



Save the Children

UGANDA DEBT NETWORK (UDN)

SUCCESSES AND CHALLENGES FOR CHILDREN-ORIENTED PUBLIC SECTOR BUDGETING IN UGANDA





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AUGUST 2020

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LIST OF ACRONYMS

ACRWC	African Charter on the Rights and Welfare of the Child
CRB	Child Responsive Budgeting
CRPD	Convention on the rights of persons with disabilities
CPCs	Child Protection Committees
DCDO	District Community Development Officer
DOVCCs	District OVC Committees
ECD	Early Childhood Development
LLGs	Lower Local Governments
MGLSD	Ministry of Gender, Labour and Social Development
NCA	National Children's Authority
NCPWG	National Child Protection Working Group
NDP	National Development Plan
NGOs	Non- Governmental Organisations
SOVCCs	Sub county OVC Committees
UNCRC	United Nations Convention on the rights of the Child
UPFC	Uganda Parliamentary Forum for Children

CHAPTER 1: INTRODUCTION

Uganda Debt Network (UDN) and Save the Children International Uganda (SCIU) - invested into the Child Responsive Budgeting (CRB), as a framework that seeks to ensure that both the practical and strategic needs of all categories of children are considered and effectively responded to in policy planning and budgeting processes. Both UDN and SCIU believe that the effort will enable any Government to realise commitments like the United Nations Convention on the rights of the Child (UNCRC), the African Charter on the Rights and Welfare of the Child (ACRWC), National Constitution and Children Act Cap 59. Others are the National Development Plan (NDP) and respective sector investment plans. The UNCRC to which Uganda is a signatory recognizes four broad categories of child rights, namely Survival Rights; Developmental Rights, Protection Rights and Participation Rights, and requires that State Parties respect and ensure that these rights are enjoyed by each child without discrimination of any kind.

In respect to the above call and cause, UDN in collaboration with Save the Children and the Ministry of Gender, Labour and Social Development in 2015 developed this, ***“Checklist on Child Responsive Planning and Budgeting in Uganda”***. The checklist covers budgeting processes at both national and local levels and places emphasis on children that are facing challenges because of their specific vulnerabilities. These include children with disabilities, those living under extreme poverty, the chronically ill and those involved in emergency situations like natural disasters, famine and armed conflict. The checklist points out key considerations that must be made in order to attain child responsive budgeting and how they contribute to the achievement of the pillars of National Development Plan include the current NDP. The objectives of the checklist are:

- To guide all stake holders in the sectors providing for child education, child protection and child participation on key considerations required to mainstream children rights in the National budget and subsequently in the district and other lower government budgets,
- To provide a tool to all concerned in monitoring and evaluating the mainstreaming of children rights into programs and interventions that enhance child wellbeing and contribute to the future development of this country.
- And to harmonize child friendly budgeting in each of the sectors that provide for education, protection and participation of the children in the country

CHAPTER 2: LEGAL AND POLICY FRAMEWORK SUPPORTING THE IMPLEMENTATION OF CHILD RESPONSIVE BUDGETING IN UGANDA.

2.1. LEGAL FRAMEWORK

The government of Uganda is committed to the promotion and protection of children's rights in the country. This is evidenced by the various legal, policy and institutional frameworks that it has put in place to protect the rights of children. For instance, it has ratified and domesticated a number of international instruments including: the United Nations Convention on the Rights of the Child, the Convention on the rights of persons with disabilities (CRPD), and regional instruments including: the African Charter on the Rights and Welfare of the child (ACRWC). At national level, a number of legal frameworks have been put in place to promote protect the rights of the children and to promote the realisation of children' rights in the various budget documents. These are highlighted below.

2.1.1. National Legislations

2.1.1.1 The 1995 Constitution of the Republic of Uganda

The 1995 Constitution of the Republic of Uganda provides for the promotion of various rights of children. These include: the Right to Education, Right to Health, Right to Adequate shelter, Right to food and Right to protection among others. For instance, in the education sector, the state provides for promotion of free and compulsory basic education, it recognises the right of persons with disabilities to respect and human dignity, promotes recreation and sports for the citizens of Uganda. In terms of health, the constitution promotes the right to health by taking all practical measures to ensure the provision of basic medical services to the population, commits to encourage and promote proper nutrition through mass education and other appropriate means in order to build a healthy State.

In the case of child protection, this document provides for protection of the family by society and the State, mandates the society to promote responsible parenthood; commits to protect children from social or economic exploitation. This includes prohibiting children from being employed or from performing work that is likely to be hazardous or to interfere with their education or to be harmful to their health or physical, mental, spiritual, moral or social development, and accords special protection to orphans and other vulnerable children in the country. In terms of promoting child survival rights, the constitution commits to take appropriate steps to encourage people to grow and store adequate food; to establish national food reserves. The constitutional also promotes the participation of all stakeholders (including children) in various policy and budget processes.

2.1.1.2. The Children's Act 1997

The Children's act 1997 provides a legal and institutional framework for child care and protection. It defines rights, which all children in Uganda have, accords specific rights for children with disabilities to ensure equal opportunities, and obliges the parents or any person in custody over the child to maintain the child ensuring education, guidance, Immunisation, adequate diet, shelter and medical care.

2.1.1.3. The Local Governments Act, 1997

The Local Governments Act, 1997 empowers Local Governments to prepare comprehensive and integrated Development Plans incorporating the plans of the Lower Local Governments (LLGs) within their areas of jurisdictions. Under this act, the planning and budgeting process towards addressing the needs and aspirations of children should be consultative across stakeholders. Such stakeholders are the Central Government institutions, NGOs, children, Councillors and District officials. For as long as the development planning processes is less participatory, it diminishes the spaces for child rights-oriented issues and stakeholders to influence Government agenda. This act provides for the formation of a District Executive committee, which comprises various positions, one of which should include a secretary responsible for health and children's welfare.

The revised National Strategy on Girls' Education (2014-2019) - provides a national framework for promotion of girls' education as an integral part of gender equity and equality in the education system. Other relevant legislations that protect the rights of children in Uganda include: National Integrated Early Childhood Development (ECD) Policy , whose goal is to provide direction and guidance to all ECD stakeholders in the implementation of ECD Programmes and to harmonize all existing ECD Policies for holistic development of all Children from conception to 8 years, the Prevention of Trafficking in Persons Act, 2009, Prohibition of the Female Genital Mutilation Act 2010, Birth and Death Registration Act, 1973, Domestic Violence Act 2010, Employment Act 2006, , the National Strategy to End Child Marriage and Teenage Pregnancy (2015), which is a comprehensive framework to end the practice of child marriage and other forms of violence against children including teenage pregnancy.

All the above legal framework are a necessary but not sufficient condition for ensuring that the planning and budgeting processes at national and local government levels are child responsive.

2.2. INSTITUTIONAL FRAMEWORK

Various institutions have set up in Uganda to enforce the provisions of laws set up to protect children and to promote their participation in policy making processes at all levels. These are outlined below:

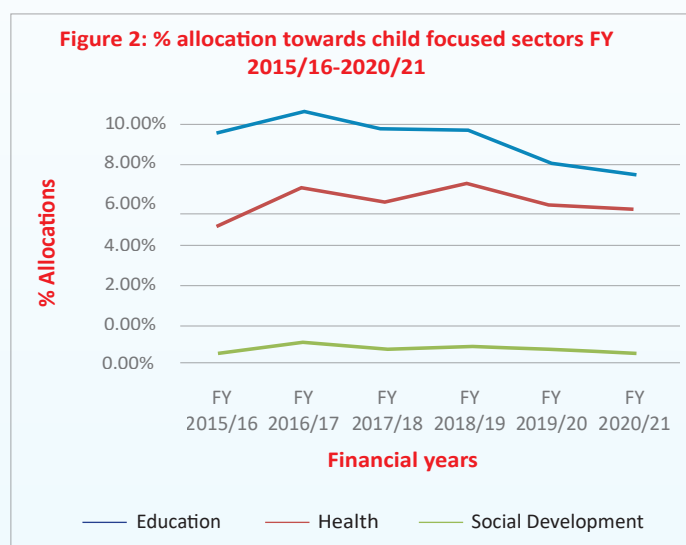
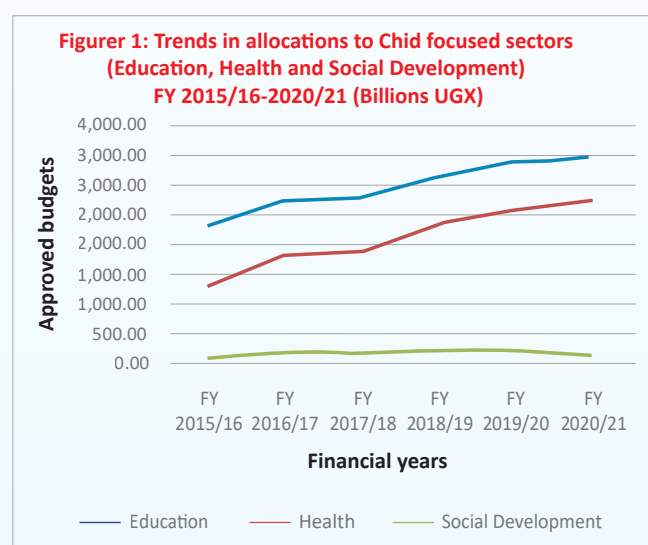
- The Uganda Parliamentary Forum for Children (UPFC) was initiated during the 7th Parliament to create an avenue through which the status of Ugandan children, especially those in difficult circumstances could be addressed. The UPFC is a platform where Members of Parliament from different political shades collectively engage for the rights of children in situations of competing needs and priorities where children's rights are often neglected.
- National Children's Authority (NCA) is a statutory body that was established by the Act of Parliament, the Children (Amendment) Act 2016, whose Mandate is to provide a structure and mechanism which will ensure proper oversight coordination, Monitoring and Evaluation of all policies and Child Rights based programmes relating to the Survival, Development, Protection and Participation of the Child and for other connected matters.
- The National Child Protection Working Group (NCPWG) though not under any specific legal framework, its coordination office under the Ministry of Gender, Labor and Social Development (MGLSD) remains central in advancing the child protection sub-sector in Uganda. It also closely works with NCA.
- There are also Local Government child focused structures which are strong entry points of children protection. Some of these include: the Child Protection Committees (CPCs), District OVC Committees (DOVCCs) and Sub county OVC Committees (SOVCCs). Ideally, the DOVCCs, SOVCCs and DCDO area expected to support LGs in mainstreaming gender and children rights aspects into the LGs budget and development plans.
- Other institutions/structures at local government levels that deal with issues of children include: Probation and Welfare department of the Community Based Services Department, where the juveniles are often supported to access justice. This also manages the homeless people to settle back into communities, as additional angle towards child protection.
- In 2015, the government established the Adolescent Girls' Task Force chaired by the First Lady of Republic of Uganda. This is a coordination platform which brings together policy makers (ministers and permanent secretaries) from different ministries, departments and agencies as well as CSOs, religious and traditional leaders. The task force identifies challenges of adolescent girls and agree on interventions to be undertaken by different agencies.

CHAPTER 3: SUCCESSES AND CHALLENGES IN IMPLEMENTING CHILD BUDGETING (CRB) AND PLANNING IN UGANDA.

Since the development of the checklist on Child Responsive Planning and Budgeting, a number of key successes and challenges have been registered at local and national levels towards the realisation of children's rights in Uganda. These are articulated in the sections below.

3.1. ADEQUACY OF RESOURCES INVESTED TOWARDS CHILD RESPONSIVE BUDGETING IN UGANDA

Article 4 of the CRC and article 5 of the ACRWC requires government to invest “the maximum extent of available resources to realise the wellbeing of children.” Emphasis is placed on expenditures for child development, health, education and social protection. In Uganda, although public spending towards child focused sectors has increased overtime (in absolute terms), the share of these sectors to the total national budget has reduced overtime, particularly after FY 2018/19 (see figures 1 & 2 below). This implies that the government's priority towards promoting child responsive budgeting is reducing overtime, which has serious implications on the promotion of children's rights in the country.



Source: National Budgets FY2015/16 - 2020/21 (MoFPED budget website: www.budget.go.ug)

3.1.1 Education Sector

As part of the 'Education for all Initiative, (UNESCO 2000), government including that of Uganda pledged to allocate at least 7% of their GDP to education by 2005 and to increase the goal to 9% by 2010. In absolute terms, allocations towards the education sector has grown by 50.62% from 2,321.24 billion in FY 2015/16 to 3,496.40 billion in FY 2020/21. Likewise, public spending on education (as a % of GDP) has slightly increased from 2.1% in 2013/14, to 2.5% in 2018. In spite of the increased expenditure, the share of the education budget to the total national budget

has decreased overtime from 9.70% in FY 2015/16 to 7.9% in FY 2020/21. Even with the increase in total spending for the education sector budget, children have not greatly benefited from this increment. For instance, the pre-primary and primary sub-sector, where children's right to education should be addressed has had its budget reduced tremendously from 101.494 billion in FY 2017/18 to 37.764 billion in the current Financial year (see table 1 below). This contradicts government's commitment to promoting the right to education in Uganda and ensuring that basic education is free and compulsory to all children of school going age.

Table 1: Intra-sectoral allocations to Education sector FYs 2017/18 – FY 2020/21 (Billion Uganda Shillings)

Sub-sector	FY 2017/18	% FY 2017/18	FY 2018/19	% FY 2018/19	FY 2019/20	% FY 2019/20	FY 2020/21	% FY 2020/21
Pre-Primary and Primary Education	101.494	23%	72.578	11.9%	76.932	10.6%	37.764	5.4%
Secondary Education	11.677	2.6%	4.645	0.8%	11.282	1.6%	5.242	0.8%
Higher Education	126.949	28.8%	138.647	22.8%	81.483	11.2%	82.447	11.9%
Skills Development	108.851	24.7%	272.548	44.7%	314.212	43.3%	232.350	33.5%
Quality and Standards	18.679	4.2%	35.199	5.8%	38.153	5.3%	101.567	14.6%
Physical Education and Sports	26.113	5.9%	34.221	5.6%	26.201	3.6%	40.054	5.8%
Special Needs Education	3.184	0.7%	3.396	0.6%	3.467	0.5%	3.988	0.6%
Guidance and Counselling	0.730	0.2%	0.938	0.2%	1.076	0.1%	1.066	0.2%
Policy, Planning & Support Services	43.006	9.8%	47.206	7.7%	172.391	23.8%	189.829	27.3%
Total for the Vote	440.683	100%	609.378	100%	725.197	100%	694.307	100%

Source: MoFPED Approved and Draft Estimates of revenue and Expenditure FY 2017/18 to FY 202/21

3.1.1.1. Achievements registered so far in the sector in promoting children's rights



Although the pre-primary and primary sub-sector have registered continuous cuts in their overall budget, a number of successes have been registered that have a bearing on right to education in the country. Currently, investment in the UPE program has tripled the enrolment of children in primary schools from 2.8 million in 1997 to 8.8 million in 2018. Likewise, key indicators in the education sector have improved tremendously. For instance, there has been a reduction in inequalities in access to education related to income, location and gender; a reduction in Pupil/Classroom Ratio from 87:1 in 2003 to 55:1 in 2018; an increase in qualified primary school teachers from 185,548 in 2013 to 207,238 in 2018; improvement in the Gross Enrolment Ratio (GER) and Net Enrolment Ratio (NER) in Primary Schools from 117% and 93% in 2015/16 to 111% and 94 % in 2017/2018, respectively¹. These education gains have led to an overall increase in the country's literacy rate from 70% in 2012/13 to 74% in 2016/17, and average years of schooling from 4.7 to 6.1 in over the same period.

3.1.1.2 Government commitment to promoting basic education at LG level

Table 2: Intra-sectoral allocations for the Local Governments vote towards Education (billion shillings)

Sub-sector	Recurrent			Development			
Vote: Local Governments	Wage	Non-wage	Total Rec	GOU Devt	External financing	Total Devt	Total
Pre-primary and Primary Education	996.66	177.77	1,174.43	32.51	0.00	32.51	1,206.94
Secondary Education	374.12	121.29	495.41	129.48	0.00	129.48	624.90
Skills Development	67.55	34.97	102.51	0.00	0.00	0.00	102.51
Education Inspection and Monitoring	0.00	7.48	7.48	0.00	0.00	0.00	7.48
Total for Local Governments (education component)	1,438.33	341.51	1,779.84	161.99	0.00	161.99	1,941.83

Source: MoFPED -Draft Estimates of Revenue and Expenditure (Recurrent and Development)

Unlike the allocations at the national level, the biggest component of the local government allocation towards the Education sector goes towards pre-primary and primary sub-sector. Also, all the development component of the education sector budget to local governments is financed by the government. This is a clear indicator that the government is committed to promoting the right to basic education at local government levels.

3.1.1.3 Addressing equity concerns in education sector

As part of the fiscal decentralisation reforms in Uganda, the allocation formula for the education sector was reviewed and amended with an aim of addressing issues of equity in the sector. As such parameters such as 'number of children out of school', and the hard to reach component were introduced and provided and provided special consideration in the sector, which has generated some positive results. For instance, all the districts visited, this initiative has promoted the re-entry of children in schools, by encouraging school drop-outs or children out of school to return to schools, which has contributed to the reduction in the number of children out of school. This has also been complemented by efforts of partners such as Save the Children who have directly supported

¹ Ministry of Education and Sports (2019) Education and Sports Sector Annual Performance Report (ESSAPR) FY 2018/19

initiatives that have encouraged parents and children appreciate the value of education. For instance, in Gulu district, Save the Children has supported a number of partners to provide sanitary facilities to adolescent girls in primary schools as a way of keeping them in schools. Likewise, in Karamoja region, it has supported the non-formal schools (ABEK) which has encouraged the pupils to stay in school. These initiatives have yielded some positive results at sub-national levels. For instance, in Karamoja region, the percentage of girls retained in primary education has increased to 10.6% in 2019 from 8.4% in 2017.

3.1.1.4 Challenges affecting child responsive budgeting in the education sector

In spite of the increased investment in pre-primary and primary education in Uganda, this sub-sector is still experiencing several challenges which include: inadequate access to and poor quality of education; low access to and poor quality of Early Childhood Care and Education; poor quality and efficiency of primary education; and limited systemic capacity in the education sector.

Limited funding towards monitoring and inspection

In spite of its commitment to promote the right to basic education, there is a concern that the government is allocating minimal resources towards inspection of education facilities. For instance, in FY 2020/21, out of the 1.941 trillion allocated to education (for local governments), only 7.48 billion is allocated towards the monitoring and inspection function, a slight decline from 7.5 billion in FY 2019/20. Moreover, this amount has to be shared among the various subsectors of primary, secondary and skills development. Furthermore, the funds for inspection do not cover the inspection of ECD centres, yet majority are run by the private sector, yet there is no approved curriculum that should be followed by these institutions. The inadequate funding has compelled school inspectors in various districts to resort to sampling schools during the monitoring exercise so as to fit within the available budget. The low funding for monitoring and inspection has largely contributed to the poor quality of basic education in Uganda. Currently, the UPE program is grappling with issues of quality, resulting from absenteeism of teachers, inadequate facilities such as text books, classrooms and desks as well as inadequate teachers, which has serious implications on the quality of education in Uganda.

In spite of the existence of the ECD policy (2007) and Action plan, there is no funding for ECD activities at district and sub-county levels. These have been left to the private sector, and to some extent supported by partners such as UNICEF and Save the Children, which deprives young children (especially those from poor families) of their right to basic education.

3.1.1.5 Recommendations

There is need to increase the allocations towards pre-primary and primary education. In particular, the government should provide direct funding to the pre-primary section to enable children from poor families' access basic education. In order to improve the quality of education in the country, the Ministry of Education and Sports should increase the funds allocated to the monitoring and inspection function. The funds provided should also cater for both pre-primary and primary schools.

3.1.2 Health Sector

Access to adequate health care is important for human capital development and wellbeing. As part of the commitment on the elimination of mother to Child HIV transmission, the United Nations General Assembly Special session on HIV/AIDs set a 2010 target of 50% reduction in the proportion of infants newly infected with HIV. Data from UNAIDs indicated that, by end of 2018, 45% of HIV-exposed infants tested for HIV before eight weeks of age.

The allocations towards the health sector budget has increased slightly over time. For instance, while the sector in FY 2015/16 was allocated a budget of 1,301.01 billion shillings, this amount has more than doubled to 2,735.96 billion in FY 2020/21. The increased allocations have positively impacted on key health indicators. For instance, Maternal mortality decreased from 438 to 336 deaths per 100,000 live births, Infant mortality has reduced from 54 to 43 deaths per 1,000 live births of children (between FY 2012/2013 and FY 2016/2017) and the percentage of childbirths attended by health professional increased from 39% in 2001 to 73% (2016/17). In Karamoja region, the various interventions by both government and partners have led to an increase in the proportion of babies delivered in medical institutions by 13% between 2018 and 2019.

KEY FACTS & FIGURES

Nearly 1 in 16 children dies before their fifth birthday. 1 in 272 women dies while pregnant, giving birth or after delivery. 1 in 37 new-born babies dies in their first month of life. 29 per cent of children under 5 are stunted. Adolescents and young people account for 35 per cent of all new HIV infections.

Source: Uganda Demographic and Health Survey 2016; Health Sector Performance Report, 2019

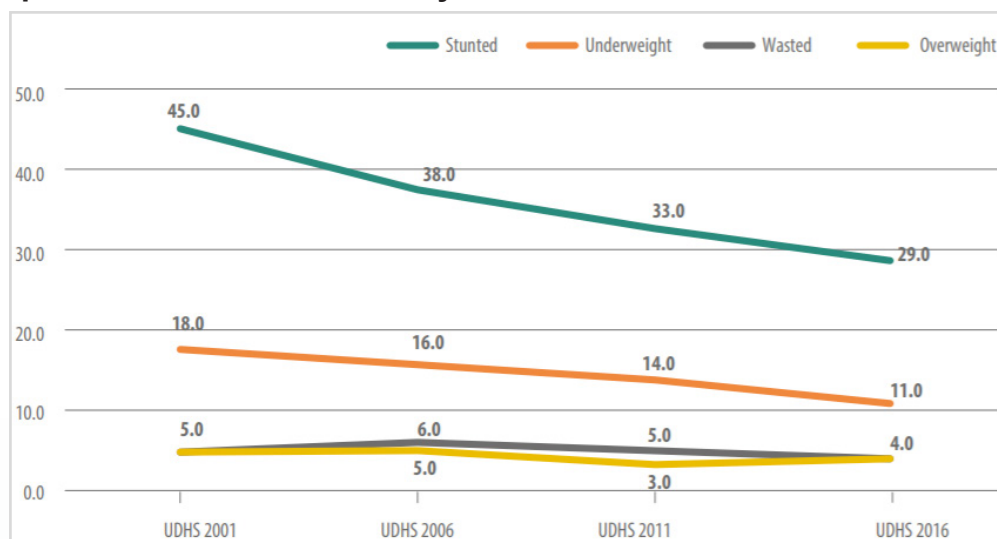
3.1.2.1 Improvement in nutritional status of children

Overtime, the country has registered some progress in improving the nutritional status of children in Uganda. According to the UDHS 2016, the prevalence of stunting among children under five has declined from 33% in 2011 to 29% in 2016, with the highest prevalence among children in rural areas (30%) compared with urban areas (24 percent). Furthermore, there has also been



some success in addressing chronic and malnutrition among children. Data from the UDHS 2016 indicates that wasting in children under 5 years declined from 5% in 2011 to 4% in 2016, while the proportion of underweight children dropped from 14% to 11% during the same period. The above achievements have positively impacted on the child survival rates in the country.

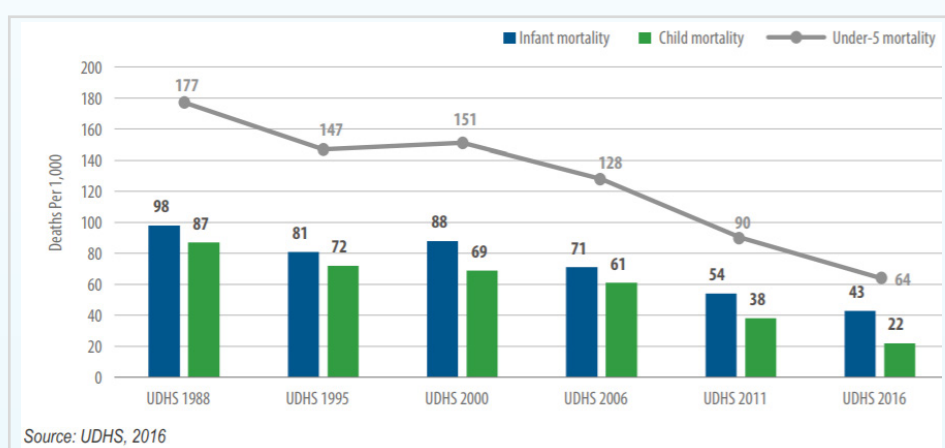
Figure 1: Proportion of children under 5 years who are malnourished



Enhancement in the quality of care has also resulted in a decline in Under Five Mortality from 90 to 64 deaths per 1,000 live births, and in infant mortality from 54 to 43 per 1,000 live births between 2011 and 2016 (Figure 2). However, advancement in these indicators has been affected by poverty and regional disparities. Only 44 percent of mothers in the poorest households receive attention from a skilled attendant at birth, compared with 88 percent in the richest households, and only 9 percent of new-borns in rural areas receive postnatal care within 2 days of birth, compared with 21 percent in urban areas.

3.1.2.2 Reduction in Child Mortality

Figure 2: Trends in Childhood Mortality (1988-2016)

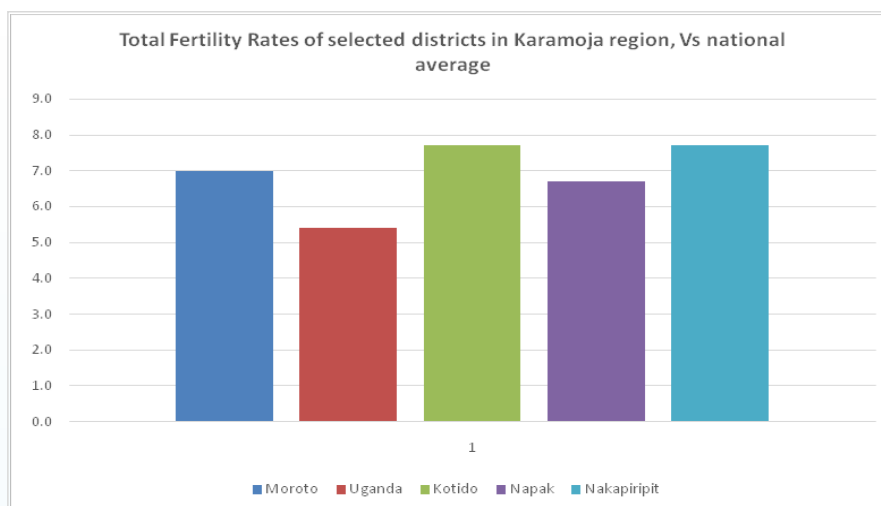


Tremendous progress has been registered in the reduction in the number of under 5 mortality from 90 to 64 deaths per 1,000 live births and in infant mortality from 54 to 43 per 1,000 live births between 2011 and 2016 (see figure 2 above), while the percentage of child births attended to by a skilled health professional has increased over the years, from 39% in 2001 to now 73%.

3.1.3.2.1 Challenges

Case of Karamoja region

In the case Karamoja region, it has a young population with the average age being 15 years (Census 2014). The region has the highest total fertility rate (TFR), with women of reproductive age (15-49 years) giving birth to an average of 8 children, higher than Uganda's of 5, and three times above the average of 3 children per woman in Kampala (UDHS, 2016). Persistent high fertility and child dependency have made the region the least socially and economically developed, even among the generally poorer parts of northern Uganda as a whole.



Source: *The National Population and Housing Census Report UBOS (2016)*

Though notable progress has been made in the achievement of key health indicators in the country, Karamoja region is lagging behind with the rest of the country, with poor health indicators. For instance, according to a UNFPA 2018 report², this region has limited access to health facilities in Karamoja. The region has 126 health centres, a majority (63 percent) are HC IIs, 1 regional referral hospital and 4 general hospitals. Only 65% of the established staff positions are filled (MOH, 2015). The health sector in Karamoja faces challenges of staff retention given its remoteness, poor infrastructure and limited electricity coverage. Whereas 86 percent of the Ugandan population access healthcare within a 5 km radius, in Karamoja, only 17 percent of the population are within the 5km kilometre recommended distance. Referral is the most affected, with communities having to walk between 20-30 kilometres to access referral services. Given limited coverage, there are about 20,000 people per health unit, with 50,000 people per doctor. Midwives are a very critical cadre in improving maternal health outcomes, however, there are 16,882 people per midwife or nurse, far higher the WHO target of 1 midwife for every 175 deliveries.

However, significant regional disparities in malnutrition persist and food poverty remains a big challenge. Overall, 37 percent of households in Uganda were food poor with the highest number of cases recorded in Karamoja (70 percent)

² UNFPA: *Population Matters, Leaving no one behind in Karamoja, Issue Brief No.7, 2018.*

3.1.3 Social Development Sector



3.1.3.1 Right to child protection

Uganda, just like other countries across the world, has committed to ensuring child protection and promotion of children's rights by ratifying the United Nations Convention on the rights of Children (UNRC), which demands treatment of children as human beings with a distinct set of rights rather than passive objects of care and charity. In addition, the government has ratified and domesticated a number

of international and regional instruments on the rights of the child. Some of these include: the Trafficking in Persons Act 2009, the Penal Code (Amendment) Act 2007, the Employment Act 2006, the Birth and Deaths Registration Act 1973, the Prohibition of Female Genital mutilation Act 2010, and the Domestic Violence Act 2010 among others.

3.1.3.1.1. Successes in protecting children in Uganda

Since 2015, some progress has been made with regards to child protection in Uganda.

3.1.3.1.2. Amendment of laws to provide for protection of children's rights

Before its amendment, the Children's Act focused mainly on the basic needs of children such as clothing, education, food, shelter, clothing and health. In order to ensure that children are effectively protected, the government in 2016 amended the Children's Act to reform and consolidate the law relating to children, to provide for the care, protection and maintenance of children, to provide for local authority support for children, to establish a family and children court, to make provision for children charged with offences and for other connected purposes. According to the new amendments, children now have a right to inherit property, are free to express themselves, are protected from violence and have a right to access child protection services. In addition, people who adopt children are mandated to provide periodic reports on the child. Furthermore, in the case of an offence, the act sets a penalty for offenders to a maximum of 3 years imprisonment or a fine or both.

3.1.3.2 Support to juvenile justice

In Uganda, many children come into contact with the formal justice system or are deprived of liberty when their basic rights are not fully respected. Children below the age of 18 years, particularly those living on the streets have been arrested and detained for petty offences such as petty theft or use of abusive language. In a bid to ensure that children get access to justice at all levels, the government through the Uganda Police Force launched Diversion Guidelines in 2019 to allow children below 18 years who commit petty offences to be rehabilitated instead of being tried in

court. These guidelines are aimed promoting detention as a last resort for children in conflict with the law and ensuring that minors who commit petty offences are diverted from the formal justice system through procedures, structures, and programmes that help reconcile them with the aggrieved through non-judicial bodies. This has protected children against negative effects of formal judicial proceedings. These guidelines have also played a key role in reducing the number of children who re-offend, hence preventing minor offences from clogging up the formal system. In 2019, the police diverted 3,302 children (out of 4,353 eligible cases³) from the justice system, increasing its diversion rate to 75.8 per cent. In cases where children commit major crimes which necessitate them to be detained, some achievements have been registered in the reduction in the time juveniles spend in detention before they are sentenced from five to three months. In 2019, the police diverted 3,302 children (out of 4,353 eligible cases) from the justice system, increasing its diversion rate to 75.8 per cent.

Furthermore, the government through the Ministry of Gender, Labour and Social Development established a toll free National Child Help Line (Also known as SAUTI 116) to receive cases of child abuse and to offer referral services. This has encouraged children and adults to report cases of child abuse and all forms of child rights violations, hence serves as one of the mechanisms use to strengthen child protection systems in order to address violence against children in communities. Furthermore, the government has worked with some partners such as UNICEF to simplify case management approaches by upgrading the national child helpline, to integrate the gender-based violence helpline into the existing child helpline. As a result, by 2019, more than 2,569 children had been reached with protection services by the helpline, including 1,508 girls and 1,016 boys.

The judiciary has also of recent appointed a magistrate to Naguru Remand Home in the capital, Kampala, to expedite the dismissal of minor offence cases. This has helped reduce the backlog of child related cases reported.

3.1.3.3 Challenges In Ensuring Access To Justice

In spite of the several initiatives by government to protect children, children's rights to protection especially girls have continued to be violated. For instance, due to some traditional and cultural practices in some parts of the country, number of girls have continued to be subjected to marriages at an early age most of which are arranged by parents and guardians. This perhaps explains why Child marriage rates have stagnated at 25% since 2006 and in rural areas (27%). Early marriages have also contributed to the high drop-out rates of girls in primary schools

Furthermore, some children are still reluctant to report cases of abuse to police stations or use the available avenues to report these cases. Worse still, some families have resorted to negotiating with child offenders to solve these cases, which has prevented some children from getting justice for the crimes committed. According to the FY 2020/21 Ministerial Policy Statement for the Ministry of Justice and Constitutional Affairs, the sector still faces a funding gap of 0.530billion to enable it handle cases of sexual and Gender Based Violence against children. If this gap is not bridged, it will affect timely access to justice by some children in the country.

Although majority of child abuse cases happen at community levels, there are no adequate resources provided to local authorities to support child protection initiatives. For instance, in Gulu district, the community based services department does not have any resources allocated to cater for court inquiries, welfare reports as well as support supervision activities. As a result, it is very hard for the relevant officials at local levels to follow up child protection issues and cases. Some partners such as Save the Children have played a vital role in providing resources to support activities aimed at ending child marriages and teenage pregnancies in districts such as Gulu, Amuru, Nyoya, Moroto, Nakapiripit and Kotido. This support has been through activities such as school mentorship programs, community radio programs/talk shows, support to child protection committees and community dialogues. The challenge however is that this support is limited to only schools and sub-counties where Save the Children operates.

3.1.3.3.1. Existence and functionality of child protection structures at local levels

Even with the existence of local formal structures such as child protection committees, community para- social workers and other supportive mechanisms, there is no funding for these initiatives. For instance, the child protection committees are required to follow -up and handle some child protection cases. However they are not facilitated with resources and logistics such as transport to enable them undertake their operations, which makes follow up activities almost impossible to undertake.

Though the probation officers in districts such as Gulu inspect children's homes and formulate response plans through which some children are counselled and prepared for exit back to their homes, this is not done so often due to limited funds received from the central government.

On strengthening parenting practices through positive parenting skills building and psychological support, this role has been left to development partners such as Child fund and World vision international who sponsor community dialogues to educate parents on their roles in bringing up their children. There is no funding from government for these initiatives.

Child participation in child protection Child Right Clubs (CRCs) Child right clubs are used by child-focused development organizations (such as Save the Children, Plan International, and Bantwana Initiative) to provide an avenue for children – in and out of school – to participate in child protection. Through these clubs, children learn to protect themselves through discussion of the potential risks they face, how to deal with them and how to access help from the relevant authorities. The clubs raise awareness of children's rights and identify children who are victims of child abuse. Available evidence suggests that child right clubs (CRCs) increase children's awareness of their rights and responsibilities, equip children with information and support to report cases of abuse and build their confidence and understanding about how to report incidents of abuse, and advocate for themselves and their peers (Bantwana, 2013)engaged children in consultations to develop a child-

3.1.3.3.2. Recommendations

There is need for partners such as Save the Children to scale up their support /initiatives to cover all sub-countries in the districts where they operate. Currently, these are only limited to schools and sub-counties of their operation, which deprives a number of children.

3.1.3.3.3. Child Participation in Local Government Budget Processes

Article 12 of the UNCRC recognizes that children as subjects of rights should not be mere recipients but rather active participants in matters that affect them, and that their views should be given due weight in accordance with their evolving capacities. The Convention has indeed identified child participation as a fundamental right and an underlying principle, which enables the fulfilment of other child rights. The Government of Uganda has also recognized this right through various legislations including: The Constitution of the Republic of Uganda, 1995 (Article 38(1)), the Local Government Act, Cap.243, and the Children Act, Cap 59 (Article 4(3)).

3.1.3.3.4. Successes in child participation

Since 2015, the government of Uganda has increasingly become more committed to the promotion of child participation in the country. For instance, through the Ministry of Gender, Labour and Social Development, it has developed a National Child Participation Strategy 2017/18- 2021/22 and a National Child participation Guide.

A number of platforms (both formal and informal) have been established at all levels to promote child participation in the country. At national level, the government has established the National Children's Authority and the Uganda Parliamentary Forum for Children, which have provided national platforms for child participation in various policy processes in the country. In addition, organisations such as Save the Children have supported the establishment of informal structures such as the Child Rights Clubs and the Children's Parliaments. At school level, various platforms have been created for children to participate and express their views. For instance, some schools have established debating and scouting clubs etc., which provide a platform for children to express their views, opinions, thoughts, and concerns. Also, some children express their views through a range of cultural, sporting and social activities such as music, dance and drama, football and other sports.

3.1.3.3.5. Challenges in promoting child participation

Despite the existence of various laws, policies and structures that support the participation of children in policy processes, the participation of children in planning and budgeting processes is very low and almost non-existent. It is still assumed by most local authorities that children lack competence to participate in planning and budgeting processes at various levels and that children at their age do not comprehend important matters like budgeting, and hence adults should superintend on their behalf. Indeed, interviews with officials from Gulu, Moroto, Napak and Nyoya districts revealed that children majorly participate indirectly in the local government budget process especially through area political representatives (Councillors and Secretaries for Children Affairs), district technical staff in child-focused departments (Probation and Social Welfare Officer, Health officer, Education Officer, etc), and through child-focused NGOs such as Save the Children, UNICEF and Plan Uganda. However, not all these stakeholders have the capacity to effectively facilitate children's participation, which requires a wide range of skills and experience. Furthermore, most of the children do not have access to key information to enable them have meaningful participation in various processes.

Captured here below are some of the respondents regarding child participation in the LG budget processes: ***“We do not include children because they are under age. Their demands can be spontaneous. It is a crime to involve minors”- Male Officer from Moroto DLG who preferred anonymity.***

Furthermore, there are limited formalized systems and structures aimed at facilitating children's participation. For instance, in areas such as education, there are limited avenues for children to participate in school governance to enhance the quality of learning and teaching. Most children are not involved in aspects of school governance, for example, through involvement in the school development plan, lesson observations, learning assessments, deciding content of assemblies, and improving the protection of the most vulnerable children.

Most participatory initiatives are related to specific programs run by international and national NGOs working with children in the country. As a result, these initiatives are not sustainable in the long-term, especially when these projects come to an end. Most of these NGOs have not prioritised the establishment of processes to institutionalise child participation approaches. Consequently, opportunities to participate tend to be specific and time bound and children may not be given further opportunities to engage

3.1.3.3.6. Recommendations

At the national level, structures for children's participation should be considered, e.g. strengthening the children's parliament, and possibilities for children to participate in key national policy processes, such as the Poverty Reduction Strategy Paper (PRSP) (Witter and Bukokhe, 2004). Visible participation of children in national decision-making could become an important precedent for more localized participation across the country.

At the local level, children could be acknowledged as stakeholders and included in district and sub-district planning activities.

Children could be involved in school management committees, PTAs and in monitoring the use of UPE funds, and other school governance.

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