being. In the first volume in this series, dedicated to Dr. Kempe, we included his 1982 editorial from the *Journal of Pediatrics*, "Cross-Cultural Perspectives in Child Abuse". We should be encouraged in this work that child protection is now explicitly included in the United Nations' Sustainable Development Goals, with a target of Goal 16 to "End abuse, exploitation, trafficking and all forms of violence against and torture of children". To do so, we must be informed by a wider cultural and contextual perspective, and this book guides us in this direction.

This book is the result of a long-standing relationship with our colleagues in Uganda. We are delighted to see their important work impact the literature and

reach a broader audience. This work was supported by the generosity of the Doris Duke Charitable Foundation, the Schubert Center for Child Studies at Case Western Reserve University and Makerere University, Department of Social Work and Social Administration, in Kampala, Uganda. We hope that the publication of this volume, and its distribution, will encourage researchers, scholars, practitioners and policy-makers from a wide array of nations to similarly share their insights and experiences on child maltreatment with the wider community of those dedicated to addressing this affront to our children.

Cleveland, OH, USA
Aurora, CO, USA

Jill E. Korbin
Richard D. Krugman

Acknowledgment

We extend our gratitude to all those visible and invisible who directly and indirectly made this book a reality. We would like first of all to thank God who granted us life, energy and the grace to work on this book till its completion. By His grace we live to bring honour to His name through making a difference in this world and, more so, making a contribution towards children's experience of a safe, satisfying and fruitful childhood.

We thank colleagues who have worked with us for the past 2 years and fulfilled their commitment by contributing various chapters to this volume. We adopted a team mentoring approach supported by peer review and support during the process of working on this volume. The approach was very instrumental in ensuring that there was collective learning and involvement in other people's work. Senior researchers including Jill Korbin and Richard Krugman, the editors of this series, provided useful feedback on all the book chapters that are included in this transdisciplinary volume.

This book project was supported by the Doris Duke Charitable Foundation (DDCF) through a grant (#2015039, PI: Jill Korbin) that enabled the contributors to develop their chapters as a team through writing workshops, mentoring, and other forms of support. The opportunity provided by DDCF, especially Lola Adedokun, to spend dedicated time together to work on the project was invaluable.

We would like to thank Samantha Hill, Kelley Kampman and Sarah Miller-Fellows who spent countless hours going through each and every draft of this volume, a process that involved back and forth communication with the editors and authors of the various chapters. This volume wouldn't have happened without their dedicated efforts. We greatly appreciate the contribution that they made to the editorial work. The editorial process was a learning process which undoubtedly has allowed the imparting of knowledge and skills that will advance both the scholarship and professional work of the editors of this book and the authors of various chapters in this volume.

This volume is a result of collaborative efforts between our partners at Case Western Reserve University (CWRU), Cleveland, Ohio, and in particular led by Prof. Jill Korbin of the Schubert Center for Child Studies. Jill, we are profoundly

grateful for the fact that you are not only a role professional model to us in this field, but you are also a friend who throughout the process of working on this book has been patient and is always willing to guide us. Leaders at CWRU have worked with local researchers at Makerere University for more than 25 years, resulting into several publications including book chapters and articles in various journals. However, most of the collaborative work has been in the field of medical sciences and medical anthropology, without particular focus on issues of child protection. Thus, the focus on children in their own right is greatly appreciated.

We are also grateful to Prof. Janet McGrath of CWRU who led earlier efforts in collaborative work which paid attention to adherence to ART among adults during the era of rolling out antiretroviral treatment in Uganda. The work, apart from deepening our learning in this field, also opened up the opportunities for the present book project. Janet during these efforts worked with mentors to the editors of this volume, Prof. Charles Rwabukwali and Prof. Edward Kirumira who served as the principal for the College of Humanities and Social Sciences.

Drawing on expertise in the social sciences and more specifically from both the fields of social work and anthropology to promote child well-being, the current collaboration targeted cultivation of interest among local Ugandan researchers within the field of child protection research. We are grateful to the Department of Social Work that led this book effort from Uganda and which enabled bringing together authors from other disciplines. The foresight of the department has made it possible to add this output to earlier volumes including the most recent that examined the contribution of social work in East Africa to poverty alleviation, also a product of collaborative work.

Finally, we owe a debt of gratitude to the countless families and children in Uganda who participated in the various researches represented in the book.

Last but not least, we express our gratitude to our families who supported us while we travelled to the residential workshops and bore with us as we kept them awake during many nights when the lights stayed on as we ploughed away at the chapters. We dedicate this volume to our spouses, our children and our grandchildren.

David Kaawa-Mafigiri and Eddy Joshua Walakira

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Dr. Badru Bukenya is a development policy analyst and practitioner. His research focuses on social protection for vulnerable groups including orphans and vulnerable children (OVC), the youth and the elderly, delivery of social services and the role of civil society. As a practitioner Badru is engaged in development programmes that foster collaborations between non-governmental organizations (NGOs) and academia to promote evidence-based programming. Badru's notable research assignments include evaluation of the government of Uganda's Youth Livelihood

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John David Kisuule (PhD) is a medical anthropologist with more than 15 years of experience in conducting social and public health research. His areas of expertise are in HIV/AIDS, sexual and gender-based violence, sexual and reproductive health, mental health, immigration and integration of ethnic minority groups and social programming more especially for African communities. He is a researcher with the Global Development Network/University of Oslo; guest lecturer at the Norwegian University of Life Sciences; guest lecturer, supervisor and examiner at Oslo University College; and consultant with Pan-African Women Foundation in Norway. He has coordinated research studies and consultancy with different organizations and agencies, including NCA, UNAIDS, WHO, NORAD, PAWA and Centers for Disease Control and Prevention.

Rebecca Kukundakwe is a female professional social and development worker with over 7 years' experience. She possesses a bachelor's degree in social work and social administration from Makerere University and a postgraduate diploma in organizational development and a master's degree in management sciences majoring in organizational development from Uganda Management Institute.

Rebecca has undertaken several short-term trainings in project planning and management, gender, monitoring and evaluation, participatory methodologies and the human rights-based approach to programming. Rebecca has professional experience working with both local and international agencies managing several programmes and projects. Rebecca designed and managed the implementation of a European Union-funded project on eliminating violence against children among other youths and child rights advocacy programmes and campaigns. Rebecca currently works with a donor agency (Democratic Governance Facility) and is responsible for the effective design and implementation of youth's engagement policies and programmes. With a progressing and promising career, Rebecca's interest and expertise present potential for continued knowledge management.

Ronald Luwangula lectures in the Department of Social Work and Social Administration, Makerere University, since 2007. He holds a PhD in social psychology (children's social protection rights in Uganda) from Alpen-Adria-Universität Klagenfurt, Austria; master's degree in social work and human rights from the University of Gothenburg, Sweden; and a bachelor's degree in social work and social administration from Makerere University, Uganda. With his background in social work, social development and human rights, he has garnered vast experience and curved specialization in child protection work with a gender and disability lens. As a researcher, he conducts action and basic research, strategic programming, strategic plan reviews and monitoring and evaluation of projects and programmes for both government and non-government agencies, predominantly in the area of children.

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Chapter 1

Introduction

David Kaawa-Mafigiri and Eddy Joshua Walakira

Child maltreatment, including violence against children and child neglect, has profound effects on the physical, mental and social well-being of children (Pinheiro 2006; Norman et al. 2012; Walakira and Ddumba-Nyanzi 2012). The effects of maltreatment can persist through adulthood. The United Nations Convention on the Rights of the Child came into force in 1990 and was ratified by nearly all countries, including Uganda (United Nations 1993). Nevertheless, researchers, practitioners, and policy makers continue to grapple with the challenges of realizing tangible progress in the field of child protection. This book contributes to the growing literature on the complex issue of child maltreatment by examining the continued prevalence of selected forms of child maltreatment despite progress since Uganda ratified the United Nations Convention on the Rights of the Child in 1990 (United Nations 1993),

One of the greatest concerns has been the paucity of compelling research data generated by Ugandan researchers on contemporary themes relevant to child mal-

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treatment. On the one hand, there has been recognition of the need to build local capacity of Ugandan researchers to engage in research and also share findings in various fora, including publication in scientific peer-reviewed journals or academic textbooks. On the other hand, collaborative efforts with international researchers to help mentor and build capacities of Uganda researchers and writers have been limited. This book is thus a response to multiple challenges, including the scarcity of locally-generated research evidence, which can be partly attributed to limited local research capacity.

Uganda has made notable progress in child well-being in relation to key domains that affect children such as education, health and nutrition, child participation, specific initiatives for the girl child, and a spiraling legislative policy framework on child protection (see Walakira et al. 2015). These areas have enormous potential to improve child protection. However, child protection deserves more attention given that it is difficult to pinpoint the impact of notable progress in other areas of child well being on the protection of children against various forms of maltreatment. To reflect on some of the key areas, we ought to consider increased access to education. In Uganda, as Kikulwe and colleagues show in this volume (Chap. 15), there has been tremendous improvement since the late 1990s. Access to education for the most vulnerable children has more than quadrupled. There also has been gradual improvement in gender balance at lower levels of education (Republic of Uganda and UNICEF 2015). However owing to limited child protection measures in the school system to respond to the complex challenges facing the most vulnerable children only 3 in 10 are able to complete the primary school cycle on time (Walakira et al. 2015). Dropping out of school inevitably increases the risk for children to be involved in harmful work, forced marriage – mostly girls, being trafficked, and sex abuse and exploitation.

Similarly, developments in the area of health such as reductions in under-five mortality from 147 per 1000 live births in 1995 to 90 per 1000 in 2011, and the reduction in infant mortality rate from 81 per 1000 live births to 54 per 1000 live births (Ministry of Health 2013) are notable. However, they should not obscure an apparent lack of consciousness within the health system, of the need to have in place, a systematic and coordinated effort, to identify children and young people who are most vulnerable in the health system (those facing the risk of abuse or exclusion from accessing critical health services) and thus need protection. Inextricably, child protection considerations cannot be divorced from eradication of poverty, which negatively impacts on health, education and other welfare considerations for the child. While the eradication of poverty remains a key goal of the Government of Uganda (Republic of Uganda 2015a), it is not yet closely tied with improvement of child protection indicators. The continued reduction of poverty over the years however, from 56.4 % in 1992/93 to 24.5 % in 2009/10 and further to 19.7 % in 2012/13, thereby exceeding the Millennium Development Goal (MDG) target of 28 % by 2015 (Republic of Uganda 2015b), provides a firm foundation for making inroads in reducing child maltreatment that is linked to poverty.

The major assumption in wide ranging interventions to improve child welfare is that overall improvements in child well-being indicators in key sectors affecting children will undoubtedly result in unprecedented improvements in child protection

particularly with regard to the elimination of child maltreatment, neglect and other forms of child exploitation. While this assumption may partly be true, the dearth of scientific data to compare improvements in general child well-being indicators to child protection indicators makes it difficult to prove this assumption. What is more evident though in the last couple of years is that there is increased awareness concerning issues of child abuse and generally violent behavior perpetrated against children. It is difficult to determine if there has been a reduction in the incidence or prevalence of various forms of abuse, including physical, sexual and emotional abuse. Various studies, albeit on smaller scale, and some nationwide data based on the national demographic and health suggest that practices and behavior that endanger the safety and well-being of children remain high. This is reflected in the chapters in this volume. There is ample evidence to suggest that traditional practices, including female genital mutilation, child murders often in the form of child sacrifice or ritual murder, child forced marriages in part motivated by economic gain, and the involvement of children in harmful child labor still persist in several communities within Uganda. Such practices persist despite the presence of legislation prohibiting them and providing for the prosecution of perpetrators. Multiple laws and policies exist, concerning, for example, child work and child labor, child trafficking, child pornography, sale of children, and perpetration of other forms of exploitation. Legislation also exists prohibiting certain practices, for example the Prevention of Female Genital Mutilation Act. It is against this background that we cast our lens on the existence and persistence of child maltreatment.

One of the unique aspects of this volume is the appreciation by the authors of the local context within which nuanced understanding and presentation of issues of child maltreatment are framed. In several cases, the chapter authors make reference to the failure to enforce the existing laws, suggesting the ineffectiveness of such laws within the local context – particularly when they seem to have been imported from colonial masters and implemented with only minor modification.

There are various categories of professionals and practitioners to whom this volume will appeal. University faculty and students worldwide will be able to make use of evidence-based chapter findings on particular forms of maltreatment, and to reflect on the conceptions of child maltreatment within Ugandan local traditions. Researchers will be able to use the volume to identify areas in which research evidence is limited and thus where much attention ought to be placed. The volume also suggests innovative approaches and highlights where policy and practice could be maximized through research. Examples of collaborations involving government, universities and practitioners suggest possibilities for replication, scaling up and/or modification and application, depending on the context. Practitioners will be able to use material in this volume to aid an understanding as to why limited progress is being made in relation to reduction or elimination of child maltreatment. The socio-cultural barriers, community dynamics in fighting various forms of child maltreatment, the strength or limitations of various responses, resource constraints and weaknesses in the design of programs are delineated.

Students in Uganda and worldwide, similar to researchers or teaching staff, will find the variety of themes covered relevant for broadening their understanding of contemporary issues of child protection—using Uganda as a case study. Several

chapters offer analysis of context-specific forms of child maltreatment including female genital mutilation, child sacrifice, child rights and responses to child abuse.

The focus on Uganda provides a country-specific context which is relevant to other countries in East, Central and Southern Africa. For example, themes relating to female genital mutilation affect several countries including Eritrea, Ethiopia, Kenya, and South Sudan, in addition to Uganda. Similarly, child rights abuse in times of war and conflict, or at the hands of perpetrators whose mandate is to protect these rights, including police and other law enforcement arms, exists across Africa. Culturally embedded forms of child maltreatment can be traced in many countries in the regions mentioned above. There is certainly diversity in terms of responses to various forms of maltreatment with each country demonstrating various levels of progress. Concerns regarding limited evidence on specific aspects of child maltreatment will be recognizable in many of the same countries. There are issues of child protection including parenting, child maltreatment, early childhood development, internalization of abusive practices and their reproduction in adulthood, child maltreatment and mental health – all requiring further investigation within specific local contexts. Reliance on evidence generated from the most developed nations, while it has served us positively in terms of theorization and practice, has the potential to contribute towards making conclusions and designing interventions that use lenses from the more developed nations. Such interventions may be less effective in resource-constrained environments where the potential users of the evidence do not see how it is connected to the more immediate concerns for policy and program design.

We have arranged the book in five parts. The first section focuses on research on child maltreatment and theorization of child maltreatment. Within the section, Walakira and colleagues (Chap. 1) provide insights into the current research on issues of child protection, the existing gaps, and how to make research feed into policy and impact practice. Attention is also given to the over reliance on research conducted by scholars from the more developed world. Without discounting the relevance of the research findings, Walakira and colleagues suggest that this dependence partly contributes to failure to utilize the research findings particularly when the findings are not contextualized and packaged to meet the needs of policy makers and implementers. Particular themes that need concerted efforts of actors to generate more evidence are suggested. The rest of the chapters under this section provide theoretical underpinnings for the understanding and interpretation of child maltreatment based on research evidence taking into account local traditions, norms and beliefs. Diverse perspectives about childhoods in local contexts are elaborated upon in Seruwagi's discussion (Chap. 2) of the 'New Sociology of Childhood' and the sociocultural theory to illustrate variability in how childhood is experienced. She advocates for the need to situate experiences of child abuse and maltreatment in the social and cultural context. The importance of taking into account the social and cultural context is to help distinguish between socially acceptable roles and activities that may unwittingly propagate child abuse. She further points to the influence of relying on contemporary interventions whose ideology may be Anglo-centric and thus renders them less effective in Uganda. Bukuluki and colleagues (Chap. 3) examine the potential of using language as a cultural tool through which society

may learn and protect children against various forms of abuse. Their examination of three Bantu languages of Uganda (Luganda, language of Buganda community; Lusoga, language of Busoga community; and Runyankole, language of Ankole community) highlights proverbs that carry latent messages of child protection. Conversely, the authors caution that some proverbs may dispose children to abuse and exploitation. Therefore any effort to harness the positive aspects of language should remain alert to the danger of inadvertently remaining insensitive to child protection. An intriguing introspection of the print media in Uganda by Muhangi (Chap. 4) offers a discourse analysis of child maltreatment. Muhangi argues that print media can be a good source of establishing the current state of child abuse in a society. He points out that in Uganda, children are active participants in the continuum of child abuse, protection and prevention. Importantly, Muhangi's work points to the challenge government and other child protection actors face in making children's voices more visible, including the voices of care givers at family and community levels, when reporting child abuse and holding perpetrators accountable. It is hoped that the section prepares the reader for nuanced understanding of issues of child maltreatment and serves as a basis for understanding the rest of the book.

Part II examines child maltreatment and protection at the community level. The section contains chapters that present evidence about the family and community, the settings where children spend most of their time. It is within these settings that child maltreatment is perpetrated or protective measures are enacted. Specific examples include the chapters by Mugumya and colleagues who discuss children performing the chore of domestic water collection as well as Bukuluki and colleagues in the case where matriarchy in a patriarchal society takes on an unequal burden for orphan care. Mugumya and colleagues (Chap. 5) discuss how domestic water collection poses a danger to children because of the social and cultural context within which it occurs. Domestic water collection by children in Uganda, and indeed other parts of Africa, is socially sanctioned and therefore not considered a burden to children. However, the environment within which children collect this water may need to be improved to reduce the risks of being abused. They offer numerous examples for practitioners through which domestic water collection may pose a danger to child protection. Another example of sociocultural barriers to child protection is the changing social roles of child protection by maternal and paternal relatives of vulnerable children, especially those orphaned by HIV and AIDS. Bukuluki and colleagues (Chap. 6) illustrate that previously ascribed roles of paternal relatives have increasingly been taken over by maternal relatives, yet identification of lineage still follows the paternal kin/lineage. Identification with paternal lineage has implications insofar as access to resources and other forms of social support from kinship is concerned. As the burden of care shifts to maternal relatives, while maternal relatives' access to resources is inhibited by cultural norms that limit their ability to access resources through inheritance, vulnerable children, particularly orphans, remain at risk of poor childhood. The authors argue that child protection efforts to support orphans and vulnerable children should consider strengthening maternal kin's ability to fulfill their 'new' emerging obligation of childcare. Part III identifies particular forms of child maltreatment and provides a detailed exposition of the

practices, the communities and the institutions in which the practices occur, risk factors embedded in these communities, and, where possible, the consequences for children of the forms of maltreatment discussed. Ochen and colleagues (Chap. 7) identify some of the most sensitive culturally entrenched forms of child maltreatment such as female genital mutilation to draw the reader's attention to the social structure and its role in sustaining particular forms of child maltreatment. Ochen and colleagues offer a nuanced analysis of female genital mutilation as a cultural practice that is premised on commoditization of the victims. They advocate for interventions that take into consideration the need to deal with perpetrators, including traditional practitioners, who profit from this harmful practice, using a variety of approaches. Community engagement, sensitization and use of formal and traditional structures as agents of change comprise some of the critical interventions.

Bukuluki and colleagues (Chap. 8) also illustrate the dilemmas of dealing with child maltreatment that leads to death. They tackle child sacrifice and mutilation to provide insights into its meanings, causes and explanations. Child sacrifice, when examined by an outsider, may appear to be a form of religious belief with a material element that results in the loss of a child's life in the course of pleasing particular gods. Their chapter highlights the fact that child sacrifice is not a culturally sanctioned practice, contrary to popular projection. Their nuanced emic perspective suggests that it is intertwined with issues of materialism and in particular deep-rooted desire for economic or financial gain. Interestingly, their analysis reveals that certain cultural practices meant for aesthetic value, including circumcision and ear piercing, have been employed by parents to protect their children from becoming victims of child sacrifice.

The last chapter under this section by Kamya and Walakira (Chap. 9) examines the contradictions within the role of duty bearers such as Uganda police officers. While they are mandated to play a protective role for children, some find themselves actively perpetrating rights violations against children, thereby increasing the prevalence or experience of maltreatment by one of the most vulnerable categories of children –those living on the street.

Part IV focuses on child rights and access to justice by child survivors of violence. With the attention placed on retributive justice in most of the judicial systems, an effort is made to explore the space for wider application of restorative justice systems in combination with retributive justice systems so as to better serve the needs of child survivors of sexual and gender based violence in a post war situation. It is implied by Bukuluki and colleagues (Chap. 10) that a core aspect of judiciously using the two systems should be to ensure that the best interests of the child and other survivors are fully taken into account. Care must be taken for the systems not to promote impunity. This could imply that emphasis may not be placed so much on punishing the culprits without due consideration of the protective services that children need. Kamya (Chap. 11) highlights the plight of girl mothers, taking the case of those taken captive by the Lord's Resistance Army, a rebel group that waged war against the Uganda government between 1986 and 2006. The girls suffered while in captivity and yet even after returning have had to take up roles and live up to the expectations of the community in spite of their problematic childhood. The absence

of supportive services to help ease their re-integration in the community including performing their parenting roles further complicates their situation and the situation of their children.

The last section, Part V, examines various responses to child protection challenges. Walakira and colleagues (Chap. 12) identify the critical areas for systems strengthening to improve alternative care for young children in Uganda. Using evidence, the authors shed light on the status of child vulnerability which necessitates alternative care, examine the situation of alternative care, and underline the growing reliance on institutionalization of children as a first line of response, instead of using it as a last resort. They present particular efforts that serve as case studies to demonstrate that tangible progress can be made in strengthening the alternative care system at the national and community levels, while at the same time pointing out areas that require particular attention. The chapter by Awich and colleagues navigates the legal and policy frameworks landscape pointing out that Uganda has numerous laws and policies which ideally should be sufficient to ensure tangible inroads in protecting children using the justice institutions on one hand, and delivery of protective services for children in need by the responsible government agencies on the other hand. The factors that undermine the effectiveness of these frameworks are identified and proposals for augmenting their effectiveness are suggested. Kikulwe and colleagues (Chap. 14) place particular emphasis on the education of the girl child. They argue that international declarations, global agendas and national agendas, including programs geared at “Education For All,” have made substantial contributions in improving the education status of girls and boys in general. However, while the measures taken cannot be discounted, the girl child still faces enormous social structure and cultural barriers, not only in accessing education and surviving through the primary education level, but also in transitioning to lower secondary education. They elaborate that gender based inequalities perpetuated by social structure and cultural barriers within a patriarchal society are partly to blame for the challenges the girl child faces. Yet educational planners are yet to take into account that the vulnerability of the girl child in the education system requires interventions that are tailored towards meeting the specific needs of the girl child in the education system. This chapter concludes by highlighting the potential benefits of tapping into modern forms of technology to break down barriers to girls’ education and promoting a positive social construction of the girl child among other measures.

Luwangula (Chap. 15) uses the case of children on the street to illustrate how critical it is for social workers to involve older children separated from their families in designing and implementing reintegration programs. He points out that often social workers place emphasis on reunification of children with their families, which option tends to serve young children better because they still need more care and support. However, for older children, their interests often drift towards independence and thus prefer re-integration programs that enable access to skills and parallel forms of support leading to self employment and thus allowing for self provisioning. He further points out that older children’s desire for independence requires innovating modified forms of parenting for such children to ensure that they turn out to be productive members of the society as they transition to adulthood.

We invite the reader to enjoy reading the book and we encourage colleagues within African universities to replicate this effort so that we build critically needed research evidence and impact the discourse concerning child protection, ensuring that we are able to impact research, policy, and practice.

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Part I

Research and Theory

Chapter 2

Building Research Evidence and Collaborative Partnerships in Uganda to Prevent and Protect Children Against Violence: Concerns and Priorities for Action

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2.1 Introduction

The Convention on the Rights of the Child (UNCRC) Article 19 calls for the protection of children against various forms of violence, abuse, and exploitation among others. It also calls for measures by states parties to prevent child maltreatment on one hand, and, on the other, to provide protective services to child survivors of various forms of violence, abuse and exploitation. Over the last two decades, since the adoption of the UNCRC in 1989, the concern and consensus to undertake all

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appropriate, legislative, administrative, social and educational measures to protect children from various forms of harm is as strong as ever. This is supported by the ever growing body of evidence indicating that violence and other forms of abuse and/or maltreatment against children are still widespread. In Uganda, protection of children who suffer various forms of maltreatment and violence, and those who face the risk of exposure, receives little attention particularly in terms of budgetary allocations, and other forms of support. This is the case despite the well-articulated concerns for these children in the legal and policy frameworks. The major problem underpinning their marginalization is linked to the dearth of a locally generated evidence base that builds a solid case on the nature of various forms of maltreatment and the benefits of investing in the child protection sector. Thus, this paper underlines the essence of building an evidence base in order to improve investment in child protection and shines a light on some of the collaborative research and intervention partnerships that are, so far, helping to build the needed evidence base, so as to influence policy and programming and strengthen training programs.

2.2 Understanding Child Protection

Child protection refers to measures undertaken by government and non-government actors (formal and informal) to prevent various forms of violence and/or maltreatment and exploitation of children among other risks and hazards, and to respond by providing mitigative services and any other forms of support to the survivors and their families. Such measures encompass: legislation, policies, guidelines, standards, institutional structures and practices across all sectors to keep children safe from harm (Berger and Slack 2014; Forbes et al. 2011; Medrano and Tabben-Toussaint 2012; Save the Children 2010a; UNICEF 2006; UNICEF 2008). The measures also include funding mechanisms, effective coordination across government departments and between sectors at different levels, knowledge and data on child protection issues, a skilled child protection workforce, adequate funding, inclusion of children's voices and participation, and an informed and supportive public (Delaney et al. 2014; Medrano and Tabben-Toussaint 2012; Save the Children 2010a). The professionals including, social workers/welfare officers, medical personnel, lawyers, teachers and law enforcement officers equally form part of child protection measures.

The scope of child protection often varies. On the one hand, there are those who limit it to the recognition that children need to be kept safe as articulated under UNCRC Article 19. On the other hand, there are those who extend it to the principle of provision to include domains like health, education and general family well-being, among others. There are also others who strongly believe in the principle of participation, for children to have a voice in the matters that impact their lives. Interpreting child protection in light of the first view could be associated more with the narrow perspective of child protection where the focus is placed on protecting children from child abuse, neglect, exploitation and violence, while the broader perspective considers promoting child and family well-being at large (Berger and

Slack 2014) and allows children to voice their views as articulated in article 12 of the UNCRC. Child protection, according to Berger and Slack (2014), should be understood in terms of a continuum, ranging from a relatively narrow focus on child safety and protection to a relatively broader and holistic focus on promoting child and family well-being, as well as child participation.

Bearing in mind that social protection (measures undertaken to reduce vulnerability, and more so, those that focus on livelihoods and/or income support) directly impacts child protection (and that the two cannot be divorced from each other), several organizations (see The Department for International Development (DFID) et al. 2009) have considered child protection in the context of social protection and thus considered the broader view of child protection. The organizations have suggested a framework that focuses on child-sensitive, evidence-based interventions considered to maximize opportunities and developmental outcomes for children born into multiple risks and vulnerabilities. The framework also addresses those risks and vulnerabilities that they acquire later in childhood due to external events. The interventions would have to address the different dimensions of children's well-being including physical, social, emotional and psychological well-being. The framework proposed by Devereux and Sabates-Wheeler (2004), takes it to another level by classifying forms of interventions that aim to prevent risks-- those that enable access to protective services, those that promote capabilities of affected persons and those that engage with policy and structural changes. These interventions are considered to have worked effectively (see Walakira et al. 2014a) when applied to the alternative care model implemented by an international charity organization (Child's i Foundation). The organization works to enable orphaned children outside of family care to access alternative care options, with a focus on placing the children with families. In general, child protection cannot be divorced from the broader risk factors that undermine the safety and well-being of the child at the family, community and other levels, and the concerns that relate to protection of children from all forms of harm, be it from the parents, or caregivers, fellow children, other duty bearers or strangers. To prevent and respond effectively, child protection interventions should be underpinned by social protection interventions.

2.3 Approaches to Child Protection

We endeavor to highlight different approaches to child protection in this section. However, we do not intend to use this as a framework for our presentation in the latter part of this chapter. Our intention here is to help practitioners and students of child protection to have an idea about some of the theoretical frameworks that underpin social work focused child protection work, and how they could use it for programming or research work. Understanding child protection, thus, requires gaining an insight into the different approaches to child protection. Here the focus is placed on the systems approach, community-based approach and rights-based approach. There are other social work perspectives, including theories that are

critical to the understanding and practice of social work in relation to child protection, that are not discussed here, such as the therapeutic approaches linked to case management, capability or strengths based approaches, social network theory, the social development perspective, humanistic social work theories and methods just to mention a few. In addition, there are other approaches that could be drawn from a range of disciplines to explain aspects of early childhood development in relation to child protection drawing from psychology, sociology, social work and human biology and others. These theoretical perspectives are beyond the scope of this chapter.

2.3.1 Systems Approach to Child Protection

Whereas there is hardly universal consensus on the definition of child protection systems (Forbes et al. 2011; Delaney et al. 2014), there is consensus that the systems approach to child protection focuses on understanding and attending to the multiple factors that affect children in a comprehensive, holistic, long term, coordinated and sustainable manner; as opposed to the conventional issue-based, fragmented approach characterized by isolated interventions. This approach necessitates addressing the root causes of the issues affecting children, strengthening and building synergies and linkages among child protection actors, building systems capacities, strengthening the protective environment around all children, strengthening child advocacy at different levels, raising public awareness, greater inclusion of the very marginalized and, above all, bringing perspectives of children to the policy table (Wulczyn et al. 2010; Forbes et al. 2011; Delaney et al. 2014; UNHCR 2010; Medrano and Tabben-Toussaint 2012).

Besides bringing together different elements/components of a system, a child protection system harnesses the role of actors (formal and non-formal), including the child, family, community, state and non-state agencies to work together to protect the child (Forbes et al. 2011; Medrano and Tabben-Toussaint 2012; Save the Children 2010b). This approach clearly defines the rings of responsibility towards child protection as well as promotes linkages between the formal and non-formal child protection systems.

According to Delaney et al. (2014), the systems approach to child protection functions to ensure that the majority of children have greater access to better quality protection services and continuity in children's protective environments. It also addresses child protection needs in a more holistic manner, provides a more conducive environment for piloting, testing and (where appropriate) up-scaling models of good practice, promotes coordinated and coherent management of existing resources and guarantees the durability of protective actions. The systems approach to child protection permits an in-depth understanding of the child protection context; needed strategic actions; integrated programming; multi-stakeholder contributions to program design, monitoring and evaluation; capacity and synergy building; and dealing with funding challenges (Forbes et al. 2011). Worth acknowledging is that collabora-

orative partnerships, which may consist of different key stakeholders, government, professionals and the community, significantly contribute to systems functioning to protect vulnerable children at risk of abuse and neglect.

2.3.2 Community-Based Approach

This approach entails specific interventions tailored towards empowering communities to prevent child protection risks, protect and better care for their children (Forbes et al. 2011). It underlines the fact that families and communities, despite being the first and second rings of responsibility in protecting children, in some cases turn into a host for abuse, neglect, exploitation and violence against children (Save the Children Sweden 2011; Ganga and Chinyoka 2010; Inter-Parliamentary Union and UNICEF 2004; Walakira 2012; Jones 2011). This approach also focuses on empowering children to protect themselves as well as strengthening referral processes (Forbes et al. 2011). It brings together a network, or group of individuals, at the community level to work in a coordinated manner towards child protection goals, while benefiting from the wealth of knowledge, skills and practices of the local people at the different stages of the response cycle (Forbes et al. 2011).

The approach permits harnessing the potential of non-formal resources at community and household levels to deal with child protection issues such as abandonment, effects of HIV on children and barriers to children's access to basic services due to constrained financial resources. Some of the community-based interventions with a child protection arm, such as Village Savings and Loans Associations (VSLAs) and Rotational Savings and Cash Associations (ROSCAs), improve the incomes of care givers and the general welfare of children (Thuisbaert et al. 2012). Community-based interventions, in the form of household and community income supports, tend to enhance child protection, not only through provision of income to access basic services, but also through addressing the inherent psychosocial effects of poverty and vulnerability (Spitzer and Mabeyo 2011).

2.3.3 Rights-Based Approach

The rights-based approach (RBA) calls for careful and systematic attention to human rights (including children's rights) in all aspects of program planning, budgeting and implementation. This approach is very child-centered as it aims to fulfill the rights of children as broadly enshrined in the UNCRC (Walakira et al. 2014a). The approach serves to empower children (rights-holders) to realize their rights on the one hand, and, on the other, to strengthen the capacity of State and non-State, formal and informal, duty-bearers to comply with their human rights obligations and duties.

Notably, while the different approaches are delineated, they are not mutually exclusive. For instance, for the systems and community-based approaches in their focus on achieving the child protection goals, they also make rights of children a key consideration of their goals.

Finally, child protection actors and researchers will realize that they can draw further insights from a range of disciplines to increase their understanding of child protection. Such disciplines could include psychology, human biology, social anthropology and sociology to understand a range of issues, including brain development and child protection; culture and child protection; trauma, mental, physical and social development of young children; and economics and social policy to understand issues of resource allocation and the well-being of children.

2.4 The Need to Prioritize Child Protection in Uganda

Children in their early development phases across the world, are generally vulnerable, and, therefore, deserve particular attention and protection. Factors such as disability, orphan status, ethnic minority, institutionalization, detention, child labor and street life, refugee status and internal displacement, among others, predispose them to a myriad of risks (UNICEF 2011a). Physical, mental and emotional immaturity have also been mentioned (Medrano and Tabben-Toussaint 2012), while age, weak status in society, need, economic dependence, slim resilience and lack of a voice are also critical factors (DFID et al. 2009; UNICEF 2009; African Union 2014; Kaplan & Jones 2013; Morrow and Richards 1996:93).

Child poverty is associated with vulnerability, which manifests in various ways and is quite different from the way it affects adults (DFID et al. 2009). Due to limitations in physical strength and their marginalization in making decisions concerning allocation of resources, children, especially during their early years, are greatly affected by poverty. Child poverty is closely associated with poor child development indicators including child malnutrition, child morbidity and mortality. It limits children's access to quality early childhood education thereby negatively impacting children's mental development. It also increases the risk factors for child maltreatment (Walakira et al. 2015a). In addition to its multi-dimensional nature, child vulnerability is also dynamic and cumulative across childhood (Kaplan and Jones 2013) and, in some cases, collectively shared with caregivers and communities (Kaplan and Jones 2013; African Union 2014). Childhood poverty propagates adulthood, and lifetime poverty (UNICEF 2014). Child vulnerability and ill health exposures, in part, account for complex negative physical, psychological and mental health development outcomes (DFID et al. 2009; UNICEF 2011a, b). Child poverty has also been associated with behavioral disorders, and the tendency for children to attain lower levels of education (Wilkins et al. 1989).

Threats to children's safety are also common. They are orchestrated by employers (workplaces), law enforcement authorities, workers (and sometimes children) within child care institutions and officials within justice institutions (UNICEF

2011a). Caregivers or guardians within families and homes are among the major perpetrators (Medrano and Tabben-Toussaint 2012; Save the Children Sweden 2011; Ganga and Chinyoka 2010).

Uganda, like many other developing countries, experiences multiple child protection risks that require attention to ensure child safety, health and well-being. According to Uganda's National Strategic Program Plan of Interventions for OVC (NSPPI-2), general child vulnerability is estimated at 96 % (Ministry of Gender Labour and Social Development (MGLSD) 2011a). Essentially, almost every child in Uganda is vulnerable. The Uganda National OVC situation analysis conducted by Kalibala and Elson (2010) estimated 46 % of the then 17.5 million children in 2010 to be vulnerable and in need of various interventions, and 1.3 million of those children were critically vulnerable. Yet even for those that are not critically vulnerable, many are under the care of economically insecure caregivers and households, and are facing eminent risks including food insecurity and the inability to meet children's basic necessities.

In some areas, like Karamoja, long and severe drought spells marked by pronounced food shortages sometimes compel parents to mortgage or exchange their children for money, food and other material returns. The prevalence of child trafficking was indeed found to be high in Karamoja (Walakira et al. 2015b; Advocats Sans Frontiers 2010). A culture that espouses early marriage and underrates education in this region is common. It is associated with high rates of teenage pregnancy, which are estimated at 30 % (Republic of Uganda and UNICEF 2015) having risen from 17.6 % in 2006 (Ministry of Health et al. 2006). This is remarkably higher than the national average of 24 % (UNICEF 2014; Uganda Bureau of Statistics & ICF International Inc. 2012).

Generally, children in Uganda experience multiple vulnerabilities owing to past civil war in northern and western Uganda. The HIV and AIDS epidemic and poverty also force many children to seek work, because of the loss of their caregivers. There is violence against children in schools, homes and other settings due to the use of harsh disciplinary practices and the normalization of violence (Walakira and Ddumba-Nyanzi 2012; Naker 2005; Devries et al. 2014). Dependence on the institutionalization of children outside of family care is also exposing children to child protection risks, such as delayed and distorted physical, hormonal, cognitive, neurological and emotional development (Walakira et al. 2014a; Save the Children 2009; Csáky 2009; Abela et al. 2012). While some evidence is available to advance a case for prioritizing child protection, more needs to be done as the section below shows.

2.5 Building an Evidence Base as a Prerequisite for Improved Investments in Child Protection

The limited evidence base for the nature and consequences of child protection risks and hazards in Uganda has undermined investments in the child protection sector. Dickens et al. (2006) observe that without tangible evidence gathered over time

underlining the economic benefits of investing in children, it is difficult to attract resources from governments to finance investments in vulnerable children. Over the financial years 2009/10, 2010/11, 2011/12 and 2012/13, the social development sector's share of the national budget has alternated between 0.09 %, 0.08 %, 0.10 % and 0.05 %, respectively (Ministry of Finance, Planning and Economic Development 2013a, b). This sector undertakes the responsibilities concerning child safety including prevention of child protection risks and provision of welfare services to affected children and families. The low investment in this sector has consequently denied child survivors of sexual, physical and emotional violence from having access to basic social protection services and thus, facing the risk of long-term, and in some cases, irreversible consequences that affect their well-being.

A key barrier for those advocating increased investments in child protection concerns is the inability to present a cost benefit analysis to planners in the Ministry of Finance, Planning and Economic Development (MFPED). The officials within this Ministry tend to ask advocates to quantify the benefits of psychosocial support to children and to the economy. This example represents the existing reality as to how the government has to contend with competing demands for limited resources. The government has prioritized investment in children's education, with the result being 14 % (FY2012/13 and FY2013/14) of the national budget committed to this sector on average. Investments in health and agriculture amount to 7.8 % (FY2012/13) and 3.5 %, respectively, over the same period (Ministry of Finance, Planning and Economic Development 2013a, b). The understanding is that investment in these sectors would improve many vulnerable children's access to education, health and nutrition, and would protect them from many risks. Arguably, investments in children during their early years yield high returns (Rees et al. 2012; Belli et al. 2005; Belli and Appaix 2003; UNICEF 2012; Van der Gaag 2002; Myers 2002).

Yet, without discounting investing in children through programs such as Universal Primary Education (UPE), the available data show that many of the enrolled children simply fall through the cracks of the publicly provided UPE and, thus, are unable to enjoy the benefits of early education. Figures indicate that about six out of ten pupils who joined primary one made it to primary five, whereas only four in ten continue until primary seven in 2014 (Walakira et al. 2015a; Ministry of Education and Sports 2014). Girls and boys drop out because of hunger, distance, repeating grades, discouraging school conditions, perceived poor education quality and inability to pay for auxiliary costs (e.g. scholastic materials, uniforms and school meals). Similarly, in other sectors where services are assumed to be free, the most vulnerable are unable to access them. The current policy and programming regime has not fully taken into consideration the best ways to reach the most vulnerable children across the various social service sectors.

The decision to invest in child protection yields economic benefits (Lynch 2004). For example, it reduces the would-be dependents on the national economy, increases productivity of those excluded from access to resources, increases employment possibilities, reduces rapid population growth, reduces risks including spread of diseases among the most poor children and families, and increases better educational outcomes for children. UNICEF (2012) observes that investment in children lays

the groundwork for more people to effectively participate in their economic development. Publicly financed child protection programs yield larger budget savings over time, thereby benefiting both taxpayers and the government (Lynch 2004). Incidentally, in Uganda, such a public investment decision is often neglected or postponed, in part because of the absence of locally generated evidence on such benefits. Therefore, studies need to be undertaken on the value of reducing children on the streets, those in child labor, those who suffer unwanted pregnancies, those who drop out of school and increasing the knowledge and skills base of children in vulnerable situations. Cost-benefit analyses and quantification of economic returns on investment in child protection is possible (Belli and Appaix 2003; UNICEF 2012; Belli et al. 2005), thus calling for the need to confront it head on. In the sections that follow, we identify those thematic areas where conceptual clarity and research could serve to strengthen the case for investing in child protection, as well as improve the sectors in the fields of research and policy.

2.6 Clarity on the Concept of Child Protection and Measurement of Child Protection Indicators

The child protection sector faces more hurdles in providing clarity on the concepts used, and promoting their application among the academics and policy makers. Amidst concerns about the low uptake of poorly communicated research findings and concepts (Amir et al. 2005), researchers particularly face hurdles in standardizing the terminologies associated with child protection.

First, although policy makers may not readily appreciate the meaning of child protection, it would be important for researchers in the field to build more consensus and apply common measurements for child protection variables. For example, the measurement of violence against children is one of the problematic areas. The scales or tools used to measure violence against children conceptualize violence from a Western perspective without fully taking into account local understanding and interpretations of violence. Thus, the indicators generated are reflective of a picture that is mostly non-representative of local contexts. This is a challenge that local researchers have to confront in collaboration with partners from outside. For certain forms of violence, like sexual violence, there is more agreement on its nature and forms; however, for physical violence, there is a tendency within research to treat every disciplinary practice that local parents apply as a form of violence. In effect, all the child-rearing practices of parents in the local contexts are problematized and stigmatized, and thus identified as requiring modification. The prioritized child rearing practices are those conceptualized by the West that suggest a particular form of child upbringing more in conformity with Western norms. This is not to suggest that there are no child-rearing practices among the local communities that are violent and abusive, nor is there an impression made that Western conceptualizations, tools and practices are totally irrelevant for adaptation in the Ugandan context. The key issue here is the need to have a common understanding of the concepts

we use in measuring child protection, taking into account, for example, what constitutes violence and what does not. By using terminologies that are not well conceived, it becomes challenging to measure the prevalence and magnitude of certain parental practices that border on child abuse.

2.7 The Need to Generate Evidence on Selected Child Protection Thematic Areas

2.7.1 Child Labor

Progress has been made with respect to data collection in some thematic areas that identify issues of child protection such as child labor. With support from the International Labour Organisation (ILO), the Uganda government has, in the past 15 years, generated data that painted a picture on child labor and used it to draft relevant national laws and policies. For example, the Uganda Constitution outlaws exploitative forms of work (Article 25 and 34(4)). The Children Act Cap 59 and the Uganda Employment Act (Section 32) all prohibit child labor. Data collected over time on different forms of child labor suggest that with a population of about 36 million persons, over half (56 %) are children below 18 years of age. In effect, the dependency burden on the adult working population is large. This induces some children to contribute to household income or to fend for themselves through child labor and exploitation. As such, an estimated two million are child laborers (UBOS 2013; UNICEF 2011a, b). Yet, these statistics have often been considered without careful attention to detail. With the definition of child labor, again the views of the local populations are rarely considered. The emerging statistics on child labor do not capture what local populations understand and interpret as child labor (Walakira 2010). For example, there has been a tendency to consider every type of work that children do as child labor, even when the national legal frameworks draw a distinction between child work (work that is acceptable and a form of training) and child labor (work that is hazardous, and affects the physical, mental, social and psychological well-being of children). Conversely, many parents hide behind child participation and training to subject children to child labor. It is necessary that guidelines developed concerning child labor do not list the work that children do in their homes as part of socialization and social reproduction of the work ethic as child labor, because it is beneficial to the healthy development of children. At the same time, work that contributes to the household economy should be positively considered where it is well balanced with age, education and other developmental needs of the child. We argue that there is a need for regulation of the work that children perform. However, the concern here is the practice of adopting definitions of child labor from other contexts, and then applying them to Ugandan circumstances without any modification to suit the local context. For example, if a child of 10 years of age were to help her parent to wash a family car at home, that should not be considered child

labor. The use of such generalizations as a basis for research on child labor culminates into generations of data that are questionable and, thus, less appealing to decision makers responsible for the allocation of scarce resources amidst competing priorities. As a result, the social sector and, in particular, the child protection sector does not receive sufficient resources to fight those forces that undermine the well-being of children and those which fit the domain of child protection.

2.7.2 Female Genital Mutilation (FGM) and Other Cultural Practices that Endanger the Lives of Children

FGM is another area that requires generating sound evidence and incorporation among the key concepts or variables relating to child protection. Worldwide, over 70 million females (15–49 years) are estimated to undergo FGM. Three million girls are at risk of FGM in Africa annually (Medrano and Tabben-Toussaint 2012). A large proportion of these girls are in Uganda. The ritual is commonly practiced in Eastern and Northeastern Uganda. Despite a growing awareness of the negative consequences on the reproductive health of the affected female children, there is still a paucity of scientific data in Uganda on how many girls are affected, and what the trends are. Recent efforts to outlaw the practice through the enactment of the Prohibition of Female Genital Mutilation Act (Government of Uganda 2010) have not yielded the desired results. Thus, many girls in the affected areas remain victimized (UNICEF 2013).

2.7.3 Building an Evidence Base on Child Trafficking

Child trafficking is another area under child protection that highlights the risks children experience. Most of the data on the practice has relied on qualitative indicators with few statistics generated to date. However, an initiative for the elimination of child trafficking through an integrated approach has laid the ground-work for advocating for a nationwide study on the prevalence of child trafficking. This initiative includes a study on child trafficking undertaken in 2014–2015 led by Makerere University working in collaboration with the African Network on Prevention and Protection of Children against Abuse and Neglect (ANPPCAN), the Federation of Uganda Women Lawyers (FIDA) and the Uganda Youth Development Link (UYDEL) with financial support from Terre des Hommes and the Ministry of Gender, Labour and Social Development (MGLSD). The study revealed that child trafficking among working children in Kampala's poor urban settlements stands at 39 %. Among rural households, the prevalence is 41 % in Moroto and 27 % in Iganga (see Walakira et al. 2015b). The study reveals that there are many other thematic areas for which data is urgently needed to build a persuasive case for increased

government support to rescue and re-integrate the affected children. The government has yet to show leadership with regards to building a shared understanding on the definition of child trafficking. Support for studies on the subject would help to determine the costs to the national economy for every child trafficked, and what it would take or cost to successfully re-integrate a trafficked child. Evidence of this kind supports the case for increased funding for the child protection sector.

2.7.4 Generating Evidence on the Field of Alternative Care

Alternative care for children is another area that requires sufficient data to build a strong case for child protection. Even though there is now greater interest in promoting alternative care for children outside of the family care, social workers and other child welfare workers still grapple with the limited evidence on why, in spite of the overwhelming evidence on the negative outcomes of institutionalization, people continue to open up residential child care institutions. According to the MGLSD study by Riley (2012) as well as other studies such as Walakira et al. (2014d) and Walakira and Dumba-Nyanzi (2012), there are over 800 child care institutions accommodating over 50,000 children. What is not well understood though is the motivation for opening up the institutions. Walakira et al. (2014d) reveal that in part, many of the children in the child care institutions (CCIs) have living parents; at least 64 % have a living mother or father. At the same time, operators of the institutions visited were pointed out by the communities to openly recruit children. Up to 45 % of children in the 29 surveyed CCIs (with a total of 1282 children (boys 725, girls 557)) were aged 0-3 years at the time they were placed in the institutions, while 15 % were not yet six months old. Care practices were found to be poor due to the absence of trained social workers or other equipped service providers, failure to assess the child's eligibility prior to admission with up to 51 % of children being admitted into care without a care order, failure to develop care plans and keeping children beyond the stipulated three months without a justification except under specified circumstances. All of these practices violated the minimum quality standards stipulated for child care institutions (see the Alternative Care Framework (MGLSD 2012) and the Approved Homes Regulations Assessment Tool Kit (MGLSD 2011b)).

These limitations notwithstanding and for the purposes of building an evidence base in the child protection field, it is important for the government, civil society organizations (CSOs) and researchers to establish a mechanism for continuous data collection on the CCIs, so as to monitor the welfare and ensure the protection of children. Quality indicators and capacities for such institutions ought to be clearly identified and assessed periodically, while data on growth and development indicators among children also ought to be collected. Of particular importance is the need to do comprehensive surveys on the incentives that could be applied to encourage the de-institutionalization of children. The easier option is for the government to close the institutions. However, in the past, the government has been invisible in

providing alternative care to children. Due to its lack of investment in the sector, CSOs took up the responsibility to fill the gap. As the government takes its role to monitor and enforce quality standards more seriously, it has found it difficult to put into practice the threats of closing institutions not conforming to quality standards. Whether in child care institutions or other alternative care options, such as foster care and adoption, it is important for learning purposes and improving programming, to study the efficacy of the re-integration practices implemented by the government and other institutions involved in alternative care. The assumption that foster parents and adoptive parents are better options for caring for and nurturing children outside of family care also needs to be examined by ascertaining the conditions that make these options more successful, understanding better options for the prevention of family separation, and how best to promote local fostering and adoption, which are predominantly done by prospective parents outside of the country.

2.8 Other Thematic Areas for Building an Evidence Base

So far, so much research has been generated on the precarious situation of children living with HIV and AIDS (see Walakira et al. 2014b) and their needs, such as treatment, adherence to antiretroviral therapy, nutrition, care, psychosocial support and education. Issues concerning disclosure of parental HIV status to children remain problematic, with evidence still limited as to why parents find it difficult not only to disclose their sero-status to their partners, but also to their children. Similarly, when HIV positive children ask questions about their continued medication, parents find it difficult to explain to them in clear terms due to cultural taboos regarding specific topics, which are considered to be adult matters. With many children growing up HIV positive, other challenges relate to how to protect their peers from HIV infection. We are learning from a few studies concerning the shocking details on how perinatally HIV (PHIV) positive adolescents (those who acquired HIV from their mothers during pregnancy, at birth or while breast feeding) practice high risk sexual behavior. Mbalinda et al. (2015) reveal that three out of ten PHIV adolescents (34 %) had ever had sexual intercourse, 64 % had sex in the last six months, 44 % did not use condoms in the last sexual encounter and 76 % did not use condoms consistently. These risk behaviors pose a danger to other youth (and adults), and partly account for the rising HIV infection among adolescents (HIV infection rose from 2.9 % in 2004-2005 to 3.7 % in 2011) (Walakira et al. 2015a; Ministry of Health 2012). Adherence to anti-retroviral therapy (ART) among HIV positive children and adolescents is quite high during shorter durations (6 months to 1 year) ranging from 83 % (Mbalinda et al. 2015) to 90 % (Nabukeera-Barungi et al. 2015), but decline significantly as time goes by. Thus, in the long term, adherence is grossly undermined by risk factors commonly identified to include poverty, stigma, fatigue, side effects, pill burden and depression (Walakira et al. 2014b; Walakira et al. 2012; Mbalinda et al. 2015; Nabukeera-Barungi et al. 2015).

These issues may not appear to be central to child protection; however, they are indeed child protection issues in that the children remain vulnerable and their rights to survival and development are placed at risk. A recent study indicated that poverty among children is wide spread. High poverty levels documented by UNICEF Uganda (2014) make it difficult for children to fully enjoy their protection and other rights. It is on account of the high poverty levels that children are enticed to participate in hazardous forms of work, including sexually exploitative work where some of them get infected with HIV. Others begin laborious activities such as hawking, vending food items, 'boda-boda' (motorcycle taxi) riding, mining and stone quarrying and brick laying, among others, which are detrimental to their growth and development and access to education.

Knowing more about how to address the stress that children traumatized by war, HIV and AIDS and other hazards is of utmost priority. The widely available evidence points to use of mental health approaches (Serendip 2006; Taylor and Brown 1988; Wells et al. 2003; Regier et al. 1978). However, most approaches are Western oriented, calling for investigation into indigenous approaches, for example the use of 'religious traditions and resources' in dealing with mental health issues (Mugisha et al. 2015), and the practice of multicultural social work including the use of communal approaches (Abdullah 2015). There are also those that call for the utilization of cultural heritage including material spaces and artifacts (Meskell 2008), religious values such as those from the gospels (Reinhart 2015) and the more commonly used approaches, such as music therapy, in both West and African societies (Swart 2014). Indigenous approaches could still fail to address modern traumatic experiences. However, studies that combine research and action in an experimental manner need to be conducted.

2.9 Building Partnerships Between Universities, CSOs and Government to Promote Child Protection

Universities, or researchers, are often accused of undertaking research that does not connect well with the world of practice. Indeed, much of the research has remained on the shelves, and has not been used to improve programming. There is now a realization that such a condition should not be left unattended. Makerere University Department of Social Work and Social Administration, under its program for Children and Youth, has been at the forefront in working with government agencies and CSOs to make a significant contribution to the field of child protection. This engagement resulted in the Department being assigned the responsibility to lead the process of developing an action plan for orphans and vulnerable children (OVC) code named the National Strategic Program Plan of Interventions for OVC. The plan has seven core program areas inter alia: economic strengthening, food and nutrition security, health, water, sanitation and shelter, education, psychosocial support and basic care, child protection and legal support and legal, policy and institutional mechanisms. Based on the assessments made, the child protection component

is one of the least served. While our role has been evident in providing technical support to the Ministry and other development partners, it is increasingly being realized that the involvement of the University is very critical in supporting programming and the development of evidence-based public policy. Thus, understanding the research priorities of CSOs and government, and how these can be framed into meaningful research questions to provide both operational and empirical data, is critical to policy making and funding. The government and their partners need the evidence to improve the quality of programming or to change the thinking about certain approaches for addressing issues of child protection.

Through the collaboration between the University and the development partners, it has also been possible to identify child protection workers' skills gaps. Consequently, working in collaboration with partners, the university supported the development, and is currently rolling out (since 2012), the child protection curriculum targeting child protection workers in government and CSOs, as well as social work students at the Bachelor and Master levels. With a significant increase in knowledge levels after the training (pre-training assessment mean score 41.4 % versus post training mean score 77.1 %), feedback concerning those trained and deployed (i.e. over 1600) suggested that a big vacuum in child protection skills was being closed (Department of Social Work and Social Administration 2012). In addition, the trained personnel were making a positive impact on child protection issues in district development plans and CSO programs. The Department of Social Work and Social Administration in collaboration with partners also supported the development of the Alternative Care (AC) curriculum. Local partners, like Child's i Foundation, are already using parts of the curriculum in their training program, while mobilizing support to have the entire curriculum rolled out. This development, and others already mentioned, are considered to be useful contributions aimed at strengthening the child protection system.

Working more concretely with government ministries, CSOs and other development partners has made it possible to build strong linkages to support the University's training programs. The organizations have provided field work experiences for students, as well as experienced persons to talk to the students concerning the practicalities of implementing child protection programs.

Through these engagements, the University and their partners identified research gaps, and developed experimental interventions to measure the efficacy of particular interventions. For example, working with War Child Holland, the Department of Social Work and Social Administration were able to test War Child Holland's model for evaluating the effects of a community-based approach towards elimination of violence against children (see Walakira et al. 2014c). Other studies undertaken have looked at models to deal with child trafficking (Walakira et al. 2015b) and rolling out best practices in the field of Alternative Care (Walakira et al. 2014d). The collaboration has also brought to light the need for CSOs, in particular, to rely on sound and or rigorous research work that provides a firm basis for measuring the effectiveness of their interventions. Finally, while this work seems to be in its infancy, it has contributed to raising awareness at the national level through the dissemination of evidence and the sharing of learning experiences.

2.10 Conclusion

There is a big role that ought to be played by researchers to generate the urgently needed evidence, and to develop the necessary collaborative partnerships among the academics, policy makers and program implementers to ensure that the child protection sector receives the priority that it deserves. Bearing in mind that the small efforts so far undertaken by Makerere and other actors can have meaningful results, it gives hope and, at the same time, presents a challenge that requires mounting research and advocacy efforts geared towards strengthening the field of child protection to prevent and protect children against violence. Ongoing research will also be required, because of the new and emergent social issues that continue to pose risks for the most vulnerable children of our society. Without research, it will be a challenge to fully understand the extent and magnitude of the problems facing families and the risks to children. The implementation of the UNCRC, to which the Ugandan government is a signatory, will require continued research to help guide the policy making processes intended to protect children from abuse and neglect.

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Chapter 3

“Situated” Understandings of Child Abuse and Maltreatment in Uganda

Gloria Kimuli Seruwagi

3.1 Introduction and Background

The arguments made in this chapter are based on the literature and findings from a study about the lived experiences of ‘vulnerable’ children aged 5–17 years. The research was a multi-method qualitative study that used a combination of different methods including interviews, focus group discussions (FGDs), observation and participatory child-centered methods such as situated interviewing, draw-and-write sessions and storytelling. This was complemented by document review and policy analysis. The data collection methods used focused on and were intended to enable collection of personal experience and reflections of this experience. This study was conducted in the rural Sheema district, Southwestern Uganda in East Africa. Sheema has a high number of orphans and vulnerable children (OVC) estimated to be 8296, 39.2 % of the entire district population at the time of this study (Sheema District Local Government 2011). Purposive sampling was undertaken to select respondents assisted by local and institutional leaders. Individuals were identified and consent obtained from those willing to participate. Snowball sampling was also used for OVC families with institutional support. Altogether data were collected from 129 participants as shown in Table 3.1.

Data were analyzed manually using the thematic and Template Analysis (TA) approach (King, 1998).

Ethical clearance was obtained from the University of Huddersfield’s School Research and Ethics Panel (SREP). Ethical approval was also sought from relevant national and local bodies – particularly the Uganda National Council of Science and Technology (UNCST), district and local leaders. Informed consent was sought from study participants whose confidentiality and anonymity was also assured.

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Table 3.1 Summary of study participants

Data collection method	Respondent category	Gender		Total
		Male	Female	
Individual interviews (including participatory child-centered methods)	Children	12	13	25
	Carers	4	8	12
	Key informants	6	6	12
Focus Group Discussions (x8 people in each FGD)	FGD category	Male	Female	Total # of participants
	Children	17	15	32 (4 FGDs)
	Carers	4	12	16 (2 FGDs)
	Key informants	5	3	8 (1 FGD)
	Community members	5	3	8 (1FGD)
	Mixed (OVC & carers)	8	8	16 (2 FGDs)

One of the study's key findings was the fact that vulnerable children shared both similar and diverse experiences; and as such, interventions should be cognizant of this. Another major finding was that labels such as 'child abuse victims' given to children deemed in need of protection are not necessarily subscribed to by children themselves. Rather these labels are adult constructs used for policy and programming convenience. The majority of children constructed themselves as in need of care and protection; however, they also had positive identities and aspirations, which adults did not seem to recognize. In terms of relationships, vulnerable children were found to attach a lot of importance to the quality of relationships they have with significant adults in their lives, particularly carers, and demonstrated a strong desire to nurture these relationships. The issue of abuse and maltreatment was raised mainly among children living with middle-aged carers, particularly those not biologically related to them, such as stepparents or spouses of their relatives. Vulnerable children showed that their relationships are unique in a sense that they are reciprocal in nature and do not usually follow the linear, predictable pattern of relationships between majority of other children and their carers.

There was a sharp divergence between the way vulnerable children perceived themselves and the way they think they are perceived. For example, while they perceived themselves as responsible, creative and useful members of society, the adults generally looked at them as burdensome, risky investments, unable to think for themselves, helpless and in need of protection, status symbols and domestic laborers. Children underscored the issue of social control within the context of a largely patriarchal society and the notion that children are largely dependent on adults. How Orphans and Vulnerable Children (OVC) think they are perceived also draws attention to the issue of absent or weak child protection mechanisms, which allow for negative adult perception and injustices towards OVC to continue unabated.

In terms of support systems, children reported that they obtained varied levels and types of support from different sources including children's own learned coping strategies and resilience, their immediate carers, extended family, peers and friends,

the community, government and civil society. The diverse support systems were highlighted in terms of their source, nature, function and frequency. What is very clear is that the support systems are unique and differ in terms of each of these four attributes. Depending on their unique individual circumstances, ‘vulnerable’ children navigate through and negotiate this support in various ways – some successfully while others have been largely unsuccessful.

3.1.1 Critique of Literature on Vulnerable Children

The literature on OVC in sub-Saharan Africa is illuminative and enables us to understand the magnitude, patterns and related outcomes. The majority of existing research presents vulnerable children (OVC) as passive victims with poor health, poor socio-economic outcomes, vulnerable and having ‘lost’ their childhood (see for example Andrews et al. 2006; Bauman et al. 2006; Kalibala and Elson 2010; Kamali et al. 1996). In this study, vulnerable children are broadly defined to include all children who are most likely to suffer from all forms of abuse and maltreatment. In Uganda’s child policy arena, children facing abuse and maltreatment are generally classified under the category of “Orphans and Vulnerable Children” (OVC). This research focuses mainly on health related issues, specifically mental health, nutrition, sexual and reproductive health. It presents a unanimous view that the status and outcomes of OVC in these areas of health is negative. However, it has tended to be narrow, deterministic, pathological, inconsistent and sometimes contradictory (particularly in predictions of the OVC magnitude). Furthermore, existing OVC literature (see for example Cluver and Gardner 2007; Foster et al. 1997; Oleke et al. 2006) has concentrated on the individual characteristics of vulnerable children. A recurring argument therein is that OVC have poor life trajectories and cannot do anything without the care and support of adults. Whereas this is generally true, it is also narrow because research has not paid attention to the inherent capacities of OVC, nor has it focused on their lived experiences. Furthermore, nearly all of the existing literature presents a curious double-edged pattern: (1) adults are determining, categorizing and making damning predictions regarding children – most of these adults are from Western Europe, whose work is situated within Western understandings of childhood and mental health; (2) children’s voices are ominously missing. It is this gap in the literature that this study sought to address by researching into the voice and lived experiences of OVC.

This study sought to contribute to developing the minority literature that casts OVC in a different light as non-pathological. Whereas it was not the intention of this study to deny that many children experience hardship and are in need of support and protection, its central argument is that focusing heavily and narrowly on OVC needs or grim-looking future does not enable an appreciation of local meanings, expressions and responses to the hardships that they experience. This means that there is a very low likelihood of getting a fit between approaches or interventions and OVC expressed needs. It also presents a very high possibility of distorting local realities and not fully utilizing their explicit or latent resources and networks.

3.1.2 A ‘New Public Health’ Discourse

Following Michael Foucault we contend that in modern societies, power operates not so much through repression, violence, direct coercion or blatant control as through the creation of expert knowledges about human beings and societies, which serve to channel or constrain thinking and action. (Petersen and Lupton 1996: xii)

The term ‘new public health’ has been used in different ways (see for example Epstein 2003; Gostin and Bloche 2003; Petersen and Lupton 1996). However, the convergence point is a focus on the population and the environment, which includes the psychological, social and physical elements that shape people’s health and well-being. Petersen and Lupton (1996) warn that with the development of the ‘new public health’ perspective, nearly all aspects of people’s personal and social lives have become open to scrutiny, regulations and surveillance. The concerns, expectations and outcomes of this surveillance are then articulated through the expert knowledge and action of a ‘new public health’ which puts great emphasis on documentation, classification and measurement – changes that require a specific type of knowledge and expertise of the other. Yet little attention has been paid to analyzing the fundamental principles, discourses and practices of public health from an epistemological position, or to exploring public health as a sociocultural practice and a set of contingent knowledges. This argument is the backdrop against which I used sociocultural theory in this study to throw light upon the ‘new public health’ as a domain of knowledge and an arena of practice.

This chapter aligns itself with the minority literature that is concerned that the growing body of OVC research is a reflection of this regulatory development by specialists. Although it has good intentions and is guided by science as the bulwark of its credibility, predominant literature poses a number of problems for the people whom it studies, classifies, measures and ultimately ascribes characteristics (for OVC these characteristics are largely negative). As Skovdal (2009: 60) has correctly argued, “one of the dangers of the ‘new public health’ crossing cultures (in this case from Western to African contexts) is the risk of regulation, and the introduction of terms and classifications, extending into families and communities whose contexts, worldviews and experiences may be profoundly different.” Therefore, this research problematizes this ‘new public health’ approach by making a case for putting knowledge in context and the need to understand local meanings, expressions and responses.

3.1.3 Conceptualization of Childhood

In addition, a critique of existing literature shows that the lens through which most of the studies approached children subscribed and served to entrench traditional conceptualizations of childhood. It is clear that the literature on OVC is generally deterministic and adult-centered, and that this is because most of the scholars

subscribe to a deficit model of childhood, which has in turn influenced their scholarly approach, content and analysis of children. A look at child development theory will enable the reader to show existing debates that have generally shaped studies on childhood.

3.1.4 Child Development Theories: A Summary

Despite assumptions that parenting has a huge impact on later outcomes, the evidence that underpins this is somewhat elusive. There are a number of theories but many of these are highly contested and not sufficiently underpinned empirically to allow for certainty. These theories include Cognitive-Development Theory (Piaget’s intelligence and intellectual growth, and Vygostky’s social cultural influences) (Piaget 1936), Attachment Theory (Bowlby 1969), Socialization Theory and the Ecological Systems Theory (Bronfenbrenner’s contexts for development). Early child development theories such as the Cognitive Development, Attachment and Socialization theories explain child development in relation to physiological changes which in turn control the growth of mental capacities of children. From the viewpoint of these theories, mental capacities of children develop in a linear fashion. Childhood is associated with simple and lower emotional capacities which develop as the child progresses towards adulthood. Adulthood is the end stage of development and is associated with complex rational abilities. This understanding of child development influences both policy and practice on children.

Early developmental theories place emphasis on the biological aspects of development, downplaying the significance of cultural factors. In contemporary Western European societies, children are generally viewed as limited in capacities and survival skills, and as such are dependent and must be protected by adults. These ideas were initially globalized and continue to be propagated through international conventions on child protection. Mavise (2010) argues that this explains the predominance of adult-centered approaches in the current policy and practice for children. However, current thinking in the history, sociology and psychology of childhood questions some of the underlying assumptions of these early theories of childhood. While acknowledging shared biological aspects of childhood, the new thinking recognizes that there are also fundamental differences between children growing up in different cultural environments. Instead of looking at childhood as a universal experience, which often degenerates into narrow ethnocentrism, the starting point is to understand childhood as a social construction with potentially many different forms, just as there are different cultures. A number of cultural theories also guided this study and these include:

- **Aries’ (1962) historical childhood** posits that understanding childhood is linked to lack of awareness that was lacking in the Western world medieval times but now looks at childhood as a period of exclusive innocence and play.

- **Vygostky's sociocultural theory** argues that childhood is a culturally relative construct embedded in historical and cultural factors (Vygostky 1978).
- More recently the eclectic **New Sociology of Childhood (NSC)** has emerged which uses children's experiences to support its claims that childhood is socially constructed and that children exercise agency (Corsaro 2005a, b; James and Prout, 1997; James et al. 1998).

Most literature is located in early child development theories and, as mentioned before, has a tendency to problematize any deviation from what is seen as 'normal' in the West. The foundations of this could be found in post-colonial theory where the West continually seeks to construct the 'non West' and Africa in particular as a problem that needs to be corrected. Philosophers such as Foucault (1977) have shown how human sciences regulate populations, turning them into objects of specialist knowledge and power. Scholars in the field of international development such as Arturo Escobar (1992) have called for the move beyond constructing the 'Third World', particularly Africa, as in need of development to a celebration of diversity of cultures, the relativity of history and the plurality of perceptions (Skovdal 2009). It is within the latter two theoretical perspectives (sociocultural theory and NSC) that this study was situated. It is not just good practice but imperative that, in addition to accounting for the local contexts within which OVC are embedded, the experiences and meanings they attach to these experiences is sought to provide robust approaches to policies and programs. Most importantly, this study contributes to the "need to conceptualize 'other childhoods' as they *are* and not in terms of what they are not." (Kesby et al. 2006: 186).

3.2 A Situated Analysis of Children's Lived Experiences

This chapter draws heavily from the ecological theoretical framework (Bronfenbrenner 1989) which calls for a distributed understanding of experience that positions an individual in a series of nested systems each interacting with the other in a complex way to shape the reality and experience of the individual at the center. The interaction of nested systems thus helps us to understand the lived reality of vulnerable children. We have already seen how the literature (see for example Cluver and Gardner 2007; Foster et al. 1997; Oleke et al. 2006) has concentrated on individual characteristics as opposed to how the communities and other environmental factors contribute to their experience. Unlike the premise on which most of this literature is based, the concern of ecology is "the nature of the interaction of organisms and populations with the embedding environment which supports, influences and determines the limits of structure and function for the life that exists within it" (Sells 1969: 15).

In this section, the research community's tendency to pathologize the experience of vulnerable children is challenged and a non-problematization approach suggested. It is through this non-problematization approach that these children can be

better supported by leveraging their agency and existing resource base at all levels of the tiered ecological system. This chapter aligns itself to alternative conceptualizations of the childhood experience from the minority literature (Boyden and Levinson 2001; Corsaro 2005a; James et al. 1998; Vygostky 1978), which argues that children are not passive victims but competent social actors and that childhood is socially constructed. For example, in Africa, unlike Western Europe, children directly contribute to the functioning and continuity of their households and communities by providing age-appropriate labor and fulfilling reciprocal obligations. This is an integral part of their socialization and cultural expectations. Moreover, the changing typologies of families in sub-Saharan Africa as a result of mainly HIV/AIDS, poverty and rural-urban migration mean that children continue to take on roles unheard of in other places. For example, boys engage in some activities previously left for girls. This does not entirely change their childhood status but rather demonstrates their adaptation to the changing environment or context. Missing out on this would be detrimental to skills development and socialization – yet some Westerners discourage it, saying it is harmful to health and well-being. Critiquing dominant childhood discourses and showcasing alternative conceptualizations was done in order to demonstrate a more complex and multifaceted view, reflecting the children’s experiences and placing greater emphasis on their coping and positive development (Skovdal 2009).

3.2.1 Culture, Rights and Child Protection

Generally, in African culture the rights of children and child protection are embedded in everyday society, as has been noted by previous research (Bernard and Gupta 2008; UNICEF 2006). In fact, some scholars (Ochen 2011; Wessells 2009) have previously argued that some local socio-cultural norms complement and fulfill some aspects of child protection instruments like the United Nations Convention on the Rights of the Child (UNCRC) and African Charter on the Rights and Welfare of the Child (ACRWC), albeit with differences in social constructions of childhood. The UNCRC rights discourse is therefore not antithetical to local cultural institutions in Uganda, but only for differences in how childhood is conceptualized.

In line with local traditions, all children enjoyed the perceived privileged status of protection from harm, and were assigned lighter, age-appropriate tasks and responsibilities as part of the socialization process, an obligatory point of passage. As children grew up, more complex, energy-driven tasks were then assigned to them, and as they gained mastery over these they became fully integrated, functional members of the community. Adults were required to provide guidance, protection and care for children in their households. By doing this, child rights were observed, child protection enforced and cases of deviance from this norm in form of violation of children’s rights were dealt with severely by the local community. Although this process was not translated as child rights and indeed some scholars like Ochen (2011) and El-Bushra and Sahl (2005) have argued that it was because

of a lack of its equivalent expressions in the local languages, it was part of the everyday life that established societal and cultural foundations. This sheds light on the relatively neglected aspect of informal community-level child protection mechanisms, highlights useful existing local structures that should be acknowledged and sanctions the use of a sociocultural perspective to guide robust and sustainable interventions for vulnerable children (Shepler 2005; Wessells 2009).

It is also worth noting, however, that although there is a place for child protection in the various traditional cultures and indeed some aspects of it overlaps with the UNCRC, there are also glaring tensions. For example, some traditional Ankore cultural practices like early marriages, severe punishment for pregnancy out of wedlock, corporal punishment or parental preference for children to perform household duties as opposed to going to school are detrimental to the well-being of children. While cautious of being interpreted as condoning these harmful traditional practices, my position is that it is important for culture and context to be understood. Some of these practices form a society's fabric and promote shared values and cohesion; therefore, denouncing them in pursuit of child protection can be interpreted as, in fact, censuring one's culture. The place of children in society is still a contested issue, therefore it is important to understand and appreciate local cultures before harshly judging them. As the evidence shows,

... meaningful interventions to assist young people to acquire ... skills, as well as to protect the rights of the children must be based on a better understanding of the fabric of social life and its cultural meanings. Policy makers should consider this as a major challenge for their future decision making. (Boyden and Holden 1991: vii)

It is only from this situated cultural appreciation that desired changes can best be instigated. This is more likely to result in meaningful, effective and sustainable interventions for vulnerable children.

Culture and its related social expectations are themselves a constraint to children's agency or vulnerability. For example, in the context of a society defined by and subscribing to patriarchal hegemony, children are 'seen but not heard' (Jones 2007; Mayall 2000). In African traditional society, the agency of children is closely tied with social responsibility. Part of this social responsibility demands of children to respect elders and allow to be led and cared for by adults. The issue of whether adults making decisions or looking after children really have effectively performed this task has been a subject of debate in the literature and the main issue has been a consideration of the 'best interests of the child' (see for example Duckett et al. 2010; Christensen 2002). Many adults in child policy and programming have continuously drawn from international child policy debates and instruments, specifically the 1989 UNCRC to explain their approach towards children as one that has 'the best interests of the child' (Shier 2001). The same principle is also evident at the household, community and local governance level (micro- and macro-systems). Although generally the good intentions are good, most of the time the process of acting in the best interests of the child has not only been flawed but also its impact has been marginal and sometimes counterproductive (Burr 2003; Kohm 2008; Shier 2001). A major explanatory factor for the failure to effectively operationalize the

UNCRC is the local structure and culture. Culture influences perceptions and attitude which in turn determine appropriate structures for continuity of cherished cultural traditions. For example, in Western Europe, as in most places, the agency of children is tied to the existing cultural perceptions and expectations of children. Childhood is perceived to be a period of play and freedom, exempt from hard work and responsibility. In such contexts, the ability of children to have a say in matters affecting their lives (for example in research or policy) is a primary indicator of their agency. Perceptions on child agency also look at issues of child confidence, assertiveness and individuality where children’s opinions and preferences are understood to be different from those of adults (Corsaro 2005a, b Mavise 2010; James et al. 1998).

Considering that the formulation of the UNCRC had a Western European lens, there have been concerns around its application in other contexts with different cultural and structural bases (Farenga and Ness 2005; Montgomery 2008). Indeed the application of the UNCRC and realization of what is in ‘the best interests of the child’ has proven untenable in contexts with a different conceptualization of children. The local notions of childhood in traditional African societies determines the roles, responsibilities and position of children in society – and their place is not in decision-making but in the shadow of adults who ‘know what is best for them’ (Jefferess 2002). What we see, therefore, is not a functional but deficit model of childhood which means that existing structures invite “oppressive monitoring and control such that children are viewed as wholly in need of guidance and protection of adults” (Duckett et al. 2010). The fact that there are limited opportunities for children to directly feed into critical decision-making processes means that their capacity to create and recreate social structures is limited.

3.2.2 The Relationships of Vulnerable Children

The importance of positive, socially supportive relationships in the lives of children cannot be overemphasized (Hoghugh and Speight 1998; Sigelman and Rider 2011), and vulnerable children are no exception. This study found that children derived a variety of resources from positive relationships with other people in their lives – particularly carers, community members and peers. The benefits of positive relationships include love, care and validation; material resources, such as food from the neighbors or school fees emotional support and encouragement.

Generally, these relationships were found to be major factors or sources of resilience and coping in the face of adversity (Goldstein and Brooks 2006; Skovdal 2009; Reich et al. 2012). However, these relationships are diverse and the relational dynamics across each of them are different, as are their developmental outcomes. Whereas the majority of children’s relationships with significant people in their lives were positive, they were also fragile because of the impoverished nature of their circumstances. However, some relationships explicitly showcased issues of

abuse and the need for children to be valued and protected by their carers – for example, the instance of the 15-year-old girl forced into witchcraft by her step-mother or one who reported being battered by their carers. The nature of relationships showed that older carers (particularly grandparents) shared warm relationships with children compared to middle-aged relatives with whom children had no biological relationship such as stepmothers or wives to their uncles. The general expectation is that children are not allowed to complain about their carers or anything in the relationship they are not happy about. Adults, especially carers, expected children to say only good things about their relationships and some of them expressed shock and became defensive when some of the few negative relational aspects emerged. However, in line with the notions of presenting the voice of the children, I took the findings from the children as true. In a proposed conceptual model (see chapter on the Phased Integrated Community-Based Model), I incorporate how some of the challenges in these relationships can be addressed.

Due to the reciprocal nature of most relationships, the majority of the children had developed positive meanings and identities, for example as carers and contributors to the family. As such they are able to access and mobilize more support from existing local structures such as schools, religious institutions or community members. In addition, the relationships in their lives require that children take on dual roles and shifting identities. The relationships they have evolve and take on new forms – one day children are recipients of care, for example from an older carer, and the next day, they are the carers of that carer. The loss of a carer has a particular impact on identity, as children lose their status as children and begin taking on adult roles. Existing evidence shows that most children have embraced these challenges and found ways to perform to the demands of their shifting identities (see for example Evans and Becker 2009; Skovdal 2009). Despite the diversity of relationships and resources that children have, it is clear that they are disjointed and this has both positive outcomes and limitations. The systems are disconnected and what is done at one level of the ecological model (for example at micro-level) is not necessarily known or sustained at another level (for example meso- and exo-levels). The various support systems were highlighted as integral to child survival. However, these support systems also presented gaps that are detrimental to children's life trajectories. For example, there were concerns around these systems' capacity, availability, dexterity, timeliness and approach to respond to OVC needs. It is against the backdrop of these gaps and other existing interventions that a new hybrid model (Seruwagi 2013) is proposed as an efficacious approach to future interventions.

3.2.3 The Shifting Role of Adults

The findings of this study and contemporary conceptualizations of childhood (for example sociology of childhood) show a high level of incongruence between how adults understand childhood and how it is experienced by the children themselves.

This discrepancy becomes ever more important when dealing with vulnerable children who have not trodden a relatively ‘normal’ pathway. As mentioned throughout this chapter, children have made, and continue to make, tremendous contributions to not only their households but also the societies of which they are a part. An understanding and appreciation of the unique position and contributions of children should therefore usher in new ways of thinking about and engaging with them. First of all, adults viewing children from an authoritarian lens need to acknowledge that they do not know everything about children. They need to understand, embrace and sustain the initiatives and contributions of vulnerable children to society. This also changes the relational interface between these two groups; adults shift from seeing themselves as experts to becoming more of facilitators, confidants, guardians, partners and learners in issues regarding vulnerable children. The shifting of adult roles in relation to children is not simplistic but an on-going iterative process that will require a full appreciation of the related ethical, political and cultural tensions involved therein. It will also require employing child-centered methodologies (Alderson 1995) to elicit the most from the children in their new recognized position as active contributors to society.

3.3 Interventions for Vulnerable Children

This section shows how existing interventions acknowledge and sustain, or disregard and rescind the agency of vulnerable children. In addition, it looks at the relational interface between vulnerable children and their formal support mechanisms, including the involvement or participation of vulnerable children in programs meant to assist them. Finally, it discusses the ideology informing the operational strategies of these formal support/child protection mechanisms.

3.3.1 The Nature of Existing Interventions

The general approach of interventions for child support and protection is two-fold: directly supporting children and empowering the communities in which they live. Under the former, material or financial support is given directly to children and this includes support towards education, health and materials to meet household needs, advocacy or child protection. Under the community empowerment strand, the focus is on capacity building and training of resource persons to act as bridges between the organization and the community beneficiaries. However, although these two approaches (direct support and community empowerment) are meant to complement each other they are also contradictory in nature. That whereas community empowerment shows faith in the community to directly support the children, giving children direct support undermines this principle to some extent. However, it can be

argued that in the context of rising poverty levels it is difficult to fully trust that communities struggling materially and financially will be fully able to deliver support to OVC. In such cases resource diversion is highly possible; therefore formal institutions like governments and NGO also engage with the beneficiaries directly (Mavise 2010). It is worth noting here that Uganda's policy on childcare is dominantly community-based. Policy guidelines stipulate that children are best cared for in the communities in which they are born with the extended family as preferred carers if biological parents are dead or incapacitated. In most Ugandan communities and the study area in particular, institutionalization is unpopular despite the challenges faced by traditional absorption mechanisms of support for children in need.

The government of Uganda works with development partners and local actors to meet children's needs. This is especially important for two reasons: (1) the government's resource base is extremely thin and unable to adequately respond to all needs and (2) other stakeholders are interested and involved in protecting and caring for vulnerable children. The relationship between the government and other stakeholders, particularly development partners and civil society, is rooted in some of the country's past successful responses to what could have been major national catastrophes. For example, Uganda's globally acclaimed HIV/AIDS success story which saw HIV prevalence drop from 32 % to 7 % in the early 1980s was the result of multiple strategies; most prominent was the government taking the lead, while providing a considerable level of leeway for the effort of other stakeholders, particularly civil society organizations (Barnett and Parkhurst 2005; Parkhurst 2001 UAC and WHO 1994). With such historic successes, the government should work with other stakeholders to respond to the needs of vulnerable children.

For its part, the government undertakes both strategic and operational functions. As part of its strategic function the government formulates policy but also undertakes direct service provision. There is a national OVC policy and implementation plan with indicators to track implementation success or deviance. In terms of service provision the government offers 'free' primary and secondary education for all children, and it also avails the public with 'free' healthcare at public health facilities. It is worth noting that whereas these provisions look good and helpful in principle, in reality they do not work out as envisaged by the vision bearers. In practice many health facilities are limited by what services they can offer for free, and the overworked yet underpaid health workers have been found to engage in vices (Health Monitoring Unit 2013) that are detrimental to service delivery. The government has also put in place structures at the central and local levels to address the OVC issue. For example, there is a Community Based Service Department in every district mandated to oversee all issues pertaining to vulnerable populations including OVCs. However, massive need and competing priorities in the face of limited funding continue to constrain the efficacy of these structures (ICOBi 2009). In addition, there is a disconnect between research and existing interventions where decisions have been noted by some to be made based on convenience and not evidence-based.

3.3.2 *Ideology*

International policy instruments such as the UNCRC inform the general ideology in existing support strategies, arguing that children have welfare needs that are best met by adults. Uganda is signatory to this framework which greatly influences national policy and programming. Although the UNCRC does recognize the agency of children and their ability to positively contribute, parts of it are rooted in a model of childhood where children should not be involved in active work but rather be wholly provided for and nurtured by adults. The guiding philosophy of programming for vulnerable children also draws from authoritarian notions of African traditional society, which ensure that adults have the mandate, knowledge and resources to care for children. Therefore, in terms of ideology informing practice at the front-line, what we see is a mix of cultural factors as well as local and international policies on child welfare and protection.

3.3.3 *Child Participation*

The participation of beneficiaries in programs lies on a broad spectrum (Chambers 1983; Ngini 2001; Rifkin and Pridmore 2001), which some scholars have argued can range from manipulation to active involvement. In line with this chapter’s overall argument that CHRC are active contributors who are sometimes denied opportunities by structures or circumstance, this section discusses the level and nature of their participation in programs meant to support them.

Data from this study show that a combination of Western conceptualizations of childhood (as a period of play, freedom and exemption from work) and African authoritarianism (where children have very limited decision-making powers in the presence of adults) not only influence the nature of support given but also the beneficiaries’ level of participation. The care process is generally adult-led and children are left to ‘worry about other things’ while adults do the real work. The lack of active involvement of children remains a glaring gap in programming that could partly explain its limited impact (Fanelli and Mushunje 2007).

3.4 Conclusions and Recommendations

This chapter has drawn from the findings of a study with vulnerable children to show existing gaps in research, policy and practice. There is a wide disconnect between adult and children’s perceptions regarding the lived experiences of vulnerable children and how they should be supported. The majority of existing representations about vulnerable children are adult constructs not necessarily subscribed to

by the children themselves. Acknowledging their difficult circumstances, most vulnerable children have devised solutions to their challenges and are optimistic despite being constrained by structural and cultural barriers. Traditional care mechanisms have evolved and require strengthening, particularly at community level. The lens through which most interventions have been commissioned, implemented and evaluated is paternalistic and does not acknowledge children's competencies, the complexity of their lifeworlds or diversity of their contexts from those of other children. The voices and lived experiences of vulnerable children should inform interventions, and they should be constructed in a more balanced light – showing their challenges while acknowledging their agency in dealing with these challenges. This chapter ends by alluding to a robust theoretical framework (Seruwagi 2016) for the care, support and protection of vulnerable children.

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Chapter 4

Proverbs and Child Protection: A Case Study of Three Bantu Languages: Luganda, Lusoga and Runyankole

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4.1 Introduction

Following the enactment of the United Nations Convention on the Rights of the Child (UNCRC) and its subsequent adoption worldwide, child protection has taken center stage in childhood studies. The CRC spurred a plethora of actions enshrined in legislative and policy frameworks at the national level emphasizing the promotion and protection of child rights as well as prevention of their violations. There is evidence to show that different communities have culturally-embedded resources for child protection enshrined in child-rearing practices, parenting rules, communication and collective social commitments. However, such cultural resources have not been given much attention in child protection programming for both protection and prevention of abuse. The use of proverbs in communication is an integral aspect of culture that conveys messages with the potential for promoting and protecting child rights at the family and community level. However, the use of some proverbs

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may also provoke attitudes, values and practices that predispose children to an array of rights violations, including exposure to violence.

Proverbs are a constituent part of language. Language is an “institution which is all embracing, other aspects of society are subsumed in it. Such aspects include culture, art of communication etcetera” (Okon and Ansa 2012: 312). Language is not only a principal vehicle for the transmission of cultural knowledge but also a primary means by which we gain access to the contents of others’ minds. It provides a medium through which individual responses are elicited and responded to (Krauss and Chiu 1997). Through language, individuals name and give meaning to aspects of experience. Individuals are even able to create situations and objects (Keating 2005).

Proverbs are complex, intriguing, and important phrases, statements or words that have hidden meanings. They serve to convey particular messages indirectly in a specific context. When told, the speaker and hearer arrive at the same meaning (Honeck 1997; Mollanazar 2001). As vehicles of culture they “express well known truths, social norms, or moral concerns” (Gibbs and Beitel 1995: 134). Proverbs have also been described as carefully crafted statements of wisdom that provide an understanding of situations, guide context specific judgments and suggest a course of action for similar or related situations occurring (Taylor 1965; also see Mieder, 2006). They could be factual or metaphorical and could consist of at least one topic and one comment about that topic. They could have as few as two words (Mieder 2006).

Proverbs serve both literal and practical functions. Their literal function is manifested in leisurely discourse (Dabaghi et al. 2010). Proverbs are used in prose, poetry, and song. In contrast their practical function is manifested in practical situations (Honeck 1997). They can be used in every aspect of the discussion to address situations (Dabaghi et al. 2010).

Proverbs serve individuals well in oral speech and written word and are a significant rhetorical force in the oral and written modes of communication. When a proverb is chosen for a particular situation it becomes an effective strategy of communication (Mieder 2004). It is a neutral mechanism for disseminating information, influencing and advocating behavior, and sending clear messages about what is right or wrong. They enable the speaker to approach delicate or sensitive subjects that one might be uncomfortable addressing directly. They enable one to pass on information in a simple, easily understood and acceptable way (White et al. 2002).

Proverbs deal with issues that border on the values, norms, institutions and artifacts of a society across the whole gamut of the people’s experiences. They are crucial in reconstruction of experiences, explaining and reasoning about the past, giving instructions and warnings for the future, and encouraging or amusing each other (Odebunmi 2008). In some instances, a proverb may serve as a piece of advice concerning a recommended direction of action, although it is not literally a piece of advice. At other times, proverbs serve as tools to cover individual opinions in public interactive situations (Lauhakangas 2007).

Despite their usefulness, proverbs have been given scanty attention with regard to their child protection potential. Child protection means “preventing and responding to violence, exploitation and abuse against children including commercial sexual exploitation, trafficking, child labour and harmful traditional practices, such as female genital mutilation/cutting and child marriage” (UNICEF 2006: 1).

Child protection promotes, protects and fulfills children's rights to protection from abuse, neglect, exploitation and violence as expressed in the United Nations Convention on the Rights of the Child and other human rights, humanitarian and refugee treaties and conventions, as well as national laws (Save the Children 2007).

In Africa and Uganda in particular, proverbs are a central mechanism of communication and are used to relay and emphasize cultural values in various fora. Proverbs communicate messages, beliefs and norms that may positively or negatively influence child protection. Drawing on examples from three Bantu ethnic communities in Uganda (the Baganda, the Basoga and the Ankole), this paper systematically analyses the contextual use of proverbs in communication to analyze their meanings and implications for child protection in Uganda.

4.2 Methods

This article is based on research conducted on proverbs in three Bantu ethnic communities in Uganda – Buganda, Busoga and Ankole. The Buganda community occupies most of the central region in the north and western sides of Lake Victoria. Luganda is the traditional language of Buganda community. The people from Buganda community are referred to as 'the Baganda people'. The Busoga community occupies the mid-central region from the eastern banks of River Nile. Lusoga is the traditional language of Busoga community. The people from Busoga community are referred to as 'the Basoga people'. The third group are from the Ankole community located in the southwestern part of Uganda. Runyankole is the traditional language of Ankole community. The people from Ankole community are referred to as 'the Banyankole people'. While each language stated is a traditional language ascribed to a specific community described above, it is common to find multilingual people who speak two or all three of those languages. Data was collected through in-depth and key informant interviews and document review. Research was conducted between February 2012 and October 2013. Study participants included cultural leaders, elders and parents. Elders and cultural leaders were purposively included based on their presumed experience and knowledge about their culture, its linguistic dynamics and traditional cultural practices on child protection. Selection of parents was based on presumed knowledge about contemporary methods of child protection and how they complement or contradict the culturally embedded ones.

In depth and key informant interviews were conducted with cultural leaders, elders and selected parents. Unstructured research instruments were used in conducting the interviews. Data collection also involved a review of documents particularly related to each community regarding culture, language and use of proverbs.

The paper used analytical tools drawn from the cultural approach to development. The main thrust of the cultural approach is to identify both cultural resources and cultural constraints to different aspects of social development and work to promote the positive cultural resources and to engage communities to change the harmful cultural norms.

Upon analysis, we found that it was not possible to have an equal number of proverbs from each language or cultural group that communicate about the same theme. We, therefore, do not present an equal number of proverbs from the various ethnic groups on each of the themes.

For all interviews, informed consent was sought from study participants through prior explanation of the study purpose and scope. Information obtained was stripped of any identifying information especially names of the study participants. It was only accessible to the members of the research team.

4.3 Results

4.3.1 *Proverbs Related to Child Protection*

The findings show that the communities have closely related proverbs, some of which directly or indirectly relate to child protection and child abuse at the family and community levels. For systematic presentation and discussion, we have categorized proverbs into those related to: collective efforts towards child care; family as the key unit of child care; adequacy and timelines of support; respect for children and childhood; gender-responsive child care; child's right to consent; child labor; and discrimination.

4.3.1.1 Proverbs on Collective Efforts Towards Child Care

Across the study communities, we found proverbs that advocate for collective efforts for child care provision at the family and the community levels. These proverbs allude to child care and protection as a responsibility for each member of the community. Advocacy for communal responsibility for child care and protection provides grounds for the community to act as an informal social security system for the children especially those in difficult circumstances. Most of these resonate with literature which underlines the need to embed responsibility for child protection within the fabric of community life and creating a system of shared responsibility and mutual support (UNICEF 2010).

Examples of such proverbs are provided in the text box below.

Abaryakamwe tibabura kusiga akokurya k'omwana (literally translated as 'people who share food (friends), cannot fail to spare some for each other's children') – Runyankole proverb, Ankole community.

Akuweera omwana akira nakwagadde (literally translated as 'one who gives [something to] your child is better than one who just says he or she loves you') – Luganda proverb, Buganda community.

The Runyankole proverb alludes to mutual responsibility over children in the community. On the other hand, the Luganda proverb means, that for effective child care and support, actions weigh much more than words and mere statements. Without concrete actions to promote the welfare of the child, protection can only be rhetoric. These proverbs frown upon people and institutions in the community that give issues of child protection lip service without tangible commitments like enacting and implementing pro-child protection laws, providing basic needs like food and shelter, and meeting strategic needs such as education.

Quite related to the above, some proverbs were found to be advocating for community participation in child upbringing irrespective of the children's parenthood. This, however, was mainly found in Runyankole language.

Orega omwana ahari ishe, amwongyera obutesi (literally translated as 'he who reports a child to its father only adds to its spoiling.')– Runyankole proverb, Ankole community.

This proverb obligates community members to keenly observe and collectively correct children when they misbehave in their community and provide a true report of the children's condition or behavior to parents or relatives. This may serve as an early warning system to the parents or guardians to act in time to protect or counsel the child. In such circumstances however, it is important that the parent seeks the child's account of events.

4.3.1.2 Proverbs Emphasizing Protective Family Care

Apart from the emphasis on community responsibility over children, some proverbs underline the centrality of a caring and protective family. The family is considered the most important unit of protection against abuse, exploitation, negligence and violence. In line with the UNCRC, the Bantu cultures maintain that a nurturing family environment provides the best environment for the growth and wellbeing of the child. Family provides for and secures for the child their rights to safety, wellbeing, dignity and development. It is a unit that facilitates actual involvement in a child's life. It provides ground to share experiences, which could make the child knowledgeable of issues to do with abuse, exploitation, negligence and violence. Family is thus viewed as a form of security in terms of identity, belonging, health, education, and formal or official registration of a child with respect to birth, citizenship,

clan, lineage, etc. Family is also considered as security against any potential hostile environment that the child may interface with. The proverbs below demonstrated that the family is an important unit of child protection.

Akaana k'owaabo kashwera n'ebinyoro (literally translated as 'a child at home, feels protected and bold') – Runyankole proverb, Ankole community.

Ssekkono tawanyisibwa (literally translated as 'you cannot switch your hands with those of somebody else') – Luganda proverb, Buganda community.

Nanyini mufu y'akwata awawunya (literally translated as 'the owners of the dead body or corpse is the one who handles its parts that have bad odor') – Luganda proverb, Buganda community.

Agali Awamu gegaluma ennyama (literally translates as 'when all teeth are firmly fixed in the gums they are ably used to chew meat') – Luganda proverb, Buganda community.

The Runyankole proverb emphasizes the primacy of the family in child care and protection. The first and second Luganda proverbs mean that one cannot abdicate his/her responsibility expecting someone else to take it up. In the Buganda community, where Luganda is their traditional language, the family is the primary unit for child care and upbringing; therefore, a family cannot be switched with something else. Much as collectivistic contexts treasured by the Buganda culture call for community responsibility in childcare and protection, the norms and values related to child care compel the family to provide the primary leadership with support from the relatives, neighbors and friends. The third Luganda proverb advises that when a family is united, it can raise its children better.

Furthermore, in this study, we found that there were proverbs that could be chosen in situations where someone is communicating on the mandate of the family, leading the process of effective monitoring of children in a bid to create a safe environment and space for child growth and development. In the Bantu culture, effective monitoring of a child is primarily a responsibility of the nuclear and extended family and is perceived as an essential aspect of child protection. Monitoring of children ideally enables detection of existing or potential abuse, exploitation, negligence and

violence against them. In a way vulnerability and safe spaces are identified. From this perspective, one may argue that effective monitoring of children contributes to the child's emotional, social, cognitive and physical development.

Akaana k'omururu tokeziikira (literally translated as 'if you have a greedy child, you cannot be sure that you will attend its burial') – Runyankole proverb, Ankole community.

Omuto mbuzi erundwa wakamwa (literally translated as 'a child is like a goat, the one looking after it (the child) must speak out') – Luganda proverb, Buganda community.

Ennundo elya kyatule (literally translated as 'the harmer can be identified by the noise it makes') – Lusoga proverb, Busoga community.

Both the Runyankole and Luganda proverbs apply to situations where the parents need to monitor and advise children on how to avoid trouble as they deal with new situations in life. The Lusoga proverb explains that a child would only hear what he/she is told. In other words, parents shoulder the blame if they do not counsel or speak to children and the children get into trouble. This proverb encourages parents to observe, monitor and advise their children on appropriate cultural behavior.

4.3.1.3 Proverbs Emphasizing Adequacy and Timeliness of Support

A number of proverbs were found to advocate for adequacy and timeliness of support offered to children. Caretakers are urged to provide sufficient support which could ably satisfy the need/s of the child. Such proverbs are in line with Article 27 of the United Nations Convention on Rights of the Child (1989), which states that every child has a right to a standard of living adequate for its mental, spiritual, moral and social development. Other than emphasize on adequacy of support, proverbs also put into context the aspect of timeliness in supporting children. Parents and other caretakers are advised to always provide material, psychological and/or financial support in a timely manner. It is argued that if support is provided late, it may be too late to be of use. Examples of such proverbs are given below.

Emikono mikye eyaka omwana ehuuki (literally translated as 'having few hands denies a child clout') – Runyankole proverb, Ankole community.

Abalwa okulamba balamba no'webirevu (literally translated as 'people who take too long to counsel their children, eventually counsel someone with a beard') – Lusoga Proverb, Busoga community.

Linda kiggweyo afumita mukira (literally translated as 'if you wait for the end you will only pierce the tail') – Luganda proverb, Buganda community.

The Runyankole proverb means that when children do not get enough support and help, they may fail to achieve their dreams. It obligates parents to fulfill their responsibility of providing for their children's practical and strategic needs but also expose their children to other 'parents' in the community who may contribute to their well-being in future. The Lusoga proverb makes it a normative expectation on parents to always advise children at the right time and not wait until it is too late. Similarly, the Luganda proverb is used to encourage parents and community members to provide timely support to children. This proverb is often used to encourage mothers to provide timely advice particularly to the girl-child regarding adolescent sexual and reproductive health issues to counter possible early sex or pregnancy and the associated consequences. It could also be used when calling upon parents to always guide their children to do the right things when they are still young. Guiding them as adults would be too late.

4.3.1.4 Respect for Children and Childhood

A number of proverbs were found to promote respect to children and childhood. The family and the community as social institutions are guided through these proverbs to accord children space and respect irrespective of age and sex. Respect for children is broad and cross-cutting through all child rights such as the right for privacy, honor and reputation, right to life, right to registration, right to an identity and others. The call made by these proverbs is in line with Article 2 paragraph 1 of the United Nations Convention on the Rights of the Child (1989), which calls on state parties to respect and ensure that the rights set forth in the convention are met for each child within their jurisdiction without discrimination of any kind. Respect for children and childhood also calls on parents to promote children's own decision-making, and respect for choices made, as long as decisions and choices made do not threaten their own rights. In the end, this promotes practices where the best interest of the child is put at the forefront.

Akutumira omwana omuto akureeba amagezi (literally translated as 'someone who sends a child to you is only testing your intelligence') – Lusoga proverb, Busoga community.

Togaya kyama kya muto (literally translated as ‘never underestimate a child secret’) – Luganda proverb, Buganda community.

Emiti emitto gyegigumizza ekibira (literally translated as ‘the young tree plants make the forest thick’) – Luganda proverb, Buganda community.

Akaliku eibeere tikeeteka kyama (literally translated as ‘an adolescent girl should hardly accept to be called for a secret’) —Lusoga proverb, Busoga community.

The Runyankole proverb means that the intelligence of adults is gauged by how they value and treat young children. Both the Runyankole and Lusoga proverbs mean that respect should not only be accorded to elders but also to the children and suggests that parents should listen to their children. On the other hand, the first Luganda proverb means that there is need to respect a child’s advice or decision on any matter. This is also significant in recognizing children’s voices in influencing decisions that affect them and their environments. The third proverb calls on elders to have great respect for children as they are the future.

Some proverbs, however, recognize that often people do not respect child rights and caution children and their parents to always be observant of the people who interact with children and where such interactions happen. Ideally any interactions with the child are supposed to be held in an open environment where one cannot engage in acts of violence, exploitation and abuse of the child. For example, the Lusoga proverb: ‘*Akaliku eibeere tikeeteka kyama*’, cited in the box above means that adolescent girls should be suspicious of such invitations for purposes of protection against abuse.

4.3.1.5 Gender Responsive Child Care

Particular proverbs were found to argue for recognition of the difference in physical, psychological and emotional development for both the boy and girl child. This is a pointer to the existence of gender inequalities within the community which brings out the need for caretakers to engage in affirmative action. Such recognition of differences is a good practice as boys and girls have different weaknesses and strengths, which in the end presents varying needs among boys and girls. This also implies that the vulnerabilities that affect the boy-child could differ from what affects the girl-child. Caretakers should thus be able to recognize and respond effectively to the differences and the subsequent vulnerabilities and needs that emerge with

these differences. Good examples of such proverbs were found in the Basoga and Baganda communities:

‘Akomuwala tekada kukamulenzi’ (literally translated as “a girl should not be treated as secondary or lower status to that of the boy”) — Luganda proverb, Buganda community.

‘Ak’omughala tikaira kukamulenzi’. (literally translated as “a girl should not be treated as secondary or lower status to that of the boy”)—Lusoga proverb, Busoga community.

The two proverbs simply say that both male and female children should be treated equally. They also have another implicit meaning that demonstrates that boys and girls are unique in many ways that must be respected.

4.3.1.6 Child’s Right to Consent

Some proverbs could be chosen to influence and advocate for a child’s right to consent. Often people do not respect the child’s right to consent when arriving at decisions that affect them. Proverbs could be used to send a clear message that people with a parental responsibility to make decisions on behalf of the child act in their own interests, rather than acting in the best interest of the child. At times, such persons do not fully inform children on all information relevant to the activity to which consent is being sought, thus children are manipulated into making decisions that are not in their favor. At other times, even those children that have come of age are not given the chance to consent to decisions made about their lives. Disregarding child consent provides ground for abuse, neglect, exploitation and violence towards the child. The proverbs that inform on violation of child consent include:

Babyeta eby’abaana, bireetera banyinabo amabondo (literally means that ‘eats donated to children make their mothers’ stomachs grow big’), – Runyankole proverb, Ankole community.

Abato babalanga buto (literally translated as ‘children are accused on account of being young’) – Lusoga proverb, Busoga community.

N'omuto akuba engoma omukulu n'ozina (literally translated as 'even the young child drums and an adult dances') – Luganda proverb, Buganda community.

N'omuto akuba engoma omukulu yaakina, (literally translated as 'even the young child drums and an adult dances') – Lusoga proverb

The Runyankole proverb ridicules parents who take advantage of things that belong to children and utilize them without the children's consent. The Lusoga proverb could be used in situations where people have a belief that children can never be right before their elders and they are simply supposed to obey. The Luganda proverb and the last Lusoga proverb could be chosen in situations where one wants to send a clear message on respecting the views of young children.

4.3.1.7 Proverbs Against Child Labor

Other proverbs were found to inform caretakers on the possibility for their children to voluntarily engage in child labor activities. Often communities define the various responsibilities of a child, and these are often tailored according to gender. Labor-related activities that constitute these responsibilities could, however, be tantamount to child labor. In other cases, often children from households where caretakers hardly meet their needs engage in activities that could also be viewed as child labor. The International Labor Organization (ILO) (2013) acknowledges that not all work done by children could be classified as child labor. Work that does not affect their health and personal development or interfere with their schooling is regarded as positive. However, if the kind of work the child engages in deprives him or her of his or her childhood, potential and dignity and is harmful to physical and mental development, then this amounts to child labor (International Labor Organization 2013). Thus, these proverbs inform caretakers of such possibilities and, in a way, require them to always reflect on the kind of labor-related activities children engage into.

There are several proverbs that inform caretakers on the possibility for their children to voluntarily engage in child labor activities for example:

Eka ebaagire etumira omwana busha (literally translated as 'a home where an animal has been slaughtered will send a child on an errand without paying for his service') –Runyankole proverb, Ankole community.

Kalibakasajja, akuliisa engo (literally translated as ‘children praised for bravery and ability to do things that adults do may end up overstretching themselves and or lose their lives’) – Luganda proverb, Buganda community.

Omumpi wakoma wakwata (literally translated as ‘a short person can only reach where his/her height enables’) – Luganda proverb, Buganda community.

The Runyankole proverb points out that someone may take advantage of a child by using him/her for some work and rewarding them with non-material, insignificant items. The first Luganda proverb draws on the fact that attempting to equate children to adults may expose them to exploitative and risky activities inappropriate for their age. The last proverb means that children should at all times be given tasks that fit their abilities.

4.3.1.8 Protection Against Discrimination

Certain proverbs inform and caution on existing discriminatory tendencies within families towards children. It is pointed out that often caretakers discriminate against children based on their ability, gender, age, physical characteristics, and relation to caretakers, among others. The implication is that there will be differences in access to needs like health, clothing, and education, which could harm the child both physically and emotionally. Also such a practice undermines the human worth and dignity of the child as children are made to feel isolated and alienated. The proverbs that inform and caution on existing discriminatory tendencies are:

Omwana mukuru n’otari waawe (literally translated as ‘you can treat a child as an adult only if it is not your own’) – Runyankole proverb, Ankole community.

Atamuzadde amutikka jjinja (literally translated as ‘one who is not a parent to the child makes him/her to carry a stone’) – Luganda proverb, Buganda community.

Atali inhoko akwidhukira mamala kulya (literally translated as ‘one who is not your real mother will only remember you after she has eaten’) – Lusoga proverb, Busoga community.

The above proverbs point to the potential exploitation or mistreatment of children by their non-biological parents/caretakers. The mistreatment may be in form of overworking children, starving them and depriving them of basic resources such as food. Therefore, the proverbs remind child protection practitioners to always be mindful that child exploitation and abuse is potentially common among children not living with their biological parents and should inform effective child protection measures. However, this does not serve in any way to underrate the mistreatment of children at the hands of their biological parents.

4.3.2 Proverbs and Their Potential to Undermine Child Protection

Proverbs could be used in oral speech or written word to convey information and advocate for behavior that would promote child abuse, neglect, discrimination, exploitation and violence. There are proverbs that could be used to cultivate attitudes, values and practices that undermine child protection, including those that might instigate violence, negligence, exploitation and abuse.

4.3.2.1 Proverbs Promoting Child Abuse

Some of the proverbs promote and justify use of physical abuse. For example, disciplining the child is a good practice under child care, but how the punishment is administered can cause harm to the child’s safety, wellbeing, dignity and development.

The following proverbs could be interpreted in a manner that would justify use of physical abuse.

Okuteera omwana tikumwanga (literally translated as ‘punishing or beating a child does not mean that you hate him/her’) – Runyankole proverb, Ankole community.

Magere gankoko tegatta baanabaayo (literally translated as ‘feet of the hen do not kill own chicks’) – Luganda proverb, Buganda community.

Akuba owuwe akubang'awumba engalo (literally translated as 'he who beats his child beats with the fingers folded) – Lusoga proverb, Busoga community.

The Runyankole proverb means that those who punish their children don't necessarily hate them but it is a way of showing them the right way to go. The Luganda proverb means that in punishing their children, parents should not go to the extent of killing them, implying that they should have a limit. Similarly, the Lusoga proverb means responsible disciplining. It is used in the context of punishment suggesting that a person who values their own child will always discipline them cautiously. That as parents punish their children, they should do so in a considerate manner befitting parenting.

Although these proverbs caution parents or adults to punish children cautiously or to avoid excessive punishments to the children, they justify the use physical violence against children through beatings or physical abuse. Therefore, the proverbs may be misunderstood and misused.

4.3.2.2 Proverbs Promoting Child Neglect

Other proverbs carry a message that could promote and justify child neglect. Ideally, caretakers are supposed to provide for and secure the child's rights to physical safety and development (World Health Organization 2004). Acting otherwise would constitute child neglect. Particular proverbs, if interpreted in a particular way, could influence engagement in practices that promote child neglect. Just like proverbs that could promote physical abuse, other proverbs justify engagement in child neglect. One of the proverbs that could promote and justify engagement in child neglect is the Lusoga proverb below:

Agatafumbye inhoko bw'olyaku amakagha osiima (literally translated that 'food cooked by anyone other than your real mother, even if it is given to you without sauce, just still appreciate')— Lusoga proverb, Busoga community.

The proverb may encourage starvation and underfeeding of the children whose caretakers are not their biological mothers.

4.3.2.3 Proverbs Promoting Discrimination

There were some proverbs that could promote discrimination on the basis of gender and differential access to productive resources. One of such proverbs, which applies to inheritance of the deceased and encourages that a father should always have a male heir, was found in Busoga:

Aghava enume ghaira nume (literally translated as ‘a bull is succeeded by another bull’).—Lusoga, Busoga community proverb.

The message carried in this Lusoga proverb is that only the boy child should have access to productive resources. This message could be contributory to the existing gender inequalities within Uganda as it is known that labor participation rate among males is much more than that of females, 90.6 %–78.3 % respectively (The Uganda Population Secretariat (POPSEC) 2012). This also builds a community based on masculinity, which does have implications on the girls’ access to education and their influence on reproductive and other public health decisions, among others.

4.4 Discussion

The findings point to the different contextual but related use of proverbs to guide socialization of children according to the moral and societal expectations. Proverbs form a critical facet of communicating to parents on how to bring up children as productive members of society that cherish societal values. The key argument that cuts across all the proverbs related to child care and protection is that they emphasize collective responsibility for child care and upbringing. This may not be surprising given that the ethnic communities discussed in the paper have a strong leaning towards collectivism. For example, Hofstede (1991: 51) observed that “collectivism... pertains to societies in which people from birth onwards are integrated into strong, cohesive groups which throughout people’s lifetime continue to protect them in exchange for unquestioning loyalty.” Similarly, some scholars have argued that in the context of collectivism, “an individual is obligated to contribute to the community, not only because it is expected of him or her but because the ‘community is him or her’” (Verhoef and Michel 1997: 396; also see Hofstede 1991; Ikwenobe 2006). It is further argued that the concept of a person in the African collectivist world-view is “first and most importantly that of the community...this means not that the individual is selfless, but that the self is the community” (Verhoef and Michel 1997: 396).

There are two important aspects of collectivism—the suppression of the self in the interest of the community or “the idea that the identity of an individual is not separable from the socio-cultural environment” (Ikwenobe 2006: 53) and the notion

of “we are” as a basis for defining identity instead of “I am” (Bukuluki 2013; Tutu 2000). In collectivism, the cultural ideal is “I am because you are” (Tschudi 2006). In this context, man or woman is viewed as an entity that is not an end to itself, but rather a tool to serve the ends of others. However, even within the context of collectivism, we should not ignore the agency of individuals, which is used as a resource to maneuver structures and norms in order to achieve personal or family goals. It is also crucial to further explore how the notions and value bases of collectivism affect individual responsibility for actions in respect to child protection. Therefore, as much as collectivism provides cultural resources that may positively be used in child protection, it may also contribute to stifling agency and the important resources that contribute to fostering child protection. Proverbs also advocate for child protection mechanisms for the family and community. These mechanisms constitute a network or group of individuals at the community level who work in a coordinated manner towards child protection goals (Eynon and Lilley 2010). Yiga (2010) finds these mechanisms informal and often based on cultural and traditional organizational forms and sources of authority, which are mostly voluntary and driven by concepts of shared responsibility of child care. These provide a continuum of essential services ranging from physical safety for vulnerable children, food and shelter, informal foster care and psychosocial support. Caution is, however, made that informal traditional systems have limitations that are rooted in cultural beliefs and value systems, which are sometimes discriminative and abusive (Yiga 2010).

It has also emerged from the findings that most proverbs recognize the family as the primary unit of child protection. The key messages from almost all proverbs are that the family is the primary unit of socialization of the child, and as such, it must engage in activities that offer love and protection to the child. Many proverbs across the three ethnic groups underline the family as the most important unit of protection against abuse, exploitation, negligence and violence. Thus, these proverbs seem to be in line with the CRC call for the central role of the family as a unit in providing the best environment for the growth and wellbeing of the child. The message carried by proverbs could also be seen to influence behavior and practices that are contributory to selected articles of the Convention on the Rights of the Child (1989) ratified by the Republic of Uganda and many other African countries. The call for collective efforts towards child care is contributory to Article 20, which caters for alternative care for children. The call for the family as an important unit of child protection is also contributory to Article 5, which emphasizes the role of the family in raising children through protecting and supporting them. It is also contributory to Article 7, which highlights the child’s right to parental care. Cautioning and informing caretakers on discrimination is also contributory to Article 2 paragraph 2 which urges state parties to take appropriate measures to ensure that the child is protected against all form of discrimination. More so, cautioning and informing on child labor is contributory to Article 32 of the UNCRC (1989) as it highlights children’s rights to protection from harmful labor practices.

Consistent with existing guidelines for the protection and welfare of children, several proverbs underline the centrality of a safe and supportive family environment for children. This accentuates the need for early intervention and family support

services to ensure more effective protection of children (Department of Health 2011). In addition, the UNCRC emphasizes that children have a right to be heard, listened to, and should be consulted and involved in all matters and decisions that may affect their lives. In Sect. 4.3.1, it was seen that particular proverbs urge for respect to children and childhood and also caution and inform on child consent, which fulfills children's right to be heard, listened to and engaged in all matters that affect them. Yet another principle of best practice noted is one that encourages consideration of a child's family circumstances, gender, age, stage of development, religion, and culture when taking protective action. A few proverbs urge caretakers to engage in gender-responsive child care and also ask caretakers to recognize and respond properly to child development. The message passed on by these proverbs is noted to be one of the best practices in child protection and welfare. Therefore, certain proverbs, as explained above, carry a message that is considered as best practice in child protection and welfare.

As noted in Sect. 4.3.2, there are some proverbs that could be interpreted in a manner that would cultivate attitudes, values and practices that undermine child protection. In such an event, these proverbs promote such attitudes, values and practices mainly through providing a justification for engagements like physical abuse and child neglect among others. Yiga (2010) shares some views on physical abuse as he explains that the high premium attached to the notion of disciplining children at times diminish the boundary between positive enforcement of appropriate behavior and violence against children. "As a result, there are many acts of violence against children that would clearly constitute child abuse but which are viewed by communities as not only justified but also necessary for the proper upbringing of children" (Yiga 2010: 11). The justification and the method of disciplining advocated for by the proverbs undermines child protection values and rights of the child provided in the UNCRC (1989). The Health Service Executive (2011), on the other hand, notes that there are more cases of neglect than abuse and maltreatment in child protection. It is also noted that often child neglect co-exists with other inter-related concerns, which could explain why proverbs highlight that often child neglect occurs in families where the stepparents have the main caring responsibility. Subjecting children to abuse, negligence, exploitation and violence has implications as children are at risk of poor physical and mental health, educational problems, homelessness, vagrancy and displacement (UNICEF 2012). In societies where attitudes or traditions facilitate abuse, the environment will not be protective of children.

One of the key messages coming out of this study is that there are proverbs that promote discrimination based on gender, particularly for the girls. This is particularly in respect to access to and control of resources as well as participation in decision making. Such proverbs may contribute to maintaining the existing imbalances in power relations between men and women and may sustain inequalities in access to and control of productive resources. This also builds a community based on masculinity, which has implications on the girls' access to education, their influence on reproductive and other public health decisions that affect them among others.

4.4.1 General Observations

During the course of executing the study, we noted that there is a growing concern about the absence of clear mechanisms across the ethnic groups targeted at harnessing the potential of proverbs for child care, protection and development. There were very limited efforts towards documentation and raising awareness about proverbs as key tools for communication and passing on cultural norms and values.

We observed that awareness and knowledge of proverbs and what they mean in society is limited particularly among the middle-aged and young people in ethnic groups targeted by the study. Our key informants noted that the middle-aged and young people rarely make references to proverbs in their day-to-day communication or during formal speeches. There were concerns that the role of proverbs may be eroded over time. It was also noted that proverbs are not commonly used by the print and electronic media. Very few schools, if any, take trouble to teach local proverbs. This is happening against the reality that the traditional mechanisms for passing on proverbs from one generation to another are becoming weak and less used by the middle-aged and young people.

The level and frequency of documentation of proverbs varies from one ethnic group to another. The Baganda have been keener in documenting proverbs but even among these, it was noted that many proverbs are yet to be formally written. They are largely used orally. There is limited literature on proverbs from the Basoga and Banyankole. The interpretation and deeper meaning of proverbs is lacking in some communities. Some proverbs are actually misinterpreted and hence misused for child abuse.

4.5 Conclusion

Overall, proverbs carry messages relevant for child protection and abuse discourses. Proverbs carry positive messages and values for prevention of child abuse and promotion of child protection across different cultures, but they have been seldom studied. This article, based on data collected from three Bantu communities and languages (Luganda, language of Buganda community; Lusoga, language of Busoga community; and Runyankole, language of Ankole community) demonstrates that proverbs carry messages that have both positive and negative implications for promoting child protection. Therefore, child protection programs should harness the positive cultural resources as well as develop culturally sensitive interventions that seek to deal with the messages in proverbs that do not match the key values and principles of child protection. The mechanisms for documenting and sharing information about proverbs are weak. This implies that there are few or no formal mechanisms for raising awareness about particularly those proverbs that promote social protection for children. There is need to create strategic partnerships between formal child protection agencies in the public and Civil Society Organisations (CSO) sector with cultural institutions that serve as the custodians and promoters of cultural values and language including proverbs.

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Chapter 5

Child Maltreatment in Uganda: Discourses and Representations in the Ugandan Print Media

Denis Muhangi

5.1 Introduction

The reporting of incidents of child maltreatment in the media is of interest to social workers, other child-focused practitioners and policy makers in the field of child welfare. Mass media has an undeniable impact on social life. Media reporting about child maltreatment not only highlights the magnitude of the problem, but also has great potential to shape the attitudes, perceptions and practices of policy makers and the public at large. The media is an institution that holds the power to “influence knowledge, beliefs, values, social relations and social identities” (Fairclough 1995: 2). This chapter analyzes the discourses that characterize the reporting of child maltreatment in Uganda’s leading print media. The chapter focuses on the language, assumptions, representations, intentions and omissions that characterize media reporting of child maltreatment in Uganda. The chapter draws only from the print media, namely two daily English-language newspapers: the *New Vision* and the *Daily Monitor*. These are the leading English-language dailies in Uganda that have the widest national coverage. The chapter lays out implications for the type of engagement required with media practitioners, policy makers, communities and other actors in order to improve the situation of children.

Media stories on child maltreatment are often not neutral. The writers may take sides, or they may give their own opinion about the incident. The writers may sometimes deliberately try to influence public opinion or the opinion of other important actors such as the police, child protection agencies and courts of law. Media reports may be laden with assumptions, stereotypes, ideologies and other forms of structures that have the potential to influence the readers (Gaber 2011). The nature of reporting may be rooted in the socio-cultural context, but it may also, in turn, influence people’s attitudes, perceptions, behaviors and practices. The way the media

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portrays children has a profound impact on society's attitudes towards children and childhood. The print media play a vital role in informing the public about child abuse and neglect, and usually sets the daily media agenda (Lonne and Gillespie 2014). Lonne and Gillespie (2014) further contend that the information about child abuse and neglect provided by the print media can help to build support for legislation and other forms of state action to protect children. Conversely, children who have access to such media may themselves react differently to what they read and see in the media. It is therefore important to understand the language, discourse and meanings regarding child maltreatment that is portrayed in the Ugandan media.

While child abuse remains a favorite topic for media stories (Wilczynski and Sinclair 1999), little attention has so far been paid to how events involving child maltreatment are reported in the media. A few studies (Lonne and Gillespie 2014; Wilczynski and Sinclair 1999) have looked at the representations of child maltreatment in the media but from a developed country context. Other studies have focused on the definitions and classifications of child maltreatment in official government reports (Mennen, Kim, Sang, and Trickett 2010; Runyan et al. 2005) and on narratives of abused children (Katz 2013). Others (Gaber 2011) have focused on the portrayal of social workers in the media compared to other professionals that handle children, and concluded that social workers are often negatively portrayed, which has potential negative consequences for child welfare practice. Thus, this chapter focuses on the reporting and representation of child maltreatment in the print media.

5.2 Child Maltreatment in Uganda

In Uganda, child maltreatment is on an increasing trend and is a cause of serious concern. For instance, the Uganda Police Annual Crime and Traffic/Road Safety Report of 2014 shows that defilement was the top reported crime during that year, with 12,077 cases investigated compared to 9598 in 2013. This represents an increase of 25.8 % between the two years. The report further shows that a total of 7256 cases of child maltreatment were investigated during 2014, compared to 6522 in 2013, an increase of 11.2 %. The report lists the major offences against children as neglect and desertion, torture, kidnap and abduction, trafficking and infanticide. Of course, the statistics from the police only represent a fraction of the offences committed against children since many go unreported. Indeed, the lack of comprehensive and accurate data on the extent of abuses against children in Uganda has been acknowledged (African Network for the Prevention and Protection Against Child Abuse and Neglect (ANPPCAN) 2011). It is also well known that in the Ugandan context many cases of defilement get negotiated between the offender and the girl's parents, often ending in a situation where the offender pays the bride price and marries the under-age girl that he forced himself onto.

Child maltreatment in Uganda affects both boys and girls, although girls are known to be at a greater risk. A situation analysis conducted by the African Network for the Prevention and Protection against Child Abuse and Neglect Uganda Chapter

(ANPPCAN) in 2011 shows that 61 % of all the abuse cases they came across during data collection were against girls, compared to 39 % against boys (ANPPCAN 2011). Child maltreatment in Uganda takes place in all sorts of contexts: rural and urban, homes and schools, and communities and institutions. For instance, a report by the United Nations Children's Fund (UNICEF) reported that 77.7 % of primary school children and 82 % of secondary school students who participated reported having experienced sexual abuse at school (UNICEF Uganda 2013).

5.3 Theoretical Basis

This paper draws from *discourse theory*, associated with Michel Foucault's work. Discourse is understood to refer to "a group of statements which provide a language for talking about – a way of representing the knowledge about – a particular topic at a particular historical moment" (Hall 2004:346). Following Foucault, several writers have advanced the scholarship on discourse. Hajer (1995), for instance, defines discourse as "a specific ensemble of ideas, concepts and categorizations that are produced, reproduced and transformed in a particular set of practices and through which meaning is given to physical and social realities" (Hajer 1995:44). Discourse can be understood as frames that define the world or particular aspects of the world in certain ways (Keeley and Scoones 2003). Discourse is concerned with the production of knowledge and meaning through discursive and social practices. In everyday or common sense usage 'discourse' may be understood as a form of language use or more generally, as ways of speaking (Van Dijk 1997). Discourse theory provides important insights into the use of language in different contexts, whether in everyday life or in organizational settings, and how language use shapes the meaning of reality.

Central to discourse theory and discourse analysis as a method is the concept of framing (Weathered 2015), referring to the process of "interpretation involving selective inclusion and exclusion of elements, based on perceptions of relevance" (Sinha and Des Gasper 2010:7). Frames are "principles of selection, emphasis and presentation composed of tacit theories about what exists, what happens, and what matters" (Gitlin 1980:7). Therefore, framing is a method of meaning-making; it is a channel for meaning production (Sinha and Des Gasper 2010). Framing helps people to define and interpret social problems and other phenomena by "selecting and highlighting some facets of events or issues, and making connections among them so as to promote a particular interpretation, evaluation, and/or solution" (Entman 1993:52). In this regard, stories of child maltreatment that appear in the print media only gain meaning through a process of framing by the writers and a process of interpretation by the readers. The meaning assigned by the writers, and drawn by the readers, is governed by certain frames and mental constructs and influenced by their backgrounds, cultural values and historical experiences. Each story is written and packaged by a writer or a journalist following a certain frame consisting of beliefs, experiences, values and assumptions. Therefore, without understanding these frames it is difficult to make sense of these stories.

In this chapter discourse analysis is used to deconstruct how language is used to give meaning to events and practices regarding child maltreatment. Discourse analysis and framing will provide important tools to analyze the stories on child maltreatment in leading Ugandan media and bring meaning to them.

5.4 Methods

5.4.1 Design

This chapter is based on a secondary review of newspaper articles on child maltreatment. No primary data was collected. These stories were reviewed and analyzed using a discourse analysis approach. The object of analysis in discourse is text. Texts are regarded as cultural representations rather than objective facts and are often shaped by other discourses in a chain of intertextuality. As such, texts do not provide direct access to experience or truth, but rather provide access to representations constituted by interpretation and cultural values (Crowe 2005). Thus, discourse analysis in this paper involves reading texts for their significance and meaning within their socio and cultural context. In the discussion section, the interpretation is placed in the context of other existing literature, drawn from past studies that review media stories both in Uganda and elsewhere, peer-reviewed journals, Uganda police reports and reports of non-governmental organizations (NGOs) in Uganda.

5.4.2 Data Sources and Sampling

The chapter is based purely on secondary sources, specifically the print media stories from two dailies, the *New Vision* and the *Daily Monitor*. The *New Vision* is a Ugandan government-run newspaper while the *Daily Monitor* is a privately run newspaper under the Nairobi-based Nation Media Group. These two papers were selected because they have the widest coverage and reporting on all parts of the country. They also have the widest circulation of any print newspapers in the country, with the *New Vision* circulating an average of 30,000 copies daily and the *Daily Monitor* 20,000 copies. Other Ugandan newspapers were excluded based on a number of considerations. The two other newspapers, which come out daily, are The Red Pepper, an English tabloid, and *Bukedde*, a sister newspaper to the *New Vision*, but printed in the local language, Luganda. *Bukedde* covers many stories on child maltreatment, and it would have been a good candidate for review, but because it is printed in a language other than English, it would have required translation of the stories with a risk of distortions in meaning. The Red Pepper has limited coverage of child abuse issues. Other English newspapers such as The Observer are printed only a few times a week and have limited geographical coverage.

Issues of the *New Vision* and the *Daily Monitor* were accessed from libraries that keep a stock of previous newspaper issues. Where some copies were missing, the *New Vision* and the *Daily Monitor* offices were contacted to access their archives.

The analysis covered stories that came out over a period of one year, 2013. This limit was set in order to keep the data set manageable, and, at the same time, to allow inclusion of enough stories to generate adequate material for analysis. The review covered 193 issues of the *New Vision* and 153 issues of the *Daily Monitor*, for a total of 346 issues. The stories included were those that had any words relevant to the subject in the title. Thus, if any titles had the words child, baby, boy, girl, infant, daughter, son, and words such as abuse, kidnap, stealing, defilement, burning, torture, abandoning, bartering, murder, and so on they were included. To identify such stories, each newspaper from the two selected papers for 2013 was perused and story titles checked for these key words. Eligible stories were marked and set aside for review.

5.4.3 Data Analysis

A content and discourse analysis approach was used. Every story was read and re-read several times, first to get an overview of what it was about and its scope, and later to identify its key characteristics and features that were of interest to this study. A realist approach to secondary review was adopted by which a more iterative and context-sensitive approach was used as opposed to a more pre-defined and standardized procedure as would be common in systematic reviews (Pawson et al. 2005). Manual coding was undertaken following a coding frame developed and based both on literature and the themes emerging from the stories themselves. The themes included vulnerability and risk, agency, betrayal of trust, ruined futures and system failure.

The analysis covered the main forms of child maltreatment including murder/infanticide, kidnap, child trafficking, physical abuse/torture, sexual abuse and abandonment/neglect. A simple quantification of some variables was performed, namely: type of abuse reported, age of victim, sex of victim, relationship of child to abuser, sex and age of abuser, other details of the abuser, location (district of Uganda where the event occurred; rural versus urban), victim details and details of the event. Based on these characteristics, descriptive frequencies were used to report on these variables.

5.4.4 Ethical Considerations

This study did not involve direct interactions with the affected children or their caregivers. Nevertheless, sufficient measures were taken not to reveal identities of children reported about. Although, in some cases, the names and identities of the abused children were available in the newspapers reviewed, they are not named in this paper. Data is reported in aggregate form.

5.5 Results

5.5.1 *Characteristics of Abused Children and the Abusers*

The socio-demographic characteristics of the abused children and their abusers represented in the media accounts ($n = 346$) are shown in Table 5.1. Not all demographics were reported in the media accounts and are indicated as “not stated.”

The age data when grouped shows almost equal distribution of the abused children across age groups 0–4, 5–9, and 10–14. The least reports were found for those aged 15–17. However, further scrutiny of the age data (without grouping) shows that the highest number of reports are for children under one year of age, constituting up to 11.6 % ($n = 40$) of all the children.

Most of the abused children reported on were female (59.5 %, $n = 206$), while in one tenth of the cases (10.1 %, $n = 35$) the sex of the child was not stated. In cases where the child’s gender was not mentioned, the stories only refer to descriptions such as a newborn baby or a set of twins. The predominance of abuse against girls is partly because most of the abuses are sexual, which in the Ugandan context are often in the form of older males sexually abusing young girls as discussed below. Data from the Ugandan Ministry of Gender, Labor and Social Development (MGLSD) (2014) indicate that sexual abuse remains the most common form of child abuse, and gender is a major risk factor. For example, a study in Northern Uganda found that 32.4 % of women first experienced sexual violence during their childhoods (MGLSD 2009). Police records also show an increasing trend, up to 25.8 % in a single year, in the number of defilement cases reported to the police (Uganda Police 2014).

More than one-third of the abusers were biological parents (35 %, $n = 121$), either fathers or mothers. Slightly more mothers (17.9 %, $n = 62$) compared to fathers (17.1 %, $n = 59$) were reported to be the abusers. A substantial proportion of other abusers (13 %, $n = 45$) were professionals supposed to be providing services to children. These included teachers, police personnel, NGO staff and health workers. These figures highlight the existence and extent of institutional abuse – the abuse of children by persons who work with them (Gallagher 2000). Institutional settings include both residential and non-residential. A few studies that have looked at institutional abuse have revealed its extent, though these settings remain under-reported. As Gallagher notes, much of the documented abuse of children covers home settings, yet as much concern should be paid to institutional settings.

Another 12.7 % ($n = 44$) of the abusers were relatives of the child, including siblings, uncles, aunts, grandparents and cousins. In 27.5 % of the cases, the abusers were other people such as neighbors, known community members or other family acquaintances. There were a few reported cases directly involving traditional healers, who kidnapped children for ritual purposes. This does not mean that these were the only ritual-related incidents. It is possible that even some of the other kidnappings (see Table 5.2) could have had the intention to use children for ritual or sacrificial purposes, which in the Ugandan context, may include children being sac-

Table 5.1 Socio-demographic characteristics of abused children and the abusers

	Number	Percentage
<i>Age of child</i>		
0–4	95	27.5
5–9	91	26.3
10–14	96	27.7
15–17	41	11.8
Not stated	23	6.6
<i>Sex of child</i>		
Male	105	30.3
Female	206	59.5
Not stated	35	10.1
<i>Abuser's relationship to the child</i>		
Parent	121	35.0
Professional/service provider	45	13.0
Relative	44	12.7
Traditional healer	5	1.4
Caregiver/maid	4	1.2
Partner/lover	4	1.2
Not stated	28	8.1
Others	95	27.5
<i>Age of abuser</i>		
15–19	12	3.5
20–29	77	22.3
30–39	42	12.1
40–49	31	9.0
50–59	10	2.9
60+	15	4.3
Not stated	159	46.0
<i>Sex of abuser</i>		
Male	219	63.3
Female	79	22.8
Male and female together	15	4.3
Not stated	33	9.5

rified to the “gods” or ancestors (locally known as *kusadaaka* in Luganda) (Bukuluki and Mpyangu 2014), or virgin girls being forced into sex or marriage to provide cleansing from curses or misfortune. Only in 8.1 % of cases were the abusers unknown. In such cases, the victims would be discovered after the incident had already happened and the abuser was already out of sight.

The reported abusers were predominantly male (63.3 %, $n = 219$) compared to females (22.8 %, $n = 79$). In some cases (4.3 %, $n = 15$), both male and female persons jointly participated in the abuse, either as direct orchestrators or through connivance.

Table 5.2 Event details

	Number	Percentage
<i>Type of abuse^a</i>		
Sexual	158	44.3
Murder/attempted murder	66	18.5
Neglect/abandonment	64	17.9
Physical/torture	41	11.5
Kidnap/trafficking	28	7.8
<i>Location of event</i>		
Rural	204	59.0
Urban	142	41.0
<i>Source of story^a</i>		
Police	215	52.3
Home/community	83	20.2
Court of law	71	17.3
Hospital/health facility	20	4.9
School	14	3.4
Others	8	1.9
<i>Actors involved^a</i>		
Police	220	58.0
Courts of law	84	22.2
Hospital/health facility	42	11.1
Local government/local council	26	6.9
Others	7	1.8

^aMultiple responses allowed

5.5.2 Details of the Events

Analysis was also made of the event details, including the type of abuse, the location and setting of the incident (see Table 5.2).

Sexual abuses were the most commonly reported, constituting almost half (44.3 %, $n = 158$) of all abuses in the stories. It is not clear whether this represents actual prevalence. Other secondary sources show that neglect is the most prevalent form of maltreatment against children in Uganda (ANPPCAN 2011) and in other countries (Schumacher et al. 2001), though it is often not reported. What is reported under sexual abuse is mostly penetrative defilement carried out by males, usually against female minors. Only three cases were reported that consisted of same sex violations, all involving male adults violating male minors. Some of these violations were within families and constituted incest. One case of gang rape against a 14-year-old girl was reported. The other forms of abuses reported were murder (18.5 %, $n = 66$), neglect or abandonment (17.9 %, $n = 64$), physical abuse (11.5 %, $n = 41$), and kidnapping (7.8 %, $n = 28$).

Murder, or attempted murder, was the second most commonly reported form of abuse after sexual abuse (see also Bukuluki et al., Chap. 9). Stories of murder

covered a wide range of incidents involving beheading of children, stabbing to death, drowning in water, burning children to death, strangling and killing for sacrificial or ritual purposes. In some cases, children were found dead, and in other cases their body parts were what was found. In still other cases, the perpetrators were found in possession of the body parts.

Stories of neglect were mostly about children abandoned in hospitals, on roadsides or in other people's homes. They were also about children dumped at rubbish heaps or those starved to death. Other stories were about children who were lost, while on a positive note, some were about those who had been found or rescued from abandonment and starvation.

Physical abuses were mostly in the forms of beating, stabbing, burning with fire or hot water or on a stove, cutting off body parts, assault, unprofessional surgeries, harsh treatment and other acts that often caused bodily harm. In some cases, these abuses were performed as a form of instilling discipline through corporal punishment to the children that were accused of eating food or spending money without permission. As is commonly known, corporal punishment in the African context is often taken as a norm, and children who misbehave tend to be severely punished (African Child Policy Forum (ACPF) 2014).

Kidnappings mostly covered children stolen or missing from homes and hospitals. Some were reported after being rescued or found. In some cases, one parent kidnapped the child following disputes over the child's parentage or custody.

In some cases, the violations reported consisted of more than one form of abuse happening simultaneously to a child or a set of children. There were at least four cases combining sexual abuse and murder, three combining kidnapping and sexual abuse, two combining physical abuse and neglect, one of kidnapping and neglect, one of kidnapping and murder and one of physical abuse and murder. These data confirm the view that different forms of abuse do not happen in isolation but may be accompanied by other forms. This highlights the fact that children may face multiple vulnerabilities. One form of abuse, such as neglect or kidnapping, takes away parental care and exposes the child to other forms of abuse such as sexual abuse or murder. This co-occurrence of abuses deepens the magnitude of the harm to which the child is exposed.

Most of the events reported (59 %, $n = 204$) occurred in rural settings compared to 41 % ($n = 142$) in urban areas. The main source of stories reporting maltreatment events were police (52.3 %, $n = 215$). Reports covering home/community settings were 20.2 %, while others were courts of law (17.3 %, $n = 71$), hospital/health facility settings (4.9 %, $n = 20$) and schools (3.4 %, $n = 14$). No reports covered events involving street children, although other literature (Walakira et al. 2014) shows that street children are also often victims of physical and sexual abuse.

Apart from community-level actors such as families and community members, other actors reported to have been involved in reporting, handling or addressing cases of child abuse were mainly the police (58 %, $n = 220$) and courts of law (22.2 %, $n = 84$). Local governments, who include the probation and welfare system, and the local councils at the village, parish, sub-county and district levels were reported to have been involved in only 6.9 % ($n = 26$) of the cases. This may be

explained by the fact that most offences, such as defilement and murder, were of a capital nature and could be considered suitable to be handled by police rather than civil authorities. Whereas many Ugandan communities now have Child Protection Committees (CPCs), these do not appear anywhere in the reports. CPCs were initially promoted by UNICEF and later by several other NGOs such as World Vision, Plan Uganda, and Save the Children. The members of CPCs are trained in basic child protection, and their roles include creating awareness about child protection issues, monitoring and identifying violations of children's rights and referring violations to the local authorities and the police (War Child UK 2010).

5.5.3 Placement and Size of the Stories

The stories on child maltreatment rarely got front page coverage. Only 10 % of the stories in the *Daily Monitor* and 26 % in the *New Vision* were placed on pages one to three, while more than half of the stories in both newspapers were located in the middle pages of the newspaper. In the *Daily Monitor*, 57 % of the stories were on pages 13–16 of a newspaper with an average of 36 pages. In the *New Vision*, 53 % of the stories were on pages 7–10, in an average size, 26-page newspaper. From the above, the *New Vision* had more stories on the first three pages, probably because it is a government newspaper, and, therefore, it is more inclined to put greater value on stories of child maltreatment compared to a private newspaper.

More than three quarters of the stories were of a small size, usually no more than a three by four-inch column. A few exceptions, which were larger, were those covering high profile abusers. One such example of a story that got bigger space coverage was a case involving 34 girls that were alleged to have been sexually abused by a German national who was taking care of them in a residential home run by an NGO he founded in Kalangala Islands on Lake Victoria (Candia and Kasujja 2013). Other exceptions include special features, special reports, or stories published as part of a theme published on particular days such as those published on the Day of the African Child, which may cover full page or several pages. Such special supplements are produced only once in a while.

5.5.4 Emerging Discourses About Child Maltreatment

5.5.4.1 Discourses About the Position and Role of the Abused Child

The results reveal four major discourses about the position and role of the abused children in the incidents reported. These four are: maltreated children as vulnerable and innocent victims; children as active participants in the situation leading to the abuse; child abuse leading to a ruined future; and children as active agents in addressing abuse.

One of the main discourses emerging from the data is that which presents children as vulnerable persons exposed to the risk of abuse. The children are innocent victims of abuse who are helpless and lacking protection. This vulnerability is reflected in the situations under which maltreatment occurs. For instance, more than a half of the children who were sexually abused were found alone in the house, or waylaid while they were walking alone in isolated and lonely places. In such cases, the absence of an adult companion made these children vulnerable to abuse by any potential abusers. For other children, their vulnerability came with their ages. Some stories reported how 2 month-old babies were defiled. At any age below about 5 years, the children could not even sound an alarm to get help. They could not detect that there was a stranger about to harm them. Newborn babies also appear in the stories as a category particularly vulnerable to be abandoned in a hospital, or thrown in latrines and rubbish pits by their mothers. This often followed an unwanted pregnancy or if the father had refused or failed to take responsibility for the pregnancy and the baby, and the mother had no support. Newborns are also reported as victims of being stolen from their mothers in hospitals. In a few cases, children's vulnerability was made worse by disability. There are stories of two girls with hearing difficulties who were sexually abused by men that took advantage of their impairment.

In other cases, vulnerability is also evident in the way young children, often girls, were lured with gifts and promises of attractive niceties such as sweets, drinks, food, an offer to watch television and money. Due to their innocence, they could not refuse these temptations, and they ended up entering the houses of abusers, where they were defiled. In one case, a 12-year old was lured by a 24-year old man using video clips and a cell phone, and then kidnapped for two weeks (Ssekweyama 2013).

Children's vulnerability is further portrayed in cases where the abusers were supposed to protect the children or were in a position of authority. As already shown, the abuser in several stories was a parent, a step parent, a law enforcement official or a teacher, so it is somebody in a more powerful position, a position of authority, or a position that naturally commands respect and trust from the child. The stories demonstrate that the child is abused at the hands of someone they were supposed to trust or they had indeed trusted, and therefore, had no other protection. In one example, the offender was a pastor, an evangelist and a teacher who sexually abused young boys under his care. The parents of the children mentioned to others how they had trusted the pastor with their children, only to discover later that he had been molesting them. One of the parents of the abused children is quoted below:

He had been doing it for quite some time, luring children with small gifts and sweets. Being a teacher who loved our children, we could leave him to freely associate with them until we discovered his dirt last Sunday. (Ssebuyira 2013:13)

Such cases indicate how perpetrators of abuse use a strategy of entrapment, whereby they groom, induce or separate the victims from their families, making it difficult for them to report abuse (Gallagher 2000).

As the data in Table 5.1 shows, in more than one third of all reported cases (35 %, $n = 121$), the abuser was a parent, and in 13 % ($n = 45$), the abusers were professionals or service providers such as teachers, health workers, NGO workers,

police personnel and others who were entrusted with authority to protect children and provide them with services. The power imbalance between such people and the children under their care put the children in a vulnerable position. This is not to forget that while a number of professionals indeed get involved in perpetrating abuses against children, there are also widespread allegations of abuse against professionals that turn out to be false or exaggerated (Gaber 2011). Gaber (2011) shows how the print media in the United Kingdom (UK) grossly misrepresented and negatively portrayed the role and performance of social workers in handling child protection issues, especially using outrageous and damaging headlines. Gaber, on the other hand, noted that other professionals such as medical practitioners were less likely to be portrayed in the same light, even when they were in the wrong.

Another discourse emerging from the data is where children, rather than being vulnerable and passive recipients of abuse, are presented as active participants in the situation that led up to the abuse. The situation might have been a quarrel, a fight or another form of conflict or compromising situation. In one case, a boy of 15 years had been engaged in brawls with his step mother several times, before the step mother hit him on the head leading to his death (Aligo 2013). In this case, though the offender was in a more powerful position than the child, the child is portrayed to have contributed to the conflict. In another case, a boy of 17 is reported to have deceived an older woman, a mother of three, that he was aged 25, before they had sexual intercourse. The woman was charged with the defilement despite her pleas that she believed that the boy was aged 25 (Anywar and Lawino 2013).

Another emerging discourse is about the effect of the abuse on the future of the child. The stories paint a picture of a ruined future for the maltreated children. This is seen especially in the case of those who are sexually abused or those who are disabled as a result of the abuse. In one story where two teachers were accused of defiling their pupils, the prosecution asked the judge to give them a maximum sentence because the teachers' acts inflicted permanent trauma on the victims (Kiva 2013a). Another story tells of how a secondary school teacher had sexual relations with his female student of 15 years, got her pregnant with twins, eloped with her, and infected her with HIV, the human immunodeficiency virus. When the prosecution was arguing the case, they asked the court to grant a long custodial sentence because the offender had "ruined the girl's life" (Mutyaba 2013b: 13). Her life was described as 'ruined' despite the fact that her parents paid for her to re-join school after these events. Early pregnancy, as was the case in this example, is a typical representation of a ruined future in the Ugandan context. The discourse of a ruined life used here is typical of the end result that usually befalls girls who get pregnant while in school in Uganda. For many, pregnancy means the end of school. According to the Uganda National Household Survey (UNHS) (UBOS 2014), pregnancy is one of the two main factors for high dropout rates for girls from primary school and failure for girls to transition to secondary education. The second factor is early marriage (UBOS 2014). This phenomenon is rooted both in school practices and in parental and community perceptions. School authorities do not allow a girl who has gotten pregnant to continue or resume school. Similarly, parents and communities generally do not consider such a girl as eligible for school any more.

Just like in some other African countries, the status of ‘mother’ is considered incompatible with the status of ‘student,’ and pregnant teens are therefore excluded from school. Instead pregnant girls are sent to the private space of home where mothering ‘should take place’ (Wekesa 2011). They may be stigmatized if they reappear at school (UNFPA 2013). Many may leave or be chased from their parents’ homes and live elsewhere, with no guaranteed source of livelihood, hence being more exposed to further exploitation (Ahikire and Madanda 2011; UNICEF 2008). In Uganda, there are a few individual and institutional efforts to promote re-entry into school for girls who get pregnant (Nascent Research and Development Organization (NRDO) 2015). Where such positive mitigation measures have happened, it would be important for the media to give them positive coverage.

Ruining a girl’s life is also represented in terms of infecting the girl with HIV, given that HIV has no cure, and the girl, once infected, could either die of AIDS-related causes or live with HIV for life. Additional consequences of living with HIV are poor health, stigma and a life time on anti-retroviral treatment.

In another emerging discourse, children are presented, not as passive victims and recipients of abuse, but as active agents who do what is in their powers and capabilities to reject, resist, report and address abuse. In a number of cases, the children facing abuse themselves raised an alarm, informed a parent (Mutyaba 2013a; Muzaale 2013), a neighbor or another adult, or even informed those in authority such as teachers and the police. In Kalangala district, a 13-year old girl who was raped by a 43-year old man suspected to have HIV reported the matter to police by herself (Lubwama 2013). In another case in Mukono and Kayunga districts, a boy cut almost to death by his neighbors mentioned the names of the attackers and identified them when the police paraded them in front of him (Wandawa 2013). In some cases, the children reported the danger they were facing despite threats and pleas by the abusers that they should not tell anyone. In other cases, children behaved in a way that communicated to those around them that something that was not right had happened, sparking investigations. One example is of a child whose pastor and teacher had come to collect him for lessons and the child refused to go with him, later stating that the pastor/teacher did ‘bad acts’ to them (the students). This prompted the parents to inquire more about what the bad acts were. It was discovered the pastor had been having sexual intercourse with the children who were his pupils. “The teacher takes us to his house and rubs his private parts against ours. He threatened to kill anybody who revealed the acts to their parents,” the boy is quoted to have said (Ssebuyira 2013).

5.5.4.2 Discourses About the Parents/Caregivers of the Abused Child

Three major discourses emerged on the role and position of parents/caregivers vis-a-vis the abused children: parents as naïve, unsuspecting, negligent and irresponsible; parents as active agents of child maltreatment; and parents as agents in addressing child maltreatment.

Parents of the abused children are presented in some stories as naïve, unsuspecting and negligent, having failed to play their parental roles. Such parents left their children alone in the house or at home (Karenzi 2013), or left them in the hands of housemaids or strangers whom they should not have trusted. Such people left with the children ended up abusing them (Jjingo 2013a). Of course, there were also situations where the parents thought the person they left the child with was responsible and caring. Such cases include those where children were left alone with housemaids or step mothers or a father. In other cases, parents sent children on errands or to perform chores outside the home or alone in unsafe places (Wandera 2013) without thinking that the children might face danger.

In another reported case, two children, each aged about five years, were found dead in a garden of ground nuts and were suspected to have been strangled by an unknown person. The parents of the children said the two children had been seen earlier wandering around the village (Yolisigira 2013). This story raises questions as to how five-year old children could be left to roam the villages alone and where the parents and indeed families of the two children were when the children were strangled. In another case, two children were grazing cows when they were attacked. The boy was hit and left unconscious, while the girl was killed and some of her body parts chopped off. The father rescued the boy, who narrated the ordeal to police and identified the killers (Nsubuga 2013).

While these stories reflect some level of negligence and irresponsibility on the part of the parents, they may also be indicative the parents' belief in the safety in their community. This might be a "hangover" from the "good old days" when they could leave their children to roam the villages on their own with no harm coming to them, and when every community member minded each other's child. Traditionally, Ugandan communities, as many others in Africa, enjoyed a good amount of social capital, whereby children belonged to the community and were protected by every community member (Abebe and Aase 2007). This form of social capital embedded a sense of what Robert Putnam calls "generalized trust" by which most community members trusted every other community member with their children (Putnam 2000). This virtue has been eroded over time with the increase in urbanization, conflict, HIV/AIDS, individualism and poverty (UNAIDS and UNICEF 2002; War Child UK 2010). But then there are also parents who threw away or abandoned children (Wokorach-Oboi 2013). These are in most stories blamed for being irresponsible and heartless. Little attention is however paid to their reasons for abandoning or throwing away their children and to the circumstances leading up to such incidents.

In a number of cases, parents and caregivers also emerge as active agents or perpetrators of child maltreatment. Stories are filled with examples of predatory fathers who defiled their own children and step fathers who did the same to children under their care. There are also stories of parents who strangle, kill, physically abuse or abandon their children. Equally reported are examples of mothers who abandon or neglect their newborns (Bwire 2013) and step mothers who beat up children in their homes. In some of the cases, the abuse from parents is meted as a form of punish-

ment for what the parents see as wrong-doing. Thus there is a story about a father who cut his daughter's arm because she served him a type of food he did not like (Kiva 2013b). Another mother burnt her primary two age son's hand on a stove because the boy stole Uganda shs1000 (about one quarter of a US dollar) (Kitata 2013).

The agency of parents in addressing maltreatment of their children is also a dominant discourse found in the data. In about one third of the cases where the parents or caregivers were not the abusers, they themselves played a crucial role in reporting abuse to the authorities, apprehending the abusers, searching for missing children, getting medical reports, testifying in court, challenging those in authority if they did not play their roles and providing information to the authorities. In one case, the parents of a 15-year old girl returned her to school after she was defiled by her teacher, impregnated, eloped with the teacher, delivered twins (one of whom died) and got infected with HIV (Mutyaaba 2013b). A girl returning to school after such events is uncommon in the Ugandan context. The Uganda National Household Survey 2013 data show that about one fifth of school drop outs by girls is due to pregnancy (UBOS 2014). In another case where the offender was a police officer who sexually abused a 15-year old girl, the parents of the girl reported the matter to the District Police Commander (DPC), even after threats from the offender that he would arrest them if they reported it (Jjingo 2013b). In another incident, the parents of a girl who had been kidnapped and sexually abused for a week tipped off the police after the offender asked for a cash ransom to release the girl (Mukombozi 2013).

5.5.4.3 Discourses on the Abusers: Betrayal of Trust

While the stories bring out several kinds of abusers, some of the dominant categories are the parents and relatives of the abused children and the professionals supposed to serve and protect the children. In more than one third of the reported cases, the abuser was a parent or a relative. In forty five cases, abusers were teachers, religious leaders – specifically pastors, and other people of responsibility often entrusted to take care of children. In the example already referred to, where the offender was a pastor, an evangelist and a teacher who sexually abused young boys under his care, the parents of the children testified how they had trusted the pastor with their children, only to discover later that he had been molesting them. The abuser betrayed the trust of both the parents and the children. Trust is a very important feature in care relationships, as it helps to minimize conflict and to reduce the need for law enforcement (Pence and Wilson 1992). As Katz argues, abuse by people in authority is 'unexpected' because they ought to be trusted due to their legitimate power in society (Katz 1987). As a consequence of being abused by those they trusted, children may lose their trust in other people, yet a sense of trust in people is essential for normal human development (Pinheiro 2006).

5.5.4.4 Discourses About the Child Protection System: System Failure

Some of the stories bring out a discourse of a failed child protection system. The abused children in many cases fail to find justice, becoming victims of a bad system. Issues of bribery and failed justice come to the fore as suspects are reported to be released without trial or to have disappeared from police cells. In such cases, the child protection system is portrayed as useless, corrupt and negligent. The child protection system in Uganda consists of a multiplicity of agencies and institutions such as the police, the judiciary (courts of law), the local governments, and the local leaders at community level. These are often supplemented by child-focused NGOs. In the case about the offending pastor, the local leader, the Secretary for Defence at the Local Council (LC), who is responsible for child protection at the village level did not take any action when he was first tipped off about the possible abuse, instead preferring (and advising the parents) to go slow on the matter (Ssebuyira 2013). In another case, hospital authorities acted in an uncoordinated manner and displayed negligence in handling the case of a mother who successfully delivered her baby girl in a national referral hospital and was later told that the baby had died. The mother, however, was not shown the body of the baby nor a record indicating her death (Arinaitwe and Nalwanga 2013). In yet another case, parents of a boy that was sexually abused could not get a doctor's report for use in court to prosecute the offender and were given conflicting information about how such a letter was to be obtained and paid for (Edema 2013). Additionally, some studies in Uganda have also reported bureaucracy, corruption, and poorly trained staff in agencies handling child abuse (Walakira et al. 2010).

While the police, in many cases, were reported as being vigilant and taking quick action to arrest the offenders, it would be interesting to learn from the media how such cases are pursued to their final conclusion. Yet there are no follow-up stories to tell how the prosecution unfolded and how the case ended, except for those involving high profile abusers or a large number of children.

5.5.4.5 Voice

A key question in this analysis is whose voice is reported and whose voice is privileged over others? Are children's voices given space? Are other voices that matter – those of parents, families, and of social workers – being given space? The data show dominance of the voices of the criminal justice agencies such as the police, the courts and the prosecuting attorneys, and little space for the voices of the abused children, their caregivers, and social workers. Rarely do these stories quote the victim or the parent of the victim. Amongst the stories where actors' voices or perspectives are reported, almost one third of the voices are from the police (32.7 %, $n = 73$), and 13.9 % ($n = 31$) are from the court officials, magistrates and attorneys; compared to only 11.2 % ($n = 25$) from the victim's parents and family members, 7.6 % from community members and another 7.6 % ($n = 17$) from the abused

children themselves. Therefore, it seems that there is more reporting from the legalist point of view.

The community voice also is limited, as well as the voices of the local leaders. What this may show is that most reporters stop at the police station and courts of law, and rarely follow-up with the community to get their perspective on the incident. The story that the police or court tell may be altered for legal purposes. It may lack context or other important factual information that the community voice can provide or correct. The marginalization of the children's voice contravenes the provisions of Article 12 of the United Nations (UN) Convention on Children's Rights (United Nations 1989), which guarantees the right of the child to freely express views on any matter affecting him or her, and such views to be given due consideration.

It is not clear whether the social workers' voices are missing because they are not given an audience or because they are actually not involved in handling the cases of child abuse and neglect. Gaber's paper, though focused on the UK, shows that journalists have very little contact with social workers and do not give social workers a voice in the stories, which is one of the reasons why social workers are often negatively portrayed in matters of child protection (Gaber 2011). Gaber calls for more engagement between social workers and journalists and for journalists to give more voice to social workers as key players in matters of child protection. He writes, "Only if the voice of the social worker does get to be heard more frequently in the media will the chances of child protection being covered in a more measured and balanced way improve" (Gaber 2011:63). Overall, the privileging of voices from the institutional criminal justice system over community voices may serve to advance the law and order agenda, but certainly marginalizes the social and community perspectives and may not promote community-based prevention of child abuse.

5.6 Discussion

Child abuse and neglect are insidious social problems which are constructed within differing cultures and perspectives of childhood, parental roles, and the responsibility of state agencies. The results in this chapter have highlighted how cases of child maltreatment are reported in a sample of the two leading Ugandan dailies.

The analysis indicates that the media reports cover a range of contexts in which child maltreatment occurs, ranging from homes, to schools, to communities to institutions. However, this review has indicated the predominance of reports based on perspectives collected from the criminal justice institutional settings, and marginalization of family and community voices. This pattern of reporting indicates the tendency for the media to mostly report child abuse cases that are already in the hands of the police. Even in many of the cases where the perspectives of the family or community on the child abuse events were reported, the police were already involved, implying that the media probably reached out to the community because the police were going there. Therefore, most of the time, the media is not helping to

unearth new cases but reporting what has already come to the attention of the police. Typically, abuses of children do not take place at the police station or courts of law. It takes place in community, residential and workplace settings. The media is feeding on the police for news about child maltreatment rather than feeding the police with news. This kind of reporting may promote 'law and order' agendas, but effective child protection demands more than this. The media would play a key role if they were helping to reveal unreported incidents of abuse. The media should, therefore, take interest in what happens to children in communities, homes, schools, and other settings where children live or spend most of their time. Moreover, this review has shown that a lot of abuses were being perpetuated by a variety of the least suspected people including professionals in settings such as schools. Some studies have shown that a lot of abuse takes place in schools. In a 2005 report by Raising Voices, more than 24 % of the children interviewed reported that they had experienced sexual abuse in schools and an additional 34.3 % reported having experienced sexual violence both at home and at school (Naker 2005). Other studies conducted by the Ministry of Education, Science, Technology and Sports (MESTS) and UNICEF have reported even higher prevalence of sexual abuse taking place at school in both primary and secondary schools (UNICEF Uganda 2013). Overall, it is clear that child maltreatment takes place in a diversity of settings, and they should all be given attention while reporting. This diversity of settings also points to the corresponding diversity of the risk factors that children face. To understand these risks, one would need to use an ecological lens to see the different levels at which children interact such as home environments, schools, community settings and so on (Engel et al. 1996).

In many contexts, neglect is the most common form of abuse facing children and is the most difficult to recognize. In the Ugandan context, neglect often may not be reported. Since the media picks most of their stories from cases already known to police, there is a high likelihood that many cases of child neglect do not come to the media. Thus the dominance of sexual abuse in media reports may not accurately reflect what is on the ground. It may be simply that the media reports reflect the types of abuse that are most reported to police. As Kendall-Taylor et al. (2014) argue with respect to the British public, the public tends to view neglect as less damaging to the child compared to sexual and physical abuses. It follows that the public is more likely to report the abuses they deem more damaging than those they consider of moderate or low harm. Some writers (Gracia 1995) have argued that reliance on official reports of child maltreatment creates bias since these reports may represent only the severe end of child maltreatment and may only capture cases that were deemed to be severe enough to deserve official action.

The findings have revealed that abused children can still exercise agency to redress their situation. These findings support previous research that highlights agency of children in vulnerable positions such as abducted girls (Ochen 2015) and orphans and vulnerable children (OVC) (Seruwagi 2015). For instance, Ochen (2015) shows that formerly abducted young women in Northern Uganda exercised strong agency both during and after captivity, taking responsibility for their personal safety and initiating their home coming. Seruwagi (2015), in a critique of

conventional conceptions of OVC as passive and helpless victims, found that many OVC craft solutions to improve their situation and have substantial problem solving skills and coping capacities. She calls for child support approaches that leverage the agency of the OVC themselves.

These findings also show relevance to other social work theories such as self-efficacy theory, social cognitive theory and resilience theories which focus on individuals' abilities to overcome and take control of situations that create problems for them. Self-efficacy is about people's ability to gain control over various problems in life. It is about an individual's capacity to act and to exercise control (Farkas 2011). Such ability is revealed in some of the stories discussed in this paper where children facing abuse took some action to address the situation despite their vulnerability. Closely related to the concept and theory of self-efficacy is the social cognitive theory, also attributed to scholars such as Bandura (2001). Drawing from his work on social cognition, Bandura argues that humans desire to control their life circumstances, and this desire is at the root of human action. Control is important because either it fosters a desired outcome or minimizes an unintended or undesired outcome (Farkas 2011). In this case, it can be argued that children facing abuse take some action as a means of exercising control over the situation in order to minimize the undesired and unpleasant experiences they are faced with.

The findings about the actions taken by children to redress their situation also lend credence to the emerging school of thought about the strengths perspective in social work (Saleebey 2011), which focuses on a persons' strengths that enable one to stand against all odds and help themselves or seek help, and resist a bad situation. These strengths can also be a strong starting point to build on when others try to offer help to the affected individual.

The stories focus a lot on the offenders, and to some extent on the offended. While some reports touch on the system failures, there is limited coverage of the context. Thus issues of poverty, inequality, gender and so on are missing from the picture. By emphasizing individual actions and the response of state institutions while ignoring the context, we may never know why similar crimes against children continue to occur. For instance, some writers have shown how institutions provide opportunities for professionals to target and access children for abuse (Sullivan and Beech 2002). Therefore, it is important that both the media as well as other analysts and policy makers pay attention to the institutional environment in which children spend much of their time such as schools, in order to make them safer for children.

Whereas government policy responses in recent years emphasize community based action to address child maltreatment, this is also not adequately covered by the stories. Child Protection Committees (CPCs) for instance do not feature anywhere in the reports, despite their widespread promotion in Uganda. It is not clear whether the members of CPCs do not play any roles, or whether they are simply ignored or not known by the media. This might be an area where the media needs to be sensitized about the existence and roles of Child Protection Committees. It might however also be a reflection of the dysfunctionality of child protection systems in Uganda which has been documented elsewhere (Child et al. 2014).

The results indicate that the media gives prominence to the voices of the police and courts of law, while leaving out voices of the children. The privileging of police and legal voices marginalizes the voices of those affected directly, particularly children.

5.7 Conclusion

The results of this review indicate a need to increase the voice of children, families, communities and social workers in media coverage. Also needed is better coverage of the context of the incidents of abuse to better inform any efforts aimed at addressing the root of the problems of child maltreatment. As urged by Gaber (2011), the media needs to do more balanced and context-relevant reporting on issues of child abuse. The media can play a more effective role in not only creating awareness about child maltreatment, but also positively influencing public opinions about it. This calls for more media outreach to get stories from the settings where maltreatment actually happens – in families, communities, schools and other residential settings. It also calls for allocation of more space to stories on child maltreatment, away from the current small size articles that are typical of most such reports.

Moreover, children's views and voices need to be represented in media reporting. As some writers have correctly observed, children can make a significant contribution to both describing the problem of abuse against them, as well as suggestions for addressing such abuse (Pinheiro 2006). Therefore, child victims of maltreatment must not be simply objects of concern, but must be treated as people with rights and views that ought to be acknowledged, respected and communicated.

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Part II

Community and Child Protection

Chapter 6

Children and Domestic Water Collection in Uganda: Exploring Policy and Intervention Options that Promote Child Protection

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6.1 Introduction

Child participation in domestic water supply in rural sub-Saharan African households is an inevitable occurrence. Like many other forms of work that children do, water collection and transportation remains contested as to whether it is *child labor* or *child work*. Child work and child labor are two different but related concepts when applied in different theoretical, social and legal contexts including the type of work, age of the child and heritage (Abebe and Bessell 2011). In traditional sub-Saharan Africa, child participation in work is viewed as part of child socialization and preparation for future adult life (Bray 2003), also referred to by Feldman (1976) as anticipatory socialization.

In western industrialized nations, child labor – children involved in work that potentially affects their social, emotional and physical well-being – is viewed as socially unacceptable, abusive, barbaric and criminal (White 1994). Whether ‘criminal’ or ‘acceptable,’ depending on the type or magnitude of work tasks and the level of parental or caregiver support, a child’s physical and brain development could potentially be affected by work (Abebe and Bessel 2011; Basu 1999). Goodnow

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(1988) viewed children's household work as a useful way of enabling children to develop pro-social or cooperative behavior and fostering responsibility, guided learning, acquisition of [gender] roles, and contribution to a family's socio-economic status. But how can it be made safer for children to perform work tasks while achieving the virtues Goodnow (1988) outlines? How does the context of rural water supply in sub-Saharan Africa further complicate this? Bowes and Goodnow (1996) argue that children's meaning and expectations associated with work are of interest because they contribute and mediate a number of outcomes such as career choices, school achievement and perceptions of satisfaction, stress and control over one's life. This is because work has both intrinsic and extrinsic value (Gagné and Deci 2005). Whether performed by a child or an adult, work always calls for an expenditure of physical and mental effort towards attainment of the goals of an individual or family. But how do children understand and interpret their involvement in work in relation to their effort and time?

To address the above and other related questions, this chapter draws attention to the risks and vulnerabilities faced by the African child in fulfilling one of their socially defined roles of domestic water collection and transportation (Sobsey 2002). The chapter is based on a study conducted in a rural community in south-central Uganda, supplemented by interviews and observations with children water collectors in Wakiso sub-county, Nakabugo Parish Wakiso District. The arguments raised in the chapter do not intend to promote child involvement in work. Rather they advocate for a rural water policy and service delivery environment that not only lessens the physical burden of water collection for children, but also other environmental and social risks associated with their 'socially and culturally defined responsibility' of water collection. This is especially relevant in rural and urban households dependent on point-water supply facilities, i.e. water supply facilities established at a water source point, e.g. protected springs, deep or shallow wells. As opposed to piped water, which is pumped from the production source to different distribution points including house connections, users of point-water sources in Uganda and the rest of sub-Saharan Africa collect and transport the water from a point-water source using containers which they carry/load on their heads, in their hands or using other equipment such as bicycles or wheel barrows.

6.1.1 The Burden of Access to Safe Water in Sub-Saharan Africa and Implications for Children as Water Collectors

One of the greatest causes of poverty in Africa is also the most overlooked...the lack of access to clean drinking water. (The Water Project 2016)

Given that children and women (their mothers, caregivers or sisters) carry the biggest burden associated with water stress, interventions to increase sustainable access to safe water in rural and peri-urban areas will contribute significantly to the health, education and overall well-being of children. By the year 2000, one-third of

the world's population lived in countries that experience medium to high levels of water stress.¹ In 2000, it was projected that if no action was taken to avert the situation, this ratio would grow to two-thirds by 2025 (Agarwal et al. 2000). In 2006, the United Nations Development Programme (UNDP) also indicated that the global water problem was growing into a crisis, which if left unchecked would derail progress towards attainment of the Millennium Development Goals (MDGs) by holding back advances in other areas of human development (UNDP 2006), all of which relate directly or indirectly to the well-being of children. Access to water has an indirect influence on the goal of reducing child mortality; a number of children still die from diseases that are directly attributed to poor water, sanitation and hygiene (Water and Sanitation Program (WSP) 2012; Maina and Sittoni 2012). Access to water can also impact universal primary education; there is evidence that improved access to water can increase the educational opportunities, especially for girls, due to the time saved (Bartlett 2003; Crow and McPike 2009; World Health Organization (WHO) 2014).

The Millennium Declaration (UN 2000), target 7(c) of the Millennium Development Goals (MDGs) of reducing by half the proportion of people without sustainable access to safe drinking water and basic sanitation by 2015. The 2003 UN proclamation of the period 2005 to 2015 as the 'International Decade for Action - Water for Life' demonstrates global efforts and commitments to address problems associated with water scarcity, including the burden on the well-being of children and women. Today, access to safe drinking water in rural sub-Saharan Africa is still a distant goal. While the MDG report of 2009 indicated that the world was on track to achieve the safe water target, it also cautioned that 884 million people worldwide still used unimproved water sources, mainly surface water such as lakes, rivers, dams or from unprotected dug wells or springs for their drinking, cooking, bathing and other domestic activities. Of these people, 84 % (746 million) were estimated to be living in rural areas. The report further emphasized that access to clean drinking water sources was predominantly a rural problem (UN 2009). The risks of using such water sources are not only limited to sickness, but also drowning, as our findings will later indicate.

By 2012, evidence from United Nations Children's Emergency Fund (UNICEF) and the World Health Organization (WHO) (2012) showed that global efforts towards meeting the MDG target 7(c) were yielding positive results, particularly in reducing the number of people without access to safe drinking water. However, these figures continue to fall short of the socio-economic and spatial disparities in regions, countries and within countries. For instance, only 61 % of the people in sub-Saharan Africa by 2012 had access to improved water supply sources compared to 90 % or more in Latin America and the Caribbean, Northern Africa, and large parts of Asia (UNICEF and WHO 2012). Thus, despite 'global improvements,'

¹A country or region is said to experience water stress when annual water supplies drop below 1700 cubic meters per person per year. When annual water supplies drop below 1000 cubic meters per person, the population faces water scarcity, and below 500 cubic meters "absolute scarcity (UN-Water 2012)".

many rural dwellers and the poor continue to miss out, and the burden of poor access to safe water still falls on them and most heavily on children and women (UNICEF and WHO 2012; UN-Water 2006). Evidence has shown that improved access to water can increase the educational opportunities, especially for girls, due to the time saved (Bartlett 2003; Crow and McPike 2009; WHO 2014), and this can be achieved if concerted efforts are harnessed at global, regional and local levels (Cleaver and Franks 2007 ; Mugumya 2013). We argue from the outset that the problem of safe water in the sub-Saharan African context is a problem of poverty and governance manifested at the macro-, meso- and micro-levels. Most of the burdens associated with poor access to safe drinking water could be addressed not only by growth in the economies of sub-Saharan African countries but also in the quality of social policy and political decision-making practices that impact the most vulnerable categories of society, who tend to be children and women living in poor households and/or marginal communities.

The proportion of Uganda's population with access to safe drinking water may have increased from 52 to 70 % between 2001 and 2011 nationwide, but a significant discrepancy exists between rural and urban locations where in rural areas it stands at 68 and 72.8 % in urban areas (Ministry of Water and Environment (MWE) 2014). This discrepancy is not only worsened by distribution gaps but also poor functionality of improved water sources, all of which have implications for the water collectors – the children. A study by the Ministry of Water and Environment (MWE) on functionality levels of improved rural water systems in Uganda established that just over half (53 %) of the water sources studied were fully functional, i.e. working normally and yielding adequate volume of water. Others were partly functional, i.e. functional but with some faults (24 %); functional only during the rainy season (5 %); or non-functional, i.e. broken down for a long time e.g. 1 year or more (18 %) (MWE 2011a). In such cases, the burden on children as water collectors and transporters is exacerbated.

6.2 If They Have to, Can It Be Made Safer for Them? Children and Domestic Water Collection in a Rural Community in Uganda

Drawing mainly on a case study of Makondo Parish in Ndagwe Sub County, Lwengo District in South Central Uganda, this section explores the burden of water collection on children and the associated risks and vulnerabilities they face. This was complemented by unstructured interviews with child water collectors in Nakabugo Parish. The study in Makondo Parish, which was conducted between March and December 2011, investigated, *inter-alia*, the household and community dynamics in regards to access to safe-drinking water, with water collection and carrying or transportation being a major mechanism of access (Franks and Cleaver 2007). The study used mixed-methods of inquiry and involved a survey sample of 602 households

selected from 15 villages in the Parish of Makondo; 14 focus group discussions with women water users, male water users and water-user committee members (elected by the community to oversee the operation and maintenance of improved point-water facilities); in-depth interviews with over 20 key water actors at village, parish, sub-county and district levels; and participant observation mainly around the “improved” and “unimproved” water sources in the parish. In Nakabugo Parish, Wakiso district, interviews were conducted with 15 (9 boys and 6 girls) children theoretically sampled (Coyne 1997). We take a broader view of water collection as a process that burdens girl and boy children and women, since it involves transportation through, for example, head loading, queues and ‘physical labor’ (Coles and Wallace 2005; Crow and Sultana 2002; Franks and Cleaver 2007). As Cleaver and Hamada (2010) argue, water collection involves using ‘the labor of others’, and such labor is mostly provided by children in poor households in rural Sub-Saharan Africa.

6.2.1 Uncontestable African Tradition? The Burdens and the Risks

Water collection in households falls largely on children and women. Few men are involved in domestic water supply by carrying filled water containers on their heads. In our study in Makondo, for example, the women did not expect a ‘normal’ man to collect water for domestic use unless that man ‘was sick in his head’ or had ‘a new bride in his house’, or was ‘a water vendor’. Children themselves have been socialized to know that water collection for domestic use is their role in the households:

I feel okay, because it is my responsibility to do so; mummy is working and we don’t have a maid. But also when I carry cans which I can lift, it is okay because we learn to do house-work. (14-year old boy, Nakabugo Parish, Wakiso sub-county, Wakiso District)

However, despite the fact that they have been socialized to perform this responsibility, the children are also able to point out the challenges they face with this role given the many other household chores and tasks they have to perform.

I don’t feel bad because it is my obligation to help fetch water at home; however, sometimes I feel bad when the work is a lot due to other things that I have to do such as homework and other home chores like washing dishes and mopping the house. I have to wash my uniform every day and also help around with my young siblings. (13-year old female child respondent)

The above observation could possibly be appreciated in the context of the distances or other inconveniences that the children encounter in the process of performing this duty other than the duty itself. Hence, the burden of water collection and transportation on children is also shaped by the other responsibilities that the children have in their homes as well as school (Sobsey 2002). In this chapter, we identify seven forms of burdens and risks that affect children as they collect water. These include: (i) transportation of water through carrying heavy volumes by hand

for considerably long distances; (ii) several trips to water sources; (iii) health risks associated with collecting water; (iv) the time taken collecting and transporting water; (v) conflicts and fights during queues; (vi) sexual harassment and exploitation; (vii) punishments resulting from collecting water or failure to collect the water; and (viii) the risks of animal attacks.

6.2.1.1 The Burden of Distance and Mode of Water Transportation

Transporting water from water sources to households requires labor or ‘physical effort’ as it involves carrying (e.g., Franks and Cleaver 2007; Sorenson et al. 2011), and depending on the method or technology used and for how long, carrying water can affect children’s health (Geere et al. 2010). In Makondo Parish, where children and their mothers were responsible for fetching water (Asaba et al. 2013), the most common method of transporting water was hand lifting or head loading. Our survey found out that that over 90 % of the female and male children between the ages of 5 and 17 from the households visited carried water by hand lifting or head loading (multiple responses, $n = 602$), while most men and male youths between the ages of 18 and 24 used other transportation means such as bicycles, wheel barrows and sometimes motorcycles. This was because, traditionally, bicycles are regarded as important household assets that are owned and predominantly used by men, male youths and sometimes male children. Most of the children who collected water by hand or head loading complained about various forms of discomfort due to the water containers they carried. These included the fact that carrying the water itself required ‘a lot of physical energy,’ because the load is always heavy for children, and they have to carry the water over long distances. Children aged about 10–11 years-old could be seen carrying jerry cans of a capacity of 10 l (equivalent to 10 kg) and 13–17-year olds carrying 20-liter jerry cans (see also Asaba et al. 2013). In Nakabugo parish in Wakiso district, a 9-year old girl interviewed while collecting water from a point-water source indicated that she makes three trips in the morning and three in the evening carrying a 10-l container, for a total of 6 trips for 60 litres.

I use this 10-litre Jerry can we pick three times in the day and three in the evening.
(Interview with a nine year old girl, Nakabugo Parish, Wakiso sub-County, Wakiso District)

The distance covered by children and women from their households to water sources is used as an approximation of the burden faced in collecting water (e.g. WHO and UNICEF 2000). In the particular case of Makondo Parish, the average distance from households to water sources in at least 4 of the 15 villages was about 0.8 kilometers – falling within the 1.5 kilometers limit set for access to water in rural Uganda (Ministry of Water and Environment (MWE) 2007). However, 22 % of the survey respondents indicated that the distance from their households to the water points was at least 2 kilometers or more, meaning that the children had to travel such distances every day to fetch water. In other parts of Western and Northern Uganda, the burden of distance is even worse; children carry water for distances of up to 5 kilometers (Carter et al. 2005; Danert and Motts 2009; Thompson et al.

2001). In Makondo Parish and indeed other parts of rural Uganda, children and women carry water from “improved” and “unimproved” water sources that are mostly located in valleys, contributing to the burden of access. In most of the cases, water is carried uphill on rugged paths and surfaces, which pose a risk of falling down due to tripping over such un-even paths. Tripping and falling not only leads to injury but also damages containers, attracting punishment or verbal abuse for the children by the caregivers/parents.

6.2.1.2 Time Spent and Trips to and from Water Sources

The time spent collecting water is often described to include the time spent moving to a water source, drawing the water and moving or walking back home (e.g., Coles and Wallace 2005; Ray 2007; WHO and UNICEF 2010). This time measures not only how people in rural developing communities obtain water (Roy and Crow 2004), but also the real burden of fetching water (Whittington et al. 1989; Arku 2010; Boone et al. 2011). The time burden is exacerbated by the high rates of water source breakdowns at improved point-water sources, especially the hand pumps that are fixed in specific points or locations due to the nature of the technology used (Mugumya 2013).

The long periods taken while fetching water were cited as major impediments to children who collected water in Makondo Parish. The survey revealed that children and women spent between 30 min and 1 h moving to a water source, drawing water and returning home, while the males spent between 10 and 30 min per single trip due to using bicycles as means of water transportation. Thus, most of the people who spent more than 1 h collecting water per trip were female and male children, their mothers or adult female caregivers. In places with hilly terrain, using bicycles is rather untenable for water transportation by both men and children, but particularly for the latter category who cannot easily ride or push a bicycle on such terrain whether loaded or free.

The other factors that increased children’s ‘time burden’ with regard to collecting water were droughts and long dry seasons, which increased scarcity of water and led to the drying up of near-by water points. Other studies from rural Uganda corroborate this study findings that children spend several hours daily collecting water and that the situation worsens in the dry seasons. For example, the Human Development Report (2006), which highlighted the poverty dimensions of the global water crisis showed that children in rural Uganda spent between 3 and 6 h a day collecting water (UNDP 2006).

Another important process with regard to understanding the time spent burden of fetching or collecting water is the number of trips made to water sources (Sorenson et al. 2011). The survey in Makondo Parish examined the daily trips that men, women, male and female children and youths made to their water points. The survey revealed that while all the gender groups mostly visited their nearest water points one to two times a day, the highest number of trips to water sources (four or five times a day) were mostly made by female and male children (15 % and 13 % of the responses

combined, respectively, $n = 602$). This trend, which was confirmed in focus group discussions and participant observation sessions, shows that children made more daily trips to water sources than men and women and were, therefore, more time burdened by water collection. Another study on the quantity of water consumed in rural households in Eastern Uganda corroborated this finding and noted that over 95 % of the trips to water sources were made by children and women combined (Sugita 2006).

6.2.1.3 Health and Death-Risks for Child Water Collectors

As noted earlier, carrying water by hand or head loading is uncomfortable for children. The female and male children (and some women and youths) who collected water using this method in Makondo Parish complained about several health problems. The main health problems mentioned included chest pain, headache, fatigue and nasal bleeding. These ailments resulted from the longer hours these individuals took fetching water daily, as well as the many trips they made to distant water sources and using rugged and hilly roads. Nasal bleeding, perhaps a more worrying ailment locally known as '*okukanuka*' in Makondo or '*okwerumika*' in Nakabugo, was highest among children and was mainly reported by female survey respondents in Makondo who sometimes helped their children to off-load the water as soon as they arrived from the water points. In their study of Uganda's water sector and domestic rain water harvesting, Danert and Motts (2009) observed that the physical burden of carrying water over long distances can lead to curved spines, pelvic deformations and numerous other injuries in children and women. Indeed, a 9-year old child carrying 60 l of water in 6 trips daily has potential to affect not only the child's physical but also emotional wellbeing.

Furthermore, children face other health complications such as physical injury and even fatal accidents in an endeavor to fulfill their water collection responsibilities. The risk of drowning, for example, is higher for children who collect water from open, "unimproved" water sources. In Makondo Parish, three children were reported to have drowned at open wells or ponds located in the villages of Makondo, Kiganjo and Wajjinja, and all the incidents happened as the children were trying to draw water from the unprotected water sources. The Kiganjo case happened during our data collection period and involved a 4-year old girl who had gone with her older siblings. These and other health problems or risks that children face while collecting water in rural settings have not been given much attention in Uganda, yet they affect the physical and emotional well-being of minors and their families.

6.2.1.4 Conflicts Related to Water Collection at Peak Hours

At peak hours (usually early morning and evenings), queuing for water at the source is one of the aspects of water collection (Franks and Cleaver 2007) that increases the time burden for children in the developing world (Ray 2007). Children in rural Uganda are burdened by queuing for water, especially at "improved" water sources such as protected springs and shallow wells.

Nearly one-third (26.7 %) of the survey respondents in Makondo Parish acknowledged that long queues were a major problem they faced during water collection from an “improved” source. The long queues were caused by the limited number of functioning pumps in the Parish that are shared by households from several villages, and worse still, by high usage at peak hours (morning and evening) and by low water yields at shallow wells due to long dry spells. Focus group discussions and observations at the water points in Makondo and Nakabugo showed that most of the individuals that queued at the water sources were children, followed by women, who queued for periods of between 2 and 6 h during droughts or long dry seasons.

The findings from Makondo Parish are consistent with those of other studies done in some parts of rural Uganda. For example, a study on domestic water supply in Amuria and Rakai districts in Eastern and Southern Uganda respectively reported that the high breakdown of boreholes led to congestion and long queues at water points, which increased the waiting times for children and women (Ademun 2009). Children (and women) queuing at “improved” water sources especially in late evenings and during long dry seasons has also been reported in many other parts of rural Uganda (e.g., Government of Uganda 2011a, b; Rudaheranwa et al. 2003).

Study findings revealed that in addition to queuing, children endured fights and verbal abuses at the water sources. Key informant and focus group discussion participants in Makondo Parish noted that it was during queuing times that physical and emotional exchanges and abuses among water collectors increased. Often, long queues prompted fights among children, between children and youths and between children and adults, mainly due to impatience as some water users would try to disregard queuing in order to minimize the time spent collecting water. As a result, younger children tend to suffer more as observed by parents in Nakabugo Parish, Wakiso where additional interviews were conducted.

The young ones can’t do anything; instead if pushed out of the queue they stand by the side and wait for the adults to finish collecting water and then they can also fetch. Sometimes they come back with empty containers. (Group interview with parents of children water collectors, Nakabugo Parish, Wakiso District)

In a show of their masculinity and physical energy, male children and youths forcefully disregard queuing and hence generate fights with younger children or female children of the same age. Physical fights between children themselves were observed during the participant observation sessions in Makondo Parish. The fights often resulted in injuries, especially among the young boys and girls. Indeed, study participants in focus group discussions revealed that their children sometimes returned from water collection trips with minor cuts or swelling on their hands or other parts of their bodies.

6.2.1.5 Sexual Harassment and Exploitation and Other Attacks

Sexual harassment and other forms of verbal and physical attacks (e.g., Sorenson et al. 2011) on young children who collect water are common but often unreported problems or social processes. In Makondo Parish, for example, three cases of child

rape were reported, all of which caused fear and anxiety among children, especially girls. Girl children were also verbally attacked at water points. Many of the girls interviewed in Makondo and in Nakabugo affirmed that boys often insulted them using vulgar or unpleasant language which made them feel uncomfortable.

As a result of this, a good number of parents and community members concurred that in such circumstances boys are safer than girls to go collect water:

For me I think it is the better for boys to fetch water because girls face a lot of problems down there at the wells....They [boys] beat them because they are weaker than the boys.... The children fight and also learn bad words [vulgarism] and bad behavior from others. (Group interview with women in Nakabugo Parish)

6.2.1.6 Punishments Related to Water Collection

Parents or caregivers of child water collectors tend to punish the children for delays in reporting home with water on grounds that the children were wasting time by playing instead of executing the responsibility of water collection. Based on the study findings, punishments against children over water collection fall under two categories: (i) punishments administered in homes by parents and caregivers, and (ii) those administered in the presence of other members of the community by an elder or the adult offended by the child's behavior. Whereas none of these is necessarily acceptable, the punishments administered by an adult or elder other than the child's own parent/caregiver and in the presence of other community members seemed to potentially inflict more emotional and psychological damage on the child.

Interestingly, some parents/caregivers regretted that they unfairly administered punishments to the children because in many cases delays are not the children's own making but other contextual circumstances.

Sometimes we beat our children from delaying at the well forgetting that the adults push them out of the lines causing them to delay to pick up water. Some of them fall down and get hurt. (Group interview with women, Nakabugo Parish, Wakiso)

In Nakabugo Parish, Wakiso District, interviews with women also confirmed punishments to child water collectors based on perceptions of delay, damage to the containers used to collect water, or refusal to collect water.

Yes sometimes children refuse to go and collect water... I beat them because they are the ones who want to eat! We force them to go and pick water whatever time....It is us the mothers who punish the children although some big brothers and sisters also tend to punish the young ones if we are not there [not at home].

Interviews with children also confirmed that punishments are administered to them especially when they delay too much in their trips to and from water sources, and the punishments are administered mainly by their mothers, grandmothers or other female caregivers, who understandably are the main water managers at the household level (Magala 2014).

Our grandmother beats us and sometimes she refuses to give us food, and may stop us from bathing in any water that is available in the house... (12-year old boy, Nakabugo Parish)

6.2.1.7 The Risk of Animal Attack

Children in Makondo Parish face the risk of being attacked by animals while collecting water, especially at “unimproved” sources. For example, survey respondents and participant observation participants expressed fears over frequent sightings of ‘big’ snakes at one of the open wells in Makondo village. These snakes were said to have coiled around the edges of the well in the afternoons and in the evenings, especially around 12 noon and between 3 and 4 pm in the dry seasons, and at 7 pm or after during the rainy seasons. Children (and women) said they heard sounds of foxes (locally known as ‘*ebibe*’) and saw mysterious ‘white lights’ coming from the same well at night, usually in the late evening i.e., after 7 pm. Previous literature on how water collection exposes children to verbal, physical and animal attacks in Uganda (and other parts of rural Africa) is hard to come by, yet this problem represents one of the major burdens they face.

6.3 Discussion and Conclusions

In most of sub-Saharan Africa, it is considered normal for children to get involved in work regardless of the time, effort or general burden on the child, particularly because of economic hardships commonly experienced at the household level. Water provisioning as a chore remains at the center of the socialization of children as many communities in sub-Saharan Africa view child work as good for child socialization (Bray 2003). This, however, is not unique to sub-Saharan Africa. The difference could be other areas have technological advancements and better water access programs, which create a lighter burden with less risk to the children. The benefits of the work for the growth and development of children will depend on a number of factors including, the nature or type of work, the workload and the conditions under which the work is performed as our study revealed. When it is performed away from home and, as in the case of water collection, transported on the head or in the hands, the risk is higher because the child is not in close supervision by an adult caregiver or parent. As already mentioned, water provisioning, especially in rural areas of Uganda and the rest of sub-Saharan Africa, involves long distances and the use of open water sources, which are not only unsafe for consumption but also pose a risk of fatal accidents for minors. Some of the studies have also highlighted other accidents on roads or foot paths to and from the water source (e.g. Sorenson et al. 2011; Asaba et al. 2013).

Increasing globalization and human and child rights movements have in the past few decades shifted their thinking and approach to considering child work on the African continent as abusive and risky to a child’s physical and emotional well-

being and well-becoming (Abebe and Bessell 2011; Basu 1999; Bonnet 1993). These movements have spearheaded and advocated for policies and laws that criminalize engagement of children in work that potentially undermines full enjoyment of their fundamental freedoms and rights. However, these policies and laws have, until today, remained bedeviled with paradoxes of enforcement due to social and complex dynamics embedded within the African social, cultural and economic fabric and compounded by general household and child poverty (Onyango and Lynch 2006; Witter 2004). The argument here is that developed policies should be accompanied by structural improvements that would, for example, reduce the distance to the water sources. What the individual households may not be in position to do, the community can try to accomplish. A pragmatic, action-oriented watersourcing program can help reduce the risk to children.

Related to this complexity, experts in the fields of child labor and child protection in Africa have often advocated for social protection policies and strategies that seek to prevent children from joining paid labor and less on actions that seek to minimize or mitigate risks and vulnerabilities associated with domestic work (Andvig 2001; Grootaert 1999; Haspels and Jankanish 2000; Hemson 2007). In addition, none of these strategies has adequately illuminated policy and intervention options specific to the rural domestic water collection known to be dominated by children and women, and posing a range of risks and vulnerabilities to them. As discussed earlier, rural water supply challenges continue to bedevil sub-Saharan rural communities, and children remain the most affected by the distances, terrain, queues at water sources, punishments from caregivers, fights and risks of assaults, and accidents, including fatal ones. In the next section, we propose some policy and intervention approaches based on the above discussion.

6.4 Policy and Service Options That Could Promote Child Protection in the Rural Domestic Water Supply Sector

Nearly all the risks and vulnerabilities faced by child water collectors relate on the one hand, with the gaps in the quality of rural safe water service delivery (the supply side), and on the other hand, with household and community inability to build the necessary resilience (the demand side). Therefore, policy and intervention actions for the protection of child water collectors need to innovatively target these parameters. As earlier mentioned, we do not necessarily want to promote child work, but given the contextual barriers to a child work-free environment in sub-Saharan Africa, and the fact that certain roles such as water collection and transportation have been socially defined for children, we argue for the need to embed child protection in rural safe water services provisioning, focusing on both the supply and demand sides.

6.4.1 Ensuring Sustainable Access to a Functional Improved Water Facility

The single most important area of consideration from the supply side of public services is to ensure that all supply barriers of access to safe water are addressed. In Africa, access to water is skewed against rural populations, where less than half of the population use any form of improved water sources. Distances covered are still unbearable for young children, even if functionality of the water technologies may be high, and this is made worse by breakdowns of these facilities. As indicated earlier in the introductory sections of this chapter, coverage for safe water in rural sub-Saharan Africa and Uganda continues to average around 64 %. Studies have also shown that poor functionality of improved point-water supply technologies (e.g., MWE 2011a, b) further exacerbates access problems. Community involvement and trust for the structures established to oversee operation and maintenance of water sources remains critical, but based on some recent studies (e.g., Mugumya 2013), communities lack the necessary support to ensure that these entities play their roles. This missing support could best be provided by local authorities and technical people who are currently pre-occupied with complaints about lack of incentives to facilitate their movement to provide such support to communities.

6.4.2 The Need for Service Providers to Deliberately Promote Rain-Water Harvesting

The majority of households in both rural and urban Uganda and the rest of Sub-Saharan Africa cannot afford piped water household connections. For some, the water just passes by their vicinity or depends on stand pipes. The main technology options used for water supply improvements in rural areas include protected springs (23 %), shallow wells (25 %), deep boreholes (41 %), piped water schemes (gravity fed) and pumped piped water schemes (11 %), valley tanks and rainwater tanks. Boreholes are the most widespread technology, whereas valley tanks are the least implemented (MWE 2014). This means that the vast majority of Ugandans rely on point-water sources that inevitably call for water transportation on heads, bicycles or other means such as a wheelbarrow.

Investing in safer water technologies such as rain-water harvesting facilities at the community level and in households with appropriate roofs will help ensure that long queues and the distances walked by children to water sources elsewhere are avoided, at least during the rainy season. This would also minimize the fights and verbal attacks that potentially leave lasting damage to the cognitive well-being of youngsters. Again, not all can afford the harvesting and storage equipment, but community level investments, especially uphill/hilltops, would go a long way in making a positive impact.

6.4.3 *Water Sources Need Community-Based Caretakers with Knowledge of Child Rights*

We propose that all water sources (whether improved or not) should have water source caretakers who are elected by the community of water users. Such caretakers should be well incentivized by the community and local government authority to be at the water sources and oversee use of the water source, especially at peak hours (mornings and evenings). Such caretakers should also be trained and well-equipped with knowledge of child protection. Some community members in our study also made similar proposals.

We also need some paid men who watch over water collection processes at the water sources... they could ensure that there is order; such a person will ensure that children follow the queue.... they would also control bad behaviors that would result into things like promiscuity around the water source. (Group interview with women, Nakabugo Parish)

Uganda and several other countries in sub-Saharan Africa provide for this in their policy and institutional framework, but the extent to which it has been effective is bedeviled by dwindling motivation especially when the water source breakdowns are very frequent or last long periods of time before repair.

6.4.4 *Innovate on Ways to Leverage Male Involvement in Water Collection and Transportation*

The literature shows that women bear 62 % of the burden of water collection, while the men bear 23 %, girls 9 % and the boys 6 % (United Nations 2012). This literature and findings from our study indeed emphasize not only the need to encourage men (fathers and husbands) to invest in technology for water collection and transportation for their households, but also their direct participation. Koolwal and Van de Walle (2013) have argued that if water collection and other household burdens already fall heavily on children, enhanced productivity of domestic labor due to improved water infrastructure may liberate them to attend school.

Through education and sensitization, men should be encouraged to directly support their children and wives by carrying water even if society norms 'dictate' otherwise, as is partly the case in Central Uganda where our study was undertaken. Men can use improved technology in transportation. Moreover, men are stronger, more resilient to rugged terrain, and could find the time even in the evening or early morning. Encouragement for the men to assist with this chore can come by providing constant messages through radio, television and print media on the health effects of water collection, head/hand loading on the children and the effect head loading and fatigue from work can have on children's cognitive skills. Work for children can only be beneficial to their future adult life if the work is assigned in a way that promotes learning (Goodnow 1988). Parents and caregivers of child water collectors

need to know that when work is conceived as punitive, a burden and inflicting emotional and physical pain in children or adults it ceases to be a source of positive learning.

6.4.5 Promote Child Protection Friendly Community Environments Including Positive Parenting

Children in Uganda are exposed to multiple adversities including lack of access to safe water, HIV/AIDS, malnutrition, lack of access to quality education, and exposure to various types of violence, abuse and neglect. However, care environments in households and in the community may be able to protect children from the impacts of such adversities. If the responsibility for collecting water from point-water sources remains largely that of children and their mothers/female caregivers, smaller children (e.g. 6 year olds and below) should not be allowed to go to open water sources without being in the company of an adult family member or caregiver. At best, they should not fetch water at all, and laws in favor of this and other protections, such as limits on the volumes of water children can carry in a trip or in a day and the number of trips, should also be formulated and supported by local authorities. Enforcement of such by-laws could be a responsibility of both the water source management committees (at the village-level) as well as the village executive councils working in collaboration with village-level child protection committees. Continuous trainings and sensitizations in community gatherings, places of worship, and among children in schools- especially targeting older children – would go a long way in stimulating opportunities for change.

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Chapter 7

Matriarchy in Patriarchal Societies: Burden of Care of Maternal Relatives and Vulnerability of Orphans from HIV Affected Households in Luwero District Uganda

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7.1 Background

The first AIDS case in Uganda was identified in 1982 (Mugerwa et al. 1996). At the peak of the HIV and AIDS epidemic in 1992, some urban areas were registering prevalence rates of more than 30 percent (Green 2003). Overall, HIV prevalence in Uganda started to decline in 1992 and Uganda's approach was heralded as best practice in Africa (Stoneburner and Low-Beer 2004). However, two rounds of the AIDS Indicator Survey in the last decade show that HIV prevalence in the general population in Uganda increased from 6.4 % in 2004–2005 to 7.3 % by 2011, which is consistent with the 2013 HIV estimates showing that HIV prevalence stabilised around 7.4 % in 2012–2013. This undermines claims that Uganda, a country reputed for interventions that drastically reduced HIV prevalence in the earlier years of the epidemic, is experiencing a reversal. United Nations Programme on HIV and AIDS (UNAIDS) argues that the stabilization of HIV prevalence could be partly due to a

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rise in antiretroviral therapy (ART) enrollment from about 330,000 in 2011 to about 750,896 in 2014, and the reduction in AIDS related deaths from 67,000 in 2010 to 63,000 in 2013 (Uganda AIDS Commission and UNAIDS 2015). Uganda is indeed classified as a high burden country with a high number of persons living with HIV. The national projections based on spectrum estimates indicate an increasing number of people living with HIV: 1.4 million in 2011, 1.6 million in 2013, and 1.5 million in 2014, and one million orphans due to AIDS (Uganda AIDS Commission and UNAIDS 2015). Fifty six percent of the Ugandan population are children, and half of those, 51 %, are classified as vulnerable (Ministry of Gender, Labour and Social Development and UNICEF 2015). The latest Ugand National Household Survey (UNHS) shows that 11.3 % of children in Uganda are orphaned, while 38 % are considered to be vulnerable (Uganda Bureau of Statistics 2014). According to Uganda's national OVC strategic plan for 2011–2015, critically vulnerable children include orphans whose rights are not fulfilled, those infected by HIV and AIDS, children with disabilities, children in worst forms of child labor (sexual exploitation, paid domestic work, illicit trade), children experiencing violence (sexual violence, abusive homes), street children, children in contact with the law, children in child-headed households, children in armed conflict and any other children in need of immediate care and protection. The moderately vulnerable children include children out of school, child mothers, children in impoverished households, children involved in harzadous work (domestic violence, informal sector, commercial agriculture, trafficking), children living with elders including parents with disabilities, children in hard to reach areas (landing sites, fishing communities, nomadic communities, mountainous terrain). The United States of America *President's Emergency Plan for AIDS Relief* (PEPFAR) has developed an operational definition of vulnerable children to refer to one who is living in circumstances with high risks and whose prospects for continued growth and development are seriously threatened (PEPFAR 2006).

The burden of care for orphans due to AIDS and other diseases and conditions is high, as is the burden of care for other vulnerable children. In the Ugandan context, an orphan is defined as a child below the age of 18 years who has lost one or both parents (Ministry of Gender, Labour and Social Development 2002). Twenty-five percent of households in Uganda care for orphans and the proportions are increasing. Households with orphans are large, having 7.2 persons on average, while those without orphans have 4.8 persons on average (Ministry of Gender, Labour and Social Development 2002).

Among the orphans, children living in child-headed households and on the streets are particularly vulnerable. Being without the support and care of parents or substitute parents, they require extra support to meet their various basic needs. A large body of literature shows that children affected by AIDS are vulnerable in almost all aspects of their lives (UNICEF 2003). They are less likely to receive schooling, more likely to suffer from greater malnutrition and more frequently forced into dangerous child labour (UNICEF 2004). Girls are at a greater risk of sexual abuse (UNICEF 2004). Orphans and vulnerable children (OVC) are also susceptible to poverty and emotional distress and are vulnerable to various forms of

exploitation (Gilborn et al. 2002). Africa's households have responded to the orphan crisis with great stoicism (McPherson 2006). UNICEF (2003) shows that in every Sub-Saharan country, extended families have assumed responsibility for more than 90 percent of orphaned children and this trend has continued to date. While formal systems of care exist, these are weak in Uganda due to limited resources and capacity in programming for orphans and vulnerable children (Bukuluki and Mubiru 2014). Thus, the informal system consisting of the nuclear and extended family is still the major institution for orphan care (Ankrah 1993; Nyambetha et al. 2003) despite the challenges it faces due to monetization and urbanization (Ntozi and Nakayama 1999; Nyamukapa and Gregson 2005).

There are quite a number of programs to support orphans and vulnerable children in Uganda. The International Reproductive Health Institute (IRH) and Sustainable Outcomes for Children and Youth (IRH-SOCY) reported in 2015 that interventions to address issues affecting children and adolescents in Uganda began in the 1990s with the ratification of the United Nations Convention on the Rights of the Child (1990) and the African Charter on the Rights and Welfare of the Child (1990). Later conventions resulted into the Millennium Development Goals (2000), the Declaration of Commitment on HIV/AIDS, United Nations General Assembly Special Sessions (UNGASS) on HIV/AIDS (2001), and a World Fit for Children Declaration (2001). State-driven interventions that benefit orphans and vulnerable children surfaced in Uganda in the 1990s and developed into the National Orphans and Other Vulnerable Children Policy (NOVCP) in 2004. These programs have promoted a set of services including health, education, psychosocial, and nutrition support.

Although high levels of funding have been put toward such programs, orphans and other vulnerable groups continue to suffer poor health and development outcomes due to a range of factors including limited ability to access services, poor management of services, and overwhelmed systems and human resources to meet their daunting needs (Institute of Reproductive Health et al. 2015).

Gender compounds the dilemmas faced by OVCs (Institute of Reproductive Health et al. 2015). In a patriarchal society like Uganda, attitudes and expectations of what are considered ideal behaviours and roles of girls and boys can worsen existing challenges in accessing services or benefiting fully from programs designed to serve vulnerable children. In these contexts women tend to have lower access to credit, land ownership, and customary inheritance rights. Women find themselves relying heavily on marriage and giving birth to male children to secure customary inheritance. Women are twice as likely as men to lose land that they inherit (20 % vs. 8 %) (Doss 2010; World Economic Forum 2014; Institute of Reproductive Health et al. 2015), while "gendered patterns greatly affect women's and children's economic security, particularly when the husband or father dies" (Institute of Reproductive Health 2015:10).

Only 11 % of the 8.6 million children considered critically or moderately vulnerable have been reached with external support services (UNAIDS 2014; Institute of Reproductive Health 2015). Given the current gaps in the formal OVC social protection programs, the informal social protection mechanisms continue to shoulder a high burden of care for orphans and other vulnerable children.

It is in this context that this study explored how kinship and being a relative of adults affected by HIV impacts the basic rights for orphans in a patriarchal, low-resource setting. The study took particular interest in findings that emerged from studies that maternal relatives were increasingly shouldering the burden of care and providing support for both the parents living with AIDS and the orphans (Bukuluki 2008). It then explored the implications of these findings for the wellbeing of orphans and protection of their rights in the context where social protection for orphans hinges largely on the informal traditional social support systems.

In the context of collectivism¹ in Uganda, the extended family still plays a crucial role in OVC care and support. However, the trend seems to show that maternal relatives increasingly play a more central role in care for OVC in many societies in Uganda, yet it is paternal relatives who have the cultural mandate and claim over the children (Bukuluki 2008). Maternal relatives are taking center stage in providing care and socialization of orphans in a patrilineal and patriarchal society in which children are identified with the paternal/patrilineal lineage in terms of clan identity, ideology and belonging. In the 'African' worldview, kinship is based on reciprocity and sharing as well as participation in socialization and provision of care and support for relatives, especially children and the elderly. The critical questions are: how will the increasing tendency for paternal relatives to distance themselves from care and social support of OVC affect meaning and practice of relatedness, including how orphans regard having or being a relative to other family members, particularly among households affected by HIV/AIDS? Why are maternal relatives motivated to shoulder the burden of care for OVC while the paternal relatives tend to distance from their 'traditional roles of OVC care and support? What implications do the findings about differences in care and support and everyday relationships between OVC and paternal and maternal relatives have for policy and programming, particularly in respect to foster care? Should we be prioritizing maternal relatives in making arrangements for foster care for OVC? How do we use the dynamics that characterize care and support relationships of maternal and paternal relatives to understand and inform our decisions about what constitute stable or supportive settings within which OVC can get long term care and social support?

¹ Hofstede (1991: 51) observes that "collectivism... pertains to societies in which people from birth onwards are integrated into strong, cohesive groups which throughout people's lifetime continue to protect them in exchange for unquestioning loyalty." Two important aspects of collectivism are the suppression of the self in the interest of the community or "the idea that the identity of an individual is not separable from the socio-cultural environment" (Ikwenobe 2006: 53) and the notion of "we are" as a basis for defining identity instead of "I am."

7.2 Methodology

7.2.1 Design

The study applied an exploratory design because limited data exists about the research problem at hand. The research therefore delved deeply into questions of subjective experience and situational meaning (Denzin & Lincoln 2000) of concepts and practices related to orphan care. We relied on qualitative methods of in-depth interviews, informal conversations, and participant observation to tease out latent issues that are typically in the background (Eriksen 1995; Moeran 2007) and at the implicit level of culture that cannot be overtly observed and discussed in the public realm (Helman 2007; Moeran 2007).

7.2.2 Study Area

The study was conducted in Luwero District, located in the central region of Uganda. It is about 65 kilometres from Kampala City. It has both rural and urban characteristics. Luwero was affected by the ‘Bush’ war that lasted five years led by National Resistance Army rebels (1979–1986). It is one of the districts with high HIV prevalence, estimated at 9.0 % (Ministry of Health et al. 2011), which is higher than the national average of 7.3 %. Thus the number of parents living with HIV/AIDS and orphans is high in this district. The area has quite a number of Non-Government Organizations (NGOs) the most active among them being Plan International, a leading NGO in promoting orphan care in the area for the last five years. Eighty percent of the population living in Luwero are ethnic Baganda (Luwero District Abstract 2008). They belong to the Bantu tribal categorization (Uganda Bureau of Statistics Projections 2010).

We used purposive sampling to select study participants (Hardon et al. 1998) based on relevant characteristics, experiences and knowledge about the research questions. The study targeted paternal and maternal orphans as well as double orphans (those who had lost both parents) to understand their experiences with the rituals they underwent following the death of their parents. Caretakers, cultural leaders, elders (women and men) and service providers were also targeted to appreciate their experiences in relation to relatedness and orphan care.

7.2.3 Data Collection

We conducted four focus group discussions (FGDs) and nineteen key informant interviews (and kinship diagrams) complimented by informal conversations and participant observation. FGDs further enabled us to grasp issues in terms significant

to informants (Ekblad and Bäärnhielm 2002). All interviews and discussions were conducted using unstructured research instruments with key themes, but participants were not limited to the themes while expressing their opinions and sharing their experiences until all themes reached saturation (Pergert 2008).

7.2.4 Data Analysis

Thematic and content analysis techniques were applied to analyze the data. Data was organized and analyzed under the major themes drawn from the research questions and themes in the interviews and focus group discussion guides. However, it also included additional themes that emerged from the interaction with study participants (Whyte 1984) and guided the study.

Interviews and focus group discussions were recorded, transcribed and translated. Data from participant observation was recorded in a daily journal/diary and used throughout analysis (Crang and Cook 2007). We were always thinking about the data we collected, reflecting on it and using it to reformulate and refine our research aims, identifying new and more important issues that emerged out of the data, and listening to study participants. In addition, we constantly reviewed the transcripts, especially in the evenings, keeping a written record of what we made of them in relation to the key research questions. Once the fieldwork was completed, we conducted ‘formal’ data analysis. Thus the ‘formal phase’ of data analysis was more of re-analysis and/or further analysis rather than initial analysis (also see Crang and Cook 2007).

The study was approved by the Uganda National Council for Science and Technology. Informed consent was obtained from all study participants and permission from their institutions to be recruited. All data was stripped of identifying information and secured under lock and key and on computers with password protection.

7.3 Results

7.3.1 Maternal vs. Paternal Kin in Orphan Care

During our fieldwork phase, informal discussions, group discussions and observation revealed that there is a growing tendency for the maternal kin, especially the maternal grandmothers, to take more responsibility for the future welfare and care of the orphans. This was astonishing to us because, traditionally, in a patriarchal society like Baganda, the paternal kin are supposed to take the initiative in providing care for the orphans of their deceased relatives or adult children.

Among the Baganda, children belong to the clan of their fathers and parents are ideally supposed to be at the center stage in claiming custody rights. During the time we spent with HIV and AIDS affected households in Luwero, it became evident that in most cases the maternal grandparents and their kin were playing a more active role in ensuring the welfare of orphans than the paternal grandparents and kin (also see Ingstad 2004). This by no means indicates that all paternal grandparents were apathetic to fulfilling their role in orphan care for their grandchildren, but it was a noticeable reality that maternal grandparents and kin were showing far more concern about their grandchildren who had lost their parents than the paternal grandparents and their kin (also see Geissler and Prince 2004).

The maternal relatives are very concerned and are giving me more assistance in raising and meeting the children's needs than the paternal relatives. (in-depth interview, mother living with HIV)

Relatives from the maternal side including maternal grandparents take care, because for my case, when my husband died all his relatives did not care. It is only my brother who helped me and he is living with one of my sons. (in-depth interview, widow/mother living with HIV)

7.3.2 *Motivations by Maternal Kin to Care for Orphans*

One of the arguments for this trend that was advanced during discussions with elderly women who were maternal grandparents was that “a grandson or granddaughter from their daughters is clear proof that this is their own blood and kin.” They noted that children from their sons are subject to question. It is not clear if they are really the children of their sons or they belong to other men. “Only the mother of the children or wife knows the true father.” It is possible that paternal grandparents may be struggling to raise children who in the actual genealogical sense belong to other people. There are therefore more reasons to doubt children from sons but no reason to doubt the grandchildren from their daughters. Could it be that maternal relatives take their care decisions consciously and rationally?

Grandparents from the mother's side tend to take responsibility because culturally they say that “*omuzzukulu yennyini y'ow'omwana omuwala*” meaning that “the real grandchild is the child from your daughter.”

The other reason that participants frequently used to rationalize the tendency for maternal grandparents to be closer to the grandchildren after the demise of the parents is that economically productive parents tended to be closer to and offered more support to the maternal grandparents of their children than to the paternal grandparents. Some study participants noted that the husband is always under pressure from his wife to provide support to his in-laws (also see Bukuluki 2013). In most Ugandan cultures including Baganda, a husband is expected to have resources to support his in-laws whenever they have a need. In Luganda there is a demeaning proverb for a poor in-law; “*Omuko omwavu y'ayasa enku ku buko*.” Literally meaning that; “it is

a poor son-in-law who does donkey work at the home of his father-in-law.” In most cases, the son in-law meets the costs of maintenance not only for his parents-in-law but also for the siblings of his wife (brothers- and sisters-in-law). This generally builds a warm, supportive, and closer, relationship between the maternal relatives of the children than the paternal ones.

It depends on the relationships between the wife and relatives of the husband. For instance if I got married and more help is taken to my wife’s side than my parents’ side and I neglect to support my parents, then if I die the children in most cases are taken by the maternal side because when I was alive it was the side I used to cater for that feels responsible for my children more so because of that affection. (in-depth interview, mother living with HIV)

Daughters take care of their parents more than sons. The sons just take problems to their parents and daughters tend to help their parents more. When daughters get married they tend to cater for their parents. That is why the husband is forced to help more the side of his wife. This is why in most cases the maternal side takes more responsibility. Also for the husband if he has been treating his parents well they will take good care of the children when he has died but this rarely happens. (informal group discussion, elderly women)

7.3.3 *Materialistic Arguments*

Materialistic arguments were also cited among the factors that created rifts between the widow, her children (orphans), and the paternal grandparents. It was argued that the main interest of paternal relatives is the material wealth left behind by their son and how much of this wealth they can take away from the widow and the orphans (Luginaah et al. 2005). There is less interest in the emotional and future welfare of the orphaned grandchildren. The key stake is the estate of their deceased son and how they can get access to it for their own benefit. This is especially so if the father of the children had some property like land, cows or even a house. If the deceased father had property and the paternal grandparents meet resistance from the widow in acquiring it, they would abandon her and the grandchildren associated with her.

AIDS has been a factor accounting for the change in grandparenthood. For example if the husband was very rich and eventually dies, the father will be concerned about the wealth, not the children being left behind by his son and in this case if the widow tries to resist on the wealth, the grandfather can hate the widow and her children. (in-depth interview, AIDS, widow living with AIDS)

It happened to me. They told me, ‘why don’t you take your children to your relatives and leave this place?’ This is brought up because of material concept. These people care about material, for them they want property but from the maternal side it takes good care of the children and even you yourself for the side of the paternal side what they care for is when you are going to die and they share their property. (FGD, male parents living with AIDS, Katikamu)

A case study from one of the middle-class fathers living with HIV, whom we choose to give a pseudonym Kokolyoko, is a lawyer by profession and illustrates the increasing level of mistrust between parents of orphans/Persons Living With HIV

and AIDS (PLWHA) and their paternal relatives, particularly their brothers and fathers. Kokolyoko works with one of the large government corporations in Uganda. He has a daughter and wife. Kokolyoko and his wife are an HIV discordant couple where he is HIV infected while his wife is uninfected. He is very politically active, and in 2003, he campaigned for the parliamentary seat of his constituency. During the campaigns, he bought household property and motorcycles, which he kept in the house that he had built close to that of his parents. What surprised him is that when he left the village for a few months to go to the city for political and professional networking, his father would not allow his wife and, in many cases, his daughter to have any say over the property or even touch the motorcycles. He literally took over ownership of these properties without even the consent of Kokolyoko. When this happened, Kokolyoko kept his cool but learned something. This scenario confirmed his earlier suspicions that in the event of his death, his father and other paternal relatives would only be interested in his property, and they would exclude his wife and daughter from benefiting from his estate. He also noted that:

If my parents can behave like this before I die, what would happen when I am dead? This scenario forced me to build my own house very far from home because our parents look at our household property as an extension of theirs. I have also written a will to protect my daughter and wife from violation of their property rights.

The concerns made by Kokolyoko are very critical and are a common expression of many parents who own some property and would like their children to fully benefit from their estate. Many fathers and paternal relatives see the property of their sons or brothers as an extension of their own wealth. Parents of adult children perceive the property of these adult children to be their own (parents') and not necessarily for their grandchildren. It is worse if the grandchildren are girls. The cultural perception is that females cannot inherit property. Thus, neither the widow nor the granddaughters would have the cultural rights to claim or assume ownership of the property, especially the land and house(s) of the deceased. This creates antagonism between paternal grandparents, their grandchildren, and the widow or daughter-in-law. Amidst such property wrangles, the only place to take refuge for support is with the maternal grandparents and relatives.

7.3.4 *Semblances of Matriarchy in Patriarchal Settings*

The growing influence of maternal relatives including the female and male kin may cause one to ask the question: Is matriarchy being reproduced in patriarchal societies in the context of care and support for orphans and vulnerable children? Indeed, analysis of the experiences of study participants shows that *matrilineality* may be perceived to be gaining ground and beginning to co-exist with *patrilineality* in the study area. Maternal relatives (both male – “bakojja” and females – “ba maama”) are growing in influence over orphans due to the closeness and support they are providing to the orphans. In the case of AIDS, children lose their parents when they

are very young and maternal grandparents are literally, and in practice, becoming their foster parents. This may have an effect on the future concept of relatedness and kinship. It creates a paradox. How are the orphaned children who are denied care by paternal relatives going to perceive them in future? What constitutes a relative or relatedness in the context of these children and their paternal relatives? Do these children perceive themselves as belonging to the paternal relatives or to the maternal relatives? Traditionally, the paternal grandparents were supportive of their grandchildren and made full claim of them as belonging to their clan. They shared almost everything with these children, but with these changes in relatedness between paternal grandparents and their grandchildren and the increasing influence over these children by maternal grandparents and relatives, the pattern of relatedness and meaning of a relative may substantially change in future.

Our findings indicate that inter- and intra-family relationships between the families of the husband/father of the orphans also influence the response of maternal grandparents and other maternal relatives to the orphans and the widow. For example, in an in-depth interview, Teresa, a 31-year-old widow with three children, narrated what happened when her husband died. Teresa's father in-law had three wives. The relationships among the three wives and their children was that of antagonism, competition and hatred. Each wife was accusing another of bewitching her and her children. The half-brothers of her husband have the financial capacity to assist her and help look after the orphans but because the family is disunited, no support comes from the paternal relatives or the half-brothers, who do not share the same mother with my husband.

7.3.5 Meaning of Relative and Relatedness Becoming Dynamic and Flexible

The deconstruction of the previous ideal relationship between paternal grandparents and their grandchildren and the construction of new (basic and strategic) relationships between maternal grandparents and their grandchildren, which involve taking on more roles as primary providers and/or foster parents, makes these findings relevant to the new kinship debates and makes a case for conceptualizing kinship as "relatedness." The idea is that relationships should be seen as "constructed through everyday practice" rather than given as an imagined "nature" or formal existence of kinship ties (Carsten 2000:17). The grandchildren and their maternal grandparents use their daily trajectories to create and recreate relationships through everyday interactions, care, and affection that enhance their interaction (Whyte and Whyte 2004). These interactions may largely exclude paternal grandparents/relatives from the intertwined futures between the maternal grandparents and their grandchildren. This questions the original tenets of influence that paternal grandparents and relatives would have had over these children's futures.

7.4 Discussion and Concluding Remarks

Overall, maternal kin, especially grandparents, are playing a critical role in meeting both the material and emotional needs of orphans and children of parents (adult sons and daughters) living with AIDS. They are also playing a role in planning for meeting the strategic needs of their children that can contribute to their self-sustenance, especially through ensuring that their grandchildren stay in school and linking the children to their network of relatives. This is done through writing memory books and mobilizing assistance from the other relatives to help children attend school. Some of the children could not imagine a future of self-sustenance without the contribution of their grandparents in meeting their educational requirements. There are cases, however, where grandparents are too sick, frail, and old to be of substantial assistance in providing care and contributing to the strategic needs of their grandchildren. AIDS has also started to change relationships between grandparents and grandchildren from those of equivalence, warmth, and intimacy to those of being primary parents, providers and socialization agents (see Fortes 1949). This is increasingly blurring the distinction between alternate and proximate generations. There is therefore a need for orphan care and support programs to directly target maternal grandparents (and maternal kin) and support them in ensuring better welfare and protection for their grandchildren. Current programs tend to ignore maternal grandparents and only interact with them long after the death of the parents. Grandparents, especially from the maternal side, provide a great resource as an intermediary between the ailing parents, the supporting agencies, the children, and other relatives that ought to be optimally used to enhance the future welfare of the children.

The findings also demonstrate that maternal relatives (grandparents and the mother's brother) are playing a critical role by meeting the basic and strategic needs of the orphans and vulnerable children. We see less support coming from paternal grandparents and relatives. This makes the question raised by Christiansen (2004) about the concept of relatedness and the redefinition of who is a relative relevant to the current orphan care discourses. Is it a question of being related by blood or is it about the daily practices of sharing, exchange, reciprocity and care? In this case, if children are receiving what they expect from maternal relatives, but much less, if any, from paternal relatives, how is this likely to change their perception of who their real relatives are? This raises the question of how patrilineal systems are practiced in the communities where we see maternal relatives growing in influence and taking over fosterage roles from the paternal relatives. Ingstad (2004) found the same trend in her study in Botswana on relationships between grandparents and grandchildren where maternal relatives were increasingly stepping in to fill the gap in orphan care due to the increasing number of AIDS orphans.

It was also evident that traditionally, the relationship between grandparents and their grandchildren was largely associated with the conventional rich intimacy and warmth (Fortes 1949) through storytelling and teaching children about norms and values of the community in much less authoritarian ways. This has changed in the

time of HIV and AIDS. Because of their role as primary care providers and foster parents, they have to find a balance between intimacy and discipline of the grandchildren (Nyambedha et al. 2003). The distinction between alternate and proximate generations gets blurred as grandparents begin to assume parental roles for their grandchildren due to the devastating impact of HIV and AIDS (Alber 2004; Notermans 2004).

Conclusively, therefore, this paper has demonstrated that grandparents are becoming a major pillar for the social security of orphans and vulnerable children in the context of HIV and AIDS. It particularly shows that maternal grandparents are central actors in meeting the basic and strategic needs of their grandchildren especially from parents living with HIV and AIDS in low-resource settings. In terms of policy and programming, this implies that OVC support interventions need to explore ways of targeting maternal relatives as partners in promoting the social protection of orphans and other vulnerable children. The challenge of paternal grandparents/relatives being reluctant to fulfill their obligations to participate actively in responding to the immediate and development needs of orphans should be addressed through establishing well-coordinated and long-term partnerships with the cultural/kinship structures, like the extended family and clan leaders, who have the cultural and moral mandate to challenge and mobilise their members to respect their cultural values and obligations. Therefore, there is a need for advocacy to ensure that the paternal relatives fulfill their cultural and human rights bound responsibilities of child care, especially in the context of relatively weak and poorly funded formal OVC social protection systems. Quintessentially, questions remain on the continuity of the legacy of the kinship system if the paternal relatives in a patrilineal setting do not stand up to their constantly demanding and dynamic responsibilities of care for OVC.

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Part III
Culturally Specific Forms of Child
Maltreatment

Chapter 8

The Female Genital Mutilation Economy and the Rights of the Girl Child in Northeastern Uganda

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8.1 Introduction

Female genital mutilation or cutting (FGM) is one of the oldest forms of child rights abuse in 28 countries in Africa, Uganda inclusive (28 Too Many 2013; Morison et al. 2001). In these countries, over three million girls are at the risk of dehumanizing “torture” and “harm” annually because of FGM (Gruenbaum 2001; Sagna 2014). There are cultural and context variations in the way the cutting is done. The cutting may involve total or partial removal of external female genitalia and other forms of injury to the female genital organ for non-medical reasons (World Health Organization 2008).

Several African countries have taken initiatives to eliminate FGM. In Uganda, for instance, the government criminalized it through enacting and ratifying local and international laws and conventions. The notable ones include the 2010 FGM Act, the 1985 Convention on the Elimination of All Forms of Discrimination against Women, and the 2010 Protocol to the African Charter on Human and Peoples’

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Rights on the Rights of Women in Africa (Mujuzi 2012). Other initiatives include massive community awareness on the health risks of FGM, provision of alternative livelihoods to FGM surgeons, promotion of girl child education, and, among others, propagation of alternative rites of passage (28 Too Many 2013). All these initiatives have been implemented by the government of Uganda in partnership with a plethora of local, national and international agencies.

Despite all the above mentioned measures, FGM persists in the northeastern communities of Uganda, particularly among the Sabiny, Pokot, Kadama and Tepeth who occupy the current districts of Kapchorwa, Kween, Bukwo in Sabiny region and Amudat and Moroto in the Karamoja region. Following the passing of the FGM 2010 Act, the prevalence of FGM in the northeastern region of Karamoja rose from 1.8 % in 2006 to 4.8 % in 2012 (Uganda Bureau of Statistics, & ICF International Inc. 2012). While its incidence declined from 2.4 % in 2006 to about 2.3 % in 2011 (28 Too Many 2013), FGM is still prevalent in 50 % of all Sabiny women above 15 years (Uganda Bureau of Statistics & Macro International Inc. 2007; Uganda Bureau of Statistics & ICF International Inc. 2012). Nationally, the estimated FGM prevalence for females aged 15–49 years is 1.4 % (Uganda Bureau of Statistics & ICF International Inc. 2012). This is considered relatively low, but it represents an increase from the estimated prevalence of 0.6 % in 2006 (Uganda Bureau of Statistics & Macro International Inc. 2007). Although in the communities that practice FGM, over 80 % of women and girls are affected. The increasing prevalence of FGM in Uganda, amid surveillance and other strategic efforts to eradicate it, led us to question the motivation of its perpetration. This chapter contributes to an understanding of the socio-economic drivers of FGM in a poorer and more remote environment of Northeastern Uganda. Drawing on the lived experiences of Pokot and Sabiny children in the 4 districts of Northeastern Uganda, it examines the local economy of FGM and how it perpetuates and sustains the practice in these communities.

Whilst several studies in Sub Saharan Africa explain the persistence of FGM in terms of deeply entrenched moral, religious and cultural norms and values such as identity, marriageability, chastity, fidelity and rite of passage into womanhood (Odoi et al. 1997; Sagna 2014; Shweder 2000; Munir 2014); we argue that the economic motives and imperatives of its perpetrators significantly sustain FGM in these communities. We show that fathers, elders and surgeons, among other perpetrators, condone FGM not only for its moral, symbolic and other social values, but also because of its perceived economic benefits such as increasing the capacity of the family *kraal* -- an enclosure where animals, especially cattle, are kept, which in this context reflects the value that people in this region attach to owning many animals (see also Mafabi 2011). Given these benefits of FGM, the risks to the health, education and sexual and reproductive rights of the girl child, although widely acknowledged, are largely disregarded. The objective of this chapter is to review and discuss some of the major reasons behind the continued prevalence of FGM in spite of the legislation and other response mechanisms to address FGM practices.

8.2 Methods

This study was mainly exploratory and descriptive, drawing from qualitative interviews and discussions with the main actors involved in the practice of FGM, those affected and other key informants with information about the practice. Data were collected in the districts of Kapchorwa, Kween, Bukwo and Amudat. The research process was highly participatory involving a variety of relevant stakeholders and partners at different levels. The study used a multi-stage purposive sampling strategy at the national, district, school and community. At the national level, data were collected from several civil society and non-governmental organizations. At the district level, the team visited all the project districts of Kapchorwa, Kween, Bukwo and Amudat. Discussions were held with district officials in charge of children's issues including the Probation and Social Welfare Officers (PSWOs), Police Child and Family Protection Unit (PCFPU), the Resident District Commissioner (RDC), District Education Officers (DEOs), Chief Administrative Officers (CAOs), Community Development Officers (CDOs) and local leaders that address reported cases of child abuse. Other agencies (NGOs) working on areas of rights promotion and the protection of children against violence and traditional harmful practices at the district and sub-county levels were also interviewed. In undertaking qualitative methodologies, rather than commencing with a pre-determined sample size, we relied on the saturation theory which pre-supposes that we recruit participants continuously up to the point where similar information continues to recur (Pergert 2008). We employed four methods namely: focus group discussions (FGDs), key informant interviews (KIIs), observation and secondary data analysis through document review.

As such, the team conducted 13 focus group discussions, comprising of 8–12 participants with parents, the general community, child protection committee members and children in selected sub-counties. In addition, 50 KIIs were held with teachers, head teachers, members of parents/teachers associations, school management committees, PSWOs, CAOs, CDOs, and DEOs. The team also interviewed other duty bearers including police officers in the Child and Family Protection Unit, staff of community-based organizations and nongovernmental organizations (NGOs) operating in the study districts, members of Child Protection Committees at different local government levels, and other opinion leaders in the communities.

Finally, the study team carried out documentary reviews including: police reports (to establish the prevalence of FGM in the districts), project documents (including the project work plan and log frame, project background documents etc.), working papers, journal articles and grey literature on strengthening community-based child protection systems, and protection and rehabilitation of children who have experienced violence.

In terms of analysis, KIIs and FGDs were transcribed in verbatim into Microsoft Word. Unique identifiers were assigned by gender and number to the informants for confidentiality. All transcriptions were translated into English. Data were then coded and analyzed using NVivo QSR; a qualitative text analysis software of grounded theory.

8.2.1 *Ethical Considerations*

Informed consent was obtained from all respondents prior to the interviews. Study participants were informed about the purpose of the study and the scope of the issues in the FGD and interview guides. While the study did not go through a formal ethical approval process, it adhered strictly to the child protection codes of ethics and practices of the agencies that sponsored it. Action Aid Uganda, Uganda Child Rights NGO Network and Uganda Society for Disabled Children all have very elaborate child protection policies which guide both their staff and researchers whom engage with children on their behalf. Confidentiality was ensured in data management, and only aggregate information without subject identifiers is reported. All data were secured in a safe location accessible only to the study team. Permission was obtained from the relevant Ministry and local government units in the districts where the study was conducted.

8.3 Findings/Results

8.3.1 *Manifestations of FGM Among the Pokot and Sabinu*

Since FGM was outlawed in 2010 by the Act of Parliament, there is a feeling that the tradition is dying out. However, our results show that the tradition may have merely evolved in the ways it is practiced. Cases involving cross-border dealings and undercover practices that do not only endanger the lives of those involved but perpetuate the practice were reported in both Amudat and Sabinu, home of the Pokot and the Sabinu respectively.

A study commissioned by Action Aid International Uganda in 2014 shows that 19 % of participants in Amudat have experienced FGM (Ochen et al. 2014). While the figures were lower at 15 % in Kween, 7 % in Kapchorwa and 5 % in Bukwo, they, like those of Amudat, are many times higher than the national average of 1.4 % (Uganda Bureau of Statistics and ICF International 2012). In the communities we studied, there are contrasting perceptions on the prevalence of the practice. In the leadership circles for example, FGM is perceived to have reduced in scale, while individuals within the community perceive FGM to have merely gone underground. In Sabinu, the incidents of FGM are perceived to be currently minimal amongst children, but shifting to married young women/mothers. Given the high incidence of early marriages in these areas, some of the so called young women/mothers may still be children. This trend is mainly perpetuated by husbands who desire circumcised women to reduce the likelihood of extramarital affairs.

“The men here lack confidence and fear competition. Once the women are mutilated the men feel secure, as not many men, especially the elite, are interested in mutilated women.”
(Interview with district leader, Bukwo)

This desire is accompanied by societal pressures and stigma against uncircumcised girls and women. Besides being constantly mocked, their sociality is constrained.

“Uncircumcised girls cannot be allowed to collect cow dung for beautifying their houses from the neighbourhood. They are also not allowed to socialize with others who are already circumcised.” (FGD with parents, Kween)

“My mother told me that if I don’t circumcise, I will not be allowed to socialize with my friends and even get a man in future.” (FGD with school children, Kapchorwa)

“Some of us who are not circumcised, we are bullied a lot by the community members especially our age-mates- boys and girls who are already circumcised. They say we have seven private parts and that we smell a lot because we are not circumcised.” (FGD at Kalas Girls Primary School)

According to one district official in Bukwo, about 90 % of the women and girls succumb to the pressures of husbands and the community at large. In several of the cases the girls and women are circumcised immediately after delivery. The cutting is normally disguised as part of postnatal care for the mother.

“Some ladies are taken for FGM after delivery so that the responsible authorities are not alerted about what is going on. This still puts their lives at risk because of the associated health hazards.” (Elder, Kween)

Whilst men are identified as the key perpetrators of FGM in both Sabiny and Pokotland, in the latter case fathers and the larger family are the main players.

“In Bukwo, FGM is mainly engineered by the husbands (it’s a weapon of domination), whilst in Amudat, it is the girl’s family.” (Local leader, Bukwo)

In both these two communities, the tradition is perpetuated by a patriarchal system of social organization that promotes the social, political and economic dominance of males. The main decision makers on key social and economic issues, including marriage and the negotiation of bride price, this system are the fathers. For instance, we found that some mothers did not wish to have their girls circumcised or married off at a tender age, but they had no say because of their low social positions.

“We are abused because our mothers are not allowed to talk on our behalf. Once a woman gets married and produces children, beating starts. They start saying that after all I was forced to marry you or I was just helping you by getting married to you because nobody was willing to take you. Since I have paid my cows, you have no voice. Therefore, most mothers who wish their children to study encourage them to run away to school.” (FGD, Kalas Girls’ Primary School)

Parents and community members also use gifts to lure girls to undertake FGM. .

“Here, most people, especially parents and relatives, persuade the young girls into the FGM practices because of the gifts they give them during the ceremony.” (Elder, Bukwo)

Threats of divine sanctions particularly, illnesses are also used to make girls submit to FGM.

“Some parents here especially in the rural areas deceive their children that if you don’t get cut, you easily fall sick and can easily get diseases.” (Elder, Kween)

In some cases, FGM is deliberately executed in secluded places, such as the wilderness and remote villages. It is no longer the public ceremony it used to be in the past. The native communities of both Amudat and Sabiny are aware of the provisions of the 2010 FGM Act and the surveillance by the police and other local actors such as the Resident District Commissioner (RDC) that followed its enactment. To avoid anti-FGM operations, cutting ceremonies are now discreetly conducted in hard to reach areas.

“In the past, cutting was a public function associated with a lot of celebration. The celebration would go on even when the girls healed. But nowadays it is done inside the huts which are built in the bushes very far from the town.” (Elder, Amudat)

For the Sabiny evading surveillance at times means crossing over to Pokotland to have the children circumcised there. There is also a tendency to disguise FGM activities as banal assignments handed down to children by well-meaning parents. One elder in Kween indicated that parents may pretend to be sending their daughters to the wilderness to collect firewood when in actuality they are sending them to FGM surgeons operating within the wilds.

We also found that when the surveillance team in the districts becomes a deterrent, the children are sometimes taken as far as Western Kenya, where the surveillance is relatively lax, to be circumcised.

“FGM is still stealthily being conducted and some girls from Amudat cross to Kenya for FGM while others go deep in the villages where there are no access roads.” (In charge, Family and Child Protection Unit, Amudat)

“We have girls running to Kenya to have it done and coming back once they are well and we have some who have run away from the practice and reported almost being forced into it.” (In charge, Family and Child Protection Unit, Kapchwora)

These revelations suggest that FGM is probably more prevalent than it is reported and/or acknowledged. The shifts could be viewed as adaptations to the extensive campaigns against FGM from civil society organizations and the constant surveillance instituted by the law enforcers to monitor the practice in the area.

8.3.2 *Circumcise, Get Married and Give Me Cows*

Cattle remain the primary measure of wealth among the Sabiny and Pokot. For prestige, wealth and a medium through which males in the family obtain wives, individuals and households accumulate and maintain cattle at all costs. As such, bride price is one of the major ways through which Pokot and Sabiny households accumulate and replenish cattle. Bride price constitutes items brought by a prospective groom (or his family) to the prospective in-laws as part of the negotiations for marriage. It mainly comprises money, cattle, goats, clothes, household items, jewelry, and other such important items. Between 5 and 12 heads of cattle among the Sabiny may be paid as bride price, but it can go as high as 60 heads among the Pokot (28 Too Many 2013). Other items included in bride price include goats, sheep and

money. This makes girls a valuable source of the much valued symbols of wealth and prestige, the cattle. Our findings, for instance, show that families and fathers in particular support circumcision and early girl child marriages primarily for this reason. The symbolic and moral values of FGM do not appear to be the main basis of their decisions to circumcise and marry off girls as many field discussions reflected.

“We are banks of cows where the community is expecting to get cows. Each one of us will cost 35 cows and above so long as one is beautiful, young, hardworking and when you get married you will be the one to do all the work in the home like building, cooking, fetching water, burning charcoal and collecting firewood for domestic use and for sale.” (FGD, Kalas Girls Primary School)

“My brother of recent told me to get circumcised and marry to bring cows home because our family does not have many cows. He said I had all the qualities of a good wife but I refused. I really want to study.” (FGD, Kalas Girls Primary School)

“When I was young, a disease affected my right leg and arm and I became lame. My father refused when my mother wanted to take me to hospital. To him it was a waste of money. It was my maternal uncle who took me to hospital and when I became fine he left me under the care of a nurse called Norah who actually put me in school and even provided for all my needs. When she passed away in 2013, I was taken in by the Resident District Commissioner (RDC). (Within the political administrative structure, the RDC is a representative of the President/head of state of the district. He is responsible for monitoring implementation of government programs in the district.) When my father later on came to town, he got me when I was fine and fully grown, he started convincing me to go for FGM and get married, because he needed cows. I refused because I want to study and to become a nurse.” (FGD, Kalas Girls Primary School)

“Parents usually disregard education for the girl child, circumcise and marry them off as young as 13 years so as to get gifts and money.” (Head teacher, Kween)

The economic motives of parents and guardians are further evident in the manner that opportunistic relatives rush to adopt orphaned girls less because they genuinely want to help them, but more because of the wealth they anticipate to reap when they marry them off.

“Orphans are taken care of by their guardians who just use them as source of labour and wealth during marriage.” (Local leader, Kween)

Benintendi (2004) indicates that the Sabiny always included the scarcity of marriageable women in the negotiations for bride price. In a similar vein, the high legal stakes associated with FGM practices today may have further increased the bargaining power of families with circumcised girls. Fathers are, therefore, keen on having their girls cut before finding a suitable suitor for them. It is partly on this basis that, as perceived by a district leader in Bukwo, fathers are “traders who look for the highest bidder after having their girls circumcised.” The sexual and reproductive interests of girls do not matter, for they are given away to the man who offers the highest number of cows whether they like him and/or are interested in marriage or not.

While probing this, we came across cases of young girls whose fathers had forced them to leave school to prepare for marriage against their will. These tendencies were particularly notable amongst the Pokot in Amudat. An FGD participant in

primary seven related how her father had stopped her from going to school when she was in primary four because he felt the time was ripe for her to start learning domestic chores in preparation for marriage. Her pleas to continue schooling had fallen on deaf ears until the RDC of Amudat learned of her case and took her to school against the will of her father. This RDC employs coercive means to enroll and keep girls and boys in school, or to rescue girls from FGM. There are 2 mission schools within Amudat town (one for boys and another for girls) where the children are enrolled and provided with food and scholastic materials. They stay at school for much of the year, including holidays, and only go home at the end of the last term of each academic year. The RDC also monitors their parents to ensure compliance with education.

In another case, an 8-year old primary one pupil of Cheptapoyo Primary School in Amudat district, Susan, was forcefully grabbed from class by her father when her mother, intrigued by her interest and good performance, insisted on keeping her in school. Susan was the first of four siblings, but the only one in school at the time. Her home was in Kalekitiok village, about five kilometers away from the school. She was brought to the boarding section by her mother in 2014. His argument was that she should stay home to learn domestic chores rather than waste time at school.

Among the Pokot, the time girls invest in learning domestic work is factored in to the bride price as they are ‘marketed’ for the highest bidder. Educated girls do not reap many cows. The years spent in school reflect inexperience and little investment in becoming a ‘good wife’; one who can effectively execute all the domestic tasks including the construction of a house for the new family singlehandedly.

This explains why fathers, such as Susan’s, withdraw girl children from school before they get too far. When fathers are satisfied with the girls’ capacity to execute domestic chores, they are circumcised and given to the highest bidder.

“After FGM, you are forced to get married. It does not matter whether you are 10 years, 12 years or even 11 years.” (FGD, Kalas Girls Primary School)

The high economic value of circumcised girls partly explains why parents determinedly take them through FGM even when they are fully aware of its opportunity cost, particularly, the risk of imprisonment, to their health and to their education.

8.3.3 Reciprocity and Solidarity

Bride wealth from marrying off daughters does not only benefit immediate family members. Like in other parts of Uganda, marriage is a communal activity. For this reason bride wealth is shared among the girl’s parents, other clan members and non-kin associates such as friends.

“Girls are traditionally meant for cows and these cows are shared by the clan members and friends. Eventually your parents don’t get many animals but also gain from other clan members and friends when their daughters get married.” (FGD Kalas Girls Primary School)

This system of mutual benefit and reciprocity could explain the solidarity with which communities in both Amudat and Sabiny aid and cover up FGM practices. A police officer in Amudat explained that their anti-FGM operations often abort, because the perpetrators are tipped off by community members. Even the local political and cultural leaders (elders) with whom the police collaborate commonly conspire with perpetrators to obliterate evidence. He told of an incident in which the police were tipped off by the community about some girls being circumcised, then they rushed to the scene and found a knife, blood and porridge but the girls and the surgeon had already taken off. They could not identify the surgeons or parents involved for prosecution. Neither could they get their collaborator, the Local Council One (LC1) chairperson of the area, who seemed to have vital information about the perpetrators to testify in court. He added that LCs not only hardly report cases of FGM and forced marriages to the authorities but also coach children to lie when perpetrators are arrested. It should be noted that the Local Council One is the chairperson of the village and therefore the most senior government representative at village level. Thus they are expected to enforce compliance to the legislation in place. In this case, the LC seemed to have abdicated his duty, possibly in return for some monetary inducement.

Whilst one of our respondents attributed such collusion to the cohesiveness of and strong traditional values that obligate Pokot to protect each other, our results suggest that such actions may be motivated by money and other material things from perpetrators. A couple of children in Amudat indicated that they found it hard to seek the assistance of elders when they were forcefully circumcised because, in the words of one of them, “most times they want something and so whoever takes something wins the case.” Another police officer reported a case of a LC1 chairperson who refused to give evidence against the father who had been implicated in circumcising his daughter when he promised to share with him the cattle he anticipated to get after marrying off the girl.

In Kween, an officer working for Action Aid indicated that LC1 committees solicit money from perpetrators to help them cover up FGM and other child rights abuse cases. These findings strongly suggest that a wider community of the Pokot and Sabiny, including community leaders, benefits directly from FGM. These economic benefits could partly explain their reluctance and connivance to abandon and sustain the practice, respectively.

8.3.4 FGM Is a Matter of Economic Survival

Besides fathers and spouses, FGM surgeons are arguably the other key perpetrators of female circumcision among both the Sabiny and Pokot. Surgeons are no ordinary community members. Their prestigious role is a preserve for members of particular families ordained by the spirits to perform a function that is central to the cultural heritage of both the Sabiny and Pokot. Therefore the involvement of surgeons is indispensable to the continuity of FGM; it simply cannot take place without them.

Their service is, nonetheless, not free. It is appreciated in cash, other goods or resources, or both. We were informed that besides money FGM surgeons may receive cows, goats and chickens for their services.

Circumcising girls was the main source of livelihood for the FGM surgeons before it was outlawed. In recent years, several initiatives have been taken to dissuade surgeons from conducting FGM. Notable among them is their sensitization about the health and legal implications of FGM and the initiation of alternative income generating activities to encourage them to abandon the practice. Reach-Uganda, an anti-FGM NGO, for instance, gave cows to surgeons in the Sabinu region to entice them to denounce the practice.

However, current measures have not been able to deter all surgeons from conducting FGM. Our findings suggest that their defiance is largely connected to the enormous economic benefits of FGM in view of the high levels of poverty that afflict most surgeons and the community at large. The FGDs we conducted with them revealed that they were fully aware about the legal and health implications of circumcising females. They also acknowledged that the practice was at the heart of their heritage, and therefore, difficult to stop but cited its *lucrative* nature as the primary reason they could not resist from indulging in it. When asked for their role in the promotion of FGM, a middle-aged surgeon from Amudat explained their dilemmas as thus:

“We really fear the practice nowadays because of the law against it. But we can’t say that the practice has stopped. Some of us are still involved in it because it is a good business. You get money, cows and even goats from it.”

Another surgeon participating in the same FGD added,

“We accept and support the government and NGOs initiatives against girl child circumcision which has brought a lot of harm. But we the surgeons have benefitted from it so much that it is not easy for us to stay without it.”

A highlight of the monies and material valuables surgeons are usually given in exchange for their service can help us put their dilemmas into perspective. Among the Sabinu, FGM surgeons earn between 10,000–20,000 Uganda shillings (about \$4–8 US Dollars), a hen, cow, and goat per girl circumcised. Among the Pokot, a surgeon may receive up to 600,000 Uganda shillings (about \$150–200 US Dollars) or a cow per girl circumcised. Surgeons also are offered local brew which is a non-verbal way of thanking the surgeon for honoring the invitation. It should be noted that depending on the actual locality, there is almost no difference in costs incurred by the Sabinu and Pokot. The Sabinu tend to put more emphasis on the cows, hens and goats while the Pokot prefer to state the costs in monetary terms. It could be that it is more culturally acceptable among the Sabinu to converse about rewards to the surgeons in form of animals (and hens) than money.

In a region endemic with chronic poverty and lack of meaningful alternatives, the economic prospects the practice of FGM offers to surgeons are simply too difficult to resist. This was the view of most of our respondents. During an FGD with parents in Kween, an elderly gentleman attributed the persistence of violence against children (including FGM) in rural areas to poverty. He explained that surgeons were, for

instance, always practicing FGM because they were given money and other things like goats and local brew for their services. An official in the education department of Kapchorwa also attributed the persistence of violence against children to poverty and pointed out that surgeons always campaign for FGM because they earn money and gifts from the practice. In Amudat, a group of elders cautioned that FGM could only be reduced if surgeons were given money or involved in 'serious' income generating activities by NGOs or government. They opined that surgeons were apparently benefitting a lot from the practice, and that it was the main source of livelihood for the majority of them. All these views suggest that for the surgeons the continuity of FGM is more a matter of economic survival than mere cultural preservation.

8.4 Discussion

FGM is a critical child rights concern in Pokot and Sabinu communities. Lack of awareness of legislations against it can neither adequately explain its continued existence, nor can one convince the world now that FGM communities are not aware of the gruesome level of child rights abuses associated with it or its reproductive health effects. The cultural, religious and aesthetic justifications for FGM among other explanations are important, but they also may mask the importance of economic explanations. Our findings strongly suggest that the economics of FGM largely explain why FGM persists (Uganda Bureau of Statistics and ICF International 2012) despite decades of interventions against it and community experiences with its lifetime of side effects. The major interventions implemented against FGM in Uganda include: legislation against it; Back to School and Stay in School campaigns implemented in 2012 by the civil society jointly with the state and other development partners; and the introduction of alternative rites of passage that involve training girls in wifehood, sexuality and reproductive health issues such as HIV/AIDS without necessarily having them undergo FGM.

There are many non-economic arguments that offer explanations for the survival of FGM, but we argue that they are secondary and have alternative explanations. For example, one may want to argue that as nomadic hunters FGM was introduced in the Sabinu and Pokot communities to tame sexual libido in women and for easy control of when, with whom and how they have sex (Opesen 2016). This however, is rebuttable with one livelihood question: why does it exist among the "Pipa tich," the non-nomadic dichotomy of the Pokot that cultivate? Also, why is it that while the Sabinu are no longer nomadic, the practice continues in 50 % of their girls secretly in the hills or across the border? Certainly, the men are settled home now and FGM women with their known limited libido cannot meet their sexual urge and frequency expectations. This is partly the reason men are polygamous in these communities (28 Too Many 2013; Namulondo 2009; Nalaaki 2014).

FGM also has been explained as traditionally making a positive contribution to socialization into adulthood, age sets and age grades. However, like other parts of the world, socialization has shifted from the homestead to school, peers and media.

From the perspective of space and place dynamics, however, it is also possible to argue that there is a lot of inequality in access to education opportunities in this region vis-à-vis the rest. This partly explains why, for instance, only 12 % and 6 % of the male and female population respectively in Pokot region is literate compared to at least 65 % in the rest of the country (Uganda Bureau of Statistics & ICF International Inc. 2012).

This makes it important to emphasize the value of contextualizing interventions. The failure of current interventions to eliminate FGM may be partly due to their failure to contextualize their designs and implementation mechanisms. To the realists, for example, the argument is that the outcome of any intervention is a product of its mechanisms (design issues) and context within which they may be implemented (Gombachika et al. 2012). This probably explains why FGM has come down to 50 % in the Sabin community with the current interventions favored by peace and settled life, but stayed at 95 % in the Pokot community (28 Too Many 2013; UNICEF 2013) where insecurity and nomadism are still high and hinder access to formal education, FGM law enforcement, and discussions for behavioral change. To bring FGM to zero, there is need to contextualize these and more innovative interventions from space, which claims universal application of interventions, to place which treasures context specificity and sensitivity of interventions (Bukuluki 2013; Sachs 1992). Sachs (1992) argues that universalistic cultures do not subscribe to any place; they are space rather than place centered. He postulates that their mental style is not linked to any place but “rests instead on the concept of space” (1992: 219). He aptly states that “universalists aspirations are space centered while localists world views are mainly place-centered” (Sachs 1992: 219). This distinction demonstrates the tension between the protagonists of cultural relativism and universalism in development studies (also see Bukuluki 2013). More so, we argue for the need to nurture and create space for hybridity that emerges out of the negotiation between cultures rather than suffocate it in favor of the local context or universals. Legislation against FGM as an FGM intervention should, in its design and implementation, not ban the FGM cultural processes that benefit masses through socialization and religious symbolism, when there are no viable and adequate alternatives in place. Let there be a cultural dance. Let the people drink. Let them socialize but forbid cutting, otherwise resistance becomes inevitable. Because in its current design even these processes are prohibited, resistance has been high with the trend of FGM rising in Karamoja from 1.8 % to 4.8 % after the passing of the FGM bill in Uganda in 2010 (Uganda Bureau of Statistics & ICF International Inc. 2012). When Kenya enacted a similar law in 2011, there were protests and cross border attempts to subvert the law, and FGM increased (Nalaaki, 2014; Namulondo 2009; Salonen 2012). We also underscore the fact that the current alternative rites of passage put in place by NGOs, mainly REACH and ZOA, are still not accepted or even recognized by the community because of the feeling that they are prescriptive and not contextualized (Opesen 2016). Contextualizing them means negotiating with, training, and co-opting the divinely ordained actors and specialists to deliver the alternative rites of passage curriculum in situations synonymous with FGM in the traditional setting, not in urban settings like Amudat town (Opesen 2016). In his critique of the current rites of passage that award initiates graduation certificates,

Opesen (2016) locates the ridicule piled at these alternative rites of passage on the fact that they are done in the hotels of Amudat town not in the *kraal* or in the wild and by religious leaders, civil society and health workers who are not traditionally recognized or spiritually ordained. Certification of graduates in place of FGM has not helped the process either, for it is still perceived by warriors as fraudulent and many still pay more bride price for the FGM girls even when it comes with negative sexual and reproductive health consequences like fistula or labor complications (Opesen 2016). It has not also worked for economically rational parents who continue to take the risk of taking their daughters through the blade as a tool for determining higher bride price rather than certification in the alternative rites of passage. Economically rational surgeons also do not want to miss out on money, livestock and gifts that come with a successful FGM process. Unfortunately, most of the current intervention approaches are also largely influenced by the western biomedical positionality that prefers only incorporation, rather than dialogue and partnership/collaboration with local resources and stakeholders (Ventevogel 1996). Incorporation methods do not provide the opportunities for dialogues to look for the good things in a culture and discuss how best to retain the good ones and discard bad cultural practices, leaving society isolated. Such approaches can bring oppositions and resentments and limit program success (see also Mgbako et al. 2010). A dialogue approach provides more space for interaction and dialogic engagement, which can generate community consensus. In recognition of this limitation, UNESCO developed a cultural approach that emphasizes the need to identify cultural resources and harmful cultural practices, building on cultural resources and discouraging harmful practices to minimize the limitations in the current biomedical legalist approach that for decades has failed (Bukuluki 2013; Sengendo et al. 2000).

In the context of the patriarchal society within which the FGM tradition operates, economic empowerment of women and attempts to address the poverty of the mind need to be given attention that is contextualized to changing places and times. In Pokot and Sabinu communities, for example, this will not only reduce school drop-out for FGM as parents are more willing to sell livestock to meet school fees, but women will also have a say on harmful practices like FGM. Unfortunately, it is evident that most FGM interventions have long neglected these core issues of transformation and change. Some interventions have also bypassed the local leadership that understands the context best. This has generated general lack of political will to stop FGM and other forms of violence against children in the local leaders. Several key informants observed this among their local council committee members who became only interested in child rights initiatives championed by the civil societies that they expected to give them monetary benefits.

8.5 Conclusion

Overall, any discussion of the persistence of FGM in Pokot and Sabinu communities must give primacy to the key role of FGM economics and how it is translated in culturally acceptable ways. Further, to address limitations of current FGM

interventions and to uproot this tradition in Pokot and Sabinu communities, attention should be paid to the extent FGM is situated within these cultural and economic contexts. There is a need to rethink current responses to FGM with a view to developing more culturally appropriate interventions. Alternative sources of earning a livelihood for the practitioners is a pressing need. Efforts should also have a focus on sustainable community mobilization and sensitization in order to change community attitudes towards FGM.

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Chapter 9

Dilemmas of Child “Sacrifice and Mutilation” in Uganda: Meanings, Causes, and Explanations

Paul Bukuluki, Simon Fellows, and Ronald Luwangula

9.1 Introduction

The phenomenon of child ‘sacrifice’ and the mutilation of children has in the recent past been on the increase in East Africa, especially in Uganda. Prior to this study, information on this practice was anecdotal, largely based on hearsay and press reports. The findings of this exploratory qualitative study show that sacrifice and mutilation of children occur in many parts of Uganda. Body parts, blood and tissues are forcibly removed from children, often when they are still alive. This paper presents findings generated during 2 months of fieldwork in Western, Central and Eastern regions of Uganda. The study generated 140 firsthand interviews where informants had either seen body parts, blood or tissue missing from a body or had seen body parts, tissue or blood after they had been removed from a body. The bottom line is that although sacrificing animals and offering part of the harvest from farms is part of the traditional culture in Uganda, child sacrifice and mutilation is not part of the mainstream culture in any of the Uganda’s ethnic groups. This phenomenon was more of a myth but has gradually become a sub-culture for people who believe in human and child sacrifice and mutilation. This is perpetuated by fraudulent traditional “witch doctors” who thrive on manipulating their unsuspecting clients to assure them that mutilation and human or child sacrifice is the panacea to their misfortunes. This study also found that parents and communities do not passively observe these events. Some attempt measures that are within their reach, including ear pricking (piercing) or scarring for both

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boys and girls, and circumcision for boys. These measures are premised on the belief that children with pricked ears, scars, or who have been circumcised (for the boys) are not eligible for sacrifice because they are no longer pure and intact in terms of shedding blood. It is generally believed that the fraudulent witchdoctors who preside over child sacrifice and mutilation demand children who are still “pure,” meaning without any marks on their bodies which indicate that the child could have shed blood for one reason or another. We do acknowledge however, that while the belief system and practice of ear pricking, scaring and male circumcision are perceived as preventive against child sacrifice and mutilation, they constitute an abuse in their own right, and hence a dilemma. The practices not only inflict pain on the child but are also non-medical. Moreover, there is no evidence so far to suggest that they are necessarily in the best interest of the child. In addition, the environments within which they are done, let alone the equipment used are unhygienic.

9.1.1 Setting the Context

The concept and practice of child protection have gained prominence in the last two decades, reflected particularly through implementation of the principles and provisions of the United Nations Convention on the Rights of the Child (UNCRC), African Charter on the Rights and Welfare of the Child, International Labour Organisation (ILO) Conventions, the Millennium Development Goals (MDGs), and currently the Sustainable Development Goals. Many countries world over including in Sub-Saharan Africa (SSA) have made significant strides towards translation of the different international treaties and standards through enactment of national laws, policies, programs, plans of action and services that foster child protection. However, many Sub-Saharan African countries, and Uganda in particular, have continued to experience emerging and re-emerging abuses against children, including child sacrifice and mutilation (Byansi et al. 2014; Fellows 2013). This condemned “most despicable brand of crime threatening a child’s right to life in Uganda” (Nkhonjera 2009) unfolds amid Uganda’s translation of the UNCRC through the Children Act, and enactment of the Prevention of Trafficking in Persons Act of 2009. Section 5 of the Prevention of Trafficking in Persons Act of 2009 classifies child sacrifice among the forms of aggravated trafficking in children and may be punishable by death.

Although this phenomenon is legally, culturally, morally and religiously unacceptable and is not identified with the traditional African and Ugandan culture there is evidence that it is taking place albeit its scale is not well documented (Atekyereza et al. 2014; Bukuluki 2009; Fellows 2008, 2013; Jubilee Campaign and Kyampisi Childcare Ministries 2011; Kelly 2009; Lively Minds 2012). This contravenes the children’s right to life, health, and protection as enshrined in a score of international human rights instruments and national laws.

In this chapter, human/child sacrifice refers to the murder and mutilation of human beings for a myriad of purposes including organ trafficking, ritual and ‘traditional’ practices such as cleansing, witchcraft, protection from evil spirits,

strengthening the effectiveness of traditional medicine, healing infertility, increasing and preserving wealth, securing marital-sexual relationships and assets (see also Fellows 2008; Ministry of Gender, Labor and Social Development (MGLSD) 2013). Our definition is in harmony with the definition adopted by the Technical Working Group (TWG) on Child Sacrifice (MGLSD 2013). The TWG combines both child sacrifice and mutilation of children, hence conceiving these as: the harmful practice of removing a child’s body parts, blood or tissue while the child is alive. These body parts, blood or tissue are worn, buried, concealed or consumed in the belief they will benefit an individual, family or community. This practice often results in the death of the child.

In Uganda, in almost all print and non-print media, stories of child sacrifice have become a common theme. In 2006, the Uganda Police reported 25 cases of child sacrifice while in 2008, 25 cases of human sacrifice were recorded, of which 18 cases involved children. In 2009 and 2010, 29 and 14 cases of child sacrifice cases were reported respectively (Uganda Police 2011).

In a paper presented at the National Workshop on child sacrifice on the 5th November 2009, the then head of the Anti-human Sacrifice and Trafficking Task Force in Uganda, Mr. Moses Binoga, recollected that while 3 homicide cases of suspected human sacrifice were recorded in 2007, the year 2008 saw an overwhelming increase to 25 cases, most of the dead being children. He further noted that in 2009 alone, 23 adults and 13 children had been reported and confirmed dead under circumstances suspected to be human sacrifice (Binoga 2009).

On a similar note, ANPPCAN (2009) cited in Bienvenu (2011) estimated that close to 3000 children disappear from their homes annually, the majority of whose plight is never known nor documented. Moreover, there is cumulative suspicion among child protection activists that “some of the children reported as disappearance cases are eventually sacrificed” (Bienvenu 2011: 4–5) and their parts used under the mythology of beliefs that children’s body parts, blood and tissues can be used to address different types of issues including overcoming illness, gaining wealth, obtaining blessings from ancestors, protection, initiation, assisting with conception and dictating the gender of child (Bukuluki 2009). Despite the magnitude and severity of this scourge, it is believed that not all cases are actually reported to the police (Whewell 2010). As such, the exact magnitude of the problem remains yet to be ascertained (Bukuluki 2009; Fellows 2013; MGLSD 2013). In spite of the many cases of murder related to child sacrifice that keep being mentioned in the Ugandan media as well as those that reach police, a recent study by Humane Africa observed that there are more cases than what might be reported to the Police (Fellows 2013).

The phenomenon of human and child sacrifice (including mutilation and removal of body parts) is not limited to Uganda or Eastern Africa. Mozambique and South Africa have reported child mutilation for purposes similar to those in Uganda. A case in point is a study by Fellows (2008) which found that more than 65 % of 139 interviews contained a personal, eyewitness account describing experiences of victims and perpetrators. Results of this study revealed that specific body parts are actively sought from live victims in exchange for money and goods for the purpose

of witchcraft and other harmful ‘traditional’ practices. The study further found that in Mozambique and South Africa, “body parts of victims are not only traded locally, but often transported across borders of various countries where there is demand” (Fellows 2008: 11). The study revealed that the beliefs that body parts strengthen the effectiveness of traditional medicines were quite deeply entrenched in the surveyed communities. For instance, 70 % of the 139 people surveyed by Fellows in Mozambique and South Africa believed “that body parts make traditional medicine more effective in solving many problems ranging from poverty to health” (2008: 5). In this study, Fellows studied 139 participants that expressed a desire or willingness to share either a particular account or a specific experience of trafficking body parts. These included among others: local authorities, neighbourhood secretaries, traditional healers’ association members, traditional healers, community members (e.g. peasants, fishermen), perpetrators and their family members, victims and their family members and individuals accused of committing mutilations (Fellows 2008).

9.1.2 *Conceptualizing Sacrifice and Human/Child Sacrifice*

The English term sacrifice has its origin in Latin. It comes from two Latin words *sacer* which infers ‘holy’ or ‘sacred’, and *facer* standing for ‘to make’. This implies that the conjoined term refers to something made holy or through destruction is dedicated to the deity (also see Musana 2014). This paper however, does not delve into these details but recognises the different accounts of sacrifice and human/child sacrifice. We for instance, recognize the accounts by: Musana (2014) about the meaning of sacrifice; John Beattie (1964) about the manifest and latent meaning of the relationship between humans and spirits in the context of sacrifice and what it means to the people engaged in making sacrifices. Filihia (1999) provides historical accounts, narratives and manifestations of rituals of sacrifice in early post-European contact Tonga and Tahiti.

In Africa, Mozambique in particular, Fellows established that individuals are desperately trying to escape poverty and the deprivations associated with it, which makes them susceptible to the witch doctors’ offers of improved health and financial situation (Fellows 2008; also see Bukuluki 2013). As part of ‘*muti*’ practices in South Africa, witch doctors make use of the so-called ‘medicine murder’ or ‘*muti* murder’, where body parts are removed from the bodies of living persons. As noted by Ashforth, the intention is not to kill the victims as such, but it is expected that they will die due to the damage inflicted (Ashforth 2005). Ashforth further, noted that *muti* is a substance fabricated with parts, animals or minerals by an expert person possessing secret knowledge to achieve healing or witchcraft substances (Ashforth 2005). Turrell observed that normally evil was removed by the slaughter of an animal which would open up contact between the living and the dead and its body would be an offering to the ancestors (Turrell 2001). Turrell further notes that ‘ritual killing of a human was required for the acquisition of extra-ordinary powers and this was necessary to win advantage between chiefs. Turrell also noted that

‘ritual murders became more common and out of the chiefly control and became available for ambitious commoners’ (Turrell 2001: 26).

9.1.3 *Some Historical Perspectives on Child Sacrifice Specific to Uganda*

A review of literature written by missionaries in the early nineteenth century on Uganda reveals sacrifices in some cultures in Uganda included animals, birds and on some rare occasions, children. This was more so at times of great challenges. As a case in point, Albert B. Lloyd (1921) writing about Uganda states:

Human sacrifices were frequent, and birds, beasts, and food were dedicated to the spirits. In Bunyoro it was not uncommon for a child-offering to be made to safeguard a village or tribe. A hole would be dug in the ground in which a child would be buried alive up to its neck and left to die, in order that the spirit might intervene and keep back a threatening enemy or a devastating disease. (Lloyd 1921: 2)

In Uganda it was customary at the time of national calamity, as when smallpox or plague was devastating the country, for the king himself to go to the witch doctors or heathen priests to find out from them the cause of the trouble. Often at such times a great human sacrifice would be demanded, and at the instigation of the king many would be caught on the public highroads and led off to the place of public execution as human sacrifices. Sometimes the victim was burned to death; on other occasions he was clubbed or thrown into the king’s lake, to be devoured by the crocodiles kept there for the purpose. There was no sign of worship, just a ghastly butchery with the hope of propitiating the gods. Let it not be forgotten or overlooked that these acts, fearful and repulsive as they were, were not altogether the outcome of the cruel nature of the Baganda, but of ignorance and helpless fear in face of the great mysteries of life. (Lloyd 1921: 4)

Commenting on this literature, Musana argues that though “the tone of the script above is reflective of missionary paternalism and bigotry, it however, underscores the reality and scope of human sacrifice in Uganda in the past” (Musana 2014: 49).

The paradox is that human sacrifice in the past was not carried out by individuals to meet their cultural or religious obligations, but rather whole communities—implying the magnitude of the need. However, to date, it is plausible that due to the invasion of the capitalist economy that places individual needs above those of the community, the drivers of human sacrifice have changed and made children more vulnerable to abuse of rights (Atekyereza et al. 2014; Bukuluki and Mpyangu 2014; Musana 2014). This may partly explain the resurgence of human sacrifices in Uganda today. As rightly observed by Musana:

There are reports existing in the media that allude to the practice being practiced especially by people involved in especially commercial deals and the construction industry. It therefore would look like the sacrifice hypothesis would stand as ‘the greater the project, the bigger the sacrifice.’ (Musana 2014: 49)

Similarly, other scholars have argued that “the fundamental incentive for sacrificing in general and human and child sacrifice, in particular, is to live a better life

characterised by personal health and material possessions (Atekyereza et al. 2014). It has further been observed that in the oral and written literature on societies in African and elsewhere, that wealth is revered and poverty scorned (Achebe 1958, 1960; Atekyereza et al. 2014; Mmumuhungirehe 1984; Nzita and Mbaga 1997). In the pursuit of socio-economic success, people performed different rituals searching for success and retaining it (Atekyereza et al. 2014). Therefore, sacrifices were originally understood and made for atonement of wrong doing so that one remained at peace with the gods and neighbours for more blessings which would include economic success (Atekyereza et al. 2014). The socio-cultural value of the sacrifice was linked to the corrective measures or atonement for wrong-doing. In other instances, it would be for seeking blessings. The larger the request, the more expensive the sacrificial item would be. Originally, these items of sacrifice ranged from chickens to livestock like goats, sheep or cows.

9.1.4 Theoretical Perspectives That Offer Plausible Explanations for Child Sacrifice

There are a number of theoretical perspectives that can provide plausible explanations for human and child sacrifice including: social perception of risk and response (Douglas 1966); ritualization (Turner 1969); witchcraft as an explanation of misfortune (Evans-Pritchard 1976); syncretism, hybridity and the economics of sacrifice.

Rituals as cultural storage units (Turner 1969) have both expressive and creative functions. Turner views rituals as storage units constituted by symbols that are packed with cultural information. Each symbol can be regarded as a multifaceted mnemonic, with each facet corresponding to a specific cluster of values, norms, beliefs, sentiments, social roles and relationships within the cultural systems of the community. Based on Turner's postulation, the expressive element of ritualisation is a response to the demands placed upon an individual, a group of individuals or a community by the social environment. This could explain why, in a number of cases, human and/or child sacrifice was historically carried out in response to a crisis in the family or community that people would not cope with through their ordinary coping resources.

Evans-Pritchard, in his study of the Azande of Sudan and Congo, advanced the role of witchcraft in explaining misfortune (Evans-Pritchard 1976). Every unfortunate event among the Azande, according to Evans-Pritchard, cannot satisfactorily be explained outside a frame of witchcraft. Even when the cause is seemingly natural or otherwise, among the Azande, there must be someone to have bewitched the victim (Evans-Pritchard 1976). In respect to child sacrifice, whose occurrence is hard to understand and interpret through normal causal interpretation, witchcraft is a plausible and considered explanation.

Turning to Turner, the creativity function of rituals is embedded in the various innovations that are entailed in the response to a given threat (Turner 1969). Thus

ritual sacrifice should be understood from the expressive and creative perspectives as social responses to and/or coping mechanisms in the face of the demands in the social environment. Sacrifice is one of the socially constructed responses to phenomena perceived by individuals, groups or communities as grave and extraordinary (Turner 1969). According to Turton (2000), people are more likely to turn to ritualization if they perceive that they are being persecuted by mysterious forces, leading to extreme undesirable social circumstances. These may include heavy and unexpected losses in business, or losing a child or spouse under unexplained circumstances. Similarly, according to Whyte (1997), when people experience such sudden and strange events, they always ask the question 'Why me?' and they draw on culture-bound resources such as rituals or even human and child sacrifice to deal with these perceived misfortunes or life crises that are perceived to outweigh their coping capacities.

Douglas argues that individual notions of risk are influenced by a wider cultural and social context (Douglas 1966). In other words, appraisal of risk is culturally defined. Rituals are used as cultural buffers in response to issues that compromise social security and wellbeing. Seen from this perspective, rituals are perceived to have a therapeutic and preventive function against perceived risk and vulnerability within specific cultural contexts. This is closely linked to the personalistic belief system which perceives misfortune and illness as being a result of seen, but more frequently unseen, forces such as ancestors, spirits and enemies (also see Tabuti et al. 2003). In a personalistic system of belief, misfortunes like illness or death are believed to be caused by the intervention of a supernatural being or a human being with special powers. A supernatural being might be a deity or a dead ancestor. In this system, evil forces may be perceived to cause misfortune in retaliation for moral and spiritual failings. Therefore, misfortunes or crises in a family or community in many cultures including those in Uganda are perceived as punishment for failing to carry out the proper rituals of respect for a dead ancestor. Finally, illness in many cultures is accepted as simply bad karma or bad luck. Coping with a misfortune or recovery from a crisis arising from personalistic misfortune explanatory models of causation usually involves the use of ritual and symbolism, most often by practitioners who are specially trained in these arts. In Uganda, most of these are traditional healers (Bukuluki 2006). Consequently, people may decide to go to traditional healers to find not only therapy but also the culture-bound answers to their questions arising from circumstances they cannot easily explain (Whyte 1997). The paradox is that traditional healing and illness explanations, as well as beliefs in spirits, have continued to thrive alongside Christianity and modernity.

This practice cannot be explained using the notion of dualism, which is value-laden with clear demarcations between good and bad or good and evil, Christian and unchristian. It is better explained by the concept of syncretism,¹ which shows that people can find ways of balancing two opposing forces in their fused self. In the

¹ Syncretism as defined by the *American Heritage Dictionary* is the reconciliation or fusion of differing systems of belief. This is most evident in the areas of philosophy and religion, and usually results in a new teaching or belief system.

public realm, they exhibit that they are Christians, and in the private realm, they still have strong beliefs in the traditional/indigenous religious practices and beliefs. This discourse partly explains the sustained belief in spirits, superstition and witchcraft alongside the dominant religions and modernity. This creates fertile ground for practices that hinge on spirituality or spiritual insecurity and personalistic belief systems that may make people susceptible to engaging in human/child sacrifice.

9.2 Methods

This exploratory qualitative study conducted in twenty-five communities in Uganda's Central, Eastern and Western Regions spanned 2 months of fieldwork. Given the sensitivity of the subject investigated, the research team utilized ten researchers working in nine districts in Uganda to collect data. These researchers were familiar with the cultural background and local languages of the study participants invited to attend workshops and those agreeing to be interviewed. This enabled these researchers to create an open environment for communicating issues relating to child sacrifice and mutilation. Therefore, it was decided to arrange partnerships with three local implementing partners, *inter alia*: Empower and Care Organisation (EACO), Makerere University and Kyampisi Child Care Ministries and employ the services of researchers with knowledge and a strong connection with the local community. These researchers were given four-days of training prior to conducting the research. Twenty-five communities from nine districts (Buikwe Jinja, Kalungu, Kiryandongo, Masaka, Masindi, Mayuge, Mukono, and Wakiso) were chosen primarily because community partners were already established and active in these areas rather than because the researchers felt that these communities would have more cases of child sacrifice. Selection of study participants was done in such a way that through the three local partners, workshops were arranged where participants were invited from whom study participants were eventually drawn.

9.2.1 Workshops and Interviews

In order to create a suitable environment and platform for discussion for such a potentially sensitive subject, it was important to create a relaxed, comfortable and safe environment.

This environment was achieved by arranging workshops within the various communities that were, wherever possible, run by facilitators and/or organizations familiar to those attending. The workshops were conducted in the local language. It was important that as far as possible, the workshop was an enjoyable interactive experience for all those participating. The workshop concept is popular in Uganda and ensuring a high level of attendance was rarely an issue.

The workshops were conducted in the community and were entitled “*Human Rights Workshop*.” Groups from many sectors of society were invited including local leaders, health workers, teachers, women and men. As there was no precedent and little information on which sectors of a community might have information and relevant experiences, multiple sectors were invited. Each workshop followed the same format, with the researchers adapting the presentation to their own style, ensuring the environment was suitable for those attending.

The workshops covered basic human rights definitions with a presentation followed by participatory exercises. These included small group discussions on possible human rights violations, debates and case scenarios. Once the concept of human rights had been established, the groups were asked to split into small groups to discuss various case scenarios and then bring their conclusions back to the larger group. The case scenarios were designed to stimulate discussion and were often ambiguous to generate debates.

One of the case scenarios discussed in the workshop contained an account of a mutilation where body parts had been removed from a child. The term “*child mutilation or child sacrifice*” was purposefully never introduced by the workshop facilitator. This phrase or term was only used once the group themselves mentioned this as their conclusion to the case scenario. The facilitator then followed up on this introduction, by inviting other participants of the workshop to comment. On every occasion in each of the 25 communities, this led to an open discussion on the subject and proved to be an excellent method to encourage people to discuss this potentially sensitive issue.

During this discussion, the facilitator would note who was comfortable talking about the issue of child sacrifice and mutilation. Once the workshop had concluded, the presenter followed up with the “comfortable” individuals and requested an interview, explaining in more detail the purpose of the project and the reason the individuals had been selected.

Some individuals who attended the workshops were encouraged and showed the will to introduce other members of the community who had firsthand information on this topic to the researchers. Furthermore, the workshop provided a platform for people to share news and media reports of attacks, and the researchers were able to follow up on this information to obtain firsthand information.

9.2.2 Data Analysis

Thematic analysis was the main strategy for data processing and analysis. After transcription of audio recorded data, two researchers coded the data by identifying and highlighting emerging themes from the data. Next, they met to harmonize their thoughts by identifying similarities and differences in the codes. This process resulted in reconciliation of codes and agreement on a single coding strategy that was used for the rest of the field notes and transcribed interviews. The resulting codes were organized into themes, which were used to answer the research

questions. Content analysis was used to provide further interpretation of the data to draw conclusions and policy and programming implications.

Ethical approval for this study was obtained from the Uganda National Council for Science and Technology. Given the sensitivity of the study, informed consent and confidentiality was given utmost importance. All data was kept under lock and key and only accessed by senior members of the research team. Participation was voluntary and participants had the freedom to withdraw from the study even after consenting or to not answer questions that they deemed uncomfortable to answer. Participants who needed psychosocial counseling had the option of being referred to service providers including EACO and Kyampisi Child Care Ministries. Where interviews with child survivors were involved, both consent and assent were obtained.

9.2.3 Reliability and Validity of the Interviews

This study team appreciates that gaining deeper insight into a specific phenomenon—in this case, child mutilation for the purpose of removing blood, tissue or body parts, and attempting to understand it from the view point of the studied, as well as placing parts of social life into a larger whole—required the use of qualitative research through interviewing. This study acknowledges that qualitative inquiry is not concerned with ‘truth’ in terms of a quantifiable generalization but rather with achieving understanding of complex phenomena or dynamics in society. Therefore, the research team had no intention of ‘disproving’ or putting the information provided on trial. Rather, the intention and energy was directed to documenting and analyzing the subjective reality presented by the informants.

Nonetheless, there were numerous opportunities to test firsthand accounts by interviewing other individuals who also had eyewitness information for the same incident. The 140 firsthand interviews alluded to in this study relate to 77 incidents where body parts, blood or tissue have been removed. Therefore, there has been an average of approximately two firsthand interviews per incident.

An example of this is a participant from a community workshop in Masindi District who provided details during the workshop of an attack on his son, a 7-year-old boy who was found dead in November 2009 in Nyenga village, Buikwe District. “My son’s body had a missing finger, genitalia, his two eyes and one tooth missing and he was left naked with the traditional cloth in his mouth” (Empower and Childcare Organization [EACO] interview 15). The details of this interview and the body parts which had been removed were verified by four other informants. One of these informants was a local shopkeeper who witnessed the child’s body. Other informants included a police officer, the local council chairperson and the individual who prepared the body for burial. Each informant saw the child’s mutilated body and confirmed the body parts that had been removed.

The research team used a triangulation of methods when they had the opportunity. This contributed to reliability of the information obtained.

9.3 Findings

The findings of this study illustrate the following themes: confessions from individuals about their involvement in prescription or use of body parts; confessions from individuals who claim that they have been mutilating children and removing body parts; excerpts from interviews with traditional healers who admitted to prescribing children's body parts; accounts of community members who admit to consuming and wearing children's body parts, tissues and blood; explanations of child sacrifice and mutilation and the plausible theoretical explanatory models of this phenomenon; the dilemmas; and the policy and programming recommendations and case studies of promising interventions that are making an effort to address the dilemma of child sacrifice and mutilation in Uganda.

9.3.1 *Reports/Confessions on Involvement in Prescription or Use of Body Parts*

Confessions from different individuals about removing, prescribing and/or using children's body parts, blood or tissue for harmful practices, offered invaluable insights into and made a significant contribution to enhancing the understanding of the motivations, processes, and supply and demand dynamics of child sacrifice and mutilation. Interviews with individuals who admitted to removing body parts from children exposed a clear link among individuals who remove body parts, traditional healers and/or so-called witchdoctors, and those who demand the children's body parts, blood or tissue. In other words, when there was demand, there was supply of the body parts extracted from child victims.

A brief review of interview excerpts helps to demonstrate the existence of human and child sacrifice.

I was requested for the blood of a girl who was a virgin and I used this chance to acquire one. She was alone in the path and I was undercover to take what I could offer my boss.... I mutilated the girl's genitalia and also pulled out her throat and parked them in my black polythene bag and delivered them to the witchdoctor. (Agent, Buikwe District)

One held my neck from the back, and the other one started beating me ... when I got to my senses my neck had a cut and blood was flowing. My testicles were also cut and when I tried standing I was so weak. (Victim, Mukono District)

I took one glance at my child and couldn't take another look. He didn't have arms and his legs had been cut off, the head was on the other side from the body ... I was crying uncontrollably, I imagined the pain he must have gone through. It made me sad as a mother that someone could kill an innocent child like that. (Victim's mother; Masaka District)

He pulled out the knife and started cutting the parts he needed. After, he drunk the blood and he also gave me to drink. And he told me that drinking blood prevents the spirit of the victim to haunt us. (Man who confessed to killing people to remove their body parts, Buikwe District)

I got to use this through a tough situation that I wanted to get rid of and this was urinating on my bed as big as I am. ... I was given a young boy's genitalia and it was very black and stiff... I only tied it around my knickers for those two days during the days and the nights. (Woman who confessed to using body parts, Buikwe District)

My relatives used to treat people using people's organs like fingers ... to heal people's illnesses and to initiate people into traditional healing. (Victim's father and traditional healer's son, Buvuma District)

9.3.2 Confessions from Individuals Who Claim that They Have Been Mutilating Children and Removing Body Parts

An informant from Buikwe District referred the workshop facilitator to a man who confessed to mutilating both children and adults in order to sell their body parts to a so-called witchdoctor. The informant explained that the witchdoctor requests certain body parts and he (the witchdoctor) chooses the victims. The informant believes that he will not be caught because he drinks blood from the victim to protect him from being apprehended. The interview below begins with the interviewer asking how the informant started his business of mutilating people to secure body parts for the witchdoctor.

Q: “Can you please tell me how it all started?”

A: ... my first job was to ride a bodaboda [a small motorcycle] transporting people. When things turned sour for me I switched to kidnapping people, children inclusive. I was paid for this because I was doing it for tycoons who came from Kampala and different areas. I used to charge them 200,000 UGX [approximately US\$75] for adults and 350,000 UGX [approximately US\$132] for children. One day I met a man whom I didn't know was a witchdoctor who hired me to go and get him a young boy and told me that he wanted his teeth, ears, the genitalia and his heart. When I got him the boy, he asked me to help him mutilate the body but I told him that I fear, that he should do it while I watched. He pulled out the knife and started cutting the parts he needed. After, he drank the blood and he also gave it to me to drink. And he told me that drinking blood prevents the spirit of the victim from haunting us. There and then I gained courage and he hired me to start carrying it out, and he increased my pay, doubling the prices of kidnapping. We packed the body in the sack and looked like a slaughtered pig and no one could identify it.

Q: How do you feel about this kind of job?

A: I feel bad killing someone in pain but I have nothing to do because it the only way I survive. I am now heartless. I am no longer a human being. I am worse than a beast.

Q: Why do you say so?

A: People don't behave in that manner but the greed for money caused me to act like this.

Q: Did you know the clients who used to ask you to kidnap people before?

A: No, but as time went by I got to know them.

Q: How about the witchdoctor?

A: the same and I got to know the nature of his job.

Q: Have you ever been caught transporting these organs?

A: No, and I will never.

Q: Why?

A: The blood we drink protects us.

Q: Do people in this community know that you do this business?

A: No, apart from the clients I find at the witchdoctor's place and we always ask them to keep quiet about it.

Q: How do you kidnap adult people?

A: I use chloroform in the handkerchief when I am in a secret place and for the children I use sweets and giving them some eatables.

Q: But why sacrificing?

A: The witchdoctor said to get rich and to treat different illness and to have sound-ing (booming) businesses.

Q: So do you believe in it?

A: Yes, it has worked for me and the lady who brought you to me, it worked for her too.

Q: What have you gained in this business?

A: I built a posh house in Nakasongola district and I have married a beautiful woman.

Q: Does she know the kind of job you do?

A: She knows that I ride a bodaboda and she is happy with that.

Q: Do you have children?

A: No, I told my wife not to produce any, I fear that mine can also fall a victim.

Q: Do you believe in God?

A: Yes, I do and before leaving home I ask him to be with me.

Q: Do you only work for the one witchdoctor you mentioned, or are there others you do work for?

A: I used to work for other people but I now work for the witchdoctor.

Q: Are you ever asked specifically for body parts of adults?

A: No, for both the adults and children mainly.

Q: Are you ever asked specifically to get body parts from a certain age of children?

A: For children, of all ages, as long as they are not above 18 years of age.

Q: Are some body parts worth more than others?

A: Yes, especially the genitalia and the head are worth more.

Q: Are children's parts worth more than adults?

A: Yes.

Q: How do you choose your victims?

A: I choose who didn't prick their ears, and boys who are not circumcised.

Q: Are the parts removed while they are still alive?

A: When they are unconscious it's when I remove them after using chloroform.

Q: Why?

A: The sacrifices (of children) which are dead are not worth doing.

Q: When was the last mutilation you did – can you give some details?

A: It was in June (2009) when I kidnapped a girl who was coming from the well at 6:30 pm because it was getting dark and I was asked for the blood of a girl who was a virgin and I used this chance to acquire one. She was alone in the path and I was undercover to take what I could offer my boss.

Q: Can you describe a recent mutilation please

A: I mutilated the girl's genitalia and also pulled out her throat and parked them in my black polythene bag and delivered them to the witchdoctor.

Q: How many children do you think/remember you have mutilated?

A: In total I can't give the exact figure but they are like 23. But they didn't belong to the same community.

Q: You said before you regret that you do this work, why don't you find a different way of working without killing?

A: I am now used to this business and I don't think I can leave it now.

Q: You said you used body parts in medicines before, please can you give examples of what you personally have used?

A: It was blood to help me not to be haunted by the spirit of the victim and not to be discovered in the community that I am the culprit if at all they make a search for this.

Q: Who asked you to choose children who do not prick their ears and boys who were not circumcised?

A: The witchdoctor.

Q: How did you know that if the children are already dead, that this is not a sacrifice and not worth anything?

A: The witchdoctor.

Q: You said you used to work for other people. Were they other witchdoctors and were you doing the same thing?

A: No, these were tycoons who were asked by their witchdoctors to sacrifice.

Q: Who chooses what type of victim should be mutilated?

A: The witchdoctor gives the description of the person to be mutilated.

Q: When choosing the victim, do you choose from any community? Any tribe?

A: You choose from any community as long as it's safe for you and the tribe is not a big deal I pick on any.

Q: When you attack your victims, does it involve any sort of ritual or sayings?

A: No.

Q: Have you been trained how to extract the body parts?

A: Yes.

Q: Who trained you?

A: The witchdoctor trained me." (Interview with man from Buikwe District)

9.3.3 *Excerpt from Interview with a Traditional Healer Who Have Admitted to Prescribing Children’s Body Parts*

Different interviews were held with traditional healers that were willing to share their practices with the research team. In this section, we provide an excerpt from one of the interviews with a traditional healer. The traditional healer/so-called witchdoctor was referred by one of his clients, another informant from Buikwe District. During the interview, he described the interaction between him and his clients inside the shrine and how he chooses what to prescribe for each client. He also explained why children’s body parts are used for traditional medicines and why they are allegedly more powerful. The interview begins with the interviewer asking the difference between the terms ‘traditional healer’ and ‘witchdoctor.’

Q: We have heard people use the term witchdoctor and also traditional healer. Can you tell us the difference?

A: There is no difference as long as it is dealing with healing.

Q: Which one are you?

A: You can call me a traditional healer.

Q: How did you come to practice this form of medicine?

A: My late father initiated me into this.

Q: We have heard from some of your clients that your potions which contain children’s body parts work for them. Can you tell us more about this please?

A: Yes, when these medicines are mixed with these body parts they strongly work and the results are seen when applied.

Q: Can you tell me about your clients? Where are they from, and how do they find you?

A: Well, my clients come from all areas and I get to know them or they get to know me through the clients I work on.

Q: Please can you describe the process of traditional healing?

A: When in the shrine all people sit and start offering money in the basket, they then say their reasons for coming in the shrine. Here they sit while kneeling as I chew my coffee berries to change my tone while speaking to the clients.

Q: What exactly happens in the shrine?

A: The discipline here is that you don’t talk until I ask you to and you don’t have to show that you are scared of anything.

Q: What sort of community members visit the shrine?

A: All groups of people but mainly women.

Q: What sort of things do they come to ask for?

A: The treatment for barrenness when they want to give birth.

Q: Have you heard about witchdoctors using body parts in their medicine?

A: Yes, and I use it too.

Q: Do people believe that medicines are stronger when they contain body parts?

A: Yes.

Q: Why?

A: Results are undeniable.

Q: What are these body parts used for?

A: To gain wealth, initiate people into traditional healing and for barren women to give birth plus gaining leadership.

Q: Why do people want to sacrifice/use this kind of medicine?

A: To obtain those things above I've mentioned.

Q: How are these rituals with body parts performed?

A: It's a long process depending on what the client wants.

Q: Where do traditional healers learn how to perform these rituals and how to make this medicine containing body parts?

A: Through our ancestors.

Q: Would you use the body parts of your own relatives?

A: Yes.

Q: For how long have you been using children's body parts?

A: Since 1996, so you can now tell the years I've been in this field.

Q: Have you ever been caught?

A: No.

Q: Has anyone from the government or police come to you for this type of medicine containing body parts?

A: Yes, and she was a woman Member of Parliament who wanted to retain her position and that was in [date concealed]...

Q: Does it matter if your victims are alive or dead during the extraction?

A: We don't consider the dead to be sacrifices.

Q: Does it matter if they are children or adults?

A: It doesn't really matter, though we so much prefer children.

Q: How do you choose what type of person you need for each medicine?

A: Those who have never shed a lot of blood, preferably young children.

Q: Do you ever regret what you do?

A: No, I don't.

Q: I asked last time, how are these rituals with body parts performed? And you said 'It's a long process depending on what the client wants.' Please can you give an example of woman who is barren, how do you treat that?

A: I tell her to undress and then show her how to apply the potion, but I can't say it to you because it's scary unless you are my client. But I ask them the sex of the child they want and then pick the genitalia organ.

Q: What body parts are used?

A: Mostly the genitalia, breasts and the parts on the head.

Q: Can you only use children's body parts for barren women?

A: Yes.

Q: Do you charge more when medicines contain children's body parts? Can you give an example please?

A: Yes, I charge highly when it is the child's body part because these children are not easily kidnapped. The fee can range from 500,000–1,000,000 [approximately

US\$188 to US\$376] depending on the age of the client, depending on the period of time the client has had this issue.

Q: Others have told us that the girls’ ears need to not be pierced for sacrifice and the boys virgins, can you explain this please?

A: Yes, it’s the sign to show that the victim has been whole and was never tampered with.

Q: How do you get the body parts?

A: I have my agent I give him the description of what I want and he delivers them.

Q: Are the victims from this community?

A: Most of them are from the nearby or further communities.

Q: Does anyone suspect you?

A: No.

Q: Can you tell me of specific medicines that you have administered to your clients using body parts?

A: The one for barren women, using the genitalia and those who want to get wealthy I give them teeth or fingers because these can’t be easily seen.

Q: Who requested each of them?

A: The barren women and those who want to get wealthy.

Q: What were they for?

A: To produce children and to bring big businesses.

Q: What body parts were in them?

A: The genitalia and the teeth.

Q: And the ages of the body parts?

A: From children of 2–7 years.

Q: When preparing the medicines, does the process involve any kind of ritual or sayings?

A: No.

Q: How many children and adults have been killed for your medicines while you have been a traditional healer?

A: They are many, I can’t tell the exact number.

9.3.4 Accounts of Community Members Who Admit to Consuming and Wearing Children’s Body Parts, Tissues and Blood

When asked if they would visit the so-called witchdoctor again, one community member responded, “I tell you I would because I was helped in a critical moment and my marriage was saved” (interview, community member). When asked if they would accept again that a child needed to be sacrificed, the response was less clear, “This is hard to answer” (interview, community member).

A participant from a workshop referred the facilitator to a father whose daughter had recently been mutilated. As the interview evolved, the father confessed to using

children's body parts himself. In the following confession, the father described how he assisted his mother who worked as a traditional healer, how she (his mother) finds her clients and also his involvement in the process. It was important to establish why this person chose to confess. In this instance, the informant appeared to share this information because he believed that 2 months before this interview took place, his mother was responsible for mutilating his own 3 year old daughter. This incident appeared to have brought about a change of behavior regarding acceptance of the use of children's body parts for harmful practices. The interview began with the interviewer asking what takes place in the shrine as the place where a traditional healer is consulted by community members and practices traditional medicine.

Q: Can you explain what happens at the shrine?

A: Well, all people inside the shrine have to kneel in respect of the place, and you were not meant to ask any questions because that would be refusing what they have told you to do. You had to abide by everything within the shrine.

Q: How did you know about this?

A: We had a family shrine and they used to perform rituals like initiating people into traditional healing, and they used to do it by making the person drink blood from a human being.

Q: For what purpose were your relatives using these body parts?

A: To heal people's illnesses and to initiate people into traditional healing.

Q: Do you believe that medicine is stronger when mixed with body organs?

A: Yes, because I used it before.

Q: What body parts did you use exactly?

A: I was given the two fingers which looked like those of the child and also drank blood in a small pot ...

Q: And who prepared the potion for you?

A: My mother prepared it.

Q: Who were her clients?

A: People from the neighboring village who were referred by the neighbors who lived near our home.

Q: How did your mother find the clients?

A: People who knew my mother used to refer them.

Q: What potions did she make and how did she make them?

A: I remember when this lady came in, mother asked her the sex of child she wanted and she said she wanted a boy and she mixed blood in the pot and told her to drink it when I was watching, and then she asked me to jump over her so that she may give birth to the child.

Q: Did the potion work for her?

A: It did because she now has a boy of four years.

Q: How much did she charge?

A: This lady had to pay her 500,000 Ugandan shillings [approximately US\$185] and when it worked for her she gave her 2,000,000 Ugandan shillings [approximately US\$740].

Q: Are potions with body parts more expensive?

A: Yes, because it is not easy to find them.

Q: Why do you say that it is not easy to find them?

A: Because it is risk taking.

Q: Can you explain how some body parts work well for some treatments and other body parts work better for other treatments?

A: Blood works better for those women who are barren and fingers are prepared for those who are being initiated into traditional healing according to those I saw my mother-the witchdoctor-prepare.

Q: Is there a preference between boys' body parts and girls'?

A: I think there is and I know that it's applicable to the barren women to get the child's sex.

Q: Can you explain exactly why there is a difference?

A: Of course, to get the particular sex of the child.

Q: Do you believe in mutilating people?

A: I used to but am now against it because it happened to my daughter.

Q: Can you please tell me more about that scenario?

A: Oh...that bad day! Whenever I recall that day, sorrow fills my heart, my daughter was sacrificed by my biological mother! ... my mother acted as a devil to take part in sacrificing my daughter ...

Q: How did you feel on after reaching the place?

A: I was terrified, immediately I lost my strength and sat down shivering and tears started flowing from my eyes. I started cursing "On [dateconcealed] I didn't bother calling my wife because she could lose her mind, my one and only three year old girl!"

Q: How did the body appear?

A: It had cotton wool on the belly, she had a hole in the armpits, her left ear was cut, and her heart was missing.

Q: Why was the girl sacrificed?

A: I think to perform rituals.

Q: Why do you say so?

A: My relatives used to treat people using people's organs like fingers.

Q: For what?

A: To make our ancestral spirit active, but I now I don't condone it, the fact that my child was sacrificed. ... She [the mother] used to tell people who came to the home and those in the neighborhood that she could do anything for a person to live well like gaining wealth, giving birth and also to treat different illnesses and initiating people into traditional healing. So people used to come and she attended to them

Q: But who asks for the rituals?

A: The traditional healers, because my mother was also a traditional healer.

Q: Which parts do you think are demanded by these traditional healers?

A: ... I think they use these body parts according to the demand, like to initiate people into traditional healing our mother used to give people human blood and fingers but I can't tell how they used it ... so I believe this is what they did to my

daughter because they wanted to initiate our family member into traditional healing, and I believe they utilized that time when we were all away.

In another account, a woman in Buikwe District who admitted to visiting a witchdoctor to ensure she would give birth to a male child, confessed to using a male child's genitalia prescribed and prepared by a witchdoctor. When the researcher asked if it had worked for her, she said, "Yes it did and I have a son of 4 years."

In a separate case, a community leader who participated in a workshop in Buikwe District referred the researcher to a woman who admitted to using the genitals of a young boy, as prescribed by a so-called witchdoctor, to treat a condition of urinating in her bed. The interview begins with the interviewer asking the woman to talk about the use of body parts, and she explains the reason why she used these body parts. During the interview the informant says she feels guilty for using a child's body part, but later she adds that she would visit the traditional healer again if she needed to overcome another problem.

Q: Can you tell me more about the use of body parts?

A: Well, these organs are given to us to attain what we want. I got to use this through a tough situation that I wanted to get rid of, and this was urinating in my bed as big as I am. The organ I was given was a genitalia of a young boy.

Q: How did you feel using them?

A: I felt so guilty because I, by the time the potion was prepared, I got to know that it was from a young boy and cases arise from the community that children are sacrificed.

Q: Who helps find them?

A: I don't know because the witchdoctor does not tell where these are from, and the fact that it is against the law.

Q: Are there other women who use body organs?

A: Yes, they are there, and I can direct you to one who took me to the witchdoctor to apply this potion.

Q: How about men?

A: I know of the boda-boda cyclist who drinks blood from human sacrifices.

Q: Was the potion helpful to you?

A: Yes it was and I ceased urinating in the bed.

Q: Is your husband aware that you ever used body parts?

A: No. ...

Q: How did you get to know about the person who gives this potion?

A: A friend of mine directed me.

Q: How do they find the potion?

A: They have an agent already.

Q: For how long did you use it?

A: It was once and it worked for me, since that application of the potion, I have never urinated in the bed...

Q: Can you please describe your visit to the witchdoctor?

A: Well, I had this serious problem and I needed to be helped out and mine was urinating in the bed. And my husband was yet to divorce me because of this bad

habit that was too much and almost unbearable. I made consultation of how I can be helped on this, and a certain lady directed me to the witchdoctor who could solve this problem.

Q: What were you asked and what did you say?

A: I was asked for a certain amount of money which was 300,000 UGX [approximately US\$113] for two days only I didn't say anything I just gave the money for my wellbeing.

Q: Can you please describe the shrine – what was it like?

A: Although, we call it a shrine, it's hard to believe because it is a permanent structure and with iron sheets unlike the commonly known shrines. When I entered inside, I had to leave my shoes outside and gave an offering before talking to the witchdoctor.

Q: What did you have to do in the shrine?

A: I knelt and only answer what I was asked.

Q: Before you visited the witchdoctor did you believe that body parts might help you with your problem?

A: I believed it because before I tried traditional herbs and they didn't work for me.

Q: If another situation arose and you needed to visit the witchdoctor would you visit him again?

A: I tell you I would because I was helped in a critical moment and my marriage was saved.

9.4 Motivation for Child Sacrifice and Mutilation and Plausible Explanatory Models

As seen in the cases described above, the motivations for child sacrifice and mutilations included greed for money and wealth, strong superstitious belief in local medicines containing human body parts, blood or tissue potions for healing and solving all sorts of problems, and desires for fortunes and luck. The following cases attest to the different contributing factors:

9.4.1 Greed for Money and Wealth

In one case, Sarah (a pseudonym), the grandmother of a two-year-old boy who was allegedly killed by his father and uncle in Mpigi district narrated her ordeal:

...on [date concealed], the victim's uncle took the 2-year old child for a walk. A few days later, the boy was found dead without one leg, the head, one arm and genitals...the uncle confessed he was involved in the case along with the victim's father. He confessed to watching the father kill and mutilate the boy allegedly for their business to prosper... (Interview, Mpigi district).

In another case, the grandfather of a 12-year-old boy who was killed and found without his genitals on [date concealed] in Masaka District was asked if he believed that people get rich when they use body parts. The grandfather answered, “Yes, people get rich but it’s also a curse.” Similarly, the mother of a 2-year-old boy whose body was found on [date concealed] without his left hand and leg, intestines and genitals, answered the same question saying, “Yes, but that money is haunted.”

The yearn for money and wealth at all costs was seen in another narration by one study participant. A 27-year-old woman from Buikwe District confessed to using children’s teeth prescribed by a witchdoctor on [date concealed] in order to overcome poverty. “I was troubled in my marriage, and we didn’t have any money for food, One day my sister-in-law came home and advised me to go to the witchdoctor to give me some remedy to overcome poverty. This witchdoctor was a man, he gave me 2 teeth to put in my husband’s trouser pocket when washing for a period of one month, and I started seeing us getting out of poverty, and we are well off now”. The researcher then asked if the teeth belonged to a child and the woman said “Yes, and a child of about three or four years.”

A community leader from Kiryandongo District reported that a 25-year-old pregnant woman was murdered and had her fetus removed on [date concealed] because “it brings wealth and makes you become rich.”

9.4.2 Beliefs That Local Medicines Containing Body Parts Are Stronger

Underlying child sacrifice and mutilation are deep-rooted beliefs among segments of the population in Uganda that the use of body parts, blood and tissue in traditional medicine makes it stronger and more powerful. During numerous interviews, community members confirmed, their own beliefs that body parts, blood or tissue made traditional medicine stronger and more powerful. Discerned from the narrations in the preceding section is the belief that adding body parts, blood and tissues in local medicines makes the concoction much stronger.

The aunt of a 12-year-old boy who was allegedly taken by his uncle to a shrine in Mukono District, where he was sacrificed and his blood was removed in [date concealed], stated “the spirits need blood for them to have power.”

When asked if she believed that medicine is more effective and stronger when it contains body parts, the relative of a 6-year-old boy who was killed and had his throat removed on [date concealed] in Mukono District, said “If those body parts were not useful to the traditional healers, they would not be demanding for them. But since they demand for them then, I think they help in their medicine. Basing on the occurrence of these cases, then this means that the body parts really help them in their medicine.”

9.5 What Can Families Do to Protect Children from Sacrifice and Mutilation?

All of the accounts above are linked to murders inspired by strong beliefs in spirits and witchcraft for quick wealth and promises of riches, for pleasing ancestors, for protection from evil spirits and for solving problems of different sorts. The scenarios show that murder of children for purposes of extracting body parts to be used in rituals or for “making the medicine strong” to address the misfortunes of people is real and carried out through sophisticated networks.

What is clear from the practices described here is that children’s lives are at stake. In response, parents and communities have devised some measures believed to help protect their children from sacrifice. Some of these measures involve physical consequences, including ear pricking (piercing) for both boys and girls, circumcision for boys, and in some cases scaring or bruising the child such that he or she bleeds. The rationale is that when a child has had his or her ears pricked, has been circumcised, has a scar, or is said to have ever shed blood, the child has thus lost the purity required for a suitable sacrifice. Such beliefs are widely held among many Ugandan communities. Although ear piercing had value related to beauty (for girls) and circumcision had value linked to either religion (for Muslims) or rites of passage for some ethnic groups in Uganda, these practices are now perceived to have a protective function against child sacrifice and mutilation. It is generally believed that the fraudulent healers (witchdoctors) who preside over child sacrifice and mutilation demand children who are still “pure,” without any marks on their bodies. Marks on the child’s body signify that the child has shed blood for one reason or another, hence is no longer pure, and therefore, is unsuitable of serving the purpose of the sacrifice. These observations are in consonance with Joe Wacha (2009) in his media article (URN news, 8th May, 2009). In an article titled, “Fears of child sacrifice force parents in Gulu into ear piercing,” Wacha (2009) indicates that gripped by the fear of losing their children to sacrifice, parents resorted to piercing their children’s ears—both boys and girls. Wacha noted that though it is seen as odd to pierce ears of male children, the practice has transcended fashion to protection of children irrespective of sex. Wacha remarks that:

Ear piercing allegedly prevents kidnappers from killing their victims. Rumors abound of children who survive narrowly after their abductors find them impure to sacrifice due to pierced ears and circumcision... Tabu Ocan, a parent in Gulu town... got the shock of his life when he found his two sons with pierced ears. His wife told him that it was in an attempt to ensure the children survive the child sacrifice kidnappers. (Wacha 2009)

In a similar case, Kari Costanza (2014) reported that when she visited one village in Mukono district (together with World Vision staff) she saw a 3-year-old girl “wearing a shiny silver earring — an earring much too big for a toddler,” she was shocked. Her immediate question was, “Why is her ear pierced?” The response by the local World Vision staff person was precise: “It is believed that a child with a pierced ear will not be sacrificed ... Perfect children are targeted... those between 2 and 15. If a child has a scar, the witch doctor will reject her or him and ask for

another” (Costanza 2014). The 3-year-old girl’s brother aged 15 had just lost his dear life to sacrifice in December 2013. The mother thus had to think of protecting the surviving daughter (Costanza 2014).

Children on the Edge (2015), also cited by Esther Smitheram in The Guardian News (2015) observed that:

The practice is rooted in the belief that blood sacrifice can bring fortune, wealth and happiness. The “purer” the blood, the more potent the spell, making innocent children a target. Witch doctors look for children without marks or piercings, so many parents pierce their children’s ears at birth and get their boys circumcised in an effort to protect them. (Children on Edge 2015)

Wacha (2009) commenting on the gravity of the matter noted that the fear had spread to schools as well, reporting that:

Martin Ojara, the LC5 councilor representing Bardege division says some nursery schools in the area have also started demanding that children admitted at their schools should have their ears pierced... The exercise has led to a business boom for the piercing specialists. Some business people now move around with ear-piercing equipment. (Wacha 2009)

In the process, however, parents desperately seeking protection measures for their children against child sacrifice inflict pain and injuries on these children. The practices are often non-medical, they are done in unhygienic environments with undisinfected equipment. Moreover, there is hardly any evidence so far to suggest that these measures by parents are necessarily in the best interest of the child. Ultimately, the parents end up perpetrating an injury to prevent a greater harm to their child. Brigman (1985) characterises circumcision as a form of child abuse. He observes that it is:

...painful because it is performed without anesthesia and leaves a wound in which urinary salts burn, carries a significant risk of surgical complications, including death, and deforms the penis, it would seem that as a nonaccidental physical injury, it is properly included in the definition of child abuse. (Brigman 1985: 2)

In a similar accord, the Independent Newspaper on Wednesday 10th June, 2015 echoed the voices of child rights campaigners who insist “Ear piercing is a form of child abuse” (Fenton 2015). To these campaigners, since the rest of the forms of physically harming children are illegal and constitute child abuse, ear piercing cannot be seen to be different.

9.6 The Dilemma

The existence of child sacrifice and mutilation creates an immense dilemma for society, government and its institutions, communities, civil society, families and children, and needless to say, the few survivor victims in Uganda. This section attends to some of the dilemmas.

9.6.1 *Prosecution and Judicial Procedures*

In the first instance, the gravity of this crime would be expected to stimulate a well-defined law of the land under which the perpetrators, suspects and accomplices are charged. This is yet to be achieved, and has negatively affected efforts towards appropriate intervention. Moses Binoga, the former Commissioner of the Anti-Human Sacrifice Task Force and now the current Coordinator of the Ugandan National Counter Human Trafficking Taskforce, has decried that: “According to our judicial system we can’t charge people for these specific crimes, we have to charge them with murder, kidnap and intent to murder but these cases take about six months to process...but we need parliament to pass a specific law to help us fight these crimes” (Kelly 2009). On a similar note, Gladys Oroma reports that the police are noted to have expressed concern about the inability to fully deal with child sacrifice because of the “absence of decisive laws to deal with it,” let alone the ambiguity of “what government ministry is in charge with issues of child sacrifice,” something the law is unclear about (Oroma 2009). In such a case, then, which ministry takes on the lead mantle of dealing with the problem, of educating people against dangerous traditional practices, of regulating traditional healers and witchdoctors? It all remains a dilemma.

Prosecution and judicial procedures also present a dilemma. There is great concern that besides the Anti-Sacrifice Police Task Force producing arguably unreliable (underestimated) statistics, hence distorting the image of the magnitude of the problem related to child sacrifice and mutilation (Jubilee Campaign and Kyampisi Childcare Ministries 2011; Buried Truths 2012), many cases that are reported to police do not make it to court (Kelly 2009). There is documented evidence that the gap is grave even when reporting is done by child minders and child protection/rights workers. The case of Allan reported in a BBC News article by Chris Rogers (2011, October 11) is revealing. Allan was reportedly found with a “missing bone from his skull and damage to a part of his brain after a machete sliced through his head, and castrated by the witch doctor (called Awali), it all took him a month to rise from coma.” Despite Allan later identifying Alawi as one of his attackers, an account that police dismissed as unreliable, and later the BBC team doing their own fact finding that pointed to Alawi as a witchdoctor practicing child sacrifice, no action was taken. Alawi continued to be a free man in spite of the BBC team handing to police their investigation notes. Such a story and many more heighten the agony suffered by the agitators of justice. No wonder accusations, including possible corruption (Buried Truths 2012), are directed at the police amid the institution claiming to be struggling, constrained with limited resources (Buried Truths 2012; Rogers 2011) and at times inadequate evidence, which makes follow up of some reported cases ineffective. Rogers quoted the former head of the Anti-Human Sacrifice Police Task Force, saying “the police are doing all they can to tackle the problem...Sometimes, they accuse us of these things because we make no arrests, but we are limited. If we get information that someone is involved in criminal activities like human sacrifice,

we shall go and investigate, and if it can be proven we will take him to court, but sometimes the cases are not proven” (Rogers 2011).

The documented general perception from numerous community members is that authorities are ineffective in responding to reports of child sacrifice and mutilation (Fellows 2013). Unfortunately, the reported need or even demand for community members to provide financial incentives to the police in order for them to investigate reports of sacrifice and mutilation is yet to receive positive response from government. The observations by Fellows (2013) are quite telling. He for instance reports that an informant, commenting about a suspect who allegedly mutilated and killed his 7-year-old nephew, in June 2012, in Masaka District, said the suspect was even arrested by the police and was after let go upon allegedly giving the police a bribe of 500,000 shillings [US\$186]. In the same report, Fellows shares a case of a grandmother of a 2-year-old boy who was found dead in August 2012 in Mpigi District. The grandmother in an interview with Fellows recollects having asked her son to send her some money so that they could pay the officers to have the investigations continue. Incidentally, the son did not have the money at the time, hence the investigations hit a snag. Fellows (2013) notes further that the mother-in-law of a pregnant woman whose mutilated body was found near the fetus which had been removed from her womb and mutilated in Buliisa District in July 2012 regretted that if they had money, they would follow up the matter and ensure the perpetrators are arrested. But in the event that they did not have the money, they remained helpless. The dilemma is that while justice is universally acknowledged as a human right, in this case, it turns out to be a preserve of the haves, those able to ‘buy’ it like any market commodity.

9.6.2 Belief Systems

Another dilemma that cannot be underestimated is the deep rooted belief system in the effectiveness of using human body parts, blood or tissue in augmenting the effectiveness of traditional medicine. Appreciating that at the center of child sacrifice and mutilation is a strong belief system, anyone seeking to contribute to solving the problem easily could be perceived as challenging such belief systems in and of themselves. The deep-rooted nature and dominance of these beliefs simply tells us that this is not something to be addressed easily since attitudinal change and myth demystification is always a gradual and long term process, during which more children will continue having their lives lost. Indeed a dilemma.

9.6.3 *Community Action*

Amid delayed or absent justice is the wake of mob justice which is neither desirable nor expected in today’s civilized society, but yet attracted by the ills of institutions that should be playing their part. As Kelly (2009) notes, such behavior has led not only the general public but government officials to warn concerned authorities that perceived police inaction over the ritual murders has a great likelihood to breed political instability in the wake of raising mob justice. In this regard, our study brings to the fore evidence from firsthand interviews in which community members have taken matters into their own hands and delivered both the judgment and the punishment to suspects of child sacrifice and mutilation with a likelihood of death of the suspect.

In Kiryandongo district, a neighbor of man who confessed to attacking an 8-year-old boy who survived after his genitalia had been removed on [date concealed] in Kiryandongo District reported that: “due to too much anger, they beat him and became very weak that he could not move and they burnt him on the way after he had confessed” (Interview in Kiryandongo).

In Jinja District, a police officer shared with our research team an ordeal in which a man later met his death after running to police for safety where he confessed to a police officer that he had killed and beheaded a child.

We heard a big group of people coming toward the police station shouting ‘give us that man, give us that man.’ We tried to restrain the crowd. We fired bullets in the air but they just kept coming. In the end we ran out of ammunition and the crowd overpowered us and they stormed into the station, broke the holding cells, dragged out the suspect and lynched him in front of the Police Station. (Interview with a police officer)

An informant in Kamuli District, who witnessed three heads found at the house of a so-called witchdoctor who was suspected of mutilating children in 2007, said “last time when I passed this place, I found that his house had been knocked down by the villagers.” A similar incident occurred in a case where a 12-year-old boy was taken by his uncle to a shrine and allegedly sacrificed. A community member recollected that “The boy’s uncle who was the witchdoctor had his shrines destroyed.”

Such action presents a dilemma. In as much as the public has increasingly been made aware of respecting the law by reporting and/or handing suspects to police and other authorities, the mistrust in the judicial procedures discourages community members from respecting the law. Besides, the common practice by police requiring reporters to help the police in investigation or proving that the accused are guilty makes community members to take their own action-mob justice.

9.6.4 Case Reporting

Deduced from a cross-section of these narratives, we suggest that fewer cases may be reported than the actual number of child sacrifice and mutilation cases. This in its own right presents a challenge as the magnitude of the problem remains unclear and hence attracts less attention than it actually should. One reality is the fear of reporting the activity. As the report by Fellows (2013) underlines, community members justifiably become reluctant to report incidents to the police for fear that they will be arrested for the crime they are reporting. Some have already fallen victim and others are scared to be treated as suspects. The following case is an attestation. Fellows reports on a family that in 2013 witnessed the mutilated body of a 10-year old girl with the left hand and left leg removed. They reported the incident to the police and were arrested the following day. According to their statement, they were incarcerated for 8 months despite no evidence being brought forward of their involvement in the incident. During their interview they spoke of threats of violence during their interrogation:

At the headquarters we were interrogated and asked a lot of questions. They did not torture us at all but they would intimidate us that they were going to use cruel means if we don't tell them the truth (...) The Homicide Commissioner himself came and asked me several questions and I denied each and everything and told him I had no hand in the death of (name removed, ed.). His subordinates would threaten me with death. (Fellows 2013: 51)

Overall, amidst all these dilemmas stands a prime concern by Peter Nkhonjera (2009) that despite existing laws, the early efforts to develop a National Action Plan to end child sacrifice and mutilation of children (that later got finalized in 2014), distinguished intervention by government departments and ministries, civil society organizations (CSOs), communities and families, addressing child sacrifice and mutilation remains a bold challenge. This challenge ought to be faced and with urgency (Nkhonjera 2009).

9.7 Discussion

The demand for children for purposes of sacrifice and mutilation in Uganda, for reasons articulated earlier, remains far from being understood. Uganda remains a heterogeneous society with complex traditions and intricate cultural, economic and political beliefs, some of which serve to perpetuate the practice. It is no longer possible to assume that by virtue of sharing blood or descent (as relatives), space (as neighbors), time (belonging to the same generation) and tradition, people share common beliefs particularly regarding child protection, cultural practices, and how to make economic ends meet. Some contributors to the debate about child sacrifice and mutilation have argued that the practice has no place in the African tradition (Jubilee Campaign and Kyampisi Childcare Ministries 2011) and that it is a trade only invented by selfish, greedy and individualistic motives. This explains

DeMause’s (2010) definition of human sacrifice as a human institution. As such, the practice can only be identified with the individuals that practice and/or profit from it as opposed to the larger society and societal norms. From an economic stance, this paper is deliberately reluctant to blame the practice on poverty, although some studies acknowledge poverty to be a key dimension (Fellows 2008). The reluctance is premised on the view that then all poor people would be participating in this “business” since it appears to be a “lucrative venture.” That however is not the case. The practice is largely a domain of a clique of fraudulent traditional healers or “witch” doctors working with people with greed for money and wealth at all costs.

This indeed poses a dilemma when the would-be rings of responsibility for child protection turn into predators of children’s lives. It is extremely perplexing that some perpetrators report that they no longer feel any sense of guilt. Other perpetrators that claim some sense of guilt nevertheless carry out the practice as witch doctors, agents or consumers as long as they are not caught or as long as their own children are not involved. Some “clients” find no problem to make use of human body parts, blood or tissue because previous use achieved the intended purpose. In addition to the belief that medicines mixed with human body parts, blood or tissue are more effective, the strong belief by the fraudulent healers and agents that the blood they take protects them from being discovered, let alone arrested, becomes a barrier to containing the practice. In Uganda, regulation of the practice of traditional healing is very limited. This puts children’s safety from disguising herbalists or traditional healers at stake. Communities lack any clear parameters to distinguish and therefore screen between genuine and fraudulent traditional medicine practitioners.

It is noteworthy that many community members condemn the practice of child sacrifice and mutilation, and therefore, anybody would expect these individuals to augment the efforts of law enforcers and others involved in fighting the vice. While these community members are opposed to, strongly condemn and detest the practice, they may be challenged by a set of intricate realities. They may fear to report for fear of being treated as first suspects. This is not uncommon in Uganda, and associated with diverse consequences to the individuals themselves and their families. In addition, as they contemplate reporting, some may harbor inner fears of retaliation by the witchdoctor. The fear cannot be underestimated or ruled out that they may be physically assaulted by the witchdoctors and/or their allies, that the witchdoctors may send haunting spirits to attack them, or that the witchdoctors will cause harm to their family members.

The use of traditional medicine that still enjoys a good place in Uganda, provides a conduit that ill-minded, selfish and inhumane self-seekers capitalize upon to perpetuate the practice of child sacrifice and mutilation. Herbalists and witch doctors take advantage to convince or confuse users of this traditional medicine that mixing it with human body parts, blood or tissues has a multiplier effect on its efficacy, all at the expense of innocent children’s lives. Several authors note that 80 % of the population in developing countries meets their health care needs through traditional medicines (WHO 1978; Luoga 2000, Mndolwa et al. 2008; Ventevogel 1996).

9.8 Concluding Remarks

The horror of child sacrifice and mutilation is a human rights challenge. Deeply-rooted personalistic belief systems create fertile ground for people being manipulated by fraudulent healers into engaging in the practice. Whereas poverty is proposed in some quarters as a contributing factor for child sacrifice, we in this chapter do not subscribe to that view. Many people said to be involved in the trade are themselves not poor and the majority of the poor in the country are not rushing to join this seemingly lucrative trade. Thus, greed, moral degeneration, loss of touch with social norms by perpetrators and practitioners of child sacrifice ought not to be mistaken for poverty. As law enforcers decry the disempowering nature of currently existing laws, this sends a strong message to consider revising existing laws and enacting more definitive laws to address the uniqueness of the practice of human and child sacrifice. This notwithstanding, we know that Uganda has many laws that it has not effectively implemented. Many of the departments responsible for child protection, such as probation and social welfare, and child and family police protection units, are underfunded by the government. This curtails their work to prevent and/or respond to attempted or actual child abuse, including sacrifice cases. Considering the limited regulation of traditional healing and witchcraft, ensuring this regulation is something that may also be achievable in the relatively medium term. This may necessitate working with the leaders of the traditional healers and herbalists in Uganda to help not only clarify but draw a line between fraudulent and non-fraudulent traditional healing and draw ethical guidelines for traditional healers.

From an academic and theoretical perspective, it is quite clear that people are confronted with a myriad of unexplained social problems. They may respond by engaging in desperate actions, including human/child sacrifices that they perceive will help them deal with their misfortunes. This may include cutting off private parts, the head, the tongue, the liver etc., based on culturally bound definitions. The body organ used for ritual sacrifice is perceived to have either a therapeutic or protective function against the perceived risk and against vulnerability to that particular risk. The definition and extent of the risk determines the object to be sacrificed. If the risk is perceived as extreme by the 'traditional healer' or the ritual facilitator and the 'client,' it may call for human and/or child sacrifice.

The study reveals that although the phenomenon of mutilation of children and removal of their body parts is not part of the culture of the communities visited, interviews with study participants show that it happens and has devastating consequences for the children, their families and the community. It also reveals that there are some unscrupulous traditional healers who prescribe and encourage their clients to use children's body parts, tissues and blood believing that this will make the treatment stronger and more powerful.

The bottom line is that although sacrificing animals and offering part of the harvest from farms is part of the traditional culture in Uganda, child sacrifice and mutilation is not and has never been part of the mainstream culture in any of the Uganda's

ethnic groups. This phenomenon was more of a myth but has gradually become a sub-culture for people who believe in child mutilation, removal of body parts, tissue or blood (commonly referred to as child sacrifice in Uganda). This practice is mediated by fraudulent traditional healers or “witch doctors” who thrive on manipulating their unsuspecting clients to assure them that mutilation and child sacrifice is the panacea to their misfortunes. We present evidence that parents attempt measures presumed to protect their children from sacrifice. The measures include pricking (piercing) of ears for both boys and girls, circumcising male children, and scarring children’s bodies with the intent to make the children impure and therefore not eligible for sacrifice. We note though that these attempts by parents may constitute a form of abuse, they are aimed at preventing a greater form of child abuse—child sacrifice and mutilation. This paper has discussed plausible explanatory models of this phenomenon and policy and program implications.

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Chapter 10

Perpetrators or Protectors of Children Against Violence: Police Officers in Uganda and Their Encounters with Children in Street Situations

Innocent Royal Kamywa and Eddy Joshua Walakira

10.1 Introduction

Street-involved children are often treated as a homogenous group, but they are heterogeneous in terms of their connection to their families, age, gender and reason for their presence on the street. Some children sleep on the street and have limited or no connection to their families; others work on the street but return home to their families at night; and others live with their families on the streets (Ray et al. 2011). Irrespective of their differences, children in street situations are more susceptible to getting in conflict with the law compared to other categories that are not street involved. Street living involves harsh realities to which children attempt to adopt. In the process, they develop a street culture with elements of violent behavior and association with agents of this culture (Meinke 2011). Bearing in mind that street children by virtue of their age and various backgrounds are vulnerable, actors including law enforcement agencies have to ensure that their rights to protection are considered, and they are helped to grow and develop.

Several laws in Uganda provide for the protection of children. The Constitution requires that child offenders are separated from adult offenders during lawful custody (article 34, subsection six and article 24) and that they are protected against

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inhuman treatment (Government of Uganda 1995). The Children's Act (2000: Section 5 sub section 2) provides for the protection of children against discrimination, violence and abuse. The Police Act (1994: 32 Cap 303) obliges police to protect citizens and also to institute criminal proceedings against any person that perpetrates violence against children. In the course of doing their work, however, it appears that acts of violence by police officers, particularly against children, are a common occurrence, either due to ignorance or the police culture in enforcing the law.

The mandate of the police is to maintain law and order and protect all citizens, children inclusive. This mandate is well elaborated under Section 4 of the Police Act. Not only are the Uganda police required to protect life and property, but they are obliged also to protect the rights of the individuals and to prevent and detect crime (The Police Act 1994). Police and other law enforcement agencies are among the duty bearers enumerated under the Children's Act responsible for protecting children against harm.

On several occasions however, the police and other actors in the formal justice system have been accused of violating the rights of citizens and in this particular case, the rights of children in street situations (Human Rights Watch 2003; Krug et al. 2002; Ray et al. 2011). However, evidence based on research is not often provided which makes it difficult to validate the accusations. The police often cite constraints that make their work difficult, particularly the inadequate personnel. However, this would be far from justifying any accusations of violence meted against children or other citizens. In general, there is a lack of systematic documentation of how the police and the courts respond to the dilemma faced by children on the street. Thus, an inquest into children's experience of violence in the hands of police officers would shed light on the scale, the nature of abuses and what could be done to address the problem.

This article, in addition to documenting children's experience of protection or lack thereof at the hands of police, also provides the views of other people that work with police in the criminal justice system. The children's experiences are studied from the view of children as offenders, on the one hand, and as victims of abuse, on the other.

10.1.1 Children on the Streets

The number of children living on the streets is often contested (Thomas de Benitez and Hiddlestone 2011). Ennew (1994) argues that most of the estimates of children in street situations are not valid and not based on fact. Once on the street, the children engage in risky survival behavior like loitering, begging, scavenging, petty thieving and prostitution, which bring them into conflict with the law (Pinheiro 2006). Often associated with extremely poor backgrounds and dysfunctional and violent families, children in street situations are depicted by the media as delinquents; helpless victims of hunger and violence; drug taking criminals that do not respect formality and social order; and deviant criminals (Thomas de Benítez 2011b; Meincke 2011; Ray et al. 2011). Such stereotypes, according to Pinheiro

(2006), make them susceptible to social exclusion, state-led violence, and involvement in the penal system. The stereotypes are quite different from children's subjective views of themselves. Many see themselves as strong, positive, engaged, able and willing to make positive contributions to the wider society, and taking pride in helping each other (Meincke 2011). In policy terms, street involved children have been treated as one group of socially excluded and marginalized children (Ray et al. 2011).

There is significant diversity in the characteristics and reasons for children's presence on the streets. There is a predominance of teenage boys among street involved children. Factors associated with work, fear of street life and expression of independence have been cited to account for variations in visibility between girls and boys —the latter being more independent while the former are invisible due to issues of safety and security (Ray et al. 2011). The culture of male dominance reproduces itself through the street subculture: a response to negative stereotyping, making the girls more dependent on the boys. The girls may spend a comparatively shorter period on the street as many of them get married or get household jobs as maids.

10.1.2 Children in the Justice System

It's been observed that in many countries the criminal justice system is used as a substitute for inadequate care and protection systems. The police are often the first and only agency to respond to children in need, and since they do not have appropriate alternatives, the children are placed in police lockups or detention. When the children are deprived of their liberty, they are at risk of violence from staff or peers, adult detainees, police or security forces while in their custody as a form of control or punishment. Violent practices are found in both developing and industrialized countries where children may be confined to cramped cells for weeks, subjected to painful restraints as a disciplinary measure (Pineiro 2006).

Berkman (2007) observed that youths in South America who sleep outside of homes attempt to find places of refuge away from an intolerant police force, violent groups or other predators. The relationship between forces, street children and youth gang members is complex and colored with frustration on part of the citizens that demand more security in their community, ill-trained and corrupt police forces that work with scarce resources, and inefficient judicial systems.

While on the streets, youths deal with police forces; while in detention, they face judicial systems rife with biases and discrimination against them. Since they do not have resources, they are left at the mercy of those who want to extract profit using the power they have over them. The ability of these youths to make deals with policemen or other officials affects the way they are treated (Berkman 2007).

Human Rights Watch found that in Egypt, the police can arrest children considered vulnerable to delinquency or danger even when they have not committed an offence. Such children are in need of protection, but instead of receiving care, they are subjected to police beatings, sexual abuse and violence, and detained in

unsanitary and dangerous conditions for weeks with adult detainees (Human Rights Watch 2003; Uganda Human Rights Commission 2008).

Many street involved children get into conflict with the law and are vulnerable to abuse by the judicial system. Besides the judicial systems in developing countries being ill-equipped to deal with juveniles, probationary systems also provide inadequate support, and many crimes against the children are seldom punished (Ray et al. 2011). Police and other security forces are often responsible for violence against children in developing democracies. Children living or working on the street are particularly vulnerable to violence by police, including harassment, beatings, sexual assault, and killings. Evidence of police violence against children is documented in some countries (Pinheiro 2006). In Uganda, there is still a dearth of information about police actions.

During arrest, children are subjected to degrading language to humiliate and intimidate them and are transported in unsafe vehicles. Once in custody the abuse continues, the children that complain about ill treatment risk retaliation from abusers and higher ranking officers (Human Rights Watch 2003).

10.1.3 Street Children in Uganda

In Uganda, the lack of credible evidence on the actual number of children on the streets remains one of the challenges to addressing the phenomenon. The country's United Nation's Convention on the Rights of the Child (UNCRC) report of 2006 estimated the number of street children at 10,000 and that 85 % of these were homeless (USAID 2015).

The police's family and child protection units and probation officers are the frontline actors to assist street children. The government has created these structures to protect children that are in contact with the law (Ministry of Gender Labour and Social Development 2011). These structures play a useful role in protecting children, but they are hampered by inadequate resources, both financial and human, to be able to conduct their activities properly. Some individual police officers spend their own money to support vulnerable children. In some cases, street children are being taken off the street but are sleeping in the police stations due to the lack of any transitional homes (Kalibala and Elson 2010).

Some authors have pointed out that police in Uganda subject children to violence (Meinke 2011). Such violence could take the form of corporal punishments particularly caning (Moore 2010), and other cruel treatments such as forced hard labor, and denial of food (Kirunda 2013; Uganda Human Rights Commission 2011). The prevalence of these practices among street involved children, however, is not established. Children are sometimes arrested with the excuse of protecting them from abuse by the public (Bagala 2011). However, under normal circumstances the police and other law enforcement agencies should play a more protective role, especially for vulnerable groups like children living and working on the streets, as per the legal provisions (Police Act 1994, section 4(a)). Lack of infrastructure, for example few and congested child remand homes, is also associated with child rights violations

—where sanitation, beddings and food provisions are all inadequate or sub standard (Moore 2010; Uganda Human Rights Commission 2010). The African Prisons Project has documented evidence of understaffing in the youth detention system and inadequate training in child protection for the few staff on ground (Moore 2010). There is more evidence that the law enforcement agencies are grossly understaffed, chronically underfunded, and poorly supervised and have inadequate physical infrastructure to effectively perform their protective roles (Commonwealth Human Rights Initiative 2006; Moore 2010). It is therefore of no surprise that sometimes the duty bearers in these institutions violate the rights of children in street situations due to circumstances beyond their control.

10.1.4 Efforts to Prevent Violence Against Children

Uganda has formulated laws and policies to prevent and respond to violence, including the Constitution, Children's Act, Police Act, Local Council Act, Trafficking in Persons Act and the Domestic Violence Act, and has a policy framework for protection of children, the Orphans and Vulnerable Children (OVC) framework (Ministry of Gender, Labour and Social Development 2004). While this is the case, it is difficult to tell the trend of violence and there are widespread violations against children. Uganda has established a fairly credible legal, policy, institutional and programmatic framework that prioritizes the concerns of children in adversity. However, the structures and systems across several sectors suffer under poor implementation; they are dismally functional especially as it relates to critically vulnerable children like those in street situations, child laborers, and children who are abandoned. A study by Child Rights International Network (CRIN) has shown that children in conflict with the law are also subjected to mob justice during arrest (CRIN 2001; Nabwire 2012; Save the Children 2004; The International NGO Council on Violence Against Children (INCVAC) 2013). When children are suspected to have committed an offense, they are physically beaten during arrest, sometimes by the public. There is evidence of police mistreatment of children that may entail arbitrary arrest, detention and physical beating. The children are beaten with batons, whips or wires. One can only avoid the physical abuse when they have money and are willing to give it to the police officers; hence, the beating is partly used for extortion (Human Rights Watch 2014).

10.2 Methods

10.2.1 Sample

This chapter is based on a country study of a sample of children living and/or working in the streets. The study utilized both quantitative and qualitative methods of data collection, face-to-face structured interviews were conducted with children

Table 10.1 Study participants (qualitative component)

Research group	FGD and IDIs participants	Number	Methods
Children living and/or working on the street	Children aged between 11 and 17 years	18 FGDs	Focus group discussion
	Child survivors of violence	8 children	Case studies (Prolonged interviews)
Implementers of laws and polices	Judicial officers	17	In-depth interviews
	Police officers (CID/CFPU)	15 police officers	In-depth interviews
	Probation and Social Welfare Officer (PSWO)	17 PSWOs	In-depth interviews
	NGO officials	13 representatives from relevant NGOs	In-depth interviews
Community leaders and members	Local leaders, leaders of community based organizations, and leaders of women and youth associations	23 local leaders	In-depth interviews
	Religious leaders	25 religious leaders	In-depth interviews

aged 11–17 years, both boys and girls, using a modified screen survey tool developed by the international society for prevention of child abuse and neglect (ISPCAN). A total of 18 focus group discussions (FGD) and 8 in-depth interviews (IDI) were conducted with street children. In addition, in-depth interviews were conducted with key informants, comprised of policy makers, law enforcement officers, service providers in public agencies and civil society organizations, community leaders, and religious leaders among others (see Table 10.1).

Table 10.1 illustrates the study participants categorized by the method used to interview them.

A sample of 668 children aged, 11–17 years, 402 male and 266 female, were selected from 21 big towns located in the various districts, in seven geographical regions across the country. Children living and/or working in the streets are mostly found in big towns or cities. Therefore, a four-step process was used to obtain the sample of street children. First, seven major geographical regions were identified. In each region, 2–3 districts were randomly selected, from which the biggest town was selected. Within each big town, specific localities or streets where more children worked or lived were identified. These places were defined as clusters from which a sample of children was selected. To distribute the sample across the city/big town, five such localities or streets were identified in consultation with municipality officials or other organizations working for children living or working on the streets. The final stage involved selection of respondents from the children from each of the selected localities/streets.

Table 10.2 Selected towns/city

Region of Uganda	Districts
South Western	Mbarara, Bushenyi, Ntungamo
Northern	Gulu, Kitgum, Lira
Eastern	Jinja, Mbale, Busia, Soroti
North Eastern	Moroto and Kotido
Central	Kampala (Central and Kawempe Divisions), Mukono and Masaka
Western	Hoima, Masindi and Kasese
West Nile	Arua and Nebbi

Table 10.2 illustrates the study areas categorized by the districts and respective regions in Uganda. The study covered all regions in the country.

10.2.2 Data Analysis

The data from the children's survey was entered using CS Pro data entry software and exported to SPSS Version 13 for analysis and producing descriptive statistics and cross-tabulations. Qualitative data was analyzed concurrently with fieldwork in a reflexive and iterative process. After field data collection, handwritten notes including case studies were assembled and typed in Microsoft Word. The notes were reviewed thoroughly and coded manually to discern emerging issues and unique quotations. Responses were classified into meaningful categories following the themes of the investigation.

10.2.3 Ethical Considerations

The study team made every effort to address ethical concerns during the planning and execution of the study. Informed consent was sought at the beginning of each interview and discussion. Interviews and discussions were also conducted in a confidential setting. Caution was taken not to ask questions, portray attitudes or make comments that were judgmental, culturally insensitive, and inappropriate with regard to the age of the child, that placed a child in danger, or that exposed a child to humiliation. The respondents were assured that their participation was voluntary and that they could choose to stop the interview at any time. In addition, anonymity of respondents was also emphasized. Only the study team members had access to the raw data, which was kept under lock and key.

10.3 Findings

Majority of the children in the survey sample were boys (60.2 %, n=668), most of the respondents were between the ages 11 and 13 years (39.1 %) followed closely by those between 14 and 15 years of age (31.9 %). The mean age of the children was 14.1 years. By geographical distribution, the majority of the respondents were from the northern region (33 %) followed closely by the western. Of all the respondents, 76.9 % had been to school; out of these a majority had only had a few years of education. At the time of the survey, 36 % of all the respondents reported that they were in school. About 23 % of the children said they were total orphans, whereas 37.8 % reported that both their parents were alive. The majority of the respondents had lived on the street for between 1 and 3 years. Eight out of every ten children considered the street a permanent sleeping space. Among those that did not consider the street a permanent sleeping space, 35.8 % said it was because it was unsafe and 12.6 % said it was because the police objected to them sleeping on the street.

10.3.1 *Experiences of the Children with Violence on the Street*

10.3.1.1 The Perpetrators of Violence

The kind of violence assessed was limited to physical, emotional, and psychological. For all these categories, the biggest perpetrators were fellow street children, especially the males. It is only with regard to physical violence that the police officers, both male and female, other security workers including night guards, and Local Defense Forces (LDFs) were mentioned second to peers as perpetrators. A male focus group participant from Jinja town said:

The police men are the major ones in beating us. They come during the night and beat us. They even take us at CPS [Central Police Station] and beat us from there.

A female participant from the same town said:

We try to fight the LDU [Local Defense Unit] when they are trying to beat and chasing us away from the street. In most cases we have nothing to do; when the police are beating us we do not do anything. The policemen come with guns so we fear to resist them.

The majority of the survey respondents (children) reported feeling unsafe while on the street (60.2 %, n=668). This was because of the physical violence experienced there (20 %, n=402); the constant insulting and bullying (14.1 %); and the presence of police or local militia (12.2 %). Among the problems reportedly facing children on the streets was the stigmatization by the community and, for 10 % of the children, police arrest was a major problem they faced. The majority of the children thought that the community was scared of them (36.1 %, n=654), 16 % felt that the community hated them, whereas 9.1 % felt that the community despised them.

10.3.1.2 Reporting the Violence

Children in street situations, unlike many other categories of vulnerable children, are the least likely to report violence experienced and seek assistance from law enforcement agencies in the event that they have experienced rights violations. Sometimes there is animosity between law enforcement agencies and the children. This owes to past experience with these institutions including, but not limited to, forceful withdrawal from the streets, children being in conflict with the law for cases involving petty robbery, assault, and being idle and disorderly (Moore 2010), and the fear or suspicion that children in such situations generally have towards strangers.

To exemplify this, of all the children that reported being beaten, punched and kicked, 26.1 % (n=382) told other street children; 26.9 % (n=382) told their siblings; only 14 % (n=382) reported to the police; and 12.7 % (n=382) told a community member/leader. It is evident that only a small proportion of children informed the police or other community leaders (effective reporting) about the physical assault they had experienced. Overall, discussions revealed that cases of violence against children living and/or working on the street are rarely reported to relevant authorities or duty bearers. Talking about the problems that they faced on the street, a male focus group participant from Busia town observed:

The adult street dwellers beat us. We have food problem. We are also beaten by police. The police also arrest us with the reason that we are idle and disorderly. The police refuse us to sleep on streets. They always disorganize us. The adults on street also disturb us cutting our clothes with razor blades at night. When we are sleeping trying to rape us.

Another one said:

We don't have clothes to put on. We don't have where to sleep because the police always chase us from streets. The police beat us and even arrest us. Theft of our money by big boys. Mosquitoes bite us because we sleep in open places. Also access to food is another problem lack of accommodation and poor beddings. Most of us sleep on sacks, and lastly when we take our cases to police, they do not help us.

Even when we have done nothing, police officer, LDUs and security guards beat us a lot. And these people do not only end at beating us but also arrest and imprison us. At least every one of us has been taken to police at least once or twice.

Reasons for not reporting include acceptance of some forms of violence as a normal part of life, previous experience of failure to receive any assistance, and mistrust of authorities, especially the police. With respect to the latter, the study revealed that in some instances when children reported the violence, the police either did not act or told the children to return to the police stations with their parents. Even where reporting was successfully done, the investigations are rarely completed, partly owing to inadequate resources or lack of follow up by the complainants. One may not even rule out the inaction due to corruption in the police as an institution for it has been repeatedly mentioned as one of the most corruption riddled

in Uganda (Martini 2013). The following quote illuminates a child victim's attitude towards reporting violence experienced on the street:

No I do not report to anyone. The very people that we would tell are those that beat us. So why waste my time to tell the very people who beat us. And even if you tell them they do nothing to help you. Some people do not seem to care. Even if you go to the police, they tell you to come back the following day or to come with your parent. (male street child, Mbale)

I have never reported to any relevant authority like the police or community leaders because instead of helping they would just blame me, so I keep my problems to myself and those that I can share, I tell my fellow street girls. (female focus group participant, Mbarara Town)

Yes I have ever reported to police when one of our friends was beaten badly but I did not get any good response and even the person who beat him is still living with us up to now. (male focus group participant, Busia Town)

For me I have never reported because it's even the police that beat us and arrest us, how then can you go and report such cases to a fellow policeman, I don't think if they can really offer any help when it's their fellow colleagues who are the perpetrator. (male focus group participant, Busia Town)

The high levels of non-reportability could be an indication of resignation or frustration on the part of children with the response of the key duty bearers to whom they report. Some of the qualitative information indicated that when they report to the police stations, some children are asked to pay money before their complaints could be registered and even when they did the police officers do not take such cases serious. The reports by the children were contrary to what some key informants who said that the station was available for anyone that needed to report a case. A police officer in Mbale said:

The reporting mechanism at the police is friendly due to continuous community policing which has brought the public, especially street children, closer to the police.

I think the police as the first point of reporting has done its work and I can say that they respond effectively to cases reported to them. However, I don't know whether they respond more to cases reported by street children or to those that take place within homes or not.

A judicial officer from Mbale noted:

Most cases reported are effectively investigated and prosecuted; however, there are challenges to the process of prosecution. The laws are too weak as such people end up being released on bail and never report back.

We lack enough man power in police and courts of laws especially in terms of social workers who understand the dynamics of people. The police and judiciary specifically is full of lawyers who only focus on the law not the victim.

From the point of view of the child victims of violence, the police as an institution where they would seek redress for the victimization does not accord them the due protection. This may derive from the mistrust of the children due to prior encounters with police officers on the street. The reduction in the confidence in the police was attributed to a number of cases reported but not solved; consequently,

fewer children report cases. Talking about the effects of violence on the street, a female focus group participant from Nebbi said:

As a result of police threats and arrests, we always feel insecure and scared every time we see police officers passing by even when they are not going to do for us something bad. We have also developed total hatred towards the police; we feel a lot of pain due to the beatings. We become pregnant and produce children sometimes who we do not know their fathers or who do not help us due to sexual violence.

A male focus group participant from Busia town had this to say:

For me I become rude and rough when am beaten whether by police or our friends. I feel a lot of pain. Sometimes we even get cuts and scars on our body. We become sick. Sometimes we feel like we are not human beings.

Evidence from the qualitative data indicates that the police are also engaged in meting out violence on the street children. This could be because the police, like the community have a negative attitude towards these children. Many street children see the police as their tormentors. A quote from a boy's focus group discussion in Jinja talking about future dreams is illustrative:

My dream is to become a soldier and after getting a gun I came back and torture all police-men who torture us.

10.3.2 The Local Council Courts

The Local Council Court is by law the first line of protection against crime and the first port of call for victims of crime (Commonwealth Human Rights Initiative 2006). These structures are the nearest to the communities. Local councils are the lowest administrative units with judicial powers (Mezmur 2007) and have the mandate to deal with some cases involving children. There are, however, very few children that reported to the officials, and even for those that did, not much help was rendered. According to a female focus group participant from Ntungamo, the local council official had his/her own family problems and could not help much. The LC office bearers have also been accused of corruption. In such conditions, the victimization of street children may be the least of their priorities.

10.3.3 Arrest, Detention and Prosecution

In this study, about 24 % (n=668) of the children reported that they had been arrested by the police in the 12 months preceding the survey. The majority of the children were arrested without a reason (29.5 %, n=158). The most frequent reason for arrest was theft (35 %, n=158); this was followed by quarrelling, the use of drugs, and selling drugs. Discussions with the children also revealed that police routinely arrested street children for minor offences such as vagrancy and begging. The significant

proportion of the children reporting arrest for no reason points in the direction of violation of children's rights without cause. There is no shortage of evidence about abuse that takes place when the police are arresting people; this may be worse during the arrest of minors (Human Rights Watch 2003; United Nations 2005; Save the Children 2004; Muncie 2013). There is sufficient evidence on street children being arrested for status offences or survival behavior like begging, petty thieving for basic needs like food or even for no offence at all (Thomas de Benitez 2011a; Ray et al. 2011). Talking about the specific problems faced on the street, a male focus group participant from Jinja said:

The only problem I see in my life is being beaten and arrested by the police every day even when I have done nothing. No one has tried to help us when the police arrest us. They regard us as thieves, so people hate us a lot. (male focus group participant, Jinja)

10.3.3.1 Detention at the Police Station

With respect to the environment at the police station, many children reported being harassed by the police (15.3 %, n=158) and were scared of everything (30 %). In addition, 27.6 % of the children reported feeling confused. Only 10.4 % of the children reported feeling secure and safe while at the police station. While in detention, 60 % (n=158) of the children reported that they did not get meals, 40 % did not have adequate sleeping space, and 81 % were not given a blanket and/or bed. A few children (7.4 %) reported being sexually assaulted while in detention.

The survey findings also show that children in some cases are detained in crowded and/or congested rooms: 27 % of children were detained in a single room with 4–10 person, 16 % in a single room with 10–40 persons, and 5 % in a room with more than 40 persons. This congestion in the detention room exposes children to health risks as well as violence from fellow detainees. Police attribute these conditions to inadequate infrastructure. Yet, whatever the reasons, it is a contravention of the provisions of the United Nations Rules for the Protection of Juvenile Deprived of their Liberty (United Nations 1990). These provide that, for juveniles under arrest or awaiting trial, the courts and investigative bodies must expeditiously process the cases to ensure the shortest duration of detention (article 17). Such juveniles also have a right to facilities and services that meet the requirements of health and human dignity (article 31). Every juvenile should be provided with separate sufficient bedding and receive food that is suitably prepared at normal meal hours (article 33). The officer in charge of the child and family protection unit in Mbale observed:

There are no big challenges experienced when dealing with partners but at the police level, there is no good reception, no cells for the juveniles and not enough room for counseling. (interview with officer in charge of child and family protection unit, Mbale)

About 7.4 % (n=158) of the children reported being sexually assaulted during detention at the police station. The sexual violence was attributed to the police officers. This is not only a criminal offence committed by the officers who must protect the children, but also a breach of the code of conduct by the law enforcement officers.

It is possible that the violations such as detention beyond 48 h can aid other violations against the children including sexual violence.

10.3.3.2 The Juvenile Court

The data from the survey indicates that, for those children who were arrested (n=158), the majority (65.6 %) were not taken to court. For those who were taken to court (n=52), more than half of them were taken after 48 h, the period provided for by the country's constitution within which anyone who has been arrested should be produced in courts of law. In the courts only 42 % were represented by legal counsel.

With respect to the environment at the (juvenile) court, 36.5 % (n=21) of the children reported being scared of everything, and 16 % reported feeling confused. Three out of every ten children reported harassment by the police, while 9 % reported harassment by the trial judge. About 18.2 % of the children reported feeling secure and safe while in court. About 48 % (n=21) of the children who were taken to court were found guilty, while 11 % did not know the outcome of the court proceedings. Overall, 78.9 % of the children who reported having been arrested and detained did not think that prison and the police station rehabilitated children living and/or working on the street. In addition, only 37 % of the children were happy with the outcome of the proceedings at the police station and court. The majority of the street children taken to court did appear after the constitutionally mandated duration (Republic of Uganda 1995: chapter 4, subsection 4(b)) and less than half of these children reported representation by legal counsel in contravention of the provisions of article 18 of the UN Rules for the Protection of Juveniles Deprived of Liberty.

The children were asked about what should be done to improve the lives of children living on the streets, and one of the pleas was addressing police brutality. A male focus group participant from Jinja noted:

There should be security for street children; police should stop beating the street children, food, clothing, accommodation should be provided. NGOs have ever consulted us, i.e. World Vision, and tried to help some of our friends. The mayor should talk to the police to stop beating us and chasing us away from the streets because this is our home now. (male focus group participant, Jinja)

10.3.4 Response of Duty Bearers to Abuse Against the Children

The children that live and or work on the streets interact with the law either as victims of offences or as perpetrators of crimes. In both cases, they need to be dealt with in a fair manner for them to get justice. For those who suffered sexual abuse, for example, it was noted that some of the children did not know the procedures for reporting. For others, the reporting procedures are made so complex that they

discourage the street children from reporting future cases. There are instances when children go to the police to report cases of violence against them, but the officers at the police ask these children to come to the station with their parents. This may not be a realistic expectation since some of the children do not live with their parents; and even if they did, the parents may not be willing to report to the police for fear of self incrimination for child neglect.

Evidence from the study showed that owing to the poor facilitation of the police, there is no follow up for some of the cases, and the lack of witnesses or the inadequate investigations make prosecution difficult. There are a number of cases that pend because of the distances that are involved in the collection of evidence. Hence, the cases may not be sufficiently prosecuted because of inadequate evidence, yet the crime was committed against a child. The cases that involve street children are not given preferential treatment; they are handled as any other. A law enforcement officer from Busia, talking about cases of violence against street children, observed:

To only a small extent are such cases investigated because of the low levels of reportability, and inadequate follow up for those that are reported. Investigating a case requires financial resources that the victim may be lacking, for example a rape case that may need medical examination that the victim may not have.

Violence on the street is not well reported as compared to that in the home and even when reported it's not followed. This makes the investigation of such cases very difficult due to little or no evidence given. (interview with law enforcement officer, Busia)

This is evidence that the law enforcers may be wrongly perceived as condoning the violent acts based on the inaction, which is sometimes attributable to logistical constraints.

The community perception of the street children is such that they are always out to commit crimes. This may influence the response of the community and law enforcement officers who may see violence against street children as retribution for the children's perceived wrong behavior. A magistrate from Jinja talking about offences against street children observed:

It's basically community perceptions and attitudes towards street children. People think that such children are nothing and useless in life. On the side of the law, such culprits are released from police stations. They do not reach us for prosecution.

An officer in charge of the family and child protection unit in Ntungamo observed:

If the perpetrator is influential, it is always difficult to handle this case. We are living with these in police, pastors, reverends it is difficult.

There are also instances where perpetrators are successfully convicted, but this only occurs in cases where the child victims are able to positively identify the culprit. Some reported cases are effectively investigated and prosecuted. However, there are challenges in the process of prosecution when some of the suspects jump bail. There is also reported political interference from influential members in the community in the work of the police. A judicial officer from Mbale said:

For sexual abuse, the justice process can be ruptured when the parents of the victim decide to settle the case out of the judicial system in return for some form of payment. The law is not yet strong in dealing with such cases.

At the district level, the District Chain Linked Committees (DCC), comprising a number of actors and supported by the Justice Law and Order Sector (JLOS), are mandated to quicken the process of dealing with cases involving children whether offenders or victims. These committees have not been very effective due to poor facilitation and inadequate coordination between the partners (The Judiciary Insider 2015).

Due to inadequate facilities to temporarily hold those street children that are suspected of committing crimes, law enforcement officers have few alternatives but to detain the children in adult facilities.

Some key informants noted that the duty bearers in the enforcement of the law are overly legalistic in their approach as opposed to having social workers that would understand the social dimension of child victimization and offending. A court clerk from Mbale noted:

The major constraint and challenge is corruption where some people in law enforcement and judiciary are paid and the culprits are released. These institutions are understaffed especially the magistrates to handle children issues. Law enforcement bodies are not well funded.

10.4 Discussion

This article sought to explore the experience of street children in terms of getting access to justice both as victims of violence on the street and transgressors of the law. It brings out the unfair treatment of street children by the police and, in some cases, the negative community perceptions of this category of children. This compares favorably with what Ennew and Swart-Kruger (2003) have called the “constructed nature of dirt” where the street children are regarded as representing the *other* to explain the violence against street children. This “*othering*” brings a view of street children as a social disease to be annihilated in order to preserve social life. The assumption that these children lead antisocial, immoral and chaotic lives brings them into conflict with the law and society as a whole (Ennew 2003; Ennew and Swart-Kruger 2003). Street children construct and reconstruct the meaning of their daily reality. The visibility of street children and street activities explain the negative constructions and their association with public disorder.

The law enforcement agencies, being part of the community with a particular perception of the children, cannot but treat them in a biased way that denies them the procedural guarantees in giving justice, resulting in reported instances of abuse for the children while on the street, during arrest and while they are in police custody or pretrial detention. This is exacerbated by the inadequate detention facilities resulting in detention with adult offenders. Even when “sinned” against, the children tend not to be taken seriously when they go to the stations to report complaints, resulting in inattention to criminal acts against them. This accounts for the low levels of reported cases of violence to the police and the children instead preferring to talk to only their peers or child NGOs where they exist (Meincke 2011).

Qualitative findings also show that even with structures like the Child and Family Protection Units, law enforcement officers are more likely to attend to child victims from home settings than those from the streets. Important to note is the fact that infrastructural constraints also frustrate the protection efforts of some duty bearers, as seen from situations of holding children together with adults in the absence of separate cells.

The evidence from the qualitative data overwhelmingly shows that in most of the towns where the children lived, they cannot access school because of having no scholastic materials. They are not listened to when they report cases to the authorities. Even when their cases are recorded, the children are aware that the accused can and do bribe the police so that the charges are dropped. When children appear in court, they may find the environment intimidating; this is exacerbated by the fact that, as observed elsewhere, the majority of children are not given legal representation (Ray et al. 2011) as has been recommended by international legislation (United Nations 1985, 2005). The children wanted the government to provide them with food and medicine; shelter instead of the corridors they currently inhabit; and employment through government supported factories.

10.5 Conclusions

It is evident from the findings that the children that live and/or work on the streets are vulnerable both as victims of and perpetrators of criminal acts. This is a consequence of their environment in terms of the police and community's attitudes and perception towards these children. Yet the behavior by which the children are defined is a strategy towards adapting to challenges in the environment and meeting their basic human needs. Besides the police, the risk of abuse comes from peers with whom they share the difficulties of street life. The duty bearers and law enforcement officers being part of the community are blinded by the negative stereotypes while dealing with this category of vulnerable children. When those mandated to protect, such as the police in this case, instead perpetrate abuse, who then, will protect these children?

10.5.1 *Recommendations for Policy and Programming*

Deriving from the study, a number of recommendations are considered. Street children that break the law are in most cases engaging in survival behavior; this being a rational choice for them. Some of the offences that are directly survival related need to be waived to reduce involvement in the criminal justice system. The law enforcers hence need to be encouraged to use their discretion while reprimanding them as legally provided for (United Nations 1985). The law enforcers ought to be educated

about children's rights and child protection as a lot of abuse of child offenders takes place during or immediately after arrest. They should also make use of the pre-detention diversion options as provided for by the law. There is also a need for improvement or provision of child handling infrastructure (remand) in the urban areas that host so many street children. In the long run, addressing the social structural risk factors that push these children onto the streets through realistic social welfare policies and practices and civil society programs that emphasize withdrawal and reintegration may lead to reduction in the number of this category of children.

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Part IV
Child Rights and Justice for Children

Chapter 11

Negotiating Restorative and Retributive Justice in Access to Justice for Survivors of Sexual and Gender Based Violence in Post-conflict Northern Uganda

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11.1 Background

Sexual and gender based violence (SGBV) is one of the major human rights and public health, concerns globally but particularly in the conflict and post conflict settings (Bukuluki et al. 2013). It is generally agreed that SGBV comprises all forms of physical, psychological and sexual violence linked to the survivor's gender and socially constructed gender roles in a particular society (Interagency Gender Working Group (IGWG) of USAID 2006; Keesbury and Askew 2010). What has emerged clearly in the literature is that in conflict settings, especially in the Great Lakes Region in Africa, SGBV is perceived by stakeholders to have a feminine face in part because the highest burden tends to fall profoundly on women and girls. Does this in anyway mean that men and boys do not face the brunt of SGBV in these contexts? This may not be true. Males too suffer violence but seldom report it, especially to the police and other actors in the formal justice systems, in part due to the cultural construction of masculinity that makes it relatively stigmatizing for men to report violence to formal structures in the community and local governments (Bukuluki et al. 2013). Therefore, conceptualizing SGBV or even just sexual violence as a feminine issue can constitute a form of gender discrimination against

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women and girls. It may continue the social discourse with a language that objectifies women and that conceives of sexual roles in such a way that only females are thought to be taken advantage of, while males are presented as the agents of harm. Neither argument seems to hold as a desirable model for men and women in a contemporary society inclined towards promoting the primary values of gender equity and mutual respect. These arguments notwithstanding, the femininisation of SGBV is comprehensively captured in the literature. It is estimated that one out of three women will be beaten, coerced into sex, or otherwise abused in her lifetime, with rates of abuse reaching 70 % in some countries (Heise et al. 1999). SGBV is not a phenomenon limited to conflict and post-conflict settings. However, it has been argued that due to the disruption of social order, socio-cultural control systems and the rule of law, conflict and post conflict settings are perceived to create conditions that may aggravate SGBV (Bukuluki et al. 2013; Interagency Standing Committee (IASC) 2005; Skjelsbæk 2006). The social and political significance of SGBV against women and girls, especially in the context of war, can be traced from the Middle Ages to the first and second World Wars (Bukuluki et al. 2013; IASC 2005; Skjelsbæk 2006). In her analysis of the political significance of SGBV in the context of war and emergency settings, the Norwegian peace scholar Inger Skjelsbæk noted that:

Sexual violence in war is as old as war itself. History has shown us that the female body is an extension of the battlefield, where victories and defeats can be manifest in different modes of sexual gratification by the male soldier... The power of rape, however, is more unanswered, in that war creates opportunities for rape to be carried out with impunity for the majority of its perpetrators. The power of the perpetrators lies not only in the fact that the likelihood of conviction for these crimes is lower in times of war than in times of peace, but also in the fact that the perpetrators' victims tend to remain silent about the ordeals they have suffered. (Skjelsbæk 2006: 3; also see Bukuluki et al. 2013)¹

Similar arguments have been raised by Brownmiller (1991) in her seminal work, *Men, Women and Rape*. She argued that “rape has accompanied wars of religion and revolution, and it has been a weapon of terror and revenge, as well as a way to relieve boredom” (Brownmiller 1991: 31). Similarly, it has been argued by Doris E. Buss in her article on “rethinking rape as a weapon of war” that:

One of the most significant shifts in current thinking on war and gender is the recognition that rape in wartime is not a simple by-product of war, but often a planned and targeted policy. For many feminists rape as a weapon of war provides a way to articulate the systematic, pervasive, and orchestrated nature of wartime sexual violence that marks it as integral rather than incidental to war. (Buss 2009: 145)

Some scholars have argued that strategic rape assaults not just the victim but “also aims to dissolve the social structure of the attacked group. It taints its ethnic stock” (Fisher 1996: 123–4). Others have noted that “in war, the abuse of the enemy’s women is considered to be the ultimate humiliation, a stamp of total conquest” (Goldstein 2001: 362). Much as these arguments tend to focus on rape as a weapon

¹What she forgets to consider though is that in recent past young men and boys have become victims of sexual abuse during violent conflict and when in custody during post conflict situations.

of war used by enemy forces, it is important to note that other ordinary people may take advantage of the war conditions or be influenced by conditions of poverty, hunger, alcohol/substance abuse that comes with war to inflict violence on the other gender, especially on children and women.

These arguments point not only to the political and social but also developmental significance of SGBV that was clearly encapsulated during the 2006 International Conference in the Great Lakes Region (GLR) on the Protocol on the Prevention and Suppression of Sexual Violence against Women and Children. This conference noted that SGBV inhibits the ability of women to contribute to, and benefit from, development and to enjoy their rights and fundamental freedoms in private or public life. SGBV also contravenes international instruments such as the Charter of the United Nations 1945, Security Council Resolution 1325, the Universal Declaration of Human Rights 1948, the African Charter on Human and Peoples' Rights 1981.

11.1.1 Magnitude of SGBV in Uganda and Northern Uganda

In order to put in context our current theme, we provide a brief history and context of the civil conflict and the magnitude of SGBV in Uganda and in northern Uganda in particular. Northern Uganda was affected by civil conflict similar to what is described as the “New Wars” in peace studies and international relations. This conflict, which spanned over two decades, ravaged the region leading to death of thousands and mass displacement of people. It is estimated that over two million people were displaced by the conflict. This conflict is associated with many atrocities including sexual violence against girls whom were assigned as “wives” or sex slaves to Lord Resistance Army Rebel commanders, rape, mutilation, torture, massacres, intimidation, beatings, large-scale abductions, forced recruitment of adults and children, and large-scale looting and destruction of civilian property, among others (Branch 2005). A report by United Nations Children’s Fund (UNICEF) and government titled “Suffering in Silence,” based on data collected from Pabbo camp (the largest camps for IDPs) in Gulu District, revealed that at least 60 % of women had experienced some form of sexual and domestic violence (UNICEF 2005).

In Uganda, GBV is a widespread problem, and the magnitude is very high. The 2006, Uganda Demographic and Health Survey (UDHS) shows that 39 % of women and girls aged 15–49, had ever experienced sexual violence, compared to 11 % for men, and 59.6 % of women have experienced physical violence, compared to 53 % of men (Uganda Bureau of Statistics (UBOS) and Macro International 2006). Similarly, a study carried in 2009, revealed that more than 80 % of women consulted had experienced physical, sexual or psychological violence at some point in their marriage or intimate relationship (International Centre for Research on Women (ICRW) 2009). The Uganda Demographic and Health Survey (Uganda Bureau of Statistics and ORC Macro International Inc. 2006) further shows that one in four women aged 15–49 reported that their first sexual intercourse was forced against their will, and more than half of these (54 %) first suffered sexual violence under the

age of 18. The Ministry of Gender, Labour and Social Development (MGLSD) National Report on Sexual and Gender-Based Violence similarly indicates that between one-third and two-thirds of known sexual assault victims are of age 15 or younger (MGLSD 2011).

There are also a number of harmful traditional practices, such as forced and early marriage for girls. For example data from the Uganda Demographic and Health Survey indicates that 57 % of women aged 20–25 were already married before the age of 18. It also indicates that 43 % of women aged 20–25 had given birth before the age of 18 (UBOS and ICF Macro 2011). However, these statistics may underestimate the gravity of SGBV. Studies have shown that only a small proportion of women and girls may be reporting SGBV because some women have considered the violence as normal or fear consequences of reporting, such as further violence from perpetrator and bringing shame to their family (Justice and Reconciliation Project (JRP) 2012). Others may fear that reporting could lead to an end of the marriage or a relationship.

11.1.2 SGBV in Post-conflict Northern Uganda

Statistics on SGBV are generally quite scanty. In the case of the sub-Acholi region of Northern Uganda, 22 years of a protracted and intractable violent conflict between the Lord's Resistance Army (LRA) and the Government of Uganda (GoU) has been reported to have escalated SGBV and other atrocities in the sub-region. The UNICEF report (2005) revealed that more than 80 % of the population in this region was displaced. People in this region were subjected to several atrocities and crimes against humanity, including rape, defilement, sexual slavery, forced marriages, maiming of thousands of civilians, abductions of over 25,000 children, and physical disfigurement, "gunshots and landmine injuries; destruction of livestock and property, spread of HIV/AIDS, and destruction of moral and social values of the community (IASC 2005; Justice and Reconciliation Project (JRP) 2012). For example, during the heights of displacement, a study by UNICEF (2005) showed that an estimated 60 % of women in the largest camp for internally displaced persons (IDPs) in war-torn northern Uganda had encountered some form of sexual and domestic violence.

Similarly, a recent report by Justice and Reconciliation Project (JRP) (2012) in northern Uganda reported that rape and sexual violence was pervasive for women abducted by the LRA. According to this report, many women were forced into marriages with other LRA fighters against their will. Other studies noted that, even for women who were not victims of abduction or captivity, sexual violence was rampant in the Internally Displaced Person (IDP) camps in northern Uganda (Bukuluki et al. 2013; JRP 2012). It has been argued that women and girls who were forced into marriage and return from captivity with children face significantly more recovery challenges than other returnees (Annan et al. 2006; JRP 2012).

Today, Northern Uganda is experiencing what is termed as negative peace: relative peace and stability. All IDP camps were disbanded, and people are back to their villages. Despite this, the root causes of the conflict have not been effectively addressed. SGBV prevalence is still unacceptably high. Data collected through the Gender Based Violence (GBV) Information Management System showed that between January 2009 and March 2010, an average of 227 GBV cases were reported every month to five NGOs providing GBV response services in the districts of Gulu, Amuru, Pader, Kitgum and Dokolo. The majority (70 %) of these cases (161) were cases of sexual assault and defilement of children. It is further noted that sexual violence (40 %) constituted the highest number of reported cases per month followed by physical violence (31 %). Of the cases of sexual violence, 90 % of the victims were girls below 18 years (UNICEF 2012). This notwithstanding, there is evidence that normalization of SGBV is prevalent in the population. For example, the 2011 UDHS found that a high percentage of women aged 15–49 years in the Northern region, approximately four in ten women (42 %), believed that “a husband is justified in hitting or beating his wife for specific reasons, including neglecting a child, denying a husband sex, burning food, disobeying their husbands or being unfaithful” (UBOS and ICF Macro 2011).

11.2 Negotiation Between Restorative and Retributive Justice

Negotiation is a dynamic process aimed at reaching something that is agreeable and serves the mutual interest of the parties concerned. At this point, we will need to delve deep into the meaning and philosophy behind restorative and retributive justice. This may help us to appreciate the differences and similarities between the two before we examine the concept of negotiation between restorative justice and retributive justice.

Maiese observed that restorative justice is primarily concerned with:

healing victim's wounds, restoring offenders to law-abiding lives, and repairing harm done to interpersonal relationships and the community...The central premise is that victims, offenders and the affected communities are all key stakeholders in the restorative process... The goal is not revenge but restoration of healthy relationships between individual and within communities that have been most affected by the crime...The assumption is crime has its origins in the social conditions and recognizes that the offenders themselves have actually suffered harm. (2003:1)

There are some similarities between restorative justice and the ‘traditional’ justice system in northern Uganda but with unique variations particular to the context of this region. Conversely, the central idea of retributive justice is that people should get what they deserve in respect to their behavior. Retributive justice emphasizes individual responsibility and accountability for crimes committed. It adheres to the moral notions of peace, which emphasize peace comes out of justice and is very

close to revenge (Bukuluki 2011). Protagonists of the retributive justice system tend to insist that:

those who break the rules deserve to be punished...people need to be treated in the same way that they treat others...punishment is warranted as a response to a past event of injustice or wrong doing. It acts to reinforce rules that have been broken and balance the scales of justice. (Maiese 2003: 1)

Similarly Minow observed that:

[In] retributive justice the punishment [must] fit the crime and that like cases be treated alike. Wrongdoers deserve blame and punishment in direct proportion to the harm inflicted. Retribution can therefore be seen as vengeance curbed by outside intervention and the principles of proportionality and individual rights. (1998:12)

Therefore, while both systems are interested in justice, they approach it from quite different perspectives. One of the key premises of this paper is that both restorative and retributive justice operate in the context of culture. Actors in both perspectives and practices of justice use cultural lenses that they have been socialized in to make meaning of what justice means to them as survivors, perpetrators, families, communities, the state or even the international community. What also may complicate matters is that culture is a complex and dynamic phenomenon, but its actors may not easily realize this because everything seems as natural to the actors as it happens in their socio-cultural and socio-political contexts. In negotiating, one may have to carefully think about the various contexts in which the actors are operating and how these may influence how they negotiate, their interests and their goals. Social scientists, particularly anthropologists, have been interested in two domains of contexts: one that tends to claim universality and the other that claims to be local, and both are conceptualized in the context of culture. Similarly, we will approach this paper from the notion of culture, where some cultural dispositions tend to be considered universal or to have attained a global, dominant status while others may be considered local and/or inferior to the universal ones. Therefore, to contextualize the negotiation between retributive and restorative justice, it is worthwhile to examine universalism and cultural relativism. Given that negotiation requires identifying some common interests and goals in order to reach some pragmatic agreements, it is crucial to ask some fundamental questions. Is there culture that is pure; i.e. is there a culture that is separable and separated from others? Are there convergences between what may be claimed to be universal culture and local culture or convergence between those who claim to be universalists and those who claim to be cultural relativists? Answers to these questions may help us to reflect more critically on the notions of negotiation between retributive justice that is seen as more universal, formal and also more inclined to the West and restorative justice that is rather localized, less formal or even perceived as indigenous in some contexts.

What is quite clear at least from a social science and particularly anthropological perspective is that both relativism and universalism are cultural phenomenon and social constructions. In this respect, Von Glasersfeld (1991) points to an uncertainty of anything like an independent and objective world secluded from our own, as the knower's knowledge is part of the process. Those who lean towards the constructivist

approach tend to put emphasis “on the world of experience as it is lived, felt and undergone by social actors” (Von Glasersfeld 1989: 162). This is at odds with positivism that is inclined to objectivity and observation.

Radical constructivists have developed arguments to support their antithesis of positivism. For example, Von Glasersfeld argues that “knowledge is a self-organised cognitive process of the human brain; it is not aimed at a ‘true’ image of the ‘real’ world but at a viable organization of the world as it is experienced” (1989:162). Von Glasersfeld makes two crucial points that are important for making a case for negotiation between restorative justice (more inclined to cultural relativism) and retributive justice (more inclined to universalism): “(a) Knowledge is not passively received but actively built up by the cognizing subject; (b) the function of cognition is adaptive and serves the organization of the experiential world, not the discovery of ontological reality” (1989: 162).

This may imply that those who subscribe to universal machinations of justice (especially retributive justice) as well as those who subscribe to restorative justice (relativity of justice in a particular local context such as the traditional justice system in Northern Uganda—cultural relativism) do so out of their subjective experience. But most importantly, all these subjective experiences of retributions and restoration are mediated by culture which is dynamic and, of course, a complex phenomenon. As White (1959) aptly stated, “between man and nature hung the veil of culture and he could see nothing save through this medium...meanings and values that lay beyond senses” (White 1959: 2). In other words, both universalists and cultural relativists are using culture as the medium through which they can perceive, understand and interpret things around them (Bukuluki 2013). As we problematize negotiation between retributive and restorative justice, we need to take into consideration what several anthropologists have alluded to: cultural constructions and meanings are not static; they keep changing and meanings are shifting, uncertain and unstable. However, at a given time, space and situation, culture serves as a lens through which people see, perceive, interpret and attach meaning to things (Bukuluki 2013).

Quintessentially, what gives opportunity for negotiation between what are seemingly radically different justice systems is that the positions and experiences of those who believe in relativism (local justice systems) as well as those who subscribe to universalism (dominant retributive justice system) tends to be uncertain, unstable and highly dynamic.

Similarly, Olaniyan identifies two distinct discourses in the debates on cultural identity and difference: the *profane* and the *sacred* (Norval 1999). The *sacred* is more inclined towards dualism and the absolute truth. It conceptualizes culture and identity of any system as a “given totality, separated and separable from other cultures with exactness of a puritanical slide rule” (Norval 1999: 7). In other words, elements of a culture are taken to be non-contradictory and non-antagonistic. From this perspective, the difference from other cultures is conceived as “absolute, closed and impenetrable” (Norval 1999: 7–8). This is similar to the argument made by Sachs in his critique of universalism.

For centuries, universalism has been at war with diversity. Science, the state and the market have dominated this campaign... Science, the state and the market are based on a system of knowledge about man, society and nature that claims validity everywhere and for everybody. (Sachs 2006: 219)

Sachs also introduces the notion of “space against place” which is useful for deepening our understanding of negotiations between different cultural systems of justice as well as cultures that claim universal validity and those that are perceived as local. He postulates that universalistic cultures do not subscribe to any place; they are space rather than place centered. He argues that the mental style of universalists is not linked to any place but “rests instead on the concept of space” (Sachs 2006: 219). He aptly states that “universalists aspirations are space centered while *localists* world views are mainly place-centered” (Sachs 2006: 219). This distinction demonstrates the tension between the protagonists of cultural relativism (a keen to restorative local justice) and universalism (leaning towards retributive justice).

Cultural relativism assumes that there is no culture whose values and customs dominate in a moral sense (Lund 1999). This in essence means that any culture deserves to consider itself as discrete and more so exclusive (Bukuluki 2013). In cultural relativism, the premise is that “cultures are connected to particular places, with their own particular peoples, memories and cosmologies” (Sachs 2006: 219). The question is how cultural-bound is the idea of cultural relativism itself. The claim that all cultures should enjoy equal rights is a universal ethics principle per excellence (Lund 1999). At a general level, Lund calls for “the universalist to recognize the relativist element in their claim and conversely that cultural relativists recognize the universal element in theirs” (1999: 4).

In our analysis of the negotiation between restorative and retributive justice, we see that the discourse on universalism and cultural relativism seems to provide two choices. One that seeks to replace diversity with sameness and the other that assumes that plurality is here to stay, and therefore, declares plurality to be good and sets to make the best of it in order to make human co-habitation better (Lund 1999: 8). Donnelly noted that “cultural relativism is a doctrine that holds that such variations are exempt from legitimate criticism by outsiders, which is mostly supported by the notions of communal autonomy and self-determination” (1984: 400). He adds that radical cultural relativism would hold that culture is the sole source of the validity of moral right or rule. Yet, radical universalism would hold that culture is irrelevant to the validity of moral rights and rules which are universally valid.

The profane discourse presented by Norval (1999) helps to demonstrate this argument. The profane discourse “insists on the madness of culture and the eventedness of every identity. Culture is conceived as a complicated articulation of mutually contradictory and antagonistic elements” (Norval 1999: 7–8). Norval adds that cultural identity from this perspective cannot be seen as closed and positive but it “exists as fragile and vulnerable – as a hybrid and non pure” (1999: 7–8). Profane is synonymous with non-purity and/or hybridity of identity of any culture (Bukuluki 2011). Thus when two cultures meet, they do not meet and mix as pure cultures. I, therefore, argue that when universalism and cultural relativism meet, they meet as impure cultures and identities. They are impure, mad and contaminated. Any attempts to mag-

nify their differences tend towards utopia. Universalism is not pure, it is mutually contradictory with antagonistic elements as is cultural relativism (Bukuluki 2013). Hybridity and/or hybridism, therefore, create(s) room for conversation and negotiation (Bukuluki 2011) between universalism/retributive justice and cultural relativism/restorative justice, but not enough has been done to make use of this space.

Using the lenses of the systems theory, we can argue that both universalism and cultural relativism are part of the whole, and the whole is bigger than the sum of its parts. Similarly, within the context of chaos theory, we see that creativity as opposed to controlling positions is encouraged when resisting life's uncertainties (Briggs and Peat 1999). From a theoretical perspective, chaos theory is congruous with the post-modern paradigm, which questions deterministic positivism as it acknowledges the complexity and diversity of experience (Levy 1994).

11.3 Methods

11.3.1 *Research Design*

An exploratory and descriptive design was applied, because the study had an interest in exploring and providing an in-depth description of the forms and drivers of SGBV, as well as how survivors, their families and other actors negotiate between available justice mechanisms in their attempt to access justice. The study employed a predominantly qualitative approach in data collection, analysis and presentation of findings. We leaned towards the conceptualization of qualitative research by Kirk and Miller (1986), who define qualitative research as an approach that involves watching people in their own territory and interacting with them in their own language, on their own terms. These authors also noted that in qualitative research, the researcher is able to understand behavior or human actions from the informant's own frame of reference (Kirk and Miller 1986).

11.3.2 *Study Area*

This study focused on four districts in northern Uganda, namely: Gulu, Amuru, Kitgum, and Nwoya.

11.3.3 *Data Collection*

We utilized qualitative methods of data collection.

Key Informant Interviews (KIIs) Sixty key informant interviews were conducted with selected informants from organizations and institutions involved in GBV prevention and response in the four districts. Individuals who were associated with

specific programs were asked to provide information on their programs and, in particular, the results of any operation research carried out. Interview guides were used in conducting the KIIs. This approach allowed for a deeper engagement of the study participants to generate learning and understanding of the context of the forms, drivers and responses to SGBV in post-conflict situations.

Desk Study The desk study involved a review of several documents related to SGBV, including any baseline studies, operational researches, monitoring and evaluation reports, legal and policy documents, and records of the police and the judiciary. A document checklist was generated and later a thematic issues checklist was generated to guide abstraction of information and data from the various documents.

In-Depth Interviews (IDIs) Sixty IDIs were conducted with survivors of SGBV and thirty IDIs were conducted with perpetrators of SGBV. IDIs were purposively selected through networks of agencies implementing SGBV prevention and response interventions in the Acholi sub-region. An in-depth interview guide was used to explore their experiences and views with respect to SGBV.

Focus Group Discussions (FGDs) Eight focus group discussions were conducted with cultural leaders. FGD guides were used to elicit collective views about GBV as well as generate information that could be difficult to elicit at the individual level.

11.3.4 Data Analysis

Several activities were undertaken in the course of analyzing and processing data for this study. Firstly, data recorded during IDIs, FGDs and KIIs was transcribed, simultaneously translated from the local language to English and edited for use in the reporting. This process was done on a daily basis for every interview/discussion conducted. A microanalysis of transcripts was done to summarize data and generate key themes in line with the study objectives. Data analysis was done manually, and some verbatim extractions were made from the transcripts that were later inserted directly into the report. An interpretative and explanatory approach was used to do content analysis and draw conclusions from the data guided by the study objectives and emerging themes from the study findings. This analysis was used to analyze the meaning of SGBV, forms, drivers and how survivors, their families and other actors respond to SGBV in the post-conflict settings.

11.3.5 Ethical Considerations

Research approval was sought from the Uganda National Council for Science and Technology. Verbal consent was sought from all participants and they were informed of the objectives of the study. Participants were informed that this was a voluntary

exercise and were free to decline participation in the study or answering certain questions without any adverse consequences. The confidentiality of all the information gathered was strictly protected. Records such as tape recorders and notebooks were treated with strict confidentiality.

11.4 Results

11.4.1 *The Traditional Justice System in Northern Uganda and SGBV*

Northern Uganda has continued to enjoy the relative peace and stability for the last 5 years. This notwithstanding, communities continue to “grapple with the difficult process of healing, reconciliation and justice for those affected by the more than 20-year-long Lord’s Resistance Army (LRA) conflict” (JRP 2012: 1). In a bid to cope and deal the issues of reconciliation, the Acholi people in particular have consistently made reference and popularized use of the Acholi Traditional Justice mechanisms and practices which lean heavily on the restorative justice paradigm. Proponents of this approach argue that traditional mechanisms are a locally suitable alternative to legal trials that are rooted in the retributive justice paradigm. Strength was added to calls for use of traditional justice cultural resources particularly after Agenda Item Three of the 2007 Juba Agreement on Accountability and Reconciliation recommended the use of traditional justice mechanisms to support the accountability and reconciliation process (JRP 2012: 1). Within this context, for the broader range of crimes, the agreement introduced a role for ‘traditional’, community-based justice mechanism as “a central part of the framework for accountability and reconciliation” (Refugee Law Project (RLP) 2008: 2), which would be applied to lower-level perpetrators and those who have already received amnesty. The Agreement on Accountability and Reconciliation notes: “Traditional justice mechanisms, such as *Culo Kwor*, *Mato Oput*, *Kayo Cuk*, *Ailuc* and *Tonu ci Koka* and others as practiced in the communities affected by the conflict, shall be promoted, with necessary modifications, as a central part of the framework for accountability and reconciliation” (RLP 2008: 2).

The traditional justice mechanisms of the Acholi are based on their beliefs surrounding spirituality and death. Like many African tribes, the Acholi believe in the “existence of spirits and a complex understanding of their influence on everyday life is a central element of Acholi cosmology” (JRP 2012: 1). *Jok* is an ancestral spirit that enforces the moral code and will punish transgressions, but ultimately acts as a benevolent force with the clan’s best interest in mind (JRP 2012: 2). The Justice and Reconciliation Project further noted that “violations of the moral code that incite *joggi* [pl. of *jok*] to retaliate are known as *kiir*, or abomination (JRP 2012: 2). *Kiir* covers a variety of transgressions that occur both in peacetime and war. These

include, among others, fighting at a water point, destroying property, incest, breaking of vows, or domestic quarrels” (2012: 2).

Therefore, apart from traditional justice mechanisms being perceived as more accessible than formal retributive justice systems, studies have shown culturally-based spiritual and justice systems are popular because they blend readily into the people’s socio-cultural life (Tabuti et al. 2003; Whyte 1997). Traditional justice explanations fit squarely into the people’s quest for not only understanding their misfortunes but also seeking ways of transforming relationships between people and the spirits, and between human beings who have conflictual and culturally bound relationships with each other. The traditional justice/healing mechanisms, therefore, tend to provide acceptable answers to people who are attempting to question misfortunes that befell them and their families (Whyte 1997; Bukuluki 2006). The traditional justice mechanisms provide them with answers that are rooted in their socialization processes, cultural expectations and relationships with both the living and the “living dead” (Bukuluki 2006). Some studies among the Acholi have shown that spirits enforce moral norms that all Acholi are expected to follow, and spiritual retaliation is expected in response to violations of the moral code. Additionally, in the context of collectivism that permeates Acholi society, it is believed that the whole clan may experience negative consequences for individual violations of the moral code. Quintessentially, this implies that the clan traditionally takes collective responsibility for amending any violations (JRP 2012). The Justice and Reconciliation Project study documented a number of traditional justice mechanisms that are summarized in the table below. These justice mechanisms are used for various purposes as described in Table 11.1.

In relation to SGBV, aspects of these traditional justice mechanisms have been reported to be relevant to some of the recovery processes for victims of sexual violence. For example, some survivors report that the cleansing and reintegration ceremonies help in reducing stigma not only as a former rebel, but also as a previously married woman (JRP 2012). Before going through these ceremonies, it was reported that men may perceive a female returnee as ‘damaged’ and ‘unclean’ as a result of her period of abduction, previous marriage and any children born in captivity (JRP 2012). The Justice and Reconciliation Project study found that participating in “a cleansing ceremony may help to address this particular type of stigma by allaying the fears and biases of potential marriage partners within the community” (2012: 15). It, however, noted that “despite the relevance of traditional practices to these particular elements of the long-term consequences of conflict-related sexual violence, it is important to remember that without addressing the root emotional pain that victims of sexual violence face, the recovery process for that individual will likely remain incomplete” (JRP 2012: 14–15). These observations further call for negotiation between the culturally constructed healing/reconciliation mechanisms and the modern biomedical interventions known to facilitate psychosocial recovery of the survivors and their families. This further accentuates our theme of negotiating

Table 11.1 Various purposes of Acholi traditional justice mechanisms (Justice and Reconciliation Project 2012: 3–6)

Justice mechanism	Purpose
<i>Nyono tong gwen</i> ("stepping on the egg" ceremony)	It is used to welcome and cleanse one who has been away from home for an extended period of time, regardless of the reason for their absence. This process symbolizes cleansing of any bad things experienced during the absence from home and indicates reunion into the family and community.
<i>Lwoko Pik Wang</i>	Performed in cases where mourning and funeral rites were performed for a person who was assumed dead, both to welcome the person home and to signal to the spirit world that the person who has returned is not dead. Family members wash their faces to symbolize washing away the tears that were shed while the returnee was believed dead. Then the returnee is blessed with that water, often by pouring it from the roof of a hut while the returnee passes beneath.
<i>Moyo piny</i> ("cleansing of the area")	It is a ritual designed to eliminate <i>bad spirits</i> from a particular physical location. In this ceremony, an animal is slaughtered to appease the bad spirits and the contents of the animal's stomach, <i>wee</i> , are used to cleanse the area. <i>Moyo piny</i> was a particularly common practice as residents moved from internally displaced persons (IDP) camps back to their home areas to cleanse the bad spirits before re-establishing communities and homesteads.
<i>Moyo kum</i> ("cleansing of the body")	A ceremony called <i>moyo kum</i> is performed to cleanse an individual of bad spirits. In this ceremony, an animal is slaughtered to cleanse an individual's pain and appease the spirits, and elders offer blessings and laments.
<i>Mato oput</i> ("drinking of the bitter root")	<i>Mato oput</i> is part of a long and involved conflict resolution process between the victim's clan and the perpetrator's clan. This begins with mediation and negotiation between the two parties, which culminates in agreeing upon a level of compensation from perpetrator to victim. Compensation, known as <i>culu kwor</i> , is a central feature of the process; it symbolizes recognition of the victim's suffering by the perpetrator and acts as a deterrent from committing the act again. Traditionally, this money is also used to marry a woman into the clan. The child resulting from this marriage is then named after the deceased and represents new life in exchange for the deceased family member. After the compensation is paid, the process culminates in a <i>mato oput</i> ceremony. During the ceremony the wrongdoer admits responsibility and asks for forgiveness from the harmed individual. Then the two parties drink a mixture including the bitter <i>oput</i> root, which represents the bitterness that existed between the two parties, and is meant to discourage the wrongdoer from committing further crimes.

between cultural relativism based on localized interventions rooted in the culture and context and those interventions believed to be more global/universal in order to meet the best interests of the survivor, her family and the community. Critics of these localized culturally constructed processes contend that traditional justice mechanisms do not sufficiently respect international legal and human rights standards, including the rights of women and children.

11.4.2 Negotiation Between Restorative and Retributive Justice Mechanisms by Survivors and Their Families

Views of our study participants in key informant interviews, in-depth interviews and group discussions suggest that negotiating between the traditional justice mechanisms that are restorative in nature and philosophy and the formal justice system that is more inclined towards retributive justice produces an informal ingenious hybrid system of justice that tends to resonate with realities of both victims and perpetrators of SGBV in post-conflict settings like the Acholi sub-region. Some key informants from the formal justice systems acknowledged that when formal courts work together with the informal-restorative justice systems, it reduces abuse of formal courts especially by the ‘rich’. One of the magistrates gave an example of a case involving land grabbing from female orphans of the deceased by one the brothers to underscore that those who have fraudulent cases rarely opt for the traditional justice systems.

The rich and fraudulent claims are taken to formal courts. At the village and informal level – it is hard push with such cases. These who are fraudulent or grabbing land do not like the traditional courts. There is a case of two brothers who all had children but one of the brothers died. The other one is denying the other’s children land. (Key Informant Interview with magistrate in Gulu district)

This magistrate seems to clearly argue that fraudulent people who want to exploit others find it difficult to take their cases to the informal or traditional restorative justice systems. This could be because it is difficult to distort facts at the community level. At this level, the goal is not winning the case just through evidence; it is about using the case to restore relationships in the family and among relatives. In these courts, the family and community relationships tend to take precedence over individuals. Therefore, collectivistic values tend to be cautious about factors that benefit individuals but scatter the family and the community. As it has been argued by several scholars, in collectivism, an individual is obligated to contribute to the community, not only because it is expected of him or her but because the “community is him or her” (Verhoef and Michel 1997: 396; also see Hofstede 1991). Similarly, it has been argued that the concept of a person in the African collectivist world-view is “first and most importantly that of the community...this means not that the individual is selfless, but that the self is the community” (Verhoef and Michel 1997: 396; also see Bukuluki 2013). Hofstede observes that “collectivism... pertains to societies in which people from birth onwards are integrated into strong, cohesive groups which throughout peoples’ lifetime continue to protect them in exchange for unquestioning loyalty” (1991: 51). Two important aspects of collectivism: the suppression of the self in the interest of the community or “the idea that the identity of an individual is not separable from the socio-cultural environment” (Ikwenobe 2006: 53) and the notion of “we are” as a basis for defining identity instead of “I am.”

In collectivism, the cultural ideal is “I am because you are” (Tschudi 2006). This is an important inspiration that is in some contexts (e.g. South Africa) linked to the

African concept *ubuntu* that was popularized by Bishop Tutu (1999) in advocating and executing the work under Truth and Reconciliation Commission (TRC). Tutu prefers to express the *ubuntu* using the metaphor “my humanity is intrinsically related to that of other persons”. He presents *ubuntu* as an African alternative to the Cartesian “I think, therefore I am” – “I am human because I belong.” In such a context, it is perceived as quite a challenge to push through fraudulent claims that benefit an individual but leave the family and community less cohesive. This may explain why actors in the formal retributive justice system acknowledge the need to work in partnership with informal restorative justice leaning structures, especially where they feel that the “rich and powerful” are using the legal procedures in the formal justice system to manipulate and exploit the poor and vulnerable, most of whom are women and children.

During fieldwork, it was noted by study participants that the interdependence between “traditional” and formal structures of dispensing justice is contributing to promoting reconciliation among the people and communities in the post-conflict Acholi sub-region. One of the strategies achieved for doing this was to work with the Acholi Cultural Institution (Ker kwal Acholi) to train cultural leaders, including clan leaders, who preside over the traditional courts built on the notions of restorative justice in some basic aspects of human rights, the law and the formal justice system.

Group discussions held in Kitgum with traditional chiefs revealed that initiatives aimed at providing formal training to traditional chiefs in the basics of the law and human rights (inclined towards the retributive-formal justice system) have contributed to a more comprehensive and effective response to cases of GBV handled in traditional court sessions. It was also emphasized that barriers linked to monetary costs, long distances, and delay in attending to cases have, to a certain extent, been reduced.

The training has helped the cultural institution to stand up to the challenge of handling cases some of which relate to the SGBV. In these cases the community gained immensely unlike the formal justice system where cases are denied and people have to hire and pay lawyers. In the informal-traditional justice system even the poor have access to justice free of charge. You do not have to pay and long distances are avoided because cases are handled within the community. This has helped to reduce the backlog of cases. (Group discussion with traditional chiefs, Kitgum)

Similarly, a review of activity reports of Ker Kwal Acholi reveals that the major target of the capacity building trainings in mediation, gender issues, human rights, and basics about the formal justice systems were the traditional chiefs and community leaders. Most of the stakeholders interviewed observed that trainings were instrumental in building capacity of the chiefs to successfully ‘resolve’ conflicts related to land and domestic violence using their cultural norms and values but taking into account human rights and the laws that govern land in Uganda (Fig. 11.1).

These findings are similar to those of the Justice and Reconciliation Project (JRP) which found that “traditional ceremonies are important tools that women and youth use to reintegrate and reconcile with community members...” (JRP 2012: 1).



Fig. 11.1 Traditional court session on land dispute at Kigwe Village Lapul sub-county Pader District on the 1st March 2012

It was also revealed that formal courts, especially at the lower local government level (Local Council 1 Courts), tend to practice arbitration, drawing resources/insights from both restorative and retributive justice systems. This excerpt from an interview with a Local Council Chairperson demonstrates the above finding:

When a case is reported, the parties concerned are invited and counseled to prepare them to enter arbitration. In cases where arbitration fails then we refer them to the police. But according to the law, cases involving very serious physical assault are supposed to be referred straight way to the police, which has the department for human rights and SGBV. However, often before such cases are referred, both the accused and victim are asked whether they know the repercussions involved in referring the case to the police. This is because sometimes referring the case to the police makes the accused to become more aggressive. If the victim refuses or insists on us referring the case to the police, then we refer the case. But if she/he accepts, then the case will be solved from here and the accused will be obliged to make sure that he pays for the treatment or takes victim to the hospital. Usually Local Councils (LCs) follow up such cases to make sure that the victim is treated. They normally demand for medical treatment forms, etc. If the man (accused) has no money, then they will send the wife (victim) to the police and get Form 3 which allows her/him to get free treatment from the government hospital.

This excerpt suggests that the Local Council officials are reluctant to refer cases to the formal institutions like the police, even when they know that cases involving aggravated physical assault should be referred to the formal justice system straight away. They only refer such cases if the victim insists or if the perpetrator has no money to compensate or, in this case, to take the victim to the health facility for treatment. This may imply that they have more faith in the restorative justice system that aims at repairing the relationship between the perpetrator and the victim, even if formally, the LCs are considered to be part of the formal justice system. It may also suggest that they only use the formal justice system to link the victim to services

but not necessarily to pursue issues of justice. Without getting into the moral discourse of judging what they do as right or wrong, this is an example of how actors in the formal court system, influenced by their experience and strong leaning towards the informal justice system, use an ingenious hybrid of aspects of both the formal and informal justice system in handling cases of GBV in their communities. These findings are similar to other studies (Bukuluki 2011; Okello and Hovil 2007) that revealed that “formal” justice structures appreciate the contribution of the “traditional” justice structures. For example, Bukuluki cited one of the formerly abducted young women in Pader district who explained that:

The police can decide to refer some of the cases back to the ‘traditional’ leaders because some of the cases call for the performance of ‘traditional’ rituals and ceremonies. If these rituals are not performed then it means that the two conflicting parties will not relate well. The police are strict for cases such as defilement and rape. But for other cases such as fighting, the police may ask the two parties negotiate among themselves with the help of the ‘traditional’ leaders. (2011: 79)

The question that requires further investigation is: What would constitute justice from the perspective of the victims? Is it linked to the process, the outcome, or both? Does the process used by LCs to handle these cases deliver justice to the victims? Does justice mean apologizing to the victim/her family? Does it mean paying compensation to the victim/her family? Or does it come from heavy penalties/sentencing from the retributive justice system?

During interviews and focus group discussions, respondents linked accountability strongly to the idea of compensation. Compensation was considered a necessary response to harm, both as a form of accountability for perpetrators and as a means of improving the material conditions of affected communities. One participant explained: “compensation given to those who have suffered losses can restore their hope and reduce grievances they hold toward the perpetrators” (focus group discussion with victims of violence, Obyem Decongested Camp, Kitgum District, April 2009). To some women, there is an appreciation that while it may not reverse the harm done, it helps them re-establish their own life (Bukuluki 2011).

It was common to find people who argued that “before perpetrators could be cleansed or reconciled, they first needed to confess their crimes and show a willingness to compensate victims.” (Bukuluki 2011: 87). As one of the male victims in Kitgum district explained: “In Acholi here, we also believe that ‘*culo kwor*’—that is, compensation—is one way that harm done can be addressed as the offender pays the other person for the pain caused in any way with money, goats, cows or any other means available” (Bukuluki 2011: 87).

It was interesting to note that more or less the same patterns of the way physical assault is handled permeated the way rape and defilement is handled. It was reported that in the Ugandan law (Constitution 1995), LCs are not supposed to handle rape and defilement cases. Ideally, these cases are supposed to be referred to the police immediately. However, our study participants noted that although this procedure is followed in some cases, it is not the norm. One of our participants noted that:

But we have cases whereby after defilement the perpetrator pays compensation to the family of the victim ... Sometimes the parents ask LCs not to interfere but to let them solve the case by themselves. They demand for compensation from the perpetrator although such compensations are illegal.

Other participants at the community level noted that in some of the cases where LCs have defied the parents' requests and reported the cases to the police, the parents refuse to cooperate. This affects the police investigations into the case and the formal court proceedings. One of the participants described the complexity within which LCs find themselves that have actually influenced LCs to prefer to settling cases informally, especially if parents/relatives of the victim are not willing to cooperate with actors in the formal justice system.

If a case is reported against the will of the parents, what they will do is not to report or follow up with court orders. At the end the perpetrator is set free. Because of this, the LCs find it useless to report SGBV cases unless the parents are willing to do so or to be fully involved. If the girl gets pregnant and the case is reported to the police/NGO, the perpetrator comes but he denies responsibility making it difficult for the parents who end up caring for her. So in this case it is better to solve the matter informally so that the perpetrator accepts to give help to girl.

From the above case scenario, it is quite evident that the actions taken by the LCs are dependent on the nature and attitude of the parents towards the case. LCs and the police as actors in the formal justice systems seem to present themselves as 'helpless.' They also seem to behave as if they have been taken hostage by the parents who are unwilling to cooperate by submitting the cases and following through the processes and procedures of formal justice system. In this case, one may argue that the law and the daily lives of people tend to live different lives. The law is there, but the parents and the LCs and to some extent the police do not have the "fire in the belly" to subject the perpetrators to the formal justice system. This may suggest that the actors in the formal justice system at the community level have cultural values and beliefs that lean heavily towards the restorative justice system and believe that this system can transform relationships between the victims and perpetrators. In such cases, one could argue that the formal justice system is there but only in name. It is passive, especially where both the victim's family and the first line of actors in the formal justice system, the Local Council 1 Courts, have less regard for the formal justice system and prefer to use the informal mechanisms to seek justice as they define and understand it from their own context and perspectives. The reluctance by actors may also be linked to collectivism tendencies in Acholi culture and socialization processes that emphasize the idea that relations in Acholi-land are interconnected and inter-dependant. This was evidenced in the explanation of one woman, in a focus group discussion in Pajule IDP camp (Pader District) cited in Bukuluki: "They [the perpetrators] are part of me, you, her and him. So if we do not forgive, we are persecuting our own selves" (2011: 78). Thus both processes and outcomes of justice may be perceived by the key actor (victim's family, LCs and some police officers) in this collective sense.

Collectivism may also be serving as a motivating factor for actors to use their agency in negotiating between the restorative and retributive justice systems. Some

studies have shown that even when a case is reported to the formal justice system and one serves his or her sentence, justice will not be perceived to have been accomplished until the family and clan of the perpetrator engage into the cultural/restorative justice system to seek forgiveness and to pay compensation to the victim's family and clan (Bukuluki 2011).

"If there is a murder in one clan, even if it is one person who committed the murder say of a woman by her husband or partner, the entire clan contributes to the payment of *Culo Kwor* (compensation)." (Bukuluki, 2011:79) This is a sign of unity of the clan, and an expression of "we are sorry for what happened." Explaining this further; one male focus group discussion participant in Kitgum noted that:

When cases are reported to the police, they simply record a statement and then the offender is taken to the court and sentenced. This makes people to resort to the cultural leaders because they fear that if the case is not resolved locally then tensions will increase in the community and if 'traditional' cleansing rituals are not performed then all the community will be at risk of reprisals from the gods. (Focus group discussion with male youth, Kitgum Matidi IDP Camp, Kitgum District, April 2009 in Bukuluki, 2011:80)

One of the focus groups discussions pointed out:

If a killing occurs and a person is arrested, he can be taken to court and imprisoned. But when that person is later released, he comes back to the community and the elders organize to have a *mato oput* ceremony between that person (and his or her clan) and the clan of the victim. (Focus group discussion with male youth, Kitgum Matidi IDP Camp, Kitgum District, April 2009)

Therefore, even if a person is sentenced to life imprisonment by the formal justice structures, cultural rituals are still performed to restore relationships between the victim's and perpetrator's clan: "If the person is not released the elders can still go ahead to organize for a *mato oput* ceremony with the clan of the victim because if *mato oput* does not take place then it means that there will be no restoration of relationships" (Bukuluki 2011: 80).

However, it was noted by some study participants that the actions by some actors, especially LCs, may also be politically motivated. This further raises an important issue relating to the political and judicial context in Uganda. The Local Councils that serve as the first line of the formal justice system are elected representatives of the people at the community level. Like any other politicians, votes are very important for their political maneuvers and sustainability. They are therefore keen in making sure that they please their constituencies. This may, therefore, affect the execution of their duties, especially when this seems to go against the will of the community but serves the interests of the law or the state. As politicians, they tend to mediate between the restorative and retributive-formal justice system and the perceived needs of their constituencies.

Often many LCs do not bother to investigate defilement and rape cases which are not officially reported to them. This is because doing so may not be of any use since some parents or survivors do not want their cases to be known outside the family. So if an LC investigates it on his/her own the parties involved will do everything possible to keep him or her out of it. Even if such cases are reported to the police, the police may end up experiencing a similar situation. That is why cultural and opinion leaders are very important,

because in such cases the parties involved can easily listen to them than to the LCs who politically elected. (Key Informant, Cultural Leader, Gulu district)

It was evident during our fieldwork that people resort to the formal justice system as a last resort—when perpetrators and their families/relatives do not comply with the decisions reached upon in the informal-restorative justice system. A case reported in the Uganda's leading newspaper, *New Vision*, January 18, 2013, by Drasimaku further demonstrates that parents and the community tend to opt for the formal justice system only when the agreements reached upon through the informal-restorative justice system are not adhered to by the perpetrator's family and relatives. They, therefore, use what in their perspective is a pragmatic approach. They start with the restorative justice and later end up with the retributive justice system to punish those that do not comply with the resolutions of the informal justice system.

Emmanuel Egama aged 29 years, a deputy head teacher of Santore Memorial Secondary School in Omugo sub-county, was arrested over allegations that he defiled and impregnated a 17-year-old senior two student of the same school. The West Nile regional Police spokesperson, Josephine Angucia, said Egama reportedly used to ask the student to help him clean his house since his wife was always away. The wife teaches at Drajini Secondary School in Yumbe district. Angucia said the girl handed to the Police a notebook where she recorded the dates on which Egama reportedly defiled her seven times between June and September last year. "Instead of teaching morals, this man decided to exhibit bad manners. It is absurd," she said. Angucia said the girl discovered that she was pregnant in October last year. She said when attempts to make the girl abort failed, Egama reportedly entered into dowry negotiations with the girl's relatives and it was agreed that he should pay three cows and sh600,000. (\$230). Angucia said on January 5, Egama reportedly paid sh100,000 (\$38) instead of the sh600,000 (\$230) which they had earlier agreed on. This angered the girl's relatives who reported the matter to the Police. He was arrested and briefly detained at Omugo Police Post before being transferred to Arua Police Station. (Drasimaku 2013)

11.5 Concluding Remarks

The views and experiences of study participants in this study and other studies reviewed show that in the daily lives of people, retributive and restorative justice systems are not used as mutually exclusive mechanisms for seeking justice. They are perceived by survivors of violence, including SGBV, as complementary. Survivors and actors in their environments, in the informal and formal realm, have found creative ways of balancing the demand for restoration and retribution. For example, study participants identified compensation a key facet of the perpetrator and his family bearing accountability for the harm inflicted by contributing to improving the material conditions of the affected individual and her family.

As has been demonstrated in the views and experiences of study participants, a strictly legalistic and judicial pursuit of the retributive aspects of the formal justice system, while the conflicts that lead or emerge from SGBV remain unresolved or not constructively transformed, runs the risk of denying people the very justice it

seeks to serve. By focusing on the immediate expediency of punitive justice, the formal justice system may be overlooking societal processes necessary for long-term post-conflict healing of relationships between individuals, families and communities.

A pragmatic and multi-faceted approach is therefore necessary, one which could potentially include a combination of various justice systems. Such a feat cannot be achieved through mere punitive justice, but by a restitutive and restorative process. This pragmatic approach is similar to cosmopolitan localism:

Cosmopolitan localism seeks to amplify the richness of a place while keeping in mind the rights of a multi-faceted world. It cherishes a particular place, yet at the same time knows about the relativity of all places. (Dietrich and Sützl 2006: 225)

Lessons drawn from how the local people live their lives and how they negotiate between restorative and retributive justice systems offer some insights that show that informal and formal justice mechanisms can complement each other to serve the interests of peace and justice, albeit some limitations. Although modern justice institutions like the national justice systems (inclined towards the British system of justice) are ideally rooted within the retributive conceptualization of justice, many people and institutions, especially those in post-conflict northern Uganda, live within the realities of both the retributive and restorative justice systems. In their daily lives, these systems are not seen as mutually exclusive. Both systems meet and talk to each other in the everyday lives of both the victims and perpetrators. People in post-conflict settings constantly negotiate and renegotiate between these two systems of justice. Like culture, these justice systems are seen as interactive and dynamic.

According to their understanding, retributive and restorative justice systems are seen as complementary. In some cases, people would start off with the informal justice systems but when the perpetrators fail to comply with the decisions of the informal justice system, they are forwarded for prosecution by the formal justice system. Noncompliance of perpetrators to the informal justice may be attributed to the reality that the system does not have structured mechanisms for enforcing compliance. It relies more on the willingness of perpetrators to comply. The assumption is that perpetrators believe in the norms and beliefs that constitute and sustain the traditional and/or informal justice systems. It was clear during interviews that only when negotiations through the informal justice mechanisms fail do people choose to pursue what they perceive as “the harder and complicated option of the formal courts” (see Bukuluki 2011: 121).

For example, it was also common to use police summons, police forms such as the form 3 (a form on which a recognized/certified health worker fills in details to prove that defilement or rape took place) as a negotiation tool with the families of the perpetrators. It is made very clear to the family that if the perpetrator fails to pay compensation to the victim/victim's family and pursue the necessary ritual cleansing, the case would be taken to the formal justice system. In Ugandan law, rape and defilement attract a maximum death sentence. Even when the ‘traditional’ justice system handles them adequately and the cases are reported to the police and formal

courts, if the aggrieved party loses interest in the case the Director of Public Prosecution does not have many alternatives for pursuing a case the aggrieved party is not willing to pursue. For example, one of the Criminal Investigation Department (CID) police officers succinctly noted: “if people who are supposed to come as state witnesses are not willing—what do you do? You may have to compromise and allow them to proceed with the ‘traditional’ justice arrangements.”

In other cases, like murder, defilement or even rape, the perpetrator would be prosecuted and punished by the formal retributive courts. On returning to the community after serving his sentence, he would be required by his kinsmen to go through the ‘traditional’ justice systems for cleansing to avoid misfortune affecting his clan and to heal relationships with the kinsmen of the victim’s family. This is clearly indicated in the remarks made in an interview with one of the CID Police officers in Gulu: “Even if you are convicted and you serve the sentence, your clan will still pay the *culo-kwor* (compensation associated with cleansing rituals), if you do not pay *culo-kwor*; there will be no good relationship; we shall never eat together, go for burial or share anything together.” This in some cases obliges perpetrators and their families to comply with the societal expectations.

In this case, people apply a pragmatic approach; they apply what is perceived to be the best from each system in respect to getting what they consider justice done in their cultural context. People are not passive spectators; they make optimal use of their agency to navigate between the walls and structures of both the traditional justice system and the formal retributive justice system to achieve their goals of realizing justice but also creating peace through healing of relationships. Thus, although culture and social institutions have a role in regulating responses to grievances, I was fascinated to see the concept of agency working in real life experiences of people seeking peace and justice. People were not spectators but were seen to be active agents. People found ways of navigating and manipulating their structures to achieve their goals for justice.

This also implies that formal systems are driven to some extent by the informal dynamics and the context in which they operate. Briggs and Peat have argued in their analysis of the chaos and systems theory that “chaotic systems lie beyond all our attempts to predict, manipulate and control them” (1999: 8). Therefore, the perception that there are pure and sacred justice systems may be largely misplaced. What is perceived as Western culture-oriented, formal justice systems, or even non-Western culture-based, traditional justice systems, may not be purely so. One can find interconnectedness in both judicial cultures in the way they respond to the same phenomenon. The difference might be in the form and packaging but not in the content as reflected in daily life experiences. Both retributive and restorative justice systems seem to be incomplete as explanatory models of justice in the daily lives of those in post-conflict settings affected by SGBV.

The fundamental question that remains unresolved is: How to we deal with the dilemma of impunity that is likely to be generated in the process of parents and local leaders and sometimes the police who, though part of the formal justice system, come from and are socialized with a culture that tends to prioritize the informal

justice system over the formal retributive justice system? How can we ensure that the process of negotiation between the two systems goes on and that the rights of victims and perpetrators are protected? How do we work in partnership with both the formal and informal structures to ensure that the processes and outcomes from these courts are informed by global and national discourses on the rights of, particularly, the victims but also the perpetrators? How do we make sure that, within the context of these negotiations, perpetrators do not continue to commit similar crimes and undergo a rehabilitation process that helps to prevent further occurrence of SGBV? There are no simple answers to these questions because the issues being addressed are complex and occurring within a web of informal and formal relationships within the community. However, an ingenious hybrid that takes into account the limitations of both the restorative and retributive justice system and that ensures that both the local/indigenous cultural resources as well as the global human rights issues are taken into account is crucial. There is a need to design programs that would facilitate that all actors in the justice systems would have information on human rights of both the victims and perpetrators in order to ensure that all decisions taken in the various hybrid justice systems take care of the best interests of the victims and protect their rights.

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Chapter 12

Human Rights Abuse and Deprivation of Childhood: A Case of Girl Mothers in Northern Uganda

Sarah Kanya

12.1 Background

There is widespread consensus among the children's rights activists, including policy makers, stakeholders from the child protection sector and academics, among others, on the critical importance of addressing the protection and promotion of the rights of the girl child. Girls still bear the worst human rights abuses during armed conflict and after (Mazurana and Carlson 2006). Using the case of the Gulu District in Uganda, this paper assesses how human rights abuses deprived girl mothers of their childhood. The United Nations Convention on the Rights of the Child (UNCRC) (1989) considers childhood as a separate space from adulthood and recognizes that what is appropriate for an adult may not be suitable for a child. Despite the intellectual debate about the definition of childhood and cultural differences about what to expect for and from children, there has been always a substantial degree of shared understanding that childhood implies a separate and safe space demarcated from adulthood in which children can grow, play and develop (UNICEF 2007). Childhood means more than just the time between birth and the attainment of adulthood. It also refers to the state and condition of a child's life, to the quality of those years. Childhood is also understood as the early phase of the life course of all people in all societies. It is characterized by rapid physiological and psychological development, and represents the beginning of the process of maturation to adulthood (James and James 2012).

Scholars in childhood studies argue that although children grow up and out of childhood as they develop into adults, childhood remains. It is a constant social space and is occupied by the next generation. The ongoing debate about universalism and particularism of childhood is disappearing. For instance, Postman (2003)

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and Elkind (1981) argue that because of changes in technology and children's increased access to consumer goods, the boundaries between childhood and adulthood are dissolving. In their view, this collapsing of generational boundaries is detrimental to children's well-being (James and James 2012). However, scholars like Buckingham (2000) dispute this claim and argue that childhood is changing its form rather than disappearing. Buckingham's view (2000) may be true to a certain extent; however, there is a possibility of losing one's childhood. For instance, this chapter intends to show that under different circumstances, specifically armed conflict situations, children are deprived of their childhood due to the abuse of their rights.

The present chapter is about the Acholi in Gulu District. The study was done in Gulu District one of the Districts in Northern Uganda where the Acholi live predominantly. The region is commonly known as Acholi Land (Mpyangu 2010). The Acholi are a Luo speaking ethnic group of people found in Northern Uganda occupying districts of Gulu, Kitgum, Pader, Amuru, Agago and Nwoya, collectively known as the Acholi Land (Carlson and Mazurana 2008; Acholi Inn Hotel Blog 2015).

In examining the concept of childhood, it is therefore important to look at the Acholi view of childhood. It is important to note that in the Acholi society children were considered to be priceless and treasurable; therefore, they were jealously guarded and protected. However, the war and its aftermath made it difficult to ensure children's protection (Women's Refugee Commission for Women and Children 2008; Zerrougui 2014). Childhood constitutes a time of fulfilling parents' and children's obligations. For instance, many Acholi proverbs and riddles advised both parents and children to fulfill their obligations to each other (Ochen 2011). In the normal Acholi society, girls are supposed to be socialized into the Acholi culture. For example, they used to work along with their mothers doing household chores and digging. According to Ochen (2011), community chastisement of children was practiced to show that the expectation of good behavior came from both parents and the community. Such practices clearly indicate that children in Acholi grew up in a supportive and protective environment. In addition, like in other societies, children in the Acholi traditional society were not involved or accustomed to wars, making them vulnerable to its effects.

As the most widely endorsed human rights treaty in history, the Convention on the Rights of the Child adopted by the UN General Assembly in 1989, in effect, represents a global consensus on the terms of childhood (UNICEF 2005). Although there is no absolute agreement on the interpretation of each and every provision of the Convention, there is substantial common ground on what the standards of childhood should be. There have been significant advances since the Convention was adopted in the fulfillment of children's rights to survival, health and education through the provision of essential goods and services. There has also been a growing recognition of the need to create a protective environment to shield children from exploitation, abuse and violence. However, in several regions and countries some of these gains appear to be in danger of reversal from three key threats: poverty, armed conflict and HIV/AIDS. The Convention represents the culmination of a process of recognizing the rights of children and the special status of childhood

that gained significant momentum as the twentieth century progressed (UNICEF 2005). Children's rights are the perceived human rights of children with particular attention to the rights of special protection and care afforded to the young. This includes their right to association with both biological parents, human dignity as well as their basic needs for food, education, health care and criminal laws appropriate for the age and development of the child.

Historically, the needs of children were not well differentiated from those of adults. Like adults, able-bodied children traditionally engaged in arduous labor and were often combatants in battle. But the Convention, citing the "special care and assistance" that children require, recognizes that what is appropriate for an adult may not be suitable for a child. This is why, for instance, it sets a minimum age for recruitment into the armed forces and participation in armed conflict. Its recognition of childhood as a 'separate space' means that even when children face the same challenges as adults, they may require different solutions (UNICEF 2005).

At the global level, the rights of over one billion children are violated because they are severely deprived of at least one or more of the basic goods and services which are required for surviving, growing and developing. Millions of children are growing up in families and communities torn apart by armed conflict. In Sub-Saharan Africa, HIV/AIDS has led to rising child mortality rates, sharp reductions in life expectancy and millions of orphans. Although the problem is most acute in Africa, HIV prevalence rates are also rising in other parts of the world. These are not the only factors that undermine childhood, but they are certainly among the most significant, with profoundly damaging effects on a child's chances of survival and development after the early years of life. The harm they cause lingers well beyond childhood, increasing the likelihood that the next generation will be affected by the same threats.

There is widespread use of children in conflicts despite the fact that they lack knowledge about the causes of these conflicts. The majority of children become part of the war due to recruitment into armed groups. Children join armed groups mainly due to employment, poverty, forceful recruitment and protection, among other reasons (Honwana 2006; Machel 1996). Children are always among the first to be affected by conflict, whether directly or indirectly. Armed conflict alters their lives in many ways, and even if they are not killed or injured, they can be orphaned, forcefully abducted, raped or left with deep emotional scars and psychosocial trauma from direct exposure to violence, dislocation, poverty or the loss of loved ones. They also experience unwanted pregnancies, and, after delivery, they have to shift roles from childhood to parenthood.

12.2 Methods

Conflict and violence have plagued much of Uganda since independence, from Idi Amin's military coup in 1971 to the 14 insurgencies since Yoweri Museveni's National Resistance Army/Movement (NRA/M) took power in 1986. The most

outstanding of these conflicts was the continuing war in Northern Uganda which lasted for 20 years, until 2006, and encompassed five different rebellions. The study was conducted in Gulu District because this is one of the areas in Northern Uganda which experienced horrendous atrocities during the 20 years of conflict. Furthermore, since 1986, Gulu was at the center of civil wars between various groups such as the Western Nile Bank Front (WNBF), Holy Spirit Movement (HSM), Uganda's People Army (UPA) and Federal Democratic Movement (FEDEMU), among others (De Berry 2004; Behrend 1999; Muhereza 2011).

Children affected by armed conflict, such as captives, child ex-combatants, child mothers who were forced to marry rebels and had children at a young age and unaccompanied minors, among others, are categorized as critically vulnerable. In Uganda, the Lord's Resistance Army (LRA) abducted and recruited large numbers of children into the rebel movement. It is estimated that 85 % of the LRA's captives in Uganda were children; most of them were between 11 and 16 years of age (Bureau of Democracy, Human Rights and Labour 2005; Anderson et al. 2005). Children, including young girls, provided labor and served as sex slaves, which had an adverse impact on their health and social lives. Furthermore, they were brutalized and manipulated by the LRA leadership into becoming weapons of terror against their own parents and community (Anderson et al. 2005).

The district is located in Northern Uganda, some 332 kilometers north of the national capital, Kampala. During July 2007, three focus group discussions and eight in-depth interviews (life stories) were conducted with girls (aged 15–18 years of age) who returned with children born in captivity in Gulu District, Northern Uganda. The majority of girls (64.7 %) were abducted between 10 and 14 years of age. Most of these girls (43.8 %) spent 1–5 years in captivity, while some (26.5 %) spent 6–10 years, and others (8.1 %) spent 11–15 years. In addition, we conducted semi-structured interviews with 20 key informants, such as practitioners including psycho-social program officers, probation and social welfare officers, child protection officers, community development officers, community leaders and district administrators. We collected data on the girls' experiences, specifically abuse, during captivity and upon return from captivity.

The study was cleared by the higher degrees committee of the School of Social Sciences, Makerere University. In Gulu, the district administrative authorities, such as the Local Council Chairman 5 and the Chief Administrative Officer (CAO), were contacted and informed about the study. It is important to note that the community leaders of the different areas in Gulu where the study was done were informed about the study. The community leaders were consulted beforehand, and we demonstrated commitment and transparency to avoid any suspicions. The process began by seeking consent from the girls. In addition, both guardians and children were assured of confidentiality. The sexually abused and formerly abducted children could not be exposed to the stringent rules governing children in studies, because they were traumatized. Furthermore, these were a different category of children from those children who have protection from families and institutions. Utmost care was taken to ensure that the girls in question were participating from their own free will and that

their rights were fully respected in the research process. Confidentiality, privacy and emotional well-being (Kumar 2011) in respect of the children was promised and strictly observed in all cases. Anonymity was guaranteed by removing the respondents' names from the data and interviewing children in privacy. This was particularly important because the children were sharing very personal and sensitive information about their experiences related to sexual abuse.

12.3 Results and Discussion

The findings indicate that due to violations of human rights, most children lost their childhood. There are various ways in which the children's rights were abused, and this chapter gives a few examples.

12.3.1 *Abduction*

Abduction is the removal, seizure, apprehension, taking custody, detention or capture of an individual temporarily or permanently by force, threat or deception for involvement in armed forces or armed groups or for participation in sexual slavery and forced labor (UN High Commission for Human Rights 2006). It is estimated that the LRA abducted and recruited 54,000 to 75,000 people, including 25,000 to 38,000 children (Pham et al. 2009). Of these, 7500 were girls and 1000 became 'child mothers' while in captivity (UNICEF 2006).

The majority of girls were abducted when they were less than 20 years of age. It is saddening to note that some children were abducted at a very young age of 5–9 years; however, the majority were abducted at 10–14 years followed by those between 15 and 19 years of age. According to Angucia (2010), each abduction was unique and marked the beginning of a change in their lives. Most girls were abducted once, though some experienced multiple abductions. For instance, some girls had been abducted two, three or four times.

The life stories indicate that the majority of the girls were abducted from their homes, as they were sleeping, seated around a fire or hiding, while some had left the Internally Displaced Persons camps to gather food. Others were abducted while they were involved in their daily activities, such as digging in the garden, on their way to or from school, at the trading centers, on the way to fetch water from the wells or swimming in the river. Abduction of these children deprived them of several rights, including the right to live with their families, food, adequate shelter and education. For instance, children would march from morning to evening without food and water. McDonnell and Akallo's study (McDonnell and Akallo 2007) reveals that while the commanders had drinking water, the children were forced to drink urine or water from muddy ditches. This is a clear indication of denying a

child her/his survival rights. Studies (Mackay and Mazurana 2004; UNICEF 2005; Kiconco 2015) indicate that girls are primary targets for abduction during armed conflict with the objective of forcing them to become warriors or sexual and domestic partners. There is a significant correlation between the abduction and forced recruitment of girls and their widespread and systematic sexual exploitation and abuse. Due to abduction, the girls were separated from their parents who were typically the primary care providers of food and other basic needs. The above mentioned experiences of children during abduction clearly show that children were taken away from their parents by force, and this is against articles 9 and 35 of the UNCRC which stipulate that a child should not be separated from his or her parents against their will or subjected to any form of abduction, respectively. During abduction the girls' rights were violated. These violations are discussed below.

12.3.1.1 Looting and Carrying Heavy Loads

At the time of abduction, the rebels were also involved in looting items such as food, clothing, soap, cooking oil, fish, chicken, goats and cattle. After being abducted, the girls were given heavy loads of the looted items to carry. One of the girls reported that her brother was given 50 kilograms of posho (maize flour) to carry, but he could not carry the bag and had to stealthily abandon it. Another girl was given a heavy bag of salt to carry up to Sudan, and consequently, she lost her hair and got chest pain. Other tasks included burning houses and granaries. According to Angucia (2010), there was a time looting food became a normal activity; it had become "collecting food from the garden." In some stories looting food was portrayed as a right and, at the very least, as a survival need. All this clearly shows that instead of protecting children, the children were subjected to harmful forced labor that entailed carrying heavy loads and being treated as adults. It is important to note that according to the UNCRC, children have a right to protection from any kind of exploitation or from being taken advantage of, but this was not the case.

12.3.1.2 Killing and Witnessing Murder

The girls witnessed numerous people being killed. For instance, upon reaching the villages, parents, siblings and relatives, like cousins and uncles, were killed in the presence of the girls and other children.

I was in Amuru, what happened that time, I saw a lot of killing and burning of houses from morning to evening. (Life Story, Girl, Amuru Village)

On the other hand, sometimes the children were forced to kill their parents or siblings. This kind of execution was painful to the children because it involved hacking a child to death with a machete or beating the person with clubs or sticks. Some children were forced to commit atrocities against their own families as a way of severing all ties with their communities (UNICEF 2005). The LRA commanders

often forced the children to kill their siblings just to ensure the children's loyalty to the LRA movement and not to the family (McDonnell and Akallo 2007). Children were also deliberately exposed to horrific scenes to harden them to violence. This is contrary to what the United Nations Convention on the Rights of Children (1989) stipulates: that "the child for the full and harmonious development of his or her personality should grow up in a family environment." Therefore, instead of depending on the family, the children had to depend on the rebels who had a completely different kind of life. In other cases, if the abductees could not walk due to swollen legs, carrying heavy luggage or fatigue; attempted to escape; or refused to direct the rebel where they wanted to go, they would be killed. There generally was a great deal of killing.

12.3.1.3 Beating

Beating was a strategy the rebels used to make the abductees obey their commands. In such cases, the beating could inflict bodily harm on the girls and also affect them psychologically and emotionally. Many girls reported that they were beaten because they attempted to escape from the rebels while still at home or on their way to Sudan. On other occasions, they were beaten when they were unable to move fast. In one case a girl was beaten for dropping the load she was carrying.

12.3.1.4 Walking Long Distances

When they were being taken away, the majority of girls walked very long distances, sometimes up to Sudan, while carrying very heavy loads of looted items. Most girls complained that their legs became swollen. The unfortunate ones were killed, because their legs were swollen and they could not move or keep up the pace at which others were moving.

12.3.1.5 Crossing Bodies of Water

The findings also indicate that in most cases as the girls moved with the rebels they had to cross rivers, such as the River Aswa. In the process of crossing water, they were given various instructions. For instance, they were told that the loads they carried should not touch the water. To cross bodies of water, ropes were tied to the abductees' waists as they moved in a line. Some children, who did not know how to swim, drowned, because the water was so deep. One girl testified that she did not drown, because she knew how to swim. This shows that the girls/children were not provided any protection, especially as the rebels' main aim was to capture as many girls as possible in disregard of their rights.

12.3.2 Role of Children in Captivity

While in captivity the children played different roles. The majority were recruited to fight (combatants) or were wives, while others were domestic servants and cooks. A few girls were involved in babysitting, served as sexual slaves, or worked as porters or spies. Girls were subjected to forced labor.

12.3.3 Sexual Violence

Sexual violence is one of the most notable practices that violate children's rights during war situations in Uganda and other countries, such as Liberia and Rwanda. Sexual violence takes many forms in armed conflicts across time and cultures (Leatherman 2011), and it is used as a weapon of war (Clifford 2008; Brown 2011). The sexual violence of the children interviewed took different forms including forced marriage and forced sex and sexual slavery, which are discussed in the following sections.

Sexual abuse and sexual slavery were common during captivity. Sexual abuse of the girls was minimal during the actual process of abduction. This was attributed to the fact that the LRA soldiers were warned by their commanders against any involvement in sexual relations during the abductions, as reported by one of the girls during the life story interviews. This was attributed to a belief that such behavior "saves" the girls from exposure to sexually transmissible diseases, thereby ensuring that they are free from infection when assigned to their "husbands." During the interviews, one girl reported that some commanders, such as Vincent Otti, were so strict that they would follow up with people who broke the rules, and they would be killed. One of the key informants in Caritas reported as follows:

One real notable thing with the LRA is that after abducting people, they don't go straight away into raping and defiling. That was considered as a grave offense among the LRA and if you were found defiling or raping a young girl you would be handed over to the commanders. So they abducted the girls and kept them until they reached puberty and the young girls were distributed to LRA commanders. And the LRA commanders were also under instructions not to sexually abuse the abductees when they had not reached stage of puberty. (Programme Coordinator, Caritas)

This shows that the abductors were allowed to have sex afterwards, especially when the abductees reached the camps as long as the girls were of the proper age. This concurs with Mackay's assertion (2006) that some fighting forces eschewed forced sex. There was some degree of protection of children from sexual violence. However, as soon as the girls reached puberty, they were sexually abused and exploited.

12.3.3.1 Forced Sex/Rape and Forced Marriage

Forced marriage was a common form of sexual violence experienced by girls abducted by the LRA. In international human rights law and many domestic legal regimes, forced marriage refers broadly to cases where one or both spouses are married without their full and free consent. In addition, the 1979 Convention on All Forms of Discrimination Against Women (CEDAW) called on governments to prohibit child marriage and require full and free consent to marriage (Bunting 2012). But this is not the case for the formerly abducted girls. It is clear that the girls were not protected from exploitation as stipulated in article 36 of the UNCRC.

The presence of forced wives in the LRA served to bolster fighter morale, and support the systems which perpetuate cycles of raiding, looting, killing, and abduction. The LRA leader, Joseph Kony, is thought to have forcibly married more than 40 females, and to have fathered dozens of children through rape and forced marriage. At any one time, his commanders had on average five forced wives, while lower level fighters had one to two wives (Bunting 2012).

The study findings indicate that rape, forced marriage and early marriage were synonymous. The girls were forcefully married to the commanders and men of other ranks, such as lieutenants, during captivity, which implies that they were married at an early age and, consequently, experienced forced sex. They were, therefore, forced to act as wives to the commanders. The girls reported that they were given off to men when they had just been abducted, and when many of them were still quite young. They had no choice but to accept their situation. For example, girls of 13 years of age would be given to men of 45–60 years of age and above. They were so young that they could not provide a clear description of the old men they were given to. On the other hand, some bush husbands were very young, below 18 years of age. Under the Ugandan Constitution (1995), children under the age of 18 years, whether boys or girls, are legally considered children, yet they were given very young girls as sexual partners. For example, a 12-year-old girl was given to a 15-year-old boy, even though he already had another wife. Having a wife or several wives was regarded in the bush as proof of manhood. Thus, if a boy was given a girl as a sexual partner, he was regarded as a man, while the girl was regarded as a woman. This is clear indication that the girls' rights were violated because they were married off at such an early age (below 18 years of age) and were expected to carry out sexual and adult obligations with their partners, and, consequently, they were deprived of their childhood. The above illustrations constitute child marriages. It is argued that child marriage usually takes place within a context of force, coercion and when a child lacks a choice or capacity to give their full consent to sexual activity (Amone and Anenocan 2014).

The LRA had different ways of allocating the girls to men. One method would be to display the shirts of the different men and allow the girls to select the shirts; the owner of the shirt would be the girl's husband. Being given a man was a form of initiation for the girls. One of the girls reported that,

As an initiation, we were told to pick shirts, and I was given a man. (Young woman, Koro Purse Center)

Another method of selection was to put girls together in a group, and allow the men to point at the girl they wanted.

Some children (some of whom were less than six years old) were not given to men, because they were too young. However, they were assigned other roles, such as babysitting. When they grew older and began to menstruate, they were given to men. In Uganda 50 % of girls start menstruating by the age of 14. Additionally, urban girls start menstruating earlier than the rural girls. By age 13, 31 % of girls in urban areas have had their first period compared with 21 % of rural girls (ORC Macro 2002). This is a clear indication that the biological maturity of the young girls was thus respected, which suggests that the commanders of the LRA did have certain rules, regulations and norms to guide them when acquiring wives. Bunting (2012) asserts that evidence reveals that the crimes committed against these females were not haphazard but were methodically organized by the senior leadership of the LRA. Although the LRA respected the above mentioned rules, the girls were robbed of their childhood after their menses.

Most girls reported that rape occurred when they were given to men, regardless of whether these men were old or young. One of the girls expressed as follows:

A man old enough to be your grandfather and most importantly you are just 9 years old and you have to attend to his sexual needs under terrible duress. That is one of the things that have always happened to nearly all the formerly abducted girls. Some of them got abducted at 13 but with rebels; if you are eight or nine you are already mature in sexuality. (FGD: Girl, Koro Purse Center)

This indicates that during captivity the girls were not given an opportunity to discover their sexuality themselves as they grew and developed. They did not receive healthy realistic messages about sexuality as some children do. Therefore, this left them without an understanding of healthy relationships, consent, boundaries or how to engage safely in sexual behaviors. The LRA leadership exercised rigid control over the sexuality of the abducted women and girls through intimidation, discrimination, and violence (Bunting 2012). Furthermore, there appears to have been little room for young people to talk and develop ideas about their own sexuality (Bywater and Jones 2007). Yet, it is the right of children to express their own views, and to make decisions on matters affecting their lives.

While in captivity, rape, in most cases, took place when the girls were given to commanders. This was confirmed by one of the girls as follows:

Rape takes place when you are given to a man and by that time one is still young. As long as you are given a man, rape takes place. (Girl mother, Lamogi)

Most girls explained that they were still young at that stage and not ready to sleep with men, nor did they have any knowledge about sex-related issues. In order to force them into sex, their bush husbands would threaten to kill or beat them, or the girls were in fact beaten. Such acts left the girls with no choice but to give in to the sexual demands of their imposed husbands. Inevitably, the girls were sexually abused and coerced to engage in sexual activities.

Polygamous marriages in the bush were the norm, with one man having several wives; these were always forced marriages, not voluntary ones. The majority of the bush husbands were involved in polygamous marriages. Some had 1 to 4 wives, while others had 6 to 10 wives or 11 to 15 wives. The life histories revealed that the largest number of wives married to one of the highest commanders (30 years of age) was 17, followed by 15 wives married to a 60-year-old major and 13 wives married to a 60-year-old lieutenant. This deprived the girls of time and space to enjoy their childhood.

In contrast to the forced marriages that took place in the bush, marriage, according to the Acholi tradition, is supposed to be a long process that begins with courting, and continues until the young man wins the girl's consent and then pays a dowry (Kiconco 2015). Thus, there was a profound difference between marriage in the bush and traditional Acholi marriage. In the bush, marriage was forced and there was neither room nor time for courting; it was thus a violation of the Acholi values, even more so, because the parents of both individuals were not involved in the selection process, as required by tradition (Bailey 2009). In addition, there was no approval given by the parents, and no form of dowry. Coulter (2010) similarly argues that, although these young girls and women were called wives, and their relationships with their bush husbands were called marriages, such marriages were not culturally valid, because they were forced and had taken place in the bush. In both Sierra Leone and Uganda, girls/women spoke of being referred to as a 'wife' despite the fact that in neither country would they be considered legally married, in customary or civil law (Bunting 2012). The life histories and focus group discussions indicate that the girls saw themselves as wives of commanders, although some acknowledged that when they were given to the commanders they were still very young. In addition, these are considered as early marriages/child marriages, which are against societal norms. Instead of ushering in a lifetime of love, happiness, and security, marriage can be one of the worst things to happen to a girl. Marrying young is linked to adolescent girls leaving school, a heightened risk of domestic violence, and girls having babies while still children themselves. The consequences can be fatal; complications from pregnancy and childbirth are the second leading cause of death in developing countries (MGLSD and UNICEF 2015). Childbirth complications for girls whose bodies are not fully developed are the leading cause of maternal mortality for girls 15 to 19 in developing countries (Hervish and Feldman-Jacobs 2011). An estimated 70,000 adolescent mothers die each year, mostly in developing countries, because they have children before they are physically ready for parenthood, with girls under age 14 at greatest risk (UNICEF 2008).

Child marriage affects all aspects of a child's life and is a violation of children's rights. It exposes children to multiple vulnerabilities including increased risk for HIV/AIDS (Sekiwungu and Whyte 2009), pregnancy complications that lead to death or disability-obstructed labor or obstetric fistula (Bantebya et al. 2013). Child marriage puts girls at risk of sexual, physical and psychological violence throughout their lives. Girls who marry as children are more likely to be beaten or threatened by their husbands than girls who marry later. Girls who marry as children are also more likely to describe their first sexual experience as forced (Gangoli et al. 2009; Girls Not Brides 2015).

Child marriage also violates girls' human rights, including their right to choose if, when and whom to marry. Several African human rights instruments such as the African Charter on the Rights and Welfare of the Child (1990, article 21), The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (1995, article 6), The African Youth Charter (article 8), and the National (Uganda) Strategy to End Child Marriage (2015) condemn child marriage and/or establish 18 as the minimum age of marriage.

12.3.3.2 Sexual Slavery

According to the life stories told, sexual slavery was common. The girls would be sorted into groups of 10, and then the top commanders would select the girls they wanted. Many of the girls were used as sex slaves and wives by commanders while in captivity. One girl stated,

You can see as many as 20 or 30 girls to one commander and they were bringing in new ones to add on to the ones already acquired. (Girl mother, Layibi)

On occasion, the young boys would also rape them, such as when the girls were given boys to escort them to carry out certain tasks. The girls reported that Kony, who was an important leader, would get first choice, and, thereafter, the girls were given away at random to the top commanders. The commanders had their separate houses, and, when they wanted a particular woman, they would order her to go to one of the houses where she would be sexually exploited. The girls reported that there was no way of resisting, and nowhere to report this behavior, because it was so common. Due to sexual slavery, the girls were deprived of their sense of agency (as children) and had to respond to the commanders' sexual demands.

12.3.4 Problems Experienced Due to Sexual Violence

During their captivity, the girls experienced many problems as a result of the sexual violence perpetrated against them. This is also confirmed by some scholars, including Annan et al. (2009), Denov (2010), Pham et al. (2009) and Koos (2015).

12.3.4.1 Unwanted Pregnancies

Most of the girls who returned from captivity had children. This concurs with the findings of other studies, which indicate that many girls and young women became pregnant and had children during captivity as a result of rape or forced marriages with bush husbands (Coulter 2006; Honwana 2006; Mackay and Mazurana 2004). The results revealed that 54.1 % of the girls had children while in captivity (Kamya 2013). This was attributed to the fact that, once the girls had been raped at 13–16

years of age, they were at a greater risk of becoming pregnant. This constituted unwanted/forced pregnancies, whereby the girls had to bear children they were not ready for. In addition, the girls experienced early childbearing, which robbed them of their childhood. This is because the appropriate age to start childbearing in Uganda is above 19 years.

Early childbearing may be life-threatening to both the mother and the child. It is important to note that early childbearing has a medical/health, economic and psychological impact. With regard to their health, mothers younger than 17 face an increased risk of maternal morbidity and mortality from unsafe abortions, greater risks for delivery complications, low-birth weight infants and child mortality (Plummer et al. 2008; Kurth et al. 2010) and preterm deliveries (Magadi 2006). This may be attributed to physiological immaturity at childbirth in combination with poor nutritional status and poor healthcare during pregnancy, or they may not wish to acknowledge a conception, thus delaying prenatal care and endangering the health of the child and mother (Lee 2010).

It is difficult to disentangle whether the poorer socioeconomic status of women who begin childbearing in their teens is associated with early childbearing itself or with the generally poorer socioeconomic circumstances into which most adolescent mothers are born (Hindin 2012). However, the human capital theory holds that teenage childbearing has a real causal effect on socioeconomic outcomes because it directly interferes with adolescents' investment in human capital (Berthelon and Kruger 2014). Since teenagers are still at an early developmental stage of life, being a teen mother makes it more difficult to take on the appropriate economic, social and psychological responsibilities (Lee 2010). Early childbearing can also lead to psychosocial problems, such as severe emotional depression and stress. These problems are associated with feelings of failure, low esteem and an external locus of control (Pinzon and Jones 2012), which greatly affects the future of the young mothers.

12.3.4.2 Sexually Transmitted Infections (STIs)

The study findings reveal that approximately 4 % of the girls admitted that they suffered from STIs, and this is confirmed by findings from the in-depth interviews with key informants. Some of the girls were infected with HIV/AIDS either during their abduction or during captivity, and this proved to be a serious problem. One of the key informants said:

I will actually tell you that some of them are HIV positive and they got infected during captivity and that doubles the magnitude of their problem and makes their needs even more unique. (Counsellor, TASO)

A key informant interviewee also revealed that;

Out of ten, you may find seven are positive and you know this is a very big number because it was not only the commanders that were using these girls but even the soldiers in the bush. (Programme Coordinator, Empowering Hands)

The findings in the quotations above indicate that a significant number of the abducted girls had acquired HIV/AIDS and/or STIs. The situation was complicated by the fact that sometimes, as they escaped, they would meet armed forces, such as the Uganda People's Defence Forces (UPDF) soldiers, and that many things happened along the way in the name of helping them out of the bush. Consequently, the girls and young women would often be raped, which made it far more likely for them to be infected with HIV/AIDS.

The girls suffered from other STIs including syphilis, gonorrhea and vaginal candidiasis. It is important to note that not all of the girls who suffered from STIs admitted that they had STIs. This was confirmed by one of the key informants from the AIDS Support Organisation (TASO), who said that some girls did not want to talk about their infections, which meant that many of them would keep quiet and not receive the treatment they needed. Some girls were ignorant of what was happening to their bodies, because they were very young.

12.3.4.3 Damage to Reproductive Organs

Very few girls reported that their reproductive organs were damaged, even when they were. It is likely that the girls were generally unwilling to talk about sensitive issues related to their sexual abuse experiences and to admit when they had sexual health related problems. Furthermore, some of the girls suffered from fistula, which is defined as an abnormal connection between the vagina and the urinary tract (usually the bladder) or between the vagina and the alimentary tract, usually the rectum or both. A fistula is very uncomfortable; it leads to uncontrollable leakage of urine or feces or both through the vagina (Hinrichsen 2004). A health practitioner at one of the reception centers reported that one of the girls who gave birth while in captivity had damaged her bladder, which led to a fistula developing. This led to her passing urine all the time. Ultimately, it required reconstructive surgery (Steiner et al. 2009).

12.3.4.4 Abdominal Pains

Abdominal pains were mainly attributed to sexual violence committed against the girls while in the bush. This was confirmed by one of the girls who reported that, she had abdominal pain because she had been raped at a young age. Others reported that they had abdominal pains due to pregnancy. In addition, some girls reported that they faced health problems, such as miscarriages in subsequent pregnancies upon their return due to pregnancy.

12.3.5 Parenthood/Motherhood

The girls experienced transformations in their identities, particularly as children, because they became mothers due to forced sex. Children born in captivity were mainly a product of sexual violence (Carpenter 2007; Mackay 2006; Rimmer 2007), and thus, unplanned pregnancies. Kostelny (2006) asserts that the girls no longer view themselves as girls (children) despite their chronological age, because girlhood/childhood may be perceived to end when marriage and motherhood begin, as is true in most cultures. Similarly, the study findings revealed that the girl mothers viewed themselves as adults. For instance, when their parents sent them for errands like buying things from a shop after they had returned home, they felt offended, because they perceived that such errands were for young children. This concurs with the Acholi traditions whereby girls with children are treated as adults, since normally it is the adults who are expected to have children (Ochen 2011). The majority of the girls, who had been sexually abused during captivity and returned with children, referred to their children as war babies/children. Most of them were child mothers, or very young mothers, and had an average of three children. Those who had more than three children at the time of the study, had given birth to them after returning home from captivity, when they got married to men within the community.

Parenthood, or motherhood, has led to several problems among the young mothers, upon their return, including rejection by their families. The girls' parents wanted to accept their girls back, but not their children, explaining that they could not accept the children of a person who had exploited their children or subjected them to sexual abuse. The return of their daughters from captivity put the parents in a serious dilemma, because they did not want the babies, but they did want the girls back. Moreover, the girls' bush husbands and rebel commander husbands remained behind in the bush or were killed in the war. Thus, the girls did not have anyone to lean on, which led many of the former captives to move away and live on their own. It is interesting, however, that some of the girls and young women did produce more children with men from the community on their return from captivity. Some girls were motivated to marry and have children with men from the community due to a desire for a re-established social security. Bailey (2009) also asserts that the girls were motivated by the social and economic strain of having children born in the bush, and the economic difficulties of living alone.

Some of the girls reported experiencing stigma and feeling rejected by their families and communities, because of the shame attached to rape and to giving birth to babies fathered by the girls' captors (UNICEF 2005). The qualitative findings indicate that, after the reception centers had traced their families and reunified the girls with their families, the majority of girls went to their parents' or step-parents' homes. Others, whose parents had died during the war, went to the homes of their uncles, grandmothers, mothers-in-law or other relatives. Most of them reported that they were welcomed by their parents, but some girls who were living with their

uncles and grandmothers reported that they experienced mistreatment. One of the girls said:

I went to my grandmother in Jinja, but she wasn't treating me well and she was discriminating my children and I decided to continue staying in my hut. (Girl mother, Pece)

The above illustrations show that upon return the girls faced challenges including isolation, stigmatization and marginalization. Furthermore, their children faced numerous child protection problems such as neglect, rejection, abuse and a high level of vulnerability (Mackay et al. 2011).

Such experiences prompted the girls to leave their relatives, and rent houses in the peri-urban areas of Gulu. Therefore, the girls ended up living on their own as single parents and heads of households. The majority were single parents, because they lost their bush husbands due to war. Others had escaped and left their husbands in the bush. This shows that the girls had to take up adult roles and look after their children born of war and, consequently, lost their childhood. It also clearly indicates that the identities of the girl mothers also changed. The study found that, due to poverty, the young mothers, in particular, found it difficult to look after their children in terms of feeding, clothing, providing them with an education and taking them to hospital for medical treatment. This concurs with Mukangendo's (2007) findings, which indicate that children born of rape are more likely to fall ill or to be malnourished and that they are less likely to get the medical and health care they need.

Looking after children was complicated by their lack of other resources, such as income and land. Most of them were struggling on their own, trying to have their basic needs met, with very little support from their families and relatives. The parents of the formerly abducted girls could not afford to look after the girls and their children, because they were also impoverished by the war. This situation was even worse for the girls whose parents were dead. To make matters worse, the child mothers had limited parenting skills. Baldi and Mackenzie (2007) suggest that they had limited parenting skills, because they were involved with the fighting forces from childhood and had never been mothered or parented themselves. However, some of those who found their parents alive, especially the mothers, benefited from their support. The presence of mothers often made it easier for the young mothers to care for their children. This is because their mothers would keep and take care of their children, which helped those girls who were still of school-age to go back to school. Those who did not have adequate support from their families had to fend for themselves.

These young parents also exhibited limited awareness of the distinctive needs and vulnerabilities of young children (Mukangendo 2007) asserts that many young mothers face great difficulties in single-handedly taking care of their households under extremely difficult conditions. Findings from individual interviews with the girls indicate that some of them felt like committing suicide or killing their children (infanticide), because they could not cope nor look after them. This shows that children/adolescents get suicidal ideation due to problems they experience. This concurs with Kinyanda and colleagues' study (Kinyanda et al. 2010) done in

Northeastern Uganda, which indicates that social-economic disadvantage (environmental factors) is one of the risk factors for suicidality, especially among adolescents. This indicates that the children born in captivity were a heavy burden on the young mothers. It is clear from the findings that there is great need for family support for the girls upon their return to the community.

Some girls were motivated to marry and have children with men from the community due to a desire for a re-established social security. Bailey (2009) also asserts that the girls were motivated by the social and economic strain of having children born in the bush, and the economic difficulties of living alone. Nonetheless, some of the girls remained single because they wanted their “bush” children to be treated fairly. However, they were often trapped in a difficult dilemma. On the one hand, if they chose to marry, their children would be rejected and stigmatized. On the other hand, if they remained single, they would face difficulties in raising their children on their own with little economic and social support.

All of the above reflect that mothering is a social construction and process that connotes protecting and preserving life, fostering growth and ensuring a child's acceptability in society (O'Reilly 2010). However, during a state of perpetual war and disruption, preserving and nurturing life is exceptionally difficult, especially for children who had to take on parental responsibilities when they were still young.

12.3.6 Recruitment in the Army

The current debate about child soldiers tends to focus on the use of children by armed groups. An estimated 300,000 child soldiers, boys and girls under the age of 18, are currently involved in more than 40 conflicts worldwide (Denov 2006). Some 40 %, or 120,000 child soldiers, are girls, whose plight is often unrecognized because international attention has largely focused on boy soldiers. In general, when people speak of child soldiers, the popular image is that of boys, rather than the thousands of girls who comprise the less visible ‘shadow armies’ in conflicts around the world (Mackay and Mazurana 2004).

Although the United Nations Convention on the Rights of Children UNCRC (article 38) prohibits any person from recruiting children who are not 15 years old, children continue to be recruited as soldiers. The Convention on the Rights of the Child provides the normative and legal framework for the rights of children. This clearly dictates the rights of children in all contexts including the right to survival, to develop and form the fullest, to protection from harmful practices, abuse and exploitation and to participate fully in family, cultural and social life. The study findings show that most girls were recruited in the LRA and served as soldiers and combatants, which is not a new phenomenon as confirmed by other studies (Honwana 2006; Nkurunziza 2010; Angucia 2010). Girls were abducted in large numbers by the LRA, some to become fighters and others to become “wives” or serve as slaves, performing household and sexual services.

Known risk factors for becoming a child soldier are poverty, less or no access to education, living in a war-torn region, displacement and separation from one's family, with orphans and refugees being particularly vulnerable (Verhey 2001). Nkurunziza (2010) asserts that a situation of war and poverty brings about fear, insecurity and hopelessness, which in turn make children leave their families and take up arms as a means of attaining a livelihood. Most children do this looking for protection and survival. Furthermore, the LRA targeted children, because they were easy to manipulate, easier to condition into unthinking obedience and cheaper than the adults, because they were not paid but manipulated and controlled (Nkurunziza 2010).

The children were abducted at a very early age, and were not socially prepared to assume the role of soldier, but were forced by circumstances. Whether armed groups forcibly recruit children or the children themselves volunteer, the same groups of children are most likely to become child soldiers. These groups include the most vulnerable and disadvantaged children: those without traditional families to protect them, those with little or no education and those from marginalized sectors of society. Because these children are deprived of the security provided by traditional familial structures and economic wealth, they are usually the first children recruited into the army. On the other hand, soldiering is often attractive to children because it provides meaning, identity and options, which civilian life does not offer (Wessells 2006).

Groups may force children to commit atrocities against people they know in order to harden them to violence. The leaders of these groups may brutalize children to teach them respect for authority (Bald 2002). Fighting groups generally treat child soldiers the same as adult recruits, and do not afford them special treatment because of their young age. Honwana (2006) asserts that children's involvement in fighting, or involvement in war, defies established and generally accepted norms and values with regard to the fundamental categories of childhood and adulthood. He further says that in modern societies, childhood is usually associated with innocence, weakness and dependence upon adult guidance and nurturance. In contrast, soldiers are associated with strength, aggression and the responsible maturity of adulthood. During war children should be protected and defended; on the other hand, a soldier's duty is to protect and defend. So, when the concepts of child and soldier are critically analyzed, it is quite confusing. This is because children find themselves in an unsanctioned position between childhood and adulthood. Furthermore, they are still children, but are no longer innocent as indicated above. While in captivity they are given adult tasks, but they are not yet adults. When they are given guns, and instructed to kill and carry out other atrocities, they lose their childhood or their childhood is removed, which also affects their identity. This is because they live in a twilight zone where the two worlds of childhood and adulthood rub against each other in an uneasy intimacy (DeBoeck 2000). In addition, the involvement of the girls in armed conflict is a violation of the children's rights in the UNCRC. Also, according to the Acholi culture, it deprives children of their childhood, because in this culture children are not supposed to go to war. Acholi societal

norms dictate that it is only men who should go to war. Studies show that children who undergo such experiences have trauma or are associated with trauma. It is important to note that children experienced trauma. Indeed, in this sample, there were children who experienced signs of trauma. However, the focus of this study did not include measuring trauma systematically.

12.4 Conclusion

This study established that the rights of girl mothers in Northern Uganda were heavily violated during captivity and upon return to the community. Rights abuses during captivity included, among others: abduction, forced labor, sexual violence, forced marriage/rape, sexual slavery, unwanted pregnancies and forced motherhood and recruitment in the army, which consequently led to a deprivation of their childhood. Upon return to their home areas, they experienced stigmatization, marginalization and rejection by families.

Due to loss of their bush husbands and little support from their parents and husbands, the girls had to take on adult roles to ensure their survival and the survival of their children. All this led to the transformation of the girls' identities. Consequently, the girl mothers found themselves in positions of vulnerability and risk, instead of enjoying their childhood. However, they also found themselves in positions of adult responsibility. Marriage and motherhood introduced the children to the roles and responsibilities of adult womanhood. In some societies emphasis is placed on roles rather than age. Yet, age is very crucial, especially in terms of protecting the rights of children. The girl mothers are therefore typically urged to take on traditional gender roles, as well as returning to traditional societal structures and patriarchal practices (Mackay and Mazurana 2004). A child who has been kidnapped by a paramilitary group and compelled to bear arms or forced into sexual slavery cannot have a childhood, and this is similar to a child who is far from family and home village. Children living in abject poverty without adequate food, access to education, safe water, sanitation facilities and shelter are also denied their childhood. When children are left unprotected and vulnerable to exploitation, abuse and maltreatment, their childhood is undermined. It is noteworthy that the communities were also in a dilemma for accepting the young mothers as children. These are girls with children, so should they continue to be treated as children?

Therefore, there is an urgent need for social work intervention to prioritize working with stakeholders such as duty bearers for children – governments, international organizations, civil society, families and individuals – to ensure that the rights of girl mothers, such as, education, health and survival affected by armed conflict are fulfilled and protected. It is also important to respect childhood, and children should be free from violation because they are our future. This can be achieved through comprehensive strategies that can empower them to lead better lives.

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Part V
Responses to Child Maltreatment

Chapter 13

System Strengthening to Improve Alternative Care for Neglected and Child Survivors of Violence in Uganda: Critical Areas for Consideration

Eddy Joshua Walakira, Daniel Kikulwe, Ronald Luwangula, Mark Riley, Badru Bukenya, and Ismael Ddumba-Nyanzi

13.1 Introduction

Alternative care for children is a form of care arrangement prescribed by the Convention on the Rights of the Child, Article 20; and the United Nations General Assembly Resolution on Alternative Care Guidelines (A/RES/64/142, 2010) for the protection and well-being of children deprived of parental care or who are at risk of being so. Parents or legal guardians in principle bear the primary responsibility for raising the child and, under normal circumstances, provide the best family environment within which a child is protected and provided the necessary care to realize his/her full development potential. Thus, alternative care is only called into effect if children are deprived of the nurturing family care environment or at risk of being so. Once provided in compliance with acceptable national quality standards and taking into account the best interests of the child, alternative care enables children outside of family care to have their rights to provision, participation and protection fulfilled.

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With the number of children separated from their families in Uganda increasing due to violence in homes, civil conflict, and orphan-hood the urgency with which alternative care has to be prioritized is beyond dispute. Yet the alternative care goals for children are often undermined on account of ineffective child protection systems. These are formal (mandated sets of laws, policies, institutions, procedures, resources and coordination and enforcement mechanisms, etc.) or informal (family-based including kinship and other traditional structures; informal associations and arrangements) systems. The systems in either case should have one common purpose: to prevent and respond to conditions and risk factors that result in family separation on the one hand, and, on the other, to extend appropriate care and protection to the separated children, including affecting the necessary changes at the various levels within the childcare environment.

This chapter pays attention to the formal alternative care systems, comprising the legal, policy, institutional and programmatic frameworks and the sets of procedures, coordination, resources and other capacities necessary to deliver adequate and quality alternative care for children in Uganda. It describes the current status of alternative care in Uganda by reviewing factors leading to family separation, efforts undertaken by the Uganda government and other actors such as civil society organizations (CSOs) and the challenges envisaged. The chapter concludes by recommending alternative care systems strengthening in Uganda as opposed to other strategies as the most viable strategy for sustainable and effective delivery of sufficient quality and quantity of care and protection for children outside of the family care.

13.2 Understanding Alternative Care

In 1990, Uganda ratified the United Nations Convention on the Rights of the Child (UNCRC). Under Article 20 (2) of the Convention, States Parties are obligated to provide alternative care for children who are temporarily or permanently removed from family environments where their best interests cannot be met. This provision under the Convention is galvanized by the resolution on Alternative Care Guidelines adopted by the United Nations General Assembly (A/RES/64/142, 2010), which provides elaborate details regarding the principles and measures that should be taken by States Parties to strengthen the care for children outside of parental care. The Uganda government has adopted the provisions of the UNCRC in its national legislation, regarding the protection of children. For example, various forms of alternative care such as formal and informal kinship are catered for in the Children Act Cap 59. Similarly, applicable processes to arrange alternative care for children in need of protection are included under Sections V, VI, & VII of the Children Act. Other pieces of legislations also have been initiated, empowering law enforcement agencies (cf. The Police (ammendment) Act 2006) to carry out their mandate in pursuit of the protection of the rights of children including those who need alternative care. The implementation of the various legal provisions is supported by the National Orphans and Vulnerable Children policy passed in 2004, and the National Action Plan for Vulnerable Children (National Strategic Program Plan of

Interventions (NSPPI-2) 2011/12–2015/16). The NSPPI-2, for example, provides information on critical services for vulnerable children including protection and legal aid. The development and rolling out of the Alternative Care Framework 2012 is yet again another development geared at shifting the landscape of alternative care in Uganda. It lays down a set of principles, roles and actions that should be undertaken at various levels of government to implement the alternative care for children outside of parental care. In March 2016, the Ugandan Parliament passed the revisions to the Children's Act, the law which comprises the most elaborate legal provisions, principles and guidelines for alternative care. It is worth mentioning that the Uganda government has indeed demonstrated keen interest in expediting the implementation of measures aimed at safeguarding the welfare and protection of the most vulnerable children, particularly the children who lack parental care and are in need of alternative forms of care. The government, with support from experts and practitioners, is in the process of developing a National Alternative Care Action Plan (NACAP) 2016–2021, to enable the full implementation of the Alternative Care Framework and reduce the number of children entering and living in institutional care by 60 % over the 5 year period. In the section below, we discuss the formal and informal care arrangements for children in need of protection in Uganda.

Within this chapter, we refer to alternative care as a child care arrangement provided to children who are separated from their parents or legal guardians and deprived of family care or are at risk of being so and where the choice of alternative care is considered in the best interests of the child, including the child's right to have protection, participation and all necessary provisions to ensure the growth and development of the child.

13.2.1 Formal Alternative Care

Any formal alternative care option is based on a decision of an authorised institution such as courts of law, administrative authority or duly accredited body. In the case of Uganda, formal alternative care is primarily comprised of the following child placement options: (1) Foster care: a temporary placement for a child due to an emergency resulting in a family breakdown, a step leading to adoption, or a permanent placement. (2) Institutional care or institutionalization: children are placed in a child care institution and provided residential care for a specified period of time. The residential institution in the case of Uganda is often referred to as an 'orphanage,' 'babies home,' or 'child care institution.' The institutional care placements are structured in various ways, for example, children can be cared for in one or more large rooms or multiple homes but remain in the same site or location (see Ministry of Gender, Labor and Social Development (MGLSD) 2012). In other cases, residential care institutions serve as boarding schools where children stay permanently. Institutional care is recommended only as a last resort under the Alternative Care Guidelines and has to be temporary. (3) Adoption: a caregiver acquires permanent custody of a non-biological child and legally becomes the parent of the adopted child. (4) Legal guardianship is provided for under the Uganda laws, however, under the amended Children Act, only

national citizens will be granted guardianship status. Under formal care, many more placement variations exist, for example ‘family’ based forms of care in the case of children’s villages – where fostered children or children under legal guardianship grow up within multiple homes in a given site (location) and are looked after by a ‘mother’ and ‘father’ employed by a registered institution. Centers that serve as temporary shelters such as transit, emergency, or reception centers also fall under formal alternative care arrangements. The aforementioned formal placement arrangements are guided by the existing laws or regulations.

13.2.2 Informal Alternative Care

Regarding informal care, the most common forms of informal alternative care include: kinship care or customary care, involving members of the extended family; informal foster care by friends or members within the community; and any other arrangements which may not be formal, but generally acceptable under custom or religious practice. The informal system of caring for children is not a new concept in many Ugandan traditional families. However, in recent years, the placement of children with uncles, aunts and grandparents is significantly increasing due to loss of parents from HIV/AIDS and other threats to the family system. According to the Uganda Demographic and Health Survey, up to 33 % of the households in Uganda are fostering a child and/or looking after an orphan (Uganda Bureau of Statistics (UBOS) and ICF International Inc. (ICFI) 2012).

13.3 The Case for Alternative Care

In this chapter, we reiterate that all children ought to grow up in a care environment that allows them to experience healthy and fruitful early childhood. However, for different reasons, many children around the world temporarily or permanently fall outside of the family care (Fice Youth 2010) and thus need alternative care. Globally, millions of children are deprived of parental care or are at risk of losing it (United Nations Children’s Emergency Fund (UNICEF) 2006), especially in resource-poor countries (Huynh 2014) due to AIDS and other diseases, armed conflict, household violence, trafficking, forced displacement and extreme poverty (UNICEF 2011a). These children risk being denied a nurturing environment that is supportive, protective and caring to guarantee maximization of their potentials (United Nations 2010). The need for permanency for this vulnerable child population is always paramount.

In Uganda, orphans form the largest number of the children in need of alternative care arrangements. It is estimated that 20 % of children below the age of 18 years are residing with a non-biological parent, mainly due to the death of the parents. Up to 2.3 million children (13 % of children under the age of 18) have lost one or both

parents (Uganda Bureau of Statistics (UBOS) 2010). While some orphans live with a surviving parent or members of the extended family, many fall through the cracks of regular familial support networks and end up on the street or in child care institutions. Data available also indicate that 70 % of families taking care of orphans are headed by poor, often elderly widows (mothers, grandmothers, aunts) (MGLSD 2012). The growing demands for care often stretch families and limit possibilities for taking on additional children or providing those added with sufficient care. The absence of a well-coordinated and sufficiently resourced welfare system in the country further complicates the situation.

Reforming the alternative care systems has therefore emerged as an area requiring urgent public attention. Of particular concern, is the quest to ensure inclusion in access to care for specific categories of children in need of alternative care, but who over the years have not been prioritized. Street children represent the most conspicuous category of children that manifest the failure of the child protection system in a country like Uganda. Conservative estimates made two decades ago put the figure at 10,000 children living on the streets in Uganda (Street Child Project 2014; UNICEF 2011b). An insight into the lives of these children reveals that many suffer multiple stressors on account of difficulties linked to harassment by authorities, stigmatization by the communities, lack of food, general poor living conditions and insecurity including violence from peers and community members (Walakira et al. 2014a).

Some alternative care arrangements are also in urgent need of reform. For example, a majority of the estimated 50,000 children placed in care institutions (CCIs) in Uganda receive care that does not meet the professional care standards established by the government (Riley 2012). Institutional care is used too often as a ‘first resort’ for children in need of alternative care without consideration for or investment in family-based care options (MGLSD 2012). This contradicts the spirit and provisions of the UN Alternative Care Guidelines; Article 20(3) of the UN Convention on the Rights of the Child (CRC); and the Uganda National Framework for Alternative Care. Moreover, some of the institutionalized children face the risk of being trafficked (Walakira et al. 2014b) and thus, require urgent rescue and consideration of other alternative care options. While institutionalization still serves a useful role particularly in situations of emergency, provision of transitional care and specialized care; in quite a number of situations, it negatively affects children if care is provided for longer durations. Research shows that growing up in an institution, especially when placed at an early age or for long periods, results in developmental delays, attachment disorders, susceptibility to abuse and neglect, and mental health concerns (Browne 2009; Csaky 2009; Faith to Action Initiative 2014). Such studies and family policies (such as the National Orphans and Other Vulnerable Children Policy (NOP) (MGLSD 2004)), therefore, recommend family-based care and pursuit of measures and actions that minimize family separation.

Many of the children in difficult circumstances in Uganda need alternative care, for instance, children in the worst forms of child labor — those conscripted into war and terrorist activities, sex slavery, and forms of bonded or forced labor. The numbers are not known, but estimates show that 25 % of children aged 5–17 years are

trapped in harmful forms of work (UBOS Uganda Bureau of Statistics UBOS 2013); while an estimated 46 % of girls are victims of early marriages (UNICEF 2011c). Acts of violence also necessitate alternative care for children. Children's experiences of sexual abuse perpetrated by caregivers in homes and schools have been reported (Naker 2005; Walakira and Ddumba-Nyanzi 2012). A survey by Devries et al. (2014) conducted in Luweero district in Uganda, shows that out of the 3706 primary school children surveyed, 11.8 % of girls and 2.5 % of boys reported sexual violence while 48.6 % and 49.4 % of girls and boys respectively had been victims of emotional violence and neglect. These findings are corroborated by another study conducted in Northern Uganda that assessed the effects of a community-based violence prevention intervention by War Child Holland in post-conflict Northern Uganda (Walakira et al. 2014c). In the 12 months preceding the survey, 17 % of the children had experienced at least one form of sexual violence with girls more affected than their male counterparts. Cases of extreme physical violence have also been reported and documented (see UNICEF 2011c). High levels of vulnerability associated with poverty are singled out as risk factors for separation of children from their families. UNICEF (2014) indicates that 55 % of children aged 0–4 years in Uganda live in poverty, out of whom 24 % live in extreme poverty. Among children aged 6–17 years, 38 % live in poverty, out of whom 18 % are in extreme poverty. Children who experience extreme poverty are vulnerable to abuse and neglect, often suffer violence, and may need alternative care (Fice Youth 2010; UNICEF 2011c; Walakira and Ddumba-Nyanzi 2012).

13.4 An Insight into Child Care Institutions (CCIs) and the Quest for Care Reform

Public concerns for child care reform in Uganda are not only linked to children without care, but also those in child care institutions (CCIs) that receive poor and often harmful care. In this chapter, emphasis is placed on care concerns for children in CCIs. These concerns were established through a study that assessed babies' homes and child care institutions (Riley 2012). Some of the issues identified were closely tied to systemic failures. For example, of 40 CCIs surveyed, 80 % did not have child protection policies; 98 % had no social worker, 48 % had poor or very poor child care standards; 52 % had children without a current care order; and 53 % lacked any resettlement plan.

Another study by Walakira and colleagues (2014b) documented the socio-demographic profiles of children in CCIs. Out of the 29 CCIs surveyed, there were 1282 (725 boys, 557 girls) children. More than two-thirds (64 %) of the children had at least one living parent, suggesting that orphanhood is not the primary reason they were in care institutions. The major reasons for placement commonly mentioned on children's records ($n=1036$) included abandonment (36 %), abuse and neglect (18 %), material poverty (41 %), and death of care giver (26 %). Only 13 % of the children

($n=1036$) had lost both parents. Forty five percent were aged 0–3 years at the time of admission, while 15 % were placed before turning 6 months. The study highlighted systemic weaknesses such as: limited child record keeping and compliance with procedures; often ill-equipped and unskilled personnel; varying standards across CCIs; and lack of registration (only 26 % of CCIs were registered).

Child care institutions were also suspected to be conduits for illegal adoption practices, in particular through the use of Legal Guardianship Orders by the proprietors of CCIs. The guardianship orders used by perpetrators of illegal processes circumvented the long process of adoption (Walakira et al. 2014d). The provisions on legal guardianship as a result have been revised under the Amended Children Act 2015 and are now applicable only to citizens. Even the process of adoption for any prospective adoptive parent who is non-Ugandan requires that the person stays in the country continuously for 1 year. International adoptions have in the recent years been associated with corruption involving agents of prospective adoptive parents and officials within the judicial system; parents duped to give up the care of their children without being given adequate information. In other cases, the use of financial incentives has been cited (Thomson Reuters Foundation (TRF) 2016; Walakira et al. 2014d). The exponential increase in the number of children destined for international adoption to the United States of America between 2008 and 2011 was linked to dubious adoption (Among 2014). During this period the adoptions to the USA increased by 793 %, making Uganda by 2011 the 20th country with the highest number of children destined for international adoption in the USA (African Child Policy Forum 2012; Among 2013; United States Department of State 2013). Moreover, 95 % of the children in 2011 ($n=238$) who received immigrant visas to the USA had to have their adoptions finalized in the USA (United States Department of State 2013), suggesting that they had received guardianship orders by Uganda's courts of law.

Uganda has also seen institutional care become an 'industry,' with many institutions being established as money-making activities with Western donors believing they are responding to what is being communicated as an 'orphan crisis.' Many institutions recruit children for their institutions. Families are often coerced to or willingly place children into institutions because the institutions are offering 'perceived' services, such as education and health care, which vulnerable families feel they cannot access in their own communities. This of course reduces the investment and emphasis on developing community-based services, which can keep families together and deprives children of their right to grow up in their family. It should also be noted that many institutions essentially operate as 'free' boarding school facilities masquerading as 'orphanages' in order to attract funding from donors and through child sponsorship. Often children are labeled and promoted as 'orphans,' when in actual fact their family believes they are residing in an institution for educational reasons.

In general, concerns for care reform to improve alternative care for children in Uganda necessitate alternative care systems restructuring and/or strengthening as we discuss in the section on priority areas for action.

13.5 Efforts to Build a Care System for Children Outside of Family Care in Uganda

The alternative care system as defined earlier effectively delivers the care needed by children in alternative care if the various parts of the system (a set of laws, policies, institutions, personnel and other resources, procedures and coordination mechanisms) work in a collaborative or interrelated manner to deliver the continuum of care for children who are deprived of parental care. The continuum of care could on one hand be understood in terms of the various alternative care options (kinship care, foster care, institutional care etc.). On the other hand, it could be understood to include *prevention*, for example interventions geared at preventing family separation; *protection*, which takes various forms including *early intervention*, *interim care*, *statutory care* and other authorized forms of care; and *after care services* (follow up, monitoring, etc.), particularly in the case of re-integration or re-unification. In the section below, we illuminate some of the aspects of the alternative care system in Uganda starting with the institutional, legal and programmatic frameworks.

13.5.1 *The Institutional, Legal and Programmatic Frameworks*

The Uganda Government has in place a Community Based Services Department in every district that has staff (Probation and Welfare Officers and Community Development Officers) who are responsible for vulnerable children. These departments work hand in hand with the Ministry of Gender Labor and Social Development (MGLSD) at the national level to deliver the necessary services. For most of the past, these institutions have played an instrumental role in coordinating support for child-focused institutions and building their capacities. However, they have not succeeded in building a coherent and well-resourced welfare system to extend tangible services for the most vulnerable children. Particular efforts geared at legal reform have also been instrumental. The Uganda Constitution is not only the overarching law of the land but it also provides the legal framework for all other laws, specifically those that aim to safeguard the rights and welfare of children. For example, there is a Children Act Cap 59, which is a comprehensive law to protect children and provides for and regulates alternative care for children (see Sections 4(1), 4(2), 5, 6, 10(6) and 10(7), 43, 44, 45, and Section 56 to 66). The practical application of the legal provisions on alternative care, nonetheless, have left room for misuse of the legal provisions, thus necessitating a call for amendments in the Children Act, as well as developing a comprehensive set of guidelines and regulations of the alternative care. Thus, an Alternative Care Framework (see MGLSD 2012) was developed and is currently being used to guide actions in the alternative care sector. Several tools have also been developed to allow for assessment of standards under various alternative care options and guide government officials to make appropriate decisions ranging from recommendation for improvement, closure and coming up with

de-institutionalization plans. One of the tools being used is the Assessment Toolkit for child care institutions (MGLSD 2011a), as one of the measures to enforce the Approved Babies' and Children's Homes Regulations (expected standards and processes to follow in admitting children within institutions) developed by the government in 2011 and to expedite the implementation of the Alternative Care Framework. The framework and other legal provisions underline keeping the family together and preventing separation as the first priority. Other options are only to be considered as a last resort where it is in the best interests of the child such as emergency care, reunification with parents/extended family, foster care, domestic adoption, inter-country adoption, special needs respite care, and institutionalisation (residential care). There are challenges that limit the full utilization of the existing frameworks including the piecemeal rolling out of the Alternative Care framework, due to limited resources on the part of the government. This affects regular monitoring and providing technical support to those implementing alternative care including service providers.

Other efforts by the government in collaboration with the civil society organizations (CSOs) have generally focused on improving access to justice for children or strengthening law enforcement. For example, new structures were created within law enforcement agencies, such as the Child and Family Protection Units, a specialized department to handle cases involving children, where they are victims and in some cases, where they are perpetrators. Within the judiciary, the Children and Family Court was created to handle cases involving children and the family. These structures have been firmly entrenched within the Children Act Cap 59. Additionally, some preventive measures to reduce the vulnerability experienced by children and the elderly have been implemented, including increasing access to education through the Universal Primary Education and Free Secondary Education and the introduction of a Social Protection Program –Social Assistance Grants for Empowerment (SAGE), a 5-year (2011–2015) pilot initiative implemented by the government with support from The Department for International Development of the United Kingdom and Irish Aid. The program targets the elderly and vulnerable families with periodic income transfers and is already positively impacting the lives of caregivers and vulnerable children (Namuddu et al. 2014).

Without discounting the government efforts in improving the Alternative Care Sector, a lot more remains to be done in as far as building capacity for prevention of family separation and extending protection to children outside of the family care. In the section below, we highlight the weaknesses of the child protection system and propose priority areas for action.

13.6 System Strengthening to Improve Alternative Care –Priority Areas for Action

There is heightened public interest concerning systems strengthening so that it becomes a viable strategy in delivering alternative care services to ensure not only prevention of family separation but also protection of children identified to receive

alternative care. The factors undermining child protection systems in Uganda compare favorably with those identified by Wulczyn et al. (2010). For most of the past, government and civil society actors have dealt with a variety of issues affecting children in terms of categories of children who are impacted. This approach is piecemeal and/or issue-based (Save the Children 2010; Wulczyn et al. 2010). In particular, actors have identified and attended to categories of children in need of alternative care such as street children, abandoned children, victims of trafficking and others with some level of achievement. However, this silo-based approach is associated with duplication of actions and has failed to address the underlying vulnerabilities that underpin child abandonment, neglect and abuse. The lack of a sustainability of efforts justifies the focus of this chapter to review elements of the existing alternative care system and to identify possible areas for improvement.

Strengthening child protection systems, of which the alternative care system is a part, serves to respond to and prevent all forms of child abuse, violence, exploitation and neglect, contrary to focusing on a single issue or undertaking specific vulnerable group programming (Save the Children 2010). It allows long-term response to child protection problems (Save the Children 2009) and empowers the social welfare sector by enhancing linkage of vulnerable children to services through timely identification and referral mechanisms (MGLSD 2011b). It also promotes a better understanding of and working more effectively with separated children, reintegrating trafficked children back into their communities, and supporting family-based alternative care options for children in need of such care. Wulczyn et al. (2010) argue that issues of system functionality, improved capacity, quality of processes and services, expanded reach, and effective coordination of mechanisms should be given critical attention.

Specific components can be considered under the systems strengthening approach to improve alternative care including among others; (a) human resources capacity, (b) funding, (c) legislation, (d) information–Management Information System (MIS), (e) coordination and leadership, and (f) delivery of services. While we do not intend to discuss all of these components, in the next section of the chapter, we focus on the human resource capacity, coordination and leadership, information management system and delivery systems as we consider these attributes to be the most urgent in the case of Uganda.

13.7 Human Resources Training

Existing data shows that the capacity of human resources to address placement issues for children outside of the family care is quite lacking in terms of the necessary skills and competences (Riley 2012; Walakira et al. 2014b). These studies found that probation officers mandated to supervise child care institutions are performing below the expected standards due to limited knowledge and skills in child care and protection. They were not performing their roles as per the provisions in the Approved Babies' and Children's Homes Regulations (The Republic of Uganda 2012)

and the Uganda National Alternative Care Framework (Ministry of Gender, Labour and Social Development (MGLSD) 2012) – some of the frameworks highlighted earlier.

One of the efforts pursued by the Uganda Government and collaborating agencies aimed at building a functioning child protection system is the strengthening of human resources capacity (even though still performed on a limited scale). These efforts culminated into the development of the child protection training curriculum, bringing together Trans-Psycho Social Organisation (TPO), Makerere University Department of Social Work and Social Administration, MGLSD and many other child-focused civil society organizations. The curriculum, finalized after slightly over a year of engagement with partners, targeted frontline staff working with children. With more than 2 years since the rolling out of the curriculum, over 1500 staff members have been trained. Emerging findings from a review of the systems strengthening efforts implemented by International AIDS Alliance and consortium partners through the SUNRISE project indicate that the training program has had tremendous positive impact (4Children 2015). The benefits for frontline staff include increased awareness of their responsibilities; being more active in mainstreaming child protection issues in district development plans; increased mobilization of resources for OVC, and playing a leadership role in the OVC sector. While this development is commendable, the government still experiences staff shortages in key positions that are directly responsible for handling children such as Probation and Social Welfare Officers (PSWOs) and Community Development Officers and their Assistants (CDOs/ACDOs). The Ministry revealed through the SUNRISE study that CDO/ACDO positions filled by 2010 only averaged 41 % nationwide. In 2009, 144 Sub-counties did not have a single CDO/ACDO position filled. Forty four percent of the districts assessed in December 2010 did not have a substantively appointed Probation and Social Welfare Officer (MGLSD 2011b). The PSWOs are the prime implementers of the Children Act. Accordingly, such gaps put the average ratio of social welfare worker to vulnerable children at 1:6000 compared to the recommended ratio of 1:200 vulnerable children (MGLSD 2011b). Seventy two percent of the social welfare staff in the Community Based Services Department did not have adequate skills in social work (MGLSD 2011b), thus presenting protection risks to children. While significant progress continues to be registered in the area of training of the welfare work force, gaps still remain especially in the field of alternative care.

At the same time, much as increasing recruitment of the staff would be most desirable by the government, it is not sustainable in the short- and medium-term owing to the insurmountable wage bill it imposes on government. This was foreseen under the systems building initiative under the SUNRISE project that considered a more feasible and creative solution, that is, to build human resources capacity at the grassroots-level so that community persons would be able to address child protection issues. This culminated into the training of grassroots social service workers referred to as para-social workers – a minimum of two were placed in each parish. These were equipped with skills such as identification of child protection risks in their communities, reporting these to designated officials at the nearest level and

supporting care and referral efforts involving children. Those trained covered 80 districts and the emerging suggestions indicate that they are doing a tremendous job and relieving the few staff in the districts of a huge workload at the grassroots-level (SUNRISE 2014).

The Ministry of Gender Labour and Social Development, supported by Terre des Hommes and working with partners (Makerere University Department of Social Work and Social Administration, Child's i Foundation, Alternative Care Initiatives, and ANPPCAN), has considered the training of staff with keen interest placed on strengthening alternative care. This initiative led to the development of an Alternative Care Curriculum under the Strong Beginnings (SB) Project. The SB project sought to prevent unnecessary separation of children, expedite the processes of de-institutionalization, build an evidence base on alternative care and, at the same time, build human resources capacity of the welfare staff involved. The curriculum seeks to equip those working in the alternative care sector with the necessary skills and competencies for assessment of children in need of alternative care, undertake case planning and management, provide transitional care, professionalize child re-integration processes without causing harm to children, and work within the legal and policy frameworks. As the curriculum is set to be rolled out, there is great expectation that it will fill some of skills gaps among the workers in this sector.

13.8 Building the Capacity of Government Structures to Manage, Lead and Enforce Care Standards

The Ministry of Gender, Labour and Social Development (MGLSD) has the mandate to ensure that care standards among care providers are enforced throughout the country. Over the years, however, the Ministry has not fully executed its mandate due to chronic under-funding and a lack of a clear vision on what ought to be done under the alternative care sector. In respect to financing, the ministry's budget as a proportion of the national budget has averaged between 0.5 and 2 % over the period 2008/9–2010/11 (MGLSD 2011b). The limited funding of the child protection sector is also visible within the local government structures that have a responsibility to implement child welfare plans at the local levels.

In the recent years, the Ministry was supported to develop an alternative care framework but was unable to roll it out, until development partners provided the much needed support. With support from partners, the Ministry has set up a secretariat to oversee policy development and programming for the alternative care sector. Among the positive developments in the last couple of years is the ability for the Ministry to conduct assessments of child care institutions and recommend closure of those that do not meet care standards. The Alternative Care Panel established by the Ministry is earmarked to expedite the processes of rolling out the Alternative Care Framework. However, the Panel now has to ensure that the loopholes that have undermined the decisions regarding adoption and legal guardianship of children are

addressed without any further delay. Strengthening the provisions on guardianship also is one of the proposed amendments so that guardianship orders are not used as channels for trafficking of children. In the case of adoption, it is expected that the recommended processes are followed and that priority is given to prospective local adoptive parents, where monitoring of children can be undertaken. While progress is far from reaching the standard expected of the Ministry to effectively perform its functions, the small but effective efforts so far undertaken promise a better future for quality programming in the alternative care sector.

13.9 Improving Data Collection and Research Efforts

A functional Orphans and other Vulnerable Children Management and Information System (OVC MIS) is central to effective planning, resource allocation, decision-making and advocacy for OVC (MGLSD 2011c). Taking this into consideration, the Uganda Government has made efforts to put in place an OVC MIS (MGLSD 2015). The unit is coordinated by the OVC National Implementation Unit in the MGLSD. The OVC MIS aims to measure progress towards achieving the goal of the National OVC Plan of Action referred to as the National Strategic Program Plan of Interventions (NSPPI-2). It captures data on the progress made against selected core program areas enlisted in the NSPPI-2 namely: economic strengthening; food and nutrition security; health, water and sanitation; education; psychosocial support and basic care; child protection and legal support; and legal, policy and institutional mechanisms.

While the government should be commended for this development, a number of system gaps are discernible from the OVC MIS. For instance, the MIS system ought to have sound data collection approaches and competent data collectors, be harmonized and integrated across different sectors (education, health, child protection, etc.), and build the ability of local governments to effectively deal with the problem of duplication of child protection cases reported within the OVC MIS at the grassroots-level. The MGLSD relies on civil society organizations spearheading the OVC response to provide OVC MIS data. Incidentally, compelling all CSOs to live up to the Ministry's expectation is nearly impossible. Some CSOs do not report or do not feel obliged to report to the PSWOs/MGLSD but rather to donors. Another limitation of the OVC MIS concerns alternative care cases that are not delineated, which makes their documentation and tracking difficult. This is a critical area that needs prioritization. In spite of the limitations, positive developments have occurred. For example, the local governments and line ministry are steadily making sense of the data and starting to use it to present a case for more funding of the OVC sector (4Children 2015).

Recent studies on alternative care further build a case for heightened promotion of a sound evidence-building effort to ensure that actors in the alternative sector have sufficient empirical data to guide decision-making, promote learning, and improve programming (Walakira et al. 2014b). Without collection of sound evidence,

assessing the effectiveness of OVC interventions and their impact on OVC becomes difficult, let alone generating knowledge and translating it into policy and practice (Walakira and Ddumba-Nyanzi 2012). The current state of research fails to meet the existing demand for evidence to guide programming and learning in the sector. While the OVC MIS system could in part complement the efforts towards building an evidence base, apparently there is a clear indication that data collected and its analysis still falls below the expected rigor for sound evidence building. We are thus, in agreement with MGLSD's (2011b) recommended areas for priority action including but not limited to training of data collectors, knowledge and skills building in data analysis, awareness creation about the system, assessment of data needs, refining tools for data collection and reporting requirements among the responsible staff. The capacity of data users at the district and national levels to be able to use the generated information should also be considered. Uptake of information is often a problem, especially where data cannot be extracted and used in a timely manner.

Finally, data collection and management within law enforcement agencies should also be strengthened by working on the community side. Community members witness the multitude of child rights violations and should be sensitized to report on time all acts of violence and to prevent concealment of information. On the demand side, police officers and other justice agencies including the judiciary are particularly culpable in losing vital information necessary for prosecution of perpetrators, either through poor information management systems or through deliberate misplacement as a result of corruption. Working on these systemic weaknesses requires a series of measures that involve capacity building in terms of strengthening the information and communication technologies used to collect and store data, training of the officers who take charge and increasing the support that investigative officers need to collect data and use it in a timely manner during the prosecution of cases. At the same time, measures that ensure zero tolerance to corruption in police and judiciary also ought to be enforced. There are few best practice guidelines with regard to eliminating corruption in the judiciary within Uganda. This is an area where partners from countries that have good examples ought to render assistance.

13.10 Delivery of Preventive and Protective Services

The delivery of services for children outside of the family care remains a priority area for action in terms of quality and quantity. In part, it owes to the fragmented and poorly resourced nature of Uganda's welfare system. The inability of the government to sufficiently provide alternative care facilities and services to the children meant that CSOs had to play the role in filling this gap. Yet despite their intervention, the gap remains as wide as ever. The government's and CSOs' interventions have gaps in a number of areas. Government institutions (corrective institutions and babies' homes) are often overcrowded with children from various social and cultural backgrounds and lack adequate staff to follow acceptable or professional social work care requirements. Building an effective welfare system will require increased

government funding, which under the MGLSD is still as low as less than 2 % of the national budget. A business case for investing in the child protection sector should be developed. Efforts by UNICEF (2014) highlight the cost of inaction in regard to infant and child nutrition estimated to be equivalent to 5.6 % of Uganda's annual Gross Domestic Product. Denying children access to essential services including education, primary health care, adequate nutrition, safe water, including access to protection services, affects the Uganda human development index (MGLSD 2011b).

13.11 Conclusion

As discussed throughout the chapter, the need to strengthen the alternate care system in Uganda has never been greater than it is today, mainly because of the threat to the family structure caused by various social and health challenges including HIV/AIDS, which has increased the number of orphaned children. Most families in Uganda have been affected by these inevitable challenges. As a result, Uganda's alternative care journey needs to be consolidated with greater focus placed on addressing the systemic challenges affecting the sector. Tangible efforts and measures presented above are commendable but will only yield concrete benefits to the sector when the underlying systemic challenges are well acknowledged and addressed. Thus, the system gaps related to human resource capacity, coordination and leadership, information management system, and delivery of services as mentioned require serious attention. Enhancing the alternative care system will not only lead to better outcomes for vulnerable children but also serve to meet some of the provisions as outlined in the Convention on the Rights of the Child.

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Chapter 14

Do Child Rights Legislation and Policies Effectively Protect Children from Maltreatment? Reflection from a Nationwide Sectoral In-Depth Analysis

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14.1 Introduction and Background

Uganda is a developing country with over 60 % of its population under 18 (UNICEF 2015). In an attempt to protect the rights of children, the 1995 Constitution (supreme law) of the Republic of Uganda (as amended in 2005) under Article 34 provides for the protection of the rights of children. The Government of Uganda had earlier ratified the United Nations Convention on the Rights of the Child (CRC) in 1990. Several other international and human rights laws, standards and codes specifically on protection of children and generally on enforcement of economic, social, political and cultural rights were also assented to and ratified. In 1996, the government domesticated the CRC by enacting the children statute, passed by parliament as the Children Act in 2000.

Elaborate national laws have also been put in place to guarantee the protection of rights of children. The Employment Act 2006 bans employment of children below 12 years of age and prohibits children from involvement in hazardous employment. The Female Genital Mutilation Act 2009 outlaws female genital mutilation. The Education Act 2008 provides for free primary education. The Domestic Violence Act 2000 protects children from abuse and sexual exploitation. The Penal Code Act Cap 12 protects children by giving grave penalties for criminal offences committed against them. The Local Government Act (as amended) Cap 243 requires all local government to safeguard and promote the welfare of all children in their area (Yiga 2010). The Succession Act chapter 162 clearly shows the distribution of property upon the

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death of an intestate. The Birth and Death Registration Act chapter 309 requires the registration of the birth of each child as well as their death. The National Council for Children Act chapter 60 established the National Council for Children. The main purpose of the National Council for Children is to provide a structure and mechanism for the proper coordination, monitoring and evaluation of all policies and programs relating to the survival, protection and development of children in Uganda.

Similarly, most of the laws have recently been revised to take into account concerns of the United Nations Committee on the Rights of the Child, the civil society and the government. The government has also put in place several policies to support implementation of the existing laws including, but not limited to, the National Strategic Program Plan of Interventions 2009/2010–2014/2015, Universal Secondary Education 2007, Universal Primary Education 1997, National Orphans and Vulnerable Children Policy 2004 and the Child Survival Strategy 2008–2015 (Ministry of Gender Labour and Social Development 2010, 2011, 2012a, b).

In spite of all the above developments and efforts at improving the legal and policy framework for the realization of child rights, there has been limited evidence of improvement in the psychosocial and socio-economic situation of children (Ministry of Gender Labour and Social Development 2012a, b; Kaliballa and Lynne 2010; Abola et al. 2009). On the contrary, cases of maltreatment of children and child abuse and neglect more generally are on the rise (Amin et al. 2013; UNICEF 2015; Walakira et al. 2015). Cases of maltreatment include child neglect and defilement; child abduction, trafficking and sacrifice; involvement of children in the worst forms of child labor; subjecting children to harmful cultural practices like female genital mutilation; and sexual, emotional and physical abuse. Our study suggests that the potential reasons for the perpetuation of child maltreatment include weak enforcement of laws on child protection, limited awareness among caregivers of existing laws and policies, and limited awareness on existing laws by law enforcement. The limited budgetary support and a perceived non-prioritization of the child protection agenda as well as the weak child rights governance institutional framework are some of the key obstacles to attaining a child rights competency. Similarly, these policies have also been lopsided towards marginalized children—orphans and vulnerable children (OVC)—leaving little attention to the concerns of children in general. The paper will highlight the risks of perpetuation of child maltreatment, the existing gaps in legislation, policies and institutions and their status on child protection and child rights in general in Uganda.

14.1.1 Contextual Background

Children below 18 years of age constitute over 60 % of Uganda's population according to a recent study on situation of women and children in Uganda (UNICEF 2015). It is estimated that of the 31 % of Ugandans living below the poverty line, the majority (62 %) are children (Kaliballa and Lynne 2010; Ministry of Gender, Labour

and Social Development 2011). While the population of people living below the poverty line has since dropped to 25 %, the majority are still children (Uganda Bureau of Statistics and ICF International Inc. 2012). There are also growing numbers of orphaned and extremely vulnerable children, resulting largely from the AIDS pandemic, conflict and disease. The number of orphan children alone was projected to be 1.3 million by 2010 (Uganda Bureau of Statistics and ICF International Inc. 2012).

The nature of the society we live in is reflected in how we nurture and invest in our children. Prosperity for all comes from an environment that provides equal opportunities for all children to develop to their fullest potential and provides support systems and structures for those who fall through the cracks. Be it economic, social, political or cultural prosperity, the roots lie in meeting the rights and needs of our children and providing them a caring and nurturing environment in which to grow and thrive. “Rapid economic growth without equity can perpetuate poverty” (UNICEF 2005: 16). The World Bank notes that children and youth represent the greatest leverage point for investments in human capital and the principle means by which to reduce intergenerational poverty. Therefore, they represent both the greatest opportunity and a potential time bomb for current development strategies (World Bank 2005).

14.1.2 Good Governance and Children’s Rights

Achieving child rights competency requires a sustained commitment to good governance. Governance is the set of institutions and processes by which authority in a country is exercised, public policy is carried out, and public services are provided (Save the Children 2012). Good governance implies the presence of rule of law, democracy, participation and respect for views of civil society, respect for human rights, inclusiveness and equity, and proper public sector management, among others. Governance is at the core of any state or nation’s existence and wellbeing. The state of governance in a country determines the situation of social justice, social equity, fairness and perceptions of such among the population. It also defines the environment or context within which the population, including children, can exercise their rights, achieve their aspirations or actualize their potentials (National Planning Authority 2007). Moreover, social development, progress and democracy are also premised on the nature of governance. In this study, it is recognized that child rights governance focuses on strengthening the societal systems to enhance protection of all rights of children (Save the Children 2012; Ochen 2012). We also recognize that the objective of child rights governance is to create lasting change in the situation of children within the country, and this can only be achieved when there is political will, public support, and participation of key actors in both the private and civil society sectors.

14.2 Methodology

This study employed a mainly qualitative approach to data collection and analysis. While the main method of data collection was qualitative in nature, quantitative information derived from secondary sources and published documents were used to complement qualitative data. As the study relied heavily on qualitative data from field interviews, the research team identified and interviewed selected informants based on the nature of their work with children across the country. The respondents were drawn from national level stakeholders and government officials, civil society actors, representatives of development agencies and local government officials at the district and sub-county levels. Four regions were considered for the assessment, and in each region, two districts were picked. Each member of the team (supported by research assistants) was in charge of a region for ease of data collection. The research team carried out a total of 60 interviews with the various stakeholders in the selected district, covering key issues of concern to this study. Depth of coverage of issues and analytical depths were varied across the targeted individuals based on their capacity and positions of responsibility held. In the selected sub-counties, participants were also selected purposively based on their degree of relationships with children and relevance to the current study. The respondents included law enforcement officials, community OVC committee structures, local government officials (sub-county level, etc.), children and youth representatives of children- and youth-led groups, community based organizations (CBOs) and non-governmental organizations (NGOs).

At the district level, we targeted district government offices, district level orphans and vulnerable children (OVC) committees and the relevant sector service providers such as education, health and social/child protection and probation officers. Development agencies working within the targeted districts as well as the police, the local media, academic institutions and religious bodies were also consulted to elicit various viewpoints to enrich the process of data analysis.

At the national level, we consulted with Line Ministries including Ministry of Finance, Planning and Economic Development (MFPED); Ministry of Gender, Labor and Social Development (MGLSD); and child specialized units and technical teams within the line ministries. Autonomous and semi-autonomous bodies such as the various commissions (e.g. Human Rights, Employment, Revenue Authority, among others) were also interviewed due to their critical position on issues pertaining to child rights governance and investment in children. The assessment team conducted interviews with members from the National Council for Children, International and National based Civil Society Organizations (CSOs), the United Nations Children's Emergency Fund (UNICEF), UN Women, United Nations Development Programme (UNDP), academia, and relevant private businesses. All textual data was thematically analyzed within a child rights framework. Meanings made of the data collected were used to develop the sub-themes which formed topics for presentation of data.

14.3 Results

14.3.1 *Legislation on Child Rights and Protection in Uganda*

The government of Uganda ratified the UN Convention on the Rights of the Child in 1990. In 1996, government domesticated children rights by enacting the Children's Statute and later the Children's Act in 2000 which highlight the Convention's principles. The government also ratified the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography on 19 August 2002 (Uganda Child Rights NGO Network 2007). Other related laws which have been ratified in Uganda include the African Charter on the Rights and Welfare of the Child (ACRWC), Millennium Declaration 2000, World Fit for Children Declaration 2001, the International Labour Organisation (ILO) Convention 182 and 138, the Optional Protocols to the UNCRC and the Convention on the Rights of Persons with Disabilities and its Protocol.

In Uganda, there is no specific law that domesticates the Optional Protocols to the CRC. Some of the provisions in the Optional Protocols are addressed in the Penal Code Act (as amended) including sections on offenses against morality or sexual offences, such as the prohibition of intercourse with a person below the age of 18 years. However, the offences in the Penal Code are not in themselves sufficient to protect children against offences that the Protocol covers. This notwithstanding, the government of Uganda should be commended for ratifying the UN Convention on the Rights of the Child and the related conventions.

Several laws have been enacted that domesticate the CRC and these are discussed in the proceeding section. The government should also be commended for taking steps to amend laws on children rights to take into account gaps as identified by the UN Committee on the Rights of the Child, civil society and by the government itself. The slow pace of reforms is described below, but briefly, the factors for weak enforcement include limited sensitization among duty bearers and rights holders about the child-related laws; limited resources by the agencies responsible for enforcing the laws including the police, MGLSD, and the National Council for Children; and the general public's perception that children's rights are foreign to the African culture.

14.3.2 *Legislation that Domesticates the Child Rights Convention*

The Government has enacted several legislations that are cognizant of the CRC including, but not limited to: the 1995 Constitution, which stipulates the rights of the child; the Children's Act 2000; The National Council for Children Act chapter 60; the Employment Act 2006, which caters to child labor; the Female Genital Mutilation Act 2009, which outlaws female genital mutilation on girls below the

age of 18; the Trafficking in Persons Act 2010; the Occupational Health and Safety Act (2006); the Domestic Violence Act 2010, which protects children from abuse and sexual exploitation; the Education Act 2008, which provides for free primary education; the Marriage and Divorce bill, which protects children from violence, physical abuse and sexual exploitation; the revised Children's Act, 2016; and the Penal Code Act, which includes outlawing grievous bodily harm and physical abuse of children. Below is a discussion on the provisions of each law.

14.3.2.1 The 1995 Uganda Constitution

The 1995 Uganda Constitution is the overriding national legislation, which makes specific provisions on the rights of children. The rights of children are provided for in Article 34 (1–7) of the Constitution and are consistent with the UN Children's Rights Convention. The rights are guided by the principle of what is in the best interest of the child. They include the right to know and be cared for by parents or those entitled by the law to bring them up; the right to basic education by parents and the state; the right to medical care; non-discrimination against children; protection from social or economic exploitation; provision for separate detention facilities for child offenders and adults; and special attention to orphans and vulnerable children (OVC). Recognition of the rights of children within the Constitution is crucial as over 60 % of the population in Uganda are children (UNICEF 2015). It should also be noted that this recognition of children's rights within the Constitution presents significant opportunities within the private, civil and public sectors to meet children's needs using the rights based approach.

14.3.2.2 The Children's Act 2000, CAP 59

The government of Uganda enacted the Children's Act, Cap 59 in 2000 which puts into effect the constitutional provisions on the rights of the child as stipulated in Article 34 of the Constitution. The Act is the specific law that domesticates the UN CRC and the Organization of African Unity Charter on the Rights and Welfare of the African Child. Africa is the only continent with a region specific child rights instrument. The African Charter on the Rights and Welfare of the Child (ACRWC) represents an important tool for advancing children's rights. While building on the same basic principles as the UN Convention on the Rights of the Child, the Children's Charter highlights issues of specific importance in the African context. These include the protection of internally displaced children, prohibition of recruitment of children into armed forces, and the promotion of the girls' right to education. The Children's Act 2000 consolidates the laws relating to children; provides for the care, protection and maintenance of children; provides for local authority support for children; provides for establishment of a family and children's court; and makes provisions for children charged with offences and other connected purposes. The parents or guardians have a duty to maintain the child's well-being which

entitles the child to the right to education and guidance; immunization; adequate diet; clothing; shelter; medical attention; and protection from discrimination, violence, abuse and neglect. The Act further provides for protection of children from harmful cultural practices and harmful employment and care for children with disabilities (Children's Act 2000).

The implementation of the Children's Act 2000 has faced several challenges. The main challenge to the implementation of the Children's Act has been the public's limited knowledge about the provisions of the Act. In many communities, the Act was not received positively because it seemed to over emphasize the rights of children compared to their responsibilities.

In Ugandan local cultures, children are cherished, and by inference, they ought to enjoy a right to be cared for and receive shelter, food and clothing. Key informant interviews and focus group discussions suggested that the communities did not understand that cherishing children was not enough to guarantee their rights. It was important to explain the cases of rights violations by parents, caregivers, relatives and other individuals. Similarly, the convergence between child rights and cultural values was not explained in order for the law to be seen as supplementary, not antagonistic, to the cultures.

Distribution of copies of the Act has also been weak. Few stakeholders, especially at district and community levels, have copies, and therefore, are unable to make appropriate reference to the Children's Act. This has been partly attributed to the lack of funding within the MGLSD to print, distribute and translate the Act. The use of the internet as a mode of disseminating information is ineffective as internet is only accessible to a small percentage of the population, which limits further dissemination.

It should be noted that although the law provides that children should not be detained together with adults, justice institutions, especially the police, do not provide adequate separation facilities for children. Consultation has indicated that most police stations within Uganda do not have children only cells/detention facilities as required in the Children's Act. It is also common practice in Uganda to have young children, who are not criminals, imprisoned with their parents, especially their mothers. Related to the separation of children from adults, Uganda has only five remand homes, which are barely functional with regard to the range of services including: education, medical care, appropriate housing, psychosocial support and rehabilitation to enable the children to be reintegrated into their communities. The remand homes also currently function as mere detention centers for abandoned and loitering children (Ministry of Gender, Labour and Social Development 2012a, b; Uganda Child Rights NGO Network 2011; Uganda Human Rights Commission 2011a, b).

In addition to the above, although the law provides for the establishment of the Family and Children's Court, very few local governments have established these courts. This further constrains access to justice by children and the protection of children's rights and prevention of abuse of children in contact with the law. Conventional courts are not able to discuss cases of child abuse with the expedience that is provided for in the Children's Act.

There are also concerns among stakeholders that discrimination of some children is persistent including: children with disabilities; those affected by or infected with HIV/AIDS; and those from minority groups such as the Batwa as well as Albino Children. The right for all children to access equitable and quality education, health, public infrastructure and other community services is not adequately addressed (Uganda Child Rights NGO Network 2011; United Nations 2011).

Although the Constitution, the Children's Act and MGLSD policies emphasize orphans and vulnerable children, in practice these children remain even more vulnerable with hardly any meaningful safety nets to rely on. Review of recent studies and consultation with stakeholders suggests that these children continue to be exploited and involved in the worst forms of child labor.

Another issue with domesticating the Children's Act is that prosecution of cases of child abuse has been weak. Whereas cases of rape and defilement of children are frequent and often publicized in the media, stakeholders put forth little effort to investigate these cases and prosecute offenders. The police lack adequate resources and the burden of proof required in these cases further constrains justice. For example proof of defilement requires examination by a health worker, but the health facilities in rural areas lack necessary equipment and are grossly understaffed. Additionally, parents and caregivers sometimes conceal cases of child sexual abuse.

Similarly, sexual offenses were not adequately defined in the Children's Act 2000. It is, however, noted that in the revision of the Act, several of these aspects have been addressed. For instance, whereas defilement previously was lopsided towards girls, in the revised Children's Act, boys too can be defiled. The revised Penal Code Chapter 120 also captures the full range of sexual offenses and stipulates punishments due for each offence. This legal reform exemplifies the responsiveness of government of Uganda to observations by CRC in the previous reports and should be appreciated.

Overall, the existing structure for the implementation of the provisions of the Children's Act 2000 does not guarantee child rights and protection from the national level to the village level. At the local level, community development officers and probation and social welfare officers are involved in several other activities besides children's rights and protection. Interviews with key informants indicated that most of the community development officers work on children's issues when non-governmental organizations provide funding and facilitation. Where such facilitations do not exist, children's issues are left unaddressed. This suggests that while the governance framework and space for addressing children's issues within the current local government set up exist, relevant officers do not see it as a priority. Thus, the question remains of how relevant officers can prioritize children's rights issues as a core responsibility of their positions. At the local level, the Local Council I and Local Council II are designated to handle children issues. At the moment, these structures do not have elected representatives and their functions are not legally recognized (Ochen et al. 2012); however, efforts to elect new office bearers appear destined to be concluded by end of 2016.

Similarly, there is no systematic and consistent training on children's rights and protection provided to those who implement and enforce justice on children rights

through the current structures, limiting the effectiveness of implementation of the Children's Act. As illustrated in the comment below, even for cadres where training is provided, it is not structured and focused on children. Many professions do not enjoy the privilege of refresher courses that are provided to judges and magistrates.

There are refresher courses on new laws and revision of the existing laws for the judicial officers, we have it four times a year. In these courses, children's issues and Act are fully discussed. Each magistrate has a Children's Act and even in law school, these were made available and taught, especially in the Law Development Centre. Most magistrates are well versed with the Children's Act. (Judicial officer, Ugandan judiciary, Kampala, Uganda)

The Government of Uganda should be commended for taking note of the gaps in the Children's Act 2000 and seeking to revise it. As of March 2016, the bill that amended the Children's Act 2000 had been approved by Parliament and is awaiting the president's assent. The bill provides among others: (i) a more detailed explanation of children's rights; (ii) redefines and elaborates on what shall constitute the welfare principle; (iii) defines the penalty to anyone who subjects a child to harmful customary practices; (iv) defines the criteria for determining what constitutes harmful work, hazardous employment or child labor; and (v) seeks to prohibit corporal punishment.¹ Notwithstanding the need and effort to revise the Act, we wish to note that the process has taken a considerably long time to complete. Several other laws have been introduced to further comply with the CRC and its optional protocols. These laws make appropriate reference to children's rights and make specific provisions on children as appropriate. These include the Female Genital Mutilation Act 2010, Education Act 2008, the Employment Act, the Marriage and Divorce Bill, among others. These laws illustrate the on-going commitment of the government to provide for the rights of the child and are explained later in this chapter.

14.3.2.3 The National Council for Children Act Chapter 60

This Act established the National Council for Children. The main purpose of the law is to provide a structure and mechanism for the proper coordination, monitoring and evaluation of all policies and programs relating to the survival, protection and development of children in Uganda. The specific objectives of the National Council for Children (NCC) are paraphrased as follows: articulating the needs and problems of children to the government and other stakeholders; coordinating the provision of child-based activities in Uganda and maximizing use of resources; participating in planning and resource allocation programs with stakeholders; assisting local governments in the development of action plans for children; and acting as a monitoring agency of activities of stakeholders relating to children.

The Council, however, has been faced with several challenges. First of all, the NCC lacks autonomy. It is housed in the MGLSD and does not operate as a

¹ See Proposed Draft Amendment Bill to the Children Act 2010.

self-accounting entity. The Council receives little funding, and the funding it receives is disbursed through the MGLSD. There is also an overlap of activities between the National Council for Children and MGLSD. The MGLSD has a children and youth department involved in work similar to that provided for in the NCC Act including programming, coordination of children activities and guidance to stakeholders involved in children's activities. Partly due to this overlap, the NCC is hardly visible in the implementation of activities related to children's rights. It should also be noted that the National Council of Children does not have implementation structures from the national to the local level. It exists as a sole office with a mandate to coordinate programming and implementation of children's rights. Absence of structures, especially in the local governments, severely limits its effectiveness. As it relies on other structures such as the Ministry of Local Government structures, it becomes difficult to monitor and supervise the stakeholders who actually implement the children's rights. These situations limit the NCC's ability to implement its mandate.

It is difficult to envision how this Council would work if given adequate resources, independence and autonomy. Proposals to amend the NCC have been in place for over 5 years. A key proposal in the amendment of the NCC Act is to change the NCC into the Uganda National Children Authority (UNCA). The UNCA would be an autonomous, self-accounting entity. Progress in finalizing the bill has been very slow, spanning several years. The approved amendment of the Children's Act by Parliament provides for the above recommendation. However the expedience with which implementation will take place is not assured.

The change from the NCC to UNCA may not be adequate to cause change in the leadership on children issues; however, the institution needs to appreciate the critical role they have in driving the children agenda. There is a need for the UNCA to take interest in raising funds, coordinating children's activities and lobbying for the implementation of all the amendments in the Children's Act. Expeditious implementation of the UNCA and ensuring that the loopholes that existed in the NCC are plugged will go a long way in improving the prioritization of children's issues in the country.

14.3.2.4 The Employment Act 2006

The Act bars involvement of children below 12 years in any form of employment and bars the employment of all children in hazardous work. Section 32 of the Act protects children from hazardous and exploitative work. It should be noted that the level of implementation and enforcement of the provisions on child labor remain weak. There is no extensive effort by the MGLSD and the National Council for Children to monitor prevalence of child labor, including children involved in the worst forms of child labor. The lack of systematic and continuous monitoring of the prevalence of child labor only exacerbates the problem.

The main stakeholder in the elimination of child labor is the private sector, since it is the sector where children are most involved in child labor. The private sector is

not extensively sensitized about child labor. It is likely that some employers, especially in the informal sector, do not have adequate information about child labor, exacerbating the maltreatment of children. Sensitization of the private sector has a potential of creating awareness among employers—including the informal sector. The MGLSD lacks adequate resources to monitor the implementation of the Employment Act, specifically the prevalence of child labor in the private sector. There is also concern about the increased use of underage children in employment and the economic exploitation of children through street vending and begging (Uganda Child Rights NGO Network 2011; United Nations 2011). It is common to find children picking recyclable waste in garbage skips, dumping grounds, and stone quarries, and vending their found items on streets. Additionally, efforts to develop minimum wage legislation in Uganda have not been successful. Without the minimum wage legislation, children in employment continue to be grossly underpaid. The rampant poverty in rural households has made it difficult to fight child labor. For poor households, child labor provides key assistance.

Similarly, the weaknesses in the birth and death registration coupled with the lack of national identification documents make it difficult to determine the age of children who are involved in child labor (see also Uganda Child Rights NGO Network 2011). The enforcers of the law find it an uphill task to prove that the young people found in employment are actually below 18 years.

14.3.2.5 The Prohibition of Female Genital Mutilation Act of 2010

The Female Genital Mutilation (FGM) Act of 2010 protects children from harmful cultural practices, chiefly female genital mutilation which is practiced, for instance, among the Sabinyi in Eastern Uganda. The Act prohibits and criminalizes female genital mutilation, provides for prosecution and punishment of offenders and protection of girls and women under threat of female genital mutilation. A person who performs FGM is liable to 10 years imprisonment if found guilty. Persons who participate or aid the process shall be imprisoned for a period not exceeding 5 years. The Act further stipulates that a person who commits the offence of aggravated FGM shall face life imprisonment. Aggravated FGM is if the victim dies or suffers disability or is infected with HIV/AIDS due to FGM; and/or if the offender is the parent or guardian of the victim, a health worker, doctor or person in authority. The FGM Act requires compensation to the victim to cover the extent of injuries sustained, as well as medical and legal expenses, and loss of dignity, stigma and humiliation suffered. It remains to be seen, however, if the victims will ever receive such compensations due to weak implementation of existing laws in Uganda.

The Ministry of Education is in the process of establishing a model girls' school within communities that practice FGM, as a measure of motivation against the practice. In addition, the MGLSD has initiated consultations with communities that practice FGM and an alternative livelihood program for the women "surgeons" who perform FGM (MGLSD 2012a, b). Whereas these efforts should be appreciated, to a larger extent, sensitization about the dangers of FGM has to be done by civil

society. The communities that practice FGM see its prohibition as violating their cultural values—and not as violating the rights of children. Strengthening sensitization, therefore, would help the communities appreciate the dangers of the practice, which they would then reconcile with their cultural values. It should be understood that the communities using FGM use it as a rite of passage, and therefore, merely banning the practice without exploring the alternative rites of passage for these communities has a potential of limiting the effectiveness of the FGM Act. Partly due to limited sensitization, despite outlawing FGM in Uganda, the practice continues unabated in Eastern Uganda with hardly any prosecution. The lack of punishment to offenders perpetuates the practice, limits the effectiveness of the FGM Act, and perpetuates child maltreatment in Uganda.

14.3.2.6 The Trafficking in Persons Act 2010

The Act provides for protection of children and adults from trafficking.² It criminalizes conducts set out in Article 3 of the UN Trafficking Protocol; provides for the establishment of the Anti-Trafficking in Persons Commission to coordinate, monitor and oversee the implementation of the Act and to formulate a comprehensive and integrated program to prevent and suppress the trafficking in persons; and provides for the legal protection of trafficked persons (Ministry of Gender, Labour and Social Development 2012a, b).

The practice of human trafficking, however, remains rampant in Uganda because it is lucrative. The IOM estimates that the annual global trafficking in persons is worth between 7 and 12 billion U.S. dollars, making it the third most lucrative criminal activity after narcotics and weapons trade. The ILO estimates that 2.5 million people including children are trafficked and subjected to sexual and labor exploitation. In Uganda specifically, security companies and employment agencies in Kampala are frequently reported to recruit Ugandans to migrate and work as security guards and domestic servants in Iraq and other countries, where sometimes travel documents and pay are withheld as a means to obtain and maintain their compelled labor (U.S. Department of State 2010). The Family and Child Protection Unit in the Uganda Police is intended to recognize victims but there have been no measures of its success (Freedom House 2010). Prosecution of cases of child trafficking has been very poor, and the lack of enforcement of the law perpetuates the practice. Child trafficking is also not given much attention in the press, partly because fewer cases are detected and prosecuted. These reasons account for the continued maltreatment of children.

²Trafficking in persons means: the recruitment, transportation, transfer, keeping or receiving a person by threat, force, coercion, abduction, fraud, deception, abuse of power or receiving payments or benefit to enable a person having control of another consent to the trafficking.

14.3.2.7 The Occupational Health and Safety Act (2006)

Cognizant of the provisions of the Children's Act 2000 on protection of children from hazardous work, section 72 (14) of the Occupational Health and Safety Act 2006 provides for the protection of children less than 18 years from operating any lifting machinery driven by mechanical power or to give signals to the operator of such a machine. It also provides for the inspection of work places, identification of hazards at the work place and other connected matters.

14.3.2.8 The Domestic Violence Act, 2010

The Domestic Violence³ Act 2010, provides for the protection and relief of victims of domestic violence (including children); punishment of perpetrators of domestic violence; procedures and guidelines to be followed by courts in relation to the protection and compensation of victims of domestic violence; and jurisdiction of courts and enforcement of orders made by the court to empower the family and children courts to handle cases of domestic violence and other related matters. The Act highlights the role of Local Councils and other local government structures including probation and welfare officers in the management and resolution of domestic violence cases. The practices, attitudes and customs especially in rural Uganda continue to perpetuate the abuse, violence and exploitation of children in homes. Although media awareness of the dangers of domestic violence is welcome, more needs to be done to increase public awareness about domestic violence and where to seek redress as provided for by the Act.

14.3.2.9 The Penal Code Act (Amended in 2007)

The Penal Code Act provides for the different criminal offences under the laws of Uganda, the penalties and the general rules governing criminal responsibility. The Act provides that children under the age of 12 years cannot be subjected to a court process or held criminally responsible for their actions because they cannot understand the gravity of their offences. The Act specifies penalties for child offences including: child abduction, defilement, child neglect, child stealing, child trafficking, and commercial sex exploitation.

Most stakeholders, including staff of local governments and civil society, do not know the laws that prohibit the offenses stipulated in the Penal Code. When it comes to rural communities, the communities have very limited knowledge of what the law prescribes and where to report cases of abuse. More importantly, the structures where they do report are often not helpful. There have been several cases reported in the media where a community reports cases of defilement, the offender is arrested

³Domestic violence is defined as 'any act or omission which harms, injures or endangers the health, safety, life, limb or well-being of the victim'. Domestic Violence Act 3, 2010.

by the police and only after a couple of days the same offender is released under indefensible circumstances. In other cases, the parents and guardians of the children that were abused were threatened or bribed into denying that the offence took place, claiming that the abused child was above 18 years old. As a result, communities lose interest in reporting child sexual abuse.

The burden of proof for cases of child sexual abuse is also prohibitive. In several cases, a medical report is required by Courts of Law. However, in rural areas the parents or guardians are not aware of this and have no access to medical facilities, both in terms of affordability and actual availability of functional health facilities where such medical tests can be conducted. Criminals are often left at large because of the difficulty of proving beyond reasonable doubt that minors have been sexually assaulted, defiled or raped. In the above instances, child abuse has continued unabated.

14.3.3 Policies and Strategic Plans on Children in Uganda

14.3.3.1 National Action Plan for Children in Uganda

On ratification of the CRC, Uganda prepared a framework document for implementing the CRC, the Uganda National Program of Action for Children, aimed at translating child survival, protection and development targets into government policies and sectoral plans. The lead agency for coordinating and monitoring the plan was the National Council of Children (United Nations 2008a, b). Following the country's embrace of the sector wide approaches, Uganda developed the Poverty Eradication Action Plan (PEAP) as the overarching national planning framework. Children issues were integrated into the PEAP and, consequently, into the Sector Investment Plans through which funds were channeled. Further development of a specific National Plan of Action for Children in Uganda was put on hold in 2002 by stakeholders who instead sought to participate fully in the revision of PEAP in 2003/2004 and ensure that children's issues were adequately captured. Working together with the UN Agencies, civil society and development partners, the MGLSD developed the Social Development Sector Investment Plan. This was then followed by the Orphans and Vulnerable Children Policy, which provides comprehensive guidelines on services and provisions for vulnerable children (United Nations 2008a, b). Several policies and planning frameworks have been developed to further provide guidance on implementation of children's rights in Uganda, as described above.

The PEAP was replaced by the National Development Plan (2010), and NDP II (2015), which is currently Uganda's national planning framework. Like its predecessor the PEAP, the NDP too has broad priority areas and a multi-sectoral approach. The NDP recognizes children issues, but it remains to be seen whether these will be translated into priority budget items within the different sectoral plans. There are, however, an array of policies, plans and strategies which mirror a national plan of

action for children. These include but are not limited to the following: National Strategic Program Plan of Action (2005/06–09/10), the Child Survival Strategy 2008, Universal Primary Education, Universal Secondary Education, National Child Labour Policy (2006), National Integrated Early Childhood Development Policy Framework (2011), the National Quality Standards for Protection, Care and Support for OVC in Uganda 2008, National Action Plan on Child Sacrifice (2009), and the National Action Plan on Child Sexual Abuse and Exploitation (2011).

The Government of Uganda has put in place policies that operationalize the laws related to children rights in Uganda as outlined in the previous section. The enactment of policies is the first step towards implementing laws for the benefit of children, but these policies still need to embrace a child rights and governance perspective (MGLSD 2012a, b). The MGLSD developed the National Orphans and Vulnerable Children (OCV) Policy in 2004. Subsequently, a Five Year Plan of Action, the National Strategic Programme Plan of Interventions (NSPPI-1) (2005/2006–2009/2010) was developed in order to operationalize the policy (MGLSD 2004). Key achievements out of the implementation of NSPPI-1 include: development of technical resource materials, including advocacy and communication strategy and resource tracking tools to guide the delivery of quality and comprehensive OVC services; establishment of OVC coordination mechanisms at all levels; and adoption of Zonal Technical Services Organisations approach by contracting CSOs to execute the functions of the MGLSD in line with OVC response. The MGLSD also developed the National Quality Standards for Protection, Care and Support for OVC in Uganda in 2008 (MGLSD 2008a, b). The quality standards provide the benchmark for service providers to provide timely and appropriate services.

Unfortunately, there are fewer than desired tangible benefits that can be attached to the policies and guidelines for orphans and vulnerable children. There is no consistent data to ascertain if there has been progress in implementation of children's rights specific to orphans and vulnerable children. Availability of disaggregated data is required for implementation of the UN CRC, but there has been limited effort aimed at enforcing it in Uganda. Preparation of disaggregated data would need strong collaboration between MGLSD, NCC, MFPED, OPM and Uganda Bureau of Statistics (UBOS), which is currently weak. Secondly, the policy was lopsided towards a single component of children—the orphans and vulnerable children—with no clear policy and strategic plan that would translate the provisions of the UN CRC and the Children's Act 2000, as well as the concluding observations of the UN CRC from the previous country reports. There is no guiding policy on addressing the rights and needs of children in general, save for provisions in related laws like the Employment Act and the Prevention of Trafficking in Persons Act, among others. The focus on vulnerable children has resulted in missed opportunities for implementation of policies that benefit children in general.

A review of the NSPPI-1 has been conducted and the formulation of the NSPPI-II (2011–2016) is on-going (MGLSD 2011). The review identified the following challenges to the implementation of the NSPPI-1: lack of adequate support supervision of the OVC response, absence of a strong management information system for

tracking services, concentration of efforts on a few core program and geographical areas, and fragmented and uncoordinated OVC response.

14.3.3.2 The Education Policy, Universal Primary Education & Universal Secondary Education Policies

The education policy focuses on expanding the functional capacity of educational structures and reducing inequalities of access to education between sexes, geographical areas and social classes in Uganda. It provides for Universal Primary Education (UPE) and Universal Secondary Education (USE) policies as means of enhancing equity of access to education for boys and girls in Uganda (UNICEF and FIDA 2011).

The Education Sector Strategic Plan under the UPE Policy recognizes children's right to education and provision of education as a shared responsibility of the state and the child's parents, with emphasis on equal opportunities for both boys and girls (UNICEF and FIDA 2011). UPE was established in 1997 and was immediately applauded for rapidly increasing enrollment from 3.1 million children in 1996 to 7.4 million in 2008 (National Planning Authority 2007). Under the UPE Policy, the government commits itself to provide primary education for a maximum of four children per family, two of whom must be girls. The scope of government commitment includes school fees for the children, grants to be spent on instructional materials, co-curricular activities like sports, and the management and maintenance of utilities like water and electricity. As a scale up program to the UPE, the Universal Secondary Education (USE) was introduced in 2007, increasing secondary school enrollment by about 25 % from 814,087 in 2006 to 1,165,355 students in 2009.

The Implementation of both UPE and USE has been associated with a number of challenges. From our key informant interviews, there are concerns about the decline in the quality of education provided, especially under UPE, with respect to learning outcomes and the low completion rates. Fewer children that complete primary school are able to speak, read and write English. This situation is partly attributed to the rapid rise in school enrollment at the inception of UPE without accompanying the rise with adequate investment in school infrastructure, precisely classrooms, leading to overcrowding and reduced attention by teachers to each pupil's needs. The rise in enrollment over the years has not been accompanied by an increase in the number of teachers, resulting into a very high teacher/pupil ratio which also compromises learning. Another issue is the decline in the quality of teaching and pedagogy, which have in combination led to a decline in learning outcomes. The pay for teachers remains low, despite various negotiations and promises by the government over the last couple of years. An increase in pay would improve motivation of teachers and enable them to meet their basic needs. Finally, the policy requirement for parents to contribute to the cost of meals is further depressing poor households and implies that the otherwise inalienable right to education has costs associated. As a result, many children remain home un-enrolled or drop out without

completing a full learning circle and miss out on the protective effects of education on children rights.

14.3.3.3 The National Child Labour Policy and Action Plan on the Elimination of the Worst Forms of Child Labor

Recent reports suggest that there are approximately 2,700,000 children working in Uganda (Uganda Bureau of Statistics 2013), and it is estimated that 70 % of Uganda's working children are engaged in child labor (MGLSD and ILO 2004). In 2006, the National Child Labor Policy was developed (MGLSD 2006) to regulate the involvement of children in work. It provides a guiding framework for elimination of child labor and outlines priority action areas for the government and other stakeholders. In addition, the government has developed a National Action Plan on Elimination of Worst Forms of Child Labour (2010) to eliminate the worst forms of child labor in Uganda by 2015. The plan provides explicit guidelines for identifying hazardous work. This is intended to help labor inspectors and other stakeholders in identifying work that is not suitable for children and to assist in the elimination of child labor, especially in the private sector (MGLSD 2012a, b). Furthermore, a child labor module was recently integrated into the national household survey to improve data collection and planning. The challenge to its implementation is the lack of adequate funding to monitor and deter the perpetuation of child labor.

14.3.3.4 National Action Plan on Child Sexual Abuse and Exploitation

The Government of Uganda developed the National Action Plan on Child Sexual Abuse and Exploitation (NAPCSAE) in 2011 to ensure that all children in Uganda are protected from all forms of sexual abuse and exploitation. The NAPCSAE identifies four priority areas: prevention; policy and legislative framework; child protection and support services; and coordination and partnerships. Stakeholders and duty-bearers are expected to use the NAPCSAE as a reference tool for identification and prioritization of requisite interventions to combat child sexual abuse and exploitation. Notwithstanding the availability of legislation and action plans, commercial sexual exploitation remains rampant in Uganda. The Uganda Police has limited capacity to conduct investigations and gather evidence in cases of sexual abuse and exploitation (United Nations 2011). Even where arrests are made, some are not prosecuted due to bribery, lack of awareness by parents and caregivers of the full extent of the provisions in the law, pressure from communities, and the stigma of following up cases of child sexual abuse especially rape and defilement. There is no evidence of financing from the government to enable the MGLSD to oversee the implementation of the action plan, sensitize stakeholders and support local governments and the police to investigate and prosecute offenders.

Stakeholders under the Justice, Law and Order Sector are not adequately involved in the provision of justice with regard to sexual exploitation of children. Plans to

expedite justice for abused children or child offenders remain weak. Similarly, the level of awareness of the policy also remains weak. Few stakeholders at all levels are aware about the existence of the NAPCSAE and other related policies.

14.3.3.5 National Action Plan on Child Sacrifice (2009)

Child sacrifice constitutes “murder” under the Penal Code and is also addressed in the Prevention of Trafficking in Persons Act (2009), which protects all persons, including girls. A draft National Action Plan on Child Sacrifice was developed by MGLSD based on the findings of the rapid assessment on child sacrifice in Uganda conducted in 2009, which showed that the crime of child sacrifice was silent yet quite prevalent, putting many children across the country at risk. The Plan includes proposals aimed at preventing the occurrence of child sacrifice, improving investigation and prosecution of offenders, and responding to the physical, psychological and medical needs of survivors and their families.

An Anti-Human Sacrifice and Trafficking Task Force has been set up within the Uganda Police Force to handle all investigations and prosecutions related to human trafficking and child sacrifice and to sensitize the public about those issues. The plan provides a general framework and direction for all actors who are concerned with responding to child sacrifice. It also strengthens national policy and the legal framework for effectively responding to child sacrifice in Uganda and fosters cooperation and partnership among the government, civil society, the media and traditional healers for comprehensive planning based on full participation and joint responsibilities. Additionally, the plan provides a basis for research, monitoring and evaluation in the area of child sacrifice (MGLSD 2012a, b). The development of a National Action Plan on Child Sacrifice is the first step in an effort to curb child sacrifice. However little has been done beyond developing the action plan. The practice continues to be rampant and investigation and prosecution remains weak. Reports suggest, however, that the government and the media have recently stepped up efforts at addressing this issue (Walakira et al. 2014; Bukuluki 2014). This should be followed by creating a legal framework and strengthening of the police and the community capacity to monitor reports and prosecute offenders.

14.3.4 Challenges to Effective Implementation of the CRC in Uganda

Analyzing the implementation of the CRC gauges whether all children can access good-quality services, receive equal and fair treatment, trust the officials, know where to take complaints, and provide input on important decisions made by those who govern and deliver services that affect their lives. Therefore, full implementation of the CRC calls for interventions in three main areas: (1) putting in place

legislative and policy framework; (2) developing institutional structures and mechanisms to implement the provisions in the laws and policies; and (3) creating operational mechanisms that have a bearing on relationships among key stakeholders and adequate funding for the implementation of the CRC. It also requires effective coordination both horizontally, between government agencies and departments, and vertically, between different government levels, from local, regional to central levels, but also between the government and the private sector including the media, academia, religious institutions and civil society.

Implementation of the CRC is further constrained by attitudes and commitment of all stakeholders. The poor attitude of state and non-state actors partly accounts for the slackness in the implementation of existing laws and policies on child protection and governance.

The Ministry of Gender, Labor and Social Development perhaps received the least funding for social services, and of course that's where child protection comes in, considering the fact that people have very negative attitude towards children's cause. Children's cause in general, especially child's rights, need to be closely understood. They are treated as something that has come in and it is making children big headed, spoiling children and you do not expect someone to provide funding to something which is considered bad for the society. But also... the children themselves the way they are fighting for their rights, sometimes they take it too far in a manner that threatens to create fear in adults that they are losing children and that directly has influence on how much more adults can put in for children. (Programme Officer, Local organization, Gulu)

The government report by MGLSD (2012a, b) on the status of implementation of the UNCRC and the optional protocols sufficiently details the progress made in terms of policy and legislative frameworks, as well as the major provisions of the CRC. It, however, did not make specific assessment of the institutions with the mandate to implement the CRC as well as the supporting structures in the community. While the state is commended for the child specific legislation and policies meant to guide the implementation of the CRC and institutions have been put in place to implement, monitor and coordinate the implementation of the CRC, this study established that the major challenge in meeting the rights of children lies at the operational level. As one key informant observed:

Legislative and policy reforms for implementation of the CRC are the easier aspects because that can be achieved in a relatively short time. The more difficult aspects have to do with behavioral change of the masses and narrowing the gap between the cultural norms and provisions of the CRC in instances where there are divergences. Behavioral change takes a long time to achieve. It requires concerted efforts by all stakeholders in creating awareness and agreeing to provisions of the CRC. (Key Informant, Kampala, Uganda)

The key informant cited examples where some acts have been criminalized and call for prosecution whereas culturally they are not offences worth prosecuting in the courts of law:

For example, corporal punishment of children by parents/guardians is culturally not an offence, but the Penal Code Act outlaws it and regards it as an offence that calls for prosecution in the courts of law. Defilement involving children below the age of 18 years is an offence, but culturally, especially in rural communities, if two young people aged 16 to 17 years (especially if they are not in school) engage in sex, the matter is usually settled out of

court by the families of the young people. It is argued that there is no magic in the age of 18 that should warrant all children to wait. (Director of a national NGO)

Inadequate progress in the implementation of the CRC in Uganda has been mainly attributed to limited funding of the institutions with the mandate to implement, monitor and coordinate. A key informant however gave a different view of the issue:

According to the development partners, the challenge for the implementation of the CRC is not money. More money will not improve the situation. The challenge has more to do with the management. There is need to improve on the management of the various institutions charged with overseeing the implementation of the CRC. The oversight function needs to be strengthened and the probation service reorganized. The money allocated for example to juvenile justice seems to be lost among the implementers and does not adequately trickle down to the juveniles. (Senior Officer, JLOS, Ministry of Justice and Constitutional Affairs)

The other major challenge cited has to do with inadequacy of crucial institutions, such as the birth and registration services, which directly impact children's rights by providing proof of age. The service is not decentralized to capture all births in the country especially in rural areas and children born out of formal health facilities. This is an area that still requires a lot of support and investment.

14.4 Discussions and Conclusions

14.4.1 *General Measures of Implementation of the Convention on the Rights of the Child*

It is recognized that the critical test of a country's commitment and resolve to integrate child rights in its governance framework is the development of legislations, institutions and structures to mainstream rights into the national planning framework. Indeed the Committee on the Rights of the Child encourages state parties to address the latter issues to promote an environment where children's issues become a priority in the national economic and development agenda. The general measures of implementation promote the enjoyment of all rights by all children through development of appropriate institutions, legislations and establishing, monitoring and coordinating bodies both within the public sector and among civil society. The general measures of implementation also encourage the key actors within the country to ensure comprehensive data collection, awareness raising and training initiatives to enhance acceptability and promotion of the message of rights.

This study suggests that the Ugandan government has made significant efforts to develop legislation, set up institutions and develop policies to promote and encourage respect for the convention on the right of the child. The Ugandan Children Act (Cap 59) was made in the spirit of domestication of the Convention on the Rights of the Child. Similarly, a number of policies on OVCs, child labor, health and other such sectors and fields have been developed by the government through the Ministry

of Gender, Labor and Social Development. Consultations suggest that while the Children Act (Cap 59) has streamlined child rights issues and provided credible reference points on issues of child rights, its later review indicated that many pertinent issues were left out which were to be incorporated in a revised document. However, the revision and amendment process to the Children Act took long but was eventually passed by parliament in early March 2016, and soon after assented to by the President.

Child Rights actors and scholars have also noted that much of the child rights interventions in Uganda have been developed from a morbid and pathological perspective of children, with the focus on child abuse and vulnerability other than a general focus on all categories of rights. Much of the interventions, therefore, have supported orphans and vulnerable children and children experiencing different kinds of adversity, instead of treating children as a general category (without leaving out those in critical needs). We recognize that this has been driven in part by a child rights development agenda, which was premised on children facing difficulties thus not considering child rights more broadly.

Overall, the study suggests that Uganda presents significant promise for enhancing the protection of children, specifically, and integrating child rights in governance frameworks, generally. However, there are institutional and process issues which still mar the attainment of child rights competency and protection of children from rights violations. In the general measures of implementation, the study suggests that while government has shown commitment to support the development and promotion of a rights-based approach, the inability to prioritize children issues—as exemplified by limited financial allocation to the Ministry of Gender, Labor and Social Development, the weak institutional framework and management of the core social services such as health and education (despite significant funding)—short-changes the children of this country. Moreover, the wide diversity and variance in accessibility to social services, including education and health, especially in eastern and northern parts of the country on one spectrum and the western and central on the other, does not reflect critical effort on the part of the government to address the issue of social inclusions and justice with regards to education. On the positive side, we recognize the existence of legislation, policies and institutions as well as a favorable public will for integration of child rights in governance in Uganda.

14.4.2 Issues Pertaining to domestication of the United Nations Convention on the Rights of the Child

Although there are elaborate laws, policies and institutions providing for the promotion and protection of children rights, our review suggests that implementation has been weak with little impact being registered on decreasing child abuse and increasing other protection rights. Cases of child abuse such as neglect, defilement, involvement of children in the worst forms of child labor, child trafficking and child

sacrifice, female genital mutilation and physical and emotional abuse continue to rise (Ochen 2011, 2012; Amin et al. 2013; UNICEF 2015; Walakira et al. 2015). The poor implementation of the laws is partly accounted for by the weak sensitization of the public and stakeholders on the legislation and lack of funds within state institutions, particularly the police, MGLSD and the National Council for Children (NCC). As a result, the structures in the local governments and the police lack capacity to monitor, investigate and prosecute child offenders. The implications are that the efficacy and effectiveness of these laws will continue to be constrained unless efforts are doubled in raising awareness about these laws and policies and improving coordination of child rights interventions.

The fulfillment of provisions in the CRC requires that state and non-state institutions work together to provide oversight, implement, coordinate and monitor services and mechanisms in line with the national policy and legislative framework. It also calls for the cooperation of institutions whose primary focus is delivery of services aimed at national development, including education and health institutions, and directly impact the implementation of the CRC.

Following the ratification and domestication of the UNCRC, Uganda established and mandated state institutions to implement provisions of the UNCRC and, to an extent, provided an enabling environment for civil society to complement state provisions. Limited financial and human resources for the implementation of the CRC remain a challenge. The bulk of financial resources for direct implementation of the CRC for both the state and civil society are from international donors whose continuity and sustainability are not assured. The state, therefore, has to show more commitment to the implementation of the CRC by investing more resources in child rights-related intervention and institution building.

This study suggests that although the required institutions are in place, their national coverage, especially at the grassroots level, remains a challenge. Existing structures and institutions at the grassroots level are skeletal and not adequately facilitated. Other structures, such as Local Councils 1 and 2, are not currently legally recognized, as elections have not been held since the inception of multi-party democracy. Structures at the village and parish levels, therefore, mainly remain on paper (Ochen et al. 2012). The realization of individual children's rights, especially in rural areas, remains a challenge and requires more focus and investment. Occurrences of child trafficking, child sacrifice, defilement, neglect and abandonment continue to dominate the media. Their significant presence in the community has been confirmed by the interviews conducted. In addition to under-reporting of child rights violations, penalties for perpetrators of child rights violations do not seem to be deterred. At district and sub-county levels, the probation service and community development office structures are grossly under-resourced and overwhelmed by multiple responsibilities from other sectors such as health and social development while civil society also enlists the support of the same offices for operations at district and sub-county levels. Therefore, implementation of the CRC provisions are not at the fore of their priorities, more so where such activities have no clear budget lines for their implementation. Community development officers are staff under the Ministry of Local Government and yet have responsibility for

children's issues, which are under the oversight of MGLSD. It therefore becomes difficult to hold them effectively accountable for implementation of the CRC for which many are inadequately trained to handle. This review calls for restructuring and focusing of major institutions like MGLSD and NCC; improvements in sectors such as juvenile justice; and improved funding for direct implementation of provisions in the CRC. Emphasis on improved service delivery by sectors such as the Justice Law and Order (JLOS), elaborate long-term strategic plans by various institutions, and general improvements in overall national development all point to progress and a bright future for the realization of the CRC.

14.4.3 The Challenges of Coordination of Child Rights Interventions in Uganda

While the government has made significant efforts in the child rights sector in Uganda, it emerges from the current study that coordination of child rights interventions remains conspicuously weak. The general point of agreement among actors and stakeholders is that the will to address children's rights issues is very strong in Uganda, with both government and development actors committing both time and resources to the promotion of children's rights. What remains challenging and enigmatic, however, is the reason for why coordination of all these efforts and interventions has failed, which in turn significantly constrains interventions' efficiency and effectiveness. The inability to effectively coordinate child rights intervention in the country has resulted in scattered, uncoordinated, duplicated efforts and wasted resources. Lack of coordination has limited timely responses to topical issues concerning children, and in other cases, limited such responses to issuing statements without a clear follow-up with actual support and interventions. Anecdotal reports and results of many studies suggest that there are many silent issues and circumstances of child rights violations, requiring concerted efforts to generate an effective response. Yet such support and actions have been wanting as most actors have tended to go it alone in most of the activities, although engaging in information sharing and networking among each other. What is currently referred to as coordination, therefore, is actually an amalgamation and congregation of actors who meet to share information and ideas without clear and tangible coordination outcomes.

At the heart of the coordination difficulties in Uganda has been the absence of a clear coordination lead within the government child development sector. While institutional weakness could account for some of these limitations, actors within the child rights sector have also failed to effectively hold the government accountable. It should also be recognized that the focus of child rights programming at the moment appears to be heavily skewed towards vulnerable children, yet child rights governance requires a more holistic intervention in both scope of coverage and actors involved. Therefore there is a need for a re-orientation of the child rights agenda in this country to ensure that Uganda moves away from vulnerability-based

programming to a focus on systems strengthening and to ensure that children rights are mainstreamed into sectoral budgets, plans and strategies. This will require all sectors within the country and the different departments or actors (outside the public sectors) to coalesce their interventions around child rights, or at least make it an important part of their planning and resources. A significant challenge to increase funding for child rights initiatives appears to be the reported high level of corruption, mismanagement of funds and limited financial and social accountability to the children and citizens of Uganda.

On national coordination mechanisms, while the National Council for Children (NCC) is well placed to carry out the task of coordinating interventions within the child rights sector in the country, its precarious positioning within the Ministry of Gender, Labor and Social Development (MGLSD) curtails and limits its influence. The absence of an enabling law for NCC's autonomy and ability to enforce institutional and regulatory compliance on children issues significantly constrains the efficacy of the institution in its coordination roles. Effective coordination requires that the coordinating agency is well resourced, which does not seem to be the case at the moment, for such an agency to be able to enforce compliance to agreed standards and ideals.

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Chapter 15

Education for All: Reflections on the Schooling Status for the Girl Child in Uganda

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15.1 Introduction

The notions of schooling and education are held in high regard by many people in different societies. At the global level, the widely held belief in education was declared at the World Conference in Jomtien, Thailand in March 1990. The title of the conference was “A World Declaration on Education for All and a Framework for Action.” The conference was sponsored by the United Nations Development Program (UNDP), United Nations Educational Scientific and Cultural Organization (UNESCO), United Nations International Children’s Emergency Fund (UNICEF) and the World Bank (Bray 2004). As Samoff (1993) puts it, the title of this world conference was perhaps

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adopted, because it is imperative that all people have access to basic education. Schooling should now be considered a right of citizenship throughout the world as education is an indispensable key to, though not a sufficient condition for, personal and social improvement. The conference in Jomtien, Thailand was followed by the World Education Forum (WEF) convened in Dakar, Senegal in 2000. At this forum, “Education For All (EFA)” established 2015 as the target year for universal primary education in all developing countries (Berliner 2005; Bray 2004).

The world declaration to deliver education for all spawned a call for massive donor assistance, because African countries did not have the funds to pay for these new school programs (Dauda 2004; Bray 2004). The focus on primary education by donor countries was based on the research that persuasively demonstrated that investing in primary education promised the greatest progress toward development (Samoff 1993). Legally, we also know that one of the key provisions of the United Nations Convention on the Rights of Children is the right to be educated, which includes all girls and boys completing primary school (UNICEF 2014).

The main goal of this chapter is to examine the social structures and cultural barriers that perpetuate gender inequalities within primary schooling in Uganda. These inequalities lead to multiple disadvantages for girls including school dropout, poor transition rates, teen pregnancy and early marriages. Part of this analysis is the issue of access to education. We review the changes that have occurred in primary education since the early 1980s and why those changes have occurred to further develop a deeper understanding of the historical and present shape of primary schooling in Uganda. The discussion in this chapter relies on a literature review of education in Africa, particularly Uganda, including educational policy statements, reports and historical writings, as well as internet sources. This chapter puts particular focus on the following key areas: rates of female primary school participation, transition to high school, educational performance and achievement. The chapter uses data from the 2015 USAID report entitled “Analysis of the situation of the Ugandan child” to examine these educational challenges encountered by girls in Uganda (see Walakira et al. 2015). For further analysis of the 2015 USAID data, the Millennium Development Goals (MDG) are discussed to provide an in-depth examination of female participation in primary education. The theoretical underpinning of this chapter is situated in feminist thinking. We argue that girls are situated differently from boys in relation to access and progression through the education system. In the section that follows, we discuss the relevance of feminist thinking in relation to girls’ access to primary school education in Uganda. We conclude that affirmative action to support the education of girls will require much more than the usual rhetoric and feminist advocacy. It will have to involve enacting and implementing social protection programs (i.e. special bursaries, child protection mechanisms) that target the needs of the girl child within the education system and, at the same time, focus on society wide cultural shift to enable the construction of a girl child friendly social environment that provides equal opportunities for girls and boys.

15.2 Theoretical Perspectives

In their work, “Girls’ and women’s education in Kenya,” Fatuma and Sifuna (2006) argue that feminist thinking provides an invaluable insight into gender policy ideas that seek to enhance inclusiveness and equality in education. These authors go on to describe how schools, families and workplaces legitimize systems of polarized gender relations that maintain and perpetuate unequal power relationships based on gender differences. What is obvious in Fatuma and Sifuna’s work is a call for a transformation of the educational and socialization processes that continue to be responsible for stunting women’s intellect by teaching them to be subordinate to men.

The problem of gender inequality is not unique to Uganda, but continues to be a global dilemma. In citing Cohen (1997), Leibig (2005) describes that female children are the lowest of the low, whether they are in rich and developed nations or poor and underdeveloped nations. Although girls in almost every country face major obstacles just by virtue of the fact that they are females, generally speaking, the situation is the worst for girls in the poorest countries because they are highly vulnerable to human rights abuses and sexual violence. Leibig (2005) goes on to argue that if girls were able to attain a higher status through education and other legal rights, they would be in a better position to protect themselves against perpetrators. Studies in many parts of the world have shown that women’s education, compared with that of men, correlates strongly with the increased desire to educate both female and male children (Behrman 1990).

In examining the contemporary gender inequalities in the educational system, a historical analysis of the structuring of education is also valuable because the schooling practices in Uganda are modeled after the British educational system. Specifically, formal education in Uganda was introduced by Christian missionaries in the 1880s, a time when Uganda was still a British Protectorate. The school system was intended for a smaller population, mainly the children of the chiefs, to provide functionaries for the British colonial government (Ssewamala et al. 2011). Mapp (2011) writes that in England, in 1840, only 20 % of children attended school. It was not until 1870 that the Education Act was passed, requiring children between 5 and 10 years of age to attend school. Most significantly, Mapp indicates that boys were accorded special treatment compared to girls. On the issues of feminism and colonial education, Sunseri (2002) points out that for the most part, the schools emphasized masculinity that was derived from the European hegemonic power and patriarchal traditional clans. Although Sunseri writes from the perspective of the women’s colonial experience, her views are applicable to African females in that traditional patriarchy values and beliefs converged with European domination to efface all traces of women’s voices. Women were effectively excluded from all colonial state structures. In the colonial era, gender exclusion was not only reinforced, but in addition, uninterrupted continuation of African patriarchal dominance excluded African women from schooling. The contemporary structuring of education is a function of both colonization and the traditional patriarchy within African societies. When colonialism is analyzed in terms of gender, promotion of the class

of British-trained African middlemen was supposed to help create a stable colonial government to supply raw materials for Britain. Government clerical and non-technical jobs became sources of influence and livelihood for English-trained African individuals, mostly men. Although both African men and women, as conquered peoples, were excluded from the higher echelons of colonial state structures, men were represented at lower level of government. A ticket to a government job had to be through education. There was a trend for Africans to employ African males literate in English. Over time however, educated women are increasingly finding their way into the labor market even though males still dominate. It seems that we are so preoccupied with the principle objective of moving some children up the educational ladder that we have not stopped ourselves to answer the question of why there are so few girls completing primary school. We are not suggesting that the problem and the question of why the girl child continues to be educationally disadvantaged is a new phenomenon. African scholars, mainly women, have previously advocated for girls' and women's education, as well as policies that supported improved education access, retention, performance and transition of girls to higher levels (Fatuma and Sifuna 2006; Walakira et al. 2015). Achiliu (2010) also makes the argument that the sad reality for many African children is that the violation of their rights is not seen as a serious problem, even though there are significant consequences including the lack of education due to child labour, the cycle of poverty and the marginalization of girls. Work from an NGO in Uganda shows how poverty intersects with the patriarchy and gendered norms to keep girls out of school (Nascent Research and Development Organization (NRDO) 2014).

The challenge of gender inequality remains because the voices of the advocates need an audience that pays continued attention to the deprivileging and disadvantaging of the girl child in the areas of education participation, transition, performance and achievement. Access to education by the girl child is important, because education is perceived as an economic and social leveler that forms the bedrock of modern African development (Mwanga 2000). Fatuma and Sifuna (2006) aptly conclude that the disadvantaging of girls within the educational realm, and other spheres, is due to the real difficulties in trying to educate men on how to confront their oppressive behavior towards women. In the next section of the chapter, we examine the attempts made by the Universal Primary Education in Uganda to address the issues of gender inequality.

15.3 Universal Primary Education

When examining the genesis of the present primary education system, we show that Britain transferred not only its own structure of education to Uganda but also its elitist concept of education (Kikulwe 2007). The result of this type of educational system has been the gradual reinforcement of class differences based on the 'haves' and 'have nots,' as well as patriarchal traditions and beliefs that characterize many societies in Uganda and others in Africa. McFadden (2001) states that provision of

free and universal primary education by government can help women gain the ability to break out of the age-old traditions and repressive practices of colonialism and patriarchy.

On January 1, 1997, the Universal Primary Education policy was introduced in Uganda. Universal Primary Education legitimized the state's claim to be the provider of primary education (Dauda 2004). The objectives of the Universal Primary Education policy were clear and included equality of access and equity, but the financing and administration of the education was still vague (Mwanga 2000). The aim of the Universal Primary Education policy was to reduce the cost of primary education incurred by the parents. The government of Uganda offered to pay tuition for up to four children per household, of which at least two had to be girls. In 2002, the policy to cover tuition for four children was revised, and now tuition is paid for all children in the school-going age group (United Nations Development Programme Uganda 2007). This has, however, not taken away all the costs that parents have to bear for their children's primary education. Parents are still required to provide uniforms, exercise books and other scholastic materials, lunch and, in many cases, pay additional sums of money charged by schools. Such costs are widely perceived to be a continuing barrier to universal access to primary education for children from poorer families (Okwany 2010).

The government perception was that universalization of primary education would pave a way to poverty alleviation (Ministry of Education and Sports 2000). The universalization of primary education reflected the belief that providing a good foundational education would result in substantial assistance to the disadvantaged children in moving towards the goal of better economic positions for themselves. In our view, it is also not a stretch to state that the universalization of education is the antithesis of colonial education, which was for the chosen few. With universal education, the hope is that many children, both boys and girls, would have a chance to acquire basic education. Making education more accessible in order to eliminate disparities and inequalities is one of the principles of the Universal Primary Education policy, which seems to align with the feminist thinking in relation to providing opportunities to disadvantaged girls in Uganda.

It is noted that the government's educational reform resulted in the proliferation of primary schools for all categories of children, but the challenge remained around equipping of all educational institutions adequately with instructional materials that would substantially improve the quality of primary education (Ministry of Education and Sports 2000; Ssewamala et al. 2011). As discussed in the analysis section of this chapter, with such government commitment to provide free education, primary school enrollment increased and so did the direct and indirect costs to implement the reformed educational policy (Deininger 2003). The direct costs to the government included elimination of tuition fees, teacher recruitment and building schools. The indirect costs included advertising costs of the Universal primary implementation (Okuonzi and Birungi 2000). As Psacharopoulos (1989) writes, every educational reform must have substantial financial demands.

Following the educational reform and restructuring of the primary schooling in Uganda, the World Bank made a 7-year commitment of over \$100 million. This

money was to provide improved school buildings, more learning resources and enhanced school management and instruction (Blacka et al. 1999). As of 2003, donors were reportedly funding 50 % of the projected cost of universal primary education with the hope that the Ugandan government will be able to come up with its share of educational funding (Dauda 2004). Okuonzi and Birungi (2000) have reported that Uganda's Universal Primary Education program achieved 90 % enrollment within 2 years of inception. By 2014, only 3 out of 100 children aged 6–12 years in Uganda were not attending primary education (Walakira et al. 2015). In particular, girls and children with disabilities, who were previously disadvantaged, were now able to attend school. The number of children continuing to study at the post-primary level has also increased due the Universal Secondary Education (USE) policy, which was initiated in 2007, but is not a focus of this chapter. Although, some benefits of the Universal Primary Education policy have been realized so far, practical problems also remain in areas such as teacher shortages. With few teachers and the number of primary schools increasing, teacher/student ratios have become a problem. Teachers are faced with large classes, a condition that can be challenging even to the most experienced and highly trained teacher. According to analysis done by the National Planning Authority (NPA), the key challenges at the primary level include reduction in the capitation grant from UGX. 8000 in 1997 to UGX. 6860 in 2013 per child per annum, shortage of critical infrastructure, high pupil/textbook ratio, high dropout particularly by girls, high head teacher, teacher and pupil absenteeism estimated at 20 %, limited community participation and rapid population growth estimated at 3.5 % per annum (National Planning Authority 2015). Other problems related to the Universal Primary Education policy that have been identified include lack of books and educational materials due to underfunding and alleged corruption by school heads (Okuonzi and Birungi 2000; Dauda 2004).

There are still socio-historical and cultural processes that have and continue to structure schooling in a way that excludes girls from having the same access to education as boys. Laird (2002) explains that the gender roles and cultural norms have detrimental impacts on girls' educational pursuits. The ongoing presence of these social economic and poor health conditions becomes an impediment to the implementation of not only the United Nations Convention on the Rights of Children, which means that children rights to the basic necessities of life cannot be meaningfully realized (Mulinge 2002; Kalemeera 2007; Laird 2002), but also the goals of achieving gender parity in the educational system. In the case of Uganda, girls who become pregnant or give birth are automatically expected to drop out of school in order to become mothers. There is an underlying, or covert, message that pregnant students will negatively influence their peers, leading them to become promiscuous. The Ugandan cultural norms dictate that childbearing is not compatible with education. Where family resources are not sufficient for all children to stay in school, girls will be withdrawn first. Girls are expected to get married soon, while boys have to be prepared for long term economic provider roles and are, therefore, considered to be more eligible for education.

15.4 Gender Disparities

In the previous section, we discussed numerous ways the Ugandan Universal Primary Education policy has addressed issues of gender inequality. Presented in this section is information on poverty rates and geographical disparities and their impacts on drop-outs, transitions to high school, retention and completion rates for girls' primary education. Unless stated, information presented in this section is largely drawn from the 2015 USAID report entitled "The status of the Ugandan child analytical overview." From this report, poverty is shown as the leading cause of child vulnerability in Uganda, and the conditions of poverty have been associated with various forms of child rights violations including violence, exploitation, abuse, neglect of children and the phenomena of child labour, child trafficking, and child marriages. Statistically, in 2014, 55 % (3.7 million) of Uganda's children under five and 38 % of 6–17 year-olds lived in child poverty (i.e. deprived in at least two poverty dimensions). The most common deprivations for the children under 5 years included nutrition (38 %), health (34 %) and access to improved water sources (30 %).

The problem of poverty has led to several important factors linked to educational inequality for girls, but three main issues are discussed here: 1) The 2015 USAID report showed that the odds for a child from a poor household attending primary school to completion were 23 % lower than those from a non-poor household. More importantly, the report cites that the factors for high drop-out rates include unaffordable school fees, uniform/clothing fees, books, school lunches, and the inability for girls to have sanitary utilities, as well as the negative attitudes of some parents towards educating girls. Families living in poverty may have a need for the children to stay home and work in order to supplement family resources rather than attend school (Ssewamala et al. 2011). 2) When drop-out rates were analyzed in the 2015 USAID study, the findings showed that boys dropped out of school due to lack of interest, followed by school transfers and searching for a job. For boys, the lack of interest in education was due to unchallenging school routines/workload or very strict school rules, but it could also be an indication of the seemingly better attractions outside of school. For girls, the major reasons for leaving school were marriage and pregnancy, which points to the persistent sexual violence against children in Uganda. Data from the 2015 USAID report showed that up to 40 % of the women surveyed aged 20–24 were married before the age of 18, and 15 % were married before the age of 15 years. Some of these marriages were arranged by the girls' families due to issues of poverty. The report also mentions that approximately 26 girls are sexually abused every day. A 2012 survey of 668 street children, aged 11–17 years, showed that 76 % reported having experienced at least one or more forms of physical violence, while 61 % and 89 % of the children reported to have experienced one or more forms of sexual or physical abuse, respectively. More girls experienced sexual violence than boys (74 % vs. 52 %), while boys were subjected to higher levels of physical violence than girls (82 % vs. 68 %). 3) Among children 6–17 years-old, child poverty is highest in Karamoja (82 %) and lowest in the

Western and Southwestern regions. As a result, there are substantial variations in school completion, especially by gender. In less poverty stricken regions of Western and Eastern Uganda, and Kampala, girls are more likely to complete primary schools than boys. The gender gaps in primary completion rates are highest in West Nile (28 %) and Karamoja (about 10 %) as well as urban areas. Girls are more likely to complete school in Central Uganda, while in Northern Uganda there are more boys than girls that complete primary school, which reflects a patriarchal cultural dimension that boys' education is more of a priority than girls' schooling in regions with high poverty rates. Others have also noted that remote schools in rural areas tend to have poor, inadequate and underdeveloped infrastructure. These conditions make schooling unattractive even when it is free (Ssewamala et al. 2011).

This study also revealed that the transition rates from primary to secondary education remains unacceptably low. Secondary school enrollment has steadily increased for both girls and boys. However, less than half of children enrolled in Senior 1 complete Senior 4. Secondary school completion rates are lower for girls than boys perhaps as a result of teenage pregnancies and early marriages. Commercial and sexual exploitation of children was also reported, particularly for school drop-outs. Children involved in commercial sex work are at risk of contracting HIV and other sexually transmitted infections (STIs), and unwanted pregnancies (Walakira and Ddumba-Nyanzi 2012).

One clear manifestation from existing literature is that basic education is associated with lower levels of fertility, lower infant and maternal mortality, longer life expectancy and gender equity issues (Abagi 1999; Colclough 1980; Jones 1997). Berliner (2005) states that the children of mothers who receive 5 years of primary education are 40 % more likely to live beyond the age of five. An educated woman is 50 % more likely to have her child immunized, which points to the importance of providing education to children, particularly girls. Early marriages for girls further contribute to issues of economic dependence, where the girl child can never attain autonomy and control of her body (Porter 2015).

15.5 Analysis

It seems reasonable that the process of identifying ways to resolve the gender inequalities in education requires the extension of this discussion to reasonable targets that can be set when addressing some of the challenges faced by the girl child within the Ugandan socio-economic context. The extension of this discussion means examining how Uganda continues to achieve children's basic rights. In line with the approaches to address the lingering global human rights violations, the Millennium Development Goals (MDG) have been developed and signed by all 193 UN member states and about two dozen international organizations. The MDGs are comprised of eight goals, which were to be reached by the year 2015: eradicating extreme poverty, achieving universal primary education, gender equality, reduction in child mortality, improving maternal health, combating disease especially HIV/

AIDS, environmental sustainability, and a global partnership for development (World Bank 2011). Each goal had specific targets, including dates for meeting those targets. Data for most countries are kept so that the study of the MDG can provide a reasonably accurate picture of the progress of each and serve our purposes in examining some of the conditions necessary for children's rights and gender equality to be realized.

Using the MDGs as the basis for development indicators, the World Bank (2012) reported that Uganda's lowest quintile share of income is 5.8. The same report indicated that the rate of malnourished children has dropped slightly from 19.7 to 16.4. The school completion rate stands at 57 % of children, and the child mortality rate has dropped from 175/1000 to 99/1000. The rate of teenage mothers is at 25 %. With the UPE, Uganda nearly achieved the MDG # 2, which was to provide an opportunity for every boy and girl to have a primary education. Based on the United Nations Development Program (2007), enrollment gaps between boys and girls have narrowed. Gender parity improved by 6 % from the year 2000–2007 (Ssewamala et al. 2011). However, it is not just school enrollments for boys and girls that should be the focus, but attention also needs to be paid to issues of school attendance, grades, transitions and completion based on gender. Girls are still disadvantaged in these key educational areas compared to their male counterparts. Arguably, the challenges of school drop-outs, transition to secondary school and primary school completion still need to be adequately addressed to attain the Sustainable Development Goals on education. Available literature has shown that pregnancy and early marriage among girls presents a major obstacle to educational achievement for the girl child (Walakira et al. 2015). In her work in Acholi District, Northern Uganda, Porter (2015) noted that teachers and parents leave details of sex education largely vague for young people as discussions of physical intimacy are perceived as taboo subjects. Porter argues that deliberate strategies to keep children ignorant about sexual relationships are maintained, but the ignorance disadvantages the girl child with regards to understanding healthy relationships and the vulnerabilities that lead to sexual violence. For boys, the lack of healthy sex education leaves them with little or no adult guidance. Therefore, we agree with Porter's idea that schools and teachers have a tremendous potential to contribute to the prevention of teen pregnancy and early marriages by positioning themselves as sites of transformation to empower girl children by educating them about healthy relationships, which will lead to greater autonomy and control of their bodies.

In using schools as sites of transformation, attention also needs to be paid to poorly resourced schools in rural areas of Uganda. Many of these school settings have been neglected, which has meant detrimental impacts particularly for the girl child. We are suggesting that the Uganda government consider the possibility of introducing scholarships and financial awards or bursaries to the best girl academic performers, particularly in remote areas of the country. These scholarships/financial awards will be issued as a kind of affirmative action to allow opportunities for the most disadvantaged girl children. In proposing the issuance of scholarships/financial awards, we are also cognizant of the real problems that still remain in many of the schools around the country, including the underpayment and lack of training for teachers and school administrators.

To summarize, education efforts are generally improving, including for girls, although girls still lag significantly behind. Poverty rates in Uganda remain quite high. What the MDG analysis means is that there is still more work to be done, and grassroots efforts by local professionals to teach and train the communities about the needs of the girl child are still of paramount importance. Although some African countries have made significant gains in making primary education universal, there are still socio-historical and cultural processes that continue to structure schooling in a way that excludes girls from having the same access to education as boys. Gender roles and cultural norms have detrimental impacts on girls' educational pursuits. Indeed, some have argued that in some cases, poverty may simply be the easy excuse for not sending girls to schools (NRDO 2014). Instead, the real problem may be lack of prioritization of girls' education; this low prioritization being rooted in cultural norms that attach little value to the education of girls. If this is the case, the solution may be to change cultural norms until there is a general consensus to send and keep all girls in school. Along with the Millennium Development Goals, the research findings by the 2015 USAID show how far we still have to go to address the educational challenges for the girl child in Uganda.

15.6 Going Forward

Kikulwe and Swift ([forthcoming](#)) have suggested that there is a need to have more voices of local professionals (teachers, lawyers, social workers) regarding children's rights in Africa. This may be a viable approach towards advancement of children's rights in Africa, including the girl child, but it should not absolve governments of their duties and responsibilities to take an active role in promoting systems that provide equal opportunities for all children. In moving forward, our discussion is guided by feminist thinking about the potential connections with other advocates to join collectively and become an authoritative voice to undo subjective positions faced by the girl child in Uganda.

To address unfavorable cultural norms that disfavor girls' education, engagement with communities, through such approaches like community dialogues, may be essential to get communities to agree that all girls should be in school, to allow girls who get pregnant to continue or re-enter school and to give similar opportunities to girls as they give to boys. Lessons can be drawn from initiatives that use an area-based approach such as the Mamidipudi Venkatarangaiya Foundation Foundation (MVF) in India, and though on a pilot basis, the "Righting the Future" projects in Uganda and Kenya (Bharadwaj 2008; NRDO 2015; Wazir and Ashwani [n.d.](#)). The MVF project has been influential in protecting Indian children that have been vulnerable to child labor and helping them return to school. Uganda and Kenya also have initiated the "Righting the Future" project, which is modeled on the MVF development in India. The goal of the "Righting the Future" project is to increase access and retention of girls in secondary school education.

Sometimes, it is not moral suasion, brilliant strategizing or even improved resources that make change. We would like to note that in the very recent past in Uganda, and probably in many other African countries as well, cell phone use has become ubiquitous. Many of these phones are connected to the internet, providing users with unprecedented access to news, information and widely expanding networks of other users, leading to timely exposure to reports, including the unmet children's needs around the globe. We are reminded of the significant role these forms of communication have played in raising consciousness and awareness of various social issues, specifically children's rights. At the very least, this expansion of technology means that many people formerly isolated from each other and most of what was going on in the world, will now have significant access to new information. They will be able to develop networks and virtual communities of all kinds, which can help to create a voice and audience to urgently address the unacceptable problems facing vulnerable girl children and their mothers. What effects might this development have in relation to children's rights? We might also imagine that exposure to discussions of rights, especially by women, could have a motivating effect to address problems of gender inequality.

Also, we might imagine that instances of harmful conditions and child abuse could be made known to authorities and to the media. However, using modern technology for reporting of child maltreatment means that the Ugandan government also needs to show leadership and urgently invest and strengthen child protection structures to ensure the Children Act, and other related child laws and regulations, are enforceable and beneficial to the most vulnerable members of the society, including the girl child. Strengthening of the child protection system increases opportunities to ensure that children do not fall through the cracks, and that their safety, health and wellbeing is maintained.

We might also imagine that small, local groups working together and using technology might connect and form larger, more powerful advocacy organizations, leading to the creation of conditions for better childhoods for the girl child through increased awareness and shifting of the social cultural beliefs that lead to early marriages, teen pregnancy and in some instances female genital mutilation. Using technology and feminist thinking, we also argue for a cultural shift that would result in the construction of a girl child friendly social environment that provides equal opportunities for girls and boys. Through use of available technology, we are imagining the broadening of the understanding of the significance of gender inclusive educational systems, as well as the rethinking of the patriarchal beliefs and values that have maintained and perpetuated the divide between boys and girls.

Tregeagle and Darcy (2008) assert that social work has been unfortunately very slow to capitalize on the communications potential of technology in the provision of services to clients. Consequently, technology has remained largely a benefit to managerial interests. The new potential of phone and internet technologies in Sub-Saharan Africa could provide one avenue of development for social work to pursue in the immediate future, including the potential to use mobile money to fundraise for the proposed scholarships and financial awards for the girl child in remote school settings.

15.7 Conclusion

In the above section, we have recommended the possibility of using technology to address gender inequality, but we are aware of the overwhelming challenges that are still encountered by the girl child. In concluding this chapter, we commend the efforts, and the notable goals, that have been achieved by government and the community with the implementation of the UPE policy, which has democratized and liberalized education, allowing for more girls to enroll in primary schools. The development of the MDGs also helped to maintain a focus on the social issues impacting the well-being and safety of children. From the discussion of the impacts of the UPE, it is evident that this educational policy by itself will not address all the issues of gender inequality. The alarming poverty rates and geographical disparities continue to have significant impacts on girls in terms of drop-outs, transitions to high school, retention and completion of primary education. Poverty also has been a major threat to the educational attainment of the girl child, leaving many female students vulnerable to early marriages, sexual violence and teen pregnancies, as well as child labor. To make further gains in the advancement of "Education For All," there needs to be a sustained focus on these issues that continue to disadvantage girls.

There is still a critical need for multi-systemic change, which also will include a cultural/traditional shift of the negative patriarchal beliefs and attitudes toward the girl child, which continue to constrain the educational achievement of this population because of the low priority placed on female schooling. The unanswered question is how the promotion of gender equality will continue to be a priority for the government and the community because education for the girl child has significant impacts in terms of lower levels of fertility, lower infant and maternal mortality and longer life expectancy. These long-term benefits and the notion of social justice should be a driving force to maintain a focus on the educational achievement for the girl child. The promotion of gender equality also means allowing the voice and participation of the girl child in the formulation of the processes for their educational achievement and attainment. Part of seeking the girl child voice will be to undo centuries of patriarchal traditions that have denied and negated equal opportunities for women.

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Chapter 16

Preparing Older Street Children for Successful Transition to Productive Adult Life: The Need to Prioritize Tailor-Made Skills Training in Uganda

Ronald Luwangula

16.1 Introduction

This chapter focuses on a category of children who are neither in family care nor alternative care, but who could be reached and supported to transition into adult productive life through carefully targeted and tailor-made skills training arrangements. It highlights the plight of older street children (operationally defined as children aged 14–17) and presents the common protection responses to the plight of these children by actors (particularly non-governmental organizations-NGOs). In view of the unique characteristics and circumstances in which these children find themselves, the chapter interrogates the adequacy and suitability of the conventional response, which entails child identification, admission into temporary care, family tracing, child rehabilitation, resettlement and reintegration. The reflection upon and emphasis on prioritizing tailor-made skills training integrated with a social skills package capable of reasonably preparing these children for productive adult life is presented.

Tailor-made skills training, as used in this chapter, denotes a form of skills training targeted at addressing children's unique needs in view of their peculiar experiences. This training is most suited to meet the children's needs, situations, characteristics and circumstances. This form of training is demand-driven following the assessment of children's interest and need. Hence, children's stake in decision-making is high in determining the form of training most suited to their needs and situation. Tailor-made skills training could take a form of vocational training and apprenticeship training.

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16.1.1 The Children Outside of Family and Alternative Care in Uganda

In Uganda, like in other Sub-Saharan African countries, many children in need of care and protection are far from achieving it. There are systems in place established with a purpose of ensuring that children receive necessary care and protection, for example, the family, community and community organizations, government institutions and non-governmental organizations. The systems, however, are still weak, especially with respect to prevention of family separation. As a result, there are more children separated from their families, some of whom find no placement into recommended alternative care arrangements such as kinship care, foster care and domestic adoption (Ministry of Gender, Labour and Social Development (MGLSD) 2012). The family as the primary ring of responsibility in protecting children is very much appreciated and many families live up to this obligation. However, the estimated 40,000–50,000 children in child care institutions in Uganda (MGLSD 2012; Walakira et al. 2014) denote the many children that drop out of family care. Moreover, the over 10,000 children struggling to survive on the harsh streets of Kampala and other towns in Uganda (The Street Child Project 2014; United Nations Children's Emergency Fund (UNICEF) 2011b) represent a category of children outside of family care and without a place in alternative care arrangements. These children partly demonstrate the magnitude and dynamics of the problem.

Uganda's Alternative Care Framework (MGLSD 2011a) spells out the continuum of care, which, in order of priority, argues for the following responses: keeping the family together and preventing separation; emergency care; reunification and kinship care; foster care; domestic adoption; inter-country adoption; special needs respite or residential care; and finally institutional care as a last resort.

As children leave family care, it would be expected that they are absorbed into priority alternative care arrangements. This, however, is not necessarily the case. Many of the children that drop outside of family care do not benefit from the prioritized responses by the alternative care continuum. Some remain outside of family care and outside of any prioritized alternative care arrangement, but in many instances institutional care is presented as a first resort. For selfish reasons, business men and women owning and/or managing these institutions go to an extent of soliciting children from their families into the child care institutions (Ogwang 2015; Walakira et al. 2014). There are several challenges that make it difficult for all children to be absorbed into the prioritized alternative care arrangements. Some of the factors are linked to children's interests and priorities; while others relate to institutional weaknesses.

Street children are typical of the category of children that remain outside family care and outside any prioritized alternative care arrangement. They represent the demise of the long-time cherished Ugandan family system, community and other child protection systems. One denominator among studies on street children in Uganda is that these children beg, live in pathetic conditions and face violence on the streets of Kampala and other urban towns of Uganda. The African Child Policy

Forum (ACPF) 2014, in the African Report on Violence against Children, observes that street children suffer stigmatization, face hostility from the public, shopkeepers and police, and are stereotyped as engaging in substance abuse, early sexual activity, and delinquency. As such, they fall victims of mental violence. This survey found 89 % of children living on the streets of Uganda to be suffering from mental violence, 16 % reported being hated by the public, and 36 % reported being feared by the public with the public perception that street children are vagrants and hooligans (ACPF 2014). The same report further underlines that 76 % of children living and/or working on the streets in Uganda suffer physical violence. Moreover, “in Uganda, 60 percent of acts of physical violence against children living or working on the street were perpetrated by strangers or passers-by” (ACPF 2014: 41). Police/authorities are among the other 16 % of perpetrators of violence against children living or working on the street in Uganda; the very reason that only 3 % of the victims consider ever reporting incidents of violence against them to police (ACPF 2014). Sexual violence against children living or working on the street in Uganda is described as high, standing at 74 % (ACPF 2014). The survey reveals that 26 girls versus 12 boys reported having been approached or spoken to in a sexual manner; 60 girls and 20 boys touched or pinched in sexual manner; 50 girls and 21 boys purposely exposed to private parts; 23 girls and 21 boys forced to look at sexual acts or pornographic materials; 15 girls and 26 boys experienced forced sex or rape; 19 girls and 7 boys forced to give consent to marriage or consensual union; 18 girls and 4 boys forced into commercial sex work; and 7 girls and 3 boys trafficked for sexual purposes (ACPF 2014).

Violence on the street happens to be an extension of violence suffered by children in homes (Devries et al. 2014; Naker 2005; Walakira 2012; Walakira and Ddumba 2012). Uganda is indeed not exceptional of the observation rightly put by Save the Children Sweden (2011) and Ganga and Chinyoka (2010) that in instances where a family loses its child protection grip, such a family turns into a playground for child abuse and violence. Violence against children in homes not only underpins many children dropping out of family care but also the unwillingness and fear to ever return to those homes/families, even with the intervention of NGOs.

Children outside family care and outside alternative care, including children in street situations in Uganda, are among the 1.3 million children categorized as critically vulnerable (Kalibala and Elson 2010; MGLSD 2011b). Although there is hardly any literature about poverty among older street children, they are also among the children trapped in child poverty. They are, for instance, among the 38 % and 18 % of Uganda’s children aged 6–17 years respectively living in poverty and in extreme poverty (UNICEF Uganda 2014; MGLSD and UNICEF 2015). Street children are also among those faced with extreme shelter deprivation. These children are thus underrepresented by the national poverty average of 19.7 % (Uganda Bureau of Statistics 2014).

Most of Uganda’s street children have no proof of birth or identity, such as birth certificates, immunization cards and national identity cards. Some are even uncertain of their ages. Older street children commonly affected by pseudo-maturity are more likely to be treated as adults rather than children and excluded from

child-targeted interventions. Furthermore, besides their proneness to street gang violence and police and Kampala Capital City Authority brutality, they are more likely to be victims of witchcraft, child sacrifice and trafficking, recruitment into gang activity, abuse of drugs and/or alcohol, and early sexual debut and promiscuity than their peers in family care (Street Child Project 2014; Walakira 2012). Worse still, many of these street children have never been to school (Street Child Project 2014; Walakira 2012). The majority do not have a place they call home since they came from already shattered families, while others are born and raised on the streets. Some of these children find themselves on the street as a result of abandonment, escaping sexual and gender based violence (SGBV), harmful traditional practices like female genital mutilation (FGM), early and forced marriage, child sacrifice, as well as other practices like trafficking and child labor. For other children, the street turned into their destination point after losing their grip on institutions and services they considered dear to them, such as schools.

Poor quality services, and, in some cases, limited or no access to services such as education, makes children detached from institutions dear to them. This also causes many children not only to drop out of school but also to leave their families and enter into street life. UNICEF (2014) highlights that 15.2 % of school-aged children (aged 6 and 17 years) never attended school in 2011. Barrientos and Scott (2008) acknowledge that with poor quality services, such as education and health, even cash transfers may not make a difference in raising service usage, and a social protection goal is harmed by the absence of efforts to address the decline in the standard/quality of the service. From the perspective of the International Labor Organization (2011), poor quality services wither away the efficacy of cash transfers since the latter increases the demand side amidst unresponsive supply side. In this respect, the poor education quality serves as an incentive for poor households' to make the complex and painful decision to engage their children in child labor (Save the Children Sweden 2011). In Uganda, a large number of children trapped in the violent and harsh life on the streets come from Karamoja among other regions (African Network for Prevention and Protection Against Child Abuse and Neglect (ANPPCAN) 2015). Karamoja benefits from the Senior Citizens' Grant, a pilot cash transfer scheme under the Social Assistance Grant for Empowerment (SAGE) program. Whereas the trend for children from these regions dropping outside family care emerged before the introduction of cash transfers in 2011, cash transfers do not seem to have ameliorated the situation. Simply put, the poor quality services neutralize the contribution of cash transfers, and children continue dropping outside family care without necessarily being absorbed into alternative care options.

The relationship among early marriage, teenage pregnancy, child-headed households and falling out of family care without any guarantee of appropriate and responsive alternative care responses is glaring. UNICEF (2011c) indicates that 46 % of Uganda's children were victims of early marriage (52 % rural, compared to 27 % urban children). UNICEF Uganda (2014) observes that child pregnancy affected 30 % of girl children in Uganda, and child marriage victimized on average 23.7 % (boys and girls). MGLSD and UNICEF (2015) are disheartened by an estimated 35 % of girls that drop out of school because of early marriage and 23 % that drop

out on account of pregnancy (UBOS and ICF International 2012). Moreover, teenage pregnancy victimizes 34 % of teenage girls from the poorest households compared to the national average of 24 % (UBOS and ICF International 2012). For children that escape these practices and violations by entering the streets, the idea of reintegration with their families that orchestrated these violations cannot be imagined.

Factors like HIV/AIDS, widespread poverty, urbanization, monetization of the economy, and commodification of social relations in Uganda (Kasente et al. 2002) significantly increase vulnerability of children. They undermine the likelihood of children without family care being absorbed into prioritized alternative care responses such as kinship and foster care. Such factors limit and constrain the capacities of the traditional family structure and community support networks expected to care for and protect children. Today, they no longer guarantee a safety net in the event of absence of a welfare system and formal social protection mechanisms. The limitation of community supports instead results in the proliferation and operation of institutional care, which is not only exploitative but detrimental to children's physical, neurological, cognitive, social and behavioral development and attachment relationships (Abela et al. 2012; Ainsworth 1967; Bakermans-Kranenburg et al. 2011; Csáky 2009). Widespread poverty and vulnerability account for children's placement into child care institutions even when the United Nations (2010) Guidelines for Alternative Care of Children explicitly caution against poverty alone ever serving as reason to admit a child into institutional care. Where poverty is not the immediate cause, it at least underpins or combines with such factors so far articulated to induce children to leave family care (Luwangula 2015), end up in institutions, or hang between the lack of family care and non-absorption into recommended alternative care, particularly kinship, foster care and domestic adoption.

The phenomenon of children who fall outside of family care that fail to find alternative care is well illustrated by the situation of orphans in Uganda. Of the estimated far above 2.7 million orphans, out of whom 1.2 million are due to HIV and AIDS (Kalibala and Elson 2010; UNICEF 2009), only 79.1 % of orphans in Uganda have been absorbed into kinship and/or foster care, (Uganda Bureau of Statistics & ICF International Inc. 2012). The remaining 20.9 % is thus not accounted for in terms of care (Uganda Bureau of Statistics & ICF International Inc. 2012).

In view of the above observations, Arulmani and Nag-Arulmani (2001) are concerned that growing up in such conditions exposes children to motivational dispositions, skill deficits, inhibited achievement, and mental health problems. They thus argue that addressing such a situation inevitably calls for urgent programs with a preventive component and long term focus on poverty reduction. Tailor-made skills are emphasized in this respect.

The conventional approach to responding to children outside of family care in Uganda is to commit to efforts of reuniting children with their families. While this response approach is critical and suitable for some categories of children such as missing children, children in reception centers and children in childcare institutions, it does not necessarily suit the older street children. For some of the older street children reintegration is neither in their best interest nor does it serve the purpose of

child protection. Older street children are used to independence and therefore can hardly be tied to regulations at home or in institutions. Tailor-made skills training can thus be the best intervention route in preparing these children for productive adult lives. Moreover, if development is about achieving and is better measured in terms of freedom for all (Sen 1999), then skills training of children cannot be overstated. From the perspective of humanistic psychologists, Abraham Maslow and Carl Rodgers (Kohn 1999; Francis and Kritsonis 2006), tailor-made skills training as a component part of child-sensitive social protection would in many ways foster what Ganga and Chinyoka (2010: 188) count as children's "belief in self-determination, individual potential, freedom to become what they want, to fulfill themselves and to curve their own destinies."

16.1.2 Theoretical Orientation

This study is guided by a set of theories including; self-determination, self-efficacy, resilience, traumatic bonding, and diathesis-stress theory. In reference to children out of family care, self-determination theory postulates that the decision to reunite and resettle children with their families sometimes runs counter to self-determination principles (Deci et al. 1991; Ryan et al. 2006). At times it is a representation of the standpoint and agenda of the intervening actors as opposed to the children's self-determination. In this circumstance, the sustainability of resettlement outcomes is questioned. Turning to self-efficacy theory, children's interaction with staffs of NGOs and drop-in centers offers them role models (Bandura 1994). On the other hand, reuniting children with parents with low parental aspirations, defeatist attitudes, violent and abusive tendencies, and apathy affects the children's motivation for higher aspirations and goals (Arulmani and Nag-Arulmani 2001). It also follows that integrating tailor-made skills training into organizational programs for children outside of family care promotes success against poverty, economic empowerment, and productive adult lives. Noting that a person's attitudes, abilities, and cognitive skills are key attributes of self-efficacy (Bandura 1994; Cherry 2012), tailor-made skills training can ably shape how these children perceive situations and behave in response to different situations. The same training is associated with positive energy (optimism) in dealing with challenging problems, mastery of tasks, interest in activities that one participates in, commitment to one's tasks/activities, and recovery from setbacks and negative occurrences; all of which are associated with self-efficacy (Bandura 1994; Cherry 2012).

Tailor-made skills training is further envisaged to enhance these children's resilience, enabling them to bounce back to normal functioning. Merely reuniting and resettling these children with their families (if they wish to) without necessarily equipping them with tailor-made and employable skills may not serve the purpose of enhancing resilience. From the perspective of traumatic bonding theory, in the event that some children left family care because of abuse in their households, reuniting them with the same families when such conditions still prevail means

these children are merely being exposed to traumatic bonding. Trauma bonding theory contends that a person is unlikely to quit an abusive relationship as long as he/she is dependent upon an abusive figure. The person thus remains traumatically bonded to the abusive figure (Dutton and Painter 1993), in this case, within the family. In view of diathesis-stress theory, the development of economic and livelihood independence and a productive adult life through tailor-made skills training can intercept the children's predisposition to psychopathology associated with a combination of stress and vulnerability (Ingram and Luxton 2005). The stress and anxiety that surround lack of family care, deprivation and non-absorption into alternative care predispose children to disorders (Roos et al. 2013; Smith 2010). Yet reintegrating the same children without due consideration of giving them the needed skills, may undermine the children's possibility to overcome stress within the homes that they left. This theory postulates that a disorder occurs once one is unable to "maintain a dynamic equilibrium against insults coming from... physical, infectious, psychological, and social environment factors" (Ingram and Luxton 2005: 36). Cognizant that these challenges are faced by the street children, tailor-made skills training is envisaged to help children secure a state of equilibrium.

16.2 Study Methodology

This chapter draws from data obtained for my PhD, which aimed to examine and discover essential elements for realizing children's social protection rights in Uganda as a measure towards rewriting children's poverty and vulnerability. The data was collected in two districts of Kampala and Kamuli. For this chapter, only Kampala district is considered, as it was possible to interface with older street children through drop-in centers as my entry point. In Kamuli, while there are street children, there were no drop-in centers, and obtaining only the children's side of the story would be inadequate to facilitate understanding of how they are socially protected.

This study applied a qualitative approach of inquiry, benefiting from a mix of exploratory and descriptive designs. The qualitative approach supported the construction of social reality in an interactive manner with sensitivity to the context, while allowing for flexibility. The descriptive design served to provide a contextual angle to the investigated subject. This study was phenomenological in nature in its intent to bring to the fore study participants' lived experiences. As Groenewald (2004) underlines, phenomenology fosters an understanding of the social and psychological phenomena from the perspectives of people involved. Precisely, the lived experiences of actors working with children outside family care and outside alternative care as well as for the children themselves were underscored.

The study was conducted in Kampala. Kampala, the capital of Uganda, is a destination point for many children that leave family care and are not absorbed into alternative care forms. The city has the biggest number of street children in Uganda. Civil society interventions to support children on the street have been criticized and

criminalized by the government of Uganda due to a concern that these interventions pull children onto the streets. Acknowledging that these children remain in need and ought to receive interventions of different kinds, some NGOs are currently running drop-in centers within city suburbs where street children are targeted with diverse protection interventions.

Specifically for data used in this chapter, a purposive sample was selected including 23 street children (aged 14–17); 4 staff members of 2 drop-in centers (NGOs) working with street children in Kampala (Retrak Uganda and Peace for Children Africa); 4 staff members of other child rights organizations working with children outside family care but not necessarily street children; and 1 Probation and Social welfare Officer (PSWO). Data was gathered using interviews (with children, NGO staff, and PSWO) and 4 focus group discussions with children. Processing and analysis of data were done thematically, summarizing in a form that brought out salient issues of the investigation. The initial analysis of qualitative data ran concurrently with fieldwork in a reflexive and iterative process. Following field data collection, hand written and electronically recorded notes from study participants were assembled and typed into a word processing program. Primary data were augmented and corroborated with data from synthesized documents using content analysis. Ethical standards were observed including; obtaining informed consent, confidentiality, explaining the purpose and objectives of the study, benefits and risks (if any) associated with their participation, and their right to withdraw from the study at any time of the interview/discussion if the respondent felt so without such a decision bearing any consequences to them or their organizations. Prior to engaging with study participants, ethical clearance was obtained from the National Council for Science and Technology.

16.3 Study Findings

16.3.1 *The Common Response Measures in Practice*

As children drop out of family care, some end up on the streets, usually in the urban informal sector characterized by exploitative child labor sector, karaoke cinemas, and child sex trade. Many of these children experience violence, exploitation and abuse from employers, law enforcement authorities, care and justice systems, institutions, peers, gangs and strangers. In the eyes of law enforcement authorities, children outside family care and outside alternative care arrangements are treated as children in conflict with the law. Hence, they are often rounded up and taken to Kampiringisa National Rehabilitation Centre, which in practice serves as a children's prison. This is vehemently detested by these children:

Me I say for those children on the streets, instead of government taking them to Kampiringisa (National Rehabilitation Centre), it should find them some work to do like welding. For example, some do not have their mothers or fathers or both parents, so government should

get them some work to do also as human beings rather than KCCA (Kampala Capital City Authority) hunting them down and engaging in running battles with them. (Male, 16 years old at Retrak Tudabujja Rehabilitation Center)

Children dropping outside of family care in Uganda on the one hand and finding themselves outside of alternative care on the other hand can be interpreted in terms of the absence of meaningful child-sensitive social protections that would provide a safety net (Luwangula 2015).

In the absence of a welfare system that would respond to the needs of these children and address their plight, some NGOs are attempting to fill the gap. Some of these NGOs run drop-in centers where children drop-in for lunch, bathing, washing, playing, non-formal education and sleeping at will. Practically, organizations that respond to and attempt to address the protection needs of these children adopt a common response approach aimed ultimately at reuniting these children with their families. Response often focuses on child identification (gradual withdrawal from the street for example), admission into temporary care, rehabilitation, family tracing, resettlement and reintegration of these children with their families and/or communities. Basic data about the child and his/her family are obtained from the child and used by the agency's social/case workers to do family tracing for resettlement while rehabilitation (normally for about 3–6 months) is underway. Upon identification of the family, the family members are prepared and counseled to receive back their child. Their willingness and readiness is ascertained before resettling the child. Bonding sessions are also conducted to acclimate the child to the family environment before the eventual resettlement. This is done because the child could have been detached from the family for years. Eventually, resettlement is done. For some organizations, depending on the circumstances surrounding the child and his/her family, other alternatives are explored besides focusing on placing/resettling the child with the biological families. This is the case for instance where the biological family is unready to take back the child for some reason or is not found or is non-existent. Some of the options include exploring kinship and community fostering.

Some of these organizations try to follow consciously or unconsciously the continuum of care underlined by the Alternative Care Framework for Uganda (MGLSD 2012). The continuum of care in line with the UN Resolution (2010) adopted by the General Assembly on guidelines for alternative care of children. It emphasizes family-based care and encourages actors to do their best to attain family care for children. Indeed, many actors work towards family tracing, child rehabilitation, resettlement and reintegration. Some agencies give a resettlement package to the child and sometimes income generating activity support to economically empower the household. This is intended to prevent secondary separation. Emphasis quite often is to take the children back to school (vertical mainstream formal education).

This study observed that most NGOs under their drop-in approach ultimately aim at resettling and fully reintegrating street children into their family and/or community. This is the case with Hearts-Vision, Child Restoration Outreach (CRO), and Retrak Uganda to mention just a few. However, while this is ideal and very commendable, realities that surround the lives of children that these organizations aim

to reintegrate ought not to be overlooked. Some of the circumstances suggest that these children need to be prepared for productive adult life and oriented towards forming their own families as opposed to returning to their biological or kinship families.

16.3.1.1 Brief Description of the UYDEL Model

Uganda Youth Development Link (UYDEL) is a registered non-governmental organization operating in since 1993. UYDEL provides disadvantaged and abused, often exploited children and youths aged 10 and 24 years with prevention and psycho-social support rehabilitation services. UYDEL programmes are delivered through community outreach, slum drop-in centres and a youth rehabilitation centre located at Masooli – Wakiso district in Uganda. These centres seek to increase vulnerable youths' access to and empowerment with vocational skills and income generation, promotion of life skills, self-esteem.

Figure 16.1 illustrates the common practice by many NGOs intervening in the lives of children outside family care. Children are admitted into agency care, subjected to rehabilitation (normally for 3–6 months) and reintegrated with their families. Many times the rehabilitation is inadequate. Intervening NGOs are partly focused on minimizing costs. Therefore, longer periods of intensive rehabilitation are interpreted by the intervening NGOs more in terms of cost than in adequately preparing the child for the life after the street and/or exploitation. In the above figure, vocational training has a place in UYDEL's model, but this is not necessarily

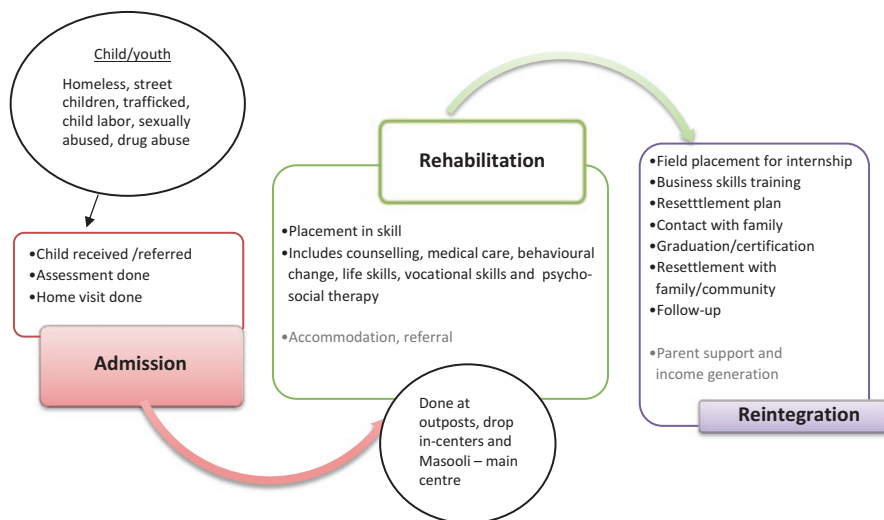


Fig. 16.1 Uganda Youth Development Link (UYDEL) (2010) model illustrating the common practice by many NGOs intervening in the lives of children outside family care

the case for all NGOs. Quite striking, the ultimate aim of actors is to see children reintegrated with their families. Little consideration is given to the fact that sometimes such an objective is neither in the best interest of the child nor serves the purpose of child protection given the circumstances that surround many of these children.

16.3.2 Circumstances of Older Children Outside of Family Care and Alternative Care

The characteristics and circumstances surrounding older street children are very unique compared to children in family care or alternative care arrangements. As such, it would be an oversight to imagine that child protection interventions suitable for the latter two categories can apply to the former. Under normal circumstances, it is easy to imagine or even suggest that to prepare children outside family and alternative care for productive adult life, interventions should be directed at reintegrating them with their families or, at least, seeking alternative care options. However, a critical scan through these children's characteristics and circumstances reveals that such options are not necessarily tenable.

This study found that for some children who have nowhere they call home or are unwilling and/or unready to be resettled with their families for a number of reasons, reintegration may neither be in their best interest nor serve the purpose of child protection. Many of these street children were pushed to the street by factors within their families that are yet to be resolved. Thus, placing them back into their families re-exposes these children to the factors that led to their separation, such as violence and abuse. In this case, chances of secondary separation are high. In addition, some of these children have spent years on the streets and have learned to live a relatively independent life. Hence subjecting them to the structures of the family rules and regulations or bureaucracies of an institutional setting (alternative care agency) can hardly be accommodated by these children. On another note, some children were born and have been raised on the street, and so they have nowhere they call home. Other children feel judged by their families and communities as outcasts, having lived on the street, been involved in child prostitution and gang activities, and/or sniffing glue and using other drugs. The family members feel the children have let down their families. In other instances, the children feel they have been let down or betrayed by their families that failed to protect them or provide for them, or that tortured them to the extent that they ran away.

For me I do not want to go back home. I just cannot. My relatives betrayed my father, my siblings and I. My father is abroad, he is an army officer in South Africa. All the money he used to send to our aunts to pay for our school fees, they were using it for their own things. And my siblings and I have no chance of ever contacting him to let him know. Maybe he even thinks we are in school. For my mum, I understand she threw me while I was young. Until now I have never seen her. (male, 14 years old)

For me I do not want to be home because my family discriminates against me. They see me as an alien, because after my parents and my grandma who happened to be the only kind persons to me and whom I related well with died, the rest do not see me as a child. So I got fed up and I completely don't like them. (male, 17 years old)

Me ...the person I liked back home was my dad but he died. Then the ones I remained liking are some of my brothers and grandma, but I do not like my aunts because for them, even if you dig a lot, they never appreciate. Then they abuse my grandma that she is confused yet she is their mother; that she is no longer understanding, she is stupid, she is old. All this annoys me. There is when we would cultivate and they kept saying that we eat their food yet we grow that food in our grandma's garden. Whenever grandma packed for us food as we went to school, they quarreled with her questioning her why she packs for us food. One of the aunts has her child but this is the only one who speaks, the rest of us are not allowed to speak. We are always on the wrong side. It is we who are beaten. (street boy found at one of the drop-in centers)

Kinship support is undermined by the growing phenomenon of commercialized social relations to the extent that children expected to benefit from it rather than bounce into a new form and environment of exploitation and maltreatment including trafficking.

Given these circumstances, the effectiveness and universalization of the conventional responses of child identification, admission into temporary care, family tracing, rehabilitation and reintegration with the family is questioned. In the event that a number of these children do not want to go back home, let alone re-establish contacts with their families for a score of reasons, the argument for and emphasis on tailor-made training is made. Retrak says that for some children that have lived on the streets for several years and are approaching adulthood, experience has shown that "they are less likely to want or be able to return to their families or to find foster carers... yet they are increasingly at risk" (2015: 1). In this circumstance, supported and guided independent living becomes an alternative care option. This is in part tenable through providing these children an opportunity for tailor-made skills training. Some of the attributes of independent living, according to Retrak, encompass: building positive relationships with committed and trusted adults who can act as mentors; gaining education, skills and employment; obtaining housing; having a place to return to in moments of crisis; and addressing stigma and prejudice in communities' attitudes, which can lead to young people being socially excluded. In this case, the adults at the drop-in centers and at the skills training centers ought to assume responsibility to enable these children to actualize these tenets of independent living. As such, they ought to combine the training and rehabilitation given to these children with a social skills package. Such a package could, for instance, include skills to prevent children from falling prey and/or becoming perpetrators of sex abuse and exploitation; negotiation skills to attract and win customers for their trades; and interpersonal/relational skills, among others.

This study revealed that emphasis on identifying, rehabilitating, resettling and reintegrating these children with their families are only part of the solution to the problem. Tailor-made skills training interwoven with a social skills package can be the answer to preparing the older street children to lead productive adult lives. Given that street children above the age of 14 tend to experience worse developmental outcomes than their counterparts under 14 communicates the necessity to provide

these children tangible interventions assuring their transition into adulthood. A number of children found at drop-in centers shared a common view that getting reunited with their families was not their preference and thus not on their priority list for support needed from the intervening NGOs (drop-in centers). They appealed for an opportunity to acquire productive hands-on skills training to enable them to change their destinies.

16.3.3 The Drop-In Center Approach

In the context of children that have dropped out of family care, drop-in centers respond to some survival and welfare needs of street children in particular. This approach has gained popularity, particularly in the third world where the social challenges of street children are rife. In Uganda, quite a number of NGOs run drop-in centers in Kampala and other big towns such as Mbale. Some of these include Retrak, Peace for Children Africa, and Hearts-Vision in Kampala, and CRO in Mbale, Jinja, Masaka and Lira.

While different drop-in centers have varying missions, common in their approaches is that they provide a safe, positive off-the-street environment where children can rest, wash, play and learn, thereby providing an alternative to the dangerous and risky street environment. They provide a children's contact site with services such as food, medical care, education and training, counselling, rehabilitation, sports and eventual reconnection with their families (Tumaini Children's Drop In Center—TCDIC website [n.d.](#); Child Restoration Outreach Uganda [2015](#)).

We come here because here we play football, we eat food, wash our clothes, at least bath, and also here is good because we play, we sleep. We learn everything here and we also study. (focus group discussion with children at one of the drop-in centers in Kampala)

Drop-in centers are motivated by a set of theoretical orientations. For instance, in addition to serving the above purposes, they are argued to contribute to countering and addressing drug abuse among street children (Smith [n.d.](#)). Children in their submissions attested to this;

So when I was in Kisenyi ghetto (on the street), my friend got hold of me and influenced me so you know we were sniffing spirit/glue and smoking weed/marijuana. But when you are at this organization, you can give up all that. So now here at this organization what takes my attention most is football. (male, 16 years old)

For example when I came from the village and entered the city, I immediately started sniffing fuel and smoking marijuana. I then had my guy who came and told me that he wanted us to start going to a home (referring to a drop/in center). So we started coming here and wash, you know when you are at the street, you are always dirty, and you are sniffing and smoking and you have to search for scrap metals for survival. By then, a kilogram of metal scrap was costing UGX 25 (0.0083 USD). We had an old man who was buying them but he even died. So we would search for the scrap to survive. And whenever police found us sleeping on the street, they would beat us with their batons, at times they took us to Luzira prison and we suffered, they would beat us and when they released us we would always come back to the ghetto. So it is this organization that has helped us to relax our minds to survive police, it keeps us at least a bit busy. (17 year old at a drop-in center)

Drop-in centers also seek to improve the lives of street children by empowering them with hope, knowledge, skills, opportunities and resources necessary for them to find healthy alternatives to street life while enhancing their productivity (Tumaini Children's Drop-In Center n.d). The proliferation of drop-in centers is also a response to the government's discouragement of and illegalizing provision of food and other forms of support to street children openly on the street. This was serving to attract rather than deter children from the street. As Hearts Vision observes, there are limitations and constraints to working directly with children on the street. In their view, "the journey children need to make in order to enter or re-integrate into community life requires stability, strength and support which can best be offered and found in a location near but not actually 'on' the street" (2014:16).

16.3.4 The Children's Perspective

I asked street children found at drop-in centers in Kampala about the kind of life they would have desired if they had means to support it. The following were their submissions:

Me I want to be here (at the drop-in center), studying and also learn vocational skills because I like and I am good at art work. When I grow up, if I have not succeeded with art, then I sing because I also know and like singing. (male, 16 years old)

Yes, for instance some grew up on the streets, others were born on the streets so they should be got some jobs to do. Let them start by training them in those skills and then later get them jobs. Let government put up free schools which should be training those things as welding and other technical/vocational jobs. (male, 16 years old at Retrak Tudabujja Rehabilitation Center)

For me, all I want is being here, studying, playing football and technical/vocational training. (male, 14 years old)

Very notable about these street children is that they were more interested in and concerned about vocational career paths they wished to pursue than returning home. They wanted to live at the drop-in centers, which is neither desirable nor sustainable. When I asked them why they never mentioned wishing to go back home, they shared their different stories including fear of being stigmatized as outcasts having lived on the street; death of parents and, hence, shattered families and nowhere to return; and commercialized social relations among relatives. For others, they were born and raised on the street so they have nowhere they call home.

Many issues are discernible from these children's narratives ranging from somewhat secure and trusting attachment relationships with their caregivers at the drop-in centers to detached, insecure, and disorganized relationship with family members. For children who have families, the family members, in view of the children, appear to have let them down. Where initial secure attachment had been formed during some of the children's early years of life, separation from their parents and families for a number of reasons appeared to have harmed such earlier good relations.

These children's attachment histories of the attachment to their parents/relatives at home and the abrupt separation experiences (as children dropped out of family care) are helpful in understanding the children's unwillingness to ever return home. Rightly so, Egeland and Carlson hold that "children with insecure histories are less likely to bring fantasized conflicts to successful resolution and to see themselves as connected to others, especially family members" (2004: 30).

Cognizant of the fact that these children hardly, if at all, see their families as an option for survival and protection any more, it is very apparent that tailor-made skills training can enable them in the near future to live a productive, socially acceptable, and psychologically assured adult life. Such skills can also assure them some level of survival especially without the needed but unattainable family support.

16.3.5 Tailor-Made Skills Training for Older Street Children: Motivation, Emphasis and Reflection

As illustrated above, children at the drop-in centers demonstrated that getting reunited with their families was less of a priority than being given an opportunity to attend tailor-made skills training and acquire hands-on skills capable of preparing them for productive adult life. Moreover, for some children who drop out of family care as a result of abuse, maltreatment, civil strife or escaping harmful cultural practices, the need to become independent but with guidance from adults, in this case at drop-in centers, or to have adults providing tailor-made skills sets in earlier. This reduces maltreatment. The need for timely prioritization of tailor-made skills training for these children is unchallenged. This training is particularly critical since it provides children with appreciable, employable skills; relative economic independence; and a sense of agency, identity, efficacy, empowerment, and, above all, transformative (Devereux and Sabates-Wheeler 2004) and child-sensitive (Department for International Development (DFID) et al. 2009) social protection. Additionally, in the event that these children rethink and reconsider re-establishing contacts with their families (where they exist), they become economically useful to their families as opposed to being received by those families as a burden.

The emphasis for tailor-made skills training by the children themselves was premised on the concern that for these children, mainstream vertical formal classroom-based education (planned for these children after resettlement by intervening NGOs—if they ever get resettled) is not in their best interest. It is not only prohibitively costly, unsustainable and unbearably long-term in nature but also offers limited opportunities and an unguaranteed escape route out of poverty and vulnerability. For older children who have tasted independence, worked and made some money, they neither find this form of education satisfying nor rewarding. Hence, the children, alongside other study participants, passionately argued for enhancing opportunities for street children to access alternative skills-based training. Different stakeholders,

including some street children, were unanimous that this form of training can be an answer to a variety of these children's social protection needs. Acknowledging that conventional mainstream classroom based formal education is a "long journey" coupled with exclusionary tendencies against the poor and vulnerable, alternative tailor-made skills training was perceived to be more practical and relevant for these children. Tailor-made skills training was further believed to potentially counter the various ills associated with mainstream education. For instance, besides assuring acquisition of relevant practical employable, marketable, and job creation skills in a shorter time, tailor-made skills training was identified with enabling poor and vulnerable children to quickly become economically relevant and supportive to their struggling families (that is if these children reconsider re-establishing links with their families). Hence, these trainings facilitate a transition from abject poverty and day-in-day-out distress.

Reflecting on children outside family care that are also victims of the Northern Uganda Lord's Resistance Army war, some of whom ended up on the streets, tailor-made skills training is very appropriate. Some of these children constitute an almost 'wasted generation'. Some have never attended primary one at age 16, and therefore, merely resettling them, if there is anywhere or any family with which to resettle them, might not serve them effectively. Rather, equipping them with practical employable skills can be more reassuring. Any resettlement efforts that ignore providing these children with tailor-made skills are more likely to be followed by secondary separation or dropout from the family.

In view of children outside family care that are originally from very impoverished households, resettling them back to these families and enrolling them into mainstream, vertical, classroom-based education can be counterproductive. Instead, tailor-made skills training would save such poor households from selling household property including land (the single most valuable resource for poor households) in the name of raising school tuition for children pursuing the long-journey of vertical formal education, only to stop and dropout along the way after resources are exhausted. Such realities only dip the poor households deeper into poverty.

To me it should not be only vertical formal education, there should also be horizontal education—vocational skills training. I mean what is the value of a child finishing Primary Seven (P.7), join Senior One (S.1) when the household is selling cows, Senior Two (S.2) when they are selling land, Senior Three (S. 3) selling all property, and so on? For such cases, there is need to seriously consider alternatives available and in this case, vocational training becomes very key...If this child can get a skill in the technical school, comes out and starts doing something, it is much better than completing secondary school and dropout, unable to join a university or tertiary institution, having had the family sell off everything and then you are not economically useful to the family. (key informant, NGO staff)

The length of time involved in mainstream vertical formal education (7 years of primary, 6 years of secondary, and 3–5 years of university or tertiary institution) was a significant concern among study participants consulted. They expressed pertinent concern about poor and vulnerable children in dire need of timely and practical escape routes out of poverty and vulnerability.

When you look at the vertical formal education, many questions arise. For instance, how and when will it be helpful to the poor and vulnerable children? ...Besides, it takes long to realize the intended results and definitely in the process, the poor and vulnerable children will be turning more vulnerable...For example, today a child may be a single orphan, the next time a double orphan, before long, he might acquire a physical or mental disability due to physical and mental strain. He or she may fall victim of land grabbing by some bourgeois, or child labour or child prostitution, then HIV because she has to survive. So, vulnerability keeps accumulating like that, like that. To save the situation, we need to ask ourselves how fast and best we can have these children supported. The answer in part lies in skills training, tailored to these children's needs. (key informant, NGO staff)

The foregoing observation finds support from scientific evidence that besides poor children's vulnerability being multi-dimensional, it is dynamic, changing over the course of childhood (Kaplan and Jones 2013). One form of vulnerability, if not timely addressed, brings further vulnerability domains. This makes child-sensitive social protection critical (Kaplan and Jones 2013). In this particular case, tailor-made skills training presents an appropriate social protection strategy.

Indeed, the relief that tailor-made skills training can offer transcends the economic elevation of older children outside family care from poverty and guards them against falling deeper into poverty. For many of these children who could have been overcome by hopelessness and resignation to fate, tailor-made skills training lifts their spirits and assures them of high self-efficacy beliefs. The training gives poor and vulnerable children an opportunity to undertake task performance, achieve and experience success. As they find an avenue to master experiences, get role models, and receive encouragement and positive feedback, these children overcome feelings of failure. They would rather be motivated to achieve and succeed, gaining self-efficacy. It can also be contended that this form of training increases children's resilience, and from a humanistic (Maslow's) perspective (Francis and Kritsonis 2006; Kohn 1999), it helps the children attain their physiological needs and with time climb upwards the needs hierarchy. Tailor-made skills training enables children to realize a sense of role identity and restoration of or enhancing hope. The confusion that surrounds uncertainty and crisis about what they can do, who they will become, and how society will or does perceive them gets resolved. As this training sets these children in motion towards autonomy during adolescence and later in adulthood, the benefits of such a trend cannot be disregarded. Atkinson and Goldberg for instance, contend that analogous to a secure infant, an "autonomous adult values intimacy and freely expresses her- or himself" (2004: 8).

On another note, appreciating that the children in question are vulnerable, skills training customized to the children's needs can serve to mediate these children's predisposition to psychopathological conditions. The circumstances of these children very much predispose them to psychopathology (Ingram and Luxton 2005) given that these children are expected to be or already are breadwinners for themselves and sometimes for their siblings amidst unstable means. This makes the children face stress levels beyond their adaptive capacity. The intervention of tailor-made skills training, therefore, provides necessary interception against children's progression to stress and strain-related psychopathology. According to the Psychology

Coalition at the United Nations (2012), tailor-made skills training that accords especially the marginalized and disenfranchised employment ought not to be seen or interpreted as merely essential for basic survival, but rather, as critical for ensuring psychosocial and mental well-being.

16.3.6 Balancing Tailor-Made Skills Training with Integral Interventions

So far, this chapter has presented tailor-made skills training as a creative approach to reach out to children outside family care and alternative care arrangements without undermining the need to work towards reintegration (where possible and appropriate). However, caution should be taken against considering skills training in a vacuum. Tailor-made skills training undoubtedly can assure these children of a transition to productive adult life. However, for these children not to have a ruined future, I acknowledge the need for adult guidance alongside skills training. To this end, social/case workers in drop-in centers, at rehabilitation centers and tailored skills trainers (for example artisans providing apprenticeship training) ought to assume an adult caregiver (parent) figure for these children. These children need to build positive relationships with committed and trusted adults who can act as mentors. They can help children gain skills and employment, have a place to return to in moments of need/crisis, and overcome stigma and prejudice in communities that leads to social exclusion of young people.

Tailor-made skills training alone is likely to be inadequate in helping these children transition into productive adults, especially since they have lived on their own for some time and become detached from societal norms and values. In order for the acquired tailor-made skills to make a difference in the children's lives, the children need to have social and life skills. They, for instance, need to learn how to talk humanely with customers, negotiate prices, and interact humanely with peers and elders in the same or related trades. In addition, the children need to acquire skills related to raising a family, responsibilities that come with parenthood, relational/interpersonal skills, and skills to prevent them from sexual abuse. Simply put, it is critical that a social skills package is integrated with the tailor-made skills and rehabilitation interventions targeted to these children.

16.3.7 Towards a Workable Model

Particularly for older street children, responses ought to attend to: identifying them, gradually withdrawing them from the street, providing them temporary care, rehabilitating them, and providing tailor-made skills training integrated with a social skills package. The aim should be to carefully prepare these older children outside family care and alternative care for a transition into productive adults as opposed to

indiscriminately presupposing that reunion with their families serves the protection goal and represents children's best interests. It thus implies that each child should be approached as a case rather than as a category. This, though, is not to eliminate the continuum of conventional response that underlines child identification, admission into agency care, family tracing, rehabilitation, resettlement and reintegration. As noted earlier, this response meets the protection needs of specific categories of children including: missing children, children in childcare institutions and in reception centers that necessitate de-institutionalizing. Also following the rehabilitation efforts, the provision of skills training, and the social skills package, it is possible that some older children could reconsider re-establishing contacts with their families. For that category, the need arises to trace their families, engage the family members in preparation to receive their children, and achieve eventual resettlement. In that case, however, the family members should be encouraged to be sensitive to the fact that the child being received is an older child and thus, able to form their own views that ought to be respected (Article 12 of the Convention on the Rights of the Child). Family strengthening interventions in this case need to be strongly emphasized.

For children unready or unwilling to return home or who have nowhere to return as home, efforts should be made to secure them employment and residence space following the training. These children could live in a collective residence space where they live relatively independently with relative supervision by adults (social workers from the drop-in centers). It would particularly be gratifying if after training, the children are graduated with start-up capital, supervised, helped to practice the acquired skills, and supported to get absorbed into employment (as self-employed or employees) before leaving the program.

In this model, therefore, I suggest that family tracing should not be the first step, immediately after identifying the child. It ought not to be assumed that these children necessarily wish to or can be reunited with their families. It should rather come in much later, after investing time in counseling and rehabilitating the child, and sometimes after children attain tailor-made skills training and the social skills package. This is because for these children, it takes some time to (re)accept their families. More interest should be given to children's acceptance of their families and their desire to re-establish contact with those families than their families' interest in taking in their unwilling child. If the families accepted the children without the children accepting their families, they will be reunited but before long, the children will leave.

16.4 Conclusion

It is prudent that responses to children that have fallen out of parental and family care and outside alternative care take into account the concerned children's views. Otherwise, responses may appear appropriate in the eyes of practitioners but ineffective or even counterproductive to the children. Without discounting the relevancy

of the conventional approach of responding to these children with the ultimate aim of resettlement and reintegration with the family (sometimes with a resettlement package and income generating support to the family), the appropriateness of this approach is not universal. This approach assumes that all of these children have a family to be reunited with, and that children can always be resettled. This is not necessarily the case. Much importance is given to family care, but for some children merely securing this standard does not solve, or only partially addresses their concerns and needs. For children transitioning into adult life and independence, the importance of targeted skills training integrated with a social and life skills package cannot be overstated. These skills packages accord these street children an opportunity to overcome the ills they may have experienced at the hands of their family members. They can offer the children an escape route from these ill experiences, as well as adequately prepare them for productive and responsible adulthood.

It thus makes a lot of sense to understand every child as an individual based on the respective situations and circumstances surrounding them. Certainly, the conventional continuum of response (identification, rehabilitation, resettlement and reintegration) to children outside family care and alternative care has an undisputed child protection goal of promoting the nurturing of children in family environments. However, this principle ought not to be imposed as a blue-print model on all children outside family care. Flexibility in response approaches by intervening actors needs to be embraced for better protection outcomes. Programs need to account for the fact that some older children are more concerned about guided independence and productive adult lives than resettlement. It would, therefore, be beneficial for any actor intervening in and working with children outside family care and alternative care to incorporate targeted tailor-made skills and social skills training of these children in the organizational programs. Quite promising and worth commending is that some NGOs have gained awareness about the potential of tailor-made skills training in offsetting the troubles suffered by street children and have started embracing it in their response. Child Restoration Outreach (CRO) in Uganda and Tumaini Children's Drop-in Center serve as examples. Open mindedness to the different protection paths that the street children and other children outside of family care and alternative care may take is called for.

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