

**JUVENILE DELINQUENCY AND PROTECTION
OF CHILDREN IN UGANDA-**

SUBMITTED

BY

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DECLARATION

I MUGARURASAMUEL declare that this research project is my own original work and has not been previously submitted to any institution of higher learning for the award of the same or any other diploma. Due acknowledgement have been made where work of author and scholars have been referred to.

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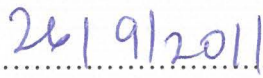
APPROVAL

This is to certify that research report by Mugarura Samuel has been submitted for examination with my approval as the supervisor.

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(supervisor)

Date:.....

DEDICATION

I dedicate this research report to my beloved Late Daddy Mr.
Nyetwariroha Lazaro.

ACKNOWLEDGEMENT

I wish to express my sincere appreciation to various people who have in one way or another contributed to my academic progress. My sincere thanks are directed to the almighty god without whose support and direction my academic effort would be in vain.

First and foremost, I would like to acknowledge my supervisor for her good supervision. I want to thank my beloved sisters, mostly late Kyohirwe Dinah, Mbera Karoline, Abias Busingye, and Grace Kyohirwe and my beloved Mummy Itagi Aidah and the family at large, my beloved friends sister Jacenta Tuhairwe the headmistress of St. Herens primary school Mbarara , Karahukayo Wilson, Kyasiimire Dianah plus Lamec Kabugu, Natuwera Justus, Kahwa Moses, Bamwanga for their love, support and guidance during my academic struggle.

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CHAPTER ONE

1.0 Introduction

Uganda has several pieces of legislation governing the rights of juveniles; the provision used in governing the rights of children are seen in the constitution of the republic of Uganda 1995.

Under Article 34(1)¹ of the constitution specifically provides that, subject to laws enacted in their interest children shall have the right to know and be cared for by their parents or those entitled by the law to bring them up.

Under article 34(6), a child of offender who is kept in a lawful custody a detention shall be kept separately from adult offenders.

1.1 Background

Before the coming into force in 1995 constitution of the Republic of Uganda and 1996 children's statute the law governing juveniles in Uganda were fragmented. There was no piece of legislation enacted especially to address children's affairs for instance those who are tried by the same courts.

¹The 1995 constitution of the Republic of Uganda

The coming into force in 1995 constitution of the Republic of Uganda and enactment of the children's act and the establishment of the family and children's courts regulation in 1998. A legal framework for addressing young offenders and their rights has been put in place.

However the establishment Juvenile's court has not adequately addressed the plight of juveniles as courts are still presided over by the same magistrates as before without giving them necessary training how to handle the juvenile as it is said in the constitution of Uganda and the children's statute.

It is noted that the laws exist for potential treatment of the young offenders especially after trial, for instance young offenders cannot be detained with adults , specific places for detention exists, for this purpose it is also laid-down in the constitution of the republic of Uganda that children should be given a fair trial.

1.2 Statement of the Problem

The enforcement of criminal justice against juveniles in Uganda given the fact that there are no social training mechanisms, to personnel to man juveniles courts in order to achieve the objectives for which the

children statute was enacted is a challenge that calls for attention both at policy and enforcement laws.

The practicability and reality of the criminal procedures in the enforcement of criminal justice regarding juveniles in Uganda is a key to the protection of children and especially younger offenders.

The likely constraint, which are forced by the law in enforcing juvenile delinquency in Uganda.

1.3 General objectives of the study.

The research purpose was to find out national and international legal mechanisms available to protect and enforceability of juvenile.

Provide a further adequate investigational documentary report of the situation of juvenile delinquency and protection of children.

Get a depth experience of the general public, specialist and developmental works view on the concept causes and protection of children in Uganda.

1.4 Specific Objectives of the Study

To examine the adequacy of juvenile justice and its future in Uganda the reasons as to why it has failed and to see how juveniles justice can be improved in Uganda.

To examine the provisions under the law relating to the unique situation of juveniles as regards their criminal responsibility.

To analyze the law relating to juveniles in Uganda.

To identify and examine the problems that juveniles offenders face, which limits their enjoyment of their rights under the law and recommend possible solutions to those problems.

To clarify on the rights of juveniles and the need for protection of their rights.

To provide a basis for future research in the area of delinquents.

1.5 research questions

Is there a need for more legal mechanism to protect juvenile delinquency in Uganda?

Is there a prelateship between legal mechanism and juvenile delinquency protection in Uganda?

Is there no relationship between socials factor and juvenile delinquency in Uganda.

1.6 Scope of the Study

The study shall cover the problem of juveniles in Uganda since 1995. The period of the promulgation of the current constitution of the republic of Uganda. Emphasis shall be laid on the constitution and other legal developments concerning juveniles in Uganda.

The study shall cover Nakawa division including Naguru home of children and family court Nakawa.

1.7 Definition of the Concept

Child:

The question of who is a child is being answered in the constitution of the Republic of Uganda 1995. In the constitution of the Republic of Uganda, a child is a person who is under the age of 18 years.

Juvenile delinquency:

Is any behavior that is prohibited by the juvenile law of a state.

Juveile. An individual:

Who falls within a specified age range and is subjected to the jurisdiction of the juvenile court.

: is a child who has shown a constituency in behavior that falls toward the extreme right and of each continuum.

CHAPTER TWO

LITERATURE REVIEW

2.0 The causes of juvenile delinquency in Uganda.

2.1 Introduction

For so long a time, crime has been an integral part of every society in the world, that a lot of literature exists now on the subject, a lot of philosophical theories, magazines and different views by different authors have also undertaken to explain the causes of juvenile delinquency, however, this has been inaccessible to stakeholders others not being thoroughly researched and a lot requiring correction or inapplicable in developing countries like Uganda, it is this background that this research has been conducted to address what has been left out or lacking.

According to Shaw and Mackey Sampson et al², they believe that disorganized communities cause crime potentials in a child, because of emergency of informal social central breakdown leaving space for criminal cultures to emerge. This theory was termed ecological disorganization or the Chicago school.

However in Uganda and particularly Nakawa division of Kampala cultures have not been traced any where because of the clustered police

² Sampson, Robert and Laub. John 1993. crime in the making: pathways and Turning points through life.

stations and posts to control the situation. In fact, most of juveniles in the rehabilitation home of Nakawa do not come from Nakawa. So, there could be another reason providing for juvenile delinquent in Nakawa.

JMN³ Kakooza stresses that crimes like stealing by teenagers is as a result of poverty and unemployment. He states at teenage youngsters find themselves abruptly translated from the shelter and dependence of school, to the very independence, which their first wages may bring them particularly this is so when the job is unskilled and no poorly paid apprenticeship has to be gone through, at this point a juvenile starts developing some desires to steal.

According to Speck Kinder, Erwer Bstatiger Mutter, Stuttgart Roudinesco and Spits, in their report presented to the world health. Organization, 1956, they showed the absence in early childhood any child a loving or an affectionate mother. Such damage may among other things lead to delinquent behaviour at a later stage to children with out adequate supervision at home. Their study shows that such children are

³ JMK Kakooza, studies in immunology and penology 1969 at P 10 (temporally edition at pp.6). 10 (1)(a) and of the children Act CAP 59. Carr- saunders young

Juvenile delinquency in post-war Europe 1960 . (JMU Kakooza at PP.6). 10 (1) (a)

of tenders, an inquiry in to juvenile delinquency, Cambridge university press 1942.

more likely to run wild than those who are likely to hence a stable and secure background.

As a way to remade child negligence, the government has enacted laws governing protection and care of children in Uganda. For instance, it is the general duty of every local government council from village to district level to safeguard and promote the welfare of children within areas, and to designate one of its members to be the person responsible for the welfare of children and this person shall be referred to as the secretary for children affairs⁴. However, children have continued to commit crimes that leaves a question as to whether child neglect alone can lead other areas have to be, addressed apart from that suggested by speck Kinder, Erwer Bstatiger and Stuttgart.

2.2 Size of family

Many previous researcher works on this variable hold the view that, the size of the family especially large one has a part to play in the causation of juvenile delinquency. A large family in Britain is the one with over 5 children, and according to crimes crinnis's findings it is evident that most delinquents come from homes of five or more children⁵.

⁴ Ian Taylor et al, new criminology (Horper Terchbooks) C) 1973 pp.41.

Lord Pakenham causes of crime/London Weideen filed and Nicholas) 1958 pp143-144 Quay. Juvenile delinquency at pp. 72. Burt and Janny delinquency at pp.96.

⁵ Stephen O.A Oum, Juvenile delinquency in Bukedi and Bugishu "nature and causes Makere university press 1977 at pp.87 Pakenham crime p.62.

Erasto Mnya, crime and delinquency in Kenya. East African literature burea 1975 pp 119.

In such large families, unlike in similar ones. Parents become constrained financially, thus cannot easily provide such services as education, food, clothing and adequate shelter. Failure to get what their counter parts get, has always led children to delinquent behaviour, he adds, but can we say that, what a large family in Britain is, should be the same family in Uganda. In tradition Africa, most families had over 10 children but the problem of juvenile delinquency in Uganda by then was too low, in European countries where families are relatively small, the problem of juvenile delinquency is however still a big problem.

Considering this case, it is my view to side with sounders who stated that, it is often the antecedent to the quality of discipline exercised at home.

2.3 Criminality

The theory that criminals are born, was first put forward by Cessare Hombross 05; To him, you are born a criminal or not a criminal, though this theory has received much criticism, from lord Pakenham Herbert C, Quay and Sir Cryill Burt to some extent I subscribe to Hombosso's theory or view, but with modifications. These pointed out researchers argue that, a delinquent is born to a family where there is at

least an offender. The already existing offender may not be a far relative in either the one of the father or mother of the delinquent child.

2.4 Religion

Religion per se is a difficult concept to define but let us agree that, it involves the beliefs of people in the most Supreme Being creator of all things called God. It is alleged that God hates evildoers and on the Day of Judgment, he will punish all for their wrongs. Thus this fear for the future holds people from doing wrong. Yet in our day today living, man is said to be religious, not by how much he restrains from doing wrong but by how frequent the visits and acts of worship. So widely held is the view that religious people, those who observe Sunday's or sunbath or Jumapili are less likely to run into criminal acts.

30 cases of the offenders whose church record were attained did not attend church services. In yet other study carried out over period of time in England. Dr. Strauss⁶ observed that there was a direct relationship between the moment away God and growth of crime.

Against such a background some Uganda like in many African countries, the belief in traditional gods still holds to this day. People with such beliefs most do not go to church but go to shrines. That questions

⁶ Newman, Kings (1991). Juvenile in south Australia: in need of a tune up or a complete overhaul? In J. Hackett IEds official responses to problem juvenile.

is, are we, to say that they are not potential criminals. They do not go to church but go to shrines.

Individual which may lead to crime. Eysenk claims that the ability of an individual to focus on certain objectives of life is a functional of "rational learning" his inability to avoid anti-social behaviour is depending on two variables.

The sensitivity of the automatic nervous system, which he has inherited.

The inability of the conditioning that he has received within his family.

A dull or over sensitive automatic nervous system, which can lead to criminal behaviour, but this nervous system is not alone. It receives assistance from the family. So we seem to go back to our original argument that it is the nature of the home or family that breeds a delinquent.

However, with debating the point too far, the case of a young offender is most times aggravated by known parent's criminal behaviour this leads a child to loose respect for his parents, to loose respect for one

parent but tells as, it is enough to loose respect for one's self, for one's fellow's and for the while basis of morality.

2.5 Education

The concepts refer to formal education from primary one to seven and beyond perhaps up to university. Previous research generally agree that juvenile delinquent usually attained to low standard of education Erasto Muga illustrates that out of 1.171 children /apprehended 1367 were illiterate or children with low or no education at all always find out harder to well get paying jobs, which require a lot of skills. In his book, Clinard explain and expand the point; student with some secondary school education often can not find employment at A level they consider commensurate with the education they have managed acquire with even a few years of primary education, student may have changed their self-images and their goals to such an extent that they may refuse to form the land and with nothing suitable worth doing, if not crime what else can keep such a fellow living?

2.6 Poverty

Poverty is a relative term whose meaning varies from society to society. In this study, the reader should conceive of poverty in terms of material think like the kind and nature of the house, the occupation

parent whether it needs skilled or unskilled manpower and the source of power used to light the house. On the whole, poverty refers to a state of economic inadequacy, which leads to poor housing, feeling and failure to attain services like education. In Albert Noys study of all the factors, poverty was viewed as being more responsible for criminal behaviour among the young.

In 1925, Burt found that over one half of his sample of London, juvenile delinquents came from homes which were poor or very poor, 19 percent of them from very poor one's. So in line Burnt and Pakenham, it is evidence that poverty to a great extent contribute to criminality.

However, not all delinquent juvenile come from poor families and not all children from poor families are criminals, then can poverty alone be the major source of delinquent tendencies? No, there has been juvenile delinquent from both the poor and rich families, place of birth. The assumption in most research works has always being that crime and juvenile delinquency are more associated with urban dwellers, the alignments goes that research urban settings. We find high standards, good cars, houses and sorts of desire. The "good life" at the same time

faced with people who are deprived of the opportunities to gain social advantages, many lead to illegitimate means⁷.

The find out of Kibuuka 1960s in the capital city of Kampala reaffirms the arguments. Out of the total of 123 young offenders, 35% were living in rural areas while 65% lived in Kampala. So we see, as Lord Pokenham point out, juvenile delinquencies were associated with urban centres.

2.7 The Education Institution

Juvenile delinquency is most cases attributed to poor education of failure of the schools in preventing the association of delinquent and anti-delinquent behaviour patterns.

According to the research method made, education institution has also failed to advise young people in schools, whereby most of the young

⁷Child, crime in developing countries pp8, Ibid pp 173-175, Sauunders, young delinquents p.92-Quay, juvenile delinquencies pp. 64-65. Kibuuka, sociological aspects of juvenile delinquency pp.238 pokenham crime at page 139-140.

people leave the places and most of these places are slum areas. They leave home and proceed with their behaviours and most of these behaviours include petty thefts, acquiring false passports which lead to an increase of juvenile delinquents in Uganda as a result of peer pressure and external pressures.

Further on the education institutions, the location of the schools in delinquency areas have failed to present anti-delinquent behaviour patterns and thus the child is only exposed to delinquent behaviours whereby most of the parents tend to admit in schools based in slums areas, such as Kinawataka (Nakawa division). This has mostly contributed to the increase in number of juvenile delinquents in Uganda.

Further more in educational institutions, not only those in slum area lead to juvenile delinquency, but also those in rural-urban areas have also contributed to an increase of presented delinquents, whereby most of the young children in international schools tend to expose their behaviours among the rest of the young ones such as the students who tend to come from outside the country forinstace, at Makerere University business school (Nkawa division) students who lead only but also from other areas.

2.8 Unemployment

Unemployment refers to the situation whereby a person is not working in any of the public or private sector.

However, unemployment itself has also led to the increase of juvenile delinquency in Uganda (Nakawa). Most of the parents in Nakawa are unemployed and this has affected the lives of the young ones because since their parents do not have money to look after them hence these children rendered in the act of theft, simple robbery and also acquiring forged passports which is mostly the order of the day among the young children.

According to what is in record among the juveniles, most of their parents render to abandon these young children while they are below the age of 16 years this has also contributed to the juvenile delinquency in the country. In most of the cases, researched these young people rise the point of their parents being abandoned them just because they do not have funds to look after them, hence they also result into carrying out acts and omission and of which leads them into danger.

Also through unemployment most of the parents today tend to carry out some unknown jobs, such as theft, robbery and also murder to acquire wealth through this most of the young kinds, have also copied up their

parents tactics and they also find ways of acquiring wealth at their tender age and just because of such exercise done by the parents more of juvenile delinquency have also increased in the country.

2.9 Creation of Slums

Slums refer to the areas with congested or with unplanned houses located around the city such as Namuwongo, Kinawataka etc, as the origin of slums ,this has contributed to the percentage of juveniles today and also to the high increase of slums.

However, all in all, the creation of slums in Uganda has mostly deteriorated the number of children who go to school to pursue for further studies and this has contributed to the out break of juveniles out of schools hence the rise of juvenile delinquency in the country.

2.10 Poverty

Many studies have been made of the relationship between crime and poverty. This is what is referred to as the economic aspiration of explanation. It may be well true that juveniles are driven into crimes as the result of poverty but this can never be held as the only cause of criminal.

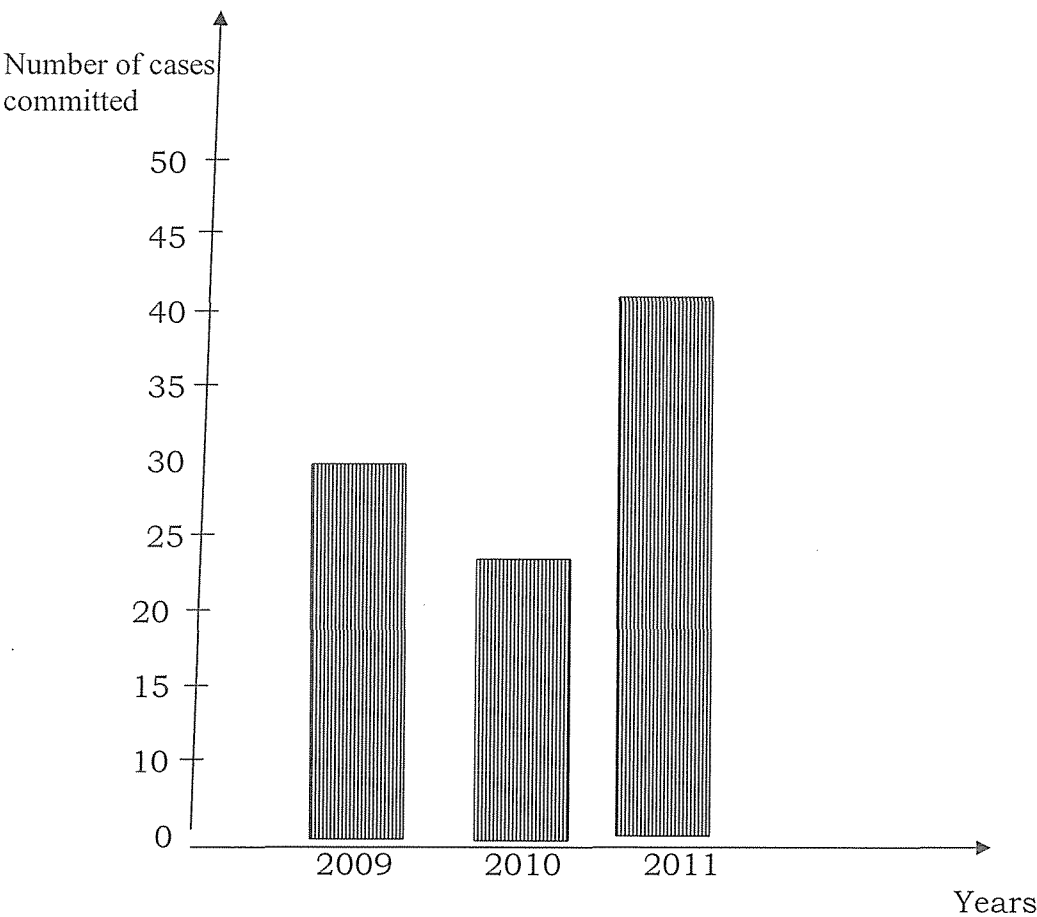
There are in society extreme juveniles who are not criminals and well to do persons who are in crime. Thus poverty it self is not an explanation of criminality though it tends to be a characteristic of criminals. The difference in arresting practices exaggerated the extent to which crimes are concentrated in lower class.

The reason as to why the poor are associated with crime is because of the differential treatment that they receive from the police and the courts of law. The poor are more likely to be charged and imprison because they do not command respect, they have no friends in the government, they cannot hire lawyers and easy to investigate. The poor are usually are isolated to a considerable degree from anti-criminal behaviors and patterns.

It means a low social status with little to gain and little to lose, it generally means bad housing condition and poor healthy children are withdrawn from the schools at the earliest possible age and forced to join unskilled occupation which is not interesting and has few opportunities for advancement. Poverty may therefore be significant in position crime because of the social accompanists of poverty. However , most of the teenagers in Uganda have also engage themselves in such as robbery, theft whereby poverty is the major cause of such crimes and because of

poor people are not recognized in the country, also young people who are from poor families are being ignored hence the result of juvenile- delinquency in Uganda.

The graph showing number of cases committed



Key

Number of crimes committed



CHAPTER THREE

3.0 Research Methodology

The data complied and the method used includes the following;

Stating the law;

Finding out the internationally accepted laws.

Another method is sampling whereby I picked children randomly in Naguru remand home who told me how they are treated when got in criminal cases.

Through the library, human rights commission library and the UNICEF library.

Holding discussion especially with personal members of institutions like Naguru remand home, in courts like the family and children's court in Nakawa division.

CHAPTER FOUR

4.0 Legal instruments applicable to juvenile protection.

4.1 The international laws concerning juveniles.

The United Nations standards and norms concerning children in conflict with the law, as recognized in the United Nations Convention on the Rights of the Child, the 1985 United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the 1990 United Nations Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules), and the 1990 United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guideline) are some of the international legal instruments concerning juveniles.

The international community has accepted international standards as the Beijing Rules⁸ (on administration of juvenile justice), the Riyadh Guidelines⁹ (On prevention of juvenile Delinquency) and the Havana Rules¹⁰ (On children deprived of their liberty). And the UN Convention on the Rights of the Child has been ratified by 192 states. Both Article 37 and Article 40 focus on children in conflict with the law. But other provisions of the convention¹¹ are also applicable to children in

⁸ The United Nations Standard Minimum Rules for administration of Justice 1985

⁹ The United Nations Rules for protection of juvenile Deprived of their liberty

¹⁰ The United Nations Guidelines for the prevention of Juvenile Delinquency 1990

¹¹ The United Nations Convention of the Right of Children 1989.

detention, such as the right to education (Article 28 CRC), right to health care (article 24 CRC) and the right to play (article).

4.2 The constitution of the republic of Uganda 1995.

The 1995, constitution of the republic of Uganda, a child is entitled to basic education of the children, however most of the teenagers are entitled to education and this has enabled the rights of the children to acquire education and through the right most the teenagers are being protected through this right of the constitution.

According to the programme being set by the government under the ministry of education and sports, whereby most of the schools Nakawa division are government schools and because of the programme set in school by the ministry of education and sports of the universal secondary education (UCE) this has enabled the teenagers to be protected on their right of education.

However, also on behalf of the parents today, because of the rights being put into force by the government of the right to education parents have also today put in more effort to protect their children through educating them.

And because of the enforcement of focusing its ability to education the teenagers also more subjects on the school curriculum has also been introduced on where by subjects which could protect the teenagers through advancing on what's happening to day on the planet has rendered more emphasis of the education by both the parents and the government of Uganda.

In nut shall more schools have been in progress by the government where by these teenagers would be protected from commenting crimes and also the location of the schools have been solved by setting up reasonable schools and because it is one of the most leading cause of juvenile delinquency in Uganda, hope with time. This will protect the teenagers from committing crimes and it will also head to create discipline among the teenagers however also Nakawa division never gave up with their teenagers, it went a head and started the teenagers control, where by those groups which in most cases change their way of living, for instance Naguru teenager centre, through this group most of teenagers have acquired knowledge and also learn how, to conduct themselves through advising each other.

However in the 1995 constitution of the Republic of Uganda it provides that children are entitled to be protected from social or

economic exploitation and shall not be employed in or required to perform work that developments have been rendered to protect juvenile from committing crimes.

A child offender who is kept in lawful custody or detention shall be kept separately from adult offenders as being the protection of the child offender and so ever being accompanied with the children. Any person having custody of a child shall protect the child from discrimination, violence, drug abuse and neglect. Through those provisions, children have been protected by the government through setting up the law governing the teenagers in case of any crime committed.

In conclusion, the laws that govern and protection the teenagers have been in progress and this has enabled the teenagers to acquire their rights in all circumstances in the country.

4.3 The Children's Act of 1996

It provides that it shall be the duty of a parent/guardian or any person having custody of a child to maintain that child and in particular that duty gives a child the right to education and guidance, immunization, adequate diet, clothing, shelter and medical attendance. However as accompanied with the constitution of the republic of Uganda of 1995, which provides for 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.

The international communities are argued that states pay particular attention to juvenile justice and provide measures to ensure the treatment in conflict with the law, in particular those deprived of their liberty, in conformity with the applicable United Nations standards and norms taking into account their gender, social circumstance and developmental needs. Exploring avenues such as¹²

- (i) The possibility of developing an action plan for juvenile justice that would set targets for reducing the number of children arrested, detained or imprisoned;
- (ii) The feasibility of the action plan aimed at reducing the number of such children by 25 per cent within 5 years and by 50 percent within 10 years.
- (iii) The possibility of the action plan focusing on the collection and analysis of national data on children deprived of their liberty, with a view to promoting the prevention of juvenile delinquency and the use of alternatives to imprisonment and improving the conditions of children deprived of their liberty”.

Nevertheless, on a global scale, it is estimated that over one million children are deprived of their liberty. Worldwide children in conflict with the law are being held under arrest, in detention or imprisonment,

¹² Eleven United Nations congress on crime prevention and criminal justice (Bangkok, Thailand, 18 – 25 April 2005)

frequently in conditions that constitute degrading and inhumane treatment. Children in detention are not high on the social and political agenda. They are out of sight and easily forgotten¹³. Official data can be difficult to obtain. Such data is often either inadequate or lacking. In the great majority of countries, most children deprived of their liberty have not actually been convicted of an offence: they have simply been apprehended or are on pre-trial remand. It is during pre-trial and detention that many of the worst human rights abuses occur. In addition, most are accused of a minor or non-violent offence, and will not receive a custodial sentence when they finally appear in court. Only a small number have committed serious offences. As regards those juveniles who are in deeded sentenced to deprivation of liberty, the high cost, overall ineffectiveness and counter –productive consequences of custodial sentences are now well documented¹⁴

Therefore, the following statement can be asserted that “kids do not belong behind bars” is not simply based on a sentiment of pity, it is the outcome of important research and numerous studies on youth and crime. Children in conflict with the law have rights, too. Abandoning children in a penal institutional system prejudices their physical, mental,

¹³ Kidsbehindbars @ defencefor children.nl or www. Kidsbehindbars. org

¹⁴ Annex 1 eleventh United Nations Congress on Crime Prevention and Criminal justice Statement by defence for children international Agenda item 7: Making standards work: fifty years of standard – setting in crime prevention and criminal justice

spiritual, moral and social development¹⁵. It puts them at serious risk of being denied appropriate health care and education, and of mental and physical abuse inflicted or tolerated by state employees in the name of discipline. Yet recourse to custodial sentences, in most countries, continues to be anything but “a measure of last resort and for the shortest appropriate period of time”, in total contradiction with United Nations standards.

A diploma instead of verdict. Toys instead of handcuffs. Windows instead of walls. Children do not belong behind bars: not a 10 year old, nor a 13 year old, nor a 16 year old. Children go to school. Children should be playing with their friends. Children should be together with their families.¹⁶ During these past fifty years of standard-setting in crime prevention and criminal justice, if there is one major issue on which consensus has been reached it is surely that children do not belong in prison.

According to the above-mentioned provision of the constitution, children are protected from all social or economic exploitation, however, this is favoured and protected the teenagers from working and a lot of which it results into committing juvenile delinquency whereby through

¹⁵ *ibid*

¹⁶ Annex 1 eleventh United Nations Congress on Crime Prevention and Criminal Justice Statement by defence for children international Agenda items 7: making standards work; Fifty years of standard setting in crime prevention and criminal justice by Bangkok., 20 April 2005 Stan Meuwese Member of the International Executive Council of Defence for Children International

being exploitation in areas which affect their lives such as in industries, these teenagers tend to be exploited in those industries the tender age and of which it leads them to drop out of schools and the results from their lives such as in industries. These teenagers tend to be exploited in those industries at the tender age and of schools and the results from there is to committee crimes through this provision of the constitution of the republic of Uganda accompanied with the children's statute of child shall be employed or engaged in any creativity that may be harmful to his or her health, education or mental, physical or moral, commenting crimes.

In nut shell, the children's statute of 1996 has contributed a list in the protection of children from committing crimes and also from being discriminated against by their parents of any other person, however, those children have also recognized that rights through practicing and obeying their rights and also parents, guardians and all people around the country have not missed counted the children's rights and since the law protecting the children is being put into force today children also do enjoy their rights and this has led to the downfall of juvenile delinquency in Uganda.

4.4 The Family and Children Court Act

There shall be a court to be known as the family and children's court in every districts and any other lower government unit designated by the chief justice by notice in the gazette.

A magistrate not below the grade of magistrate grade II shall be assigned to preside over the family and children's court.

According to this establishment of the F.C.C Act children with offences being protected from being dictained in the same courts of adults however, this has protected and saved of the magistrate, such as the chief magistrate and the chief grade, basic education of the children however, in my view, which says that children are protected, and this could however deduct on the high criminal tare of children in Uganda. Any person having custody of a child shall protect the child from discrimination, violence, abuse and neglect, which lead to juvenile delinquency and through this provision of the childr4en Act teenagers are being protected from committing and however, this has boosted discipline among the teenagers.

However, any person having custody of the child, has the right to protect these children and also maintain their status, which will lead to a

decrease of the juvenile delinquency in the country, mostly children in slum areas are being influenced by the anti-juvenile delinquency but because of the children's act which renders the protection of the teenagers, so today these young people are being protected from coping and associating with criminals which have indicated that these children are being protected against.

4.5 The juvenile court and public opinion.

The juvenile is a noble, under funded, often unappreciated institution charged with the most important duty imaginable, protecting and reforming our children when all else failed.

The juvenile court is one of the few places in society where the needs of children are paramount and where a passion for helping children define its work. In the juvenile court, children are the absolute priority. The juvenile court is doing a creditable job under adverse circumstances toward achieving these goals however, a better job is needed and fortunately, it can be achieved.

Most citizens see the juvenile court as an institution designed to deal with young offenders who commit crimes. Although this may be its public function, the juvenile court is much more. The dispositions of

child abuse and neglect cases and cases involving the termination of parental rights are equally and increasingly important functions that are essential to understanding the relationship between dependency and delinquency.

The juvenile court system was founded with high goals. In theory, the system was supposed to help and rehabilitate young offenders. It was designed to act as a guardian looking out for the best interests of children. In practice, , juvenile court often failed to rehabilitate. It also denied young people the protection and rights guaranteed to adults. In many cases, juvenile were processed through a system with few safeguards and little hope of treatment.

Hence should teenagers have the same rights as adult under the constitution? Several cases have dealt with this question. The answer is not always yes and the court has said, In fact, that in certain instances teenagers can be treated differently.¹⁷

4.6 Care and Protection of Children with Offences

On the application of a probation and social welfare a family and children court may make.

¹⁷ Mnookin, Robert, ed. In interest of children. Advocacy, Law Reform and public policy, New York: Watt Freeman and Co. 1985.

A supervision or interim supervision order, placing a child under the supervision of a probation and social welfare while leaving the child in the custody of his or her parents or relatives of his or her parents.

A care order or interim order care order, placing a child in the care of a warden of an improved home with an improved foster care placement rules in the second schedule to the Act. And through this provision of the children's Act it is according to the children with offences.

The child concerned is suffering or is likely to suffer significant harm and forced labour.

The harm or probability of the harm is attributed to the; The came given to the children or likely to be given to the children if the order were not made, not what it would be reasonable to expect a parent to give to a child or the child's being beyond parental control. This provision indicates how children with offences are being protected against the harmful ways and according to 1995 constitution of the republic of Uganda.

The family and children court mat in the application of probation and social welfare officer or an authorized person make a care order or

an interim care order placing a child in the care of a warded or an approved home or with foster parents.

According to this provision, children with offences have also been catered for and this has given good impression of the Uganda laws concerning the young children to be concerned by the courts of law. An it has rehabilitated the teenagers from committing crimes being behaved in a delinquency ways.

And juvenile who are also in their homes (Naguru home) declare themselves never to commit crimes through their being cared for not like the adults who are in Luzira prison.

However, also the application for care order may only be made after all possible alternatives methods of assisting the child have been tried without success and the significant harm from which the children is suffering is likely to suffer requires his or her removal from where he or she is living.

The danger to which the child is exposed is so severe as top require his or her immediate removal from he or she is living.

According to the research made by the writer of this paper and relating to this provision most of the children with offences having been care for through transferring from one home to another for instance most of the offenders from Naguru remand home were transferred to Kampiringisa to remand home at Naguru remand home been tried without success and also the significant harm from the child was suffering some examples of the suffering include heavy works, being given corporal punishments which was very harmful on the child mostly before the age of 16 years old.

However, according to the law which being put into force children are entitled to be protected from social and economic exploitation and shall not be employed in or required to perform work that is likely to be harmful to their health, physical, mental, spiritual moral or social development.

However, this provision of the constitution provides for not exploitation of the children, so children in Uganda and also those in remand homes are being lowered for and protected by 1995 constitution and the family and children's Act.

For parental responsibility of warden foster parent. The foster parent, parent with whom the child is placed has parental responsibility for the child while the child to with him or her (Naguru remand home).

The child's contact with parent's relatives and friends while he or she is in the approved home or with a foster parent, shall be encouraged unless it is not in the interest of the child in the lawful custody, is cared for and protected

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CHAPTER FIVE

5.0 Shortcoming of the law for the protection of juveniles.

5.1 Shortcomings in Uganda

According to the research mode, Uganda has got several shortcoming of the law, along protection and cares for juvenile delinquency and however includes discrimination violence, heavy punishment and delaying in solving the cases. all in all Uganda has a country since the parliament decided to grade two to aside this brought in the courts work difficult and atleast this could have at list have solved the work of the grade one magistrate in the court of judicature to be easier.

And according today's life style, there are few courts in Uganda which handle juvenile delinquents matter, however, this have mostly contributed to collapse of grad two in the courts of judicature. And this ignores of the sections in the (M.C,..) magistrate court Act cap 16 and family and children's Act cap 59.

The magistrate court Act provides the appointment and grades of the magistrates. There shall be appointed, such number of magistrates as are in the opinion of the ministry, after consultation with the chief, of the MCA and according to the family and the children court Act provides

that a magistrate not below the grade of magistrate grade II shall be assigned to proved over the family and children court Act, which indicate that you can not distinguish between the grade 1 and 2 .and because of the over loading collusion in the magistrate court today, the law have been completed, just because the Jew magistrate in the country, you find that these children most of them are from Nakawa division, but just because Nakawa have the children's court and also remand home.

However, today (Nakawa division) is facing a problem of corruption and because of the law, this law does not favour the poor children poor teenager end up being arrested but those who call themselves rich, though they commit crimes, they know it well that the parents will corrupt the official at the station, this loads the law more complicated to the teenagers who are totally poor and while they can not rescue themselves from the remand home.

However, this leads to the ignorance of the law. The presentation of the corruption. The presentation of the provides that any person who steal, by himself or by herself or by in conjunction with any other person. Corruption solicit or receive or agree for himself or herself of for any other person or corruptly give, promise or after to any person whether for the benefit of that person or another person.

Any gratification as an inducement to, or reward for, or otherwise an account of any member officer or servant of a public body doing or for being to do anything in respect of any matter or transaction actual or proposed in which that public body is concerned. so according to this clear position of the law the clear position of the law the presentation of corruption Act, this law has also affected the lives of the child offender, since most of the officer/warder are being corrupt and while as this poor child plus his or her parent can not corrupt these officers and wardens though the law prohibits the Act. hence delaying in resulting those crimes

CHAPTER SIX

6.0 Recommendations and Conclusion

Under this recommendation according to my findings the research made, I mostly based my findings on the issue of education institution and also on the issue of public agencies of communication, however, in this research made basing on the research made basing on the researched under juvenile delinquency. I would recommend that all reports made, only 25% have been practices this has stilled to the down fall of other reports and also according to the Articles of the 1995 constitution of the republic of Uganda and also the children's Act and have not recognized, so according to the author of this research paper because of not taking into account of other reports and other of this research paper to also on it thinking that in prays all will be fulfilled and also it encouraged to recommend on it, and as teenagers will succeed in their rights.

According to the education institution, I would recommend that, more of the subjects should be included in the school syllabus by the ministry of education, and sports and according to the child offenders in the homes. If the government looks into its program and sets up various subjects, which would guide on the decrease of crimes should be introduced in schools and I think would reduce on the behaviours of

which lead these teenagers into committing crimes also basing my mind on the issue of morals. If subjects are introduced basing on moral behaviours, this will reduce the rate of crimes.

It is just because of unfair treatment which is being shown to the children in schools and also the rampant isolation by teachers which have affected mostly the lives of these poor children in schools and also the unfair treatment shown to these children by their fellow students who take themselves to be rich students, this has really affected these young boys and girls to commit crimes and I would recommend that as these young boys and girls as they the both rich and poor children who are in the same schools should be treated in the same manner and also shown love by the teachers in order to improve on their characters and morals which would at high point help these children from committing crimes.

I would also add on that, within these schools as it was discussed by the ministry of education and sports on the issue of introducing (Senga's) in schools, in order to advise these young boys ad girls on the life style and also the movement of diseases such as Aids, we see today the highest number of people with HIV are the teenagers and just because of lack of advise from teachers and because of unseriousness of the government and most of these children have acquired these STDs in

schools and according to the percentage of the people who have acquired HIV you find that 50% of them are HIV positive. So this shows how teachers have neglected these teenagers and because of this number of children who are in schools have affected their life and you wonder how these people stay in the same society and survive in such a society. And because of the unfair treatment shown to these affected children, it leads or amounts to them to rape and defile other kids.

And also the isolation made to them leads them to carryout crimes such as theft, have breaking all these results from lack of enough education exposed to these young kids and enforce them to commit crimes. So in respect of the justice, it's the unfairness shown by the teachers and also the various subjects exposed to these children, which can not give a hand into their improvement. However I would recommend much emphasis should be applied on the issue of mothers in the schools just like how the school fees problem has been improved and also as young children much more emphasis should be put on reading straight talk, as in some schools have introduced straight talk clubs, so also teenagers should involve themselves in those clubs which would assist them and keep their minds to avoid participating in committing crimes.

So as a result of reading straight talk since this program was also introduced in schools but its only known children who get access to these papers and according to my findings under the child offenders in their home (Naguru remands) these children were arguing that, they did not get access to these papers which means that majority of these children were denied from acquiring their own benefit as children, so according to my discussion with children, in observed that these children would not have committed crimes but just because the chances they had was misused by their own teachers and other fellow students this also on the other hand affected their lives and minds hence they resulted into committing crimes but I would recommend that more effort and attention should be given to them and they also gain their benefit as students, so the issue of raising enough straight talk papers to all schools as the way of reducing on the increase of child offenders in Uganda.

Still under the issue of education institution as the major result of crimes, I would recommend that the government should only focus on the issue of school fees but it should also out its mind on the location of these schools you find that these schools are located in the slum areas and since they are located in such areas, you find that the place is small and on top that, the teachers are not well educated, most of them their education was left pending which mostly affects the education of the

child and besides the education level, you find that these teachers instead of giving out the right material they give out unknown material which declines education and studies of the children because you find that these children may sit for their last examination which is primary leaving examination paper and ends up failing their papers which affects their life or future and ends up occupying various behaviours. However, since the child has his or her right to education but the education given to them is not the actual they are supposed to acquire. Also the location mostly affects these children you find that these children have to move for a long distance since he or she has a right to acquire education but their right has been denied by means of location of the schools and also the schools and also the material provided at the material provided at the school should be put into action. Since the school fees problem was to the larger extent improved.

And their Jobs in order to improve on the knowledge acquired in schools and think this will improve and head to the down fall of the child offender.

However, all in all, education as institution. Major cause of juvenile delinquency, I would recommend that once all argued in this point should be put into action.

6.1 Conclusion

In conclusion, it is now a well established fact that juvenile offenders pose the most serious threat to humans not only for the present and future generations but many more future generations but many more future generations. It is therefore only fair for present generation leaders to come together and adopt bold political and economic decisions that will show, stop and cause decline of juvenile offenders.

An arrangement that reduction of juvenile delinquency will only be achieved if the government leaders accept the reality of juvenile crime, its challenges and resolve to act together with determination to protect the juveniles for the present and future generations. Such a resolution will require self sacrifice and denial, unify of purpose against a common unprecedented global problem and commitment to mobilize resources, including the people to act together.

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